



Village of Downers Grove Meeting Minutes Downers Grove Village Council

Civic Center
801 Burlington
Downers Grove, IL 60515
630-434-5500

Tuesday, May 11, 2010

7:00 pm

Council Chambers

1. Call to Order

Mayor Ron Sandack called the regular meeting of the Village Council of the Village of Downers Grove to order at 7:00 p.m. in the Council Chambers of the Downers Grove Village Hall.

Pledge of Allegiance to the Flag

Mayor Sandack asked the Boy Scouts of Troop 95 to help lead those present in the Pledge of Allegiance to the Flag.

2. Roll Call

Present: Commissioner Marilyn Schnell, Commissioner Bob Barnett, Commissioner William Waldack, Commissioner Sean P. Durkin, Commissioner Bruce E. Beckman, Commissioner Geoff Neustadt and Mayor Ron Sandack

Non Voting: Village Manager David Fieldman, Village Attorney Enza Petrarca and Village Clerk April Holden

The Council meeting is broadcast over the local FM radio station, WDGC. In addition, a tape recording and videotape of the meeting are being made using Village owned equipment. The videotape of the meeting will be used for later rebroadcast of the Council meeting over the Village cable television Channel 6.

The Council will follow the rules of conduct for this meeting as provided in Sec. 2.5 of the Downers Grove Municipal Code. These offer the public the opportunity to comment at several points in the meeting. First, immediately following approval of the minutes of the past meetings, an opportunity will be given for public comments and questions of a general matter. If a public hearing is scheduled for this meeting, an opportunity is given for public comments and questions related to the subject of the hearing. Finally, an opportunity is given for public comments and questions on items appearing on the Consent Agenda, the Active Agenda and the First Reading.

The presiding officer will ask, at the appropriate time, if there are any comments from the public. If anyone wishes to speak, the individual should raise their hand to be recognized and, after acknowledgment from the presiding officer, approach the microphone and state their name and address. Remarks should be limited to five minutes, and asked that individuals refrain from making repetitive statements.

Mayor Sandack said there are agendas located on either side of the Council Chambers, and he invited the audience to pick up an agenda and follow the progress of the Council meeting.

3. Minutes of Council Meetings

Council Meeting - May 4, 2010

There being no additions or corrections to the minutes, Mayor Sandack said they would be filed as submitted.

Mayor Sandack introduced Scout Master Howard Hohnsen of Boy Scout Troop 95 and asked him to introduce the scouts present. The Scout Master said that the Scouts were working to earn their Citizenship merit badges. He thanked the Council for allowing them to participate in the meeting. Mayor Sandack said he would attend their meeting on May 17.

4. Public Comments - General Comments on Matters Not Appearing on Tonight's Agenda

Bill Wrobel, 7800 Queens Court, stated that the Downers Grove Watch Association met on Saturday and discussed the notice in the Village Corner regarding blocking sidewalks. He complimented the Village on promoting and publishing this and continually informing the citizens of Downers Grove about this regulation. He issued a challenge to the Scouts to foster sidewalk safety.

5. Public Hearings

6. Consent Agenda

BIL 00-04148 A. List of Bills Payable: No. 5826, May 11, 2010

Sponsors: Accounting

A motion was made to Approve this file on the Consent Agenda.

Indexes: N/A

MOT 00-04126 B. Motion: Pre-Qualify Ten (10) Firms for Surveying Services Associated with FY2010 and FY2011 Community Investment Program Projects

Sponsors: Public Works

Summary of Item: This pre-qualifies the following ten (10) firms for surveying services associated with FY2010 and FY 2011 Community Investment Program projects:

Robinson Engineering
Engineering Resources Associates
Gewalt-Hamilton & Associates
Hampton Lenzini & Renwick
V3 Companies
Midwest Technical Consultants
M. Gingerich Gereaux & Associates
C.M. Lavoie Associates
Trotter & Associates
Thomson Surveying Ltd.

A motion was made to Authorize this file on the Consent Agenda.

Indexes: Surveying Services

Passed The Consent Agenda

A motion was made by Commissioner Schnell, seconded by Commissioner Barnett, that the consent agenda be passed. The motion carried by the following vote:

Votes: Yea: Commissioner Schnell, Commissioner Barnett, Commissioner Waldack, Commissioner Durkin, Commissioner Beckman, Commissioner Neustadt and Mayor Sandack

7. Active Agenda

ORD 00-04145 A. Ordinance: Modifications for Burlington Avenue between Mochel Drive and Washington Street

Sponsors: Public Works and Transportation and Parking Commission

Summary of Item: This amends parking restrictions on Burlington Avenue.

AN ORDINANCE AMENDING PARKING PROVISIONS ON BURLINGTON AVENUE

ORDINANCE NO. 5134

A motion was made by Commissioner Schnell, seconded by Commissioner Barnett, to Adopt this file. Mayor Sandack declared the motion carried by the following vote:

Votes: Yea: Commissioner Schnell, Commissioner Barnett, Commissioner Waldack, Commissioner Durkin, Commissioner Beckman, Commissioner Neustadt and Mayor Sandack

Indexes: Parking Restrictions - Burlington

ORD 00-04143 B. Ordinance: Amend Special Event Liquor Licenses

Sponsors: Liquor Commission

Summary of Item: This amends special event liquor licensing provisions.

AN ORDINANCE AMENDING SPECIAL EVENT LIQUOR LICENSES

ORDINANCE NO. 5135

A motion was made by Commissioner Barnett, seconded by Commissioner Beckman, to Adopt this file. Mayor Sandack declared the motion carried by the following vote:

Votes: Yea: Commissioner Schnell, Commissioner Barnett, Commissioner Waldack, Commissioner Durkin, Commissioner Beckman, Commissioner Neustadt and Mayor Sandack

Indexes: Liquor Ordinance Amendments

ORD 00-04144 C. Ordinance: Amend Certain Liquor License Provisions

Sponsors: Village Attorney and Liquor Commission

Summary of Item: This amends certain provisions of the Liquor Code regarding gambling provisions.

AN ORDINANCE AMENDING CERTAIN LIQUOR LICENSE PROVISIONS RELATING TO CLASS C LICENSES

ORDINANCE NO. 5136

A motion was made by Commissioner Beckman, seconded by Commissioner Neustadt, to Adopt this file. Mayor Sandack declared the motion carried by the following vote:

Votes: Yea: Commissioner Schnell, Commissioner Barnett, Commissioner Waldack, Commissioner Durkin, Commissioner Beckman, Commissioner Neustadt and Mayor Sandack

Indexes: Liquor Ordinance Amendments

ORD 00-04142 D. Ordinance: Amend the Ex-Officio Membership of the Community Events Commission

Sponsors: Village Attorney

Summary of Item: This amends the ex-officio membership of the Community Events Commission.

AN ORDINANCE AMENDING THE EX-OFFICIO MEMBERSHIP OF THE COMMUNITY EVENTS COMMISSION

ORDINANCE NO. 5137

A motion was made by Commissioner Neustadt, seconded by Commissioner Waldack, to Adopt this file. Mayor Sandack declared the motion carried by the following vote:

Votes: Yea: Commissioner Schnell, Commissioner Barnett, Commissioner Waldack, Commissioner Durkin, Commissioner Beckman, Commissioner Neustadt and Mayor Sandack

Indexes: Community Events Commission - Appointments

8. First Reading

RES 00-04149 C. Resolution: Authorize a Maintenance Agreement and Addendum with Sungard Public Sector, Inc.

Sponsors: Police Department

Village Manager Dave Fieldman said this annual maintenance agreement is in the amount of \$101,832.46 for the computer dispatch system. This is a sole source provider, and the Village has used this system for 20 years.

Commissioner Beckman expressed concern about a sole source environment and would like to see a comparative analysis.

Mr. Fieldman said that staff will continue to look at the options of other systems. Other communities have looked at them and costs are comparable. He noted that Downers Grove is a low cost provider of dispatch services.

Indexes: CAD

RES 00-04151 D. Resolution: Authorize a Revised Intergovernmental Agreement with the Downers Grove Park District for the Construction of Stormwater Improvements at Washington Park

Sponsors: Manager's Office

The Manager said this is an ongoing partnership with the Park District for Water Infrastructure Improvement Plan. In exchange for the use of land, the Village is constructing retaining walls which are integral to the detention basis and would not be considered recreational improvements. They have been studied and have been reclassified as stormwater improvements. In response to the Mayor, Mr. Fieldman said the completion of the project is scheduled for late June or early July.

The Mayor said that improvements have been made to the park in exchange for stormwater detention.

Commissioner Schnell commented that the work on Rogers Street has to be connected to this project, and she asked when it will be connected.

Public Works Director Nan Newlon responded that the storm sewers are in, but the basins are not yet functional. They anticipate this becoming completed by July 1.

Commissioner Barnett asked whether the Village has looked at both projects in their entirety as to what is needed in terms of maintenance for stormwater purposes. Ms. Newlon replied that the storm sewer system, outlet structures and wall are the Village responsibility. The Park District will maintain the turf. Commissioner Barnett encouraged a critical eye as to the clear paths of responsibility for various elements of the project.

Indexes: Park District, Washington Park

ORD 00-04152 A. Ordinance: Amend Certain Administrative Fees

Sponsors: Community Development

Mr. Fieldman said that staff is in the process of creating a fee schedule and updating fees. This ordinance is the next step of that process. It is a housekeeping measure and there are no changes recommended. He said this will move fees out of the Municipal Code and into a fee schedule.

Indexes: Fee Increases

MOT 00-04157

B. Motion: Proceed with Negotiations with Republic Services, Inc. for Solid Waste Contract Renewal

Sponsors: Deputy Village Manager

The Village Manager noted that this is a three-year contract with Republic Services. The Village's present contract expires on March 31, 2011. The Village is in a year-long process to discuss the next step. He said this has been an open process with a lot of public involvement. Staff created an on-line survey and received 1,175 responses. He stated that the Environmental Concerns Commission discussed this contract as well. The current contract is a sticker system program. There are other options available. He said that there are strong and varying opinions on this issue from the public. Staff recommends negotiating with Republic for both the current volume-based program, and a toter program as well as operational questions. Detailed information obtained will be brought back to the Council and the public. Staff needs about 45 days to do this and if Council chooses, staff can prepare and proceed with an RFP.

Mayor Sandack commented that there have been two renewals of this contract since he has been on the Council. He noted that the Village used to use Allied, and ARC bought them. Republic (ARC) has 20 contracts in DuPage County. He said there are only about five companies that can provide the type of service that the Village requires. From survey responses, citizens seem happy with Republic as a provider of the services. He said it makes sense to negotiate with Republic and there is no risk in doing that. The Village can always go to a public bidding process if deemed necessary. Recycling is a bigger component of the refuse business than it was 5-10 years ago, but it is not the money maker it was a few years ago. He commended staff for starting early discussions on this contract.

David Schultz, 5509 Washington, commented that he sent a letter to the Mayor and Council urging continuance of the volume-based program and recycling, versus a cart program that encourages wastefulness. He said that the Pierce Downers Heritage Alliance has also sent a letter to the Council. He asked that the Council go forward with the negotiation process, but proceed only with volume-based sticker programs for several reasons. The Environmental Concerns Commission evaluated the program and voted 4-2 for the cart program, but Downers Grove residents voted through the survey to keep a sticker based program by 80% majority. He said that residents would pay more for carts than stickers and the majority of residences that have only one or two members would subsidize others. This could impact seniors on a fixed income. Mr. Schultz discussed the costs of landfill versus recycling. The benefits of encouraging recycling outweigh the costs. He said that in the February report, staff outlined the benefits of the sticker program to the residents. The benefits of the cart program are to the waste hauler. Mr. Schultz said he uses one sticker per month. Those who generate more should pay more. He asked that the Council look at the best option for the Village rather than considering various options. He tends to follow the adage of his dad which was "if it ain't broke, don't fix it." He said that the Heritage Alliance did recommend consideration of a larger covered cart for recycling as it would encourage recycling and make it more convenient to the resident.

Ken Lerner, 4933 Whiffen, referred to the letter he sent to the Council. He spoke in response to the staff report that went to the ECC as a summary of the pros and cons of the current system. He reviewed the advantages and the disadvantages of the system. Most residents prefer to have choices. He said that there is a lack of adequate recycling opportunities, stating they could do better with a larger, covered container. There is also confusion on the disposal of bulk items, and there is no evidence that going to a cart-based system would change the bulk removal

system. Mr. Lerner said that increasing sticker prices would be expected. The system allows residents to avoid fixed costs, and most residents would consider that a plus. He pointed out that there is no claim that the current system is perfect, and there may be ways to improve it. He urged staff to look at ways to improve the current system, and asked the Council to direct staff toward a volume-based system.

Carol Richart, 206 55th Place, asked that the Council consider the opinion of respondents that would like a sticker-based program. It is fairer and encourages care for the environment. She asked about the collection of food scraps. She believes that Amnesty Day is not good for the environment. There are no open landfills in DuPage County, and they are using extra fuel to send the trash a long distance. She suggested that people put items out and allow groups to view these items, such as the Sharing Connection. She felt that the Recycling Extravaganza is a good project.

Dr. Gordon Goodman, 5834 Middaugh, said he was pleased at the Manager's report to have negotiations for both the existing program and also a toter program. The toter program would still have a sticker component for additional trash beyond what could fit in the toter. He said they should have as their primary theme the reduction of land fill burdens. The sticker program is an incentive program, and he would like to see them try to improve it rather than reduce it.

Bill Wrobel, 7800 Queens Court, referenced the cost of the stickers. He said that he spoke with someone from another community who uses two small toters and pays \$52.38 every quarter, amounting to \$215 annually.

The Mayor commented that staff recommends continued discussions with the current provider to see whether the system can be improved and what alternatives there are for viable options. The recycling carts referenced cost more than the current ones.

Commissioner Neustadt said he is in favor of negotiating for both systems. There are many different components to negotiating, and this is the first step in the process. He agrees that it is good to have choices.

Commissioner Waldack said he can understand the finding is of the ECC, as they are only looking at it from the environmental perspective; but he also understands the volume-based system. Now they have a hybrid system. He believes cost is the main issue which is why they like the volume-based system. He tends to favor the volume-base, and would like to see comparisons. Regarding Amnesty Day, he said there are many costs associated with it, including extra costs to the Village.

Deputy Village Manager Mike Baker said there are no direct out-of-pocket costs from the Village for Amnesty Day.

Commissioner Waldack said perhaps they can consider reducing the number of Amnesty Days.

Commissioner Durkin said he advocates the toter system. When the sticker price goes up, the amount of trash goes down. He asked staff to work with the provider to work in multi-family units as representatives of multi-family units have come before the Council a number of times. He asked what the cost of the carts would be if the Village provided recycling carts to all the residents. He thinks the Village would have a benefit in pricing over a smaller town.

Commissioner Schnell thanked the staff for considering negotiations for both programs. She emphasized that they need to obtain the best possible price, noting that the Village has the option of going out for an RFP. They need to look seriously at multi-family and sit down with homeowners' associations. With regard to Amnesty Day, she recommended getting costs with and without Amnesty Day. She thanked the residents who completed the survey, and the ECC for their work as well. She said she has received a lot of phone calls over this. She noted that

prices weren't associated with the toters and residents asked for this.

Commissioner Barnett stated he supports staff's direction. The survey showed that 80% of the respondents like recycling and don't want to pay more. The survey is one small piece of information. With regard to the fairness issue, stickers include the cost of Amnesty Day. He said that garbage removal is one of the most important things that we do and it needs to be done well. There is a cost for the service that benefits the community as a whole.

Commissioner Beckman commented that the survey was a powerful message and spoke to what the vast majority of the community would prefer. The suggestion of staff is a good one. He prefers the sticker system, but if cost makes an alternative more viable, that may marginalize the findings. He asked what incentive Republic has as a sole source provider. Competition is a powerful tool to a vendor. Commissioner Beckman said that he is comfortable that negotiations will provide the best costs in both options and if not, they can go to an RFP.

The Mayor said that staff will share the information obtained with the residents and ask for input as they move forward. He said that Republic wants to retain the Village's business, and he looks forward to the next steps.

Indexes: Scavenger-Garbage Collection

9. Mayor's Report

Proclamations

Mayor Sandack proclaimed the week of May 9-15, 2010 as Police Week in the Village of Downers Grove. He commented on the Annual Richard J. Barth Memorial Ceremony honoring Officer Barth, a local police officer killed in the line of duty in 1974.

The Mayor then proclaimed May 9-15, 2010 as Public Works Week in the Village. He reminded everyone that there would be a Public Works Open House on May 21.

10. Manager's Report

Mary Scalzetti reported on rain barrel sales. She said that the barrels offered were 55-gallon containers which came from overseas and have been refitted with valves. Using rain barrels reduces the impact of rainwater runoff on property. She said that there was an overwhelming response with 544 rain barrels sold. She said 30,000 gallons of water will be saved every time it rains. Ms. Scalzetti thanked the Conservation Foundation, Mark Thoman, the ECC, the Pierce Downers Heritage Alliance, Campus Life, staff, the Park District and the Library for their participation in this project.

Mr. Fieldman said that the Village participated in the Northern Illinois University Internship Program, and Deputy Village Manager Mike Baker has earned the Internship Supervisor of the Year Award.

The Manager said that the Illinois Assistant Manager's Association has awarded the Village its outstanding program award for the Long Range Financial Planning process.

Manager Fieldman said that staff will release a four-section report containing a summary of last year's Long Range Financial Plan, implementation of this year's plan, identification of new financial trends and issues, and recommendations. This will take place between May 14 and 21, followed by the first public meeting on June 29 at Village Hall. The public engagement process will be wide-spread. Information will be on the website as well as at the Library. Residents can comment via e-mail to the Council and staff. He said that public input is invited at the June 29 meeting.

REP 00-04156 2010 Strategic Plan - Freedom of Information Act Legislation

Village Clerk April Holden provided an update of the new provisions of the Freedom of Information Act (FOIA). The bill was signed into law in August 2009 by Governor Quinn with an effective date of January 1, 2010. Staff started in August to develop systems to address all the provisions of the law and began testing the system in December. A business model was developed to address the requirements of the Act using OnBase, the Village's document management system.

Ms. Holden said that under the law, all requests for information are considered FOIAs. The number of requests, as reflected in the report, have gone from 123 in the first quarter of 2009 to 331 for the same period in 2010. Staff priorities shifted on a temporary basis to establish the management system, and have shifted on a more permanent basis to implement the system on a day-to-day basis. It cost a total of 320 hours and \$19,305.25 to build and test the system, and, since January, staff has spent 660 hours and \$38,424.74 for a total of 980 hours and \$57,730 to comply with the new legislation.

Commissioner Beckman asked how the cost of this program will be paid for.

Ms. Holden said people have absorbed the work. No staff was added in the Legal Department or the Police Department. In the Clerk's Office, a part-time employee was reassigned from scanning responsibilities to processing FOIA requests.

Commissioner Beckman noted that last year the Council eliminated positions in the Village. The cost of this program to date is \$57,000 in additional costs, albeit parsed out in various departments. Eventually that money will have to come from somewhere.

The Mayor said this is an unfunded mandate.

Commissioner Beckman asked if we eliminate staffing or pass this on to the community as a cost of doing business.

The Mayor said this will be part of the next budget conversation.

Commissioner Schnell commended staff for the work they have done in attempting to meet the requirements established by the State with regard to providing information requested by the public under this legislation. She asked as to the costs charged for copying records.

Ms. Holden said the law provided for the first 50 pages at no cost. Staff does not charge for standard black and white copies.

Commissioner Schnell noted that the Police Department staff are also absorbing the workload and spending tremendous amounts of time to get the work done. She agreed with the Mayor that this is an unfunded mandate. The State needs to realize that it costs the Village time and money to comply with this law.

Commissioner Durkin recommended that the Village's Clerk's association notify Springfield of the effect this legislation has had on their offices. He believes it would have greater effect if a letter is sent from the association rather than from one community.

Village Attorney Enza Petrarca said the Illinois Municipal League is also involved in communicating the impact of this law on municipalities.

Commissioner Waldack said he supports and encourages transparency. It is also important to let the public know that we are on track to spend over \$200,000 on complying with this law this year. Residents are entitled to the information but they must know there is a big cost associated

with obtaining that information. He thanked all the departments involved in providing the information. He knows the Police Record Department and the Village Clerk's office have to put a lot of time in responding to the requests for information.

The Mayor asked that the report be placed on the Village's website, because there is information of which most people are unaware. The new law allows commercial use of FOIA for commercial advantage. People must realize that there are expenses in terms of resources and personnel time associated with this legislation.

Indexes: Freedom of Information Act

11. Attorney's Report

Future Active Agenda

12. Council Member Reports and New Business

Commissioner Neustadt commented on the Police Week proclamation, the Barth Ceremony and the Village staff. Every week should be Police and Fire Week in Downers Grove. The Village is protected and served well by the Police and Fire Departments. He thanked Chief Porter and the Barth family for attending the Barth Memorial Ceremony.

Commissioner Waldack asked that the video regarding the rain barrels be kept on the website. He commented on the touching and moving Barth ceremony, and the police awards ceremony. He appreciates the fine work of the staff. Commissioner Waldack said he looks forward to the Public Works open house. He reminded the public that both of the police ceremonies will be televised on Channel 6.

Commissioner Durkin thanked the Barth family for their continual support of the ceremony. It is a moving experience and reminds everyone of the dangerous work of police officers. Commissioner Durkin referenced the police awards ceremony and the commitment of the police to the community. He then spoke to the Village's commitment to training the Police and Fire staff. He noted that training and equipment needs will continue to be part of the yearly budget discussions. He expressed a "Hats off" to all of the Village's public servants, and encouraged residents to watch the video on Channel 6.

Commissioner Schnell echoed the comments of other Council members. She said that representatives from many Village departments at the Barth Memorial shows the type of "family" that exists among the Village staff. She also thanked the Barth family for their support. The Village is fortunate to have the employees it has. She also encouraged residents to watch the awards ceremony.

Commissioner Barnett expressed his sincere thanks to all the employees of the Village.

Commissioner Beckman said he also attended the Barth Memorial Ceremony, saying that every time a police officer responds to a call, they take their life in their own hands. We must be mindful of the dangers they face and thank them for the risks they take every day.

Mayor Sandack said that the Chamber annual golf outing takes place this coming Thursday. He also noted that on Friday, the District 58 Foundation Bacon Brothers concert will be at the Tivoli.

The Mayor said that June 11 will be the Relay for Life at Downers Grove North High School. In addition, the Holly Family fundraiser will be held at the Moose Lodge on June 11 to fight brain cancer of their son.

Mayor Sandack commended the Police Department for celebrating Officer Barth's life. Their

job is dangerous, and this is a community that cares.

13. Adjournment

Commissioner Schnell moved to adjourn. Commissioner Barnett seconded the Motion.

Mayor Sandack declared the motion carried by voice vote and the meeting adjourned at 8:40 p.m.