



# Village of Downers Grove Meeting Minutes Downers Grove Village Council

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

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Tuesday, November 16, 2010

7:00 pm

Council Chambers

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## 1. Call to Order

*Commissioner Sean Durkin 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

*Commissioner Durkin led those present in the Pledge of Allegiance to the Flag.*

## 2. Roll Call

Present: Commissioner Bob Barnett, Commissioner William Waldack, Commissioner Sean P. Durkin and Commissioner Geoff Neustadt

Absent: Commissioner Marilyn Schnell, Commissioner Bruce E. Beckman 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.*

*Agendas located on either side of the Council Chambers, and the audience is invited to pick up an agenda and follow the progress of the Council meeting.*

### MOT 00-04336

Motion: Elect Acting Mayor

*Village Clerk April Holden asked for a motion to elect an Acting Mayor for this evening's meeting.*

*Commissioner Neustadt moved to elect Commissioner Sean Durkin as Acting Mayor. Commissioner Barnett seconded the Motion.*

*VOTE: YEA: Commissioner Neustadt, Barnett, Waldack*

NAY: None  
PASS: Commissioner Durkin

*Ms. Holden declared the Motion passed.*

**Indexes:** Council Rules

### 3. Minutes of Council Meetings

*Council Meeting - November 9, 2010*

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

#### Special Presentation

*Acting Mayor Durkin (Mayor Durkin) called upon Deputy Village Manager Mike Baker for a special presentation.*

*Mr. Baker said that earlier in the year the Village received word that it was the recipient of an award from the Illinois Association of Municipal Management Assistants (IAMMA). This is an annual award for a community service or program that was deemed outstanding. The Village was recognized for its Long Range Financial Plan process for 2009. He then introduced the President of IAMMA, Assistant Village Administrator, Kelly Amidei, from Libertyville, to make the presentation.*

*Ms. Amidei presented the Village with an award in the category of outstanding new community service/program for the 2009 Long Range Financial Plan process. She apologized for the delay in making the presentation, since the award was announced in May. She explained that IAMMA is a statewide association representing municipalities from throughout the State. Mayor Durkin accepted the award on behalf of the Village and thanked Ms. Amidei and IAMMA for recognizing the Village's work.*

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

*There were none.*

### 5. Public Hearings

### 6. Consent Agenda

**COR 00-04325** A. Claim Ordinance: No. 5873, Payroll, November 5, 2010

**Sponsors:** Accounting

**Indexes:** N/A

**BIL 00-04326** B. List of Bills Payable: No. 5864, November 16, 2010

**Sponsors:** Accounting

**Indexes:** N/A

**RES 00-04319** C. Resolution: Authorize a Plan Amendment to the VEBA Health Savings Plan

**Sponsors:** Human Resources

**Summary of Item:** A RESOLUTION AUTHORIZING EXECUTION OF A PLAN AMENDMENT TO THE VILLAGE OF DOWNERS GROVE VEBA HEALTH SAVINGS PLAN

RESOLUTION 2010-90

**Indexes:** Insurance - Health, Employee, Employee Benefits

**RES 00-04320** D. Resolution: Authorize Amendment #3 to an Agreement with National Insurance Services of Wisconsin, Inc. (Long Term Disability)

**Sponsors:** Human Resources

**Summary of Item:** A RESOLUTION AUTHORIZING EXECUTION OF AMENDMENT #3 TO AN AGREEMENT BETWEEN THE VILLAGE OF DOWNERS GROVE AND NATIONAL INSURANCE SERVICES OF WISCONSIN, INC. (Long Term Disability)

RESOLUTION 2010-91

**Indexes:** Insurance - Health, Employee, Employee Benefits

**RES 00-04321** E. Resolution: Authorize a Second Addendum to the Group Vision Contract with Tru Assure

**Sponsors:** Human Resources

**Summary of Item:** A RESOLUTION AUTHORIZING EXECUTION OF A SECOND ADDENDUM TO THE GROUP VISION CONTRACT BETWEEN THE VILLAGE OF DOWNERS GROVE AND TRU ASSURE

RESOLUTION 2010-92

**Indexes:** Insurance - Health, Employee, Employee Benefits

**RES 00-04322** F. Resolution: Authorize an Addendum to an Administrative Services Contract with Delta Dental of Illinois

**Sponsors:** Human Resources

**Summary of Item:** A RESOLUTION AUTHORIZING EXECUTION OF AN ADDENDUM TO AN ADMINISTRATIVE SERVICES CONTRACT BETWEEN THE VILLAGE OF DOWNERS GROVE AND DELTA DENTAL OF ILLINOIS

RESOLUTION 2010-93

**Indexes:** Insurance - Health, Employee, Employee Benefits

**RES 00-04323** G. Resolution: Authorize an Agreement with ING Employee Benefits

**Sponsors:** Human Resources

**Summary of Item:** A RESOLUTION AUTHORIZING EXECUTION OF AN AGREEMENT BETWEEN THE VILLAGE OF DOWNERS GROVE AND ING EMPLOYEE BENEFITS

RESOLUTION 2010-94

**Indexes:** Insurance - Health, Employee, Employee Benefits

**RES 00-04327** H. Resolution: Authorize an Extension to an Agreement with Ray O'Herron Co., Inc.

**Sponsors:** Police Department

**Summary of Item:** A RESOLUTION AUTHORIZING EXECUTION OF AN EXTENSION TO AN AGREEMENT BETWEEN THE VILLAGE OF DOWNERS GROVE AND RAY O'HERRON CO., INC.

RESOLUTION 2010-95

**Indexes:** Police Equipment, Police Uniforms

**RES 00-04328** I. Resolution: Authorize an Agreement for Upgrade Services and Equipment

**Sponsors:** Police Department

**Summary of Item:** A RESOLUTION AUTHORIZING EXECUTION OF AN AGREEMENT FOR UPGRADE SERVICES AND EQUIPMENT

RESOLUTION 2010-96

**Indexes:** Police Equipment

**MOT 00-04338** J. Motion: Note Receipt of Minutes of Boards and Commissions

**Summary of Item:** Human Service Commission - August 4, 2010 and September 1, 2010

Library Board - October 27, 2010

Liquor Commission - October 7, 2010

**Indexes:** Boards and Commissions Minutes

*Commissioner Barnett moved to adopt the Consent Agenda. Commissioner Neustadt seconded the Motion.*

*VOTE: YEA: Commissioner Barnett, Neustadt, Waldack, Mayor Durkin*

*Mayor Durkin declared the Motion carried and the Consent Agenda was approved.*

## 7. Active Agenda

**MOT 00-04314** A. Motion: Estimate 2010 Aggregate Tax Levy for the Village of Downers Grove

**Sponsors:** Finance

*Commissioner Barnett moved to estimate the 2010 Village aggregate tax levy. Commissioner Neustadt seconded the Motion.*

*Commissioner Waldack said this is to estimate the 2010 tax levy; it doesn't approve the final levy. There will be additional meetings and discussions to finalize the levy. He noted that he did not support the budget that was presented; however, that budget has passed and he will support this as presented.*

*Commissioner Barnett clarified that there would be two more meetings on this topic, on the first and second Tuesdays in December. The intention is to adopt the levy on December 14.*

*VOTE: YEA: Commissioner Barnett, Neustadt, Waldack, Mayor Durkin.*

*Mayor Durkin declared the Motion carried.*

**Indexes:** Tax Levy - 2010

## 8. First Reading

*Village Manager Dave Fieldman said that the five items under First Reading were all referred through the Department of Community Development and the Plan Commission. The first two*

items are related to the property at 4901 Belmont. He asked Community Development Director Tom Dabareiner to provide additional information on these items.

**ORD 00-04329**

A. Ordinance: Authorize a Special Use to Permit Two Principal Structures on One Property

**Sponsors:** Community Development

Community Development Director Tom Dabareiner explained that the Special Use requested allows the consolidation of four existing lots into one lot for the construction of two principal buildings. The property was destroyed by fire and this construction will replace that structure. He showed the location of the apartment building. The Petitioners are seeking approval on the December 7 agenda. The proposal is to construct a 15-unit three-story building to replace the structure that was destroyed by fire in April. Mr. Dabareiner showed slides and aerial photographs of the four properties located on the site. He indicated that what makes the property unique is that they could not simply rebuild the original building as it was legal nonconforming due to lot area, setback and parking requirements. The owners have agreed to bring the site into compliance with the Municipal Code. There are also stormwater and best practice issues as well.

Mr. Dabareiner said there is remaining foundation on the north side of the property, where the nonconforming structure previously existed. He showed the proposed plan for the site, including retention areas to address water quality issues on the property and a permeable pavers area to also address the runoff quantity issues. The water treatment staging is connected by PVC pipe. He displayed an architect's rendering of the elevations of the new structures.

Regarding stormwater and best management practices (BMP), Mr. Dabareiner said that the trigger for on-site retention was not met in this case. There must be over one acre of property, and there must be at least 25,000 square feet of disturbed surface. Those were not met; however, they did meet the trigger for BMPs at 10,000 square feet. He noted that the garbage bin location has been relocated to reduce the potential for runoff. The combined changes will reduce the quantity of water as well as the flow of the water.

The Plan Commission considered this petition on October 4, indicating some concerns about stormwater. However, the petitioners have met all standards for the Special Use and staff concurs with the Plan Commission's recommendations.

Commissioner Neustadt said he is pleased to see the consolidation of these lots. He said the petitioner has apparently come up with a solution to address the water issues, and he will support this request.

Commissioner Barnett commented to the public that if it seems that there is a lack of commentary by Council members, it should not be misunderstood. Both the Planning Department and the Plan Commission have reviewed these issues thoroughly. It is straight forward and detailed information has been provided to the Council and is available online. He said that the lack of comment does not mean a lack of concern.

Commissioner Waldack said that questions directed to staff prior to this meeting by Council all related to stormwater. The Council has been concerned about stormwater on the site. The footprint of the building will be smaller, but the pervious pavers in the parking lot area increases the ability for stormwater controls. He said that he appreciated staff's hard work and the steps taken to address the concerns expressed.

Mayor Durkin referenced an area on the first floor shown on the rendering photo, and asked whether that was a pass-through in the building. Mr. Dabareiner said it is a garage and storage area and is fully sprinklered.

**Indexes:** Special Use - 4901 Belmont, Subdivision - 4901 Belmont Road

**RES 00-04337** B. Resolution: Approve Final Plat of Subdivision for 4901 Belmont Road

**Sponsors:** Community Development

**Indexes:** Special Use - 4901 Belmont, Subdivision - 4901 Belmont Road

**ORD 00-04330** C. Ordinance: Authorize a Special Use to Permit a Private, For-Profit University in an Office Research and Manufacturing Zoning District

**Sponsors:** Community Development

*Mr. Dabareiner said that a Special Use ordinance has been prepared for approval for a private for-profit university. He said the approximate location is 1431 Opus Place. Strayer University will locate up to 11 classrooms at this site including 21,000 square feet on the third floor of the building. This will be a branch campus for 200 students and 15 staff members. Sixty percent of the students will be online, lessening the impact on the surrounding areas. Classes are generally held after 5:30 in the evening and run to 10:00 p.m. The traffic and parking impact will be reduced as a result. He showed the proposed site plan, saying that the impact of Strayer University will be no different than if it were an office use, with the exception of it being used during off-peak hours. The Plan Commission considered this at its November 1 meeting and recommended approval of the Special Use. Staff concurs with the recommendation.*

*Commissioner Neustadt commented that this was a good victory for Downers Grove, and with Strayer University, DeVry and Midwestern University, it puts the Village on the map as an educational Village. He looks forward to seeing this go through.*

*Commissioner Waldack welcomed Strayer University to the Village. The intended use for the building is as office space, and in many ways will remain that way. In this economy many people are returning to school. He said it was nice that Downers Grove is affiliating with another university.*

**ORD 00-04331** D. Ordinance: Authorize a Special Use to Permit Construction of an Accessory Structure on a Lot of Record Prior to the Construction of a Principal Structure

**Sponsors:** Community Development

*Mr. Dabareiner said this concerns 6092 Chase Avenue and the construction of an accessory structure, a gazebo. He showed the location of the property west of Belmont Road in the triangle area north of Hobson. The property consists of three adjacent lots and 21,780 square feet, zoned R-4. The petitioner is proposing to build a gazebo on the north lot. Mr. Dabareiner said that the Village does allow for this type of use, with three criteria. First the lots must be held in common ownership; one lot must have a principal structure established; and a common lot line must be shared for at least 100 feet. The property in question meets all three criteria.*

*Mr. Dabareiner said the gazebo would be screened and have a six-foot-high fence. All bulk requirements and standards for a Special Use have been met. The Plan Commission considered the petition on November 1 and has recommended approval. He indicated that there had been some questions raised such as whether this has been done before in the Village. Mr. Dabareiner said that it was done about two years ago. Another concern raised to staff was what would happen if the property were sold. Mr. Dabareiner explained that if all three lots were sold to the same owner, there would be no problem. However, if only the lot with the gazebo were to be sold, the gazebo would have to be demolished. An accessory structure cannot exist as a stand-alone structure on the property.*

**Indexes:** Special Use - 6092 Chase Avenue

**ORD 00-04332** E. Ordinance: Rezone Property Located at 1407 61st Street from R-1 to R-3

**Sponsors:** Community Development

*Mr. Dabareiner said that the petition is to rezone the property from R-1 single-family residential, to R-3 single family residential. Staff is seeking approval on the December 7 agenda. He showed the location on the map at 1407 61st Street, just west of Dunham. The site is located predominately in an R-3 area, and the Future Land Use Map shows the area zoned as R-3. This request was considered by the Plan Commission on November 1 and meets all the standards. The Plan Commission recommended approval and staff concurs with that recommendation.*

*Commissioner Barnett explained that changing from R-1 zoning to R-3 zoning still keeps the property zoned as single-family residential. This change to R-3 zoning makes the property consistent with most of the zoning in the area.*

**Indexes:** Rezone 1407 61st Street - R-1 to R-3

## 9. Mayor's Report

### New Business

**RES 00-04335** Resolution: Appoint Members to Boards and Commissions

**Sponsors:** Mayor

**Summary of Item:** This confirms the following appointments:

#### STORMWATER AND FLOOD PLAIN OVERSIGHT COMMITTEE

Appoint Dan Austin to a three-year term expiring August 31, 2013

Reappoint Richard Crilly and Mark Scacco to three-year terms expiring August 31, 2013

#### TECHNOLOGY COMMISSION

Appoint Brian Dietrich to a three-year term expiring August 31, 2013

Reappoint Don Nichols and James McGinnis to three-year terms expiring August 31, 2013

#### A RESOLUTION APPOINTING AND REAPPOINTING MEMBERS TO VILLAGE BOARDS AND COMMISSIONS

#### RESOLUTION 2010-97

*The Clerk read the resolution.*

*Commissioner Barnett moved to adopt a resolution appointing members to Boards and Commissions. Commissioner Neustadt seconded the Motion.*

*Commissioner Barnett thanked the new and reappointed members for their service to the Village.*

**VOTE: YEA:** Commissioner Barnett, Neustadt, Waldack; Mayor Durkin

*Mayor Durkin declared the Motion carried.*

**Indexes:** Boards and Commissions

### Materials to be Placed on File

## 10. Manager's Report

Village Manager Dave Fieldman said a segment will air on the 10:00 news tonight on Channel 7 regarding fire fighting techniques and improvements. Members of our Fire Department will be featured.

## 11. Attorney's Report

Village Attorney Enza Petrarca said she was presenting five items to the Council: 1) An ordinance amending the Comprehensive Zoning Ordinance of the Village of Downers Grove, Illinois, codified as Chapter 28 of the Downers Grove Municipal Code, as amended to rezone property located at 1407 61st Street; 2) An ordinance authorizing a special use to permit a private, for-profit university in an office research and manufacturing zoning district; 3) A resolution approving the final plat of subdivision for 4901 Belmont Road; 4) An ordinance authorizing a special use to permit two principal structures on one property; and 5) An ordinance authorizing a special use to permit construction of an accessory structure on a lot of record prior to the construction of a principal structure.

### Future Active Agenda

## 12. Council Member Reports and New Business

Commissioner Neustadt said November 26-28 is "It's a Wonderful Weekend Downtown Downers Grove." Activities begin on Friday, November 26 with "Winter Storytime with the Elves" at the Downers Grove Library at 3:45 p.m. followed by a parade at 4:15 p.m. and the Tree Lighting Ceremony at 4:30 p.m. at the Main Street Train Station, followed by surprise appearances by Santa. The Village tree contains over 1,000 handmade ornaments from the children of Downers Grove. There will be refreshments in the train station for those in attendance, and downtown stores will be open. Santa will be throughout the downtown area on Friday and Saturday as well. Saturday will include "Mom and Me" shopping day and people will be asked to vote for their favorite gingerbread houses. People can enjoy live performances and entertainment, including carriage rides for the public.

Commissioner Waldack said the activities downtown start the Christmas shopping season. He suggested people do themselves a favor and keep their money in Downers Grove by shopping at local businesses during the Christmas season. Commissioner Waldack then referenced the Annual Crop Walk held three weeks ago and reported that \$27,000 has been raised thus far. He thanked everyone involved in putting that walk together.

Commissioner Barnett wished a Happy Thanksgiving to the residents and staff.

Mayor Durkin thanked Council for allowing him the opportunity to serve as Mayor for this meeting. He wished everyone a Happy Thanksgiving.

## 13. Adjournment

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

Mayor Durkin declared the motion carried by voice vote and the meeting adjourned at 7:37 p.m.