



Village of Downers Grove

Meeting Minutes

Downers Grove Village Council

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

Tuesday, March 15, 2011

6:00 PM

Council Chambers

1. Call to Order

Convene into Executive Session - Ante Room

Commissioner Schnell moved to go into Executive Session pursuant to Section 2(c)(1) of the Open Meetings Act to discuss personnel. Commissioner Barnett seconded the Motion.

VOTE: AYE - Commissioners Schnell, Barnett, Beckman, Neustadt, Durkin, Waldack; Mayor Sandack

The Mayor declared the Motion carried and the Council convened into Executive Session in the Ante Room at 6:01 p.m.

Reconvene into Open Session - Call to Order - Council Chambers - 7:00 p.m.

Pledge of Allegiance to the Flag

Mayor Sandack led 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

Visitors: William Maxstadt; Tpr. J. Heng Goss; Tpr B. Engleking; M/Sgt. Sue Ewald; Mm/Sgt. Paul Carlos; John Jesernik; Jeff Rogers; Vicki, Lauren, Allison & Emily Carlos; Bill Wrobel, DG Watch, 7800 Queens Ct., Patrick Kimes; Bridget Bertrans; Michael Wondschein, Becky Rheintgen, 4633 Cumnor Road; Greg Hose, 445 Austin Street; Martin and Shanon Tully, 4808 Cornell Avenue; Mark Thoman, 1109 61st Street; Nick and Ken Steichmann, 315 Otis Avenue; Mary and Kelly Kedzior, 4938 Stonewall; Lynne and Shaun Kelliher, 1633 40th Street; Mark Garrity, 5829 Dearborn Parkway; Lucy Lloyd, DG Chronicle; Robert Olp; Marge Earl, 4720 Florence Avenue; John Page, 606 Austin Street; David Matthies, 4417 Downers Drive; Dominic Pugliani, 2020 Ogden Avenue; Greg Bedalov, DG EDC, 2001 Butterfield Road; Gordon Goodman, 5834 Middaugh

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

Executive Session Minutes for Approval Only - February 15, 2011

Council Minutes - March 8, 2011

Commissioner Waldack said he submitted a correction to the Clerk. Mayor Sandack said they would be filed as corrected.

Fire Chief's Awards

Fire Chief Jackson explained that the Fire Chief's Awards are presented to an individual or group of individuals for dedicated efforts, outstanding performance, a life saving act or an act requiring special initiative. He asked Firefighter/Paramedic Brad Cummings to announce the awards.

Awards were presented to Bill Maxstadt of Westmont who witnessed an automobile accident involving a pedestrian and baby stroller. He chased the stroller and kept the two-year old child safe from harm.

Illinois State Police Troopers Engelking and Heng were dispatched to an emergency at I-88 and Highland where they performed CPR on the victim, who regained his pulse and blood pressure upon transport to Good Samaritan Hospital.

Illinois State Police Troopers Aukstolis, Ewald and Carlos responded to a call of a car in the detention pond at 2655 Warrenville Road. They dove into the pond and made several attempts to rescue the driver of the vehicle, at risk to their own safety. Captain Jesernik of the Illinois State Police accepted the award on behalf of Trooper Aukstolis.

Mayor Sandack thanked the recipients of the Awards, and expressed appreciation to them for all they do for their communities.

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

1. Bill Wrobel, 7800 Queens Court, asked about meeting protocol and noted that last week a resident began to speak and was stopped by Mayor Pro Tem Schnell. The Village Attorney confirmed that he was not allowed to speak. Mr. Wrobel asked why this occurred, since he did not hear the man say anything.

Mayor Sandack responded that he was not present, but heard the speaker. It was perceived that the speaker was about to make a political announcement. Mr. Wrobel said that he was stopped before he had an opportunity to speak. Commissioner Schnell responded that the speaker introduced himself and two other men, and began to speak.

Mayor Sandack said that the public can speak on general matters, but cannot identify themselves as a candidate. It is the Village's protocol that the meetings are about the Village Council.

Commissioner Neustadt said that the man introduced himself as a candidate, and it is in the minutes.

2. Dr. Gordon Goodman, 5834 Middaugh, expressed his appreciation to the Village, EDC, and Downtown Management Corporation for the rain barrel sale. He was pleased to see an exhibit on display at the Library in support of the sale.

Secondly, Dr. Goodman was pleased to see the Attorney General's opinion to broadcast and record the League of Women's Voters forum to be held tomorrow evening and next Wednesday. He asked the Village's support to tape and broadcast candidate spots as has been done in previous years. He cited the Attorney General's informal opinion that Village employees who tape and broadcast on Village-owned public access channel candidate forums and candidate spots do not violate the State Officials and Employee Ethics Act.

3. Hilary Denk, 433 Wilson, thanked the Village, the Mayor and the Attorney General's office for providing the expedited opinion allowing the taping and rebroadcast of the League of Women Voters forums. It is a great service to the public. She said the forum will be held tomorrow evening and on March 23 at 7:00 p.m. for Village Council candidates. She expressed concerns about the non-binding nature of the Attorney General's opinion, and asked about the future of the opinion issued by the Village Attorney. She asked what the Village might direct the Village Attorney to do about her opinion going forward. She also asked that the privilege be lifted as to opinion so municipalities can openly review it.

5. Public Hearings

6. Consent Agenda

COR 00-04452 A. Claim Ordinance: No. 5889, Payroll, February 25, 2011

Sponsors: Accounting

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

Indexes: N/A

BIL 00-04453 B. List of Bills Payable: No. 5888, March 15, 2011

Sponsors: Accounting

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

Indexes: N/A

MOT 00-04445 C. Motion: Authorize a Contract with M.E. Simpson Co. in the Amount of \$42,750 for Hydrant Flow Testing Services

Sponsors: Public Works

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

Indexes: Fire Hydrants

BID 00-04446 D. Bid: Award \$53,020 to HD Supply Waterworks, Ltd., Carol Stream, IL, for Supply of Fire Hydrants

Sponsors: Public Works

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

Indexes: Fire Hydrants

MOT 00-04448 E. Motion: Award a Contract to Chicagoland Paving Contractors, Inc., Lake Zurich, IL, in the Amount of \$104,900 for 2011 Pavement Patching Services

Sponsors: Public Works

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

Indexes: Street - Resurfacing , Streets, Roadway Improvements

MOT 00-04460 F. Motion: Note Receipt of Minutes of Boards and Commissions

Summary of Item: Library Board - February 23, 2011

A motion was made to Note Receipt Of this file on the Consent Agenda.

Indexes: Boards and Commissions Minutes

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

RES 00-04447 A. Resolution: Authorize a License Agreement for the Temporary Use of Public Property with the Rotary Club of Downers Grove for the 2011 Rotary Club Grove Fest

Sponsors: Community Development

Summary of Item: This authorizes a license agreement for the temporary use of public property for the 2011 Rotary Club Grove Fest.

A RESOLUTION AUTHORIZING A LICENSE AGREEMENT FOR THE TEMPORARY USE OF PUBLIC PROPERTY BETWEEN THE VILLAGE OF DOWNERS GROVE AND THE ROTARY CLUB OF DOWNERS GROVE FOR THE 2011 ROTARY CLUB GROVE FEST

RESOLUTION 2011-17

Commissioner Waldack commented that he supports the Rotary's efforts to fill the void left by the cancellation of Heritage Festival. Apparently his proposal for the use of the parking deck is not necessary this year. He would still like the Council to have a booth at Grove Fest.

Mayor Sandack also appreciates the Rotary's work to step up, expand and fill the void of Heritage Festival. He thanked them for their efforts.

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: Community Events

ORD 00-04213 B. Ordinance: Vacate a Certain Portion of a Right-of-Way Located Adjacent to 812 and 820 Randall Street

Sponsors: Community Development

Summary of Item: This vacates a 155-foot deep by 16-foot wide unimproved alley right-of-way adjacent to the properties located at 812 and 820 Randall Street.

AN ORDINANCE VACATING A CERTAIN PORTION OF A RIGHT-OF-WAY LOCATED ADJACENT TO 812 AND 820 RANDALL STREET IN THE VILLAGE OF DOWNERS GROVE

ORDINANCE NO. 5194

Dr. Gordon Goodman, 5834 Middaugh, noted a letter of March 9 from the Park District stating that they had already offered correspondence that their preference would be to grant that an access easement be placed on the property if the Village approves the vacation. Dr. Goodman asked for an evaluation of the letter and the Village's relationship with the Park District.

Village Manager Dave Fieldman responded that the letter received is consistent with earlier correspondence. Staff's recommendation is to proceed with the vacation. The existing sidewalk provides sufficient pedestrian access and a cross walk mid-block would present a safety hazard. He said we have a great working relationship with the Park District.

2. Robert Olp, 5141 Lyman, said his property abuts the alleyway involved in this action. He asked that the Council look at the future use of the existing alleyway to further enhance the value of the investment in the historical park campus and Randall Park. They are adjacent to one another. Randall Park is a very enjoyable pastime for his family and other neighbors. He asked that the Council consider the request of the Park District to allow the use of the pedestrian passageway allowing passage by people going to or from the historical campus to the Park. The value of the path will enhance the appreciation of the community and especially the younger people who go there for special events. The present pathway has existed for 75-80 years and would continue in the future.

Commissioner Waldack commented that this item was before the Council over a month ago, and at that time he was prepared to support it. He quoted from the Ordinance: "Whereas, the Village Council, after due investigation and consideration, has determined that the nature and extent of the public use and the public interest to be served is such as to warrant the vacation of said portion of said right-of-way." The document included a checkmark by the Park District indicating that they had an interest in the property and there was a written comment that they wanted it maintained as a public path. Subsequent contacts with the Park District indicated they would like to see the access remain. They could have indicated an interest in acquiring the property. Instead they want the Village to keep ownership of the property and allow them access through a lease arrangement. Once the easements have been protected, the Village has no reason to maintain ownership, control and liability for this property. It is to the Village's benefit to transfer the ownership and return it to the tax rolls while still having the easements. The Park District has not sought ownership, and if they had he would have supported the Park District's interest. However, it is not in the best interest of the Village at this time and he will support this vacation.

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

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

Indexes: Vacation, Vacation - Alley, Vacation - 812 & 820 Randall Street

8. First Reading

RES 00-04455 A. Resolution: Approve Final Plat of Subdivision for the Leckie Estate (421 Grant Street)

Sponsors: Community Development and Plan Commission

Tom Dabareiner, Director, Community Development, explained that this resolution would result in the consolidation of two lots into one lot at 421 Grant. He showed the location on the overhead, describing it as 12,000 square feet of property zoned R-4, single-family residential. Both lots are 132 feet in depth, with the eastern portion being 30' wide and the western portion 60' in width. The garage on the western portion will be demolished to allow for an addition to the existing home with a new garage. All requirements for R-4 single-family residential zoning have been met. The Plan Commission considered the request and recommended approval unanimously. Staff concurs with the Plan Commission's recommendation.

Commissioner Beckman asked if the two properties are under single ownership. Director Dabareiner said they are.

Mayor Sandack said this is consistent with past practices and policies.

Indexes: Subdivision, Subdivision - 421 Grant Street (Leckie Estate)

RES 00-04425 B. Resolution: Authorize a Sales Tax Rebate Agreement with Downers Grove Imports, Ltd., d/b/a Pugi of Chicagoland

Sponsors: Manager's Office

Mr. Fieldman said this is the third agreement in a series pursuant to the Village and EDC strategy to attract and retain car dealers using sales tax rebates as the automobile industry is restructured. The Village has made similar agreements with Zeigler Auto and Packey Webb Ford.

Greg Bedalov, President of the EDC, said this agreement contemplates a six-year extension with the Pugi Auto Group, which includes Mazda, Volkswagen and Hyundai. It allows Pugi to separate into a stand-alone facility in what was previously a Saturn dealership. This will also permit increased inventory, marketing, brand recognition and sales, as well as improve the appearance of the building, and allow the Saturn building to be put back into service. Car dealerships are typically single-use buildings, and are not readily interchangeable to another use. This deal brings incremental sales tax dollars into the Village, and is a commitment to the Village through the improvement of the property. Mr. Bedalov noted that the EDC has been working for some time to fill this building. The Pugliani family is an ideal fit for this property. He said this was vetted through the EDC, and a positive recommendation was received by all bodies. This is an extension to an existing agreement and doesn't go into effect until 2017. The split of the sales tax percentage will be 75% of the increment coming to the Village and 25% going back to the dealership, after the baseline of the original agreement is achieved.

Commissioner Schnell asked whether the benchmark is across all three dealerships, and Mr. Bedalov responded that it is. Commissioner Schnell then noted that they are adding greenspace, but asked if there are sidewalks and Mr. Bedalov said there are.

Commissioner Barnett asked when the various improvements would be happening. The Village Attorney said that the contractual agreement requires it to be completed by December 2012.

Commissioner Durkin asked about the traditional holdback, and Mr. Bedalov said it is in place.

Commissioner Waldack said he would review the agreement to understand what the Village is getting from it. He appreciates the work of the EDC and the Pugi family. They have a good reputation and the fact that they are expanding is positive.

Commissioner Beckman expressed his pleasure that the Village is able to continue to implement its long-term strategy. He made the comparison to Naperville along Aurora Avenue, and Roosevelt Road through Glen Ellyn and Lombard. He said the retention of these dealers is for the benefit of both parties.

Mayor Sandack said there was a deliberate strategy given the economic situation of 2008 and 2009. The Village could become a destination along Ogden Avenue or see its dealerships leave. Geography, providence and planning coalesced. He will support this agreement. It is in line with other agreements and is in line with the Village's long-term strategy to make Ogden Avenue home to good corporate citizens that are tied to the community.

Indexes: Sales Tax Rebate

ORD 00-04456 C. Ordinance: Amend Ordinance #5185 and the Village of Downers Grove Budget for Fiscal Year 2010

Sponsors: Finance

Judy Buttney, Finance Director, said an ordinance has been prepared to amend the FY 10 budget for health benefits in the amount of \$500,000. Claims experience was higher than budgeted in 2010. The Village is self-insured and the Village pays the claims. This would bring the total expenditures to \$6,750,481 for 2010.

Indexes: Budget Amendment - 2010

MOT 00-04459 C. Motion: Authorize a Three-Year Contract to M.E. Simpson Co. in the Amount of \$182,000 for Water Distribution Valve Assessment Services

Sponsors: Public Works

Nan Newlon, Director, Pubic Works, explained that this is a water distribution system valve assessment and is a three-year contract. We've been doing this work since 2008 and it includes assessing the condition of about 14,000 water valves in the system each year. The valves allow isolation of small sections in the system, thereby resulting in minimal disruption to customers, minimal water loss, and keeps the valves in good repair. A request for proposal was advertised and three proposals were received. She said that staff recommended awarding the contract to ME Simpson for this project. They have a local presence and experienced, highly trained front line staff with an understanding of the Village's water system. ME Simpson completed the same work in the Village in 2010 and staff was pleased with the results.. Staff recommends a three-year contract that can be terminated with 30 days notice.

Commissioner Beckman thanked staff for information regarding the process of quantifying the benefits of this service. Looking at the background material, he hopes that there will be a way to quantify what they perceive the improvements would be.

Commissioner Schnell asked about the previous contract done by ME Simpson. Ms. Newlon said that was a one-year contract. This is the first 3-year contract.

Commissioner Barnett asked if identifying the location of the valves will eventually be completed. Ms. Newlon said they are pretty close to identifying the locations of all of them. The main component of the current work is excercising the valves to ensure rapid shutdowns.

Indexes: Water System

9. Mayor's Report

Materials to be Received

Materials to be Placed on File

10. Manager's Report

11. Attorney's Report

Village Attorney Enza Petrarca said she was presenting one item to the Council: An ordinance providing for an amendment to Ordinance #5185 and the Village of Downers Grove budget for fiscal year 2010.

Future Active Agenda

12. Council Member Reports and New Business

Commissioner Neustadt said the first annual Downers Grove Wedding Walk takes place on April 3 in downtown Downers Grove. Information is on the website at www.dgbride.com. He noted that Thursday is St. Patrick's Day and he reminded everyone to celebrate responsibly.

Commissioner Beckman reminded everyone about the candidates' forum for Districts 58 and 99 this Wednesday. The following Wednesday there will be a forum for Village Council candidates at 7:00 p.m. He said that both forums would be on DGTv. He encouraged everyone to attend the forums if at all possible.

Commissioner Schnell asked if the time for these telecasts will be available on our website. The Manager said they would check into past practices. Commissioner Schnell wished everyone a happy St. Patrick's Day and echoed the reminder to celebrate responsibly.

Commissioner Waldack thanked the Mayor and everyone involved in contacting the Attorney General's office for expediting her opinion regarding televising candidate spots. The Council needs to evaluate its policies and procedures and determine how the confusion occurred. He said the residents demand transparency and when the Village finds itself in this type of situation it has to be fixed.

Commissioner Durkin spoke of his daughter Ava Elizabeth's death and expressed his gratitude and thanks to everyone who sent thoughts and prayers to his family, many of which were sent anonymously. Ava was born with a disease called Trisomy 18, which is an imbalance of chromosomes. She lived only 81 minutes. Her being born alive is because of the prayers and support they received. He believes that prayer is powerful. Counseling has taught them that this process will take some time. On behalf of himself and his wife, Commissioner Durkin repeated their gratitude to all the people who prayed for them and have given them support.

Mayor Sandack commented on the League of Women Voters forums. What has occurred resulted in an interesting process. The Village has an Ethics Officer who is the Village Attorney, and we expect her to give information. It may be counter-intuitive. The Village Attorney is supposed to be conservative and cautious and move with great trepidation. In this instance he believes the Village received outstanding service. They looked at the legislation and the direct language, and the Council asked staff to look anew at every step and be proactive. Mayor Sandack said he sent a letter to the Attorney General seeking clarification. He spoke with the Attorney General's Chief of Staff three times. She made it clear to the Mayor that the Village's position was not outrageous. He looked at the statute again, and in his letter he asked specific questions based on the legislation. It was agreed that clarity could be added to the legislation. He is glad that the Village got the opinion they did. He is thankful that we have the Village Attorney and staff who want to do the right thing. For those who think that something untoward occurred, or look for reasons that are not there, they should look carefully at the situation and be grateful to have a Village staff that does want to do the right thing. He spent a lot of time trying to find the right person to answer the question. He suggested that Commissioner Waldack and Ms. Denk are not incorrect, and the Municipal League should be offered some alternative language. Many municipalities are happy that Downers Grove asked for clarity. He thanked everyone for their patience, and especially thanked the Ethics Officer and staff for doing their jobs, being cautious and being thoughtful.

13. Adjournment

Commissioner Schnell moved to adjourn to Executive Session pursuant to Section 2(c)(2) of the Open Meetings Act to consider collective bargaining. Commissioner Barnett seconded.

VOTE: YEA - Commissioners Schnell, Barnett, Beckman, Neustadt, Durkin, Waldack, Mayor Sandack

Mayor Sandack declared the motion carried and the Council convened into Executive Session at 8:08 p.m.