



Village of Downers Grove Meeting Minutes Downers Grove Village Council

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

Tuesday, April 5, 2011

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 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: Rod Engelhardt, 7801 Valley View Lane; Bill Wrobel, DG Watch, 7800 Queens Court; Frank Falesch, 820 Prairie Avenue; Rob Pekelder, DG Professional Firefighters Association, 6912 Main Street, Suite 21; Becky Rheintgen, 4633 Cumnor Road; Michael Mondschein; Christine Fregeau, 1918 Elmore Avenue; Lucy Lloyd, DG Chronicle; Marge Earl, 4720 Florence; Bill Shank, Bradford Real Estate; Ken Rathje, Rathje Planning Services, 412 Chicago Avenue; Tim Meseck, 122 S. Michigan, Suite 1810; Mike Metzger, Chase Bank, 131 S. Dearborn, Chicago; Tom LeCren, 545 Chicago Avenue; Martin Tully, 4808 Cornell Avenue; Gordon L. Goodman, 5834 Middaugh Avenue; Paul Neustadt, 5326 Meadow Lane; Laurel Bowen, 829 Clyde

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 Minutes - March 15, 2011

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

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

There were no general comments.

5. Public Hearings

6. Consent Agenda

1. Bill Wrobel, 7800 Queens Ct., commented on item #00-04472, related to a salary increase and bonus for the Village Manager. He said he thought it was an April Fool's joke, and that this was opening a Pandora's box. Mr. Wrobel has been attending meetings where moratoriums, salary cuts, freezes and cutting the budget have been addressed. He said there was an article written by Nick Vogel that said the Village has been paying a lot of overtime that compounds the personnel costs. Mr. Wrobel noted that the Village Manager projected that there is no increase in revenue projected for 2011, yet the green sheet says the budget covers this bonus for the Village Manager. He heard on the radio that Caterpillar had a salary freeze in effect for the last two years, but they are a profit-making company. Government is not the same. Last year heard the Village increase property taxes to support the budget. He understands raising the Village Manager's salary, but that puts us in an awkward situation, as the Manager is the bargaining agent with unions and for the Village. Mr. Wrobel said, as a property owner, he should have had improvements in his neighborhood done four years ago. The Village has found the money for this salary increase but not other things. He thinks the Council should be more prudent with the taxpayers' money. The Village found money for the Village Manager, but can't find the money for other important things such as arts, etc. He thinks the Council should be more prudent with the taxpayers' money. He is disappointed to see the Village spending taxpayers' money so lavishly. A 10% windfall for the Village Manager is very nice. He may deserve it, but Mr. Wrobel thinks this is a step out of the box. He is shocked by this, as the Village Manager is not the least paid personnel member. This is not a good time to do this with a change in the Council makeup coming. He is disillusioned that this is taking place at this time, when the Village is struggling financially.

2. Tom LeCren, 545 Chicago, spoke to the same matter as Mr. Wrobel. He asked why this was put on the Consent Agenda rather than the First Reading so the public can digest it.

3. Laurel Bowen, 829 Clyde Drive, asked who put this item on the Consent Agenda and what has prompted this. This is not a merit increase based on performance. She said that two years ago the Village Manager restricted all staff members from speaking to her. She believes the public has the right to know what is behind this increase. How is this addressed among other employees who are not receiving salary increases? She asked for a copy of the Village Manager's contract, and asked whether this was extortion. She asked if the Council honestly believes it is making a decision in the best interest of the taxpayers.

4. Dr. Gordon Goodman, 5834 Middaugh, said he had a contrasting opinion on this same matter, saying he was pleased to see the Council take a step to keep a good employee, particularly at this time with a change in Council. He said replacing the Village Manager would be costly and risky at this time, and he is pleased that the Council chose to make this decision.

5. Frank Falesch, 820 Prairie, expressed his disappointment in the Council putting forward this big raise. He noted that the School Superintendents make more than the Governor, and this is too much money since the money is not available. The list shows that he has done a lot of things; however, this money is not available. He asked if some of the expenses could be put off.

This is not a proper time.

7. Laurel Bowen, 829 Clyde, asked that the Council explain to the public present and watching what the details of this are, and also asked that this item be removed from the Consent Agenda.

Mayor Sandack said he would address this issue in the Mayor's report.

COR 00-04461 A. Claim Ordinance: No. 5891, Payroll, March 11, 2011

Sponsors: Accounting

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

Indexes: N/A

BIL 00-04462 B. List of Bills Payable: No. 5890, April 5, 2011

Sponsors: Accounting

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

Indexes: N/A

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

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

Indexes: Water System

MOT 00-04440 D. Motion: Award \$24,695.00 to Traffic Control Corporation, Woodridge, IL, for Purchase of Four (4) Econolite AutoScope Solo Terra Traffic Detection Video Cameras

Sponsors: Public Works

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

Indexes: Police Equipment, Traffic Detection Video Cameras

RES 00-04464 E. Resolution: Extend an Agreement with Advocate Occupational Health

Sponsors: Fire Department

Summary of Item: A RESOLUTION EXTENDING AN AGREEMENT BETWEEN THE VILLAGE OF DOWNERS GROVE AND ADVOCATE OCCUPATIONAL HEALTH

RESOLUTION 2011-18

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

Indexes: Fire Department

RES 00-04467 F. Resolution: Authorize a First Amendment to a Contract for the St. Joseph Creek North Branch Streambank Stabilization Project with JFNew & Associates, Inc.

Sponsors: Public Works

Summary of Item: A RESOLUTION AUTHORIZING EXECUTION OF A FIRST AMENDMENT TO A CONTRACT FOR THE ST. JOSEPH CREEK NORTH BRANCH STREAMBANK STABILIZATION PROJECT BETWEEN THE VILLAGE OF DOWNERS GROVE AND JFNEW & ASSOCIATES, INC.

RESOLUTION 2011-19

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

Indexes: St. Joseph Creek

MOT 00-04473 G. Motion: Authorize a Professional Services Contract to James J. Benes and Associates, Inc. in the Amount of \$36,698.20 for Lacey Creek (Sub G) Storm Water Improvements

Sponsors: Public Works

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

Indexes: Lacey Creek, Watershed Infrastructure Improvement Plan, Stormwater Improvements

MOT 00-04475 H. Motion: Authorize a Professional Services Contract to Engineering Resource Associates, Inc. for \$26,397.80 for Green Streets/Downtown Water Quality Enhancements

Sponsors: Public Works

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

Indexes: Water Service, Water System

MOT 00-04474 I. Motion: Award \$21,464.10 to Emerald Tree Care, LLC, White Lake, Michigan, for Emerald Ash Borer Treatment Services for Group 1 and 2 Ash Trees

Sponsors: Public Works

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

Indexes: Trees and Shrubs

MOT 00-04472 J. Motion: Authorize Salary Increase and Bonus for Village Manager David Fieldman

Sponsors: Mayor

Summary of Item: This authorizes a \$5,000 annual salary increase for Village Manager David Fieldman effective immediately and a \$10,000 bonus for performance in 2010 payable in two equal installments on October 1, 2011 and May 1, 2012. In the event that the Village Manager is terminated without cause, said bonus shall be paid out in full upon separation.

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

Indexes: Village Manager

MOT 00-04469 K. Motion: Note Receipt of Minutes of Boards and Commissions

Summary of Item: Library Board - March 9, 2011

Liquor Commission - February 3, 2011

Plan Commission - February 28, 2011 & March 7, 2011

Transportation and Parking Commission - December 8, 2010

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

Sponsors: Community Development and Plan Commission

Summary of Item: This approves the final plat of subdivision for the Leckie Estate located at 421 Grant Street.

A RESOLUTION APPROVING THE FINAL PLAT OF SUBDIVISION FOR THE LECKIE ESTATE (421 GRANT STREET)

RESOLUTION 2011-20

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: 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

Summary of Item: This authorizes execution of a second amendment to the sales tax rebate agreement between the Village of Downers Grove and Pugi.

A RESOLUTION AUTHORIZING EXECUTION OF A SECOND AMENDMENT TO THE SALES TAX REBATE AGREEMENT BETWEEN THE VILLAGE OF DOWNERS GROVE AND DOWNERS GROVE IMPORTS, LTD. D/B/A PUGI OF CHICAGOLAND

RESOLUTION 2011-21

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: Sales Tax Rebate

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

Sponsors: Finance

Summary of Item: This adopts certain amendments to the 2010 budget.

AN ORDINANCE PROVIDING FOR AN AMENDMENT TO ORDINANCE #5185 AND THE VILLAGE OF DOWNERS GROVE BUDGET FOR FISCAL YEAR 2010

ORDINANCE NO. 5195

A motion was made by Commissioner Beckman, 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: Budget Amendment - 2010

8. First Reading

ORD 00-04457 A. Ordinance: Authorize a Special Use with a Parking Setback Variation for 6241 Main Street to Permit Construction of a One Story Bank Building with Four Drive Through Lanes

Sponsors: Community Development and Plan Commission

Tom Dabareiner, Director, Community Development, provided background information on this item. The property in question is zoned B-2 and is located on the northeast corner of 63rd and Main. The applicant will demolish the existing abandoned gasoline station and replace it with a 3,843 square foot Chase Bank with four drive-through lanes. He explained that variations are requested for setback and signage. The existing curb cuts will be eliminated along 63rd Street and Main Street with access available to the bank through the Jewel parking lot. With the exception of the requested setback variation, the proposal conforms to the Village's Zoning Ordinance. Mr. Dabareiner then displayed the landscape plan, and said that the Plan Commission found all standards for granting the setback variation have been met. Staff concurs with that decision. With regard to the sign variation, the Plan Commission felt that the standards are not met, and staff concurs with denying the requested sign variation. Mr. Dabareiner then reviewed depictions of all sides of the proposed building. The Plan Commission found that the proposed drive through does meet requirements and staff concurs with these representations.

Dr. Gordon Goodman, 5834 Middaugh, said he was pleased to see this site come back into active use. He supports the recommended denial of signage variations and hopes the Council will approve the request as recommended.

Commissioner Schnell expressed concerns about the configuration of the drive-through lanes and handicapped parking. There could be an issue of pedestrian safety and handicap access. She asked about yield signs and striping. She said that the overall project is good; however, she concurs with not giving them additional signage.

Commissioner Beckman commented that, on balance, he supports this project. This location once supported a business that produced sales tax for the Village; however, it has been vacant for many years. While the proposed bank structure does not provide sales tax revenue, it does bring a vital corner back into use.

Commissioner Waldack echoed the comments of both Commissioners Schnell and Beckman. He agrees there is a need to address safety issues.

Commissioner Durkin explained that he works for a competitor of the applicant, but welcomes them into the Village, even though he shares the views expressed regarding sales tax. He is concerned that there are large trees on the property that will be removed and asked whether they could be transplanted or saved. He also was glad to see the closing of the curb cuts. He

then asked whether Chase was the owner of the site, or a tenant, and would the Council's approval have any impact on Chase's rumored purchase of a site in Darien at 75th and Cass.

Bill Shank, a realtor representing Chase, said that Chase is not pursuing the corner in Darien at this time. As for the trees, they are past their useful life, and the tree footprint is too large for transplanting them. He further responded that they will put signage and striping across the sidewalks.

Ms. Laurel Bowen said she is glad that the property will be developed, but she is concerned about the sales tax issue. She urged the EDC to try to get businesses that are sales tax producing.

Commissioner Durkin asked whether the EDC participated in this project.

Village Manager Dave Fieldman said not other than a general partnership and being aware of development opportunities.

Mayor Sandack said that there is no Village ordinance stopping the development of private use of land for the preference of sales tax revenue. The Village encourages as much as possible bringing in new tax producing businesses. He noted that this is an important development opportunity of a vacant property. This may be the #1 property he has received calls about in the past year. The proposal is aesthetically pleasing and it is part of our economic base. This is a solid use from his vantage point, and he agrees with the recommendations of the Plan Commission regarding setbacks and denial of the signage variance.

Indexes: Special Use - 6241 Main Street

MOT 00-04465

B. Motion: Authorize a Contract Not to Exceed \$108,107.00 to Sentinel Technologies, Inc. for Servers and Virtualization Software

Sponsors: Information Services

Dr. Liangfu Wu, Director, Information Technology, provided background information on this project. He said he is excited about the project from an IT standpoint as it makes their jobs easier and is cost saving. At present the Village runs 30 applications on 28 servers. Each time there is an application they have to buy a new server. When the server needs replacement they have to begin all over again. This technology will allow installation of the majority of applications on three servers, resulting in "less power and less heat." This will pave the way for a true disaster recovery mode, and will provide a direct cost savings of about \$160,000.

Commissioner Beckman said he was pleased to see the winning bidder is a highly regarded Downers Grove company. He is concerned, however, that when something goes wrong, multiple applications may crash. Dr. Wu responded that the chances for that are the same as in the current environment, due to backup recovery capabilities. They will be able to do the same type of backup scenario as is being done today.

Commissioner Waldack thanked the Technology Committee for their work on this project.

Commissioner Neustadt noted that this change will reduce energy needs and keep the actual room housing the servers cooler.

Indexes: Computers, Computer Servers

RES 00-04466

D. Resolution: Authorize an Agreement with the Suburban Division of the Regional Transportation Authority (PACE)

Sponsors: Public Works

Mr. Fieldman said this is an important interim step toward the long-term sustainability of the commuter bus system.

Nan Newlon, Director, Public Works, commented this is the beginning of a change to the Village's agreement with PACE. She said staff began talking with PACE staff about moving toward a different model referred to as the "Highland Park Model." In that situation the community acts as an operator on behalf of PACE at reduced costs, and PACE reimburses the Village the full amount of its costs. PACE has agreed at a staff level to recommend an amendment to the 2012 operating agreement to move the Village to this model. The 2011 agreement includes an increase of the subsidy from 10% to 20% of the Village's expenses. The full cost in 2012 will be covered by ridership and by PACE.

Commissioner Beckman commented that this is an example of what appears to be moving toward the culmination of an effective strategy that the Village Manager presented a couple of years ago to maintain a service that is valued by some members of the community. He is pleased to see that they are able to move toward a solution that will be right for the community

Commissioner Schnell asked for clarification that moving toward this model does not change service and only changes the funding model. Mr. Fieldman said that was correct.

Commissioner Waldack said he wants to be sure that the PACE Board knows we appreciate their cooperation in this matter.

Indexes: Pace

RES 00-04477 D. Resolution: Vacate a Portion of Public Easements and Accept a Public Easement at 5101 Thatcher Road

Sponsors: Community Development

Mr. Fieldman said an addition and resubdivision of this property was approved recently, and this vacation will allow for construction of a building addition by the property owner.

Commissioner Waldack asked whether this will improve the stormwater situation. Mr. Fieldman said it is, on balance, the same.

Commissioner Beckman asked whether there will be an opportunity to bury utilities. Mr. Fieldman said staff will look into this.

Indexes: Subdivision - Neuco, 5101 Thatcher Road

9. Mayor's Report

1. Liquor Commission Meeting

Mayor Sandack, Liquor Commissioner, noted that the Liquor Commission met on March 3, 2011 to determine whether certain liquor licenses should be revoked or suspended for violation of sales of alcoholic liquor under Section 3.33.1 of the Liquor Ordinance. The licensees are Nagy Brother's Inc., known as Another Round located at 5141 Main Street. The Liquor Commissioner's findings are that Another Round shall be fined \$500 and pay administrative costs of \$267.

The Liquor Commissioner also found that Ballydoyle Irish Pub and Restaurant shall be fined \$750 and pay administrative costs of \$267.

The Liquor Commissioner further found that Roundhead's Pizza Pub at 2001 W. 63rd Street shall be fined \$250 and pay administrative costs of \$267.

2. Comments made regarding compensation of the Village Manager

Mayor Sandack reminded everyone that there are only two employees hired by the Village Council, and those positions are Village Manager and Village Attorney. The Manager took the job knowing it is a public position. Mayor Sandack said that his record belies the harsh criticism of the Village Manager. Mr. Fieldman was hired in 2008 during a difficult period of time. He has not taken any bonus or any additional compensation in addition to his wages since that time. The Village needs to compare Mr. Fieldman's performance in the world in which they exist, the public realm. Insofar as other managers are concerned, the Village has done an exceptional job in getting more from less. The Village pays employees competitively, but it is frankly on the lower end of the competition. Mr. Fieldman has gone above and beyond and the unanimous decision of the Council indicates that he is deserving of a moderate bonus and moderate wage increase. There are parameters concerning when bonuses are to be paid. Comparing other communities to Downers Grove, the Village is doing exceedingly well. The Council has groomed and developed this gentleman to be the Village Manager for the long haul, and he said it is this Council's and, he hopes, the next Council's intent and Councils to come to continue to have stable, solid Village leadership from its staff. Treating people fairly and compensating them fairly does that. This is not a lavish increase. He stands behind it and thinks that his colleagues do as well.

With regard to Mr. LeCren's point about this being done in a rushed manner, the Mayor responded that Mr. Fieldman is an employee of the Council. It is unhealthy to have a large debate on what is being paid to the Village Manager and invite a week or two of hearings. The Village Manager has seven bosses right now, and that is enough. The Council had its discussion in the purview of Executive Session, which is permitted. Having a public hearing would make it difficult to find someone else who wants this job.

Mayor Sandack then ceded the remainder of his report to Greg Bedalov, soon to be outgoing President of the Economic Development Corporation.

3. Greg Bedalov, President, Economic Development Corporation, thanked the Council for its support to the EDC over the last 4-1/2 years. He has resigned as President of the Downers Grove EDC and accepted a position as the President of Choose DuPage. He has been honored to serve Downers Grove, and he thanked the Council for going above and beyond its duties to assist the EDC. He is proud of their accomplishments, and looks forward to an upswing in the economy. He said that Mayor Sandack has always been a staunch advocate for economic development, as have all members of the Council.

Mr. Bedalov expressed his appreciation to the business community, the Chamber of Commerce and Industry, and the Downers Grove Management Corporation for their cooperation over the years. He then thanked Mr. Fieldman and his entire team. He commented on Mr. Fieldman's leadership in problem-solving skills, his belief in facilitation and not regulation and his laboring passion for economic development excellence that has helped make Mr. Bedalov's job enjoyable. He looks forward to continuing to work for the economic development of Downers Grove.

Mayor Sandack said he is proud that Mr. Bedalov was chosen for this new position. It will be a loss for Downers Grove. One of the most important things that the EDC has done is to build a sustainable model, and it will be there for the long haul.

10. Manager's Report**11. Attorney's Report**

Village Attorney Enza Petrarca said she was presenting one (1) item to the Council: An ordinance authorizing a special use with a parking setback variation for 6241 Main Street to permit construction of a one story bank building with four drive through lanes.

Future Active Agenda

12. Council Member Reports and New Business

Commissioner Durkin congratulated Greg Bedalov on his new position, and thanked him for his years of service to Downers Grove. Commissioner Durkin served as a Council liaison to the EDC. It is a great board and they have had good and great wins. He agreed that they must keep the model going forward. Commissioner Durkin said he has received inquiries about posting the job, and asked for further information on that.

Mr. Fieldman said the EDC is an autonomous board and they will handle the posting and recruitment interviews. The information will be on their website.

Commissioner Waldack also wished Mr. Bedalov the best of luck in his new position, and hoped that the EDC finds someone equally as successful.

Commissioner Neustadt noted that last week Gary Lester, a community leader and great educator, passed away. He was a member of the Downers Grove 58 School Board. He expressed his sympathies on behalf of the Village Council and community.

Mayor Sandack said that Gary Lester touched a lot of lives and people have known him in a number of different capacities. He was a true gentleman, a true class act, and his loss is palpable. It is the community's loss.

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 7:58 p.m.