



# Village of Downers Grove Meeting Minutes Downers Grove Village Council

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

---

Tuesday, February 21, 2012

7:00 pm

Council Chambers

---

## 1. Call to Order

*Mayor Martin Tully 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 Tully led those present in the Pledge of Allegiance to the Flag.*

*Mayor Tully announced that the petitioner has requested that the items regarding the proposed Walgreen's at 63rd and Woodward be moved to March 6.*

## 2. Roll Call

Present: Commissioner Marilyn Schnell, Commissioner Bob Barnett, Commissioner William Waldack, Commissioner Sean P. Durkin, Commissioner Becky Rheintgen, Commissioner Geoff Neustadt and Mayor Martin Tully

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 Tully 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 - February 14, 2012*

*Mayor Tully asked for a Motion to approve the minutes as submitted.*

*Commissioner Schnell moved to approve the minutes as presented. Commissioner Durkin seconded the motion.*

*The Mayor declared the Motion carried by voice vote.*

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

1. Wally Brown, 1308 Gilbert Avenue, referred to a memorandum dated February 21, 2012, that he sent to Mayor Tully concerning the Burlington Northern Santa Fe Railroad. He noted the increase in train traffic over the years that he's lived in the Village. He expressed concern for the make-up of the freight trains, particularly as related to the tank cars and the dangers of them. Mr. Brown said his home is about 300' south of the tracks. He said that the railroads have all sorts of rules as to how the cars are to be lined up. Earlier in the week he noticed that there were 40 tank cars on one train coming through the Village. They were all together with no cars separating them. He doesn't think anyone is watching over this and suggested looking into this matter. Mr. Brown said that he thinks the public should know what the railroads are doing, and what they're shipping. He asked the Council to look into this serious matter and set up a liaison with the railroad.

Mayor Tully thanked Mr. Brown for sharing this information. He noted that Amy McBeth is the Public Affairs Director from the Burlington Northern Santa Fe railroad assigned to Illinois. He referenced the BNSF website and suggested that this information be passed on to their Public Affairs Director.

2. D'Anne Gordon, 6237 Pershing, thanked the Council for notification of the Walgreens petition being moved to March 6. She submitted a petition with 400 signatures, and another 148 signatures online.

3. Patti Gruber, 6216 Pershing, also noted that there are 148 signatures from the on-line petition, saying that many of the signers have added comments. Ms. Gruber said the comments are filled with emotion and she asked for understanding. There are four issues related to the Walgreens proposal. She asked that these not be considered separately. She believes there would be no need to vote on the annexation if it were not for the developer offering homeowners money to purchase their land.

The Mayor said that the petitioner presented all four items together; however, they could have submitted this in pieces.

4. Tim Meaney, 420 Franklin, complimented the Council on the nomination of Mark Thoman to the ECC. Mr. Meaney said that Mr. Thoman has been involved in a number of environmental issues for a number of years in different venues. Mr. Meaney said he is impressed with Mr. Thoman's intelligence. This is an excellent opportunity to strengthen the ECC.

5. David Olsen, 5601 Dunham Road, asked about the Woodward and Prentiss Drive stop light and whether it was timed. He also asked for a more accurate sensor as it often stops him when there is no cross traffic.

6. John Schofield, 1125 Jefferson, said he sent the Council members an e-mail Friday night in anticipation of Saturday's Coffee With the Council regarding maintenance on Jefferson Street. He attended the CWC, and informed the Council that the neighbors have obtained a response from Public Works Director Nan Newlon. She indicated that maintenance of Jefferson is scheduled for 2013.

#### 5. Public Hearings

#### 6. Consent Agenda

COR 00-04798 A. Claim Ordinance: No. 5937, Payroll, January 27, 2012

Sponsors: Accounting

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

Indexes: N/A

**BIL 00-04799** B. List of Bills Payable: No. 5960, February 21, 2012

**Sponsors:** Accounting

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

Indexes: N/A

**BID 00-04801** C. Bid: Award \$69,952.50 to Mark-It Corporation, Romeoville, IL, for 2012 Pavement Marking-Preformed Plastic

**Sponsors:** Public Works

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

Indexes: Pavement Marking

### Passed The Consent Agenda

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

**Votes:** Yea: Commissioner Schnell, Commissioner Barnett, Commissioner Waldack, Commissioner Durkin, Commissioner Rheintgen, Commissioner Neustadt and Mayor Tully

## 7. Active Agenda

*Mayor Tully asked for a motion to table Active Agenda items A-D, ORD 00-04785, ORD 00-04786, RES 00-04787 and ORD 00-04788 regarding annexation, rezoning, final plat of subdivision and special use for 2134, 2136, 2138 & 2140 63rd Street and 6298 Woodward Avenue.*

*Commissioner Barnett said Council is still continuing to discuss this matter and soliciting comments from the public.*

*Commissioner Schnell noted updates have been posted to the Village's website.*

*Mayor Tully said he was unable to attend Saturday's Coffee With The Council due to obligations at work, but he said all of the Council members are listening to the concerns and are not rushing this matter along. Everyone is giving this due consideration.*

*He asked that a reminder be sent to those people for whom we have email addresses.*

*Commissioner Schnell moved to table Active Agenda items A-D, ORD 00-04785, ORD 00-04786, RES 00-04787 and ORD 00-04788 regarding annexation, rezoning, final plat of subdivision and special use for 2134, 2136, 2138 & 2140 63rd Street and 6298 Woodward Avenue to March 6, 2012. Commissioner Durkin seconded the Motion.*

*VOTE: YEA: Commissioners Schnell, Durkin, Rheintgen, Barnett, Neustadt, Waldack; Mayor Tully*

*The Mayor declared the Motion carried.*

**ORD 00-04785** A. Ordinance: Annex 2134, 2136, 2138 & 2140 63rd Street and 6298 Woodward Avenue to the Village of Downers Grove, Illinois

**Sponsors:** Community Development and Plan Commission

**Summary of Item:** This annexes 2134, 2136, 2138 & 2140 63rd Street & 6298 Woodward Avenue to the Village of Downers Grove, Illinois.

AN ORDINANCE ANNEXING 2134, 2136, 2138 & 2140 63rd STREET & 6298 WOODWARD AVENUE TO THE VILLAGE OF DOWNERS GROVE, ILLINOIS

**Table to a Date Certain**

**Indexes:** Annexation, Subdivision - 63rd & W Consolidation, Annexation-2134, 2136, 2138 & 2140 63rd Street, Annexation-6298 Woodward Avenue

**ORD 00-04786**

B. Ordinance: Rezone Property Located at 2134, 2136, 2138 & 2140 63rd Street and 6298 Woodward Avenue from R-1, Single Family Residence, to B-2, General Retail Business

**Sponsors:** Community Development and Plan Commission

**Summary of Item:** This rezones the property located at 2134, 2136, 2138 & 2140 63rd Street & 6298 Woodward Avenue from R-1, Single-Family Residence to B-2, General Retail Business district.

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 2134, 2136, 2138 & 2140 63rd STREET & 6298 WOODWARD AVENUE

**Table to a Date Certain**

**Indexes:** Subdivision - 63rd & W Consolidation, Rezone 2134, 2136, 2138 & 2140 63rd Street & 6298 Woodward Avenue - R-1 to B-2

**RES 00-04787**

C. Resolution: Approve the Final Plat of Subdivision for the 63rd & W Consolidation

**Sponsors:** Community Development and Plan Commission

**Summary of Item:** This approves the final plat of subdivision for the property located at 2134, 2136, 2138 & 2140 63rd Street & 6298 Woodward Avenue.

A RESOLUTION APPROVING THE FINAL PLAT OF SUBDIVISION FOR THE 63rd & W CONSOLIDATION

**Table to a Date Certain**

**Indexes:** Subdivision - 63rd & W Consolidation

**ORD 00-04788**

D. Ordinance: Authorize a Special Use for 2134, 2136, 2138 & 2140 63rd Street & 6298 Woodward Avenue to Permit a Drive-Through Facility

**Sponsors:** Community Development and Plan Commission

**Summary of Item:** This authorizes a special use to permit a drive-through facility at 2134, 2136, 2138 & 2140 63rd Street & 6298 Woodward Avenue.

AN ORDINANCE AUTHORIZING A SPECIAL USE FOR 2134, 2136, 2138 & 2140 63rd STREET & 6298 WOODWARD AVENUE TO PERMIT A DRIVE-THROUGH FACILITY

**Table to a Date Certain**

**Indexes:** Subdivision - 63rd & W Consolidation, Special Use - 2134, 2136, 2138 & 2140 63rd Street & 6298 Woodward Avenue

- MOT 00-04792** E. Motion: Award a Contract Not to Exceed \$192,034.18 to Engineering Resource Associates, Inc., Warrenville, Illinois, for Phase III Resident Engineering Services for Knottingham Subdivision Road Reconstruction and Water Main Replacement  
**Sponsors:** Public Works  
**Summary of Item:** This authorizes execution of a professional services contract with Engineering Resources Associates, Inc. in the amount of \$174,576.80 plus 10% contingency in the amount of \$17,457.68 for a total not-to-exceed amount of \$192,034.18 for Phase III resident engineering services for the Knottingham Subdivision project.  
*Commissioner Waldack said he has asked for additional details with respect to this motion. He will support this item, but noted it is a great deal of money. He said the Village keeps outsourcing work and he would like to see the costs to do this in-house.*  
**A motion was made by Commissioner Schnell, seconded by Commissioner Durkin, to Authorize this file. Mayor declared the motion carried by the following vote:**  
**Votes:** Yea: Commissioner Schnell, Commissioner Barnett, Commissioner Waldack, Commissioner Durkin, Commissioner Rheintgen, Commissioner Neustadt and Mayor Tully  
**Indexes:** Water Main Improvements, Subdivision - Knottingham
- ORD 00-04794** F. Ordinance: Authorize Membership in the Northern Illinois Police Alarm System Organization  
**Sponsors:** Police Department  
**Summary of Item:** This authorizes the Village's participation in Northern Illinois Police Alarm System (N.I.P.A.S.).  
  
AN ORDINANCE AUTHORIZING MEMBERSHIP IN THE NORTHERN ILLINOIS POLICE ALARM SYSTEM ORGANIZATION  
  
ORDINANCE NO. 5253  
**A motion was made by Commissioner Durkin, seconded by Commissioner Neustadt, to Adopt this file. Mayor declared the motion carried by the following vote:**  
**Votes:** Yea: Commissioner Schnell, Commissioner Barnett, Commissioner Waldack, Commissioner Durkin, Commissioner Rheintgen, Commissioner Neustadt and Mayor Tully  
**Indexes:** Northern Illinois Police Alarm System Organization
- ORD 00-04793** G. Ordinance: Establish Turn Restrictions at the Corner of Main & Maple  
**Sponsors:** Public Works and Transportation and Parking Commission  
**Summary of Item:** This amends turning restrictions at the intersection of Main Street and Maple Avenue.  
  
AN ORDINANCE ESTABLISHING TURN RESTRICTIONS AT THE CORNER OF MAIN & MAPLE  
  
ORDINANCE NO. 5254  
**A motion was made by Commissioner Barnett, seconded by Commissioner Neustadt, to Adopt this file. Mayor declared the motion carried by the following vote:**  
**Votes:** Yea: Commissioner Schnell, Commissioner Barnett, Commissioner Waldack, Commissioner Durkin, Commissioner Rheintgen, Commissioner Neustadt and Mayor Tully  
**Indexes:** Turning Restrictions

## 8. First Reading

**ORD 00-04803**

A. Ordinance: Amendment to Ordinance No. 5166 and the Village of Downers Grove Budget for Fiscal Year 2011

**Sponsors:** Finance

*Village Manager Dave Fieldman explained that this Ordinance amends the FY-11 budget. He asked Deputy Village Manager Mike Baker to provide additional information.*

*Deputy Village Manager Mike Baker said that this is traditionally done as they close out the prior fiscal year, and it culminates with publication of the audited financial statement. The Village is ending the year in a stronger financial position than anticipated. He explained that State law requires an amendment for expenses that exceed the budget; however, it is not required on the revenue side. He provided a chart of the revenues, expenses and the fund balance as budgeted, and as amended. He reviewed the chart for the General Fund, which showed an increase of \$1 million that was unanticipated. Details are provided in staff's original report.*

*John Schofield, 1125 Jefferson, said it would be helpful if the staff explained the total impact on the budget.*

*Commissioner Waldack verified that these are unaudited numbers. He said the State requires an ordinance for the expense side, but not the revenue side. He asked if they could do this voluntarily for the revenue side. Mr. Baker said that is why they presented both sides. Commissioner Waldack asked if that could be made part of the Ordinance, and Mr. Baker said staff can look into it. Commissioner Waldack noted that when you do your budget at home you see how well you did, but by law, the Village gets to change its target.*

*Mr. Baker pointed out that the Village is in a better position overall than what was budgeted.*

*The Mayor asked when budget talks for 2013 are scheduled. The Manager said the schedule is for the budget to be published on the third Friday in September. The Long Range Financial Plan (LRFP) will focus on alternative revenues to implement the recommendation of last year's LRFP. The meetings will likely start in late April and run through May on regularly scheduled Tuesday night Council meetings. The Mayor asked that Commissioner Waldack's item be brought up as part of those meetings.*

**Indexes:** Budget Amendment - 2011

## 9. Mayor's Report

### ComEd Reliability Report

*Mayor Tully said that ComEd is continuing with its enhanced tree-trimming efforts. They should be completed by the end of the month.*

### New Business

**RES 00-04804**

Resolution: Appoint Members to Boards and Commissions

**Sponsors:** Mayor

*The Mayor Tully said there was a Resolution on the Agenda to appoint someone to a Board or Commission; however, due to a sudden and unexpected disintegration of consensus on this item, he will not be calling it forward for a vote this evening.*

**Indexes:** Boards and Commissions

## 10. Manager's Report

*Mr. Fieldman said that the report from the Municipal and Financial Services Group (MFSG) on*

*the stormwater utility is expected to be posted to the Village's website on March 1, and placed on the March 13 agenda.*

## **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 #5166 and the Village of Downers Grove budget for fiscal year 2011.*

### **Future Active Agenda**

## **12. Council Member Reports and New Business**

*Commissioner Waldack said that tonight's agenda included the appointment of Mark Thoman to the ECC, and he nominated Mr. Thoman to fill the vacancy. Mr. Thoman is a 27-year resident with a good record, an active volunteer, a member of the Coalition for Redevelopment, as well as a member of and contributor to the Comprehensive Planning Committee. He is also active in Downers Grove Township. Commissioner Waldack said that Mr. Thoman is a knowledgeable member of the community and has background in environmental issues. He is always prepared and respectful. After review, Mr. Thoman was Commissioner Waldack's recommendation to the ECC. The Commissioner said that he has a lot of respect for the Board and Commission members. He said that we have a fabulous community with a lot of knowledge, and the Village relies on the public. The Village needs to treat them with respect and tap into that resource. Commissioner Waldack said that the worst thing the Village can do is turn this into a political process. The current process doesn't work and we need to find a system that avoids gamesmanship and power plays, and that is respectful.*

*Commissioner Neustadt said that he and Commissioner Barnett attended the Downers Grove Professional Firefighters Association Local #32 retirement and recognition dinner. He thanked them for the invitation saying everyone was pleased to be part of Downers Grove.*

*Mayor Tully thanked the Council for attending the Coffee With the Council, explaining that he had a prior work commitment that prevented him from attending. The next Coffee With the Council will be in April at Oak Trace (the former Fairview Baptist Home) on Fairview Avenue. The hosts are the Downers Grove Noon Lions Club who will be preparing a plated breakfast. He encouraged people to attend.*

*Mayor Tully also said that there is an informational meeting tomorrow from 4:00 to 7:00 p.m. regarding the improvements being made to 75th Street which will affect the southern portion of Downers Grove for some time.*

*The Mayor noted the Chamber of Commerce annual drive-down to Springfield, which will be attended by Mr. Fieldman, and Michael Cassa, President of the EDC.*

*The Mayor then thanked District 58 for sponsoring their legislative breakfast.*

*Mayor Tully also noted that at 10:00 tomorrow morning Max Madsen Mitsubishi celebrates the first sale of their electric car.*

*The Mayor announced that there are 120 days to the next Rotary Grove Fest.*

## **13. Adjournment**

*Commissioner Schnell moved to adjourn to Executive Session pursuant to Section 2(c)(2) of the Open Meetings Act to consider collective negotiating matters. Commissioner Durkin seconded.*

*VOTE: YEA - Commissioners Schnell, Durkin, Rheintgen, Barnett, Neustadt, Waldack, Mayor*

*Tully*

*Mayor Tully declared the motion carried and the Council convened into Executive Session at 7:47 p.m.*