



Village of Downers Grove Meeting Minutes Downers Grove Village Council

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

Tuesday, April 17, 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.

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 - April 10, 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.

Proclamations

Mayor Tully proclaimed April 27, 2012 as Arbor Day in the Village of Downers Grove. He announced that the Village, for the twentieth year, has once again been named Tree City, USA.

Mayor Tully proclaimed April 21, 2012 as Comcast Cares Day in the Village of Downers Grove promoting a spirit of responsibility and volunteerism. This year's event will take place on Saturday at Family Shelter Services.

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

Michael Cassa, President of the Economic Development Corporation (EDC) said that he uses these opportunities to announce new businesses in the Village. Painters, USA has obtained 10,000 square feet of warehouse space at 1415 Center Circle, behind the Best Buy and ToysRUs. They will create 50 new jobs in the Village.

Mr. Cassa also noted that today's Chicago Tribune announced that Lafarge North America is interested in relocating their corporate headquarters to the Chicagoland area. Mr. Cassa said he would be pursuing opportunities with them.

Mr. Cassa then noted that Midwestern University will be presenting very exciting news later in the meeting.

5. Public Hearings

6. Consent Agenda

COR 00-04870 A. Claim Ordinance: No. 5945, Payroll, March 23, 2012

Sponsors: Accounting

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

Indexes: N/A

BIL 00-04871 B. List of Bills Payable: No. 5972, April 17, 2012

Sponsors: Accounting

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

Indexes: N/A

RES 00-04872 C. Resolution: Approve Final Plat of Subdivision for 1018 Palmer Street

Sponsors: Community Development and Plan Commission

Summary of Item: A RESOLUTION APPROVING THE FINAL PLAT OF SUBDIVISION FOR 1018 PALMER STREET

RESOLUTION 2012-27

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

Indexes: Subdivision - 1018 Palmer Street

RES 00-04875 D. Resolution: Authorize a Highway Authority Memorandum of Agreement with the Illinois Environmental Protection Agency

Sponsors: Village Attorney

Summary of Item: A RESOLUTION AUTHORIZING EXECUTION OF A HIGHWAY AUTHORITY MEMORANDUM OF AGREEMENT BETWEEN THE VILLAGE OF DOWNERS GROVE AND THE ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

RESOLUTION 2012-28

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

Indexes: Belmont Road Grade Separation Project, Belmont Road Underpass, Illinois EPA

RES 00-04873 E. Resolution: Authorize a First Amendment and Restatement to License Agreement - 801 Burlington Avenue

Sponsors: Village Attorney

Summary of Item: A RESOLUTION AUTHORIZING EXECUTION OF A FIRST AMENDMENT AND RESTATEMENT TO LICENSE AGREEMENT

RESOLUTION 2012-29

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

Indexes: Antenna Equipment

RES 00-04874 F. Resolution: Authorize a First Amendment and Restatement to License Agreement - 2304 Maple Avenue

Sponsors: Village Attorney

Summary of Item: A RESOLUTION AUTHORIZING EXECUTION OF A FIRST AMENDMENT AND RESTATEMENT TO LICENSE AGREEMENT

RESOLUTION 2012-30

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

Indexes: Antenna Equipment

MOT 00-04880 G. Motion: Authorize \$29,995 to Peters & Associates, Inc., Oakbrook Terrace, IL, for Backup Storage Hardware

Sponsors: Information Services

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

Indexes: Computers

MOT 00-04881 H. Motion: Authorize the Purchase of Re-insurance for Property, Casualty and Excess Liability Coverage and Additional Workers' Compensation Premiums for 2007-2009

Sponsors: Village Attorney

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

Indexes: Insurance - Risk Management

MOT 00-04879 I. Motion: Note Receipt of Minutes of Boards and Commissions

Summary of Item: Library Board - March 28, 2012

Transportation and Parking Commission - March 14, 2012

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 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

MOT 00-04865

A. Motion: Authorize an Amended Employment Agreement and Bonus for the Village Manager

Summary of Item: This authorizes an amended employment agreement and a \$5,000 bonus for performance in 2011 for Village Manager David Fieldman.

1. *Dr. Gordon Goodman, 5834 Middaugh, said he was pleased to see the Village making a strong effort to retain its key Village staff.*

2. *Bill Wrobel, 7800 Queens Court, said that about a year ago, Mayor Sandack presented a Motion for a \$10,000 bonus to the Village Manager. Mr. Wrobel took issue with this and the timing and economic restraints. He thinks it is strange that the timing is the same now. He asked that the Council share the extent of the raise, contract and bonus.*

Mayor Tully said that performance reviews are often done annually. There is a competitive environment in the market, and the award is also based on performance. The contract is to extend the severance agreement from three months to nine months. The salary increase is from \$145,000 to \$160,000. The increase is \$15,000 with a bonus of \$5,000. Mr. Wrobel responded that the Village Attorney's salary was increased on April 3. The Council is the only body that can give increases to the Attorney and the Manager. The Village Manager is responsible for addressing any increases to staff. Mr. Wrobel said he has been to budget meetings and the Village has worked hard to keep expenses down. He said that 80% of the Village tax monies goes to personnel. He said that this is a big step. By giving him an increase the Manager is responsible for increases to others and they will be expecting increases.

Mayor Tully replied that keeping expenses down is important. The Council is responsible for managing Village expenses. He reminded Mr. Wrobel that in the last few years the Council has kept expenses and salaries down. He believes that a review of the last few years will bear that out.

Mr. Wrobel said he gets the feeling that the Village Council thinks the storm is over and happy days are here again.

3. *Frank Falesch said that the firemen just got a 3% raise. This is excessive. Raising the salaries of leaders so much is embarrassing. He thinks it is outrageous.*

4. *Commissioner Barnett said he would not vote for this. He believes the Village Manager has done a fantastic job and taxpayers have benefitted from this. The Manager was challenged to perform and he did by saving the Village millions and millions of dollars in the past few years. The Commissioner would choose to reward this in a different manner. He would prefer something similar to what was done in the past with the Manager. The circumstances are different than with the Village Attorney a few weeks ago. He is not voting Nay as a negative vote for the Village Manager, but because he has a philosophical problem with the method being used. He thinks the Manager has done an excellent job.*

5. *Mayor Tully said that this Council has been unanimous about the high level of work done by*

the Village Manager for quite some time. He is not thanked enough for the work he does for the Village and the community. The Mayor said he has no difficulty in appreciating the outstanding efforts and achievements that the Manager has accomplished for the community. He added that this is not excessive in terms of the market at all. He thinks this is very fair and he will support this. It is a fair expression of reward and recognition for the Village Manager.

6. Commissioner Rheintgen commented that this is a little less than 7% and is not excessive. The goal is to get him to a level that is similar to others in his position.

7. Commissioner Schnell said she has had the honor of working with five or six Village Managers over the years and Mr. Fieldman ranks at the top. He is one of the finest. He has served the residents by saving millions of dollars for the Village. She wanted to see the Village's reputation enhanced as being innovative and a good place to work. Mr. Fieldman has done that. That needs to be rewarded. He is still not at the mid-level of other managers in DuPage County. She will support this because he is an excellent Manager and the Village is lucky to have him here.

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 Durkin, Commissioner Rheintgen, Commissioner Neustadt and Mayor Tully
Nay: Commissioner Barnett and Commissioner Waldack

Indexes: Village Manager

ORD 00-04868

B. Ordinance: Provide for the Issuance of General Obligation Bonds for Road and Water System Improvements

Sponsors: Manager's Office

Summary of Item: This provides for the issuance of General Obligation Bonds, Series 2012 and approval of the costs of issuance.

AN ORDINANCE PROVIDING FOR THE ISSUANCE OF GENERAL OBLIGATION BONDS, SERIES 2012, OF THE VILLAGE OF DOWNERS GROVE, DUPAGE COUNTY, ILLINOIS, AND PROVIDING FOR THE LEVY AND COLLECTION OF A DIRECT ANNUAL TAX FOR THE PAYMENT OF THE PRINCIPAL OF AND INTEREST ON SAID BONDS AND APPROVAL OF COSTS OF ISSUANCE

ORDINANCE NO. 5259

Commissioner Waldack discussed separating the \$10 million from the \$25 million. The Manager said the Council can combine or take action separately. Commissioner Waldack said he supports the \$10 million amount but the \$25 million is too much. The Village has a good bond rating, but that doesn't mean that they should run out and borrow that money. He said the Village should be trying to cut back. It is not good to spend money on the interest and he asked if the Council would separate the amounts out.

Mr. Fieldman replied that Allan Ambrose and Chris Shih from Northern Trust were present to provide additional information. Mr. Shih said that they conducted a \$35 million competitive bid process today and received seven bids. The interest rate is 3.38% and they feel these are outstanding rates.

Commissioner Durkin noted that these are outstanding rates and that is due in part to the Village's commitment to the Long Range Financial Plan and without that the Village would be paying a higher interest rate.

Commissioner Neustadt said it is important to note that Northern Trust has been the Village's

financial advisor for many years, and he appreciates their hard work and the work of their staff.

Mayor Tully noted that this bond issuance is for much needed street and water infrastructure improvements. The Village is investing in streets and he believes residents would agree that it is needed. He noted that this decision is part of the Long Range Financial Plan. This was not a knee-jerk reaction. It is the product of a long and deliberative process. Staff is keeping the Village in the most favorable financial position. He is in full support of this.

Mr. Fieldman said this ordinance is worded pursuant to State law and is packaged as one amount of \$35 million.

Commissioner Barnett added that the new debt is serviced by the existing revenue streams.

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

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

Indexes: General Obligation Bond Issue - Series 2012

BID 00-04862 C. Bid: Award \$1,062,737.50 to John Neri Construction Co., Inc., Addison, IL, for 2012 Water Main Improvements Contract A

Sponsors: Public Works

Summary of Item: This authorizes awarding a contract for \$1,062,737.50 to John Neri Construction Company, Inc. for the 2012 watermain improvements.

A motion was made by Commissioner Barnett, seconded by Commissioner Neustadt, to Approve 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

MOT 00-04863 D. Motion: Award a Contract for \$2,071,188.10 to Central Blacktop Company, Inc., LaGrange, IL, for the 2012 Resurfacing (A) Project

Sponsors: Public Works

Summary of Item: This authorizes awarding a contract for \$2,071,188.10 to Central Blacktop Company, Inc. for the 2012 Resurfacing (A) Project.

Commissioner Waldack said he voted against the bond issuance. He asked the Manager whether the Village has an obligation to spend money appropriately and the Manager responded that it does and it will.

Mayor Tully replied that it is good to see the agenda lined up as it is, seeing money spent as it is intended to be.

A motion was made by Commissioner Neustadt, seconded by Commissioner Durkin, to Award 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: Roadway Improvements

MOT 00-04867 E. Amend Community Events Commission Recommendation re: Facilitation Model for Community Events

Sponsors: Community Development

Summary of Item: This amends the Community Events Commission recommendation regarding the facilitation model for community events adopted September 7, 2010, to exempt celebratory, ceremonial, and non-fund raising events operated by Federally Chartered or Accredited Veterans Organizations from fees for Village services in support of those events.

Commissioner Waldack said last week he commented regarding the fairness of the Events Policy and, while he favors granting a waiver to the Legion for the Memorial Day Parade, he indicated that the policy should be reviewed.

He said Council members have taken an oath to uphold and defend the Constitution of the United States and this is not to be taken lightly. The Constitution has First Amendment rights and guarantees free speech. He referenced cases and legal opinions that have a bearing on how we conduct our Community Events Facilitation Model in relation to this issue and specifically Option 2.

He cited Forsyth County, GA v the Nationalist movement (505 US 123) wherein the County's ordinance mandated permits for private demonstrations and other uses of public property; declared that the cost of protecting participants in such activities exceeds the usual and normal cost of law enforcement and should be borne by the participants; required every permit applicant to pay a fee of not more than \$1,000; and empowered the County administrator to adjust the fee to meet the expense incident to the ordinance's administration and to the maintenance of public order. The respondent brought the case as a violation of the First and Fourteenth Amendments.

The Court found (a) In order to regulate competing uses of public forums, government may impose a permit requirement on those wishing to hold a march, parade, or rally, if, inter alia, the permit scheme does not delegate overly broad licensing discretion to a government official, (Freedman v. Maryland, 380 U.S. 5) and is not based on the content of the message. The government may impose what has become to be known as TPM restrictions that being Time, Place. And Manner. There are an abundance of cases regarding TPM restrictions.

Further, (b) In the facts of the case, the Court found that an examination of the County's implementation and authoritative constructions of the ordinance demonstrates the absence of the constitutionally required "narrowly drawn, reasonable and definite standards," (Niemojko v. Maryland, 340 U.S. 268, 271, 71 S.Ct. 325, 327, 95 L.Ed. 267) to guide the county administrator's hand when he sets a permit fee. The decision how much to charge for police protection or administrative time, or even whether to charge at all, is left to the unbridled discretion of the administrator, who is not required to rely on objective standards or provide any explanation for his decision.

Additionally, (c) The ordinance is unconstitutionally content-based because it requires that the administrator, in order to assess accurately the cost of security for parade participants, must examine the content of the message conveyed, estimate the public response to that content, and judge the number of police necessary to meet that response; and (d) Neither the \$1,000 cap on the permit fee, nor even some lower "nominal" cap, could save the ordinance. The level of the fee is irrelevant in this context, because no limit on the fee's size can remedy the ordinance's constitutional infirmities.

The Court held that the ordinance is facially invalid. A government regulation that allows arbitrary application is "inherently inconsistent with a valid time, place, and manner regulation because such discretion has the potential for becoming a means of suppressing a particular point of view."

There are two key aspects that reflect on our policy both as it exists and its application. There is the way both the Council and the Village Manager have applied and may modify this policy that may violate free speech constitutional rights. The Village Manager has, arguably, too much

discretion in the enforcement and assessment of fees, having to do with both the calculation and procedures in determining fees. In one case, no fee was sought, charged, or event reported when Senator/Mayor Sandack announced his candidacy at Village Hall. This is only one example of discretion used indifferent to the final outcome. Reasonable people could disagree.

The other authority in the application of the Events Policy is the arbitrary application to the waiving of fees to some and not to others. The intent to have agreements may be likened to intent to issue permits or fee waivers to some groups and not others. There is no policy regarding who can or cannot get an agreement as exhibited by who has had agreements with fees waived and those with agreements who have asked and been denied fee waivers.

The real problem presented by our policy and Commissioner Barnett's crafting of Option 2 has to do with content-based vs. content-neutral policy. Commissioner Waldack said USLegal, Inc. has a good commentary on the question: "For example, if a city requires that all groups obtain a permit to hold a parade, the restriction is more likely, at least on its face, to be content-neutral. However, if the city, through official or unofficial action, only issues permits to certain groups and restricts issuing permits to other groups, the restriction in its application is content-based, not content neutral.

If the restriction is content-based, courts scrutinize the restriction under a heightened standard compared with restrictions that are content-neutral. When courts apply this heightened scrutiny, they are more likely to find a First Amendment violation."

Commissioner Waldack said the motion, as crafted by Commissioner Barnett can easily be found to be content-based. His comments, and those of others at the last meeting, clearly show the intention to be content-based.

We are not only limiting free speech preference to a particular group that this body likes, but we are also restricting freedom of speech to the content of the message - namely celebratory and ceremonial.

The Scouts could not have a Memorial Day parade unless they paid. The Legion could not organize a parade to protest some government action unless they paid. As pertains to fund-raising events, isn't an event operated by a non profit on behalf of business to boost sales a form of fundraising?

Commissioner Barnett's Option 2 proposal clearly requires content-based decisions. The only and best option is option 3, which will allow us to waive the fees for the parade as planned. It should also suspend the policy and have not only the Events Commission review it, but also have an impartial legal counsel who is familiar with these issues participate. He suggested approaching the Citizen Advocacy Center.

Mayor Tully responded that this is an imperfect solution. This is the proposal that is on the table. No one wants to charge the American Legion a fee for the Memorial Day Parade. He said there are two concepts, "ripeness" and "standing" which come into play with respect to this issue. Most of the cases arise when someone is prevented from doing something. He does not see this as a constitutional violation. He said that the Village would like to support the ultimate sacrifice made by members of the Armed Forces, and he will support this. He doesn't see this as an end to the discussion, but as a conclusion to the more immediate issue.

Commissioner Waldack said that he has raised questions about the constitutionality and the Village has an option that can resolve the situation by giving the Legion the opportunity to have the parade and waive the fees. He said the Village can remand the policy back to the Community Events Commission for a thorough understanding. He believes the proper thing would be to provide the waiver, and he thinks it should be remanded and reviewed.

The Mayor asked whether the current policy includes the ability to waive the fee. Mr. Fieldman said that it does not.

Commissioner Waldack noted that a moratorium on the policy would work.

Mayor Tully said this is an immediate solution to the situation. No one's speech is being limited. Commissioner Waldack has outlined a potential situation that is not before the Council. They need an amendment to waive the fee.

Commissioner Waldack replied that there are constitutional problems involved and he cannot believe that the Council would support this just because no one has come forward and sued the Village. The Village has not appropriately employed the policy in the past. He mentioned instances that he thought were inappropriately applied in the past. He doesn't understand the logic.

Mayor Tully responded that no one's free speech has been violated.

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

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

Indexes: Community Events

8. First Reading

ORD 00-04876 A. Ordinance: Designate Planned Development #51 and Authorize an Auditorium and Office Building

Sponsors: Community Development and Plan Commission

Jeff O'Brien, Planning Manager, Community Development, reviewed the ordinance regarding Midwestern University's further expansion. The University has proposed a new development and auditorium on their 31st Street campus. Since 1965 the parcel has been used as a college/university. He displayed photos of the site. The property is zoned R-1 and was handled through a special use amendment. The University is proposing to construct a new auditorium and classroom building.

Mr. O'Brien said that the Village staff recommended designating a Planned Unit Development (PUD) for this property rather than continuing with the Special Use as was done in the past. The Planned Unit Development works better for the property, and the benefits are predictable development parameters for future development, as well as flexible standards. There are five major components governed by the Master Site Plan, which he displayed. The Site Plan defines the setbacks, establishes permanent open spaces, establishes maximum building heights, and identifies major and minor developments. Maximum height would be 100 feet. He explained that major and minor developments relate to what is flexible. Major developments go before the Council, and minor developments are approved by the Village staff.

Mr. O'Brien described the auditorium/classroom building as 114,000 square feet, seating an audience of 2500 with a height of 33 feet. The office/classroom part of the structure would be 66 feet in height. He described the setbacks. He showed a mockup of the campus at its current level of development, and how the addition will fit. In response to Commissioner Durkin's question about the excellent displays, Mr. O'Brien explained that staff is using Google Sketchup free software for the presentation. He explained how the PUD fits in with the Village's Comprehensive Plan. The University is institutional, public, and consistent with the Comprehensive Plan designation and the goals of the Plan. He showed the view from the

residential neighborhood. There will be no major changes in traffic growth anticipated. They are designing a traffic signal at their entrances. Stormwater detention would be provided in a new underground basin.

Mr. O'Brien said that the Plan Commission reviewed the proposal on March 28. The Forest Preserve and Park District were informed and did not object to the proposal. The Plan Commission found that the request meets the standards for a Planned Unit Development.

Commissioner Neustadt said that the Master Site Plan is useful. He asked whether the auditorium would be usable by the public.

Dr. Kathleen Goepfinger, President and CEO of Midwestern University, said that she has been with the University for 17 years. The community and the campus will have a facility that will seat 2500 for events. The reason it is important to the University is that there are numerous events on campus that require that capacity. That includes graduation ceremonies. The White Coat Ceremony is conducted annually as well. As a not-for-profit organization, Dr. Goepfinger said that they do have to follow certain restrictions. They can never sell tickets to events. They can hold events if the facility is available, such as in the evening; however, they could not rent it out. She noted that they are more than willing to have events such as concerts for the community and the campus.

Commissioner Schnell responded to Dr. Goepfinger that she applauds the University for going with the Planned Unit Development, and for the traffic signal. Regarding the Master Site Plan, she said that the buildings that exist on the pads now could be replaced if they met the conditions. Mr. O'Brien said that was correct.

Commissioner Schnell asked if the University wanted a building where there is no pad whether they would have to go before the Plan Commission and Council. Mr. O'Brien replied that they would.

Commissioner Schnell said that she and Mayor Tully viewed the auditorium at the Glendale Campus. It is a great facility that can be divided. It brings flexibility to the campus and to the community.

Commissioner Durkin commented that this isn't their only construction project. They are also responsible for other construction in the Village and he thanked them for their commitment to the Village and their constant reinvestment. It is a great addition.

Dr. Goepfinger said that everyone is welcome to see their other campus and the clinics.

Commissioner Waldack said it was nice to see something that he can be excited about.

Mayor Tully said this reflects another investment in the community. The project looks terrific and he knows these will be outstanding additions. He agreed with pursuing a PUD.

1. Dr. Gordon Goodman, 5834 Middaugh, congratulated the University on its successes and for hosting the concert last week. It was very successful. The PUD is an important step forward. He asked if there is a narrative that goes with the diagrams, and referenced the core emphasis of the University. He was hoping that would be embodied in the PUD. He suggested that they might want to consider making it explicit, and would like to see it as one of the concepts of a PUD.

2. Damiene Souter, 605 Prairie Avenue, introduced herself as a resident and an employee of Midwestern University. She said she was in support of the project, and that she distributes tickets for graduation. It is tough not to give out as many tickets as everyone would like. She said that the White Coat Event takes place in Rosemont because it is the only venue that can

accommodate them. She strongly supports the project.

3. Michael Cassa, President of the Downers Grove Economic Development Corporation, said he saw a survey identifying the top ten economic assets for a community, and the Village of Downers Grove has nine of the ten. The only one missing is an airport. One of the ten is whether the community has a university. He said at some time in the future he would like to address the economic importance of Midwestern University. He is proud that they are here.

Indexes: Planned Development #51 - Midwestern University

RES 00-04809 B. Resolution: Authorize an Intergovernmental Jurisdictional Boundary Agreement with the Village of Lisle

Sponsors: Community Development

Mr. O'Brien said that the Village of Downers Grove and the Village of Lisle have had a boundary agreement since 1992. That agreement recently expired. He displayed the proposed new boundary line. Areas west of the boundary line come under Lisle jurisdiction, and those east of the line are under Downers Grove jurisdiction. There are two significant modifications to the agreement. The former agreement was a centerline agreement. The new agreement states that the entire Walnut Avenue right-of-way from the railroad tracks to Ogden Avenue would be located within Downers Grove. The boundary between Downers Grove and Lisle would be located along the west side of the Walnut Avenue right-of-way. This change is pursuant to state statute. Lisle would be required to disconnect all portions of the Walnut Avenue right-of-way previously annexed into Lisle. Downers Grove would be required to annex those portions of Walnut Avenue. He said this agreement will be consistent with the annexation law.

1. Dr. Gordon Goodman, 5834 Middaugh, inquired whether this was the entire interface between Lisle and Downers Grove, and Mr. Fieldman said it was the entire portion.

2. Mr. Cassa noted that the piece on the corner of Walnut and Ogden is a challenge and this will make it a little easier to develop that property.

Commissioner Barnett asked if this will have any effect on emergency service response and Mr. Fieldman said it would not. That is controlled by different operating agreements.

Indexes: Village of Lisle, Boundary Line Agreement

ORD 00-04877 C. Ordinance: Amend Certain Parking Provisions in the Downtown Business District

Sponsors: Public Works and Transportation and Parking Commission

Mr. Fieldman said this would place 15-minute parking spaces in the downtown area. It was reviewed by TAP and Downtown Management Corporation (DMC).

Mr. Cassa noted that the DMC supports this proposal.

Indexes: Central Business District, Parking Provisions, Parking Restrictions - CBD

BID 00-04878 D. Bid: Award \$298,539.74 to Denler, Inc., Mokena, IL, for 2012 Preventive Seal and Parking Lot Improvements Project

Sponsors: Public Works

Mr. Fieldman said this contract is part of the Village's extensive roadway maintenance program.

Indexes: Preventive Seal

9. Mayor's Report

ComEd Reliability Report

Mayor Tully noted that we are in storm season again. Last summer's storm season resulted in extensive outages. ComEd has indicated that the equipment upgrade project is scheduled to begin this month and be completed next month. ComEd is also capable of providing updates via text messaging, and they can also receive reports via text messaging. He said that customers can sign up at the ComEd website. The link is on the Village's website. He said that recently there was some news regarding the protocol that will be forthcoming with ComEd. Mr. Fieldman said that he would put information together for a presentation on an agenda in May.

Materials to be Placed on File

10. Manager's Report

11. Attorney's Report

Village Attorney Enza Petrarca said she was presenting two items before Council: 1) An ordinance amending certain parking provisions in the downtown business district; and 2) An ordinance amending the Comprehensive Zoning Ordinance of the Village of Downers Grove, Illinois, to designate the south side of 31st street approximately 1,281 feet west of Meyers Road Planned Development #51 and authorizing an auditorium and office building.

Future Active Agenda

12. Council Member Reports and New Business

Commissioner Neustadt said the Village will be using PropertyRoom.com to sell surplus property. For more information residents can call Village Hall.

Commissioner Rheintgen announced that the League of Women Voters will host a presentation called Smart Grid 101 at Fire Station 2 at 7:30 p.m. on Thursday, April 19, 2012. Representatives of ComEd will be present as well as others knowledgeable on this issue.

Commissioner Durkin said that Coffee With the Council will be April 21, at the Oak Trace Living Community from 9:00-10:00 a.m.

Commissioner Durkin said the Finance and Administrative Committee will meet at 6:30 p.m. on May 7. On May 8, the next series of LRFP meetings will follow the Council meeting.

Commissioner Durkin then reminded everyone that on May 14 at 1:00 p.m. the Barth Ceremony will take place at Barth Pond. The Police Commendation Ceremony will also be held on May 14 at 7:00 p.m.

Commissioner Schnell said that Commissioner Neustadt missed mentioning one auction item which is a cement duck. She asked if it was dressed or plain.

Mayor Tully reminded everyone to attend Coffee with the Council on Saturday. He also noted that Comcast Cares Days will be held at Family Shelter Services from 9:00 a.m. to 1:00 p.m. on April 28.

The Mayor said that on Friday, April 20, from 6:30-9:30 p.m. the Walk-in Ministry of Hope is hosting a fundraiser in the Hinsdale Community House. Information can be obtained at www.wimoh.

Mayor Tully said that there are only 64 days until the Rotary Grove Fest.

13. Adjournment

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

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

Mayor Tully declared the motion carried and the meeting adjourned at 8:48 p.m