



# Village of Downers Grove Meeting Minutes Downers Grove Village Council

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

---

Tuesday, June 5, 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.*

*Mayor Tully announced that the items related to the proposed Walgreens facility at 63rd and Woodward have been withdrawn by the petitioner. It is no longer pending with the Village, and the items will be removed from the Agenda this evening.*

*Village Manager Dave Fieldman verified that all items related to the petition including annexation, rezoning, special use have been withdrawn by the petitioner and will not be considered by the Council.*

### **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 Meeting May 15, 2012*

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

*Commissioner Schnell moved to approve the minutes as presented. Commissioner Barnett 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**

##### *Introduction*

*Mayor Tully introduced Michael LeDonne, newest member of District 2 of the County Board. Mr. LeDonne said he was appointed at the end of February and is honored to have been selected to serve. He promised to make himself available as a resource of County government and offered his services to the Village. He said people could contact him at michael.ledonne@dupageco.org, or call him at his number listed on the County website.*

##### *Proclamation*

*Mayor Tully proclaimed the week of June 5-12, 2012 as National Garden Club Week in the Village of Downers Grove, and provided a brief history of the Village's Garden Club which has been in existence for 85 years.*

*Mayor Tully then called upon anyone wishing to speak about items not on the Agenda.*

*Tom LeCren, 545 Chicago, mentioned a few errors in the documents prepared for tonight's meeting which he felt should be corrected before they are filed.*

*Dee Gordon, 6237 Pershing, said she was pleased that Walgreens withdrew its application. She has attended meetings on this issue for six months and it opened her eyes to being engaged in civic affairs. She believes the process needs to be improved, and the Village should have a meeting to develop best practices around development issues. The meeting that was held last Thursday with the community was unsatisfactory. She would like to know whether the developer is coming back, and also would like to see a meeting scheduled regarding moving forward and improving the process.*

*Mr. Fieldman said that all the Village has received is a letter from Walgreens' attorney stating they were withdrawing their application.*

*Mayor Tully responded by complimenting the citizens on their engagement and involvement, and extended an invitation to them to come into the Village to improve their voice in the process as part of the Village.*

*Ms. Gordon commented that this project was not affecting only unincorporated areas. There needs to be a change in the process, and there needs to be meaningful discussion before an item goes to the Plan Commission. She asked for a meeting within the next couple of months. She wants the zoning notification increased from 250' to 1000', as well as other issues they want discussed.*

*Mayor Tully replied that there are always things that the Village can learn. He again encouraged the residents in the unincorporated area to become part of the Village.*

*Commissioner Neustadt commented that residents have been engaged, and they have engaged the Council. There have been many meetings over the course of this issue and the Council listened to what was being said. Conversations were taken to heart. He thinks that the comment about the Village process is important and was heard. The Council and the staff held extra*

*meetings with the community including the unincorporated area. He wants everyone to understand that the Village was not neglectful in its follow-through on this issue.*

*Ms. Gordon said the concern was the timing of this matter, since there was a lot of dialogue between the Village, County and petitioner prior to notification to the residents.*

*David Olson, 5601 Dunham Road, thanked the Council for the time they spent on the Walgreens issue. He noted that the Council was extremely open to those who had an opinion, and there was a high level of engagement demonstrated. He thanked the Council and staff for all their hard work and said he appreciated the process, as compared to other areas such as Chicago.*

## 5. Public Hearings

## 6. Consent Agenda

**COR 00-04910** A. Claim Ordinance: No. 5951, Payroll, May 4, 2012; No. 5953, Payroll, May 18, 2012

**Sponsors:** Accounting

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

**Indexes:** N/A

**BIL 00-04911** B. List of Bills Payable: No. 5980, June 5, 2012

**Sponsors:** Accounting

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

**Indexes:** N/A

**MOT 00-04914** C. Motion: Award a Professional Services Contract for \$64,737.75 to Christopher B. Burke Engineering, Ltd., Rosemont, IL, for Design of Headwall Replacements

**Sponsors:** Public Works

*Commissioner Waldack said bids and contracts include a report card and campaign disclosure form. He complimented the contractor for their in-depth response and thanked them for their contributions to the community.*

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

**Indexes:** Public Works

**MOT 00-04906** D. Motion: Award a Contract for \$347,176.81 to V3 Construction Group, Ltd., Woodridge, IL, for Reconfiguration and Naturalization of Prentiss Creek (Sub E) - Kensington Place

**Sponsors:** Public Works

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

**Indexes:** Stormwater Sewer Watershed Improvement Plans

**MOT 00-04924** E. Motion: Note Receipt of Minutes of Boards and Commissions

**Summary of Item:** Environmental Concerns Commission - November 10, 2011 & March 8, 2012

Library Board - April 25, 2012

Zoning Board of Appeals - April 25, 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 00-04927

A. Motion: Pre-Qualify Suppliers and Authorize the Village Manager to Enter into a Contract with an Electrical Supplier Subject to Certain Parameters re: Electrical Aggregation

**Sponsors:** Manager's Office

**Summary of Item:** This pre-qualifies certain licensed and certified alternative retail electric suppliers and to authorize the Village Manager to enter into a 24-month term Master Power Supply Agreement with the lowest qualified proposer for electricity supply offset 100% by renewable energy certificates.

*Commissioner Neustadt noted that the estimated savings is \$354 annually. He said this item relates to a referendum passed in the March election. The Village is looking for the best fiscal opportunities for the residents, and he thanked staff for their work.*

*Commissioner Schnell complimented staff on their work on this issue as well.*

*Commissioner Barnett also complimented the staff. The Village government and the staff reached out to neighboring communities. He noted that this was brought up by a resident, Rich Spilky, and Dan Loftus provided assistance as well.*

*Commissioner Neustadt added that partnering with Westmont allows for economies of scale.*

*Mayor Tully commented that this is an opportunity to save money. Residents can opt out if they choose. He also explained that staff did a terrific job on this considering it was done under a tight deadline, and he commended them for their work.*

*Commissioner Schnell asked when the residents would start seeing savings.*

*Mr. Fieldman said that they have to enter into the contract with the lowest final pricing and then in June or July, there will be an opt out three-week period. Information will be placed on the website once the contract is executed.*

*Commissioner Durkin asked about the 2% decrease in fees by Commonwealth Ed, and whether that will be on top of the savings. The Manager said he would look into that.*

**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:** Electrical Aggregation

### ORD 00-04785

B. 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 ordinance was withdrawn by the petitioner.*

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

**ORD 00-04786** C. 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

*This ordinance was withdrawn by the petitioner.*

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

**RES 00-04787** D. Resolution: Approve the Final Plat of Subdivision for the 63rd & W Consolidation

**Sponsors:** Community Development and Plan Commission

*This resolution was withdrawn by the petitioner.*

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

**ORD 00-04788** E. 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

*This ordinance was withdrawn by the petitioner.*

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

**RES 00-04908** F. Resolution: Establish a Policy re: Temporary Uses that Require Village Services or Property

**Sponsors:** Village Attorney

**Summary of Item:** This establishes policies for temporary uses and public gatherings.

A RESOLUTION ESTABLISHING A POLICY REGARDING TEMPORARY USE THAT REQUIRE VILLAGE SERVICES OR PROPERTY

RESOLUTION 2012-38

*Commissioner Waldack said his comments relate to this item and the next one. He thanked staff for improving the policy. He prefers that government entities allow all groups to parade or assemble or allow free speech rather than to have a government that picks and chooses who can parade and what they can say. The policy has been clarified and expanded, but he still feels that the policy needs to be tweaked. His personal preference is to have the policy reviewed again by the Community Events Commission without the direction previously given the Commission to develop a charge back system. He supports the changes clarifying the First Amendment, however, feels that it falls short and he will not be supporting it.*

*Mayor Tully said that he is not aware of any group or person that has been prevented from gathering or parading or speaking. Even as a Commissioner, he felt it was important to look at Village-run, -sponsored or -facilitated events, but doesn't feel that this resolution is inappropriate. They must be mindful of priorities and he will support this.*

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:** Community Events, Temporary Use

**ORD 00-04909** G. Ordinance: Amend Temporary Use and Public Gatherings

**Sponsors:** Village Attorney

**Summary of Item:** This amends provisions for temporary uses and public gatherings.

AN ORDINANCE AMENDING TEMPORARY USE AND PUBLIC GATHERINGS

ORDINANCE NO. 5266

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

**Indexes:** Community Events, Temporary Use

**ORD 00-04896** H. Ordinance: Amend Village Parking Lot Designations

**Sponsors:** Transportation and Parking Commission and Public Works

**Summary of Item:** This amends parking provisions in the Warren Avenue Lot.

AN ORDINANCE AMENDING VILLAGE PARKING LOT DESIGNATIONS

ORDINANCE NO. 5267

A motion was made by Commissioner Neustadt, seconded by Commissioner Rheintgen, 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:** Parking Lots

**ORD 00-04897** I. Ordinance: Amend Parking Provisions on Powell and Norfolk Streets

**Sponsors:** Transportation and Parking Commission and Public Works

**Summary of Item:** This amends parking provisions on Powell and Norfolk Streets.

AN ORDINANCE AMENDING PARKING PROVISIONS ON POWELL AND NORFOLK STREETS

ORDINANCE NO. 5268

*Commissioner Neustadt explained that this is outside of Kingsley School, and that the administration of Kingsley School is pleased with this.*

A motion was made by Commissioner Rheintgen, seconded by Commissioner Waldack, 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:** Parking Provisions

- ORD 00-04898** J. Ordinance: Amend Holiday Parking Provisions  
**Sponsors:** Transportation and Parking Commission and Public Works  
**Summary of Item:** This amends holiday parking provisions.

AN ORDINANCE AMENDING HOLIDAY PARKING PROVISIONS

ORDINANCE NO. 5269

**A motion was made by Commissioner Waldack, seconded by Commissioner Schnell, 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:** Parking Holidays

## 8. First Reading

- BID 00-04920** A. Bid: Award \$130,522.50 to Mondy Construction, Inc., Roselle, IL, for 2012 Replacement Sidewalk Program  
**Sponsors:** Public Works

*The Manager asked Nan Newlon, Director, Public Works, to discuss this and the next bid item.*

*Nan Newlon, Director, Public Works, noted that two contracts make up the sidewalk maintenance program for 2012 and includes about 20,000 square feet of sidewalk and curb replacement. Mondy Construction submitted the lowest of the two bids received in the amount of \$130,522.50 and staff recommends awarding the bid for the 2012 replacement sidewalk to them. Staff received positive references for them.*

**Indexes:** Sidewalk Improvements 2012

- BID 00-04921** B. Bid: Award \$48,300 to Safe Step, LLC, Hortonville, Wisconsin, for 2012 Sidewalk Rehabilitation Project  
**Sponsors:** Public Works

*Ms. Newlon said this bid refers to the sidewalk rehabilitation program. The method of trip hazard removal exceeds ADA compliance requirements, is cost effective, clean and efficient. They expect to make repairs to 900 locations. She indicated that Safe Step did work for the Village last year and did a good job.*

*Commissioner Barnett asked if the rehabilitation is proprietary. Ms. Newlon replied that it is not, but this company has a special piece of equipment that is used for this and not many other companies have gone into this.*

*Commissioner Schnell asked about the timing. Ms. Newlon responded that work would begin in the next couple of weeks. She noted that the work moves relatively quickly. Regarding new sidewalks, they will work in the neighborhoods first, if necessary, so that the sidewalks are completed before the start of the school year.*

**Indexes:** Sidewalk Improvements 2012

## 9. Mayor's Report

### ComEd Reliability Report

*Four overhead cable projects that are currently underway in the Village are scheduled to be completed by the end of June. When these projects are finished, this will mark the completion of*

*the equipment upgrades that were promised by ComEd representatives at the September 2011 Town Hall meeting to address reliability. In total, 11 circuits will have seen enhanced tree trimming that is intended to reduce the likelihood of tree and storm related outages and five circuits will have seen equipment upgrades.*

*The Mayor also discussed two new ComEd interactive services - a map regarding outages and a new text outage alert system. Information about both of these services is available on ComEd's website - [www.comed.com](http://www.comed.com).*

## **Materials to be Placed on File**

### **10. Manager's Report**

### **11. Attorney's Report**

#### **Future Active Agenda**

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

*Commissioner Barnett said he would like to have another Town Hall meeting scheduled with ComEd and the public.*

*Mayor Tully replied that he would like that to include commercial customers as well.*

*Commissioner Neustadt congratulated Dan Cermak on his 34 years of service with the Downers Grove Park District.*

*Commissioner Neustadt said he met with Boy Scout Zack Melon and his parents tonight and noted that they are attending the meeting. He also noted that tomorrow is the official last day of the school, and he reminded residents to be aware of children in the neighborhoods and to slow down when driving.*

*Commissioner Rheintgen announced that Bill McAdam is the new Director of Downers Grove Park District. She and Commissioner Neustadt attended a reception in his honor at the Park District.*

*The Commissioner noted that this year's July 4th parade route would be reversed, starting at Main and Grant and proceeding south. Following the parade, the Downers Grove Junior Women's Club will host a free concert at Fishel Park.*

*Commissioner Waldack thanked the Mayor for his work on ComEd. He referenced an e-mail from a business along 75th Street. His reply to the Mayor went to all of the Council in error. Commissioner Waldack read his response to the e-mail.*

*Commissioner Schnell said that she and Commissioner Neustadt attended a reception for Dan Cermak at which the Village proclamation was read.*

*Commissioner Durkin noted that he participated in the Springfield drive-down with the DuPage Mayors and Managers Commission on May 15 and 16, representing the Village. He referenced House Bill 3637. He and other participants met with Representative Radogno regarding combining services and saving money. He commended the DMMC for scheduling the meetings. Commissioner Durkin spoke of the lobbying efforts. On Wednesday, he represented the Village at a House Executive Committee meeting regarding opposition to amendments to HB 3637. He said all three of the amendments to the Bill shifted the tax burden onto local taxpayers without offering any means of replacing the lost revenue to municipalities. Amendments Two and Three specifically put the burden for teachers' pensions on municipal taxpayers and municipal budgets. This has an impact of about \$2.5 million to the Village of Downers Grove. No pension*



*reform was discussed as the Bill was not called. The Commissioner said he was prepared to speak in opposition to the Bill, together with many other municipal leaders, and he thanked those who helped him prepare for the hearing.*

*Commissioner Durkin then said he attended the 50th annual gala of the DMMC. Former Mayor Betty Cheever was recognized for her service, and they welcomed the Village back into DMMC membership. He appreciated the opportunity to represent the Village.*

*Mayor Tully mentioned that he is Director of the 2012-2013 Intergovernmental Planning Committee of the DMMC. Mr. Fieldman, and Commissioners Rheintgen and Neustadt will also be serving on that Committee.*

*Mayor Tully then spoke about the July 4 Parade. He congratulated the Downers Grove South Girls Soccer Team on their State competition accomplishment and suggested that they participate in the Parade. Their coach, Barry Jacobson, has been with the program 29 years and Assistant Coach Bob Topor has served 21 years. He congratulated them for their excellent records.*

*The Mayor then noted that there are 15 days until the 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 8:00 p.m.*