

Village of Downers Grove Meeting Minutes

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

Downers Grove Village Council

Tuesday, July 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 Meeting - July 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.

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

There were no public comments.

5. Public Hearings

6. Consent Agenda

Item E, MOT 00-04956, a motion authorizing \$36,776.40 for membership dues for DuPage Mayors and Managers Conference (DMMC) for FY12-13, was removed from the Consent Agenda for separate consideration.

COR 00-04947

A. Claim Ordinance: No. 5959, Payroll, June 29, 2012

Sponsors: Accounting

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

Indexes: N/A

BIL 00-04954

B. List of Bills Payable: No. 5990, July 17, 2012

Sponsors: Accounting

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

Indexes: N/A

RES 00-04853

C. Resolution: Authorize a Water Interconnection Agreement with the Village of Lisle

Sponsors: Public Works

Summary of Item: A RESOLUTION AUTHORIZING EXECUTION OF A WATER

INTERCONNECTION AGREEMENT BY AND BETWEEN THE VILLAGE OF DOWNERS GROVE

AND THE VILLAGE OF LISLE

RESOLUTION 2012-53

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

Indexes: Village of Lisle

RES 00-04960

D. Resolution: Authorize a Consent to Emergency Water Interconnection

Sponsors: Public Works

Summary of Item: A RESOLUTION AUTHORIZING EXECUTION OF A CONSENT TO

EMERGENCY WATER CONNECTION

RESOLUTION 2012-54

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

Indexes: DuPage Water Commission, Village of Lisle

MOT 00-04957

F. Motion: Award Contracts to JCM, Kale Uniforms and Redwing Shoes for Fire

Department Uniform Items **Sponsors:** Fire Department

Summary of Item: This awards contracts to JCM for clothing, and Kale Uniforms and Redwing Shoes for footwear at a combined total amount not to exceed \$50,250.00.

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

Indexes: Fire Department - Uniforms

MOT 00-04958 G. Motion: Approve the FY12-13 Budget for the Downtown Management Corporation

Sponsors: Deputy Village Manager

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

Indexes: Downtown Management Corporation

RES 00-04913 H. Resolution: Authorize an Agreement with Brycer, LLC for an Electronic Database

System for Fire Prevention Reports

Sponsors: Fire Department

Summary of Item: A RESOLUTION AUTHORIZING EXECUTION OF A COMPLIANCE ENGINE

AGREEMENT BETWEEN THE VILLAGE OF DOWNERS GROVE AND BRYCER, LLC

RESOLUTION 2012-55

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

Indexes: Fire Prevention

MOT 00-04959 I. Motion: Note Receipt of Minutes of Boards and Commissions

Summary of Item: Library Board - June 27, 2012

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

Indexes: Boards and Commissions Minutes

Passed The Consent Agenda

The Consent Agenda, as amended, was approved.

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 00-04956

E. Motion: Authorize \$36,776.40 for Membership Dues for DuPage Mayors and Managers Conference (DMMC) for FY12-13

Commissioner Barnett said he asked that this be removed from the Consent Agenda. He is not in favor of this motion.

Commissioner Neustadt said he has participated in meetings with the DMMC. He will also vote against this motion. He has not seen value in this membership yet. He said he would participate in DMMC programs if this passes.

Commissioner Waldack said he supports participation. Our interests go beyond our borders and it is important to take a regional interest. The Village took a hiatus and now plans to take a leadership role. He sees value in this organization and membership. DMMC is way ahead of other organizations. The Village received lobbying support from DMMC and others for the

Belmont underpass. When the Village left the DMMC, a lobbyist was hired. Commissioner Waldack said he did not see the value in that. He feels we will get out of our membership what we put into it.

Commissioner Rheintgen said she has some concerns about the DMMC; however, there is value in networking and we will miss opportunities if we do not belong to DMMC. She will support this.

Commissioner Schnell said we join DMMC for the community, not just the Council. The true benefit of this membership is to the staff who run the Village on a day-to-day basis. She will support this motion.

Commissioner Durkin said he supports this. There have been significant changes in their leadership and ours. Overall, it is a good organization. There is a great deal of work that goes on when House or Senate bills are considered that will impact the Village. We are elevating Downers Grove to a higher leadership role and our voices have been heard. Commissioner Durkin said it is important to challenge the status quo. He acknowledged that this is expensive but our return is more than the membership dues.

Mayor Tully said the Village re-joined DMMC about six months ago. The leadership role has just begun. The Village sent a message when we withdrew our membership. There is strength in numbers which carries weight when we speak with legislators. The cost of the dues is high, but we get the benefit of the entire organization for \$36,000.00. DMMC does things we cannot do on our own, as we cannot be everywhere at the same time. DMMC represents us. This is the first year we will have full engagement. We will use it as a megaphone. Participation allows us to cooperate, collaborate and consolidate. He is supportive of this. The Mayor said it is important to be mindful of measuring what we get for the money.

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 Waldack, Commissioner Durkin, Commissioner

Rheintgen and Mayor Tully

Nay: Commissioner Barnett and Commissioner Neustadt

Indexes: DuPage Mayors & Managers

ORD 00-04925 A. Ordinance: Amend Fire Prevention Provisions

Sponsors: Fire Department

Summary of Item: This amends Fire Prevention procedures and certain codes.

AN ORDINANCE AMENDING FIRE PREVENTION PROVISIONS

ORDINANCE NO. 5271

A motion was made by Commissioner Schnell, seconded by Commissioner Durkin, 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: Fire Prevention, International Building Code

ORD 00-04949 B. Ordinance: Authorize a Special Use to Permit an Automobile Rental Facility at 2561-2565 Ogden Avenue

Sponsors: Community Development and Plan Commission

Summary of Item: This authorizes a special use to permit an automobile rental facility at 2561-2565 Ogden Avenue.

AN ORDINANCE AUTHORIZING A SPECIAL USE TO PERMIT AN AUTOMOBILE RENTAL FACILITY AT 2561-2565 OGDEN AVENUE

ORDINANCE NO. 5272

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 Waldack, Commissioner

Durkin, Commissioner Rheintgen, Commissioner Neustadt and Mayor Tully

Indexes: Special Use - 2561-2565 Ogden Avenue

8. First Reading

MOT 00-04937

A. Motion: Award a Contract for \$548,740.50 to ENCAP, Inc., Sycamore, IL, for Naturalization of Valley View Pond

Sponsors: Public Works

Mayor Tully said that the Council had a discussion at the last meeting and he wants to hear options and reactions from the Council. Then he will open the discussion to the public.

Mr. Fieldman said one alternative is to naturalize the pond, which is staff's recommendation. The second option is dredging the pond using money generated from the residents through implementation of a Special Service Area (SSA). There are three or four versions of this option which are detailed on the Village's website. The third option would be to convey the pond to the residents who would form a homeowners' association with seed money obtained from the Village from funds conveyed for that purpose. Staff recommends giving staff and neighbors 60 days to review all options. Staff continues to recommend naturalization of the pond as the most viable option.

The Mayor asked for other reactions from the Council.

Commissioner Neustadt said that staff's option of naturalizing is the first choice; however, he would like to hear from the residents about the other options. With Option 1 the Village can still use it as a storm water conveyance. He noted that they have to be cognizant of staff time and workload as well. He wants to be sure that the Village can deliver in the proposed time frame. Neighborhood meetings have been held, and there is information as to the costs per option.

Commissioner Rheintgen said that her mother lives on a pond and she and her neighbors maintain it. People who are not residents are treated as trespassers at her Mother's pond. It is a private pond. She sympathizes with the residents. She sees naturalization as the most sustainable option, but would also like the residents to explore the SSA. She does not feel comfortable using public funds.

Commissioner Waldack commented that this is more than a financial decision. The Village is set up financially so that we can do what is right, what is best for the community and not just make the cheapest, most financially constrained decision. Decisions made 30 years ago are not always the best ones. He has read about storm water ponds and the best management practices for them are naturalization in terms of sustainability. The developers in this instance failed. The Village is responsible for storm water. Recreational uses are the purview of the Park District and they want no part of this. This body of water is not meant for recreation. Dredging is not the best course of action. Commissioner Waldack said that the pond does not make financial sense for the rest of the Village. They have to take into consideration the rest of the Village, as this could set a precedent. He would be willing to explore an SSA for the residents.

Commissioner Schnell stated that she has reservations about each of the proposals made. The estimate for dredging is unrealistic. She doesn't think the work will last 20 years. She also has concerns with naturalization, and they would have to hold Encap responsible for their plans. She noted that 40th and Glendenning did not go as planned and did not meet expectations. She said that naturalization was discussed many years ago by the DMMC. She wants to be sure this is done right. There is \$522,000 that could be committed to the project. An SSA could be used to further enhance what residents want. She has no problem exploring the SSA and thinks it would be beneficial. This is a storm water project, not a recreational lake. While she is leaning toward the first option, she still has reservations about it and about staff time. She is concerned about the time impacting the 12 action items set for this year. She is interested in hearing the opinions of the residents.

Commissioner Durkin stated that he would support Option 1. He is interested in the residents' interest in Options 2 or 3. He then asked about the schedule for this. Mr. Fieldman responded that this is expected to go over 2-3 seasons and there is time to deliberate this. If Options 2 or 3 were chosen they would be part of the 2013 work plan.

Mayor Tully noted that the cost would go up.

Commissioner Schnell asked how long the bid is good for and Mr. Fieldman responded usually 30 days. He will review it.

Commissioner Durkin inquired whether work would begin in 2012 and Mr. Fieldman replied that construction would be in 2013. Commissioner Durkin added that he feels that a situation similar to Orchard Brook exists here.

Commissioner Barnett commented that the Village should learn from the past. The primary objective is storm water control. Any plan beyond naturalization is going to be complicated by guarantees for future maintenance. Anything over naturalization has to assure that in the future the Village has the authority to do what needs to be done without spending money. It must remain as an effective storm water tool.

Mayor Tully responded that the Village's role is to make the best decision on the part of 48,000 people. The purpose of this pond is to serve as storm water detention. Dredging is not a sustainable solution or cost effective. He believes naturalizing is the most cost effective sustainable solution. He wants to talk with the neighbors to see if they can work together to achieve more than what the community as a whole will support. This is consistent with what has been done in the past. The Village cannot have a neighborhood solution that is inconsistent with a community solution. The Mayor said he is willing to work with the neighbors, and is willing to explore the SSA option and the Park District's control of the pond. The Village will now invest \$500,000 and that cost will go up over time. He stressed that no decision would be made tonight. He is interested in the neighborhood's proposals to go above and beyond what the Village is willing to do.

Commissioner Barnett asked about life cycle costs of naturalization and the Manager replied it would be about \$5000 per year.

Commissioner Rheintgen asked about access, since if it were public property then there would be pathways, access, parking, etc.

Commissioner Neustadt asked if they have the information about naturalization in areas that have been around about ten or fifteen years, and the Manager said staff would take photos of Orchard Brook, which is the best example.

Louis Stanakaitis, Jr., 6910 Waterfall, said he has had an independent contractor, AOS Services,

provide a quote for the dredging at an amount of \$500,000 at six feet. He would like to explore that possibility.

The Mayor asked if they looked at the bid. Mr. Stanakaitis said they did, but it was after the fact. There was no public bid. Mr. Fieldman responded that there absolutely was a public bid. Mr. Stanakaitis said that residents didn't know about that as the Village just came up with its single quote, and his friend could beat that.

Commissioner Neustadt said that there is a pubic information site on the website.

Commissioner Schnell noted that the Village went out for bid for naturalization, not dredging. The Manager said that was correct.

Mayor Tully said that if they were to go out for bidding on the dredging it would have to follow the public process. The Manager said he would like to look at the bid.

The Mayor thanked the resident for bringing it to the Village's attention.

Roger Genschoreck, 6900 Robey Avenue, said he received a packet of correspondence, drawings, news articles, etc. The Village took possession of the pond in 1988. The Village has failed to maintain the pond. More time and money has been spent trying to naturalize the pond than to take care of it. He referenced Council policies regarding maintenance of storm water structures and wetlands. The Village has not been a good neighbor.

Mr. Genschoreck suggested there should be six options. He asked if someone would turn over a piece of contaminated property and said he does not think the EPA will allow that to happen. One option is to include everyone in the watershed. Mr. Genschoreck said moving ahead with naturalization without regard for the homes adjacent to the pond would have a negative financial impact. He suggested residents call the Army Corps of Engineers, call the Illinois EPA, Bureau of Land and Water, and call the Illinois Department of Natural Resources.

The Mayor said the Village is trying to maintain the pond by doing something.

Mr. Genschoreck said he has never seen a Village lawnmower, tractor, etc. maintaining the weeds or grass.

The Mayor said they are trying to come up with the best sustainable solution.

John Peters, 1041 Robey, said the area is not a private area. The Downers Grove South cross country team runs there. It is a public area. He noted that in 1988 the Village Attorney said the Village would maintain the lake.

Mr. Fieldman said this was to approve a settlement and to maintain the property.

Mr. Peters asked if this could wait until after the busy season for a consultant to prepare a bid. The Mayor said it could wait.

Mr. Peters said waiting without a viable solution is a problem.

The Mayor asked if there is any interest on the part of the residents in alternatives.

Mr. Peters said that for him and his neighbors, dredging is the most comfortable thing to do.

Mr. Fieldman, in response to Mr. Peters, said that the Illinois EPA regulations allow material to stay in the pond; however, once the material is removed from the pond it has to be disposed of in a certain way.

Commissioner Barnett said the Village is trying to take best practices from around the country and use them in this situation. The are trying to adhere to the policies and best practices. The staff recommendation is not a new idea in terms of sustainability.

Mr. Peters spoke of living six feet off of a pond with mosquitoes, trash bags, etc. He asked as to the naturalization process and the effect of naturalization. The Manager said staff will provide a summary about the pond and naturalization.

Commissioner Schnell said the more information about the proposal, the better.

The Mayor said he understands Mr. Peters questions to be the cost of dredging and the physical mechanics of naturalization and how it alters a pond.

Commissioner Rheintgen referenced the discussion regarding the costs of dredging and naturalization. Mr. Fieldman said staff stands behind the cost estimates. Mr. Fieldman said staff could issue a call for bids; however, he would not recommend doing so if the project is not intended to be built. Mr. Fieldman also agreed that a consultant could be paid to estimate costs for dredging.

The Mayor noted that this is a lack of confidence on the part of the residents with the staff estimate. He suggested that perhaps the numbers could be explained. He spoke of a shared level of confidence. The Manager said staff could provide more information. Costs change due to requirements to handle the silt.

Commissioner Schnell said it is necessary to furnish more detail on the bids so we have a higher level of confidence on the part of the public.

An unidentified resident asked how many Council members have walked around the pond. He said it is public and there is parking. Naturalizing the pond will turn it into a feeding ground for coyotes, and will not work. Residents do not want to pay for the Village's mistakes.

David Wilson, 1031 Robey, said the subdivision to the south had an oil spill into the pond. He asked if anyone has looked at what flows in the pond now.

Jan Sinnick, 6910 Robey, said she bought her house because of the pond and Downers Grove. She said the neighbors will meet as a group and seek legal options. She has spoken with people who have dredged ponds. Ponds can be drained and dried out, and then the sediment can be hauled away which saves environmental concerns. Underground detention is another option.

Rose Toth, 7000 Foster, went through the timeline. She referenced growth in the last 40 years and said the developer caused a great deal of silt. She asked if staff asked for options when proposals were prepared. Mr. Fieldman said staff started with a blank slate and looked at options. Staff presented an open ended, results oriented conversation.

Ms. Toth said during heavy rains they get more than eight feet of water. Naturalized plants would not last more than three days under water. She thinks the estimate may be low. In response to Ms. Toth, Mr. Fieldman said this would be a design-build contract; it is not yet designed but the plan is to create more storage.

Ms. Toth asked why the Village received only two bids for this proposal and how firms are notified of the bid. Mr. Fieldman said it is a highly complicated project. Staff send the proposal to firms we are aware of and posted it publicly.

Ms. Toth said she feels the decision has been made. She suggested another company be consulted. She asked how long the naturalized pond would last. She reiterated that this is not a

private pond; the Village owns it and there are access points on the north and south sides. In response to Commissioner Durkin, Ms. Toth said there are no signs.

Mr. Fieldman said in selecting firms, staff posted a request for qualifications. We had ten responders, five of whom were qualified and two responded to this bid.

Ms. Toth asked if two responses are adequate. Commissioner Barnett said it is a reality. The process of advertising is well defined and very public.

Ms. Toth asked how the project is estimated without a scope. The Mayor said the design-build process is not unique.

Ms. Toth asked if the east end of the pond would have a basin. Mr. Fieldman said under Option 3 basins would be included.

Scott Reichl, 1150 Valley View, said if you own your home you are concerned about the value of your property. He asked if there would be relief if property values drop. The Mayor said the Council does not control assessments. The Manager said property taxes operate on a levy system, not a rate. The impact on property values was not reviewed.

Mr. Reichl said he would be interested in exploring an SSA. He asked as to the guarantees the Village could provide.

Commissioner Neustadt said the naturalization program has a \$5,000 to \$10,000 maintenance component. He asked for information as to what this includes.

Commissioner Schnell asked how residents go about requesting a 60 day review period. Mr. Fieldman said staff can talk to the residents and answer questions posed tonight.

Commissioner Schnell said she and the neighbors need additional information that could be provided in the additional 60 days.

Commissioner Neustadt noted there are three weeks until the next meeting, and suggested that this may be enough time to decide next steps.

Dave Young, 1111 Robey, said he would entertain the idea of an SSA. He asked what it would cost. The Mayor said an SSA would not happen unless the neighborhood wants it.

Commissioner Barnett asked residents to review the information on the website and think through the SSA. If the neighbors do not want an SSA, Council should know that. Council and staff need to continue to work on this matter.

Mr. Fieldman said he will provide information on the SSA and costs. Commissioner Rheintgen said there is no commitment to an SSA by talking about it.

Commissioner Waldack noted that it is important to be flexible and to keep the dialogue going rather than waiting for the next meeting. He is open to options and noted that the Village wants to do this right. With respect to the staff workload, Commissioner Waldack said he is willing to reassess priorities if needed.

The Mayor expressed his appreciation to the residents for attending the meeting.

Indexes: Stormwater Sewer Watershed Improvement Plans, Stormwater Improvements

9. Mayor's Report

ComEd Reliability Report

The Village is working with ComEd to identify a date for a second Town Hall meeting. It is tentatively scheduled for the third week in September.

New Business

Mayor Tully congratulated Commissioner Durkin and his wife on the birth of their new baby girl.

10. Manager's Report

The Manager asked Mike Baker, Deputy Village Manager, to provide the quarterly report for the second quarter 2012.

Mike Baker, Deputy Village Manager, said he would review key accomplishments and the General Fund financial report.

He provided a list of some of the key accomplishments. He highlighted the significant number of public works contracts, electrical aggregation, and completion of the 2011 audit with no management letter comments.

With respect to the financial report, Mr. Baker said the annual budget for 2012 is \$41.35 million. Expected revenues are \$21.09 million and actual revenues are \$1.19 million higher than expected at \$22.28 million. This is primarily due to three revenue sources: telecommunication taxes, income tax, and building permits.

In terms of General Fund expenses, Mr. Baker reported that expected and actual expenses are tracking at \$18.60 million. Staff will continue to closely monitor all expenses. The budget document, due to be released at the end of September, will provide more detailed information.

11. Attorney's Report

Village Attorney Enza Petrarca had no report.

Future Active Agenda

12. Council Member Reports and New Business

Commissioner Durkin announced that his daughter, Avery Elizabeth, was born on Thursday, July 12 at 3:53 p.m. She weighed 7 lbs., 9 oz. and was 21 inches. She is a blessing and a great addition to the family. He thanked people for their thoughts and prayers. He said that although his children have been born at Hinsdale Hospital, many of their nurses are Downers Grove residents.

Commissioners Schnell and Waldack extended their congratulations to the Durkins.

Commissioner Rheintgen said EDC President Michael Cassa, Commissioner Neustadt, and she met with Bill McAdam from the Park District. They talked about ways to work together.

Commissioner Neustadt said he met with District 58 superintendent, Dr. Kari Cremascoli She is looking forward to moving to Downers Grove.

Mayor Tully said the next Coffee with the Council is scheduled for Saturday, July 21 at the Orchard Brook Clubhouse at 1089 35th Street.

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 9:30 p.m.