



# Village of Downers Grove Meeting Minutes Downers Grove Village Council

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

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Tuesday, August 14, 2012

7:00 pm

Council Chambers

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## 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 Becky Rheintgen, Commissioner Geoff Neustadt and Mayor Martin Tully

Absent: Commissioner Sean P. Durkin

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 - August 7, 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

*Michael Cassa, President, Economic Development Corporation (EDC), 2001 Butterfield, said the most important priority of the EDC is retention and attraction of businesses; however, the EDC also works with the Downers Grove Visitors Bureau. The EDC has held two meetings with the Visitors Bureau Committee and Mr. Cassa noted the makeup of the committee, including local hotels, the Downtown Management Corporation, the Chamber of Commerce, Park District and other groups. The purpose is to look for ways to attract visitors with an emphasis on overnight stays. The EDC engages stakeholders to promote Downers Grove as a destination. Non-resident visitors play an important role in any community. He said the EDC and Visitors Bureau will meet on a regular basis and he will report on the economic impact of visitors in the future.*

*The Mayor noted that one of the challenges with respect to events is measuring economic impact, which is critical to continued investment. The Mayor said this is an opportunity to partner with the business community for a mutual benefit.*

#### 5. Public Hearings

#### 6. Consent Agenda

**BIL 00-04972** A. List of Bills Payable: No. 5994, August 14, 2012  
**Sponsors:** Accounting  
**A motion was made to Approve this file on the Consent Agenda.**

**Indexes:** N/A

**MOT 00-04968** B. Motion: Award a Contract for \$346,280.00 to J. Congdon Sewer Service, Inc., Carol Stream, IL, for the Elm Street Storm Sewer Improvement Project  
**Sponsors:** Public Works  
**A motion was made to Award this file on the Consent Agenda.**

**Indexes:** Storm Sewers

**RES 00-04955** C. Resolution: Authorize an Addendum to the Agreement with V3 Companies, Ltd.  
**Sponsors:** Public Works  
**Summary of Item:** A RESOLUTION AUTHORIZING AN ADDENDUM TO THE AGREEMENT BETWEEN THE VILLAGE OF DOWNERS GROVE AND V3 COMPANIES, LTD.

RESOLUTION 2012-60

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

**Indexes:** Roadway Improvements

**MOT 00-04979** D. Motion: Note Receipt of Minutes of Boards and Commissions  
**Summary of Item:** Library Board - July 11, 2012  
Plan Commission - July 2, 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 Barnett, that the consent agenda be passed. The motion carried by the following vote:

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

## 7. Active Agenda

**ORD 00-04967** A. Ordinance: Authorize an Extension of a Final Planned Development Amendment for Planned Development #31

**Sponsors:** Community Development

**Summary of Item:** This authorizes an extension of a final planned development amendment for Planned Development #31 for additions to the existing parking garage and the construction of a new six-level parking garage at 3500 Lacey Road until August 16, 2013.

AN ORDINANCE AUTHORIZING AN EXTENSION OF A FINAL PLANNED DEVELOPMENT AMENDMENT FOR PLANNED DEVELOPMENT #31 FOR ADDITIONS TO THE EXISTING PARKING GARAGE AND THE CONSTRUCTION OF A NEW SIX-LEVEL PARKING GARAGE AT 3500 LACEY ROAD

ORDINANCE NO. 5273

A motion was made by Commissioner Schnell, 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 Rheintgen, Commissioner Neustadt and Mayor Tully

**Indexes:** Planned Development #31 - Esplanade at Locust Point

## 8. First Reading

**ORD 00-04975** A. Ordinance: Adopt a Stormwater Utility Ordinance and Amend Water Utility Provisions

**Sponsors:** Manager's Office

*Manager Fieldman commented that the Council has been working on this ordinance for some time, and staff has created a program consistent with Council's direction. He introduced Stan Balicki, Assistant Director, Public Works, to make the presentation.*

*Stan Balicki, Assistant Director, Public Works, explained that this ordinance is the result of a policy directive provided to staff in April 2012, which was the result of multi-year efforts. He noted that detailed information has been provided as part of this presentation. He said that staff plans to launch extensive public engagement efforts in September.*

*Mr. Balicki presented a summary stating that the Village owns and operates a stormwater management system. Historically the Village has used property tax revenue to maintain and repair the stormwater system. This proposed utility would shift the funding entirely to a fee-based system. He noted that all properties benefit from the stormwater system, therefore all properties pay to maintain it. The utility encourages on-site stormwater management. It is a predictable, dedicated funding source and will result in a reduction of the 2013 property tax levy by \$2.48 million (19%). He said that monthly stormwater fees are consistent with what was shown in April. These would be assessed in 2013. There are three tiers for residential properties ranging from \$6.30 to \$12.60 per month based on equivalent runoff units (ERU). Non single-family residential fees would be \$8.40 per ERU. Mr. Balicki noted that fees can be*

*reduced through 1) credits which are on-going fee reductions for on-site actions that reduce stormwater runoff, and 2) incentives that are a one-time fee reduction for qualifying facilities.*

*Mr. Balicki then reviewed the Village's activity regarding the Stormwater Utility ordinance from 2003 to the present. In 2011/12 the Village Council conducted public meetings, provided informative videos and held stakeholder meetings. E-mail questions and comments were reviewed, and the questions and comments were posted. Since April 2012, staff has created the program including detailed information on the project, the creation of a billing system, and updating of the Village's database and GIS system. The draft ordinance has been prepared as well as the public engagement plan. The next steps in the process include an extensive public engagement effort beginning in September through the launch of the utility and beyond. The intention is to create awareness, explain the financial impact to the public, and provide tools to lower bills. The Village will use Facebook and other social media, its website, Channel 6, etc., to make the information available to the public. The 2013 budget review and approval will include the budget for the stormwater fund and the reduction in the tax levy.*

*Commissioner Neustadt asked as to interactive e-mail. Mr. Balicki explained that people can e-mail with their address and the Village can provide the cost per parcel. Commissioner Neustadt noted that the policy has been discussed at length and is in line with the Long Range Financial Plan (LRFP) with a dedicated source of revenue. He appreciates the efforts of the Council and staff and will support this ordinance.*

*Commissioner Rheintgen commented that she would like to see unlimited incentives made available in the first year as good customer service. Mr. Fieldman responded that this could be discussed further at the budget hearings.*

*Commissioner Waldack said that he voted against this, however he agrees that what staff presented is what the Council directed.*

*Commissioner Schnell complimented staff on their work. The stormwater manual is very clear and easily understood. With regard to the public engagement period, she said that people can contact staff regarding the status of their property and have their questions answered. Mr. Fieldman agreed, saying contact can be made by e-mail, phone, etc. Commissioner Schnell commented that she thinks the tiers will confuse people, and asked how that information will be provided. Mr. Fieldman said that the key component of the communications strategy is the social media, Village website, meetings, mailings, etc. He stressed that public meetings will be included. Commissioner Schnell added that the key to this working will be in the next few months.*

*Commissioner Barnett commented on the ordinance with regard to a change in the water billing section, which should be carried throughout. He also referenced mail notifications and the appeals section, and asked that the language be reviewed for consistency. He also asked about the non-single-family residential properties in Sec. 25.66 and asked about rounding up to the next ERU. He said this may be inconsistent with other sections of the ordinance. He also expressed concern about Section 25.68 concerning modification to parcels. Mr. Fieldman responded that there is a practical nature to the ordinance, noting that the vast majority of changes to impervious areas require a permit.*

*Mayor Tully suggested the term "any material modification" and defining that term in the definitions.*

*Commissioner Barnett asked for more information regarding the records that are required to be kept. He also asked that the time frame for collections from 60 to 45 days be reconsidered. He does not like that section. Mr. Fieldman responded that the way the Village operates is conducive to a 45-day increment process. They are trying to work with residents and businesses on time lines, etc. The Village operates in a facilitate rather than regulate mode.*

Commissioner Barnett then referenced Section 25.69 regarding appeals, which he finds unsatisfactory regarding de facto decisions. Mr. Fieldman said this language was taken from other parts of the Code. If there is a delay on the Village's part, then it would not be enforced. If it is considered and they purposely are not acting, then this decision would be made. Mr. Fieldman said the board hearing an appeal would be the Stormwater Flood Plain and Oversight Committee. If there is a reason they would like more time to make a decision, they may continue the hearing which does not count toward failure to make a decision.

Commissioner Barnett then commented on the tax deductibility issue, which weighs heavily on him. There were some changes made, but this still is a challenge for him. The federal government mandates much of what is being done. He is still trying to understand all the issues, but appreciates the work done so far.

Mayor Tully shared his comments regarding some minor language issues and definitions. With respect to the process to maintain credit he suggested more flexibility initially. The change from the 60 to 45 days effects the water billing process. Staff's program is consistent with the policy direction. He noted that something must be done, and the Village needs a sustainable equitable method to fund the stormwater management system. This is fairly new and will need to be adjusted as they move forward. He reiterated that the Village needs to be flexible.

1. Tom LeCren, 545 Chicago Avenue, commented on language in Section 25.71 Accounts. He suggested a definition of the Oversight Committee. He also said that one of the things to be considered is that the charts show a monthly charge, but the billing is bi-monthly.

2. Bill Wrobel, 7800 Queens Court, referenced the billing cycle and asked why the south side pays before the north side. Mr. Fieldman responded that everybody pays for one year. They used this structure as it is the current water billing system, which divides the Village into two sections. Mr. Wrobel asked about creating a position to administer this program, or whether it would be prudent to contract it out. Mr. Fieldman responded that the position of Stormwater Administrator is already filled and required by the County Stormwater Ordinance. It will further require a part-time GIS administrator. With the program launch, the Village will use existing staff or augment with support staff, if necessary.

Commissioner Waldack then asked how soon before January the billing information will be made known including tiers, etc. Mr. Fieldman responded that it is already known and the data base system is built. That information is available on Stormwater Utility on the website.

Commissioner Waldack then asked if there is any possibility of sending out a dummy bill in the November/December time frame with a balance of zero. Mr. Fieldman replied that they will send notices to owners of vacant parcels that they will receive a utility bill and the Village will have example bills available.

Commissioner Schnell noted that an error message appeared when she went to the website. Mr. Fieldman responded that staff would look into this.

Commissioner Rheintgen inquired about the education credit and partnership credit and if the \$300 application fee must be paid. Mr. Fieldman said yes, and applicants will have a face-to-face meeting with staff when submitting the application. Commissioner Rheintgen then asked if there is a database of landlords. Mr. Fieldman said that the Village has a list of property owners as well as water bill customers. They will work with all of those. Mr. Fieldman further noted that the key team members who have worked on this issue are Stan Balicki, Karen Daulton Lange, David Rauch, Phyllis Walberg, Janice Barwald, Jeff O'Brien, Janene Cerulli, Carol Hogan, Robin Leahy, Dawn Didier, and Karen Robbins.

**Indexes:** Stormwater Utility

**ORD 00-04974** B. Ordinance: Proposing Establishment of Special Service Area Number 4 - Green Acres Subdivision**Sponsors:** Community Development

*Tom Dabareiner, Director, Community Development, explained that this ordinance proposes establishment of SSA #4 for the Green Acres Subdivision on the west side of Fairview, north of 66th Street. In April 2012, the Village approved the re-subdivision that included modifications to the detention area, creation of a new buildable lot and creation of a homeowners association. The homeowners association will be responsible for the maintenance of the all common areas, including the detention site. This SSA would serve as a safeguard in case the homeowners association defaulted and the Village had to assume responsibility for the common areas. He said that the Village proposes a maximum annual rate not to exceed 3% of the property's EAV as a tax levy. To establish this, the Village must approve the ordinance proposing the establishment of the SSA, and a public hearing must be held. There will be a 60-day objection period.*

**Indexes:** Subdivision - Green Acres of Downers Grove, Special Service Area 4 - Green Acres Subdivision**MOT 00-04973** C. Motion: Award a Contract for \$103,030 to V3 Construction Group, Ltd., Woodridge, IL, for Construction of Drainage Improvements at Fire Station #3**Sponsors:** Public Works

*Nan Newlon, Director, Public Works, explained that this contract would provide drainage improvements at Fire Station 3, which is a 5-acre tributary area. She explained that the parking lot would be removed and reconfigured. The stormwater facility will be bioswale. She explained that the parking lot was initially designed for training, which is no longer done there. A grant was received for the design. In addition a grant was submitted 1.5 years ago for State money and they are still waiting for that grant. Staff proposes the remainder of the project be paid from the Stormwater Fund. The low bidder of five bidders is V-3 and staff recommends granting the award.*

*Commissioner Schnell commented that there is a storm drain at this station that clogs and causes a flooding problem for the neighbors. Ms. Newlon replied that this will alleviate that flooding. Staff is also looking to slow down the water flow. The bioswale is 2'-3' deep.*

*Commissioner Neustadt asked if Fire Department vehicles will be able to maneuver the site, and Ms. Newlon said they would.*

**Indexes:** Fire Station # 3**BID 00-04977** D. Bid: Award \$279,505.78 to Austin Tyler, LLC, Elwood, IL, for the Wisconsin and Janes Stormwater Improvement Project**Sponsors:** Public Works

*Ms. Newlon said that Items D & E are related and concern flooding in high rain events in the Wisconsin and Janes areas, particularly the Service Master site. There are undersized storm sewers and inadequate overland flow paths. The project includes an alternate bid, which includes grinding and regrading of the Service Master parking lot. Service Master has signed the agreement and paid their portion of the cost. Austin Tyler LLC is the low bidder and staff recommends award of the bid to them.*

**Indexes:** Stormwater Improvements**RES 00-04981** E. Resolution: Authorize an Agreement with C-Raap, LLC**Sponsors:** Public Works

**Indexes:** Stormwater Improvements

**ORD 00-04980** F. Ordinance: Amending General Penalties for Ordinance Violations, Penalties for Miscellaneous Offenses and General Sentencing for Ordinance Violations

**Sponsors:** Village Attorney

*Village Attorney Enza Petrarca said that this ordinance amends the Municipal Code to comply with the Supreme Court rules for ordinance violations.*

**Indexes:** Ordinance Violations

## 9. Mayor's Report

### ComEd Reliability Report

*Mayor Tully said a Town Hall meeting was held last year with ComEd regarding reliability of electrical service. He said this matter is not yet finished and announced another Town Hall meeting on Thursday, September 20, 2012 at 7:00 p.m. at the Downers Grove Park District Recreation Center, 4500 Belmont Road. Residents and businesses are invited to attend.*

## 10. Manager's Report

*The Manager said Coffee With The Council will be held on Saturday, August 18, 2012 at the Main Street Train Station from 9:00 a.m. to 10:00 a.m.*

## 11. Attorney's Report

*Village Attorney Enza Petrarca said she was presenting three (3) items to the Council: 1) An ordinance adopting a stormwater utility ordinance and amending water utility provisions; 2) An ordinance amending general penalties for ordinance violations, penalties for miscellaneous offenses and general sentencing for ordinance violations; and 3) An ordinance proposing the establishment of Special Service Area Number 4 in the Village of Downers Grove, Illinois and providing for a public hearing and other procedures in connection therewith.*

## 12. Council Member Reports and New Business

*Commissioner Schnell distributed information regarding the Pink Heals Tour which supports women in their fight against all types of cancers. She thanked the Fire Department for their support of this cause. The event will take place on Thursday, August 23, 2012, at 6:30 p.m. in the parking lot at Good Samaritan near the Emergency Room. There will be an opportunity to take photos with the pink fire truck. She encouraged everyone to attend this event.*

*Commissioner Rheintgen asked if the people in attendance at last year's ComEd Town Hall meeting would be sent an email regarding this year's meeting. Mr. Fieldman said they would be invited to attend this year's meeting.*

*Commissioner Rheintgen then invited people to sign up for the Grove Foundation golf outing to be held on September 8 at the Downers Grove Park District Golf Course, 2420 Haddow Avenue. For more information go to [www.thegrovefoundation.org](http://www.thegrovefoundation.org).*

*Mayor Tully announced that there would be a special guest present following Saturday's Coffee With The Council. Illinois State Treasurer Dan Rutherford will be at the Main Street Train Station at 10:00 a.m. to promote I-Cash to Downers Grove. I-Cash is a program that connects residents to unclaimed property.*

*The Mayor congratulated the Downers Grove Lions Club for sponsoring the annual New Teachers Luncheon. He thanked the Council and staff members who attended.*

*The Mayor said the Village and Council are keeping Lombard President Bill Mueller in our*

*thoughts and prayers as he is hospitalized.*

### **13. Adjournment**

*Commissioner Schnell moved to adjourn. Commissioner Barnett seconded the Motion.*

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

*Mayor Tully declared the motion carried and the meeting adjourned at 8:16 p.m.*