



Village of Downers Grove Meeting Minutes Downers Grove Village Council

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

Tuesday, March 12, 2013

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

Cub Scout Pack 36 assisted the Mayor in leading the Pledge of Allegiance to the Flag. They had a few questions for the Council and staff.

When asked what he considers the hardest part of his job, Mayor Tully responded that it was reaching a consensus. He noted that it is hard when you are dealing with a matter with no wrong answers.

Village Clerk April Holden addressed the question as to how long it takes to count votes in an election. She said that the vote count is completed election night and the official results are announced in about a week.

In response to a question as to whether the Mayor deals with resident complaints, the Mayor said that resident complaints are handled by both the Council and staff.

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 - February 19, 2013

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

Frank Falesch, 820 Prairie, announced that the Downers Grove Watch is sponsoring a candidate forum on March 23 at 10:00 a.m. in Lincoln Center.

5. Public Hearings

6. Consent Agenda

COR 00-05159 A. Claim Ordinance: No. 5991, Payroll, February 8, 2013

Sponsors: Accounting

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

Indexes: N/A

BIL 00-05160 B. List of Bills Payable: No. 6032, March 5, 2013

Sponsors: Accounting

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

Indexes: N/A

BIL 00-05175 C. List of Bills Payable: No. 6034, March 12, 2013

Sponsors: Accounting

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

Indexes: N/A

BID 00-05164 D. Bid: Award \$260,000.21 for the Purchase of Nine Replacement Vehicles

Sponsors: Public Works

A motion was made to Approve this file. Mayor declared the motion carried.

Indexes: Vehicle Purchases

MOT 00-05170 E. Motion: Award a Contract for Material Testing Services for Capital Improvement Projects to SEECO Consultants, Inc., Tinley Park, IL

Sponsors: Public Works

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

Indexes: Capital Projects

MOT 00-05173 F. Motion: Award a Contract for Material Testing Services for Capital Improvement Projects to Interra, Inc., Bolingbrook, IL
Sponsors: Public Works
A motion was made to Award this file on the Consent Agenda.

Indexes: Capital Projects

MOT 00-05174 G. Motion: Award a Contract for Material Testing Services for Capital Improvement Projects to Geocon Professional Services, Frankfort, IL
Sponsors: Public Works
A motion was made to Award this file on the Consent Agenda.

Indexes: Capital Projects

RES 00-05163 H. Resolution: Authorize the Sale by Public Auction of Personal Property Owned by the Village of Downers Grove
Sponsors: Public Works
Summary of Item: A RESOLUTION AUTHORIZING THE SALE BY PUBLIC AUCTION OF PERSONAL PROPERTY OWNED BY THE VILLAGE OF DOWNERS GROVE

RESOLUTION 2013-12

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

Indexes: Auction

MOT 00-05178 I. Motion: Authorize Purchase of 4,200 Tons of Road Salt for 2013-14 Winter Season
Sponsors: Public Works
A motion was made to Authorize this file on the Consent Agenda.

Indexes: Salt

MOT 00-05176 J. Motion: Note Receipt of Minutes of Boards and Commissions
Summary of Item: Library Board - January 23, 2013; February 13, 2013; February 16, 2013
Liquor Commission - December 6, 2012
Plan Commission - January 28, 2013 & February 4, 2013
Zoning Board of Appeals - January 23, 2013
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 00-05158 A. Motion: Award a Contract for \$114,500 to Duncan Associates, Inc. for Comprehensive Update of Zoning Ordinance and Subdivision Control Ordinance

Sponsors: Community Development

Summary of Item: This authorizes a contract in the amount of \$114,500 to Duncan Associates, Inc. for a comprehensive update of the Downers Grove Zoning Ordinance and Subdivision Control Ordinance.

A motion was made by Commissioner Schnell, 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: Subdivision, Zoning Ordinance

MOT 00-05166

B. Motion: Approve a Labor Agreement with the Illinois Fraternal Order of Police Labor Council

Sponsors: Village Attorney

Summary of Item: This adopts the collective bargaining agreement negotiated with the Illinois Fraternal Order of Police Labor Council, effective May 1, 2012 through April 30, 2015.

Commissioner Neustadt said that representatives of the Fraternal Order of Police are present at the meeting. Each time the Council approves a contract it ensures employee rights, and management rights. He said that this is a fair agreement and the Police and staff worked together to come up with an agreement that is fair and that will benefit our community and our officers. He said he would support this Motion.

Commissioner Barnett commented on the next three agenda items. He said he is in complete support of the performance of the Village Manager and Village Attorney, but he doesn't support the compensation changes proposed this evening. He remains hopeful that a commitment to improve the process continues. He values the FOP members and the work they do to protect our community, but he does not agree with the compensation plan. He would like to offer wage increases if there could be a safety clause that provides our residents with protections against indiscretions in Springfield or economic decline. Commissioner Barnett said that these contracts are mistakes. Randomly determining compensation adjustments without clear connections to performance metrics, or binding our residents to future cost increases without protections when two-thirds of our revenue is beyond our control seems foolish. He is not voting against the team members, and it is not a critique of their performance. They have done their jobs well. He is voting for better process. It is a vote for equity and consistency in our evaluation methods. It is a vote for security for our residents and more security for our employees. Those have both recently been in jeopardy.

Commissioner Schnell thanked the staff and the Fraternal Order of Police for the amount of energy that went into the bargaining. Both management and employee rights are protected. She said that the Village needs to reward our employees under what is presently in the law. She will support this agreement.

Mayor Tully said he shares Commissioner Barnett's frustration in the framework within which these compensations are made. There are limitations and challenges in the framework in which they must operate. He noted that there are laws and rules that the Village must follow, and which the Village does not make. The FOP contract is an appropriate result. It is not within the power of the Council to change the framework. He believes this contract is fair and appropriate. He will support the agreement.

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

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

Indexes: Police Contract

MOT 00-05150

C. Motion: Authorize an Amended Employment Agreement, Raise, and Bonus for the Village Manager

Sponsors: Mayor

Summary of Item: This authorizes an amended employment agreement, a two percent (2%) raise and a \$10,000 bonus for performance in 2012 for Village Manager David Fieldman.

Commissioner Neustadt said that the Village excelled last year, and he expects the same in 2013. He said 2012 was a remarkable year for our Village. The Village positioned itself with the Village Manager's leadership and his team for a savings of \$7.5 million. This agreement is fair and appropriate.

Commissioner Rheintgen echoed Commissioner Neustadt's comments, saying the Village Manager and Village Attorney have done outstanding jobs, as is evidenced by their performance evaluations.

Commissioner Schnell said that Manager Fieldman has established a standard in the organization that no other community in DuPage County has. She feels that the contract is appropriate.

Commissioner Durkin commented that he supports Manager Fieldman, but he does not support this Motion. He has had many conversations with the Manager and Manager Fieldman does an outstanding job. Commissioner Durkin said he wants to see a defined plan, and he will propose this in the future. He also has an issue with the process. He believes that the amount of the bonus does not match the job done. Commissioner Durkin said that the Village is shortchanging Manager Fieldman. He believes what Mr. Fieldman has done for the community and the Economic Development Corporation is worth greater recognition.

Mayor Tully said with respect to these agreements the Village Manager and Village Attorney earned them. They are performance driven. The recognition is entirely merit driven. He understands the disagreement with the framework; however, given the metrics in place, he believes this is a fair and appropriate agreement. It is performance driven.

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

Votes: Yea: Commissioner Schnell, Commissioner Rheintgen, Commissioner Neustadt and Mayor Tully

Nay: Commissioner Barnett, Commissioner Waldack and Commissioner Durkin

Indexes: Village Manager

MOT 00-05151

D. Motion: Authorize an Amended Employment Agreement and Raise for the Village Attorney

Sponsors: Mayor

Summary of Item: This authorizes an amended employment agreement and a three percent (3%) raise for Village Attorney Enza Petrarca.

Commissioner Neustadt said that the Village organization works as a team. This is a performance-based increase. It is difficult to grasp all the work in the Village Attorney's office. The Commissioner said that the Village Attorney consults with staff and Council members. He noted that the remarks on her performance evaluation were great. He thinks this is fair and appropriate. The Council has budgeted for increases. They have to be mindful of compaction.

Commissioner Rheintgen stated her agreement with Commissioners Barnett and Durkin to talk again about changing the process in the future so they can all be comfortable.

Commissioner Schnell commented that anytime they can streamline the process and make it more accountable, the better off the Village is. She noted that the Council has not reviewed the evaluation process for several years.

A motion was made by Commissioner Schnell, seconded by Commissioner Neustadt, to Approve this file. Mayor declared the motion carried by the following vote:

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

Indexes: Village Attorney

8. First Reading

MOT 00-05161 D. Motion: Award a Contract for \$941,849.15 to John Neri Construction Co., Inc., Addison, IL, for Washington Street Improvements

Sponsors: Public Works

Nan Newlon, Director, Public Works, said this is a request to award a contract to John Neri Construction in the amount of \$941,849.15 for the Washington Street improvement. She said a second and related Motion authorizes an intergovernmental agreement for the construction of sanitary sewers. It involves replacing watermain, storm sewers, curb and gutter replacement, road resurfacing, asphalt patching and sidewalk replacement. Ms. Newlon said that John Neri was the low bidder of 14 bidders.

Tom LeCren, 545 Chicago Avenue, said it is about time that this project got off the ground. He asked about the actual cost of the contract and the amount of money that will be borrowed.

Mr. Fieldman said that this is part of the capital projects fund and water fund, and the money is not borrowed. The major component is the street reconstruction.

Commissioner Schnell agreed that this project is long in coming. She asked about safety, due to the railroad crossing. She wants Washington Street to flow as well as can be expected so that people are not overly frustrated or blocked at the track. She asked that this be staged properly, including built-in safety factors. It is important that the people know what is happening, when and how. She also asked that this be publicized. The free-flow of traffic is a primary concern.

Mr. Fieldman responded that safety is the first goal. Staff will publish the plan and work schedule to educate the public.

Ms. Newlon noted that the contractor will have a penalty for lane closure, so they have an incentive to keep the lanes open. Safety is a big concern to her as well. She explained that the schedule has been compressed.

Indexes: Water Main Improvements

RES 00-05162 E. Resolution: Authorize an Intergovernmental Agreement with the Downers Grove Sanitary District to Replace Sanitary Sewer Manholes in Washington Street from Burlington Avenue to Maple Avenue

Sponsors: Public Works

Indexes: Sanitary District

MOT 00-05169 F. Motion: Award a Contract for \$3,020,000.19 to A Lamp Concrete Contractors, Inc., Schaumburg, IL, for Concord Square Unit 2 Roadway Improvements

Sponsors: Public Works

Ms. Newlon said that this contract is for the award of a contract to A Lamp Concrete Contractors in the amount of \$3,020,000.19 for Concord Square, Unit 2 roadway improvement and street light replacement. This includes the reconstruction of streets, replacement of storm sewers and streetlights, and installation of traffic calming measures within the Concord Square Unit 2 Subdivision. Streets include Bunker Hill Circle, Concord Drive, Camden Road, Camden Court, Camden Place, Ticonderoga Road, Alamance Place, Monmouth Place, and Valley Forge Place.

The subdivision was built in the late 1970s with a pozzolonic road base and inadequate roadway drainage that has resulted in a deteriorating and failing pavement. Reconstruction of the streets in this subdivision will provide a better performing pavement and reduce maintenance costs.

She noted that A Lamp was the low bidder of four bids. The Manager noted that the funding source for this project is a portion of the 2012 \$25 million bond issue for streets.

Mayor Tully commented that this is part of the Village's commitment to infrastructure improvement.

Indexes: Street Lights - Maintenance, Roadway Improvements

RES 00-05167 C. Resolution: Approve Final Plat of Subdivision with Exceptions for 4729 Woodward Avenue

Sponsors: Community Development and Plan Commission

Tom Dabareiner, Director, Community Development, provided background information on this petition regarding the Plat of Subdivision for 4729 Woodward Avenue. The property is 180' wide and consists of two buildable lots, and one house. The proposed resubdivision of the property includes two 75' wide lots, one facing Woodward, and one facing Prairie, and one 150' x 105' lot on the corner where the existing house sits. Mr. Dabareiner said that the petitioner is proposing to modify the existing home and the two new lots would have new homes built on them. He indicated that the three lots would exceed the minimum lot dimension requirements.

Mr. Dabareiner said there are two exceptions being requested. One exception is the right-of-way width. The Subdivision Ordinance requires a 70' right-of-way on both Woodward & Prairie Avenues. They are established roadways with a consistent 66' right-of-way. He said that the second exception concerns right-of-way improvements. Woodward does not have curb and gutter and the Village has no plans to add these. The petitioner will do a number of stormwater improvements to accommodate the home on Woodward. There will be a fee charged the petitioner in lieu of installation of two parkway trees. The petitioner is required to pay park and school donations for one new single-family home.

Mr. Dabareiner said that this request is consistent with the Comprehensive Plan and meets the requirements of Sec. 28-1103(c) and 28-1104(c) of the Zoning Ordinance, as well as Sec. 20.101 & 20.301(b) of the Subdivision Ordinance. He indicated that the Plan Commission has reviewed this. It will meet the stormwater requirements and, in terms of traffic, it is estimated to generate one additional trip during the weekday peak hours per single-family building. The Plan Commission recommended approval of the request.

Commissioner Schnell asked if there will be an additional catch basin going in and Mr. Dabareiner responded affirmatively. Commissioner Schnell said that would relieve the fears of the residents.

Commissioner Waldack commented that he hopes in the future this can be accommodated without having to go to the Council. He thinks they should look at the curb and gutter issues as a Council.

Mayor Tully said that the issue of curb and gutter is huge and should be looked at comprehensively. A two-block stretch of curb and gutter is enormously expensive. It's a question that comes up often, and is comparable to the question regarding burying electrical wires. He said the cost is beyond the Village's grasp.

Commissioner Schnell said it is similar to the sidewalk program wherein if there is a comprehensive curb and gutter policy, someone who does not want curb and gutter would be required to pay fees in lieu of the curb and gutter.

Indexes: Subdivision - 4729 Woodward Avenue

9. Mayor's Report

Mayor Tully announced that the Village will become the new world headquarters for Grundfos to Downers Grove. Grundfos is the largest manufacturer of water pumps in the world. They will move into the Esplanade. He spoke with the owner via a conference call and the owner was highly complimentary of Downers Grove given its proximity, amenities, etc. The Mayor said they will bring a number of employees here. The owner was also knowledgeable of the Forbes Award the Village received. They will come to the community in April. In addition, they are a major presence at McCormick Place conferences, and will bring people to their Downers Grove facility. He commented that pump technology is so sophisticated now, that they are more of a software and technology company.

Materials to be Placed on File

10. Manager's Report

The Manager said that a question was raised recently about salt usage. He asked Ms. Newlon to discuss the snow removal and ice control program.

Ms. Newlon said that the staff maintains 167 centerline miles of streets as well as cul de sacs, business districts, train station platforms, municipal complexes, etc. The Village's policy states that the target level of service is bare pavement. For less than 2" of accumulation they rely on salt. Anti-icers are also used and allow for less salt to be used. Salt distribution can be seen as uneven. She indicated that the Village purchased 3000 tons of salt this year and has used 4000 tons. She indicated that further information on the Village's Snow Removal Policy is available on the Village's website.

Commissioner Durkin thanked Ms. Newlon for implementing the tandem plowing.

Commissioner Waldack asked how long it takes to do all of the Village streets if they are just using salt.

Ms. Newlon responded that it takes four hours.

Commissioner Waldack noted that they would have to predict the weather several hours in advance to avoid icy roads at night that warm up by morning.

Ms. Newlon replied that staff looks at the air and pavement temperatures, and studies different models. Mr. Fieldman added that the Village of Downers Grove is the poster child for snow and ice removal and is proud of this.

Commissioner Neustadt noted that the Village also has a truck with a temperature sensor on it that helps to get the job done.

11. Attorney's Report

Future Active Agenda

12. Council Member Reports and New Business

Commissioner Durkin raised a question regarding when the sidewalk replacement matter would come forward.

The Commissioner then said that the Governor referred to potential changes to the Local Government Distributive Fund (LGDF). Commissioner Durkin asked about tonight's expenses, and referred people to the Village's website to obtain an explanation of the Village's response to this issue.

Commissioner Schnell commented that the Village has been looking at this possibility for three or four years during the Long Range Financial Planning discussions. She said that the Village staff has a handle on this.

Mayor Tully said that according to Governor Quinn, Springfield might freeze or change the LGDF. This has been discussed before and it would have a huge impact on communities. He said there is a push not to allow this to happen. The Village staff has prepared for this possibility.

Commissioner Neustadt thanked Mrs. Swallows and Mrs. Pope for inviting him to visit their 3rd grade Civics classes at Fairmount School. In addition, Boy Scout Troop 54 from Puffer School was present yesterday at the Village and had a tour of the Village Hall.

Commissioner Neustadt announced that March 14-16 will be Girls' Night Out and Spring Open House in the downtown businesses. Many of the Village shops will have specials.

Commissioner Neustadt encouraged everyone to celebrate St. Patrick's Day safely and responsibly.

Commissioner Rheintgen noted that 77 staff members of District 99 were trained in CPR and the use of AEDs by the Village's Fire Prevention Chief. She noted that this is a good example of providing a mutual benefit to our residents.

Commissioner Waldack announced that on Friday, President Obama will visit Argonne Laboratories.

Mayor Tully thanked Marion Heinz for a successful teen defensive driving class. It was well attended.

The Mayor said that Alex Clifford, Executive Director of Metra, included a slide of the Belmont Grade Separation Project in a speech he recently gave.

Mayor Tully wished everyone a safe St. Patrick's Day.

13. Adjournment

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

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

The Mayor declared the Motion carried and the meeting adjourned at 8:14 p.m.