



Village of Downers Grove

Meeting Minutes

Downers Grove Village Council

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

Tuesday, December 10, 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

Mayor Tully led those present in the Pledge of Allegiance to the Flag.

2. Roll Call

Present: Commissioner Bob Barnett, Commissioner Sean P. Durkin, Commissioner Becky Rheintgen, Commissioner Geoff Neustadt, Commissioner Greg Hosé and Mayor Martin Tully
Absent: Commissioner David S. Olsen
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 - December 3, 2013

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

Commissioner Neustadt 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**

5. **Council Member Reports**

Commissioner Durkin urged everyone to shop in Downers Grove.

Commissioner Neustadt thanked the Public Works crews for their snow removal work. He noted that the Village website has information and links regarding snow operations and inclement weather.

Mayor Tully stressed the need to be careful and safe.

6. **Public Hearings**

2013 Aggregate Tax Levy and Abatements for the Village of Downers Grove

Mayor Tully called the public hearing to order at 7:05 p.m. pursuant to the Illinois Truth in Taxation Law to consider the proposed 2013 tax levy of the Village of Downers Grove. Notice of this hearing was published in the Downers Grove Reporter and a copy of the notice and the proof of publication have been presented and are made a part of the official record of this hearing.

The Mayor summarized the procedures to be followed for the public hearing.

Village Manager Dave Fieldman asked Deputy Village Manager Mike Baker to summarize the proposed 2013 tax levies.

Deputy Village Manager Mike Baker reviewed the budget schedule. The tax levies total \$20,205,153 before abatements and \$11,590,047 after abatements for Village operations only. This does not include the Library tax levy. The Village has other sources of revenue which provides for some of the levies to be abated. The amount of the levy has been consistent throughout the budget process.

Mr. Baker said more information is available on the Village's website.

Mayor Tully said the budget and tax levy have been the subject of a number of prior meetings. He noted that taxes are in arrears; 2013 taxes are paid in 2014.

There being no further discussion, the public hearing was adjourned at 7:10 p.m.

7. **Consent Agenda**

BIL 00-05427 A. List of Bills Payable: No. 6088, December 10, 2013

Sponsors: Accounting

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

Indexes: N/A

RES 00-05426 B. Resolution: Submit a Grant Application to the Illinois Emergency Management Agency (IEMA) for the Hazard Mitigation Grant Program (HMGP)

Sponsors: Public Works

Summary of Item: A RESOLUTION AUTHORIZING SUBMITTAL OF GRANT APPLICATION TO THE ILLINOIS EMERGENCY MANAGEMENT AGENCY (IEMA) FOR THE HAZARD MITIGATION GRANT PROGRAM (HMGP)

RESOLUTION 2013-77

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

MOT 00-05421

C. Motion: Issue 2014 Class A Scavenger License to Allied Waste Services of North America, LLC

Sponsors: Deputy Village Manager

Summary of Item: Application has been made by Allied Waste Services of North America, LLC for a Class "A" scavenger license. Finding that Allied complies with the applicable requirements of the Municipal Code, this motion approves and authorizes issuance of a Class "A" scavenger license to Allied Waste Services of North America, LLC for 2014. This license allows Allied to serve all premises within the Village. Allied is currently under contract with the Village to provide single-family scavenger, recycling and yard waste services through March 2016.

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

Indexes: Scavenger-Recycling Program, Scavenger-Garbage Collection, Refuse, Recycling, Yard Waste Services

RES 00-05422

D. Resolution: Authorize an Agreement with the Board of Trustees of Northern Illinois University

Sponsors: Public Works

Summary of Item: A RESOLUTION AUTHORIZING EXECUTION OF AN AGREEMENT BETWEEN THE VILLAGE OF DOWNERS GROVE AND THE BOARD OF TRUSTEES OF NORTHERN ILLINOIS UNIVERSITY

RESOLUTION 2013-78

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

Indexes: Northern Illinois University

MOT 00-05415

E. Motion: Authorize the Purchase and Renewal of Property, General Liability, Excess Liability and Workers Compensation Insurance Coverages

Sponsors: Village Attorney

Summary of Item: This authorizes the purchase and renewal of property, general liability, excess liability and workers compensation insurance coverages for the Village through December 31, 2014.

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

Indexes: Insurance - Risk Management

MOT 00-05431

F. Motion: Award a Design Contract to Epstein, Chicago, IL, for Engineering Design for Bridge Work Repair in an Amount Not to Exceed \$42,350

Sponsors: Public Works

Summary of Item: This authorizes execution of an engineering services contract with Epstein in the amount of \$38,500.00 plus a 10% contingency in the amount of \$3,850.00 for a total not-to-exceed \$42,350.00 for bridge repair work over St. Joseph Creek and Prentiss Creek.

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

Indexes: Engineering Services

MOT 00-05430 G. Motion: Award a Contract for 2014 Stormwater Project Analysis to Wills Burke Kelsey Associates, Ltd., St. Charles, IL, in an Amount Not to Exceed \$165,000

Sponsors: Public Works

Summary of Item: This authorizes execution of the 2014 stormwater project analysis contract with Wills Burke Kelsey Associates, Ltd. in the amount of \$150,000.00 plus a 10% contingency in the amount of \$15,000 for a total not-to exceed cost of \$165,000.00.

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

Indexes: Drainage Improvements

RES 00-05432 H. Resolution: Authorize an Intergovernmental Agreement for Joint Administration of Employee Health Benefits Program with the Downers Grove Public Library

Sponsors: Human Resources, Library Board of Trustees and Deputy Village Manager

Summary of Item: A RESOLUTION AUTHORIZING EXECUTION OF AN INTERGOVERNMENTAL AGREEMENT FOR JOINT ADMINISTRATION OF EMPLOYEE HEALTH BENEFITS PROGRAM BETWEEN THE DOWNERS GROVE PUBLIC LIBRARY AND THE VILLAGE OF DOWNERS GROVE

RESOLUTION 2013-79

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

Indexes: Employee Benefits

RES 00-05433 I. Resolution: Authorize an Intergovernmental Agreement with the O'Hare Noise Compatibility Commission

Sponsors: Manager's Office

Summary of Item: A RESOLUTION AUTHORIZING THE EXECUTION OF THE INTERGOVERNMENTAL AGREEMENT BETWEEN THE VILLAGE OF DOWNERS GROVE AND THE O'HARE NOISE COMPATIBILITY COMMISSION

RESOLUTION 2013-80

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

Indexes: O'Hare Airport

RES 00-05434 J. Resolution: Authorize a Real Estate Contract for the Property Located at 4403 Lee Avenue, Downers Grove, Illinois

Sponsors: Village Attorney

Summary of Item: A RESOLUTION AUTHORIZING EXECUTION OF A REAL ESTATE CONTRACT FOR THE PROPERTY LOCATED AT 4403 LEE AVENUE, DOWNERS GROVE, ILLINOIS

RESOLUTION 2013-81

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

Indexes: Village Property - Acquisition

Passed The Consent Agenda

A motion was made by Commissioner Neustadt, seconded by Commissioner Durkin, that the consent agenda be passed. The motion carried by the following vote:

Votes: Yea: Commissioner Barnett, Commissioner Durkin, Commissioner Rheintgen, Commissioner Neustadt, Commissioner Hosé and Mayor Tully

8. Active Agenda

ORD 00-05423 A. Ordinance: Authorize the Issuance of the Village of Downers Grove, DuPage County, Illinois Revenue Bonds (Avery Coonley Project), Series 2013 in the Aggregate Principal Amount of Not to Exceed \$6,300,000

Sponsors: Manager's Office

Summary of Item: This authorizes the issuance of Revenue Bonds, Series 2013 for the Avery Coonley Project.

AN ORDINANCE AUTHORIZING THE ISSUANCE OF THE VILLAGE OF DOWNERS GROVE, DUPAGE COUNTY, ILLINOIS REVENUE BONDS (AVERY COONLEY PROJECT), SERIES 2013 IN THE AGGREGATE PRINCIPAL AMOUNT OF NOT TO EXCEED \$6,300,000 IN CONNECTION THEREWITH; AUTHORIZING THE EXECUTION AND DELIVERY OF A BOND AND LOAN AGREEMENT BETWEEN THE VILLAGE OF DOWNERS GROVE, DUPAGE COUNTY, ILLINOIS AND THE BORROWER; AND RELATED MATTERS

ORDINANCE NO. 5351

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

Votes: Yea: Commissioner Barnett, Commissioner Durkin, Commissioner Rheintgen, Commissioner Neustadt, Commissioner Hosé and Mayor Tully

Indexes: Bond Issue

RES 00-05414 B. Resolution: Approve the Preliminary Plat of Subdivision for Dunham Subdivision with Conditions

Sponsors: Community Development and Plan Commission

Summary of Item: This approves the preliminary plat of subdivision with conditions for the Dunham Subdivision located at 7143 Dunham Road.

A RESOLUTION APPROVING THE PRELIMINARY PLAT OF SUBDIVISION FOR DUNHAM SUBDIVISION WITH CONDITIONS

RESOLUTION 2013-82

Chester Tom, 7205 Matthias Road, said he tried to present a clear picture of the area surrounding the proposed subdivision and the neighborhood. He asked how Council members would feel if they lived there. Many of the calculations discussed pertain to developments exclusively for townhomes, but this is not exclusively a townhouse development. It is a hybrid where townhouses are proposed in the same area of single family homes. He said his lobbying efforts have been met with resistance and opposition. He referenced the neighborhood meeting on September 27, 2013. Prior to that time, all of the planning was done with the Village planners and the developer. Since that time, no suggestions or ideas from the neighbors have been implemented into the plan. Close to 100 neighbors have reviewed and signed a petition expressing their concerns. This is not solely a legal matter or an engineering exercise. The suggestions the neighbors are making are within the latitude of compromise, including the number of units and an additional buffer between the single-family homes. Mr. Tom said the Mayor spoke of "appropriateness." Mr. Tom asked how you define appropriateness and

suggested that you know it when you see it. He challenged the appropriateness of the existing proposal. They are not opposed to subdividing the property. They are requesting the subdivision be divided into more parcels so the buildings can more closely match the surrounding area.

Commissioner Barnett said he will vote in favor of this resolution. He said he would probably hate the development if he lived there, but this is a situation where the Village has acted on behalf of the residents to improve the potential outcome as compared to what could be done as a right with the existing zoning. He encouraged staff to continue to try to mitigate the effects. He said Council needs to look at the Comprehensive Plan with regard to where zoning changes can be made, in the absence of petitions, to reflect the intent of the Comprehensive Plan. He will vote in favor of this with a great deal of reservation. While he does not like the proposed development, he likes the alternative less.

Commissioner José said he will vote in favor of this. It is the middle ground between what the neighbors want and what could go there by right. He said he shared the sentiments of Commissioner Barnett to look at the overall zoning of this area. He thinks the Council should consider a Village-sponsored rezoning for parcels there and any parcels that could potentially be subdivided in the future to protect the character of the neighborhood. There are some positives here - the road is being widened to 29 feet, the stormwater detention basin will be improved, and the addition of the proposed Special Service Area - even though this is not perfect.

Mayor Tully said the fact that something far more dense could be put there without permission weighs heavily on him in making this decision. The parcel has been zoned R-5A for decades, and it is zoned to support R-5A. Regarding the outcome, rather than starting at the maximum of what could be done, this is less dense and less massive than a structure that could be rightfully built there. It is also less dense than the development adjacent to this area. He understands compromises make both sides equally unhappy, and no one will leave tonight happy. Regarding the exception, it is not troubling and is being requested by the Village to support some of the public improvements. The Mayor said he appreciates the concerns expressed, and he is hopeful that the petitioner and the staff will continue to work together to ameliorate the concerns. He thanked Mr. Tom and the neighbors for their comments.

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

Votes: Yea: Commissioner Barnett, Commissioner Durkin, Commissioner Rheintgen, Commissioner Neustadt, Commissioner José and Mayor Tully

Indexes: Subdivision - Dunham Subdivision, Subdivision - 7143 Dunham Road

9. First Reading

ORD 00-05428

A. Ordinance: Establish Special Service Area #6 in the Village of Downers Grove

Sponsors: Community Development

Mr. Fieldman asked Allison Deitch to report on this ordinance.

Performance Manager Allison Deitch provided a summary of SSA #6. SSA #6 will create a sustainable funding mechanism for fire and EMS services for unincorporated areas near the northeast border of the Village. Village staff partnered with DuPage County and the Fairview Fire Protection District (FFPD) board to identify the solution which resolves underpayment by the District limited by tax cap laws. The Village took the first step toward establishing the SSA by approving an ordinance proposing the SSA on August 13, 2013. Following a 60-day waiting period, a public hearing was held on October 15, 2013. Based on feedback from the public hearing, the Village changed the language in the ordinance to clarify the maximum rate which

is 1/2 of 1% of the equalized assessed value (EAV). For a \$300,000 home, this would equal \$500. The Village will levy \$82,355 which includes the levy for fire protections services, as well as a one-time levy for professional services related to the establishment of the SSA.

Jim Downey, 3701 Douglas, said he is a trustee of the Fairview Fire Protection Board and was elected in 2012 with another member. A third member was elected in 2011. There has been a transition on the Board and they have tried to resolve the issue. He said that Mr. Fieldman, Ms. Deitch, and Village Attorney Enza Petrarca were helpful in trying to provide a solution. They tried to look for an alternate vendor, or consider a referendum. They feel after many open meetings that the SSA addresses the issues, and the Board agrees that this is the best method going forward.

Commissioner Durkin asked Mr. Downey how the Board members communicated with the residents.

Ron Paprocki, 3806 Sterling, said he is also a Board member of the district. The most widespread method of communication was a flyer distributed throughout the district summarizing the history of the area, and the impact of the SSA. They held open meetings to discuss the issues and they believe that most questions on the minds of residents were answered. He said that they believe they have communicated openly and in a transparent manner. He said that e-mail communication was also done. Flyers were distributed with a ballot, and over 90% of those responding were in favor of the SSA.

Commissioner Durkin said he appreciates their time and energy and he will support this.

Mr. Downey commented that there was some confusion on the rate, and that has since been clarified. He spoke of the tax bill and said that it includes those in the FFPD and those billed directly. He noted that the County required them to seek support before proceeding with the SSA.

Commissioner Neustadt said he would support this, as it is the right thing to do.

Indexes: Special Service Area 6 - Fairview Fire Protection District

ORD 00-05424 B. Ordinance: Amend Parking Restrictions on Washington Street from Maple to Curtiss
Sponsors: Public Works and Transportation and Parking Commission

Nan Newlon, Director, Public Works, said an ordinance has been prepared to amend the Municipal Code to allow for a two-hour parking restriction on the east side of Washington Street, between Maple Avenue and Curtiss Street. This is in response to a recent construction project along Washington Street, between Maple Avenue and the BNSF railroad tracks, and a previous no parking restriction put in place in the area north of Maple Avenue to south of Curtiss Street.

Indexes: Parking Restrictions, Parking Restrictions - Washington

10. Mayor's Report

Mayor Tully said he sits on the DuPage County Stormwater Management Planning Committee for District 3. There is a remapping of the floodplain proposed, and at last week's meeting, staff provided an update on the floodplain mapping and reported that comments have been received from most of the affected communities within DuPage County. There will be two more public comment periods before the proposed map is adopted by FEMA. The Mayor asked if Village staff has any additional information. Staff indicated there is no additional update.

11. Manager's Report

12. Attorney's Report

Village Attorney Enza Petrarca said she was presenting eight (8) items to the Council: 1) An ordinance establishing Special Service Area #6 in the Village of Downers Grove; 2) An ordinance for the levying of taxes for the fiscal year commencing on the first day of January 2013 and ending on the thirty-first day of December 2013 for Village of Downers Grove Special Service Area #2 (Downers Grove Downtown Service Area); 3) An ordinance for the levying of taxes for the fiscal year commencing on the first day of January 2013 and ending on the thirty-first day of December 2013 for Village of Downers Grove Special Service Area #4 (Green Acres Subdivision); 4) An ordinance for the levying of taxes for the fiscal year commencing on the first day of January 2013 and ending on the thirty-first day of December 2013 for Village of Downers Grove Special Service Area #5 (Atwood Subdivision); 5) An ordinance for the levying of taxes for the fiscal year commencing on the first day of January 2013 and ending on the thirty-first day of December 2013 for Village of Downers Grove Special Service Area #6 (Fairview Fire Protection District); 6) Ordinances abating a portion of the 2013 tax levy related to the General Obligation Bonds, Series 2007, Series 2008A, Series 2008B, Series 2009; Series 2010, Series 2010B, Series 2012 and Series 2013A; 7) the 2013 aggregate tax levy ordinance; and 8) An ordinance amending parking restrictions on Washington from Maple to Curtiss.

Future Active Agenda**13. Council Member New Business****14. Adjournment**

Mayor Tully asked for a Motion to adjourn.

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

Mayor Tully declared the motion carried by voice vote, and the meeting adjourned at 7:43 p.m.