



Village of Downers Grove Meeting Minutes Downers Grove Village Council

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

Tuesday, April 1, 2014

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 Becky Rheintgen, Commissioner Greg Hosé, Commissioner David S. Olsen and Mayor Martin Tully

Absent: Commissioner Sean P. Durkin, Commissioner Geoff Neustadt, Village Manager David Fieldman and Village Attorney Enza Petrarca

Non Voting: Village Clerk April Holden, Deputy Village Manager Michael Baker and Assistant Village Attorney Dawn Didier

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

Executive Session Minutes for Approval Only - March 4, 2014

Council Meeting - March 18, 2014

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

Commissioner Olsen moved to approve the minutes as presented. Commissioner Hosé 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

Melissa Flaszka, 413 67th Court, spoke regarding the policy to have sidewalks on at least one side of every street. She presented a petition signed by herself and her neighbors who do not feel that a sidewalk is necessary. There are eight children in the neighborhood. They cut through a yard to get to school and they will not use a sidewalk. There is no shopping and there have been no accidents. Trees will be cut down in order to install the sidewalks. Ms. Flaszka said she feels the sidewalks are unnecessary and the policy should be reviewed. She asked that this area be treated the same as Denburn Woods.

Mayor Tully said this policy is the result of TCD II, in 1996, which involved people from all parts of the Village. The directive from the community was to have sidewalks on one side of each street. He noted there have been adjustments from time to time and it has taken a very long time, but staff is getting to the end of the matrix and 67th Court is now being addressed. Staff works with property owners regarding working around trees and addressing drainage issues. He noted that people today may or may not want sidewalks, but the Council and staff tries to look at future needs as well. He said he appreciated the residents coming to the meeting and also thanked them for their e-mails.

Ms. Flaszka said in the public meetings it was stressed that this is a safety issue. She said the DARE program was cut in schools and she feels this is a bigger safety issue. She suggested that the money for sidewalks could be used elsewhere.

Ken Hovorka, 407 67th Court, said he agrees with Ms. Flaszka. He said the \$68,000 could be used for a drug education program or for schools. He said his neighborhood does not need sidewalks. He noted that the drainage ditch does not work and he suggested that the money be put to a better use fixing the drainage issue. He said things change and the Village should save this money for other things.

Report - Downers Grove Sanitary District

The Mayor announced that Nicholas Menninga, General Manager of the Downers Grove Sanitary District, along with two Sanitary District trustees, was in attendance at tonight's meeting to provide a report to the public about the Sanitary District. The Mayor noted that the Sanitary District is a distinct entity from the Village.

Nicholas Menninga, General Manager, Downers Grove Sanitary District, introduced the two trustees in attendance with him at the meeting - Amy Kovacevic and Wally Van Buren.

Mr. Menninga said the Sanitary District was formed by referendum in 1921 under the 1917 Sanitary District Act. The Sanitary District is publicly owned and there are three trustees: Ms. Kovacevic, Mr. Van Buren and Mr. Don Peters. The District meets on a monthly basis. He reviewed the organizational chart. The Sanitary District has 30-35 staff, including seasonal staff. He said the facilities planning and service area includes much of the Village of Downers Grove, the portion of the Village of Westmont west of Cass Avenue, and portions of Woodridge, Lisle, Oak Brook, and Darien, Illinois. They are a separate unit of local government, independent of the municipalities where they provide service. They are not part of the Village of Downers Grove.

The treatment plant is the main and most visible asset of the Sanitary District. He said the average capacity in the plant is 11 million gallons per day and the maximum capacity is 22 million gallons per day. The treatment plant dates to 1954. The Sanitary District purchased

property for the treatment plant as well as for future needs. Some of the land is leased to the Village.

Mr. Menninga addressed challenges faced by the Sanitary District, including energy, nutrients and excess flow treatment. Future regulatory needs will affect decisions on nitrogen and phosphorus removal. There is also a concern at the national level about how the excess flow is handled by the Sanitary District, which complies with State standards.

The next biggest asset of the Sanitary District is the sewage collection system with nine remote lift systems and 252 miles of service main that date to 1904. Additionally, there are 300 miles of privately owned service pipes. The sanitary sewers handle only sewage flow. Mr. Menninga said the assets are aging and have replacement costs of \$225 million.

Mr. Menninga then turned to infiltration and inflow (I/I), rain and groundwater that enters the sewers. The system is not designed to carry this type of flow. He said this can overwhelm the system and there are backups and overflows during storms. Infiltration and inflow is expensive to transport and treat and limits treatment effectiveness. Excess flows come from both public and private property sources.

With respect to the collection system program, Mr. Menninga spoke of overhead sewers, backup reimbursement for main blockages, and building sanitary service repair assistance, whereby professional construction management is provided to residents. The infiltration and inflow program is proactive by the Sanitary District. They systematically monitor the system to identify problematic areas.

Mr. Menninga then spoke of construction coordination between the Sanitary District and the Village. Routine projects are coordinated with the Public Works staff and engineers. He referenced the manhole covers on Washington, the work done on Oakwood and Middaugh, and at Cornell and Curtiss. Challenges to coordination include contractor awareness, differing priorities as well as emergencies and short-range projects.

Mr. Menninga then spoke regarding the administration of the Sanitary District. The building on Curtiss was built in the 1970s. Billing and collections are coordinated with the Village water billing. He addressed staffing and benefits. Further, vehicle fuel is purchased from the Village.

With respect to service costs, in 2013 the typical service cost was \$26.58 per month for a \$300,000 home.

Mr. Menninga said the Sanitary District is involved in a number of outreach activities on a national, state, regional, county and local level.

Mayor Tully thanked Mr. Menninga for his presentation. He noted that the Sanitary District annual open house brings to life what was said tonight. The Mayor asked what the Sanitary District sees as impacts as a result of the discharge requirements.

Mr. Menninga said the big issue from the EPA is phosphorous. The Sanitary District is working to negotiate with the EPA for a lower cost solution for fishable waters.

Ken Hovorka, 407 67th Court, said the infrastructure is not what it is supposed to be. He suggested that the sidewalk funds for 67th Court, \$68,000, be put into the Sanitary District.

The Mayor invited Mr. Hovorka to attend the Village's long range planning sessions.

5. Council Member Reports

Commissioner Hosé said that last week he and Commissioner Olsen attended the ribbon-cutting ceremony for the Benote Wimp State Farm Agency at 6900 Main Street.

Mayor Tully said a fundraiser will be held on April 11 & 12, 2014, for the Hundred Club of DuPage County which is a group that offers assistance to the families of firefighters and police officers in DuPage County. The Club is hosting a charity event, "An Evening of Laughter & Memories of Sinatra," featuring stand-up Comedian Tom Dreesen who opened for Frank Sinatra for 14 years. The event will be held at North Central College, Wentz Concert Hall. More information can be found at www.hundredclubofdupage.org.

6. Public Hearings

7. Consent Agenda

COR 00-05512 A. Claim Ordinance: No. 6047, Payroll, March 7, 2014

Sponsors: Accounting

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

Indexes: N/A

BIL 00-05513 B. List of Bills Payable: No. 6110, April 1, 2014

Sponsors: Accounting

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

Indexes: N/A

MOT 00-05505 C. Motion: Award a Contract for \$902,246.70 to Swallow Construction, Inc., Downers Grove, IL, for 2014 Water Main Improvements Contract A

Sponsors: Public Works

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

Indexes: Water Main Improvements

MOT 00-05514 D. Motion: Award a Contract for \$140,310.00 to ESI Consultants, Ltd., Naperville, IL, for Watermain Construction Engineering Services

Sponsors: Public Works

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

Indexes: Water Main Improvements, Engineering Services

MOT 00-05522 E. Motion: Note Receipt of Minutes of Boards and Commissions

Summary of Item: Library Board - February 26, 2014 and March 5, 2014

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 Olsen, seconded by Commissioner Hosé, that the consent agenda be passed. The motion carried by the following vote:

Votes: Yea: Commissioner Barnett, Commissioner Rheintgen, Commissioner Hosé, Commissioner Olsen and Mayor Tully

8. Active Agenda

ORD 00-05510 A. Ordinance: Adopt the 2014 Zoning Map

Sponsors: Community Development

Summary of Item: This approves and authorizes publication of the 2014 Village of Downers Grove, IL, Zoning Map, corrected to 03-18-14. Pursuant to state law, the Village is required to approve and publish its Zoning Map on an annual basis.

AN ORDINANCE ADOPTING AND APPROVING PUBLICATION OF THE VILLAGE OF
DOWNERS GROVE 2014 ZONING MAP

ORDINANCE NO. 5372

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

Votes: Yea: Commissioner Barnett, Commissioner Rheintgen, Commissioner Hosé, Commissioner Olsen and Mayor Tully

Indexes: Zoning Map

ORD 00-05506 B. Ordinance: Adopt Mitigation Standards for New Residential Construction in Accordance with the State of Illinois Radon Resistant Construction Act

Sponsors: Community Development

Summary of Item: This adopts mitigation standards for residential construction associated with the State of Illinois Radon Resistance Construction Act.

AN ORDINANCE ADOPTING MITIGATION STANDARDS FOR NEW RESIDENTIAL
CONSTRUCTION IN ACCORDANCE WITH THE STATE OF ILLINOIS RADON RESISTANT
CONSTRUCTION ACT

ORDINANCE NO. 5373

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

Votes: Yea: Commissioner Barnett, Commissioner Rheintgen, Commissioner Hosé, Commissioner Olsen and Mayor Tully

Indexes: Building Code, Residential Code, International Building Code

9. First Reading

Deputy Village Manager said there are seven items on the First Reading. The first six are Public Works items. He introduced Nan Newlon, Public Works Director.

MOT 00-05515 A. Motion: Award a Contract for \$3,645,081.15 to ALamp Concrete Contractors, Inc., Schaumburg, IL, for the Brook Drive & Centre Circle Roadway Reconstruction and Drainage Improvements

Sponsors: Public Works

Nan Newlon, Director, Public Works, said staff is requesting that a contract for the Brook Drive & Centre Circle roadway reconstruction and drainage project be awarded to ALamp Concrete Contractors in the amount of \$3,645,081.15. The scope of the project includes the

reconstruction of streets, the replacement of storm sewers, and installation of new sidewalk. She showed a map of the streets. A Call of Bids was issued and five bids were received. ALamp was the low bidder and staff recommends award of the contract to them.

Indexes: Roadway Improvements, Drainage Improvements

MOT 00-05518 B. Motion: Award a Contract for \$2,461,438.87 to Central Blacktop Company, Inc., LaGrange, IL, for the 2014 Resurfacing (A) Project

Sponsors: Public Works

Ms. Newlon said this concerns award of a contract to Central Blacktop Company in the amount of \$2,461,438.87 for the 2014 Resurfacing (A) Project. This contract is a component of the 2014 Roadway Maintenance Program and also includes parking lot resurfacing for Lot G, west of Belmont. She provided a list of the streets to be included in this contract. This contract represents a portion of the budgeted roadway maintenance work. A Call for Bids was issued and three bids were received. Central Blacktop was the low bidder and staff is recommending that the contract be awarded to them.

The Mayor reiterated a question from a resident in the audience with regard to a warranty or guarantee on the project. Ms. Newlon said there is a one-year warranty period after construction.

Commissioner Barnett asked if the scope of the work was adjusted due to the severe winter weather. Ms. Newlon said it was not adjusted for this project. Staff have two patching contracts this year to address weather related issues.

Mayor Tully noted that this and the previous item represent \$6 million of investment in roads in Downers Grove.

Indexes: Street - Resurfacing

ORD 00-05516 C. Ordinance: Grant a Stormwater Variance for 4924 Linscott Avenue

Sponsors: Public Works and Stormwater & Flood Plain Commission

Ms. Newlon said staff is requesting an ordinance to grant a variance from the Stormwater and Flood Plain Ordinance for the property at 4924 Linscott Avenue. The property currently has a single family house and is located entirely within a Localized Poor Drainage Area (LPDA). The existing house does not comply with current stormwater regulations in that it has a basement which is not permitted in an LPDA. The petitioner plans to demolish the house and construct a new single family house and a detached garage. The new house will conform with all stormwater regulations. A variance from Section 26.505.B of the Municipal Code is requested to allow a detached garage to be built at the base flood elevation rather than one foot higher than the base flood elevation as required. This complies with the County Code, which is less restrictive than the Village's. The petitioner is trying to minimize the impact to the LPDA and surrounding areas. The house is being built in conformance with all Village codes. The petitioner will install a dry well to reduce runoff. Constructing the detached garage in conformance with the stormwater regulations would require filling in portions of the LPDA which would reduce the amount of flood storage capacity of the LPDA and increase the risk and amount of flooding on neighboring properties.

The Stormwater and Flood Plain Oversight Committee held a required public hearing on this matter and unanimously recommended approval of the variance. Staff concurs with the recommendation.

Commissioner Barnett said the builder and owner are trying to do the right thing. He

suggested that Council consider this approach elsewhere.

Commissioner Rheintgen agreed. She is glad staff is working with the petitioner. If the LPDA were filled in, it would create flooding problems for the neighbors.

Ms. Newlon agreed that this is to minimize runoff and flooding.

Commissioner Rheintgen asked if the petitioner knows that their garage will flood.

Ms. Newlon said the likeliness of flooding is based on 100 year storm information.

Commissioner José said he appreciates that the petitioner is taking steps beyond what is required. He looks forward to stormwater best practices discussions.

Commissioner Olsen asked if there is a liability to the Village in granting this variance due to the possibility of flooding.

Dawn Didier, Assistant Village Attorney, said this does not open the Village to liability. The petitioner is requesting this and the Village is allowing it.

The Mayor said that what is being proposed is better than the existing situation for the parcel and surrounding parcels. With respect to requesting a variance as it relates to a hardship, the Mayor said he thought the criteria has been met. He noted that dry wells can hold a considerable amount of water. They are very effective and relatively inexpensive.

Commissioner Barnett asked if staff records LPDAs with the County. Ms. Newlon said they are not recorded at this time. Commissioner Barnett suggested this be considered.

The Mayor asked if staff has been in communication with the County with respect to this request.

Ms. Didier said our ordinance requires staff to notify the County. Staff did so before the public hearing and heard that the County had no problem with this request.

Indexes: Stormwater Variance

ORD 00-05519 D. Ordinance: Establish No Parking Regulations on a Certain Portion of Belle Aire Lane

Sponsors: Public Works and Transportation and Parking Commission

Ms. Newlon said that two of the proposed parking restrictions, Cross Street, south of Ogden, and Belle Aire Lane, north of Ogden, concern "No Parking Any Time" restrictions.

With respect to Belle Aire, this was brought forward through resident calls and from the Police Department. For approximately 120 to 140 feet north of Ogden Avenue there are no parking restrictions resulting in the intersection being blocked. The east side of Belle Aire Lane has a restriction but it is not enforceable as it is not authorized. The west side does not have a parking restriction. There is not sufficient roadway space for both parking and maintaining safe two-way travel on Belle Aire Lane.

Indexes: No Park - Belle Aire Lane

ORD 00-05520 E. Ordinance: Establish No Parking Regulations on Certain Portions of Concord Drive

Sponsors: Public Works and Transportation and Parking Commission

Ms. Newlon said staff is proposing no parking restrictions in the vicinity of South High School. This street was reconstructed last year and included traffic calming enhancements. As a result, the street is narrow for both traffic and parking. Staff proposes a "No Parking Any Time" restriction along the south side of Concord Drive, between Stonewall Avenue and Springside Avenue. This matter was considered by TAP on February 12, 2014 which voted unanimously to approve the action as presented.

Indexes: No Park - Concord Drive

ORD 00-05521 F. Ordinance: Establish No Parking Regulations on a Certain Portion of Cross Street

Sponsors: Public Works and Transportation and Parking Commission

Ms. Newlon said that staff proposes parking restrictions on Cross Street, south of Ogden Avenue.

On Cross Street, this was brought forward by the Community Development and Police Departments. For approximately 150 feet south of Ogden Avenue parked vehicles impede the safe turning of vehicles to and from Cross Street.

Ms. Newlon said the Transportation and Parking Commission heard this and the Belle Aire Lane matter and unanimously voted to approve these items as presented.

Commissioner Olsen said both of these matters concern employee parking and employees may just move further on Cross or Belle Aire Lane.

Ms. Newlon said staff prefers they park further from the intersection.

Commissioner Barnett said he does not want business commercial parking in residential areas. Parking is prohibited in most of the Village residential areas where commuters are expected.

Commissioner Olsen suggested putting the restrictions in place and monitoring its effectiveness.

Indexes: No Park - Cross Street

ORD 00-05517 G. Ordinance: Amend Certain Liquor License Classifications

Sponsors: Village Attorney and Liquor Commission

Assistant Village Attorney Dawn Didier reported that this ordinance relates to two different license classifications. The first is from Oak Trace LifeSpace Community to create a new liquor classification to allow for the sale of alcohol at a retirement facility. She said this would add a definition of "retirement facility" and create a liquor license classification for sale of alcohol in the facility only. She said this was considered by the Liquor Commission and recommended for approval.

Mayor Tully clarified that this is to create the category, and the petitioner would still have to apply to the Liquor Commission for their actual license. Ms. Didier said that was correct.

Attorney Didier then explained that the second request was from Caputo's Fresh Market to amend the Classification P-O grocery store license for off-premise sales and on-premise consumption. Currently the P-O license requires that it be located in the Downtown Business District. This request allows it to be located anywhere in the Village. The area for on-site consumption would be changed from 750 square feet to 20% of the retail sales area. The P-O license classification would increase from one license to three licenses.

The Mayor said the P-O license was tailored to one particular business. They wanted to do what another store was doing.

Commissioner Olsen then asked about the change from 750 square feet to 20%, and whether the existing license would meet the requirement. Ms. Didier said she would have to check on that.

The Mayor commented that there is no intention to take the existing license away.

Commissioner Barnett noted that 20% could be a huge area. He would like to hear further discussion on this, with perhaps a "not to exceed" number.

Mayor Tully said they don't want to unduly tailor this to one store.

Commissioner Rheintgen commented that some examples would be helpful.

Michael Cassa, President of the Economic Development Corporation introduced the CEO of Angelo Caputo's Fresh Market, Mr. Robertino Presta. The Mayor welcomed him and Caputo's to Downers Grove.

Indexes: Liquor Ordinance Amendments

10. Mayor's Report

Mayor Tully reported on the recent meeting of the County Stormwater Commission with respect to floodplain mapping updates. County staff met with representatives of 19 communities, including Downers Grove. Most of the comments were submitted by letter, and County staff is working to address those comments. Staff estimates that preliminary maps could be issued by the Fall. A memo regarding this should be available soon. With respect to the stormwater needs assessment conducted by the DuPage County Stormwater Commission, a preliminary needs assessment has been done and has been shared with the County Board. It is available on the County website. The next step calls for staff and the Committee to meet with critical stakeholders.

Materials to be Placed on File

11. Manager's Report

12. Attorney's Report

Assistant Village Attorney Dawn Didier said she was presenting three (3) items to Council: 1) An ordinance amending certain liquor license classifications; 2) An ordinance granting a stormwater variance for 4924 Linscott Avenue; and 3) Ordinances establishing no parking regulations on certain portions of Cross Street, Concord Drive and Belle Aire Lane.

Future Active Agenda

13. Council Member New Business

Mayor Tully said that there has been some media attention given to the Village's recent discussions and amendment to its Fowl Ordinance. He learned that there is a company in Muskogee, Oklahoma called Water Fowl Concepts, Inc., which designs chicken coop systems that double as rain gardens, and he thought the Council would like to have a presentation made by them. There being no takers, the Mayor declared it "April Fools."

14. Adjournment

Mayor Tully asked for a Motion to adjourn.

Commissioner Olsen moved to adjourn. Commissioner Barnett seconded the Motion.

VOTE: AYE: Commissioners Olsen, Barnett, Hosé, Rheintgen; Mayor Tully

Mayor Tully declared the motion carried and the meeting adjourned at 8:23 p.m.