

Meeting Minutes

Village of Downers Grove - Council Meeting

Council Chambers

3/10/2015

7:00 PM

In order to give as many visitors as possible an opportunity to speak and in the interest of adjourning the meeting by 9:00 p.m., please limit your comments to 5 minutes in length, unless further time is granted by Council. Thank you.

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

Council Attendance (Present): Commissioner Barnett, Commissioner Neustadt, Commissioner Olsen, Commissioner Rheintgen, Commissioner Durkin (arr. 7:23 p.m.); Mayor Tully

Council Attendance (Absent): Commissioner José

Staff Attendance: Village Manager David Fieldman, Village Attorney Enza Petrarca, Village Clerk April Holden

3. Minutes of Council Meetings

MIN 2015-6138 — A. Minutes: Council Minutes - March 3, 2015

Motion: Commissioner Neustadt, seconded by Commissioner Olsen moved to approve the minutes as presented. Mayor Tully declared the motion carried by voice vote.

4. Council Member Reports

Commissioner Neustadt expressed condolences on behalf of the Village on the death of a colleague, Maribeth Wall, a 26-year employee of the Police Department, Records Division, who lost her battle with cancer.

5. Public Hearings

6. Consent Agenda

BIL 2015-6137 — A. Bills Payable: No. 6178, March 10, 2015

MOT 2015-6102 — B. Motion: Award \$1,410,250 to V3 Construction Group, Ltd., Woodridge, IL, for a Design-Build Contract for Streambank Stabilization Lacey Creek, Phases II and III

Summary: This awards a design-build contract for the streambank stabilization on Phases II and III of Lacey Creek to V3 Construction Group, Ltd. of Woodridge, IL in the amount of \$1,410,250.00.

MOT 2015-6101 — C. Motion: Award \$1,784,457.70 to A Lamp Concrete Contractors, Inc., Schaumburg, IL, for the Orchard Brook East Roadway Reconstruction

Summary: This awards a contract for the Orchard Brook East Roadway Reconstruction to A Lamp Concrete Contractors, Inc. of Schaumburg, Illinois in the amount of \$1,784,457.70.

RES 2015-6063 — D. Resolution: Authorize a Boundary Agreement with the Village of Lombard

Summary: This authorizes execution of a boundary agreement with the Village of Lombard.

**A RESOLUTION AUTHORIZING EXECUTION OF A BOUNDARY LINE AGREEMENT BETWEEN
THE VILLAGE OF DOWNERS GROVE AND THE VILLAGE OF LOMBARD**

RESOLUTION 2015-21

MOT 2015-6121 — E. Motion: Award a Contract Not to Exceed \$17,889.00 to Civil & Environmental Consultants (CEC), Lombard, IL, for Clean Construction and Demolition Debris Environmental Engineering Services

Summary: This awards a contract for Clean Construction and Demolition Debris (CCDD) environmental engineering services for road resurfacing and watermain replacement projects to Civil & Environmental Consultants (CEC), of Lombard, Illinois, in an amount up to \$17,889.00.

MOT 2015-6120 — F. Motion: Award a Contract Not to Exceed \$55,000.00 to SEECO Consultants, Inc., Tinley Park, IL, for Material Testing Services

Summary: This authorizes a contract not to exceed \$55,000.00 to SEECO Consultants, Inc., Tinley Park, IL, for material testing services.

MOT 2015-6139 — G. Motion: Award a Contract Not to Exceed \$55,000.00 to Interra, Inc., Bolingbrook, IL, for Material Testing Services

Summary: This awards a contract not to exceed \$55,000.00 to Interra, Inc., Bolingbrook, IL, for material testing services.

MOT 2015-6140 — H. Motion: Award a Contract Not to Exceed \$55,000.00 to Geocon Professional Services, LLC, Frankfurt, IL, for Material Testing Services

Summary: This awards a contract not to exceed \$55,000.00 to Geocon Professional Services, LLC, Frankfurt, IL, for material testing services.

MOT 2015-6110 — I. Motion: Award a Three-Year Contract for \$187,397.00 to M.E. Simpson Co., Inc., Valparaiso, IN, for Water Distribution Valve Assessment Services

Summary: This authorizes a three-year contract for water distribution valve assessment services to M.E. Simpson Co., Inc. of Valparaiso, Indiana in the amount of \$187,397.

MIN 2015-6143 — J. Minutes: Note Receipt of Minutes of Boards and Commissions

Summary: Architectural Design Review Board - November 20, 2014 and January 22, 2015; Plan Commission - January 5, 2015

Motion: Commissioner Neustadt, seconded by Commissioner Olsen, moved to adopt the Consent Agenda.

Vote: Aye: Commissioners Neustadt, Olsen, Rheintgen, Barnett; Mayor Tully

Mayor Tully declared the motion carried.

7. Active Agenda

RES 2015-6135 — A. Resolution: Authorize an Amendment to the Agreement with Christopher B. Burke Engineering, Ltd. re: Clyde Estates

Summary: This amends the professional design engineering roadway reconstruction and drainage improvement contract for Clyde Estates Subdivision.

John Povlivka, 6016 Washington, asked that the traffic circle be included and not eliminated to help slow down traffic on Washington.

Commissioner Barnett asked when Burke's work is done that 1) section models with more detail and renderings be prepared to see what the ditches look like; 2) a tree-line memo be included as a standard procedure; and 3) information be provided on the process by which the traffic circle was eliminated. Commissioner Barnett said he generally supports any attempts made to slow down traffic in the residential areas.

Mr. Fieldman replied that the traffic circle was included in the design that came out of the public meeting process. Once the plans were completed several neighbors came forward expressing their concerns. Staff met with the neighbors and plans were changed to eliminate the circles. He said that the primary intersection would be redesigned.

Commissioner Barnett asked whether the Council will see it one more time and the Manager said they would.

Mayor Tully echoed Commissioner Barnett's comments regarding the tree-line memo.

**RESOLUTION AUTHORIZING EXECUTION OF AN AMENDMENT TO THE AGREEMENT
BETWEEN THE VILLAGE OF DOWNERS GROVE AND CHRISTOPHER B. BURKE
ENGINEERING, LTD.**

RESOLUTION 2015-22

Motion: Commissioner Neustadt, seconded by Commissioner Olsen, moved that the motion be adopted.

Vote: Aye: Commissioners Neustadt, Olsen, Rheintgen, Barnett; Mayor Tully

Mayor Tully declared the motion carried.

ORD 2015-6093 — B. Ordinance: Provide for the Issuance of General Obligation Bonds, Series 2015

Summary: This provides for the issuance of General Obligation Bonds, Series 2015 and General Obligation Refunding Bonds and approval of all costs associated with issuance.

**AN ORDINANCE PROVIDING FOR THE ISSUANCE OF GENERAL OBLIGATION BONDS, SERIES
2015, AND ONE OR MORE SERIES OF GENERAL REFUNDING OBLIGATION BONDS AND
EXECUTION OF AGREEMENTS AND COMPLETION OF OBLIGATIONS AND PAYMENTS IN
CONNECTION THEREWITH**

ORDINANCE NO. 5451

Motion: Commissioner Neustadt, seconded by Commissioner Olsen, moved that the Motion be adopted.

Vote: Aye: Commissioners Neustadt, Olsen, Rheintgen, Barnett; Mayor Tully

Mayor Tully declared the motion carried.

8. First Reading

MOT 2015-6111 — A. Motion: Award a Contract for \$1,410,663.25 to Swallow Construction, Inc., Downers Grove, IL, for 2015 Water Main Improvements

Nan Newlon, Director, Public Works, said this is to request an award of a contract for the 2016 water main replacement program and will consist of installing approximately 4,100 linear feet of 8" water main affecting 94

residences. She listed the streets involved in this project. Work around the Whittier School area will take place over the summer vacation.

ORD 2015-6039 — B. Ordinance: Adopt the 2015 Zoning Map

Mr. Fieldman said that law requires the Zoning Map be published annually.

Stan Popovich, Planning Manager, Community Development, explained the changes including an updated legend on the map, identification of the Fairview Concentrated Business District, and rezoning of several properties including the Fresh Thyme rezoning,

Commissioner Barnett said that the Council should go through this Zoning Map with respect to intentions and expectations. He said that right now four parcels are zoned R-5. One is located at Maple and Lane Place. He said that the site has a historic marker, and this should be addressed by the Council as a group. This could result in another fight regarding properties of this type. He said the Council has to address this as a group beyond what the staff does.

Mayor Tully agreed with Commissioner Barnett. He asked when the last time was that this zoning matter was reviewed, and Attorney Petrarca said it was about ten years ago. The Mayor said he thinks Commissioner Barnett's point is well taken, and it has been ten years since this was reviewed.

Mr. Fieldman replied that TCD-3 reviewed the Zoning Map, and then the draft of the Comprehensive Plan was prepared. Updates to the Zoning Ordinance and amendments to the Zoning Map were done, and he expects to talk about this more with Council over the summer.

Mayor Tully said that the sooner they can begin the process, the better; they should move forward.

ORD 2015-6122 — C. Ordinance: Amend Parking Restrictions on Burlington Avenue

Ms. Newlon said that this Ordinance will create 4-hour on-street parking along Burlington Avenue between Fairview and Wilcox. It was initiated by the Universal Spa Training Academy, which has been experiencing traffic problems for their students. The Traffic and Parking Commission approved this action as presented.

Commissioner Neustadt said he was on Fairview Avenue, and people noted that there are issues with parking. In addition they commented to him that they liked the changes taking place in Fairview's business district.

9. Mayor's Report

New Business

RES 2015-6151 — A. Resolution: Urging the Governor and General Assembly to Protect Full Funding of Local Government Distributive Fund Revenues

Mayor Tully said a number of municipalities have been asked to adopt a Resolution encouraging the Governor to protect local government revenues received from the State of Illinois. This is money from the municipality taxes that goes to Springfield and then comes back to the municipality to provide services to the community such as Police, Fire, Public Works, snow plowing, etc. Governor Rauner proposed to reduce the municipal funds by 50%. That would amount to \$2.4 million for the Village next year. That revenue cut would be significant as it affects the General Fund that includes public safety services. Municipalities across the State want the State to seriously take action that will fix the State's financial problems. However, municipalities would like that done in a way that does not gut municipal revenues in a way that would affect public safety. Mayor Tully said that the Village should strive to become financially independent of the State as well as the federal government.

Mayor Tully then read a statement prepared by Commissioner Hosé regarding this issue:

"Along with my Council colleagues, I opposed elimination or reduction of the Local Government Distributive Fund (LGDF) when we discussed the possibility during long range planning in 2013, and I oppose it today. I fully support the proposed Resolution urging the Governor and General Assembly to protect the local distributive fund. The LGDF is an important revenue source for municipalities like Downers Grove and is indicative of the partnership between the levels of government. That partnership is strained by proposals such as this. I urge the Governor and General Assembly to solve the State's fiscal problems without forcing a portion of the problems onto fiscally responsible towns like Downers Grove."

The Mayor then asked for a motion to adopt this resolution.

Motion: Commissioner Neustadt, seconded by Commissioner Durkin, moved that the Motion be adopted.

Commissioner Barnett said he agrees with much of what the Mayor said; however, he has problems with the Resolution as worded as it does not touch on items such as problem solving. He does not want the State to suddenly reduce the Village's revenue by \$2.5 million. At the same time it is difficult for him to think that the State of Illinois and its residents will get out of this fiscal situation without some type of sacrifice. He said in reality the stakes are so high and the numbers so large that some mix of sacrifices are part of the solution. He suggested that solutions, such as a tax overhaul in general, be incorporated. Some refer to the LGDF as the "Chicago Shuffle" because it has taken from higher income places based on per capita and not on pay-ins. He cannot agree with keeping the municipalities' funds intact without also trying to offer solutions. These problems will not be solved quickly, and he would like to see the Resolution address those issues. He cannot support this Resolution.

Mayor Tully agreed with Commissioner Barnett's comments, and suggested that the Resolution be tabled for a week to incorporate some additional language that will support the Governor's stated goals in ways that do not imminently and immediately impede our ability to provide essential public safety services.

Motion: Commissioner Olsen moved to table this item to March 17, 2015. The motion was seconded by Commissioner Neustadt.

Commissioner Durkin asked what activities are occurring at the DuPage Mayors and Managers Conference (DMMC). The Mayor replied that it is more than DMMC and includes municipalities across the State that are seeking ways to modify the Governor's proposal. Commissioner Durkin said that the Governor would be at the Will County Governmental League this Thursday. The Mayor said that the Governor is attending various meetings throughout the State regarding this issue and will speaking to the Metropolitan Mayors Caucus on Friday.

The Mayor called for a vote to table this item to March 17, 2015.

Vote: Aye: Commissioners Olsen, Neustadt, Rheintgen, Barnett, Durkin; Mayor Tully
Mayor Tully declared the motion carried and the item was tabled to March 17, 2015.

10. Manager's Report

11. Attorney's Report

Future Active Agenda

Pursuant to Section 2.5 of the Downers Grove Municipal Code, the following are presented for Village Council consideration:

1. An ordinance adopting the 2015 Zoning Map
2. An ordinance amending Chapter 14 of the Downers Grove Municipal Code

12. Public Comments

This is the opportunity for the public to comment on non-agenda items.

Laurel Bowen, 829 Clyde, said she thinks everyone needs to cut their budgets. The residents are paying a stormwater fee and that should be used only where necessary.

Ms. Bowen commented that for the last six weeks people have asked the Council to visit Clyde Estates, and she hopes that the Council will take advantage of that opportunity now. She also noted that she still can't hear people when they speak and asked that they speak directly into the microphones. Ms. Bowen then addressed Commissioner Barnett saying she was glad that he is asking for the Clyde Estates plan when it comes back from Christopher Burke. She said he could have joined in at the two community meetings. She does not know why no one from the Council or management level attended those meetings. She also said it would have been nice for residents to have seen the plans earlier as well. She encouraged the Council to provide notice to residents in an area larger than 250 feet. She said that a square block would be more reasonable.

Ms. Bowen then addressed the stormwater issue, saying that in 1989 there was a substantial amount of rain that caused significant flooding in the Village. The Village then purchased some property on each of the streets affected to assist with the stormwater situation. Since then the Village has done nothing. She said St. Joe's Creek still needs to be dredged out. She referenced a bridge that was below grade filling with debris, and stormwater has not been mitigated. Ms. Bowen said that many people question the ditches in Clyde Estates when the residents of Clyde Estates don't have that type of flooding issue. She asked the Council to reconsider this action. There has been no traffic study or hydrology study, and residents have not seen any numbers to substantiate and justify what the consultant is suggesting the Village do.

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.

Vote: Aye: Commissioners Neustadt, Durkin, Olsen, Rheintgen, Barnett; Mayor Tully
Mayor Tully declared the meeting adjourned at 7:40 p.m.