

Meeting Minutes

Village of Downers Grove - Council Meeting

Council Chambers

4/14/2015

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:

Commissioner Hosé, Commissioner Olsen, Commissioner Rheintgen, Commissioner Barnett, Commissioner Neustadt, Commissioner Durkin; Mayor Tully

Staff Attendance:

Village Manager Dave Fieldman, Village Attorney Enza Petrarca, 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

The Mayor stated that at the appropriate time the presiding officers will ask if there are any comments from the public. Individuals wishing to speak, should raise their hand to be recognized and, after acknowledgment from the presiding officer, approach the microphone and state their name. Remarks should be limited to five minutes, and individuals are asked to refrain from making repetitive statements.

The Mayor 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.

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3. Proclamation

Mayor Tully proclaimed Sunday, May 3, 2015, as The Spirit of Life Chorus Day in the Village of Downers Grove. The Chorus will appear at Faith United Methodist Church on May 3, 2015. Mr. and Mrs. Stiehr of the Spirit of Life Chorus, were present and thanked the Mayor and the Council for this honor. Mr. Stiehr said that the Chorus has been singing in over 380 churches during its 25 years. He added that it will be a treat for them to come back on May 3 to Downers Grove.

4. Minutes of Council Meetings

MIN 2015-6187 — A. Minutes: Council Minutes - April 7, 2015

Motion: Commissioner Neustadt, seconded by Commissioner Durkin moved to approve the minutes as presented.

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

The Mayor said the minutes were approved as presented.

5. Council Member Reports

Commissioner Neustadt reminded everyone that on April 18 the Village will hold its paper-shredding event from 8:00 a.m. until noon at Village Hall.

Mayor Tully said that the Village's Police Lieutenant Jim Nehls was honored as a Hometown Hero on April 11 at a Chicago Wolves Hockey game.

Village Manager Dave Fieldman said there would be some news coming out about the Village of Downers Grove Fire Department on Thursday.

6. Public Hearings

7. Consent Agenda

BIL 2015-6186 — A. Bills Payable: No. 6184, April 14, 2015

MOT 2015-6181 — B. Motion: Award a Contract for \$17,632.00 to Christopher B. Burke Engineering, Ltd., Rosemont, IL, for St. Joseph's Creek Main Branch Corridor Assessment

Summary: This awards a contract for St. Joseph's Creek Main Branch Stream Corridor Assessment to Christopher B. Burke Engineering, Ltd. (CBBEL), of Rosemont, Illinois in an amount of \$17,632.

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RES 2015-6146 — C. Resolution: Authorize a Memorandum of Understanding with DuPage Public Safety Communications

Summary: This authorizes a Memorandum of Understanding with DuPage Public Safety Communications, of Glendale Heights, IL.

A RESOLUTION AUTHORIZING EXECUTION OF A MEMORANDUM OF UNDERSTANDING BETWEEN THE VILLAGE OF DOWNERS GROVE AND DUPAGE PUBLIC SAFETY COMMUNICATIONS

RESOLUTION 2015-28

MOT 2015-6183 — D. Motion: Authorize a Contract with Shane's Office Supply of Downers Grove, IL, for the Purchase of Office Supplies

Summary: This authorizes a one-year contract with the option for two one-year extensions with Shane's Office Supply of Downers Grove, IL for the purchase of office supplies.

MOT 2015-6184 — E. Motion: Authorize an Extension to a Contract with Morton Salt, Inc., Chicago, IL, for the Purchase of Bulk Rock Salt

Summary: Authorize a contract extension for the purchase of bulk rock salt from Morton Salt, Inc. of Chicago, Illinois at a cost of \$70.44 per ton up to an amount of \$183,144.

MOT 2015-6176 — F. Motion: Award a Contract for \$84,820.00 to Cardno, Inc., Monee, IL, for the Green Streets Program at Downers Grove Estates

Summary: This awards a contract for the Green Streets Program at Downers Grove Estates to Cardno Inc. of Monee, IL in the amount of \$84,820.00.

RES 2015-6167 — G. Resolution: Authorize an Extension and Amendment to the Agreement with Hey and Associates, Inc.

Summary: This authorizes an amendment to an existing contract for professional services for Draintile Investigations to Hey and Associates, Inc. of Volo, Illinois, increasing the contract by an amount not to exceed \$18,180.00.

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A RESOLUTION AUTHORIZING EXECUTION OF AN EXTENSION AND AMENDMENT TO THE AGREEMENT BETWEEN THE VILLAGE OF DOWNERS GROVE AND HEY AND ASSOCIATES, INC.

RESOLUTION 2015-29

MOT 2015-6168 — H. Motion: Authorize an Amount Not to Exceed \$30,612.00 to Air One, Inc., Elgin, IL, for the Purchase of Firefighter Turnout Gear

Summary: This authorizes the purchase of firefighter turnout gear from Air One, Inc. of Elgin, Illinois in an amount not to exceed \$30,612.

MIN 2015-6188 — I. Minutes: Note Receipt of Minutes of Boards and Commissions

Summary: Liquor Commission - January 8, 2015; February 5, 2015; Plan Commission - March 2, 2015; Transportation and Parking Commission – September 10, 2014; October 8, 2014; December 10, 2014; March 11, 2015

Motion: Commissioner Neustadt, seconded by Commissioner Durkin, moved to approve the Consent Agenda.

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

The Mayor declared the motion carried.

8. Active Agenda

ORD 2015-6073 — A. Ordinance: Establish Special Service Area #8 in the Village of Downers Grove

Summary: This establishes Special Service Area #8 for the Nelson Meadow Subdivision.

AN ORDINANCE ESTABLISHING SPECIAL SERVICE AREA NUMBER 8 IN THE VILLAGE OF DOWNERS GROVE, ILLINOIS

ORDINANCE NO. 5454

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

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

The Mayor declared the motion carried.

ORD 2015-6103 — B. Ordinance: Amend Ordinance #5346 and the Village of Downers Grove Budget for Fiscal Year 2014

Summary: This adopts certain amendments to the 2014 budget.

Commissioner Hose noted that the Village came in under budget expenses estimate by about \$270,000. He thanked the staff for keeping costs in line.

AN ORDINANCE PROVIDING FOR AN AMENDMENT TO ORDINANCE #5346 AND THE VILLAGE OF DOWNERS GROVE BUDGET FOR FISCAL YEAR 2014

ORDINANCE NO. 5455

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

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

The Mayor declared the motion carried.

9. First Reading

ORD 2015-6177 — A. Ordinance: Adopt the State of Illinois Plumbing Code and Amendments Thereto

Summary: This amends portions of Chapter 16 of the Downers Grove Municipal Code adopting the 2014 Illinois State Plumbing Code (ILPC) as promulgated by the Illinois Department of Public Health (IDPH).

Alex Pellicano, Building Division Manager said that the latest Illinois Plumbing Code became effective on April 14, 2014. He explained that only the State may exercise the power to regulate plumbers and established codes. The State Plumbing Code is exempt from Home Rule. Mr. Pellicano said that the two amendments in the Ordinance are necessary and received tentative approval from IDPH. Staff recommends approval of the Ordinance.

Bea Bennett asked whether Mr. Pellicano said that water meters would be installed in the houses. Mr. Pellicano replied that the remote readers would still be outside.

Commissioner Rheintgen noted that this isn't a new requirement. It is a practice that they already do. Mr. Pellicano responded that the amendments result in far less requirements and costs than what is currently on the books.

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Commissioner Barnett said the amendments make sense, but asked about response from the DuPage Mayors and Managers Conference as to plans to change this back. He thinks this is erosion of local control. He would like to know why the State is exerting this control and what this concept is based upon.

Mayor Tully replied that one of the tenets of the DMMC is to oppose any unfunded mandates. He said that there is supposed to be information from the Governor's office within the next few weeks. He said he would welcome something from Commissioner Barnett to take back to the DMMC regarding the question.

Commissioner Barnett asked if staff knew what drove this decision. Mr. Pellicano replied a myriad of local municipalities promulgated their own plumbing codes. This resulted in numerous unique plumbing codes. The IDPH wanted more control over the certification of plumbers. Commissioner Barnett said that a similar situation exists with regard to liquor control.

Mayor Tully said that the Village should quantify cost and assess those issues that mean the most in terms of eroding control.

10. Mayor's Report

New Business

Materials to be Received

Materials to be Placed on File

11. Manager's Report

REP 2015-6182 — A. Report: Clyde Estates - Review of Drainage Improvements

Summary: This is to review the design elements of this project prior to advertising for bid.

Public Works Director Nan Newlon presented a report to review the design elements of Clyde Estates Subdivision public improvements prior to advertising for bids. As a result of public input and Council direction, the construction plans for Clyde Estates have been revised to eliminate the public sidewalks and the traffic circle, to revise the grading at the intersection of Washington, Webster and 60th Place, and to raise ditch profiles as much as possible throughout the subdivision. Ms. Newlon said that the overall project goals are to reconstruct the streets, improve drainage both for the street system and private property, to address resident concerns about traffic impacts and to preserve as many parkway trees as possible while accomplishing this work.

Ms. Newlon then showed a revised exhibit of the potential parkway tree conflicts that relate to the reconstruction of the streets and grading work. There are 17 potential tree conflicts. She explained that staff will work with property owners whose parkway trees may be affected by the regrading work in an effort to protect whatever trees they can. Staff proposes replanting trees that are 4" or smaller in diameter. Ms. Newlon then displayed a drawing of the proposed road layout for the community, noting the removal of the traffic circle. The plan is to add greenspace and revise the grading at the intersection

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of Washington, Webster and 60th to help slow traffic and preserve trees. With regard to drainage issues, residents of the area have identified the problem areas in Clyde Estates. Ms. Newlon said that the lack of drainage contributed to earlier pavement failure. She noted that the topography is too flat for the current ditch system. The current drainage system cannot facilitate a cost-share program in most areas. Clyde Estates sits at the top of a watershed, and is a rather flat terrain requiring a system to provide drainage for the water. She showed drawings of a typical pavement cross section to address pavement drainage. She also showed photographs taken in summer 2014 of drainage problems. The existing pavement condition is beyond the effective use of preventive maintenance. The pavement edge throughout the subdivision is rapidly deteriorating with signs of base failure throughout the area. The “alligator” cracking seen along the roadway indicates base failure.

Ms. Newlon then addressed the issue of ditches, showing a photo of a standard ditch section. A standard ditch section has a slope less than 25%, and a depth less than 2.5’ deep. With the plan revision request, the consultant was able to revise the plans to the standard ditch section in 87% of the subdivision. Staff will work with property owners regarding obstacles to trees or power poles. The objective is to understand resident preferences. Non-standard ditch sections have a slope greater than 25% and are over 2.5’ deep, which occurs in about 13% of the ditch sections in the subdivision. She then showed an exhibit depicting the overall ditch plan for the area. Staff anticipates going out to bid within the next two weeks, and beginning construction in early July.

Mr. Fieldman said staff is seeking Council feedback on this project.

Commissioner Olsen asked about the non-standard ditch sections and whether they anticipate that they will be grass covered. Ms. Newlon said that there are no non-standard sections over 3:1. If there are rock sections, it is at the request of residents. They don’t anticipate that problem in this area.

Commissioner José asked whether they anticipate grass or other coverings. Ms. Newlon said they are working with bioswales in the Downers Grove Estates subdivision. They would be happy to work with Clyde Estates on that treatment as well. As for maintenance of the bioswales, she asked Andy Sikich to reply.

Andy Sikich, Assistant Director, Public Works, said that there are several residents in Clyde Estates interested in this program. The program involves homeowners agreeing to maintain them once the plantings are established. The plantings are generally natives and typically take very little care.

Commissioner José asked how tall the native plantings could get. Mr. Sikich said that staff has selected shorter plantings, up to 30”.

Commissioner José then asked about the effect of changing the 13% non-standard ditches into standard ditches. Mr. Sikich replied that he is not sure they can do that. The area is at the downstream end and they would have to add more storm sewer to the area.

Commissioner José then asked about the expected life of the roadway with normal maintenance. Mr. Sikich responded the base would last 100 years with periodic resurfacing. Mr. Fieldman added that if properly constructed with proper drainage, they would expect periodic crack fillings, and then resurfacing in ten-year cycles. Staff has seen that proper construction and maintenance extends the life of the road system, and noted that the Village is committed to that type of maintenance.

Commissioner José then asked as to the lifecycle of the roadway if they did not institute the drainage improvements. Ms. Newlon said that it would be about 50-60 years. Mr. Sikich said there would be more expenses as well regarding more patching.

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Commissioner Durkin said he is fine with this report and supports it.

Commissioner Barnett raised a question regarding trees, noting that 17-18 trees are 4" or smaller, and that staff would work with the residents to transplant those trees. Ms. Newlon said that staff will work with the residents regarding transplanting of the trees.

Commissioner Barnett asked if staff sees a problem regarding maintaining grass cover, and Ms. Newlon said they have not seen that problem.

Commissioner Barnett asked if they would get a benefit from ribbon curbs to address failure of street edging. Ms. Newlon said it is a cost consideration. They have put in ribbon curbs where absolutely necessary, but the cost consideration has to be studied.

Commissioner Neustadt said that he has heard the term "work with residents" repeatedly. He said the amount of scrutiny this project received is evidence that this community goes out of its way to work with residents and move forward. This is Downers Grove at its best. He thanked the staff members who will be out in the field and supports the ditches as presented.

Mayor Tully noted that this is a balancing act, and this is about as balanced as it can get. Road maintenance is a huge consideration. He asked staff whether there would be another neighborhood meeting. Mr. Fieldman said that before they go out to bid, staff will meet with residents to review the final plans.

Jon Povlivka, 6016 Washington, asked about the slide showing the cross section of the road for pavement drainage. He said he sees this slide showing the as-built road construction with new ditch profiles. The tan portion would be clay, and what is shown as aggregate base would be a type of concrete, and would not encourage drainage. He doesn't understand what that slide represents. He also asked about the photos of standing water in the area. He thinks it was taken after a significant storm event. He then suggested that the Village consider eliminating the bioswales to save money.

Connie Butler, 5925 Washington, said she had five questions, including the rationale for the reconstruction of the intersection. Ms. Newlon replied that it is the result of input at neighborhood meetings and cut-through traffic to provide traffic calming. Ms. Butler then replied that this would remove two of the three streets. She asked where people would walk since one of those streets is a walkway. She said they are cutting off access to the rest of the community. Mayor Tully replied that one can still get through. The area is not blocked off. People may have to walk about 50' further.

Ms. Butler said that the area where streets are removed will be a water management area, and asked what they are managing since there is no flooding there. She commented that staff is changing the dynamics of the grassy area, which changes Clyde Estates. She asked where the water will go, and how the drainage along Clyde Circle is going to be handled. She is nervous about things that have not been mentioned.

Ms. Newlon replied to Ms. Butler that they are not detaining water. It is a water quality issue. There will be no tall plantings. The area will gently slope with a depth reduction to preserve some trees.

Mr. Sikich also explained that the high point of the subdivision is roughly through the middle of the subdivision. The north portion flows to St. Joe's north, and the south flows to St. Joe's south.

In response to Commissioner Rheintgen, Mr. Sikich showed a cross section of the street where there is no curb and gutter. The "V's" are ditches. He noted that the materials are old roadway mixed with cement and covered with blacktop.

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Commissioner José then asked why a water management area is proposed for that location and the benefit. Mr. Sikich replied that it floods when there is a hard rain. This will help with the runoff and water quality.

Mr. Fieldman added that these are the types of improvements required in some cases and recommended in others as part of the Clean Water Act.

Ms. Bennett said she is not prepared and is surprised that they are having this discussion tonight and asked for more time to study this. She said she only received the report she requested under the FOIA this week, which was a lot to read. She is unfamiliar with a lot of the terms used in the technical drawings. She wants some type of explanation of the terms in the documents. She and Ms. Butler met with the project manager. She asked how deep the ditches will be and has not received an answer. She doesn't understand the "ratio" terms used and how big ditches will be in front of her property. She doesn't understand how deep a gentle slope is. She will have easements on both sides of her driveway. She also does not want to have to weed the area. She asked for more time to figure this out.

Mr. Fieldman said he will be happy to meet with Ms. Bennett to explain this further. The proposed depth of the standard ditches is 2-1/2 feet. Staff is proposing a 25% slope.

Ms. Bennett said she has looked at the various solutions to stormwater, and what she found was appalling. She is not prepared for this. She said that the Council has given the professionals time to give a detailed presentation, and she does not have that advantage. She is just paying the bill. She noted that this area has been neglected over the past 29 years. The Village has been cheap with its maintenance in the past.

Laurel Bowen, 829 Clyde Drive, said that no survey was provided to the residents about these issues. Most people do not have access to the diagrams, and the residents all have questions. She indicated that the neighborhood meetings were not professional meetings. Ms. Bowen said she asked for signs to eliminate traffic during certain hours, and has not been provided with traffic studies. Ms. Bowen said she has a ditch in her front yard and thinks it is 2-1/2'. Tom Topar tells her it will get deeper. Ms. Bowen said that the roadway has not been maintained. She wanted to be assured that the quality of road will not crumble and crack within a couple of years. Ms. Bowen said they need top quality materials. She noted that the ditches will remove at least 14 trees, and it doesn't make sense to do this. Ms. Bowen said she doesn't want to lose trees because of ditches. Morton Arboretum told her that mature trees can drink up to 100 gallons of water a day. Bald Cypress and Red Maples are especially big drinkers. She doesn't want to lose any of the parkway trees to be replaced by ditches. They have to have another neighborhood meeting before bids go out. She asked that it be held at Village Hall so they can have the podium and availability to have exhibits displayed. Regarding drain tiles she said she would prefer to have drain tiles replaced rather than a ditch. She wants to know where the water is going to go. Mayor Tully said this concerns a water quality issue and not a detention issue. All the water ends up in the DuPage River.

Commissioner José asked how long Clyde Estates roadways have been in a failed state. Mr. Fieldman said for at least a decade. He reviewed the streets and maintenance/reconstruction priorities. At one point there were priorities established as to streets in need of reconstruction, some of which were not maintained. The residents of Clyde Estates are correct that the streets have been in disrepair for a long time.

Mayor Tully then asked the Council for its direction.

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Commissioner Olsen said he heard a request for neighborhood meetings before the bids go out, and Mr. Fieldman said that is the plan.

Commissioner Barnett commented that the process will still be contract approval by the Council. Bids will have to be awarded and will come before the Council twice.

12. 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 State of Illinois plumbing code and amendments thereto

13. Public Comments

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

Andy Hebert said he watched the Restaurant Impossible episode and was disappointed at the way the business was handled by the Village in terms of not being business friendly. He asked the Council to look into making the Village business friendly. Mayor Tully said that the Village should be business friendly. He spoke of the television show dramatization, saying that the owners of the business discounted that perception. He reminded that the show is for entertainment purposes. Mr. Hebert said he saw other businesses comment on Facebook about their bad experience. Mayor Tully said he has seen some of those comment as well, and doesn't know the actual circumstances with respect to those businesses.

Dr. Gordon Goodman, 5834 Middaugh, extended an invitation to the Council and Village from the Pierce Downers Heritage Alliance to tour Lyman Woods on May 2. He said people can register for walks at the Pierce Downer website. The walks are at 10:00 a.m. and 1:00 p.m. for 1-3/4 hour each.

Laurel Bowen, 829 Clyde, said she noticed in the staff report that there's a contract for St. Joe's Creek and she questions why it's from Carpenter west, since the Creek needs work east of there, where Webster, Lyman and Washington are. That section is in very bad shape. Regarding water quality, she referenced a bookmark at the front desk that mentioned different ways to keep runoff pollution from forming. She said that rock salt is corrosive and adds to the water quality issue. It is also corrosive to asphalt and concrete, which is a big problem in this Village. Ms. Bowen said she has asked for hydrology studies and was told that there were none. She asked where the stormwater calculations used for Clyde Estates came from and who has that information.

Mr. Povlivka said he would be doing more research regarding a statement made by Mayor Tully at a past meeting wherein the Mayor said that if he were sitting up there in one year he would shave his hair for St. Baldrick's Day. The Mayor said that was a correct quote.

14. Council Member New Business

Commissioner Barnett said he had two items to address. The first is Historic Preservation, saying he would like to find ways to incentivize people to participate in ways to improve the effectiveness of the Village's historic preservation ordinance. One of the ideas would be to have fees placed into a fund

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toward the historic preservation, with potential matching for homeowners. He said he doesn't know why historic preservation isn't more active in this community.

Commissioner Barnett then addressed tree preservation, which was visited back in 2008. He would also like to incentivize people to preserve trees, and suggested revisiting the ordinance and trying to recognize the public value of private trees. He suggested this could be done this by permitting the removal of trees and perhaps impose fees for tree removal. He also would like to look into accessing trees at discounted rates for private citizens, beyond parkway trees. He thinks the Village is missing an opportunity for residents to improve the community due to a variety of barriers including costs and lack of knowledge as to how to choose trees.

Mayor Tully replied regarding tree preservation that this was discussed in February 2008. There is a fair amount of history on this. TCD III also referenced tree preservation, and there was a proposal to incentivize developers as well.

Commissioner José spoke about last week's election, noting that one of the issues in his opinion was the Edwards House. He would like to see this come before the new Council.

15. Adjournment

Mayor Tully asked for a Motion to adjourn.

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

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

Mayor Tully declared the motion carried and the meeting adjourned at 8:35 p.m.

Respectfully submitted,

April Holden

Village Clerk