

# Meeting Minutes

Village of Downers Grove - Council Meeting

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**Council Chambers**

**6/9/2015**

**7:00 PM**

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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

In the absence of Mayor Tully, Commissioner Olsen served as Mayor Pro Tem.

Mayor Pro Tem David Olsen 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 Pro Tem Olsen led those present in the Pledge of Allegiance to the Flag.

## 2. Roll Call

Present: Commissioner Waldack, Commissioner Vattimo, Commissioner Hosé, Commissioner Olsen

Absent: Commissioner White, Commissioner Barnett, Mayor Tully

Non-Voting: 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. First, immediately following approval of the minutes of past meetings, an opportunity will be given for public comments and questions of a general nature. 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 Mayor Pro Tem 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.

Mayor Pro Tem Olsen 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. Proclamations

Mayor Pro Tem Olsen said Mayor Tully sent his apologies as he is unable to attend tonight's meeting due to work obligations. Mayor Pro Tem Olsen then read two proclamations on behalf of Mayor Tully.

Mayor Pro Tem Olsen read a proclamation declaring June 7 – 13, 2015, as National Garden Week in the Village of Downers Grove.

June Vandervest, from the Downers Grove Garden Club, thanked the Mayor Pro Tem for the proclamation. She spoke of caring for gardens in the downtown cemetery, at the American Legion Hall and for planting trees at the schools. Trees were planted at Pierce Downer School this year.

Mayor Pro Tem Olsen then read a proclamation declaring June 14, 2015, as Flag Day in the Village of Downers Grove. He presented the proclamation to Mary Kay Nelsen, Regent, and Carol Wandschneider of the Daughters of the American Revolution.

Mary Kay Nelsen, Regent of the Daughters of the American Revolution, thanked the Mayor Pro Tem for the proclamation. She provided some interesting facts about the American Flag. The 50-star pattern was designed by a high school student from Lancaster, Ohio.

Ms. Nelsen invited the community to the Flag Day ceremony and concert at Fishel Park on Sunday, June 14 beginning at 3:00 p.m.

### 4. Minutes of Council Meetings

MIN 2015-6276 — A. Minutes: Council Minutes - June 2, 2015

**Motion:** Commissioner Waldack, seconded by Commissioner Vattimo moved to approve the minutes as presented.

**Votes:** Yea: Commissioners Waldack, Vattimo, Hosé; Mayor Pro Tem Olsen

Mayor Pro Tem Olsen declared the Motion carried.

### 5. Public Comments

This is the opportunity for public comments.

1. Mary Duhig, 4947 Florence Avenue, addressed the Maple reconstruction. She was told that the repair of Florence was incidental to the Maple reconstruction project. She asked for reconsideration and an explanation of this decision. The street has water issues, and she showed slides depicting the flooding issues. Ms. Duhig then asked several questions about the condition of Florence, and what engineers feel can be done to stop the flooding. She commented that this side of town gets limited time compared to other areas of the Village and asked whether this was taxation without equal services. Ms. Duhig then referenced the Storm Water Ordinance, stating that residents would appreciate reconsideration of the stormwater and curb issues.

2. Bea Bennett, 913 Clyde Drive, said she was here to talk about mosquitoes and the water problem that pervades Downers Grove. She started the discussion with her property saying that her property does not have ditches. She referenced a tree that, according to information from the Morton Arboretum, a tree can absorb 100 gallons of water per day. She said the plan is to remove the soil around that tree and put in a retention pond, which she thinks is a high risk to the tree. Another problem is with deep ditches. She does not want a ditch in her yard. She showed slides depicting areas with ditches. She commented that curbs are essential to save the street

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pavement. Streets get eaten away when the soil erodes underneath them. Standing water is a breeding ground for mosquitoes. The high season for mosquitoes is July-September for West Nile Virus.

Regarding Downers Grove Estates, there are extremely deep ditches that have to be redone. They do not drain and mosquitoes breed there. Ms. Bennett said that she believes curbs are needed when streets are redone. She then showed a number of slides of trees, her street and lawn equipment, saying if you put in asphalt streets, they should put in a concrete ribbon.

Mayor Pro Tem Olsen reminded Ms. Bennett that she has spoken for about ten minutes and the policy is to allow five minutes. He asked Ms. Bennett to conclude her presentation. Ms. Bennett said she did not think she could, but would try to do so.

Ms. Bennett then presented a slide of a ditch with no reinforcement on the shoulder. She presented additional slides of retention ponds and ditches. She said mosquitoes breed in deep ditches. Public Works' attitude is that if curbs were not put in when an area was developed, they won't get curbs at a later date. Ms. Bennett then showed a slides of a ditch and retention ponds in the parks and other Village property areas, including Prentiss Creek. She felt that Public Works must maintain what the Village already has.

Mayor Pro Tem Olsen asked Ms. Bennett to stop. He said the Council understands Ms. Bennett's concerns. He said he appreciates her sharing them with the Council.

Ms. Bennett said she wants the Council to think twice before it approves any more stormwater systems. She provided a handout of locations of ditches throughout the Village to the Council.

Mayor Pro Tem Olsen reminded everyone, out of respect for others at the meeting, to limit comments to five minutes. He noted that the Council rules limit public comments to five minutes.

3. Laurel Bowen, 829 Clyde Drive, said she was disappointed that three Council members were not present. This is an important project for which she has great concerns. Mayor Pro Tem Olsen asked Ms. Bowen to address the Council when this issue is presented under the First Reading section of tonight's agenda.

4. Marianna Hohm, 4220 Highland, raised concerns about building houses in Downers Grove. She and her husband were surprised by the northeast corner of Prairie and Washington where one home was demolished and two residences were built on that one lot instead. She is concerned about water runoff. She suggested that perhaps they are being built to get more taxes.

5. Nick Parker, an intern with Citizen Advocacy Center (CAC), a non-profit legal organization, said that CAC was contacted by a concerned citizen about a bid to Christopher B. Burke for the Clyde Estates project. Two Village employees were previously employed by Burke. He said that this was not publicly disclosed. He said that Downers Grove should pay attention to the public perception, and Village officials should meet a certain standard. Disclosure is the preferred process, even if it is a perceived perception.

## 6. Consent Agenda

**BIL 2015-6275** — A. Bills Payable: No. 6196, June 9, 2015

**RES 2015-6271** — B. Resolution: Amend a Village Council Policy regarding Preparation of Village Council Agendas

**Summary:** This amends the policy concerning Council agendas.

### **A RESOLUTION AMENDING A VILLAGE COUNCIL POLICY REGARDING PREPARATION OF VILLAGE COUNCIL AGENDAS**

#### **RESOLUTION 2015-37**

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**RES 2015-6272** — C. Resolution: Authorize the Sale by Public Auction of Personal Property Owned by the Village of Downers Grove

**Summary:** This authorizes the sale by public auction of personal property owned by the Village.

**A RESOLUTION AUTHORIZING THE SALE BY PUBLIC AUCTION OF PERSONAL PROPERTY OWNED BY THE VILLAGE OF DOWNERS GROVE**

**RESOLUTION 2015-38**

**RES 2015-6280** — D. Resolution: Authorize a Parking Lot Limited Use Agreement with Rexnord Industries, LLC

**Summary:** This authorizes a parking lot limited use agreement with Rexnord Industries, LLC in the amount of \$2,400.00 per month for up to four months for the purpose of leasing temporary, offsite parking spaces for commuter Parking Lot H.

**A RESOLUTION AUTHORIZING EXECUTION OF A PARKING LOT LIMITED USE AGREEMENT BETWEEN THE VILLAGE OF DOWNERS GROVE AND REXNORD INDUSTRIES, LLC**

**RESOLUTION 2015-39**

**MOT 2015-6260** — E. Motion: Award a Contract for \$119,575.00 to Globe Construction, Inc., Addison, IL, for 2015 Replacement Sidewalk Program

**Summary:** This awards a contract for the 2015 Replacement Sidewalk Program to Globe Construction, Inc. of Addison, Illinois in the amount of \$119,575.00.

**MOT 2015-6278** — F. Motion: Direct Staff to Draft a Text Amendment to the Zoning Ordinance re: Signs Facing the BNSF Right-of-Way

**Summary:** This directs staff to draft a text amendment to the Zoning Ordinance regarding signs facing the BNSF right-of-way.

**MIN 2015-6281** — G. Minutes: Note Receipt of Minutes of Boards and Commissions

**Summary:** Liquor Commission - May 7, 2015

**Motion:** Commissioner Waldack moved to approve the Consent Agenda as presented. Commissioner Vattimo seconded the motion.

**Votes:** Yea: Commissioner Waldack, Vattimo, José; Mayor Pro Tem Olsen

The Mayor Pro Tem declared the motion carried.

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## 7. Active Agenda

## 8. First Reading

**MOT 2015-6259** — A. Motion: Award a Contract for \$90,668.00 to Hancock Engineering, Westchester, IL, for Construction Engineering Services for Clyde Country Estates Roadway Reconstruction and Drainage Improvements

**MOT 2015-6258** — B. Motion: Award a Contract for \$2,361,248.70 to A Lamp Concrete Contractors, Inc., Schaumburg, IL, for Clyde Country Estates Roadway Reconstruction and Drainage Improvements

Village Manager Dave Fieldman introduced Nan Newlon, Director, Public Works, to present Items A&B related to Clyde Country Estates.

Nan Newlon, Director, Public Works, said she would discuss Items A & B. Ms. Newlon summarized the two items. The proposed improvements include street construction, improved drainage, traffic calming, and parkway restoration. The schedule, if approved, would be to have a neighborhood meeting June 29, with construction would begin the week of July 6 and completion in November 2015.

Regarding Item A for Hancock Engineering, the Village received ten bids and four were prequalified. Staff recommends awarding the project to Hancock based on their understanding of the project, their capability to perform the work and their proposed fee. They have provided similar services to other communities.

Regarding Item B, three bids were received and A Lamp was the qualified low bidder and has successfully completed reconstruction for the Village in 2012, 2013 and 2014. They have also worked for Bartlett, Bloomingdale and Lombard.

1. Laurel Bowen, 829 Clyde Drive, said that Public Works held a meeting on April 27, which was not really a meeting. She said that the residents have not received responses to their comments and suggestions and the perceived meeting was only a “meet and greet.” Ms. Bowen said that the project goals presented indicated that there are traffic and safety concerns, and there is a traffic and safety commission and a stormwater committee, yet this project did not go to either of those committees. She asked why they have not looked at this project. There are 14 trees set to be removed because of ditches that are going to be installed. Ms. Bowen questioned why two of her trees are to be removed. Two of her neighbor’s trees that are similar to hers are not going to be removed. She finds this questionable. She also said that no traffic study has been conducted. She also asked for a hydrology study, and what she was given was not a study but a stormwater permit application. On the first page of the application, it said that detention storage best management practices are not required. She also referenced other parts of the letter that said that there is no wetland or regulatory Du Page flood plain in Clyde Estates. Ms. Bowen said a couple of years ago the Village installed a large pond at a cost of \$41,000 that is full of weeds and poses a danger. She asked why they want to put another such “hole” in Clyde Estates when there is no flood plain in Clyde Estates. They are going to take away sod that absorbs rain water. The roadway is collapsing and the garbage trucks are destroying the road. The ruts have to be filled every year to correct the damage caused by the truck traffic. Ms. Bowen noted that there is no ponding water deteriorating the streets. A pipe will go through her front yard with a hole for a stormwater grate. She asked why it couldn’t be put under the street. The people across the street have the water problem in their front yard. She doesn’t have a problem on her property.

2. Bill Wrobel, 7800 Queens Court, in the Knottingham Subdivision, said that they had a major road reconstruction four years ago at great expense. A meeting was held to tell the neighbors what would be done. He has issue with the two motions being discussed. He asked that the Village exercise due diligence and get value for that for which they contract. Four years after his street was completed, he took pictures of the cracks. This situation was inspected and the residents were told that the flaws were normal for wear and tear due to the winters that we have. He feels that some of the road is failing after four years. He asked that the Council be sure it is protecting the taxpayers of Downers Grove. The integrity of the roadway is in question and we need to get value

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for what is done. Their roadway is failing and the Village is attempting to repair it using crack seal, which is not sufficient. He asked if they are going to do this in Clyde Estates that they get good value for the money that is spent. He questions the integrity of the roadways and the workmanship.

3. John Povlivka, 5616 Washington, said he has on his list a discussion with the Village Manager regarding the situation on 59<sup>th</sup> Street, which was repaved in 2013. In the spring of 2014 there was cracking, including parallel cracks along the curb. He said that in the spring of 2014 something was applied and crack sealing was done. The pavement is failing. He said that the cracking has either gotten worse or it was missed. He thinks it has gotten worse. Mr. Povlivka commented that it does not seem as though this was a good job, and he does not know whether it will last ten years. He has been watching this discussion, and his question is whether the pavement will outlive the bonds on Clyde Estates.

4. Bea Bennett asked whether there will be another opportunity to discuss this matter, and Mayor Pro Tem Olsen commented that this is for discussion only at this time. It will be placed on the Active Agenda on June 16. Ms. Bennett then asked how much time they have to comment, and the Mayor Pro Tem said that she has five minutes. Ms. Bennett noted that she has other concerns about her neighborhood. Mayor Pro Tem Olsen said that there would be an opportunity to speak again next week for five minutes as well. Ms. Bennett said that on April 14 she noted that she has very serious concerns. She received very little reply from the Public Works Department. Mayor Pro Tem Olsen replied that she is welcome to speak on these items for five minutes, as the rules specify, unless the Council grants further time. Ms. Bennett asked how she could have said everything she wanted to say in five minutes.

Commissioner Waldack said his understanding is that staff is planning another neighborhood meeting before construction starts.

Ms. Bennett said that meeting will tell the residents how to get in and out of their neighborhood during construction. She wants to discuss the design and the need for ditches. This is not a good design and is a serious problem and cannot be addressed in five minutes. She hopes she will be allowed more time.

Mayor Pro Tem Olsen replied that Ms. Bennett could share written comments as well with the Council. The rule exists to allow all members of the public to be heard.

Ms. Bennett said she written comments did not get a response from Public Works at the last meeting.

5. Laurel Bowen, 829 Clyde Drive, said that they cannot minimize the problems occurring with the Public Works projects. They are not working. She said that the Village is ruining neighborhoods and making their problems worse. The Village just hired a new Traffic Manager for \$90,000 and she wants to know what that person is doing. She commented that the public couldn't prove they need this project. She has not had any feedback either via e-mail, phone calls, letters, etc., and her questions are ignored.

6. Andrea Alvarez of the Citizens Advocacy Center in Elmhurst said she is an attorney with CAC. It seems that there has been a lack of public engagement and lack of a democratic process. She hopes that this will not be approved next week, and asked that they listen to citizens' concerns.

There being no further public comment, Mayor Pro Tem Olsen encouraged all members of the public and the Council to review the answers posted on-line this afternoon. The report shows a history of public engagement on this project, which included three neighborhood meetings, two Council meetings at which the project was discussed under the Manager's report, and numerous informal conversations between residents and staff on site and in the Public Works offices. He provided a summary of the meetings held, changes made as a result of the meetings, and a spreadsheet of the comments that were made. He noted that staff has spent many hours attempting to address the concerns expressed. The concerns vary greatly, with conflicting public comments about multiple aspects of the project. It is the responsibility of the Council to balance these conflicts. These items will be on the Active Agenda on June 16.

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**ORD 2015-6231** — C. Ordinance: Authorize the Extension of a Special Use to Permit a Multiple Family Residence at 715-719 Rogers Street to December 16, 2015

Mr. Fieldman introduced Stan Popovich, Planning Manager, Community Development, to make the presentation.

Stan Popovich, Planning Manager, Community Development, showed a map of the location of the property at Prospect and Rogers. On May 6, 2014, the petitioner received a special use approval for a four-story development. Special uses lapse after one year unless construction is diligently pursued. The building has not been completed. The Code allows for two six-month extensions, and this is the first six-month extension request, which was received on May 5, 2015.

Mayor Pro Tem Olsen asked for comments or questions from the public and the Council. There were no comments or questions.

**ORD 2015-6250** — D. Ordinance: Amend Liquor Code Provisions

Village Attorney Enza Petrarca said this would allow removal of the prohibition against liquor product identification/logos on patio umbrellas. The second amendment regarding the definition of restaurant would remove the requirement for a full kitchen and allow food to be cooked primarily off site. These items were reviewed by the Liquor Commission and received favorable recommendations.

Commissioner Waldack said that the Downtown Management Corporation supports the advertising on umbrellas. Regarding the restaurant changes, he thinks this is a good amendment and he supports both items.

## **9. Mayor's Report**

New Business

Materials to be Received

Materials to be Placed on File

## **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 authorizing the extension of the special use to permit a multiple family residence at 715-719 Rogers Street
2. An ordinance amending liquor code provisions

## **12. Council Member Reports**

Commissioner Waldack said he attended two Downtown Management meetings and met with Linda Kunze. He said that the Village is maintaining a good relationship with the DMC.

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Mayor Pro Tem Olsen reminded everyone of the Flag Day Concert sponsored by the Daughters of the American Revolution at 3:00 p.m. on June 14, 2015, at Fishel Park.

### **13. Adjournment**

Mayor Pro Tem Olsen asked for a motion to adjourn

**Motion:** Commissioner Waldack moved to adjourn. Commissioner Vattimo seconded the motion.

**Votes:** Yea: Commissioner Waldack, Vattimo, Hosé; Mayor Pro Tem Olsen

Mayor Pro Tem Olsen declared the motion carried and the meeting was adjourned at 8:22 p.m.

Respectfully submitted,

April Holden  
Village Clerk