

Meeting Minutes

Village of Downers Grove - Council Meeting

Council Chambers

6/16/2015

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 Pro Tem Olsen said Mayor Tully apologized for his absence. He is out due to a work-related activity.

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

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 White, Commissioner Vattimo, Commissioner Hosé, Commissioner Olsen

Absent: 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 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.

MOT 2015-6293 — A. Motion: Permit Electronic Attendance

Summary: This will permit Mayor Tully to participate in the June 16, 2015, Village Council meeting by telephone.

Council Meeting

June 16, 2015

Motion: Commissioner White moved to allow Mayor Tully to participate in the Village Council meeting of June 16, 2015, by telephone. Commissioner José seconded the motion.

Votes: Yea: Commissioners White, José, Waldack, Vattimo; Mayor Pro Tem Olsen
Mayor Pro Tem Olsen declared the motion carried.

3. Minutes of Council Meetings

MIN 2015-6283 — A. Minutes: Council Minutes - June 9, 2015

Motion: Commissioner White, seconded by Commissioner José, moved to approve the minutes as presented.

Votes: Yea: Commissioners White, José, Waldack, Vattimo; Mayor Pro Tem Olsen
Mayor Pro Tem Olsen declared the motion carried.

4. Public Comments

This is the opportunity for public comments. Mayor Pro Tem Olsen reminded everyone that there is a five-minute rule and he asked that remarks be limited to five minutes.

1. Violet Radwell, 5410 Grand Avenue, said she has lived here since 1991. She commented on an article on Clyde Estates, which is from June 10. She commented that there has been discussion to relocate the Police Department to Ogden Avenue, saying that the present location is safer in her opinion. It is not a good idea to move the Police Department and would be an expense to the Village.

With regard to Clyde Estates, Ms. Radwell said that the street has not been repaved for 30 years. She asked why the Village doesn't repair Clyde rather than put money elsewhere.

2. Bill Wrobel, 7800 Queens Court, said he was speaking as a member of the Chicago Area Organ Theater Enthusiasts. He reminded everyone that tickets are on sale for the Organ concerts to be held at the Tivoli and Downers Grove North on June 27. Tickets may be purchased at the Tivoli Theater.

5. Consent Agenda

Commissioner Waldack asked that Item D, RES 2015-6239, a resolution accepting the Comprehensive Annual Financial Report of the Village of Downers Grove for the fiscal year January 1, 2014 through December 31, 2014, be removed and placed on the Active Agenda.

COR 2015-6284 — A. Claims Ordinance: No. 6111, Payroll, May 29, 2015

BIL 2015-6285 — B. Bills Payable: No. 6198, June 16, 2015

RES 2015-6232 — C. Resolution: Authorize an Extension to the Agreements with MB Financial Bank, N.A.

Summary: This authorizes an extension to the agreement with MB Financial Bank, N.A.

**A RESOLUTION AUTHORIZING EXECUTION OF AN EXTENSION TO THE AGREEMENTS
BETWEEN THE VILLAGE OF DOWNERS GROVE AND MB FINANCIAL BANK, N.A.**

RESOLUTION 2015-40

Council Meeting

June 16, 2015

MOT 2015-6261 — E. Motion: Award a Contract for \$49,715.50 to Globe Construction, Inc., Addison, IL, for the 2015 Right-of-Way Accessibility Improvements

Summary: This awards a contract for \$49,715.50 to Globe Construction, Inc., Addison, IL, for the 2015 right-of-way accessibility improvements.

MOT 2015-6282 — F. Motion: Award a Professional Services Contract in an Amount Not to Exceed \$91,770.00 to Tank Industry Consultants, Indianapolis, IN, for Downers Drive Water Tower Rehabilitation Project

Summary: This authorizes execution of a professional services contract with Tank Industry Consultants in the amount of \$87,400 plus 5% contingency in the amount of \$4,370 for a total not-to-exceed cost of \$91,770 for the Downers Drive water tower rehabilitation project.

Motion: Commissioner White moved to approve the Consent Agenda as amended. Commissioner José seconded the motion.

Votes: Yea: Commissioners White, José, Waldack, Vattimo; Mayor Pro Tem Olsen
Mayor Pro Tem Olsen declared the motion carried.

6. Active Agenda

RES 2015-6239 — D. Resolution: Accept the Comprehensive Annual Financial Report of the Village of Downers Grove for the Fiscal Year January 1, 2014 through December 31, 2014

Summary: This accepts the 2014 Comprehensive Annual Financial Report (CAFR) dated December 31, 2014.

Motion: Commissioner White moved to accept the Comprehensive Annual Report of the Village of Downers Grove for the fiscal year January 1, 2014 through December 31, 2014, as presented. Commissioner José seconded the motion.

A RESOLUTION TO ACCEPT THE COMPREHENSIVE ANNUAL REPORT OF THE VILLAGE OF DOWNERS GROVE FOR THE FISCAL YEAR JANUARY 1, 2014 THROUGH DECEMBER 31, 2014

RESOLUTION 2015-41

Commissioner Waldack said that this report, known as CAFR, is a financial document that is important in many ways. It is due on June 30, and the Council only received this draft on Friday evening, just prior to the last meeting of the month which allows only a couple of days for review. Further, Council is being asked to approve a draft document. It reflects 2014 financials so the names listed on the report are of the previous Council. This Council is asked to approve a financial report in short order for which a previous Council has responsibility. The CAFR report reflects on work of the previous Council. The process that waits until the last minute is seriously flawed and the document before them is only a draft. He urged that in the future this process be completed by May 1 and ready for approval by the outgoing Council.

Commissioner White said it is his understanding that this report simply captures what occurred on a financial basis. He is being asked to accept that the professionals who prepared this report accurately captured what was expended in the previous year. It in no way constitutes endorsement of the priorities or principles. It is an audit.

Votes: Yea: Commissioners White, José, Waldack, Vattimo; Mayor Pro Tem Olsen
Mayor Pro Tem Olsen declared the motion carried.

Council Meeting

June 16, 2015

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

Summary: This awards a contract for construction engineering services for the Clyde Country Estates roadway reconstruction and drainage project to Hancock Engineering of Westchester, Illinois in the amount of \$90,668.00.

Motion: Commissioner White moved to 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, as presented. Commissioner José seconded the motion.

Mayor Pro Tem Olsen asked that Items A & B, which are similar in nature, be considered together and that remarks by the public be limited to no more than ten minutes.

1. Laurel Bowen, 829 Clyde, said there might still be some uncertainty and confusion on the part of the Council members about the extreme nature of this project. She referenced materials that she distributed to the Council saying that, although it is called a “hydrology” report it is actually a stormwater application for the area south of Clyde Estates. Ms. Bowen referenced a retention pond in Downers Grove Estates, which is south of Clyde Estates. She asked if anyone has gone to the excavation north of 59th Street, which she believes is related to closing off Washington and Clyde. Ms. Bowen said she has not heard of houses flooding in Clyde Estates, even with several inches of rain in the past few days. She noted that residents have asked for their road to be repaired and that is what they need. Ms. Bowen questioned why they are in need of engineering services, or “construction observation.” She said that she would think we have oversight at Public Works and asked why they need to hire another service. Ms. Bowen then questioned why fees were split up, and why they would pay out of the stormwater fund for construction observation, as well as funds from the second bid for the same purpose. She then addressed the document regarding feedback, saying her two comments had not been followed up, and the residents still have not received a traffic study. She commented that due diligence is required in Clyde Estates, and she has not received any documents showing a need for traffic changes. Ms. Bowen then asked that the Council vote “No” on this item. Ms. Bowen provided other options and noted that change orders can be made, but are costly and can be far above the cost of the project.

2. Bea Bennett who resides on Clyde Drive referred to the stormwater application submitted by Burke Engineering to Public Works. The application requires a professional engineer to study this area, and she said that the engineer who prepared the application accidentally included a portion of Clyde Drive. The water does not sit in the area that was highlighted in the application. Ms. Bennett said that the application’s front page states that Clyde is not a floodplain, a stormwater detention or a wetland. It is a best management practice. The report is full of errors. The engineer references the wrong area. Ms. Bennett said that the Village requires accuracy when issuing bonds. She asked the Council to vote “No” and further review this.

3. Bill Wrobel, 7800 Queens Court, thanked the Council for directing staff to respond to some of his questions regarding life expectancy of roadways. He said that the answers are online.

Mayor Pro Tem Olsen said that the topic will be presented in a general way at a later time. It is published on line.

Mr. Wrobel then said that it is an interesting schedule. The streets should last quite a while. The streets in his development lasted 43 years before they were replaced. Going forward with the Clyde Estates project, he would expect that quality would be of utmost consideration. He asked people to visit the Village’s website to review the comments.

Mayor Pro Tem Olsen said that staff intends to put informational material together regarding streets and maintenance. Resurfacing is much less expensive than a complete reconstruction.

4. Connie Butler, 5929 Washington, expressed concern about the lack of attention to details, adding that she plans to attend the long-range planning sessions. She felt that the three public meetings held were not dialogues. With regard to the quality, it is an atrocity to live next to a pond, stones, and ditches. It makes no sense. She asked whether stormwater fees are going for a boondoggle where there is no water. Ms. Butler told a story about

Council Meeting

June 16, 2015

her church putting on an addition and the parishioners voted it down because there was no discussion or dialogue. At a later time a public meeting was held and the architect was invited to attend. The church later voted for the addition after having their questions answered. Ms. Butler said that they should be faithful in the small things before agreeing to spend \$46 million. She then mentioned that all the appliances in their house died at the same time. She did not want to buy anything until they could answer all the "I don't know's." This project before the Council has many "I don't know's." For 60 years Clyde Estates has mowed the property and taken care of it. It's been a wonderful community. They need the roads fixed, and not all the other things proposed.

5. Ms. Bowen said she has never received a picture of what is being proposed. She asked when they will get a picture. The residents are not hearing what is being said to others individually. Regarding asphalt approval, Lincoln Avenue from Main Street east and the block west of Main Street are in worse condition. The residents don't know what the project looks like that will be voted on tonight.

Commissioner Waldack asked staff to inform the Executive Director of the Citizens Advocacy Center (CAC) of the comments made tonight. It is apparent that the CAC brought up a conflict of interest allegation. He wanted to know whom the CAC was representing. With regard to disclosures, Nan Newlon's experience is well known as is Andy Sikich's. There has been disclosure. Neither of these staff members nor the Village Manager votes for this issue. Commissioner Waldack said that staff held the standard neighborhood meetings, and another meeting was held in Public Works in April. He asked people for feedback and only two opposed this project at those meetings. Staff has considered public opinions and sidewalks were removed from the plans. The five minute rule was violated, and the CAC would know this if they had done their homework.

Commissioner Waldack continued saying that the Village is willing to spend \$2.5 million to reconstruct streets and invest in the community, yet it was represented in a negative way. He called Clyde Estates residents and asked if they were pleased with the meeting held at Public Works. He had three negative responses. His second question concerned voting to approve or reject the contract. Only two people asked that it be rejected. Overwhelmingly they want this project done this year. Most of those he spoke with praised staff's efforts. The positive understanding of the neighbors impressed him. They support the project and want it done responsibly. He said he heard overwhelming support. He will support these contracts and will hold staff responsible for seeing to adherence to those contracts.

Commissioner José commented that this is not a perfect project. The Village has taken more public input on this project than on any other project since he has been on the Council, and staff has made changes to the plan. He said that they have seen a balancing, and while it is not perfect, it does do a lot of good and contains elements that will be beneficial to the area. Regarding problem area 613, he referenced the stormwater master plan. He quoted the report with regard to a water runoff problem from Clyde that affects the residents around Clyde as well as further away. He said the contractor has done good work. This project will do a lot of good in the Village, and though it is not perfect, it is a good compromise. Commissioner José said that there are a lot of good dedicated public servants, including staff and Council members, who do good work on behalf of the residents. Many of the staff are residents of the Village. It would be a mistake to look at people's previous employment and fall into the logical fallacy of "post hoc, ergo propter hoc" Latin for "after this, therefore because of this." Simply because one thing follows another doesn't mean there is a causal link. The Village will continue to expect and receive the very best work. He asked that everyone be treated with respect.

Commissioner Vattimo said that this is a hard and difficult vote. She can understand why the residents are worried but she thinks it is a good project. Staff will work with the residents. It is a good project and she will vote for it

Commissioner White commented that it is not possible to satisfy everyone's concerns. He will support this project, knowing that it is not perfect and understanding that projects can't be perfect or please everyone.

Mayor Pro Tem Olsen noted that the residents of Clyde Estates care very much about their neighborhood and Downers Grove. He commends and appreciates that challenge to the Council and the staff. The project is the

Council Meeting

June 16, 2015

result of compromise, and is no one's perfect project. It is impossible to craft the perfect project; however, it is the job of the Council to consider and balance the concerns and comments expressed, the input of staff and the expertise of professional staff and engineers. He sees this as a beneficial and worthwhile project for the Village. He won't vote for a project he is not comfortable with. He supports this project and thinks it is a good compromise and a good value.

Votes: Yea: Commissioners White, José, Waldack, Vattimo; Mayor Pro Tem Olsen

Mayor Pro Tem Olsen declared the motion carried.

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

Summary: This awards a contract for the Clyde Country Estates roadway reconstruction and drainage project to A Lamp Concrete Contractors, Inc. of Schaumburg, Illinois in the amount of \$2,361,248.70.

Motion: Commissioner White moved to 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, as presented. Commissioner José seconded the motion.

Votes: Yea: Commissioners White, José, Waldack, Vattimo; Mayor Pro Tem Olsen

Mayor Pro Tem Olsen declared the motion carried.

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

Summary: This authorizes the extension of the special use to permit a multiple family residence at 715-719 Rogers Street to December 16, 2015.

Motion: Commissioner White moved to adopt an ordinance authorizing the extension of a special use to permit a multi-family residence at 715-719 Rogers Street to December 16, 2015, as presented. Commissioner José seconded the motion.

AN ORDINANCE AUTHORIZING THE EXTENSION OF A SPECIAL USE TO PERMIT A MULTI-FAMILY RESIDENCE AT 715-719 ROGERS STREET TO DECEMBER 16, 2015

ORDINANCE NO. 5467

Votes: Yea: Commissioners White, José, Waldack, Vattimo; Mayor Pro Tem Olsen

Mayor Pro Tem Olsen declared the motion carried.

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

Summary: This amends certain liquor code provisions.

Motion: Commissioner White moved to adopt an ordinance amending certain liquor code provisions. Commissioner José seconded the motion.

AN ORDINANCE AMENDING LIQUOR CODE PROVISIONS

Council Meeting

June 16, 2015

ORDINANCE NO. 5468

Commissioner José said he thought these were good changes and are business friendly amendments. He thanked the Liquor Commission for its work.

Votes: Yea: Commissioners White, José, Waldack, Vattimo; Mayor Pro Tem Olsen

Mayor Pro Tem Olsen declared the motion carried.

7. First Reading**ORD 2015-6277 — A. Ordinance: Amend Traffic Provisions**

Village Manager Dave Fieldman said this is Neighborhood Traffic Study #4. He asked Public Works Director Nan Newlon to make the presentation.

Nan Newlon, Director, Public Works, said that the boundary area for this traffic study is Ogden Avenue, Main Street, Fairview Avenue, and Warren Avenue at the train tracks. This is the fourth neighborhood-wide traffic study in a residential area. She noted that this area contains a number of schools. She reviewed the goals of the study as well as neighborhood concerns including pedestrian crossings and safety issues. Ms. Newlon reviewed the key findings as a result of the traffic count studies showing that there was an increase in higher speeds. Recommendations for the study include: provide traffic controls at all intersections; replace yield signs with Stop signs; install new Stop signs at intersections with no control; install new and enhanced pedestrian signage; re-stripe the intersection of Maple and Rogers; review the traffic signal at Main and Grant; conduct follow-up speed and volume counts. Ms. Newlon said that residents were kept informed and a meeting was held on March 19. About 20 residents attended, and phone calls and emails were received. This study was heard by Traffic and Parking Commission (TAP) and they forwarded a unanimous positive recommendation.

Joe Povlivka, 6016 Washington said that Rogers Street has double yellow lines on a street that is not wide enough for two-way traffic. He noted that this traffic study does not seem to have addressed that issue.

Laurel Bowen commented that Washington Street was once double-lined, and 59th Street also has double yellow lines. She noted that month after month she has asked the Council for a traffic study for Clyde Estates, yet here is a full-blown traffic study. She questioned why they are not asking for this for Clyde Estates.

Commissioner José commented that this is his neighborhood, and he appreciates the recommendations. He also echoed Mr. Povlivka's comments, and he looks forward to seeing these changes implemented.

Commissioner Waldack thanked staff and TAP for their work. He would like to know more about the double yellow lines. This affects everyone traveling through this area, and he urged people to review this and bring forth their comments and questions. He also suggested establishing a grace period or warning period for residents.

Mayor Pro Tem Olsen thanked staff for presenting this.

MOT 2015-6286 — B. Motion: Amend Stormwater Utility Incentives

Mr. Fieldman said that in December 2014, the Village Council directed staff to prepare a Motion for Council consideration which was introduced by Commissioner José.

Council Meeting

June 16, 2015

Commissioner José commented that this is straightforward. There is a \$25 incentive for purchasing and installing a rain barrel, which is limited to one. This would lift the cap from one rain barrel, to no cap at all. In addition, this changes the incentives for rain gardens, permeable pavers and other facilities from a maximum of \$300/property to 50% of the cost for a maximum of \$1,000. This incentive is worth approximately 102 months, or 8.6 years of stormwater fees at the current rate. He understands that there are some people who do not like the stormwater utility fee, which might change, but that might take time to implement. Changes to the fee are dependent upon many other factors, including what is taking place in Springfield. In the meantime, the Village intends to run the best utility possible, and this is a move in that direction.

Commissioner White commented that these concerns should be postponed until the stormwater utility is resolved. If it is rescinded and the incentive is taken away after the fact, people will lose money.

Commissioner Waldack stated that he agrees with Commissioner White's comments. It is best to address this at the long-range planning sessions. If the stormwater utility continues, they should look at these as well as other incentives.

Commissioner Vattimo said that the proposed incentives are good, but they should wait to see what happens with the stormwater utility.

Commissioner José said he appreciates the expressed concerns, but there is significant interest in this incentive. The Village would know who applies; the incentive could start now and could continue in the future in some modified form.

Mayor Pro Tem Olsen commented that this should be part of the Long Range Plan and they need to see the overall picture.

Bea Bennett of Clyde Drive said if they have rain gardens and fund these, they are encouraging people to ignore what DuPage County Health Department is recommending. Government departments cannot work without interacting with others. Mosquitoes will breed in the gardens.

Mayor Pro Tem Olsen said he thought it would be prudent to take this up at the Long Range Planning sessions.

8. Mayor's Report

New Business

Materials to be Received

Materials to be Placed on File

9. Manager's Report

Mr. Fieldman commented on the street improvement program and said that an informational video should be available in July.

Ms. Newlon reported on yesterday's storm with 1.5" of rain on Sunday, and 1.25" of rain on Monday. At 31st and Lacey there was a recorded amount of 3". As a result eight Public Works crew members responded to resident concerns, and cleared blocked areas. She showed a map of the Lacey Creek area along Highland Avenue, and 40th and Glendenning where most of the problems and heavier rains occurred. Those two streets were closed and it is hoped that they will be re-opened this evening. She showed the flood insurance rate map that depicts floodways.

Council Meeting

June 16, 2015

Mr. Fieldman said that the Village has invested \$25-30 million in stormwater improvements and flooding was reduced or mitigated in many areas.

10. Attorney's Report

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

1. An ordinance amending traffic provisions

11. Council Member Reports

Commissioner Vattimo said she attended the Economic Development Corporation's May Executive Session meeting that was held on June 5. The EDC is operating within its 2015 budget.

Mayor Pro Tem Olsen said this is the last meeting in June. The final weekend in June is Rotary Grove Fest with many great events including music, food and recreational events sponsored by the Rotary Club.

On June 28, the Downers Grove 5-miler will be held beginning at Lincoln Center. Registration is at the Park District.

Mayor Pro Tem Olsen said Independence Day is Saturday, July 4th with the parade beginning at Downers Grove North high school moving south on Main to Warren Avenue. Fireworks will be displayed at 75th and Lemont Road on the evening of July 4th. He encouraged everyone to enjoy the upcoming community events.

12. Adjournment

Motion: Commissioner White moved to adjourn into Executive Session pursuant to Section 2(c)(11) of the Illinois Open Meetings Act to consider pending litigation. Commissioner Hosé seconded the motion.

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

Mayor Pro Tem Olsen declared the motion carried and Council adjourned into Executive Session at 8:36 p.m.