

Meeting Minutes

Village of Downers Grove - Council Meeting

Council Chambers

3/8/2016

6:00 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 Meeting to Order

Commissioner William White called the regular meeting of the Village Council of the Village of Downers Grove to order at 6:01 p.m. in the Council Chambers of the Downers Grove Village Hall.

Commissioner White asked for a motion appointing a Mayor Pro Tem.

Commissioner José moved to appoint Commissioner White Mayor Pro Tem. Commissioner Waldack seconded the motion.

Votes: Yea: Commissioners José, Waldack, White, Vattimo

Nay: None

Mayor Pro Tem White declared the Motion carried.

2. Roll Call

Council Present:

Commissioner Waldack, Commissioner White, Commissioner Vattimo, Commissioner José

Absent:

Commissioner Olsen, Commissioner Barnett; Mayor Tully

3. Executive Session

Convene into Executive Session

Commissioner José moved to go into Executive Session pursuant to Section 2(c)(6) of the Illinois Open Meetings Act to consider setting of a price for sale or lease of property owned by the public body and Section 2(c)(11) of the Illinois Open Meetings Act to consider probable or imminent litigation. Commissioner Vattimo seconded the motion.

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

Mayor Pro Tem White declared the Motion carried and the Council convened into Executive Session at 6:02 p.m.

Reconvene into Open Session

4. 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.

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Pledge of Allegiance to the Flag

Mayor Tully led those present in the Pledge of Allegiance to the Flag.

Roll Call

Council Attendance (Present): Commissioner Waldack, Commissioner White, Commissioner Vattimo, Commissioner José, Commissioner Olsen, Commissioner Barnett (arr. 7:15 p.m.); Mayor Tully

Absent: None

Non-Voting: Village Manager David 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 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 Tully said there are agendas located on either side of the Council Chambers, and he invited the audience to pick up an agenda and follow the progress of the Council meeting.

5. Minutes of Council Meetings

MIN 2016-6716 — A. Minutes: Council Minutes - March 1, 2016

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

Mayor Tully declared the motion carried by voice vote.

6. Economic Development Corporation Quarterly Report

Michael Cassa, President and CEO of the Economic Development Corporation, 5159 Mochel, thanked the Village for its support, and staff for making the EDC's job easier. He said he would provide a summary of the quarterly report, noting that he e-mailed the full report to the Council earlier.

Mr. Cassa said that in 2015 there were numerous wins that were listed in the full quarterly report. The first quarter report for 2016 will be delivered in the spring. He mentioned that the EDC is requesting data from companies in the Village. He then highlighted five standout wins for 2015. Art Van Furniture developed a very difficult site in the Village. Art Van is a segment leader that draws other businesses in the furniture and appliance area to that location. Fresh Thyme not only opened their store on Ogden Avenue in a long vacant site, but also moved their headquarters to Downers Grove. Glanbia Performance Nutrition of Ireland chose Downers Grove as its national headquarters in 2015. Sharpie, one of the most recognizable office and household products, has chosen Downers Grove as its home. Zeigler opened their second automobile location in Downers Grove at Cross

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and Ogden Avenue. Their opening demonstrated great teamwork. Mr. Cassa said that the full list of business development for 2015 is in the quarterly report.

Regarding sales tax, Mr. Cassa said that the December 2015 sales tax figures from the State are not in yet. Comparisons of 2014 to 2015 show an increase of 3.9% in sales tax. The total sales tax revenue, including Home Rule Sales Tax, is a 3.54% increase. Mr. Cassa said that the EDC tracks retail segments for the Village. He said the fourth quarter figures are not yet available from the State. Figures through September 30 are available in the report. He also noted that in the full report there is a segment on Marketing, Partnership for Prosperity, the Visitors' Bureau, and Hotel Sales Tax. The Hotel Sales Tax showed an increase of 6.05% over 2014.

Mr. Cassa then addressed the topic of jobs, and the unemployment rates for 2015. He announced that Downers Grove has the lowest unemployment rate of all municipalities throughout DuPage County. He said that the more people who work in Downers Grove, the more consumers in the Village. The Sales Tax Base Enhancement Plan study was completed by AECOM. The development of that plan is directed at enhancing the Village's sales tax base. He said a presentation on the Sales Tax Base Enhancement Plan would be made to the Village Council on March 22, 2016.

Mayor Tully thanked Mr. Cassa for the concise quarterly report, noting that the Council has the benefit of having the entire report available for its review.

Commissioner White asked in the future for sales tax figures in the context of the trade area and Chicagoland area. Commissioner White said that filling up office space is an intermediary step toward helping the budget and is wonderful; however, the value proposition is in sales tax. He would like to see the numbers to see that we are getting a return on our investment as the Council spends tax dollars to fund the EDC.

Commissioner Olsen said looking at the sales tax numbers versus Home Rule Sales Tax, there appears to be a slight difference. He asked what that difference reflects. Mr. Cassa said that cars are not subject to the Home Rule Sales Tax. Commissioner White said he also understands that groceries are subject to a greatly reduced sales tax. Commissioner Olsen asked if the economic incentives are reflected in Mr. Cassa's report.

Dave Fieldman, Village Manager said that when the EDC reports, they are gross figures; Village reports reflect net figures.

7. Public Comments

This is the opportunity for public comments.

Commissioner Olsen asked how discussion on the stormwater utility would be handled. Mayor Tully said that comments regarding the stormwater utility should be offered during that segment of the Agenda.

1. Mark Julitz, 5239 Park, has lived in the Village for 24 years. He said they are presently in a contentious relationship with their neighbors who are now repairing vehicles on their premises. He has talked with various staff members. His neighbors are rebuilding vehicles, etc., both vehicles they own and those they do not own. He is looking for help from the Council to define the Ordinance. The neighbors do a lot of work in the street as well, doing rebuilds, welding, using hoists, etc. They use the area across the street at Randall Park. The activity is beyond just working on an individual's car. He needs help in knowing exactly what they can do within the Ordinance.

Mayor Tully said he understands that tickets have been issued. He said staff would keep them apprised. To the extent that they are violations of the Code, the Village will pursue the complaint.

Mr. Julitz was told by Code Enforcement that if they do not see it taking place it is not a violation. Mayor Tully said if it can be verified, Code Enforcement will pursue it. The Village has every intention to enforce its Ordinance. It is a different matter if it is not a violation of the Ordinance. Mr. Julitz said that this has been going on for three years. Mayor Tully said he should continue to deal with Code Enforcement.

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8. Consent Agenda

BIL 2016-6707 — A. Bills Payable: No. 6250, March 8, 2016

MOT 2016-6681 — B. Motion: Authorize the Purchase of Replacement Vehicles

Summary: This authorizes the purchase of the following replacement vehicles: Two 2016 Ford Transit 150's from Landmark Ford, Springfield, Illinois, in the total amount of \$59,034.00; Five 2016 Ford Police Interceptor Utilities from Morrow Brothers Ford, Inc. of Greenfield, Illinois, in the total amount of \$185,950.00.

RES 2016-6667 — C. Resolution: Authorize an Interlocal Contract for Cooperative Purchasing with Houston-Galveston Area Council

Summary: This authorizes approval of an interlocal contract for cooperative purchasing with the Houston-Galveston Area Council (HGAC).

**A RESOLUTION AUTHORIZING EXECUTION OF AN INTERLOCAL CONTRACT FOR
COOPERATIVE PURHASING BETWEEN THE VILLAGE OF DOWNERS GROVE AND HOUSTON-
GALVESTON AREA COUNCIL**

RESOLUTION 2016-16

RES 2016-6668 — D. Resolution: Authorize an Agreement with Ferrara Fire Apparatus, Inc. of Holden, Louisiana

Summary: This authorizes the purchase of a replacement fire engine from Ferrara Fire Apparatus, Inc. of Holden, Louisiana, in an amount not to exceed \$651,648.00.

**A RESOLUTION AUTHORIZING EXECUTION OF AN AGREEMENT TO PURCHASE A FIRE
APPARATUS BETWEEN THE VILLAGE OF DOWNERS GROVE AND FERRARA FIRE
APPARATUS, INC.**

RESOLUTION 2016-17

MOT 2016-6708 — E. Motion: Authorize \$567,639.15 to JX Peterbilt, Bolingbrook, IL, for the Purchase of Three 2016 Peterbilt Model 348 Cab and Chassis Equipment

Summary: This to authorize the purchase of three 2016 Peterbilt Model 348 Cab and Chassis equipment from JX Peterbilt, Bolingbrook, Illinois, in the total amount of \$567,639.15.

Motion: Commissioner Olsen moved to approve the Consent Agenda as presented. Commissioner White seconded the motion.

Votes: Yea: Commissioners Olsen, White, Waldack, Vattimo, Hosé, Barnett; Mayor Tully

Nay: None

Mayor Tully declared the motion carried.

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9. Active Agenda

ORD 2016-6670 — A. Ordinance: Authorize a Special Use for 5221 Thatcher Road to Permit a Sports and Physical Training Facility

Summary: This authorizes a special use for 5221 Thatcher Road to permit a sports and physical training facility.

AN ORDINANCE AUTHORIZING A SPECIAL USE FOR 5221 THATCHER ROAD TO PERMIT A SPORTS AND PHYSICAL TRAINING FACILITY

ORDINANCE NO. 5527

Motion: Commissioner Olsen moved to adopt "An Ordinance Authorizing a Special Use for 5221 Thatcher Road to Permit a Sports and Physical Training Facility," as presented. Commissioner White seconded the motion.

Votes: Yea: Commissioners Olsen, White, Waldack Vattimo, Hosé, Barnett; Mayor Tully

Nay: None

Mayor Tully declared the motion carried.

ORD 2016-6671 — B. Ordinance: Rezone Certain Property Located at 4935 Francisco Avenue

Summary: This rezones 4935 Francisco Avenue from R-1, Residential Detached House 1, to R-4, Residential Detached House 4.

AN ORDINANCE REZONING CERTAIN PROPERTY LOCATED AT 4935 FRANCISCO AVENUE

ORDINANCE NO. 5528

Motion: Commissioner Olsen moved to adopt "An Ordinance Rezoning Certain Property Located at 4935 Francisco Avenue," as presented. Commissioner White seconded the motion.

Votes: Yea: Commissioners Olsen, White, Waldack Vattimo, Hosé, Barnett; Mayor Tully

Nay: None

Mayor Tully declared the motion carried.

ORD 2016-6672 — C. Ordinance: Rezone Certain Property Located at 4825 Cross Street

Summary: This rezones 4825 Cross Street from R-1, Residential Detached House 1, to R-4, Residential Detached House 4.

AN ORDINANCE REZONING CERTAIN PROPERTY LOCATED AT 4825 CROSS STREET

ORDINANCE NO. 5529

Motion: Commissioner Olsen moved to adopt "An Ordinance Rezoning Certain Property Located at 4825 Cross Street," as presented. Commissioner White seconded the motion.

Votes: Yea: Commissioners Olsen, White, Waldack Vattimo, Hosé, Barnett; Mayor Tully

Nay: None

Mayor Tully declared the motion carried.

ORD 2016-6673 — D. Ordinance: Rezone Certain Property Located at 4915 Drendel Road

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Summary: This amends the Zoning Ordinance map to rezone the property at 4915 Drendel Road from R-1, Residential Detached House 1, to R-4, Residential Detached House 4.

AN ORDINANCE REZONING CERTAIN PROPERTY LOCATED AT 4915 DRENDEL ROAD

ORDINANCE NO. 5530

Motion: Commissioner Olsen moved to adopt "An Ordinance Rezoning Certain Property Located at 4915 Drendel Road," as presented. Commissioner White seconded the motion.

Votes: Yea: Commissioners Olsen, White, Waldack Vattimo, Hosé, Barnett; Mayor Tully

Nay: None

Mayor Tully declared the motion carried.

10. First Reading

RES 2016-6698 — A. Resolution: Grant Historic Landmark Designation for 5320 Benton Avenue

Stan Popovich, Director, Community Development, made the presentation regarding landmark designation for 5320 Benton Avenue. This is the first designation application since the ordinance was amended last year. He showed the location of the property as well as the architectural features of the house, which is a Prairie style American Foursquare house built around 1924. Mr. Popovich then reviewed the landmark criteria requiring that a building be at least A) 50 years old or possess some exceptional importance and B) have significant value to the community, be related to a person of historic significance, possess a distinguishing architectural style, be built by a master builder or architect, possess archaeological value, be a source of civic pride, or be included in the National Register of Historic Places. The property in question meets Criteria A, and the condition met in Section B is architectural style.

Amy and Dave Gasson, 5320 Benton, thanked staff for their help with the application process. Ms. Gasson served as a member of the Ad Hoc ADRB Committee which is what led them to pursue the landmark designation. Mr. Gasson said that 1924 showed a period of tremendous growth in Downers Grove, doubling the population at that time. The Foursquare was a very popular home design during that time; however, none have been given landmark status. Ms. Gasson explained that the Foursquare is cubic massing with a square floor plan. This design takes advantage of small lots and provides a fair amount of living space. She discussed the features of the Foursquare homes. They do not believe that their home was a kit home, but is one of the common characteristics of homes during the time of Frank Lloyd Wright. The windows, doors and some hardware are original. Mr. Gasson noted that there was an addition built on the home maintaining the integrity and character of the style. The addition has had little to no impact to the front elevation of the home. Ms. Gasson commented that they are seeking landmark designation to maintain the character of their home and the community. They have enjoyed the process and hope that many other homeowners will pursue this.

Mayor Tully thanked the Gassons for coming forward, saying that this ordinance protects private property rights and allows for the preservation of our rich history. He is happy to see this application come before the Village Council. The goal of amending the ordinance was to simplify the process. He said that the Gassons have led by example and he thanked them for doing so. He knows that there are more such applications to come. He complimented the Gassons on their lovely home.

Mayor Tully then said that the Village should also pursue Village properties, such as the Main Street Train Station. He believes that all of the ordinance criteria for landmark designation have been met with the Gasson's application and he will support this.

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Commissioner White added his support to the Mayor's comments. He said he would like to see them come back with a thematic district application. Ms. Gasson said that they plan to do so. Commissioner White said that the streamlined changes to the ordinance are important, but it is the thematic landmark district that particularly appeals to him.

Commissioner Olsen thanked the Gassons for bringing this forward. He sees this as a success in the community and it should be celebrated. He commented on concerns he has heard about the detrimental effects of landmarking a property in terms of property values, or building additions, etc. He appreciates that the Gassons are leading by example and he plans to support this. Their action will further support the Village's efforts toward promoting historic preservation as a Village. Historic homes can still have improvements made to them.

Commissioner Barnett asked the Gassons to critique the process of landmarking their property and convey that information back to the Village. The goal is to make this relatively easy for property owners to pursue.

Commissioner Waldack also thanked the Gassons for going through the process and coming before the Council tonight and particularly for contributing to the culture and history of the community. He said that their comments would alleviate concerns about additions or other improvements. He asked if there would be plaques displayed on the site. Mr. Fieldman said that a plaque and other paperwork will be made available, and he believes the plaques will be numbered.

Mayor Tully agreed that the members of the ADRB and staff would appreciate any comments made about the process.

A resident from the audience asked as to the difference between designating and not designating a home as landmark status. Mayor Tully said that the home, once it receives landmark status, would be protected and the restriction runs with the land. He added that some changes could still be done to the home. It cannot be demolished unless certain circumstances exist. There are details in the ordinance. The status may help with securing grants to assist with the preservation of the home.

Commissioner Olsen added that the home would be on the official Village map. The Mayor added that it also comes with a plaque.

Commissioner Barnett commented that the Village has information on its website which is dedicated to this ordinance and process.

11. Mayor's Report

12. Council Member Reports

Commissioner Olsen reminded everyone that the Education Foundation of District 58 is holding an 80's night with a concert by Sixteen Candles on March 10 at the Tivoli Theater. Doors open at 6:00 p.m. and the concert starts at 7:30 p.m. Tickets are \$35 and proceeds will support the work of the District 58 Foundation. Tickets can be obtained at 58Foundation.org/16candles.

13. Manager's Report

INF 2016-6689 — A. Information: Stormwater Utility Discussion

Mayor Tully apologized to those who attended the meeting a few weeks ago when this topic had to be continued due to his illness.

Mr. Fieldman played a three-minute video to begin the discussion and present an overview of the subject. He said that a thorough report is available on the Village's website.

Mayor Tully opened the conversation, stressing that no decisions would be made at tonight's meeting.

Stormwater has been an issue since 2001 and is a major issue and concern in the Village. The Village gets more requests to do something about stormwater issues than just about anything else. In 2001/2002 the Council had to decide what they were trying to solve in terms of stormwater projects and priorities as outlined in the Watershed Infrastructure Improvement Plan. Staff has since prepared a stormwater project analysis that describes what has to be addressed and related costs. He said that the Village has to decide what level of service it wants to provide. In addition, the Village must also comply with the provisions of the Clean Water Act. The Mayor discussed sources of funding for the projects in terms of bonding and property taxes. Since 2013, stormwater is paid for as a stormwater utility, part of the Village's water bill.

Mayor Tully then said that the conversation tonight is to talk about possible changes to the system in terms of what is done, how it is done, and how to pay for it. To make any progress, there has to be a source to pay for it. Maintenance costs alone are \$4 million annually. The conversation includes level of service, prioritization of projects, operations and maintenance vs. capital, and funding sources. This discussion has spanned multiple Councils.

The Mayor said he thinks the current plan is working well; his objection is that Council is not spending the dollars identified for projects that should be accomplished. There was a plan to use the stormwater utility and have increases passed in over time to get to the dollar amount needed to pay for the projects. The Mayor said his criticism is that Councils have not been willing to garner the dollars necessary to do what needs to be done in terms of maintenance and capital projects that have been identified. We either need to change the level of service to something less than is currently contemplated, or we should fund the projects that need to be done. This is a high priority action item.

Commissioner White said his views are essentially the same as he presented back in 2013. The operation and maintenance component needs to be fully funded. Based on his research the stormwater utility was created as a mechanism to overcome the lack of political will to properly fund stormwater needs. He thinks they should look at the entire process. The stormwater utility concept was created based on the Council's reluctance to address all the issues. His current view is that the stormwater utility be restricted to the \$4 million for operations and maintenance. We would have to get to the level \$4 million over a relatively short period of time, and then expend those funds for operations and maintenance exclusively. He feels that this is the spirit of the stormwater utility. He said that he is skeptical that it is prudent to use the stormwater utility to fund capital projects under present Illinois State law because he wants to avoid the conflict between funding capital projects versus operations and maintenance, and because there are very real legal issues to consider.

Downers Grove is unique in the number of watersheds it has; the Village has five distinct watersheds. He doesn't want to be on the cutting edge from a legal point of view. He is also skeptical of the concept of recommended level of service with respect to capital projects. He questions whether we can define with sufficient objectivity a recommended level of service when applied to capital projects. He supports a number of capital projects but not from the utility. He supports fully funding operations and maintenance from the stormwater utility fee and then identify capital projects they think will help address neighborhood flooding, pass a bond issue to pay for it, and then move forward. He discussed costs for levels of service outlined in the report. He suggested retiring the bonds with property taxes.

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We can have a conversation with the community as to whether they think they are getting a fair value for their tax dollars. He said if the Council returns to the community benefit equal or greater than the cost of the tax dollars, it paying for them with a stormwater utility fee. He suggested bifurcating operations and maintenance from capital is a fair trade. Taxation is not inherently evil; it is a benefit to the entire community if we can return value. Keeping Deer Creek from flooding has high value in his opinion. Returning value is the #1 consideration when considering taxation.

Commissioner White said the report addresses the savings to homeowners afforded by the stormwater utility fee rather than property taxes. That savings comes from charging fees to areas of town that don't really need capital improvements. Nothing north of I-88 is in need of capital stormwater improvements and they are being charged the utility fee. There are two areas in the Village he wants to see further studies on, the Meadowbrook Center at 63rd and Belmont, and the Four Corners at 75th and Lemont that includes Downers Grove, Darien and Woodridge. Those areas neither need stormwater capital improvements, nor does stormwater from those properties flow downstream to cause problems. The stormwater fee being paid by those businesses holds down the property taxes. This runs contrary to trying to grow those areas in terms of future sales taxes. He thinks that the idea is for the Council to build a consensus, that going forward the stormwater utility system that is established has Council support and that the community believes the process is transparent. That would give the process lasting political legitimacy. Four votes would make it legal, but complete Council agreement would provide lasting political legitimacy.

Mayor Tully said he proposes sticking with the current plan but fund it at the proposed level.

Commissioner Olsen thanked Commissioner White for his comments. He sees addressing the stormwater system as important, and it requires the commitment to funding and maintenance. He thinks this Council has done an excellent job in maintaining the street system and water system, but stormwater is also important. The Commissioner said that when he was elected, he did not take a strong position on the stormwater utility. It was new and the idea of an 8.5% increase every year concerned him. From his perspective, he is generally opposed to the stormwater utility, and he would not have voted in 2012 to implement it. He thinks it has become excessively controversial, and has limited the Village's ability to perform some of the maintenance and capital projects. However, he thinks the Village has to assess the program as it is. He recognizes the need to maintain the infrastructure, and he doesn't want to let things fall apart and leave it for somebody else to address. He doesn't feel comfortable saying that we are charging a fee to the residents. Commissioner Olsen said he thinks it is irresponsible to make a certain parts of the Village pay for improvements in other part of the town. The older parts of town have the most needs. He does not like the stormwater utility but acknowledges that we need to maintain the system. He noted that in general he is not in favor of large tax increases. He doesn't like raising taxes. Realistically, sales taxes will not jump by some exorbitant amount to handle the costs involved. He thinks Council is taking steps to see sales tax growth, but that will be over time. The question is what are they they are going to do today looking to the next budget year. Commissioner Olsen said he sees some merit to what Commissioner White proposed. He agrees with Commissioner White's comments about funding operations and maintenance out of the existing stormwater utility fee. Debt service for capital projects would be through property taxes. Commissioner Olsen said that makes sense to him. A fee based system for operations and maintenance makes sense to him because the system needs to be maintained and it impacts people regardless of where they live. Capital projects should be property tax based and referendum based. If there is desire in the community for a large grouping of projects to be put forward, it should go to the community to seek their approval. He said \$40 million is a large and impactful decision, and the community should have a voice in this decision.

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We have funding in place to maintain the operation of the current system. Capital projects are a different story and should be on the property taxes. Commissioner Olsen continued that tax money being spent to construct a project should benefit the greater good to a value larger than the cost. That is an important decision and the residents should weigh in on these large expenditures. He is not enamored with stormwater fees. He would prefer to ramp down the stormwater fee and ideally eliminate it. He also wants to be a responsible steward for the community both in terms of maintaining the system and in terms of not without creating a significant property tax increase in the immediate term. Commissioner Olsen said that his long-term goal would be to move to a fee that would fund just operations and maintenance in the near term, and phase it out over time with sales tax revenue. He would not support a large property tax increase, and also opposes a County stormwater fee. He is in favor of taking steps to phase out the stormwater utility. He has concerns with the binary approach of either fully funding stormwater as suggested by the Mayor or eliminate it altogether. That is why he likes Commissioner White's suggestion of a middle ground approach and moving in a direction away from the fee. However, if they are looking at a binary approach, this might be something the community should weigh in on. Any proposed question would have to reflect the need to fund the maintenance of the system. He does not want to see these decisions made in a vacuum. He doesn't like the stormwater utility fee, but he recognizes the need to fund it. He believes that the Village needs to provide this essential service.

Mayor Tully noted that during the video \$42 million in capital projects was identified. Mr. Fieldman said that those projects are projected for construction between 2018 and 2024.

Commissioner White asked whether they would be at the recommended level of service at that time, and Mr. Fieldman said that the Village would be a lot closer, but he would assume there would be additional projects.

Commissioner Vattimo said that stormwater is an important infrastructure issue for the Village and residents have mixed feelings about it. For those with stormwater issues in their homes, it is their most important priority; some others are unhappy about the rising utility bills. The stormwater infrastructure has been neglected over the years and the money for needed repairs and improvements exceeds what we have available. It is a difficult and expensive engineering undertaking. She thinks that the best course is to have a fixed percentage of the budget dedicated to stormwater infrastructure – an amount that meets the needs of those with significant problems, but is considerate of others in terms of their taxes and fees. She suggested the Council help determine priorities for the limited stormwater funds. After that, this becomes an issue where staff needs to make the most of the available funds, as there will never be enough. Commissioner Vattimo reiterated that she does not support the stormwater fee. She would support an initiative to eliminate it; however, she does not believe there is Council support for that. The existing fee should be dedicated to operations and maintenance. She questioned whether the Village should be involved in providing funding with properties that are in a federal flood zone. She said that she sees the fee as merely a way for the Village to raise more funds without calling it an increase in taxes. All significant stormwater improvements should be worked into the long-term capital budget supported by the property tax base.

Commissioner José commented that stormwater is a universal issue in the Village. The Village does not have a stormwater system; we have a patchwork of systems due to the development of the Village. Some of it developed when there were no regulations while some of it is developing now with dramatically more stormwater regulations. While fees from one area, such as Butterfield, are being used for capital projects elsewhere, there are many residents and business owners that don't have a system that their "maintenance dollars" are being dedicated to and who experience flooding in far too many rain events. That is why we have been using our limited resources in a divided way – part for maintenance and part for capital projects. This is in order to maintain the system to a reasonable degree while also building the system in the way that it should be built in the remaining parts of town in order to alleviate the flooding that occurs too often occurs. He doesn't see how we can take our limited resources and put them all into maintenance at the sacrifice of capital projects. He cannot support that. We have a large number of projects that need to be built, we have a plan over 15 years to amortize our way to the needed funding. If we are going to be one community and build the stormwater system that our community deserves, then we need to stick to the plan. Along with the Mayor, that is what he supports.

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Commissioner Barnett said they have discussed a 90% target service level, and he asked what the Village would gain with the projects that have been completed. He said they are taking in \$3.7 million in the utility fee and annual maintenance is about \$4 million. Some of the Council members would like to dedicate that stream to maintenance. Commissioner White said that would be his preference. Commissioner Barnett noted that Commissioner Olsen wanted to phase out the utility portion of the program, and Commissioner Barnett asked how that would be done. He asked if Commissioner Olsen would phase out the service or phase in a different revenue source.

Commissioner Olsen replied that it would be the revenue stream; sales tax would be ideal or grow other revenues instead of a large property increase.

Commissioner White said using 2007 as a base line, if the Village's sales tax had grown at a comparable level with all of Chicagoland, the Village would have \$3.7 million in revenue in sales tax.

Mayor Tully said they have to be careful with the sales tax, because the sales tax can vary. We need dedicated, reliable sources of revenue for certain capital projects because we don't want the funding and the projects to fluctuate.

Commissioner Barnett commented that they are currently splitting the stormwater utility fee between maintenance and capital projects because we have areas that are not served at all. He asked what services they are committed to providing – maintenance, and not building more unless there is a referendum; or continuing to split whatever revenues we have between maintenance and capital projects. He doesn't think the work they do on stormwater should be subjected to potential revenue streams. He doesn't think it should be a stormwater utility; however, that's not to say that he thinks we should fix what we have and maintain what we have only if we have enough sales tax and then do nothing else. He is a little concerned that we might be heading that way as the discussion has been about phasing out the utility without conversation as to how it would be replaced if there is no sales tax growth, or dedicate the only known revenue stream to pure maintenance which leaves members of our community with no infrastructure. There are gaps in the conversation that he hopes will be filled over the next several meetings. It is also important to recognize and evaluate the watersheds. It is a complex issue and not very well understood. People think fixing stormwater means there will be no flooding. He noted that the issue of flooding would not be totally solved. There will still be flooding. Commissioner Barnett said there is another issue about equity across the Village with the various watersheds. The Village is not in its present situation because of neglect, but due to development and changes in laws.

Commissioner White said part of his issue with the equity of the watersheds is a legal issue. He said they have not discussed the legality of fee versus tax. There was a case in Missouri about the legality of a stormwater fee. The lack of equity goes to the underlying legality of our fee. He is extremely concerned that the stormwater utility fee is not a secure revenue stream to support bond issuance, and it is risky to issue bonds on a revenue stream that is on shaky legal grounds in the context of capital improvements. He said that real estate taxes are the most stable way to pay for bonds.

Mayor Tully said that it is not a stretch to say that Commissioner White is in the minority.

Commissioner José commented that there is one pending lawsuit regarding the stormwater utility and whether it is legal. It is before the appellate court, after having been but the case was dismissed. The idea that there are some large legal challenges to the utility in Illinois is incorrect.

Commissioner Barnett then asked about a fixed percentage of the budget going forward. Commissioner Vattimo suggested maybe 10%. Commissioner Barnett asked what that would be for and she said for capital projects. Commissioner Barnett said that it is an interesting idea, but asked where the operating and maintenance funds would come from. He then asked the Manager about the \$4 million recommended service level, and whether that grows significantly if there was a \$42 million of infrastructure to maintain. Mr. Fieldman replied that once it is built, it is in the maintenance side.

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Commissioner Waldack commented stormwater has two factors – revenue and expenses. He voted against the stormwater utility and he still opposes it. People do not like it and do not want it. Everyone on the Council and staff is aware of taxes because residents are aware of and pay attention to taxes. But with a fee you can decide to raise it without much public awareness. People are less aware of fees than they are of taxes. He also spoke about changes to the stormwater utility that removed non-profit organizations from the fee requirements. With regard to expenses, Commissioner Waldack asked about the definition of an event, and how it is measured. He noted that about half of the properties that have not been addressed are in Localized Poor Drainage Areas (LPDA) and we should not have to drain those areas for people. The Commissioner spoke about complaints he has received regarding construction causing water damage to the neighbors. We think we know how to solve the problems caused by construction, yet he keeps hearing about construction causing water damage to the neighbors. Regarding funding, he said that maintenance is approximately \$4 million or \$180 per taxpayer. He could support a referendum, but he will support the elimination of the stormwater utility.

Commissioner José asked what percentage of the 2200 properties that are underserved are in a floodplain. Mr. Fieldman responded it is about half. Commissioner José then said that some of the problem is construction related, and the Village is taking steps to alleviate that.

Mayor Tully opened the discussion to the public, thanking residents for their patience. He stressed that nothing would be decided tonight. He asked that if residents to offer have a suggestions if they have some they should give it. He wants to hear not just concerns or criticisms, but potential solutions.

1. Dave Gorman, 5401 Fairview, said he is Chair of the Stormwater and Flood Plain Oversight Committee. He said the transparency of a fee versus a tax invites conversation. He said they should not ignore the professional engineering as it relates to maintenance and projects. Just because he doesn't have a problem doesn't mean he doesn't have responsibility for the network we rely on. The fee seems equitable to him. Some of the water came from his property.
2. Joe Janousek said he has seen the Creek rise steadily for many years due to lack of maintenance. The Creek goes through his property, but maintenance on other properties has not been done. He asked if people could volunteer to clean the Creek.
3. John Spriet, 1209 Jefferson, commented that his neighbors pay one half of what he pays. He is penalized for a deck and a large property. They need to take the entire property into consideration, not just impervious areas. Calculations are incomplete and incompatible with stormwater maintenance. He described his property and the topography. Mr. Spriet also described outreach programs provided by other communities. Regarding best practices, McDonald Farms is the best example. DuPage County has a huge initiative, the Morton Arboretum, is the best for plants. The incentive for a rain garden is too low. Smaller rain gardens are better than one large rain garden. He indicated that the Creek is not being maintained and the Creek bed is about 5" higher than it was five years ago. Mr. Spriet then referenced documents that he obtained from DuPage County. The advantage of a stormwater utility is an incentive to do best management work.

Mayor Tully commented that the equity issue as conceived was that about 70% of the financial burden for stormwater was coming from property taxes even though residents were contributing only about 50% of runoff. Also, measuring impermeable areas was calculated based on GIS information from the County to keep administrative costs down. Calculations can be done in a number of ways. He noted that it is not a perfect system as evidenced from water runoff he experiences on his property from adjacent properties.

Commissioner White noted that his #1 goal is to have widespread community support for the direction taken by the Council. As the stormwater utility grows, the percent of controversy grows and people will be more opposed to the fee.

Mayor Tully said that he feels the system can be adjusted in terms of credit and costs.

Commissioner José spoke about best practices, incentives, etc., saying he had proposed increasing those. He hopes the Council will consider expanding incentives.

4. William Wicklander, 805 Old Orchard Avenue, said he is a volunteer with the Stormwater and Flood Plain Oversight Committee and he has learned a lot while serving on that committee. He doesn't like paying taxes and he doesn't like paying fees. He said that due to disregarding maintenance of the system, this has become a huge problem now. If not addressed, it will only get worse. Those funds from the stormwater utility fee can only be spent on stormwater. They will continue to have the expenses and if the Village doesn't invest now, the cost to do it later is exponentially greater. He asked that they keep the Village as great as it is now.

5. Kent Conness, 1846 Grant Street, said he wanted to address four points. He considers the stormwater utility to be a tax, and he thinks it is okay to continue it as it is doing its job. He likes people trying to control the runoff. Being equitable with the fee is important. Runoff has generally increased over the last 25 years. In the last five years, however, there is no lawn to mow in the low part of his property. It is just cattails. The Village has spent money to destroy houses. On the other side of the street there are new homes. His property has been accepting runoff from 15 homes for many years. He feels he pays extra to accept the runoff on his property. Mayor Tully said that they were paying as part of their property taxes.

Mr. Conness then said that the source of the problem is development. The Village needs to carefully manage development. He thinks there is a lot of room for improvement.

Mayor Tully said there has been an evolution in thinking. He addressed regulations that have been put into place regarding lot splits, flag lots, minimum setback requirements, discharges, etc.

6. Angelo Manzoello, 4935 Northcott, said that the stormwater utility is a fee. He attended a meeting three years ago and has some questions for the Council. His street continually floods, and he spoke to the inaccuracy of the impermeable/permeable areas concept. Rain barrels and rain gardens don't solve the problems. Mr. Manzoello said he has controlled the runoff on his property. The stormwater utility program is not working. He asked that they please re-evaluate it.

7. Tim Nash, 4229 Elm, appreciates the Public Works team for their work. He lives in a portion of Downers Grove with no infrastructure to divert water from coming onto his property. He and his neighbors have spent tens of thousands of dollars to address stormwater. They cannot do any more and need the Village's help. The existing stormwater structure does nothing for him. He said they should think about the needs of the projects, and not just the maintenance.

8. Brandon Thiele, 4237 Elm Street, said that they have no infrastructure on their block and are not being provided adequate service by the Village. They are paying for maintenance that does not serve them. He asked the Council to continue to fund scheduled projects. He also feels that a referendum would not serve them.

Commissioner White commented that he supports capital projects and would pay for them with bonds and property taxes. He supports the projects and a revenue stream, and the problem is finding the right revenue stream.

Mayor Tully commented that the Village has not funded up to the recommended level by this Council or any other Council.

9. Debbie Janousek, 5826 Brookbank Road, asked what percentage of the stormwater projects have been completed. Mayor Tully explained the components of the stormwater utility are operations and maintenance, capital projects and administrative costs.

Mr. Fieldman said that almost 100% of the high priority capital projects in 2007 were completed prior to 2013. At that point they reprioritized and new projects were identified.

10. Jon Scoggin, 6661 Dunham, said he was happy to see good discussion. His property borders on Prentiss Creek. In the area between 67th and Prentiss Creek there is standing water. He is paying a fee and he wants this taken care of, but his area is not being addressed in the plan. People see their property taxes going up as well as the stormwater utility fee and getting nothing for it. People want equity because they are paying the fee.

Mayor Tully responded that when the fee was set up it was phased in to have incremental increases to get to the dollar amount needed.

Mr. Scoggin commented that this is not a problem with capital improvement but with fiscal responsibility. He asked if the Village hires cost consultants.

Mayor Tully explained staff's role in bidding on projects. Most everything is done through competitive bidding. The Village has hired consultants from time to time.

11. Donn Kizior, 1215 Jefferson, said that by not maintaining the area and restricting the flow from silt into that area they are impeding the flow and defeating the purpose of the guidelines as set up for a flood plain. He can't add dirt to his property but the Village is adding silt and vegetation to the area. They should maintain that area.

12. Ryan Delves, 5713 Middaugh, said he was a new resident and is a civil engineer and floodplain manager. He said that it is important to know there is a dedicated source of funding available. Education is also important and would benefit the residents. This is a problem that is not going to go away and needs to be addressed. He recommended fully funding this.

13. Dan Schoenberg, 5236 Carpenter, commented that he supports the stormwater utility for operations and maintenance and capital projects. The utility is proactive and addresses identified needs. Using the impervious area makes people responsible for their own property.

14. Tim Meaney, 420 Franklin, commented that he appreciates the format of tonight's meeting and the extent of the discussion and debate. He noted that the report makes an assumption that there is a problem rather than focusing on the causes. He asked if they could include in the discussion the causes, what they are and how they have contributed to the problem in the hopes of addressing them and to scale back the money it will cost to fix them. Mr. Meaney asked whether larger homes are exacerbating the problems. Is the ratio sufficient to absorb the runoff? Is it possible to look at the depth of basements in new homes? What is the effect of the wholesale removal of trees on water absorption? He suggested creating additional measures to place stormwater where it belongs, and that is on the builder. He also recommended establishing a baseline of permeable areas that exist today so they would be able to determine whether that changes.

Mayor Tully responded that, regarding residential development, more attention has been given to this in the last decade than before to minimize the source of problems. In some instances, new construction is an improvement over what is there now.

In response to a resident, Mr. Fieldman commented that Packey Webb will meet with neighbors tomorrow at the Downers Grove Recreation Center at 7:00 p.m. for a one-on-one interaction. This relates to an upcoming Plan Commission meeting.

15. Jon Povlivka, 6016 Washington, doesn't get water runoff on his property but he is concerned about it. His choice to pay for it would be both a utility fee and property taxes. The Council should look at residential redevelopment and articulate the reason for the priorities established. Staff also has to assist in educating residents as to the problem.

16. Mr. Maonzoeillo said that one of the effects of the stormwater utility is that it absolves the homeowners of responsibility of taking care of their stormwater runoff. He asked that they find a way to make homeowners responsible for runoff.

Mayor Tully said that there are myriad opinions and comments on the topic.

Commissioner Waldack clarified said that the cost of maintenance is about \$4 million annually, or \$180 per resident on an annual basis. The average property tax that goes to the Village is \$650. He suggested that perhaps they should look at the fees for new construction. Initially all properties paid a stormwater utility fee. He asked whether they could have a fee for everyone, but exempt residents that pay property taxes.

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Commissioner Barnett suggested that it might be helpful to have a write-up on the changes to the stormwater utility.

Commissioner White said that a number of residents spoke about maintenance on the creeks. That is why he thinks maintenance should be fully funded. At least they are willing to pay operations and maintenance out of the stormwater utility. There is a clear difference of opinion on the capital projects. His goal is that the community understands and accepts the program. He said that the Village needs a sustainable funding source. He wants to think about a referendum in November regarding capital projects for stormwater.

Commissioner Olsen said he supports a referendum. He would put the idea of the fee as a referendum also. Both operations and maintenance, as well as capital projects, would be considered. There is much debate in the community on the fee versus taxes for stormwater issues. He said that the Village could gain insight from hearing from people directly.

Mayor Tully said that the Council will continue to discuss this, and he thanked everyone for their participation.

Mr. Fieldman said that the next steps in the discussion would probably take place in early April.

14. Council Member New Business

MOT 2016-6690 — A. Motion: Direct Staff to Prepare Plans for the Resolution of the Deer Creek Subdivision Stormwater Issues and Seek Partnership with the Village of Westmont

Commissioner Barnett asked to wait on this motion and introduce it at a later date.

15. Adjournment

Commissioner Olsen moved to adjourn. Commissioner White seconded the motion.

Votes: Yea: Commissioners Olsen, White, Waldack Vattimo, José, Barnett; Mayor Tully

Nay: None

Mayor Tully declared the motion carried by voice vote and the meeting adjourned at 10:50 p.m.

Respectfully submitted,
April Holden
Village Clerk