

# Meeting Minutes

Village of Downers Grove - Council Meeting

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Council Chambers

4/5/2016

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

Mayor Martin Tully called the regular meeting of the Village Council of the Village of Downers Grove to order at 7:00 p.m. in the Council Chambers of the Downers Grove Village Hall.

Pledge of Allegiance to the Flag

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

Mayor Tully announced that Noah Van Houtan died this past week of Batten disease, just a few weeks shy of his 12<sup>th</sup> birthday. He and his family epitomized bravery in the face of tragedy. He went on to say that it has been extremely and powerfully moving to see the community coming together in the way that it has. He asked for a moment of silence in remembrance of Noah Van Houtan. He said that his, his colleagues and the Staff's thoughts and prayers are with the family and with Noah. He also expressed pride and gratitude to the firefighters who have designated their golf outing for Noah's Hope to raise money to fight this disease. Mayor Tully added that the Van Houtans have touched our community in ways that are difficult to express.

## 2. Roll Call

### Council Present:

Commissioner Waldack, Commissioner White, Commissioner Vattimo, Commissioner Hosé, Commissioner Olsen; Mayor Tully

### Absent:

Commissioner Barnett

### 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 Active Agenda and the First Reading.

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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.

### **3. Minutes of Council Meetings**

**MIN 2016-6751** — A. Minutes: Council Minutes - March 22, 2016

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

Mayor Tully declared the motion carried by voice vote.

### **4. Presentations**

Proclamations:

Mayor Tully proclaimed April 5, 2016, as National Service Recognition Day in the Village of Downers Grove and encouraged residents to recognize the positive impact of national service in our Village.

Mayor Tully said that the Village launched the Green Business Recognition Program in 2013 to recognize businesses that have worked toward becoming environmentally sustainable. He presented the Downers Grove Park District representatives with a Proclamation recognizing the Park District for being a Green Business Program Recipient.

Rick Zizek, General Manager of the Park District Recreation Center, thanked the Village for this recognition. They are environmentally conscious of everything they do.

Mayor Tully then proclaimed April 10-16, 2016, as Telecommunicators Week. He said that the Fire Department and Police Department would not work as efficiently as they do without the help of the Village Operations Center (VOC) staff. They are important in helping protect our residents and save lives. The Mayor said he was honored to read this Proclamation. Chief Bluder then thanked the Mayor and the VOC staff for serving the community. He also thanked the Village's partners from Westmont as well.

### **5. Public Comments**

This is the opportunity for public comments.

### **6. Consent Agenda**

**COR 2016-6752** — A. Claims Ordinance: No. 6151, Payroll, March 4, 2016

**BIL 2016-6753** — B. Bills Payable: No. 6254, April 5, 2016

**RES 2016-6729** — C. Resolution: Authorize an Extension to the Contract with Shane's Office Supply

**Summary:** This authorizes a one-year extension to the contract with Shane's Office Supply

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**MIN 2016-6743** — D. Minutes: Note Receipt of Minutes of Boards and Commissions**Summary:** Library Board - February 24, 2016; Plan Commission - March 7, 2015; Transportation and Parking Commission - December 9, 2015; Zoning Board of Appeals - November 18, 2015**Motion:** Commissioner Olsen moved to approve the Consent Agenda as presented. Commissioner White seconded the motion.**Votes:** Yea: Commissioners Olsen, White, Waldack, Vattimo, Hosé; Mayor Tully

Nay: None

Mayor Tully declared the motion carried.

## 7. Active Agenda

**ORD 2016-6721** — A. Ordinance: Authorize a Special Use for 4617 Roslyn Road to Permit an Extended Family Accessory Housing Unit**Summary:** This authorizes a special use for an extended family accessory housing unit at 4617 Roslyn Road.

Commissioner Olsen moved to table this Ordinance to a future date. Commissioner White seconded the motion.

Commissioner Waldack said he shared information with Council, staff and the petitioner.

Mayor Tully said this is not relevant to the motion to Table this item.

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

Nay: Commissioner Waldack

Mayor Tully declared the motion carried.

**ORD 2016-6722** — B. Ordinance: Authorize the Vacation of a Public Alley Adjacent to 4147 Venard Road**Summary:** This vacates a certain portion of a public alley right-of-way adjacent to 4147 & 4205 Venard Road.**AN ORDINANCE VACATING A CERTAIN PORTION OF A PUBLIC ALLEY RIGHT-OF-WAY IN THE VILLAGE OF DOWNERS GROVE (A PORTION OF A PUBLIC ALLEY ADJACENT TO 4147 & 4205 VENARD ROAD)****ORDINANCE NO. 5531****Motion:** Commissioner Olsen moved to adopt "An Ordinance Vacating a Certain Portion of a Public Alley Right-of-Way in the Village of Downers Grove (A Portion of a Public Alley Adjacent to 4147 & 4205 Venard Road)," as presented. Commissioner White seconded the motion.

1. Dr. Gordon Goodman, 5834 Middaugh, commented that he supports the vacation for the use of the Park District to connect two Park District lands with the easement. He also supports waiving the fee for the vacation.

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

Nay: None

Mayor Tully declared the motion carried.

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**MOT 2016-6740** — C. Motion: Authorize a Fee Waiver Request for the Vacation of a Public Alley Adjacent to 4147 Venard Road

**Summary:** This authorizes a fee waiver to the Downers Grove Park District in the amount of \$4,901.18 for the vacated 4147 Venard Road alley.

**Motion:** Commissioner White moved to authorize a fee waiver in the amount of \$4,901.18 to the Downers Grove Park District for vacating a certain portion of a public alley right-of-way adjacent to 4147 & 4205 Venard Road. Commissioner José seconded the motion.

Commissioner Waldack said that he commented at the last meeting why he does not support this fee waiver. He said it has not been a reciprocal situation, noting the transaction between the Village and Park District for the Village's water tower at McCollum Park. He does not see a necessity for a fee waiver between agencies since there have not been reciprocal arrangements.

Commissioner Olsen stated that all should pay according to the policy. He respects the relationship with the Park District but on principle he cannot support this.

Commissioner José noted that this property was obtained for no fee, and the Village has no plans for it. It will remain a taxpayer asset. He doesn't see a need for one government body to charge another.

Commissioner White said he would support this. There is insufficient coordination between governments. He thinks they need to spend more time talking about this and talking to each other. He feels waiving the fee is not harmful to the public. He wants the Village to be comfortable in waiving the fee in a way that would allow maximization of cooperation between all government agencies.

Commissioner Waldack said, as far as property and one governmental body charging another and then saying this is a wash, they all have a responsibility to their constituents. He said that they have an asset and the Village should be compensated for its assets. It is not a wash, in his opinion.

Mayor Tully said he would support this. The history of the vacation of alleys is that they were routinely granted without charge to whomever asked. That changed because it did not seem right that a public asset should be put in private hands with no compensation to the public. That policy has been revised several times mostly in how the value of the land is calculated. In most cases the land doesn't have much value due to its size. He said the Village has acted consistently with respect to this policy. The Mayor said this is not a situation where public assets are going into private hands. This is a public asset staying in the public with nearly co-terminus boundaries. This is consistent with past practice genesis and he cautioned against making decisions based on a board that is not constituted the same as it was years ago. This Council is not the same as the Council of seven or ten years ago, and it should be viewed as it works today.

**Votes:** Yea: Commissioners White, José, Vattimo; Mayor Tully

Nay: Commissioner Waldack, Olsen

Mayor Tully declared the motion carried.

## 8. Mayor's Report

Mayor Tully said at the end of last month, the director of the Downers Grove Public Library retired. Rick Ashton served since September 2011. The Mayor spoke of his accomplishments over the years and he thanked Rick for his service for keeping the Library technologically current and accessible to its customers.

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## 9. Manager's Report

## 10. Council Member Reports

Commissioner José reminded everyone that on Saturday, April 9, there will be a Passport to Safety Day at Lincoln Center. The Village, the Park District and Advocate Good Samaritan Hospital sponsor the Passport to Safety. There will be fire apparatus, police vehicles, and various big trucks present for viewing.

Mayor Tully asked for a motion to recess to the Committee Room to discuss the stormwater utility.

Commissioner Olsen moved to recess to the Committee Room. Commissioner White seconded the motion.

Mayor Tully declared the motion carried by voice vote (5:1) and a recess was called at 7:33 p.m.

## 11. First Reading

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

**Summary:** This is a Top Priority Action Item for the Village Council for the period of 2015-2017.

Village Manager Dave Fieldman said this discussion is about considering changes to the Stormwater Utility, which is a top priority action item. He noted that reports are available on the website. This evening five options will be presented for potential changes.

Option 1 is the current structure and plan of the Stormwater Utility (“hereinafter SWU”) as a fee-based system.

Option 2a would be to continue with the current work plan, but property taxes would be used for bond issuance debt service payments with respect to capital projects.

In Option 2b, property taxes would be for capital projects, and fees would continue to be used for Operation and Maintenance (“hereinafter O&M”).

Option 3a would accelerate O&M, and property taxes would pay for the debt service.

Option 3b would accelerate O&M, and property taxes would cover all capital projects and improvements.

Each option is summarized in the report. He then showed the cost of each option for Year 1 and how it would break out in terms of fees and taxes.

Mayor Tully said this is a Workshop or First Reading with an informal environment. The Council will review the report, then open the conversation to comments from the Council members and public.

Mayor Tully then reviewed the five options presented. As to the projects, using a “box” as an example, he said the size of the capital projects, and O&M projects depends upon how much they want to do, and how much should be spent on either category. Also, the question of how they pay for it has to be considered. A plan was defined after the April 2013 storm event that had an annual revenue requirement of \$6-\$8 million now, and increases to \$10-\$12 million over time. Previously, projects were paid for by property taxes. The Village has always paid for these projects, and a few years ago the Village shifted to a stormwater utility fee. The question now is what the mix of payment should be in terms of property taxes and the SWU. Mayor Tully noted that the SWU can be adjusted. The present SWU was based on studies from across the country.

Commissioner White commented that the Mayor presented an accurate description of the issue. He said that this Council cannot commit to a “box” other than the FY-17 “box.” The commitment has to come from the community. The consensus is important to implement a long-term plan. Commissioner White said no Council has raised the utility fee to the full recommended level. He feels that there is not support in the community to

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raise the fee as recommended by the Plan. He recommends Council commit to the size of the box for FY-17, commit to \$3.9 million in revenue, and adopt a policy that will survive transitions in the Council. He suggests paying for it somewhere between Options 2a and 2b.

Mayor Tully commented that the Village can commit to variables going forward, but it doesn't mean that the commitment will continue. He noted an example of a successful long-term plan, which was the Village's sidewalk construction plan after TCD-II. However, it is possible that the community consensus can change. The sidewalk "box" was funded every year for construction; however, in practice a variety of reasons affected the amounts of funding available. They must remember that changes can arise over the years.

Commissioner Olsen said several good points have been made so far. He is interested in the idea of community consensus. They need to find some direction, as this is a policy question that has been discussed for 20 years. He has great concerns about the SWU in general, as the fees have been unpredictable. He said it is his general belief that they should continue to maintain the stormwater system, and construct projects at a reasonable value to the taxpayers. He said when they last met, he talked about the idea of a referendum as a way to gather community consensus. From his perspective, Commissioner Olsen said they should commit to the \$3.9 million figure. Then they should prepare options and have referenda questions presented to the community. His concern is that they might be missing the fundamental question as to whether they should continue the SWU system and fund it at the level of \$3.9 million to begin with, and whether this is a figure that people are comfortable with.

Commissioner Vattimo said that this is about the entire community. We need to fix this problem. She supports Commissioner White's plan and agrees to a plan for FY-17. Stormwater is a real problem. She said she does not like the fee, but we need a system to collect revenue to improve stormwater issues. She noted that they cannot continue to change this every two years.

Commissioner White stated that the question as to how big the box will be would not be a question for FY-17. In his opinion they will probably not be issuing any bonds in 2017 because there will be no new large-scale projects initiated. The total revenue question faces the next Village Council. He thinks that Commissioner Olsen's question is premature but may be germane at a future time.

Commissioner José commented that he is surprised that there isn't consensus that stormwater is a problem.

Commissioner Olsen responded that some people do not feel it is a problem and feel that stormwater is not the government's business.

Mayor Tully added that there are some laws in place, such as the Clean Water Act, County and Village regulations, etc., that make this the government's problem.

Commissioner José commented that the Plan is good and the timetable is reasonable. He believes there is always the possibility that the consensus will change over the years. He believes they should stick to the capital and O&M programs; how they pay for them is the question. He wants to be sure that they are solving the problem and getting value for what they are spending. He said he supports a referendum.

Commissioner Waldack said he supports the maintenance as they have already made that investment and should keep up with it. He said the recommended level of service is too hard to measure and understand. He said perhaps they have to ask about properties in an LPDA. Twenty or thirty years ago people in LPDA's should have received help. Today developers just go ahead and build in swamp areas. He suggested that perhaps they have to go case by case to determine the appropriateness. On the revenue side, people don't like the SWU. He said they have to ask if people want the fee, or if they want it on their property taxes. He has talked with many people about this. He also said that property owners who are paying for the stormwater feel that there are people presenting the problem that are not paying. He said perhaps they could have an SWU but exempt residential property taxpayers. They did remove the non-profits which he agrees should have been done, but there are others who should be chipping in to the SWU.

Mayor Tully said that the Village should decide on the size of the project. They have to prioritize with staff to determine what are high, medium and low priorities.

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Commissioner Olsen asked about the \$3.9 million in the Plan, and what that figure represents.

Mr. Fieldman referenced page 47 of 61 of the pdf of the Agenda Item (page 37 of the initial report). In 2005 and 2008, the recommended level of service in O&M and in capital projects was identified. The Master Plan established the O&M portion in 2005. In 2007 they created a capital projects plan called the Watershed Infrastructure Improvement Plan (WIIP) identifying capital projects that should be completed. In 2012 consultants verified the costs. In 2017, the recommended level of service cost would cost about \$8 million and \$11 million in 2029. The question was whether they should immediately move to provide all the revenue and the decision was to start with 50% of the revenue requirements, and ramp it out over 15 years to 100% of the money needed. That accounts for the \$3.9 million as the revenue needed, at 50% of the recommended level.

Commissioner White noted that there isn't a consensus to raise the fee yearly. He said that the "box" doesn't grow evenly, but jumps. He noted that the day-to-day operation of the stormwater system isn't controversial and that is where the fee should be placed. The Mayor said that is not controversial because they must do that. Commissioner White agreed. Each future Council can make a decision about a referendum on projects needing a bond issuance.

Commissioner José disagreed that the day-to-day operation isn't controversial, saying that people are being charged and they don't see changes. Basements are still flooding.

Commissioner Olsen said that a fee implies that "I'm getting a service." He agrees that it is easier to justify a fee for service philosophically, but in reality it may not be supported. In his opinion, that is why they need a referendum.

Mayor Tully said that a referendum should be used to provide guidance to those who govern. The question is how to pay for this—fee versus taxes. The community has experienced paying for stormwater by property taxes and has experienced paying through fees. The community can say whether they like it or not. The taxable property value, Equalized Assessed Valuation (EAV), has nothing to do with runoff. As for a fee, it is logical, equitable, reliable, accountable and responsible. He believes the most important thing is to identify the projects and properly fund them.

Commissioner José said he agrees that they have to fund projects, and accountability is the most important point. By putting the expense back on property taxes, they lose transparency. Another question, however, is whether a property tax increase would be supported by the Council.

Commissioner White expressed his opinion that the community should be given the option to embrace the Plan that was adopted in August. He sees referenda questions that cover the range.

Commissioner Olsen commented that he's heard from a number of Council members that for 2017 there is a desire to stick with the \$3.9 million in revenue, and he thinks every Council member would consider a referendum.

Mayor Tully said he would like to see the problem addressed, and if it isn't exactly as he thinks it should be done, that's not as important as assuring that the problem is addressed.

Commissioner Olsen said that everyone agrees with the need to stay and continue on this plan. He may not agree with that. The key point is reaching a consensus on how to move forward. How do they craft a question on "fee" versus "tax?"

Mr. Fieldman reviewed the discussion saying that the general consensus to support \$3.9 million in revenue in 2017 as well as to support the referenda approach regarding revenue sources.

1. John Kohovec, 406 Lincoln Avenue, said he agrees with Mayor Tully. He would like to see that there is something happening. He has a problem with water coming downstream. He noted that all of the discussion is about residents paying fees. He asked about discussions about commercial businesses that have parking lots that generate more of the water flowing. He'd like to see participation from the commercial businesses.

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The Mayor and Manager both spoke about mitigating the negative impacts of developments with more stringent regulations. The Mayor said that often the arrangement with developers does impact the water flow. Mr. Fieldman noted that the Village is reviewing how much water is affected by developments, and the Stormwater Oversight Committee is expected to review this in the next few months with the idea of more stringent regulations. Under the present SWU, commercial properties contribute 39% of the revenue, and industrial properties contribute 9%. Residents contribute 52% of the revenue.

2. A resident commented that he doesn't care how it is funded. He said the Village should do the projects that need to be done. He spoke about the potential Packey Webb development. He said the Village has taken extreme action to purchase homes and has spent money demolishing them as a stormwater measure. He spoke about the area at Lee and Ogden. He would like the Village to take action to decrease flooding before new projects begin.

3. Dr. Gordon Goodman said that discussion as to how to pay goes along with reducing stormwater. He said that there are actions that have serious stormwater costs. There are areas of the Village that play an important water management function. He sees this as a three-pronged approach. They should look at methods of payment, regulating future development, and utilizing the natural features of the community to reduce the water management burden. With respect to fees associated with development, Dr. Goodman suggested looking at charging a fee for residential developments. Developments often create completely different water management problems in a community.

In response to Commissioner White regarding fees to developers, Mr. Fieldman replied that the fee exists under County requirements. It is called cash in lieu of detention.

Commissioner White asked that the Manager brief them at some future meeting as to how the fee is calculated, the revenues and legalities of changing the fee.

Commissioner Waldack said that they have heard about the impact with developers who clear cut trees and that should be reviewed as well.

4. Peter Hux, 6135 Hillcrest, thanked staff for preparing the report. He said he is interested in the total amount he pays, and whether he is better off with the SWU. Mr. Fieldman spoke about the revenue breakdown and described the cost burden of the utility model vs. the property tax model. Mr. Fieldman said that under the property tax model, residents contribute 76% of the stormwater revenue even though the residential amount of impervious area is only 47%.

Commissioner White said that there are large impervious areas in commercial properties, and they pay more with SWU than they would with taxes.

Commissioner Olsen said that residential versus commercial is an important point. All property is assessed at 1/3 of its value. In Cook County commercial businesses are assessed at a higher rate of value. He doesn't want to chase commercial businesses away from the Village.

The Mayor said the concept was to look at who contributes to runoff and more evenly spread out the cost and include more payers.

5. Todd Paradis commented on the impervious area, saying that you can have a large impervious area but it is stored on your land. He asked where the fee in lieu of detention from developers goes. Mr. Fieldman said it goes to the stormwater fund.

6. Carissa Dougherty, 318 5<sup>th</sup> Street asked about fees for developers, saying they could consider a credit or a way to encourage developers to improve the property to mediate stormwater properly. Mr. Fieldman noted that some of the best management practices for stormwater management are now required. In addition, a fee can be reduced through credits.



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7. Jon Povlivka commented that this Council's responsibility is to decide how big the "box" is and how much to allocate. That has to be done sooner rather than later, and that could serve as a recommendation to future Councils as to the action they should take.

8. Jim Smalley, 246 56<sup>th</sup> Street, commented that there has been no O&M in Deer Creek for 30 years. He's concerned about when action will take place. People are frustrated by the lack of action by the Village. They were placed on the agenda in 2013 and are not on the agenda for consideration now until 2018.

9. John Spriet said he pays twice the fee his neighbor pays. He referred to the handout he provided to Council, and said he would like to see the fees adjusted. He spoke about outreach and best practices in other communities. They need to work neighborhood by neighborhood. Downers Grove is one of five communities participating in the "Conservation in our Community" program. He spoke about the need to clean up public property.

10. Kurt Wiesner, 4516 Middaugh, asked what the \$3.9 million represents in terms of the overall budget. Mr. Fieldman said that the General Fund is \$40 million, and the entire budget is \$110 million.

11. Ms. Carol Richard who resides near Deer Creek spoke about the big new houses being constructed. Someone then mentioned that those are technically in Westmont, and Ms. Richard said that the Village needs to work with neighboring communities.

Mayor Tully thanked everyone for their comments, noting that this is a continuing conversation.

## 12. Council Member New Business

**MOT 2016-6759** — A. Motion: Direct Staff to Prepare a Resolution Establishing a Stormwater Utility Referendum Committee and Appointing Members Thereto

**Summary:** This directs staff to prepare a resolution establishing a Stormwater Utility Referendum Committee

Mayor Tully asked Commissioner White to explain this Motion.

Commissioner White said that stormwater utility is a complex, integrated problem. He would like the solution to be sustainable long-term with support across the community. He said he has suggested three hypothetical referenda questions. The November election is expected to have an extraordinary turnout and may be a unique opportunity to gauge public opinion. He said that how the questions are phrased is extremely important, and he would like to create a committee to craft sample language for future discussions. He noted that Mr. Fieldman had raised the possibility of a survey, which might be a good idea.

Mayor Tully said he does not want a question in lieu of governing as they have been elected to make decisions. It is fair to receive guidance from the community. A committee may be overly bureaucratic and may be cumbersome. He thinks that staff can craft the language. They have to refine what the question is and then craft the language.

Commissioner White said he is fine with that; Commissioners Vattimo and Olsen concurred.

## 13. Adjournment

Mayor Tully asked for a motion to adjourn.

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

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

Nay: None

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Mayor Tully declared the motion carried and the meeting adjourned at 9:34 p.m.

Respectfully submitted,

April Holden

Village Clerk