

# Meeting Minutes

Village of Downers Grove - Council Meeting

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Council Chambers

5/3/2016

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.

## 2. Roll Call

**Council Attendance (Present):** Commissioner Waldack, Commissioner White, Commissioner Vattimo, Commissioner Hosé, Commissioner Olsen, Commissioner Barnett; 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.

## 3. Minutes of Council Meetings

**MIN 2016-6804** — A. Minutes: Executive Session Minutes for Approval Only - April 19, 2016

**MIN 2016-6802** — B. Minutes: Council Minutes - April 19, 2016

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

Mayor Tully declared the motion carried by voice vote.

#### **4. Public Comments**

This is the opportunity for public comments.

#### **5. Consent Agenda**

**COR 2016-6780** — A. Claims Ordinance: No. 6155, Payroll, April 1, 2016

**BIL 2016-6781** — B. Bills Payable: No. 6260, May 3, 2016

**RES 2016-6782** — C. Resolution: Amend the Downers Grove Compensation Plan by Adopting a Revised Plan Effective May 1, 2016

**Summary:** This amends the Village's employment compensation plan.

**MOT 2016-6772** — D. Motion: Authorize a Contract with Infosend, Downers Grove, IL, for Utility Bill Printing and Mailing Services

**Summary:** This authorizes a contract with Infosend, Downers Grove, IL, for utility bill printing and mailing services.

**MOT 2016-6796** — E. Motion: Award \$130,000.00 to Globe Construction, Inc., Addison, IL, for the 2016 Concrete Sidewalk Removal and Replacement Project

**Summary:** This awards a contract for the 2016 Concrete Sidewalk Removal and Replacement project to Globe Construction, Inc. of Addison, Illinois in the amount of \$130,000.00.

**MOT 2016-6799** — F. Motion: Authorize \$58,845.00 to Sentinel Technologies, Inc., Downers Grove, IL, for Storage Array Purchase

**Summary:** This authorizes the purchase of a storage array from Sentinel Technologies, Inc. of Downers Grove, Illinois for an amount not to exceed \$58,845.00.

**MIN 2016-6798** — G. Minutes: Note Receipt of Minutes of Boards and Commissions

**Summary:** Architectural Design Review Board - February 17, 2016

Stormwater and Flood Plain Oversight Committee - November 12, 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, Barnett; Mayor Tully

Nay: None

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Mayor Tully declared the motion carried.

## 6. Active Agenda

**ORD 2016-6755** — A. Ordinance: Rezone Certain Property Located at 715-719 Rogers Street

**Summary:** This rezones the property at 715-719 Rogers Street from Downtown Transition District (DT), to Downtown Transition/Planned Unit Development (DT/PUD).

**AN ORDINANCE REZONING CERTAIN PROPERTY LOCATED AT 715-719 ROGERS STREET**

**ORDINANCE NO. 5535**

**Motion:** Commissioner Olsen moved to adopt "An Ordinance Rezoning Certain Property Located at 715-719 Rogers 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 2016-6754** — B. Ordinance: Designate the Property at 715-719 Rogers Street as Planned Unit Development Number 50 and Authorize Construction of Two Multi-Family Residence Buildings

**Summary:** This designates Rogers Street Apartments at 715-719 Rogers Street as Planned Unit Development #50 and authorizes construction of two multi-family residence buildings.

**AN ORDINANCE AMENDING THE COMPREHENSIVE ZONING ORDINANCE OF THE VILLAGE OF DOWNERS GROVE, ILLINOIS, TO DESIGNATE THE PROPERTY AT 715-719 ROGERS STREET (LOCATED AT THE SOUTHEAST CORNER OF POSPECT AVENUE AND ROGERS STREET) AS PLANNED UNIT DEVELOPMENT #50 AND AUTHORIZE CONSTRUCTION OF TWO MULTI-FAMILY RESIDENCE BUILDINGS**

**ORDINANCE NO. 5536**

**Motion:** Commissioner Olsen moved to adopt "An Ordinance Amending the Comprehensive Zoning Ordinance of the Village of Downers Grove, Illinois, to Designate the Property at 715-719 Rogers Street (Located at the Southeast Corner of Prospect Avenue and Rogers Street) as Planned Unit Development #50 and Authorize Construction of Two Multi-Family Residence Buildings," as presented. Commissioner White seconded the motion.

Commissioner Barnett asked Village Manager Dave Fieldman to review the term "special uses" for this setting.

Mr. Fieldman responded by explaining that there are two categories of special uses in each zoning category. There are permitted uses which are "by right" uses, and can be built on without coming to the Council for review. The second kind is a special use which is permitted if found to fit specific criteria and allows for public dialogue and review by the Council.

Commissioner Barnett said that the explanation shows that these are not the same as variances. Generally these uses are approved under certain circumstances only.

Mr. Fieldman replied that people often relate to the term "conditional uses," which is a term used a few decades ago.

Mayor Tully further explained that these are not automatically approved, and they must meet certain criteria. He said that the Council has the ability to add additional conditions on a special use.

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

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**Nay:** None

Mayor Tully declared the motion carried.

**ORD 2016-6756** — C. Ordinance: Authorize a Special Use for 715-719 Rogers Street to Permit Two Multi-Family Residence Buildings

**Summary:** This authorizes a special use for 715-719 Rogers Street to permit multi-family residence buildings.

**AN ORDINANCE AUTHORIZING A SPECIAL USE FOR 715-719 ROGERS STREET TO PERMIT TWO MULTI-FAMILY RESIDENCE BUILDINGS**

**ORDINANCE NO. 5537**

**Motion:** Commissioner Olsen moved to adopt "An Ordinance Authorizing a Special Use for 715-719 Rogers Street to Permit Two Multi-Family Residence Buildings," 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.

**MOT 2016-6788** — D. Motion: Approve a Labor Agreement with the Illinois Fraternal Order of Police Labor Council Sergeants Lodge 73-2

**Summary:** This adopts the collective bargaining agreement negotiated with the Illinois Fraternal Order of Police Labor Council Sergeants Lodge 73-2, effective May 1, 2016-April 30, 2019.

**Motion:** Commissioner Olsen moved to approve the labor agreement with the Illinois Fraternal Order of Police Labor Council Sergeants Lodge 73-2 and to authorize the Mayor and Village Clerk to sign the Agreement on behalf of the Village and to take the steps necessary to implement the terms thereof. Commissioner White seconded the motion.

Commissioner Barnett stated that he would vote “no” on this Motion. He explained that this is not a comment on the Village employees or their work, but with structural problems with public employee labor union contracts. The problem was overcome last time and he voted for the contract, but it has reverted back this time and he will vote against the contract.

Commissioner Hosé said that he understands and appreciates Commissioner Barnett’s goals of greater fiscal predictability and flexibility in the event of a sharp economic downturn. He said that the wage deferral from the prior contract has now been removed, and he thinks this contract is not the right vehicle in which to have a wage deferral provision. The structure of the contract, beginning in the middle of one of our fiscal years, guarantees the wage deferral will not be triggered in the first year of the contract. Further, because it is a deferral, it does not necessarily save the Village any dollars in real terms. Taxpayers will still end up paying these raises, and because the Village is ultimately required to pay for these raises, we are shifting risk but overpaying to do it. This contract is for six percent over three years and would have been larger had the wage deferral stayed in. The risk is small; however, shifting the risk and paying more to do it, is not fiscally responsible. He is glad to see the clause removed and is happy to support the contract.

Commissioner Barnett commented that he would welcome input as to what is the right vehicle. He said that roughly 1/3 of the Village revenue comes from property taxes. The cost of the risk in the contract would be about \$12,000 and buys the Village insurance against not just an economic downturn but State unpredictability. He hasn’t heard any other suggestions from either side of the table in the past six years, and he would like to try and manage this.

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Mayor Tully said that the clause in the last contract, referred to as a wage deferral clause, was a provision that was bargained for. The Mayor said he feels the value did not justify the cost. It has also proven to be impractical. He thinks that this is a fairly negotiated contract on both sides and is consistent with the world around us. He thinks staff did an excellent job in representing the Council and the Village.

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

**Nay:** Commissioner Barnett

Mayor Tully declared the motion carried.

## 7. First Reading

**MOT 2016-6797** — A. Motion: Award \$992,718.00 to A Lamp Concrete Contractors, Inc., Schaumburg, IL, for Burlington Avenue Roadway Reconstruction

Mr. Fieldman explained that this is a Motion to approve the award of a contract for roadway reconstruction. He asked Public Works Director Nan Newlon to explain this further.

Nan Newlon, Director, Public Works, said this contract is an award to A Lamp Concrete Contractors for roadway reconstruction of Burlington Avenue in the amount of \$992,718.00. She said it includes replacement of curbs, asphalt pavement, sidewalk repair and some drainage improvements within the right-of-way west of Fairview Avenue. Five bids were received, with A Lamp Concrete Contractors being the low bidder. They have satisfactorily completed other projects for the Village in the past.

Commissioner Barnett asked whether Grand would be patched or resurfaced. Ms. Newlon said it would be patched and resurfaced, but not completely reconstructed. Commissioner Barnett noted that Grand is in pretty bad shape.

## 8. Mayor's Report

Mayor Tully announced that the 27<sup>th</sup> Annual 5K Groovin' in the Grove will take place this coming Saturday, 9:00 a.m. at Midwestern University at 31<sup>st</sup> Street.

Mayor Tully then noted that on May 3, five years ago, he was sworn in for his first term as Mayor of the Village. His grandfather, Richard Repzynski, was in attendance and celebrated his 95<sup>th</sup> birthday that day. The Mayor announced that today his grandfather celebrates his 100<sup>th</sup> birthday. He wished him a Happy Birthday.

Mayor Tully noted that the Manager's Report will take place after a recess to the Committee Room for additional discussion on the Stormwater Utility.

## 9. Council Member Reports

Commissioner Olsen said that he was recently appointed to fill a vacancy on the Board of Trustees of the College of DuPage. He noted that last night the College voted to appoint a new President, retired Navy Vice Admiral Ann Rondeau, beginning July 1. He is pleased that the College is moving forward with this appointment.

Mayor Tully thanked the staff, students and faculty of El Sierra with respect to the Career Day that was held last Friday. He spoke to the children and parents about his job of being the Mayor of the Village.

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 and a recess was called at 7:23 p.m.

## 10. Manager's Report - Committee Room

**INF 2016-6800** — A. Information: Stormwater Utility Discussion

**Summary:** Discussion regarding draft referendum questions.

Mayor Tully reconvened the meeting at 7:31 p.m. in the Committee Room.

Mr. Fieldman said this will focus on discussing the top priority action item regarding considering changes to the stormwater utility. He said at the last meeting the Council provided clear direction for the next steps. That direction included establishing a revenue amount of \$3.9 million in the Stormwater Fund for the FY17 budget. The question raised is the source of that revenue. Council directed staff to prepare referenda questions for the November ballot. Staff has prepared three questions and can add a footnote to each of those questions. Mr. Fieldman said the questions had to be easy to understand, factual and not misleading or vague.

The questions were displayed on the white boards for further discussion by the Council:

Question 1:

*Shall the Village of Downers Grove continue to fund all stormwater expenses including operations, maintenance, capital projects and bond debt payments through the collection of a stormwater utility fee? [YES] or [NO]*

Question 2:

*Shall the Village of Downers Grove fund all stormwater including operations, maintenance, capital projects and bond debt payments through the property tax levy instead of the stormwater utility fee? [YES] or [NO]*

Question 3:

*Shall the Village of Downers Grove fund stormwater operations and maintenance through the stormwater utility fee and fund stormwater capital projects and bond debt payments through the property tax levy? [YES] or [NO]*

Mayor Tully recommended that they look at all three questions together to assess whether the Village will capture the information they want. He said that he thought the third question to be confusing and that it might not capture what they are trying to learn from the referendum. The Mayor then questioned how they will interpret the results they get back from the referenda. He thinks they have to be realistic and pragmatic about what the results might be and how to interpret the responses.

Commissioner White said he is not concerned about question #3 being confusing. He said if questions #1 and #2 were tied, he would strongly support splitting expenses between the stormwater utility and property taxes. If it is split they won't need question #3. He also recommended replacing the word "expenses" with "expenditures" or "spending" or "costs." The word "expenses" excludes capital projects.

Commissioner José shared concern with question #3, which is a combination of the stormwater utility fee and the property tax. In questions #1 and #2 he thinks they are repeating themselves. He thinks that people have to understand what is being asked. Footnotes have to clarify what information is being sought.

Commissioner Vattimo said she thinks the word "fee" is a problem, as people are angry about the fee.

Mayor Tully said that there will be property tax bills arriving in homes soon, and people are also upset with property taxes.

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Commissioner Waldack commented that he thought the questions were far more complex than they needed to be. He asked how many voters will wake up or fall asleep when they see the word ‘capital.’ He would start off the questions by making a statement that the Village is required to address stormwater issues. Question #1 would ask whether they should be paid out of property taxes. Question #2 would ask whether they should be paid out of a stormwater fee. Question #3 would ask whether they should be paid out of property taxes and stormwater fees that apply only to those who do not pay property taxes. As a footnote he would include information that the Village is required to address the issues and that they are currently being paid for by a stormwater fee. That informs the voter.

Commissioner Olsen said he thinks it is important to have the first two questions. He believes question #2 can be simplified. He asked whether people understand what “stormwater” means. He thinks they should provide information as to what the stormwater system really is. He doesn’t know whether they need to outline as much detail as is in question #2. He asked whether they should explain it in everyday language.

Mayor Tully said he also questions the amount of detail in Question #2 and whether it is necessary. They could say something as simple as “Shall the Village of Downers Grove continue to fund all stormwater expenditures through the collection of a stormwater fee?”

Commissioner José asked whether they can provide a preamble to the three questions, as an explanatory statement to the voters.

Mr. Fieldman said he is hearing that they should simplify and get an explanation to the voters. Commissioner Vattimo said that they have to be sure that it is a question and not an opinion.

Commissioner Olsen said that the preamble language will provide definition and it should be kept brief. The preamble should be followed by three simple questions.

Questions were suggested as follows: “Shall the Village of Downers Grove continue to fund all stormwater expenditures through the stormwater utility fee?” “Shall the Village of Downers Grove fund all stormwater expenditures through the property tax levy instead of the stormwater utility fee?” And, “Shall the Village of Downers Grove fund stormwater expenditures by a combination of fees and taxes?”

Commissioner Barnett said that he thinks the first two questions should be closely worded.

Commissioner Olsen said he prefers the wording “instead of” in Questions 1 and 2. Commissioner Barnett said he encourages caution on the preamble, saying it should be kept factual and brief. He recognizes that they want to help the voters understand what is meant by stormwater but it has to be factual and brief.

Commissioner José suggested wording such as “The Village has a stormwater program that currently costs \$3.9 million.” He doesn’t think they have to go into too much explanation.

Commissioner Barnett added that he feels they should keep the third question, which could be a mixture of the two types of payment.

Commissioner Olsen then asked about the order of the questions. The questions must be yes/no questions, not multiple choice. He could see a variety of scenarios.

Mayor Tully then asked the public if they have any comments on the discussion.

1. Judy Roscoe said that people will wonder what the amount of the fee or property tax will be. She suggested having three choices and the voter would choose one of the three. She suggested using the word “combination” in the third question.

2. A resident said that focusing on revenue overlooks that this Council and past Councils are perceived as perpetrators of the problem in that they have paid little attention to the environmental impacts. Mayor Tully replied that there has been increased attention and focus and awareness of the environmental issues. He said that the situation is not ideal, but the effort has been made to not make the problem worse than it is.

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3. Angelo Manzoello said he agrees with the wording that's been discussed. His concern is not how to pay for it, but how much residents will have to pay. Mayor Tully said that the topic takes place every single year during discussions on the Village's budget. It's an annual conversation depending upon who the audience is and what the topic is.

4. Another resident asked about a property tax cap and if it's applied to home rule communities. Mayor Tully said his understanding is that the proposed property tax cap would apply to non-home rule communities and that it would not apply to utility fees.

5. A resident said he read the report that came out about a month ago, and he asked what the reason is that other tax sources are not part of the question. Mr. Fieldman replied that there is a limit of three questions allowed. Commissioner Olsen added that these are reliable, predictable tax sources.

6. The question was raised as to whether the Council is going to look at correcting the stormwater utility fee miscalculations. Mayor Tully said that the Council is always open to looking or adjusting the fee if they know that they are going to have a fee. The resident said he estimates that 20%-30% of the fees are miscalculated.

There was some general discussion from the public as to the difference between costs on water bills for water usage, ground water, Lake Michigan water costs from the DuPage Water Commission and the source of stormwater. Mayor Tully gave general information as to the sources of the various types of water discussed.

Mr. Fieldman commented that they can consider including in the preamble that the Village is considering using property taxes, fees and/or a combination of the two to fund stormwater.

Commissioner Waldack suggested that staff not limit themselves to three questions, but come back to the Council with groups of three questions for consideration.

Mayor Tully thanked the public for their input into the discussion.

Manager Fieldman said staff would come back to the Council in 3-4 weeks with follow up to tonight's meeting.

## **11. Adjournment**

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

Mayor Tully declared the motion carried by voice vote and the meeting adjourned at 8:28 p.m.

Respectfully submitted,

April Holden

Village Clerk