

Meeting Minutes

Village of Downers Grove - Council Meeting

Council Chambers

6/6/2017

7:00 PM

In order to give as many visitors as possible an opportunity to speak and in the interest of adjourning the meeting by 9:00 p.m., please limit your comments to 5 minutes in length, unless further time is granted by Council. Thank you.

1. Call to Order

Mayor 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 Walus, Commissioner Earl, Commissioner Waldack, Commissioner White, Commissioner Hosé, 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 2017-7392 — A. Minutes: Council Minutes - May 16, 2017

Village of Downers Grove

Council Meeting

June 6, 2017

Summary: Council Minutes - May 16, 2017

Motion: Commissioner White moved to approve the minutes as presented. Commissioner Waldack seconded the motion.

Mayor Tully declared the motion carried by voice vote.

4. Proclamation

Mayor Tully proclaimed June 4-10, 2017, as National Garden Week in the Village of Downers Grove. He presented the Proclamation to Downers Grove Garden Club president June Van der Vest. The Garden Club is celebrating its 90th anniversary.

Ms. Van der Vest thanked the Mayor and announced that there would be a program at 7:00 p.m. in the Library on Wednesday called Victory Gardens and would discuss their value and history. She also announced that the Downers Grove Club Standard Flower Show will be held on July 8 at the American Legion Hall.

5. Public Comments

This is the opportunity for public comments.

1. Ed Earl, 4720 Florence, said he was a volunteer of the Downers Grove Library Foundation, a non-profit organization solely funded by supporters. It supports the Library in different ways including special projects. He invited everyone to attend an event on June 11 at 1:30 p.m., which will dedicate a mural painted by a local artist, John McDavitt.

2. Jyotsna Jagai, 4524 Woodward Avenue, represents the Downers Grove Marchers Green Grovers Committee. They encourage the Village to consider the option of curbside composting in the next contract. She reported out on survey results taken among residents. The majority were interested in aspects of the program which has significant environmental benefits. Food and yard waste can generate methane in landfills when not properly composted. The Village of Glen Ellyn has had this program for about 18 months with 200 residents registered in its first year.

Mayor Tully said that the Council received a number of comments in advance of the meeting regarding the issue. The Council looks at programs of this nature during contract negotiations. He doesn't see why they would not want to consider this depending upon service levels and costs. The Village has an Environmental Concerns Commission and asked staff to have the Commission consider this on their next Agenda.

Village Manager Dave Fieldman said this item is already on the agenda

3. Jane and George Rendall, 4620 Prospect, addressed the Council. Jane said that they built their house 61 years ago this coming September. They have been active in the community; however, find themselves in a situation where they have to sell their home. They live in an LPDA area and didn't realize it. They have been attempting to sell for two months but with all the restrictions it has become difficult. She asked that the restrictions be changed regarding the 50% rule.

George Rendall said that when they built the home they took their builder's advice and put in a sump pump and an auxiliary pump. They have never had a flood. Mr. Rendall said that the Village has imposed this restriction on them and others. This could result in a \$50,000 loss for them. Eight or nine other people have been similarly imposed upon. He asked that the Village review the specification in this area.

Mayor Tully thanked the Rendalls for their comments, and said that the Council has received communications from their daughter. LPDAs have been around for decades and there are scores of them. They are documented drainage areas. When redevelopment or expansion is done it can affect homeowners and neighbors. This particular property had been on the map since the 1980s. We are a victim of our topography and soil, and it creates a lot of drainage problems. We have to be careful not to create more problems. Under the current Code,

Village of Downers Grove

Council Meeting

June 6, 2017

people often say that the Village is not restrictive enough. There are options including requests for a variance through the Stormwater and Flood Plain Oversight Committee that will apply to this specific property. He appreciates the issue. It is a Village-wide issue for the protection of the entire community.

Barbara Hochstadt, daughter of the Rendalls, said that the ordinances to an investment amount and a period of years. She agreed that the Village should be concerned about lot coverage and the area surrounding the LPDA. Gutters and drainage on Elm Street may need to be retooled. The ordinances speak more to FEMA. Ordinances need to speak to flooding and drainage and where the water came from in the first place. She said that she was at the meeting to advocate that this is not the right approach. This is based on faulty logic.

Mayor Tully explained that this cannot be changed for one property in mind. He noted that this is not a unique situation.

Ms. Hochstadt replied that they should allow the investment, unless their goal is to take properties off the rolls. They are present to advocate for real change for their home and others.

The Mayor said there might be other avenues that are more direct and expedient and that is what he is trying to explain.

Ms. Hochstadt said that her parents never had over the land flooding or backup. She looks forward to speaking with Council members.

Mayor Tully said the Village will continue to explore this. They try to strike a balance between private property rights and what is good for the community.

In further response to Ms. Hochstadt's questions, Mr. Fieldman said staff would be happy to meet with the owners regarding variance procedures and costs.

6. Consent Agenda

COR 2017-7393 — A. Claims Ordinance: No. 6213, Payroll, May 12, 2017

BIL 2017-7394 — B. Bills Payable: No. 6332, June 6, 2017

RES 2017-7389 — C. Resolution: Authorize a G Suite Customer Agreement with Sada Systems, Inc.

Summary: This authorizes execution of a 12-month license agreement renewal with SADA Systems, Inc. of North Hollywood, CA, for use of G Suite (formerly Google Apps) in the amount of \$27,335.60.

**A RESOLUTION AUTHORIZING EXECUTION OF A G SUITE CUSTOMER AGREEMENT
BETWEEN THE VILLAGE OF DOWNERS GROVE AND SADA SYSTEMS, INC.**

RESOLUTION 2017-39

MOT 2017-7386 — D. Motion: Authorize a Three-Year Contract Not to Exceed \$75,246.86 to Ozinga Energy, LLC, Mokena, IL, for Compressed Natural Gas Fueling Station Maintenance Services

Summary: This authorizes a three-year contract for compressed natural gas (CNG) fueling station maintenance services with Ozinga Energy, LLC of Mokena, Illinois in the amount of \$68,406.24 plus 10% contingency in the amount of \$6,840.62 for a total not-to-exceed \$75,246.86.

Village of Downers Grove

Council Meeting

June 6, 2017

MOT 2017-7387 — E. Motion: Authorize a Contract with Detroit Salt Company, Detroit, MI, for the Purchase of Bulk Rock Salt at a Cost of \$51.49 per Ton Not to Exceed \$112,969.06

Summary: This authorizes a contract for the purchase of bulk rock salt from the Detroit Salt Company of Detroit, Michigan at a cost of \$51.49 per ton up to an amount of \$112,969.06.

MOT 2017-7391 — F. Motion: Authorize \$28,922.50 to Sheridan Plumbing and Sewer, Inc., Bedford, IL, for 2017 Storm Sewer Inspection (CCTV) and Cleaning

Summary: This awards a bid and execute a contract for the 2017 Storm Sewer Television Inspection (CCTV) and Cleaning with Sheridan Plumbing and Sewer, Inc. of Bedford Park, Illinois in the amount of \$28,922.50.

RES 2017-7385 — G. Resolution: Authorize an Agreement with B&W Control Systems Integration, LLC

Summary: This authorizes a contract for SCADA System Improvements with Baxter & Woodman Control Systems Integration (BWCSI) of Crystal Lake, Illinois in the amount of \$87,610.

A RESOLUTION AUTHORIZING EXECUTION OF AN AGREEMENT BETWEEN THE VILLAGE OF DOWNERS GROVE AND B&W CONTROL SYSTEMS INTEGRATION, LLC

RESOLUTION 2017-40

MOT 2017-7381 — H. Motion: Direct Staff to Negotiate Key Terms of a Contract Extension with Republic Services for Solid Waste Collection and Disposal Services

Summary: This directs staff to negotiate terms of the solid waste contract with Republic Services.

MIN 2017-7395 — I. Minutes: Note Receipt of Minutes of Boards and Commissions

Summary: Architectural Design Review Board - April 19, 2017; Library Board - April 26, 2017

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

Votes: Yea: Commissioners White, Waldack, Walus, Earl, José; Barnett; Mayor Tully

Nay: None

Mayor Tully declared the motion carried.

Commissioner Waldack made a Motion to table Item A on the Manager's report, seconded by Commissioner Walus. The Mayor explained that they were not at that part in the Agenda as yet, and the Motion was out of Order. It would be addressed when they come to that portion of the Agenda.

7. Active Agenda

ORD 2017-7369 — A. Ordinance: Rezone Certain Property Located at 4801, 4832 Main Street and 4824, 4832 Highland Avenue

Village of Downers Grove

Council Meeting

June 6, 2017

Summary: This rezones 4801,4832 Main Street and 4824, 4832 Highland Avenue from R-6, Residential/ Apartment/Condo 6 and R-4, Residential Detached House 4 to INP-1, Neighborhood-Scale Institutional and Public District.

AN ORDINANCE REZONING CERTAIN PROPERTY LOCATED AT 4801, 4832 MAIN STREET AND 4824, 4832 HIGHLAND AVENUE

ORDINANCE NO. 5620

Motion: Commissioner White moved to adopt "An Ordinance Rezoning Certain Property Located at 4801, 4832 Main Street and 4824, 4832 Highland Avenue," as presented. Commissioner Hosé seconded the motion.

Votes: Yea: Commissioners White, Hosé, Walus, Earl, Waldack, Barnett; Mayor Tully

Nay: None

Mayor Tully declared the motion carried.

ORD 2017-7368 — B. Ordinance: Authorize a Special Use for 4801, 4832 Main Street and 4824, 4832 Highland Avenue to Expand Parking for a Religious Assembly Use with Two Variations

Summary: This authorizes a special use for 4801, 4832 Main Street and 4824, 4832 Highland Avenue to expand parking for a religious assembly use with two variations.

AN ORDINANCE AUTHORIZING A SPECIAL USE FOR 4801, 4832 MAIN STREET AND 4824, 4832 HIGHLAND AVENUE TO EXPAND PARKING FOR A RELIGIOUS ASSEMBLY USE WITH TWO VARIATIONS

ORDINANCE NO. 5621

Motion: Commissioner White moved to adopt "An Ordinance Authorizing a Special Use for 4801, 4832 Main Street and 4824, 4832 Highland Avenue to Expand Parking for a Religious Assembly Use with Two Variations," as presented. Commissioner Hosé seconded the motion.

Votes: Yea: Commissioners White, Hosé, Walus, Earl, Waldack, Barnett; Mayor Tully

Nay: None

Mayor Tully declared the motion carried.

ORD 2017-7352 — C. Ordinance: Authorize a Loan Agreement with the Illinois Environmental Protection Agency

Summary: This authorizes a loan agreement between the Village of Downers Grove and the Illinois Environmental Protection Agency (IEPA).

AN ORDINANCE AUTHORIZING A LOAN AGREEMENT BETWEEN THE VILLAGE OF DOWNERS GROVE AND THE ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

ORDINANCE NO. 5622

Motion: Commissioner White moved to adopt "An Ordinance Authorizing a Loan Agreement between the Village of Downers Grove and the Illinois Environmental Protection Agency," as presented. Commissioner Hosé seconded the motion.

Votes: Yea: Commissioners White, Hosé, Walus, Earl, Waldack, Barnett; Mayor Tully

Nay: None

Mayor Tully declared the motion carried.

Village of Downers Grove

Council Meeting

June 6, 2017

MOT 2017-7361 — D. Motion: Authorize \$1,052,739.25 to Swallow Construction Corporation, Downers Grove, IL, for the 2017 Water Main Improvements Contract A

Summary: This authorizes the 2017 Water Main Improvements Contract A to Swallow Construction Corporation in the amount of \$1,052,739.25.

Motion: Commissioner White moved to authorize execution of the 2017 Water Main Improvements Contract A to Swallow Construction Corporation in the amount of \$1,052,739.25. Commissioner Waldack seconded the motion.

Commissioner José said, consistent with his comments at the last Council meeting, he will vote no on the water main improvement contracts. A licensed plumber is not required to make the B box connections, and a licensed plumber does not inspect the work.

Mayor Tully said he understood Commissioner Hose's comments; however, he asked if there had been any issues, and learned there has been one issue over several decades.

Votes: Yea: Commissioners White, Waldack, Walus, Earl, Barnett; Mayor Tully

Nay: Commissioner José

Mayor Tully declared the motion carried.

MOT 2017-7362 — E. Motion: Authorize \$764,660.25 to Swallow Construction Corporation, Downers Grove, IL, for the 2017 Water Main Improvements Contract B

Summary: This authorizes the 2017 Water Main Improvements Contract B to Swallow Construction Corporation in the amount of \$764,660.25.

Motion: Commissioner White moved to authorize execution of the 2017 Water Main Improvements Contract B to Swallow Construction Corporation in the amount of \$764,660.25. Commissioner Waldack seconded the motion.

Votes: Yea: Commissioners White, Waldack, Walus, Earl, Barnett; Mayor Tully

Nay: Commissioner José

Mayor Tully declared the motion carried.

MOT 2017-7363 — F. Motion: Authorize \$735,020.00 to Trine Construction Corporation, West Chicago, IL, for the 2017 Water Main Improvements Contract C

Summary: This authorizes the 2017 Water Main Improvements Contract C to Trine Construction Corporation in the amount of \$735,020.00.

Motion: Commissioner White moved to authorize execution of the 2017 Water Main Improvements Contract C to Trine Construction Corporation in the amount of \$735,020.00. Commissioner Waldack seconded the motion.

Votes: Yea: Commissioners White, Waldack, Walus, Earl, Barnett; Mayor Tully

Nay: Commissioner José

Mayor Tully declared the motion carried.

ORD 2017-7374 — G. Ordinance: Amend Parking and Traffic Regulations

Village of Downers Grove

Council Meeting

June 6, 2017

Summary: This amends certain parking and traffic provisions.

AN ORDINANCE AMENDING PARKING AND TRAFFIC REGULATIONS

ORDINANCE NO. 5623

Motion: Commissioner White moved to adopt "An Ordinance Amending Parking and Traffic Regulations," as presented. Commissioner José seconded the motion.

Votes: Yea: Commissioners White, José, Walus, Earl, Waldack, Barnett; Mayor Tully

Nay: None

Mayor Tully declared the motion carried.

MOT 2017-7390 — H. Motion: Authorize a Labor Agreement with the Downers Grove Professional Firefighters Union, Local No. 3234 of the International Association of Firefighters, AFL-CIO, CLC

Summary: This adopts the collective bargaining agreement negotiated with the Downers Grove Professional Firefighters Union, Local No. 3234, effective May 1, 2017-April 30, 2019.

Motion: Commissioner White moved to approve the collective bargaining agreement with the Downers Grove Professional Firefighters Union, Local No. 3234 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 José seconded the motion.

Mayor Tully thanked staff and everyone involved in the process for successfully negotiating this agreement.

Votes: Yea: Commissioners White, José, Walus, Earl, Waldack; Mayor Tully

Nay: Commissioner Barnett

Mayor Tully declared the motion carried.

8. First Reading

RES 2017-7364 — A. Resolution: Accept the Comprehensive Annual Financial Report of the Village of Downers Grove for the Fiscal Year January 1, 2016 through December 31, 2016

Mr. Fieldman asked Finance Director Judy Buttny to make the presentation.

Judy Buttny, Finance Director, introduced Scott Termine and John Cutrera, representatives from BKD, the Village auditors, to make the presentation.

Mr. Termine thanked the Village for engaging them to serve as auditors for this first transition year. He said they would provide deliverables including the Comprehensive Annual Financial Report (CAFR), two TIF reports, and required communication to the Council summarizing their results. There were no significant deficiencies or material weaknesses found. The Village did exceed the threshold for grants, which triggers a fifth report from their firm. He pointed out that there have been a number of new GASB standards since 2015 including the reporting of pension liability, as well as some related standards that will affect the 2018 financial statement.

Mayor Tully thanked Mr. Termine for his comments, stating he was happy to hear a positive outcome and that the Village is taking advantage of grant availability.

Mr. Fieldman thanked the financial team including Judy Buttny, Carol Hogan, Robin Lahey and Daiva Shelton.

RES 2017-7383 — B. Resolution: Grant Historic Landmark Designation for 5325 Fairmount Avenue

Village of Downers Grove

Council Meeting

June 6, 2017

Stan Popovich, Director, Community Development, showed slides of the property under consideration for historic landmark status. It is a classic 1-1/2 story gabled roof Classic Bungalow. It exhibits many features of the bungalow and was built in 1926.

Amy Gassen, 5320 Benton, said that the application for this petition is being made on behalf of her in-laws, and they are honored to be the petitioners for this property.

David Gassen said in 2015 the house was sold to developers as a teardown, and the developer was open to selling it as is. His parents will do some interior renovations to the property.

Ms. Gassen said that they are still learning about the history of the home. She said that Frank A. Rogers, Jr., owned the home at one time, but never lived in it. This application has many firsts, including being the first bungalow application.

Mayor Tully thanked Amy and her in-laws. He noted that Larry Gassen is in the National Wrestling Hall of Fame and led the Downers South wrestling team.

Rich Kulovany, 6825 Camden, representing Friends of the Edwards House, thanked the Gassens for coming forward and keeping the house in the Downers Grove inventory.

MOT 2017-7384 — C. Motion: Authorize \$979,900.00 to Chicagoland Paving Contractors, Inc., Lake Zurich, IL, for Grant, Jay, Webster & Lyman Roadway Improvements

Nan Newlon, Director, Public Works, said this project is for two areas including Grant Street near Downers Grove North, and south of McCollum Park. The project will include reconstructing and resurfacing streets, replacing storm sewers and aprons and sidewalks as well.

RES 2017-7398 — D. Resolution: Authorize a Local Agency Agreement with the County of DuPage for Jurisdictional Transfer of a Portion of Hobson Road

Ms. Newlon then addressed Items D, E, and F, stating they refer to a transfer of jurisdiction including a Local Agency Agreement to allow the transfer of a portion of Hobson Road currently under the jurisdiction of the County. It is a remnant piece of roadway. The Village was approached by the County to take jurisdiction of approximately 1500 feet of the roadway west of Belmont and 63rd Street. The Village currently has jurisdiction of approximately 1500 feet of Finley north of Butterfield Road, and the Village has asked the County to take jurisdiction of that area.

Commissioner Waldack commented that it seems as though they're talking about maintenance. He asked why this couldn't be done with just an Intergovernmental Agreement (IGA). He is concerned about maintenance and road failure.

Mr. Fieldman replied staff will look at life cycle ownership costs.

Commissioner Waldack said that if the piece of property the Village gets is failing, and the Village has jurisdiction, it would seem to be cheaper to do it via an IGA.

Mr. Fieldman said staff could look into the long-term costs and condition of the road now.

ORD 2017-7399 — E. Ordinance: Provide for the Jurisdictional Transfer of a Portion of Hobson Road/CH 41 to the Village of Downers Grove Municipal Street System

RES 2017-7376 — F. Resolution: Authorize an Intergovernmental Agreement with the County of DuPage

Village of Downers Grove

Council Meeting

June 6, 2017

9. Mayor's Report

New Business

RES 2017-7397 — A. Resolution: Appoint Members to Boards and Commissions

Summary: This appoints Nicole Szydlowski to the Community Events Commission for a three-year term expiring August 31, 2020, and Ted Jenkins to the Transportation and Parking Commission for a three-year term expiring August 31, 2020.

Village Clerk April Holden read the Resolution into the record.

A RESOLUTION APPOINTING MEMBERS TO BOARDS AND COMMISSIONS

RESOLUTION 2017-41

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

Mayor Tully thanked all the volunteers to the Boards and Commissions. They are critical to the functioning of the Village. He noted Mr. Jenkins was in the audience.

Votes: Yea: Commissioners White, José, Walus, Earl, Waldack, Barnett; Mayor Tully

Nay: None

Mayor Tully declared the motion carried.

Mayor Tully then announced that Downers Grove North's Soccer Team placed fourth in State, and he extended congratulations to them for this accomplishment.

Mayor Tully then announced the passing of Pete Hultman (Ivan Pete Hultman) who was a frequent visitor to the Council Chambers to keep the Council on task. Mr. Hultman was a member of the Downers Grove Watch group and very involved in the community. Mayor Tully extended condolences to his family.

10. Attorney's Report

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

1. An ordinance providing for the jurisdictional transfer of a portion of Hobson Road/CH41 to the Village of Downers Grove municipal street system

11. Council Member Reports

12. Council Member New Business

MOT 2017-7402 — A. Motion: Direct Staff to Prepare an Ordinance Amending the Municipal Code re: Mosquitoes in Abandoned Swimming Pools

Summary: This directs staff to adopt codes to address swimming pools to prevent the spread of West Nile Virus.

Village of Downers Grove

Council Meeting

June 6, 2017

Mayor Tully asked Commissioner Waldack to introduce this matter.

Commissioner Waldack commented that he doesn't know how many pools there are in the Village; however, the West Nile Virus is a dangerous disease. People need to be aware of stagnant and standing water areas. Swimming pools can be neglected or abandoned and present a serious risk to the community. He has seen an abandoned pool that can breed mosquitoes. Commissioner Waldack said he appreciates staff providing information regarding the current Code. He noted that California had a serious problem and we could look at that. The Village needs to address enforcement as well.

Commissioner Barnett addressed the Village's existing Ordinance saying he doesn't understand Commissioner Waldack's view of a gap between the existing Ordinance and what is being requested. He asked about a possible gap in enforcement.

Commissioner Waldack commented about a neighbor who made a complaint and was told by Code Enforcement that there was nothing the neighbor could do about a swimming pool. Ticketing is a process and they may need more immediate relief, which could be up to a month of neglect. He is asking that they look at what others are doing and what are the best practices.

Commissioner Earl said she had no problem with looking at best practices. They cannot wait for ten days if mosquitoes are breeding, and they must do what is best and most expedient. She thinks staff should take a look at this.

Commissioner Barnett said that the Ordinance says three days.

Commissioner White read the Ordinance into the record, noting that the Village staff can go on the property and treat it within three days under the Municipal Code, Sec. 13.9-13.

Motion: Commissioner Waldack moved to pursue this item as presented to address mosquitoes in abandoned swimming pools. Commissioner Earl seconded the motion.

Commissioner José said if the concern is about enforcement, he has no problem looking at this.

Mayor Tully said this could easily be addressed under the four-hour rule. If they're doing what is already being done in other communities, there is nothing more that can be done,

Commissioner Waldack said that should look at places like California where it is a serious problem. He thinks they should look at California's laws.

Mayor Tully said the geography and species might make a difference. Staff can look at what more can be done than responding within three days as per the existing Code. He said that different sections of the country have different types of insects, and he wants to be sure they are comparing apples to apples.

Commissioner Earl said the valid question is whether three days is too long and whether it should be addressed within 24 hours. She said that even once it is treated, it takes time to kill the mosquitoes.

Mayor Tully suggested that he could call the Director of Health at DuPage County who knows the regulations.

Commissioner José suggested that staff research this, talk to Commissioner Waldack and then revisit this next week.

Mayor Tully said he concurs with that statement. He said they can see what they can find out within four hours of research by staff. He said they could get the four-hour report next week and move forward.

Commissioner Waldack commented that the Village has a West Nile virus expert on staff in Kerstin von der Heide. He would like her to research this.

Mayor Tully asked staff to research this.

Motion: Commissioner Waldack moved to table this item to 6/13/17. Commissioner Earl seconded the motion.

The Mayor declared the motion carried by voice vote.

Village of Downers Grove

Council Meeting

June 6, 2017

MOT 2017-7403 — B. Motion: Direct Staff to Take Appropriate Action to Require Petitioners to Use a Staff and Village Council Pre-Approved List for Traffic Studies

Summary: Pre-approve a list of 5 traffic engineering firms for petitioners to use.

Commissioner Waldack explained that traffic reports are sought and paid for by the petitioners. This allows them to shop around and get a favorable report. He has not seen any negative reports. He has seen one neutral report. He would like to limit the number of pre-approved firms to five or so firms. It would bring about more trust in the reports. Staff could negotiate better fees for the petitioners. Firms would be freer to be more honest and not feel compelled to bring a certain result.

Motion: Commissioner Waldack moved to pursue a pre-approved list of five traffic engineering firms for petitioners to use for traffic studies. Commissioner Earl seconded the motion.

Commissioner Earl said this has been a frustration of hers for a long time, and there is a sense that if you paid for a study you will get what you want. She thinks this may eliminate questions about these products.

Commissioner José asked whether any other municipalities have this type of a list. This may transfer concern that the Council is getting what it wants. The solution may be a greater scrutiny of the reports.

Commissioner Waldack commented that having a list of trusted engineers could result in developing a standard format that the traffic engineer would have to follow. The Council can trust what they are looking at. He said that the Council should be able to trust the data it receives.

Commissioner White said this appears to be an education gap for the volunteers on the various Boards and Commissions who have no prior experience in this area. It might be beneficial to provide educational programs for the Board and Commission members. He is not sure that the people they pick will solve the problem. The Village needs a better fundamental understanding. There is a disconnect, and terminology may be misunderstood. He sees this as a problem in terms of how one gets on the list.

Mayor Tully said that the Village is not negotiating studies and it doesn't want to set fees. He asked whether any other communities engage the traffic engineers and makes the petitioners pay for it. The question is what if the petitioner doesn't want to pay for it? Who would pay for that? The Village can't do an RFP for people they are not hiring.

Mr. Fieldman said that he hears that the issues are accuracy, consistency, understandability, and independence. Commissioner Waldack said that was correct.

Commissioner Barnett said the suggestion being made is that the petitioner is buying the results they want. He would like more information about that. If it has actually happened they need to know by whom and what to do about it.

Commissioner Earl said that it has happened in industry. She doesn't know that it has happened here. But the question is raised as to the truth of it happening here.

Commissioner Barnett then said that happens in just about every industry. He personally shares some opinions regarding the takeaway that this body uses on traffic studies; however, he believes that is not so much because the study has been shopped and paid for, but rather because of the differential between the technical nature of the traffic study, and the expectations or anecdotal pedestrian expectations that they all have as they react to the specific situation. In some ways he sees it like discussions on stormwater. There is a ton of misunderstanding about stormwater in this community and across the nation; yet communities expect a stormwater engineering review provided by the petitioners. Most of them provide a stormwater review that everyone isn't always satisfied with.

Commissioner Barnett then asked whether traffic studies are stamped with PE stamps.

The Manager said he believes there is a stamp required.

Village of Downers Grove

Council Meeting

June 6, 2017

Commissioner Barnett said that the Village requires professional input to be paid for by the petitioner on a host of subjects. He is skeptical that a list will provide the Village with what it wants without adding a huge amount of additional burden on the Village, or to the petitioners or suppliers. He is not sure he wants to do that.

Commissioner Waldack said he has only seen one study in ten years that was a neutral report. He asked what kind of petitioner would go out and hire a firm that would provide a negative report.

Mayor Tully responded that if a petitioner received a negative report, the Village would probably not see that report, and the negative report would cause the petitioner not to come before the Council. He noted the report made by the auditors this evening, and the fact that the Village Council accepts what they present as they are the professionals. He also sees this as an educational issue, and would like more information regarding the issues that Mr. Fieldman identified.

Commissioner Waldack said that was acceptable to him.

Motion: Commissioner White moved to table this to a date uncertain. Commissioner Waldack seconded the motion.

The Mayor declared the motion carried by voice vote.

The Mayor asked for a motion to recess to the Committee Room to discuss the Facilities Sustainability Plan.

Motion: Commissioner Waldack moved to table Item 13A. Commissioner Earl seconded the motion.

Votes: Yea: Commissioner Earl, Waldack

Nay: Commissioners White, José, Walus, Barnett; Mayor Tully

Mayor Tully declared the motion failed.

Motion: Commissioner White moved to recess to the Committee Room to take up Item 13A. Commissioner José seconded the motion.

Commissioner White said they have to cross this bridge and discuss the underlying issues soon, if not now.

Commissioner Waldack said he agrees this needs to be pursued but not in this public manner. He does not think it is presentable at this point.

Votes: Yea: Commissioners White, José, Walus, Barnett; Mayor Tully

Nay: Commissioner Earl, Waldack

Mayor Tully declared the motion carried and the Council recessed at 8:55 p.m.

13. Manager's Report - Committee Room

INF 2017-7404 — A. Information: Facilities Sustainability Plan

Mayor Tully reconvened the meeting in the Committee Room at 9:05 p.m.

Mayor Tully asked Deputy Village Manager Mike Baker to re-introduce the topic for discussion.

Village of Downers Grove

Council Meeting

June 6, 2017

Mike Baker, Deputy Village Manager, explained that the purpose of the discussion was to seek Village Council input and/or direction on the facilities in order to prepare the FY 18 budget and to implement Council direction. He said updated information is in their packets. He explained the format for the discussion is to focus on the issue, the resources available, the options and agreement on a plan to go forward. Mr. Baker then reviewed the history of the issue concerning the well-documented maintenance issues of Village hall, long term needs, and operational issues for the Police personnel in the existing facility, and resources and options available and how they have changed since this issue was first raised long ago. He reviewed the resources and options raised in 2015 when the Village first considered a plan to upgrade the campus site. He explained that staff put together a recommended course of action to assure that the Village has facilities to meet the needs of the Village in the event there is no plan adopted by the Council. He explained that would include use of existing revenue sources of \$2.2 million, as well as \$400,000 of annual revenue to remodel the Police Department and continue essential maintenance of Village Hall.

Mr. Baker then addressed some discussion questions such as which resources the Village is willing to pledge to the facility sustainability plan. Further, based on the preferences for resources, the options should staff consider.

Mr. Fieldman highlighted three changes in the updated information: 1) the increase in project cost; 2) the potential risk of losing some of the asset forfeiture funds; and 3) maintenance work for both the Police Station and Village Hall. He explained that there are roof and boiler systems that have to be addressed at a cost of \$150,000-\$300,000. Staff is looking for direction based on these three changes.

Mr. Fieldman then discussed resources which have a direct correlation to options that are still on the table. He reviewed those resources and noted support as follows:

- a) \$2.2 million in cash - all seven Council members support;
- b-d) \$1.1 million in annual revenues which break down into:
 - \$600,000 property taxes for Library debt and service - 4.5 members are willing to consider this;
 - \$200,000 gasoline tax (former Fairview Avenue) - 6 members willing to consider this;
 - \$300,000 capital revenues (new sidewalks) - 5.5 members willing to consider this;
- e) additional annual revenue (above \$1.1 million) - 4 willing to consider this;
- f) existing assets including the existing Police Station, Village Hall property, parking lots, etc. – majority willing to consider this;
- g) bond issuance - 4 willing to consider this;
- h) selling Village of Downers Grove land as a resource - 4 willing to consider this;
- i) use of financial tools (TIF) - 4 willing to consider this;
- j) partnership with other governments

Commissioner White asked about his understanding of item j) and whether the Village wants to look for significant resources from other governments to help pay for the project. He does not want to rely on budgets from other governments to close the deal or fund the \$30 million. If they want to share the facility fine, but he doesn't want the Village to need their revenue to close the deal.

Mayor Tully agreed with that.

Mr. Fieldman summarized that the majority of the Council checked resource boxes a)-i).

Commissioner Waldack said that although they may check all the resource boxes, he wants to see the options and the current state of finances. He is non-committal until he sees what the Village wants to do.

Village of Downers Grove

Council Meeting

June 6, 2017

Mr. Fieldman said that all options are up for further discussion based on the resources the Council is willing to pledge. As to which options are still on the table, it appears that they are all up for further discussion. He then reviewed the options under consideration based on the resources checked:

- I Medical office proposal requires resources of a)-i).
- II Townhomes proposal requires resources a)-i)
- III Apartments proposal requires resources a)-d), f)-i) depending upon density/size.
- IV If no plan is adopted requires a), b) or c) or d).

Mayor Tully said that about a month ago a Motion was made to proceed with one of these proposals that failed for lack of a second. There has been no discussion publicly for the last month about that Motion. There has been no consensus regarding any one direction by the majority of the Council. He said that they are now talking because issues have been presented that puts pressure on the situation, external to the proposals. He asked if there is a consensus today to act on the situation, or to decide not to act.

Mr. Fieldman suggested they begin with the townhome option.

Commissioner White said that since April 18, nothing has changed in terms of his opinion with respect to this concept plan and that he thinks this townhome project is the best proposal to move forward with. It creates a walkable community and he would be in favor of doing it. That being said that he likes it so much that he would consider bringing it back in the future if it is not acted upon at this time. He doesn't think they should move forward without five votes.

Enza Petrarca said that vacation of land requires a super majority or six (6) affirmative votes.

Commissioner White said he would not be comfortable with a 4-3 decision.

Commissioner Barnett commented that there have been challenging communications both internally and externally. Assumptions have been made that are inaccurate and have worked against the Council. In the three years since he has been involved in this he said they have gone nowhere, have indecision and stalemates. He's heard from a variety of sources as to why the Village keeps changing direction. He wants to address those questions. He noted that the Village's original plan for the facilities was a theory and not a plan. It was a general idea to sell Village land and fund redevelopment. At that time he supported the apartments, but that idea got sidetracked. They had to consider something new. He wants to move forward and he will support one of the ideas that are on the board before them. He will not support a maintenance plan. He met with many groups and spoke with those groups during the course of consideration of the proposals submitted to the Council. He considered all of the proposals presented. He did not second the Motion a few weeks ago because things have changed with a revised proposal regarding the medical office building. It was an attempt to address the concerns but it wasn't evaluated by the staff. It had lower density, better traffic, roots in our community and a lower risk profile. Downtown Management contacted him to ask why this wasn't considered. Commissioner Barnett asked why they aren't considering this. He said that he has questions of his own of other Council members that would be helpful to him. He said Commissioner White discussed the future of health care, and empty office buildings. He asked that the Commissioner explain that for him. That concept seems to do with a risk in that industry. Commissioner Earl discussed Planning 101 that would indicate that we should not put a medical office facility downtown, but no one felt compelled to tell the Village that we missed something. This will have a 40-50-year impact on the community. He told the Mayor he would like some follow-up about the meeting with LFI. There should be some sort of recount as to what's been discussed at this meeting. He thinks they need communication. He has heard from three different sources including a colleague, someone on staff and another individual that his colleagues on the Council suspect that his interest in LFI is because he has a personal interest and ability to sell a product. That is not happening and is speculation. It can't be part of the conversations they are having one on one or two on one that doesn't get surfaced. Questions should be addressed openly among the Council members. He urged the Council to apply transparency to these conversations, and said he will vote for one of the three options to move the action forward. This is important and they see what's happened in Springfield. Not being

Village of Downers Grove

Council Meeting

June 6, 2017

open and forward with each other around the discussion table would be wrong.

Mr. Fieldman reviewed the terms of the proposals before the Village Council and expenses involved at Commissioner White's request.

Commissioner White said between April 18 and May 2 the reason for his choice of the townhomes was the long-term impact and character of the downtown. This is the character he wants to see in the downtown area. He sees the risk of townhomes as wildly overstated. He thinks it best fits the character regardless of the future of medical care. There are increased expenses going forward. He noted that they may not get the gasoline tax, and there may be a property tax freeze. He thinks townhomes fit the future character of what he thinks the downtown should be. Things in Springfield are pretty questionable. He will support moving forward with the townhomes.

Mr. Fieldman clarified that the gasoline tax is not from IDOT.

Commissioner Barnett said he will support proposals I, II, and III, but not IV. Commissioner White will support proposal II.

Commissioner José said he disagrees with Commissioner White's characterization of risk for townhomes as wildly overstated, and he also disagrees with the character of the downtown. He noted there are many apartment buildings surrounding the Civic Center. Increased density is good for the downtown area. It brings more stability and customers to businesses. Given the site's proximity to the BNSF, apartment buildings make sense and the finances make sense. Council has a fiduciary obligation to maximize the value of our assets. The way to mitigate the risk that has been mentioned with respect to gasoline tax or Springfield uncertainty is to get as many dollars as we can for this project from anywhere else. That would come about through the apartment development. He said they have seen a lot of gridlock and they cannot keep doing this because of maintenance needs. We cannot spend tax dollars maintaining buildings that we know to be obsolete and falling apart. He has been unsuccessful trying to convince his colleagues that the apartment buildings are the better way to proceed, so he is willing to move to vote for additional revenue necessary to put the townhomes proposal back on the table.

Commissioner White noted that he doesn't think apartments are as bad as some people think, and he could go along with that if the majority of the Council feels they should go with the apartments.

Commissioner José said he wants to do that without a tax increase. He feels the biggest issue in the community is property taxes being too high.

Mayor Tully commented that the meeting was called for by the DuPage Medical Group. It was a meeting to reassure them that they are a valued member of the community. It was not a discussion of the details of the proposal.

Commissioner Walus said she supported the townhomes but did not second the Motion. She spoke of the budget presentation that was very disconcerting and bleak, and she had to think about the best thing for the Village. She said she believes the Police Department deserves a great place to work. Her father was a 30-year police officer and has asked her what is being done about the facility. At this point, due to the budget, she doesn't feel she can move down the road. She would like to see where the budget shakes out. She supports using asset forfeiture funds and hopes this can be revisited soon.

Commissioner Earl addressed the topic of Planning 101. The walk to the train location makes this valuable and a great asset. That's what she meant by Planning 101. She said that DuPage Medical and LFI could buy other sites. The medical office was not the best bang for the buck. People living here and using the train is the best option. She noted that building now puts the Village in competition with itself, as they have a TIF to pay off. She thinks the nicest looking product is the townhomes. Commissioner Earl said they should wait two years. Not one product under construction has come online, and the budget concern is a huge consideration. She wants to wait until the Village is on more stable footing and some of the products are online. If that means some maintenance, then so be it. She wants the Police to have decent working conditions until they can get them what they deserve. She thinks they have a good idea, but that timing is a problem. She would recommend using asset forfeiture funds, and wants to timing to be right and not be in competition with ourselves. She said she would like to

Village of Downers Grove

Council Meeting

June 6, 2017

consider 2020 or perhaps sooner, but she needs more solid numbers.

Commissioner Waldack asked how long the property was for sale.

Mr. Fieldman responded there were two RFPs from October-Christmas through the EDC, and formally for 45-60 days.

Commissioner Waldack said that means about three to four months total. They cannot expect best options in a short period of time. They are trying to push a valuable piece of property in a short period of time, or in less time than a person sells their house. He said the Village only has four options, and they didn't include waiting two years. He still thinks obtaining more statistical information from the Police Department would be helpful. He was upset that there was a public forum that was not publicly noticed so that the full Council was unable to attend. There was a lot of manipulation that frankly he does not trust. With regard to the four options, he originally supported the medical office building, and there was a lot of feedback on that proposal. Downtown Management preferred the medical office building, but some of them changed their minds. The apartment also brought a lot of feedback. He didn't think the townhomes would be financially a good thing. There is no guarantee and no promise. The numbers are phony.

As for maintenance, he asked if the building can be repaired for a year. He also asked as to the terms of the asset forfeiture funds. He said he has been asking for police reports to include the number of officers, their levels, crime statistics, etc.

Commissioner Waldack said he would have preferred not to have this meeting. He is suspicious of what is going on. He feels there is agenda game playing and an attempt to continue this until we hit the magic numbers. He is upset that there was a public forum that was not noticed and some Council members could not attend. There are things going on that he does not trust.

Commissioner Waldack referenced tax increases for pensions and operations, as well as a food and beverage tax just to resolve current problems. We cannot count on the State. We do not need to be desperate now. These are not our only choices. He suggested keeping the "for sale" sign out. He thinks we can do better and we should try to do better. He is worried about taxes. He advocated for using the asset forfeiture money for maintenance.

Mayor Tully said the needs will not go away. This has been around for 15 years. The project costs continue to rise, there is no guarantee of asset forfeiture funds, and the problems will not go away. Everything the Council does has risk. There are a range of solutions and he is willing to move forward on proposals I, II, and III.

Mr. Fieldman said the townhomes have four tally marks. Staff will take this as general direction and provide information regarding the entire process, including requirements to accomplish this. If we still have majority support, staff will begin presenting actual items for Council consideration.

Jon Povlivka asked about the use of asset forfeiture funds.

Mr. Fieldman said they can only be used for things that fall outside usual items. Asset forfeiture funds are in the Village's direct control and in our bank account right now.

Mr. Povlivka said Council needs to do a better job of communicating what we need and how we are going to get there.

A resident said the comprehensive planning seems to be free floating. There is no range of scenarios. It would be helpful to include a worst case scenario when moving forward with a plan. The risk would be more acceptable if it is articulated.

John Paradis said this has been a good discussion. He heard the thoughts of the majority of the Council. He is surprised by the amount of distrust. He thinks the medical building is the best option. He said he appreciates the job Council does.

Village of Downers Grove

Council Meeting

June 6, 2017

14. Adjournment

There being no further discussion, the Mayor asked for a motion to adjourn.

Motion: Commissioner White moved to adjourn. Commissioner Waldack seconded the motion.

Mayor Tully declared the motion carried by voice vote and the meeting adjourned at 10:42 p.m.

Respectfully submitted,

April Holden

Village Clerk