

Meeting Minutes

Village of Downers Grove - Council Meeting

Council Chambers

7/18/2017

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 Earl, Commissioner Waldack, Commissioner White, Commissioner Hosé, Commissioner Barnett; Mayor Tully

Absent: Commissioner Walus

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 2017-7456 — A. Minutes: Council Minutes - July 11, 2017

Village of Downers Grove

Council Meeting

July 18, 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. Public Comments

This is the opportunity for public comments.

Rich Brennan, 5920 Washington, spoke in regard to rebuilding the roads at Clyde Estates. The maintenance of the bioswales is non-existent. He asked that attention be paid to this matter.

Dave Fieldman, Village Manager, concurred that the maintenance requirement has not been satisfied. He said the Village is holding the contractor and subcontractor responsible and work will begin shortly.

Laurie and Robert Abrant, 937 Clyde Avenue, said some of the residents in Clyde Estates elected to have bioswales installed. The contractor was to plant and maintain them for one year. The bioswale on their property was installed in 2016, there has been no maintenance and weeds have grown. They have called Public Works multiple times. Some of the weeds are four feet tall and they have weeded the area for the better part of two weekends. Staff from MGA were at the site today. Tax dollars are being spent for services that are not being delivered. They asked that payment be withheld from the contractor and be distributed to the homeowners who have done the maintenance. Ms. Abrant asked that they be kept informed as to this matter.

Mayor Tully said staff will work to communicate better and to hold the contractor responsible.

Mr. Abrant said the contractors are A Lamp and MGA Services. Maintenance was not done and the plants were not replaced.

Mayor Tully said the Village has to operate within the confines of the agreement. We will assess what has been done and will act accordingly.

Mr. Abrant said Public Works has not been responsive to date.

The Mayor invited those concerned about this matter to feel free to email Mr. Fieldman and/or the Mayor and Council.

5. Consent Agenda

BIL 2017-7457 — A. Bills Payable: No. 6340, July 18, 2017

MOT 2017-7455 — B. Motion: Award \$53,689.00 to KLF Enterprises, Inc., Markham, IL, for Demolition Services at 5639 Webster Street and 926 67th Street

Summary: This awards a contract for the demolition of the residential structure at 5639 Webster Street and the abandoned Village well house located at 926 67th Street to KLF Enterprises, Inc. of Markham, Illinois in the amount of \$53,689.00.

RES 2017-7453 — C. Resolution: Authorize a Renewal to the Customer Service Agreement with Call One, Inc.

Summary: This authorizes a renewal to the customer service agreement with Call One, Inc.

A RESOLUTION AUTHORIZING EXECUTION OF A RENEWAL TO THE CUSTOMER SERVICE AGREEMENT BETWEEN THE VILLAGE OF DOWNERS GROVE AND CALL ONE, INC.

Village of Downers Grove

Council Meeting

July 18, 2017

RESOLUTION 2017-53

MOT 2017-7450 — D. Motion: Award \$156,271.11 to Davis Concrete Construction Company, Monee, IL, for 2017 Right-of-Way Accessibility Improvements

Summary: This awards a contract for the 2017 Right of Way Accessibility Improvements to Davis Concrete Construction Company Monee, Illinois in the amount of \$156,271.11

RES 2017-7454 — E. Resolution: Authorize a Settlement Agreement and Release with Bradley Land Group

Summary: This authorizes a settlement agreement and release with Bradley Land Group.

A RESOLUTION AUTHORIZING EXECUTION OF A SETTLEMENT AGREEMENT AND RELEASE BETWEEN THE VILLAGE OF DOWNERS GROVE AND BRADLEY LAND GROUP

RESOLUTION 2017-54

MOT 2017-7447 — F. Motion: Award \$1,797,020.84 to Geneva Construction Company, Aurora, IL, for the 2017 Street Resurfacing Contract B

Summary: This awards a contract for the 2017 Street Resurfacing Contract B to Geneva Construction Company of Aurora, Illinois in the amount of \$1,797,020.84.

MIN 2017-7462 — G. Minutes: Note Receipt of Minutes of Boards and Commissions

Summary: Plan Commission - June 5, 2017

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

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

Nay: None

Mayor Tully declared the motion carried.

6. Active Agenda

ORD 2017-7411 — A. Ordinance: Rezone Certain Property Located at 4910 Cross Street

Summary: This rezones 4910 Cross Street from R-1, Residential Detached House 1, to R-4, Residential Detached House 4.

AN ORDINANCE REZONING CERTAIN PROPERTY LOCATED AT 4910 CROSS STREET

ORDINANCE NO. 5636

Motion: Commissioner White moved to adopt "An Ordinance Rezoning Certain Property at 4910 Cross Street," as presented. Commissioner Waldack seconded the motion.

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

Village of Downers Grove

Council Meeting

July 18, 2017

Nay: None

Mayor Tully declared the motion carried.

ORD 2017-7445 — B. Ordinance: Establish a Food and Beverage Tax

Summary: This establishes a 1% food and beverage tax effective January 1, 2018.

AN ORDINANCE ESTABLISHING A FOOD AND BEVERAGE TAX

ORDINANCE NO. 5637

Motion: Commissioner White moved to adopt "An Ordinance Establishing a Food and Beverage Tax," as presented. Commissioner Waldack seconded the motion.

Commissioner José said that, while no one wants to raise revenue, the record is clear that we've gone as far as we can in terms of staffing reductions and spending cuts. The Village has had a flat tax levy for operations for six years. We are spending less money in the General Fund than we were five years ago. The other options are to raise property taxes or cut personnel such as police officers, firefighters or Public Works employees. Cutting personnel will lower service levels. Council has a fiduciary obligation to take care of each tax dollar and to make sure they are spent properly. One of the things this Council and previous Councils has failed to do is solve the facilities challenge. The idea of spending these new tax dollars knowing that some of it will be put into maintenance on two buildings that ought to be torn down and rebuilt is anathema. He said he hopes his colleagues will come around on the facilities issue. Council needs to be sure tax dollars are not spent unwisely especially when we have to raise revenue to meet our obligations.

Mayor Tully noted that no dollars will be spent on anything until the Council votes on it. If this ordinance passes, it will not go into effect until January 2018. This ordinance is not to raise revenues for rising costs, but replacing lost revenue. It is to fill a hole due created by declining sales tax because of changes in the economy and market trends which are taking dollars away from our community through internet sales and changes in how people live and will live in the future. This is a replacement tax.

Motion: Commissioner Barnett moved to amend Section 21.903(A) of the proposed Food and Beverage Tax Ordinance to read, "Commencing on January 1, 2018, and ending on December 31, 2018, a tax is hereby imposed upon the privilege of the retail purchase of alcoholic liquor, food or beverages at any 'Retail Food Facility' or 'Retail Liquor Facility,' as herein defined within the Village of Downers Grove, at the rate of one and one-half percent (1 ½ %) of the purchase price of such alcoholic liquor, food or beverage, the ultimate incidence of and liability for payment of which shall be borne by the purchaser thereof." Commissioner Barnett clarified that he is proposing two changes: to increase the tax to 1 ½ % and to provide for an end date to the tax, potentially compelling the Council to revisit this as opposed to continuing it. Commissioner José seconded the motion.

Commissioner Barnett said everyone wishes we had other options. There has been a reluctance to have public debate about the issues Commissioner José mentioned. The sunset clause would allow for further discussion or the ability to re-do this. Passing this allows staff to proceed with the 2018 budget. He noted there are other impacts of the State budget that may have to be addressed in the near future.

Commissioner José said he seconded the motion for the purpose of a discussion. He likes the idea of the sunset clause; however, he would like to keep the rate at 1% as projected by staff to be needed to cover the 2018 budget. He said he would vote against the amendment as it stands.

Commissioner White said the purpose of this is to offset unexpected, unbudgeted declines in revenue. Had sales tax and contributions from the State of Illinois matched what the FY17 budget projected, we would not be doing this. He does not see that this is the appropriate vehicle to have larger discussions other than patching a hole that has arisen in the context of sales tax falling short of what was projected last year. All of the larger questions are valid and should be discussed in long range planning next month. This solves an unexpected decline in the sales

Village of Downers Grove

Council Meeting

July 18, 2017

tax and other sources of revenue. One percent appears to be sufficient. He will oppose the amendment and support the underlying ordinance.

Commissioner Waldack said staff recommends 1% as a replacement for the decline in sales tax revenue. People never want to pay more. He noted that budget discussions are public meetings. We want to provide services and we have to pay for them. He urged people to attend budget meetings. He said he will not support the amendment.

Commissioner Earl said 1% is all she can accept. She understands the need and feels this is sufficient for now. She noted that other communities are doing this and it is a minimal amount. She does not support 1 ½ %.

Commissioner Barnett said that since this was contemplated and estimated, some things have happened in the State that results in a decline in revenue to the Village. He said 1 ½ % keeps us equal with other communities. The sunset clause is to make sure we have this conversation again. This is a conversation about process and is responsive to State law.

Mayor Tully asked as to the impact if the rate is increased to 1 ½% in December.

Mr. Fieldman said the bulk of the work is with the initial setup. Any changes should not be an administrative burden.

Mayor Tully said there are merits to both sides of this issue. He said he wants to keep this ordinance as it is going into the budget discussions. He feels it may allow for further discussion to fill budget holes. Regarding the sunset clause, Mayor Tully said he does not support it. In the past, ordinances that included sunset clauses were designed for a very specific and acute needs. He does not see the market change as temporary; he sees it as a shift. This allows us to capture revenue from non-residents as well. He said he will not support the amendment.

The Mayor asked for a vote on the motion to amend the ordinance.

Votes: Yea: Commissioner Barnett

Nay: Commissioners White, Waldack, Earl, José; Mayor Tully

Mayor Tully declared the motion failed.

The Mayor then asked for a motion on the Ordinance as presented.

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

Nay: Commissioner Barnett

Mayor Tully declared the motion carried.

RES 2017-7452 — C. Resolution: Authorize an Agreement with Allied Waste Services of North America, LLC

Summary: This authorizes an agreement for refuse collection and recycling services with Allied Waste effective April 1, 2018-March 31, 2023.

A RESOLUTION AUTHORIZING EXECUTION OF AN AGREEMENT BETWEEN THE VILLAGE OF DOWNERS GROVE AND ALLIED WASTE SERVICES OF NORTH AMERICA, LLC

RESOLUTION 2017-55

Motion: Commissioner White moved to adopt "A Resolution Authorizing Execution of an Agreement between the Village of Downers Grove and Allied Waste Services of North America, LLC," as presented. Commissioner Waldack seconded the motion.

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

Nay: None

Mayor Tully declared the motion carried.

Village of Downers Grove

Council Meeting

July 18, 2017

ORD 2017-7443 — D. Ordinance: Provide for the Issuance of General Obligation Refunding Bonds, Series 2017, in the Village of Downers Grove Not to Exceed \$2,300,000.00

Summary: This provides for the issuance of General Obligation Refunding Bonds, Series 2017.

AN ORDINANCE PROVIDING FOR THE ISSUANCE OF GENERAL OBLIGATION REFUNDING BONDS, OF THE VILLAGE OF DOWNERS GROVE, DU PAGE COUNTY, ILLINOIS, IN THE AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$2,300,000.00, EXECUTION OF AGREEMENTS AND COMPLETION OF OBLIGATIONS IN CONNECTION THEREWITH

ORDINANCE NO. 5638

Motion: Commissioner White moved to adopt "An Ordinance Providing for the Issuance of General Obligation Refunding Bonds, of the Village of Downers Grove, DuPage County, Illinois, in the Aggregate Principal Amount Not to Exceed \$2,300,000.00, Execution of Agreements and Completion of Obligations in Connection Therewith," as presented. Commissioner Waldack seconded the motion.

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

Nay: None

Mayor Tully declared the motion carried.

7. First Reading

RES 2017-7458 — A. Resolution: Authorize an Intergovernmental Agreement with the County of DuPage, Illinois

Mr. Fieldman asked Police Chief Kurt Bluder to introduce this item.

Police Chief Kurt Bluder said this is an intergovernmental agreement with the County of DuPage to participate in the County-wide Computer Aided Dispatch and Records Management System (CAD/RMS) known as DuJIS (DuPage Justice Information System). On July 12, 2016, the Council authorized a letter of intent to participate in the system. Participation will reduce average annual costs and improve service levels. The DuPage County Emergency Telephone System Board (ETSB) will own, operate and maintain the system. ETSB will pay for all costs and each participating entity will reimburse the ETSB for its pro-rata share of the costs of field reporting and RMS components. The estimated cost is \$45,972.00. Asset forfeiture funds will be used for the purchase. The average annual cost for the next six years is estimated to be \$71,785.00.

Commissioner Barnett asked about the cost for the next six years.

Mr. Fieldman said six years is the expected life of the system. An oversight board will review the lifecycle. The figure is an estimate and could drop.

Mayor Tully said this is a great example of collaboration. We are leading the trend in Downers Grove. He thanked Mr. Fieldman and Ms. Petrarca for their leadership. This is beneficial to the region and to the Village.

Commissioner Waldack noted that there is a possibility of losing forfeiture funds. He asked if the Village could prepay in order to avoid losing funds.

Mr. Fieldman thanked staff for their work. He said this will benefit the entire region.

Village of Downers Grove

Council Meeting

July 18, 2017

8. Mayor's Report

Mayor Tully said FEMA has issued revised updated floodplain maps. Two open houses will be held to review and discuss the maps: July 27, 2017, from 4:00 p.m. to 8:00 p.m. at the County offices at 421 N. County Farm Road and on August 9, 2017, from 6:00 p.m. to 8:00 p.m. at the Village's Public Works Facility at 5101 Walnut. He invited the public to attend.

9. Manager's Report**10. Council Member Reports**

Commissioner Barnett asked as to the value to our AAA bond rating in terms of savings.

11. Adjournment

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 7:48 p.m.

Respectfully submitted,

April Holden

Village Clerk