

Meeting Minutes

Village of Downers Grove - Council Meeting

Council Chambers

3/5/2019

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

Absent: Commissioner White

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 2019-8108 — A. Minutes: Council Minutes - February 19, 2019

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

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Mayor Tully declared the motion carried by voice vote.

4. Public Comments

This is the opportunity for public comments.

There were none.

5. Consent Agenda

COR 2019-8107 — A. Claims Ordinance: No. 6303, Payroll, February 15, 2019

BIL 2019-8106 — B. Bills Payable: No. 6442, March 5, 2019

MOT 2019-8087 — C. Motion: Authorize a Professional Engineering and Survey Services Contract in an Amount Not to Exceed \$174,779 to V3 Companies, Ltd., for Stormwater Local Drainage Project #2, Burlington Highlands

Summary: This awards a contract for engineering and survey services to V3 Companies, Ltd., of Woodridge, Illinois in the amount of \$174,779.00 for engineering services for stormwater local drainage project #2, Burlington Highlands/40th and Downers (SW-080). This includes a 10% contingency.

MOT 2019-8096 — D. Motion: Award \$44,570 to Western Gradall Corporation, Naperville, IL, for Roadside Drainage Ditch Reconstruction and Maintenance Services

Summary: This awards a contract for the provision to of roadside drainage ditch reconstruction and maintenance services to Western Gradall Corporation of Naperville, Illinois as the lowest responsible bidder in an amount of \$44,570.

MOT 2019-8097 — E. Motion: Authorize a Change Order for \$37,918.04 to Performance Construction & Engineering, LLC, Plano, IL, for 2018 Conflict Manhole Replacements Project

Summary: This authorize a change order to an existing contract with Performance Construction & Engineering, LLC of Plano, Illinois for the 2018 Conflict Manhole Replacements Project in the amount of \$37,918.04.

RES 2019-8098 — F. Resolution: Acknowledge the Participation in and Completion of the ComEd Green Region Program for the Belmont Pollinator Garden Project

Summary: This acknowledges the Village's participation in and completion of the ComEd Green Region Program for the Belmont Pollinator Garden project.

A RESOLUTION ACKNOWLEDGING THE PARTICIPATION IN AND COMPLETION OF THE COMED GREEN REGION PROGRAM FOR THE BELMONT POLLINATOR GARDEN PROJECT

RESOLUTION 2019-17

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MOT 2019-8102 — G. Motion: Award a Professional Engineering and Survey Services Contract Not to Exceed \$117,996.66 to WBK Engineering, LLC, for Stormwater Local Drainage Project #16, Hobson Triangle

Summary: This awards a contract not-to-exceed \$117,996.66 to WBK Engineering, LLC for engineering services for stormwater local drainage project #16, Hobson Triangle.

MOT 2019-8100 — H. Motion: Award \$35,545 to Stenstrom Petroleum, Rockford, IL, for the Automatic Fuel Tank Gauging Upgrade Project

Summary: This awards a contract in the amount of \$35,545 to Stenstrom Petroleum for the Automatic Fuel Tank Gauging Upgrade Project

RES 2019-8101 — I. Resolution: Authorize an Agreement with Midwest Meter, Inc., for Automated Meter Reading (AMR) Data Collection Units

Summary: This authorizes an agreement not-to-exceed \$90,970 to Midwest Meter, Inc. for automated meter reading (AMR) data collection units.

**A RESOLUTION AUTHORIZING EXECUTION OF AN AGREEMENT BETWEEN
THE VILLAGE OF DOWNERS GROVE AND MIDWEST METER, INC.**

RESOLUTION 2019-18

MIN 2019-8104 — J. Minutes: Note Receipt of Minutes of Boards and Commissions

Summary: Library Board of Trustees - January 23, 2019; Environmental Concerns Commission - February 14, 2019

Motion: Commissioner Earl moved to adopt the Consent Agenda as presented. Commissioner Waldack seconded the motion.

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

Nay: None

Mayor Tully declared the motion carried.

6. Active Agenda

RES 2019-8047 — A. Resolution: Approve the Final Plat of Subdivision with Exceptions for 1508 Warren Avenue and 4940 Seeley Avenue

Summary: This approves the final plat of subdivision for the property located at 1508 Warren Avenue and 4940 Seeley Avenue.

**A RESOLUTION APPROVING THE FINAL PLAT OF SUBDIVISION FOR 1508 WARREN AVENUE
AND 4940 SEELEY AVENUE**

Motion: Commissioner Hosé moved to adopt "A Resolution Approving the Final Plat of Subdivision for 1508 Warren Avenue and 4940 Seeley Avenue," as presented. Commissioner Barnett seconded the motion.

1. Marshall Schmidt, 4923 Seeley, thanked the staff for meeting with him after the last meeting to provide additional information and discuss the proposal. He reviewed the issue requesting exceptions. He said the owners are seeking a variation from 75' width. The two lots under consideration would result in two 65' lots, narrower than most of the other lots on the block. Mr. Schmidt said that the only reason the petitioner is requesting the exception is that it should improve the stormwater situation on the lots, which have an LPDA on each lot. Mr. Schmidt said that there are two reasons this is not sufficient. First, the Council passed stormwater rules and the petitioner is subject to those stormwater rules. In this case the problem is acute because the petitioner has not presented any alternatives to what is being proposed. There has been no alternative proposal by the petitioner. Based upon the information the staff has presented, Mr. Schmidt said that the proposal would result in a reduction of 1866 square feet of impervious space that helps the stormwater situation. Mr. Schmidt said if you take into account the existing configuration and build the house outside the LPDA, building two houses on the existing lots gives you the same net improvement in the LPDA. This does not take into account the impact it will have on the neighborhood. He said the Council would set a precedent of narrow lots if they grant this request.

Mr. Schmidt said he is a member of the Rotary Club of Chicago and members live their lives by the four-way test: Is it the truth, is it fair to all concerned, will it build goodwill and better friendships, and will it be beneficial to all concerned. He said this petition doesn't pass the four-way test, and ruins the integrity of the neighborhood, and initiates a precedent to create smaller and narrower lots. He said that the petitioner has failed to carry their burden and the Council should vote no.

2. Sara Ungari, 4930 Seeley, said she sent the Council an email about her concerns. She echoes what Mr. Schmidt has already said. She doesn't feel the petitioner has met the burden of proof. They have already said they could build on the lots as they presently exist. She urged the Council to vote against this.

3. Karen King, 4939 Seeley, said that for approximately two years the corner house has been vacant or renter occupied. Squatters were recently removed from the property. She has heard no compelling argument regarding a hardship burden. Ms. King said they should be held to the 75' width lot. She thinks a home properly placed will place a visual buffer from the traffic on Warren and the train tracks. She is concerned with the existing two lots in that the house on the corner will not be fiscally viable. She is not in favor of two lots and the burden has not been met.

4. James Pesavento, petitioner, commented regarding the concerns expressed by the neighbors and Council previously. They are taking two lots and turning them into two lots that have been reconfigured. He spoke of several inconsistencies. At the last meeting, a resident stated that the contractor is "playing a game." He went on record adamantly objecting to that statement which implies recklessness, lack of transparency and a retention of the facts. Regarding the concern about trees, Mr. Pesavento said they took the concerns about the trees seriously, inventoried the trees and had them assessed. They identified an arborist who inventoried 25 trees, 17 of which were recommended for removal. Mr. Pesavento noted that the arborist they hired did work for the Village at one time. The petitioner will do what they can to protect the remaining trees.

As to the character of the neighborhood, Mr. Pesavento noted that one of the houses has been abandoned, and the other is vacant creating an unsafe environment that encouraged squatters who were doing drugs on the property. He then asked why Village staff supported this reconfiguration. He said it is because it clearly helped and supported the stormwater situation in the neighborhood. The Plan Commission believed it was also in the best interest of the Village. Mr. Pesavento said they also asked the opinion of a stormwater engineer not connected with this petition. He then read the letter into the record supporting the reconfiguration as an excellent approach to the management of stormwater. Mr. Pesavento said he defers to the experts. This is a unique opportunity to improve the stormwater situation with no cost to the Village. Mr. Pesavento asked that the proposal be approved.

Mr. Schmidt commented that the letter from the engineer and the information from the arborist were not made part of the record.

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Commissioner José noted that the Council has heard that some people would prefer to see one house built on the lots, but both lots are buildable right now. He said that the proposal doesn't have to be the best; it has to meet the standards of the Village Code. Commissioner José said he believes that the standards have been met, and even the reduced width is consistent with the other lots in the neighborhood. There are two other lots in the neighborhood that are less than 60' in width.

Commissioner Waldack commented that he appreciates the petitioner coming forward and providing the letter. Regarding whether it is consistent with the trends in the area and whether it will alter the character of the locale, he is disappointed with the Plan Commission. He disagrees with their recommendation. The Plan Commission ignored precedent wherein Council intentionally wants to reduce the number of smaller lots by creating the 75' width requirement. Approving this request will create a trend of smaller lots for the future. Commissioner Waldack said that the stormwater requirement must be met. He does not want to go back to where they were ten years ago making smaller lots. While he appreciates what the petitioner is doing, he said they need to put a stop to making smaller lots. They need to preserve the character of the neighborhoods. He will not be in support of this petition.

Commissioner Walus said she appreciates the Plan Commission's recommendations, but she is struggling with this setting a precedent with less than 75' of frontage. Both lots are buildable as they presently stand, and therefore she will not support this.

Commissioner Earl said she spent ten years on the Zoning Board of Appeals. In the cases where narrower lots were requested, she walked the properties. She doesn't believe the burden of hardship has been met. She doesn't believe it is good to set a precedent of lots smaller than 75' in width. She said that they would be required to mitigate the stormwater no matter what. Reconfiguring the lots doesn't improve the proposal. She will vote against this.

Commissioner Barnett said the ordinance says "practical difficulties" or "particular hardships" and he doesn't find a full definition of that. There are practical difficulties with the lots as they presently stand, and that is the fact that they sit on an LPDA. This proposal improves the LPDA. It will not negatively affect the LPDA overland flow. He said that they have spent a lot of time talking about the essential character of neighborhoods. The character in this neighborhood is 60' lots. These two lots will be more compliant as reconfigured than as they sit today, with the exception of the width. He said the Village spent a great deal of money buying up properties that are in LPDAs because redevelopment is so difficult. It is a practical difficulty and an engineering nightmare to develop within an LPDA. These two lots will be improved in almost every aspect, except width, by being reconfigured. He thinks it should be done and helps the neighborhood from a stormwater standpoint.

Mayor Tully said that he doesn't blame the Plan Commission, petitioner or staff for this matter. It is a creative solution to address a problem in our community. Reasonable minds can disagree on a topic. The Mayor said this was well thought out and well crafted. He has a longer lens and perspective. When he began as a Commissioner in 2001 there was a trend to make smaller lots, as well as having flag lots that caused some stormwater problems. The Village has made a fundamental change in the community in a direction that says that smaller lots generally create problems. These lots do not meet the 75' width requirement. The neighborhood doesn't meet the 75' width requirement. It bothers him that two of the lots are 56' in width, which runs counter to the trend. He doesn't want to see exceptions to lot width coming forward. The Mayor said increasing the number of nonconforming lots is generally not a good idea. He quoted the Village Code Subdivision Ordinance regarding granting exceptions. At best he sees this as a close call. Council looks at what the neighborhood wants and what the community wants. Smaller lots create more headaches. It seems to him that the neighborhood and the community are aligned in this situation. He plans to vote against this for the reasons he has described.

Votes: Yea: Commissioners José, Barnett

Nay: Commissioners Walus, Earl, Waldack; Mayor Tully

Mayor Tully declared the motion failed.

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ORD 2019-8077 — B. Ordinance: Providing for the Issuance of Not to Exceed \$7,000,000 General Obligation Bonds, Series 2019, of the Village of Downers Grove, DuPage County, Illinois, in one or more Series and Providing for the Levy and Collection of a Direct Annual Tax Sufficient for the Payment of the Principal of and Interest on Said Bonds

Summary: This provides for the issuance of General Obligation Bonds Series 2019.

**AN ORDINANCE PROVIDING FOR THE ISSUANCE OF NOT TO EXCEED \$7,000,000
GENERAL OBLIGATION BONDS, SERIES 2019**

ORDINANCE NO. 5753

Motion: Commissioner Earl moved to adopt "An Ordinance Providing for the Issuance of Not to Exceed \$7,000,000 General Obligation Bonds, Series 2019," as presented. Commissioner Waldack seconded the motion.

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

Nay: None

Mayor Tully declared the motion carried.

ORD 2019-8058 — C. Ordinance: Regulate the Sale of Cats, Dogs and Rabbits

Summary: This will regulate the retail sale of cats, dogs and rabbits in the Village of Downers Grove.

AN ORDINANCE REGULATING THE SALE OF CATS, DOGS AND RABBITS

ORDINANCE NO. 5754

Motion: Commissioner Earl moved to adopt "An Ordinance Regulating the Sale of Cats, Dogs and Rabbits," as presented. Commissioners Waldack seconded the motion.

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

Nay: None

Mayor Tully declared the motion carried.

7. First Reading

RES 2019-8103 — A. Resolution: Rededicate the Main Street Train Station Plaza as the Linda Kunze Plaza

Mike Baker, Deputy Village Manager, presented information on this resolution. He said this is to place on file plans to rename the Main Street Plaza at the Main Street Train Station in honor of Linda Kunze who was the long-time 20-year Executive Director of the Downtown Management Corporation ("DMC"). Ms. Kunze passed away in September 2018. The resolution will be brought forward on April 9. Staff is working with the Kunze family and the DMC to plan a dedication event of the Plaza on May 11 at 10:30 a.m.

Mayor Tully said this means a great deal to the Kunze family and is an entirely appropriate thing to do. It is well deserved in recognition of Linda's legacy in the community.

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8. Mayor's Report

Mayor Tully said that Steve Nero is his replacement as the District 3 representative to the DuPage Stormwater Management Committee. According to Trustee Nero a \$75,000 grant was voted upon and approved this morning by the Committee for St. Joseph's Creek Streambank Stabilization Project. This is a project of approximately \$495,000.

9. Manager's Report

Mr. Fieldman said next week's meeting is canceled due to a lack of agenda items.

10. Council Member Reports

Commissioner Waldack said he would be submitting a New Business item in the future. He is looking back at the Belmont Underpass. It was a long time coming and there were a lot of people who had a major effect in getting this underpass completed. There are three individuals who he would like to see recognized for their service: 1) Milton Sees of IDOT supported this project; 2) George Swimmer who regularly attends Council meetings to encourage railroad safety strongly supported it; and 3) Brian Krajewski, former Mayor, who was an early supporter of the underpass.

11. Adjournment

Mayor Tully asked for a motion to adjourn.

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

Mayor Tully declared the motion carried by voice vote and the meeting adjourned at 8:00 p.m.

Respectfully submitted,

April Holden

Village Clerk