



# Village of Downers Grove Meeting Minutes Downers Grove Village Council

Civic Center  
801 Burlington  
Downers Grove, IL 60515  
630-434-5500

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Tuesday, January 18, 2011

7:00 pm

Council Chambers

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## 1. Call to Order

*Mayor Ron Sandack 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.*

### Active Agenda

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

## 2. Roll Call

Present: Commissioner Marilyn Schnell, Commissioner Bob Barnett, Commissioner William Waldack, Commissioner Sean P. Durkin, Commissioner Bruce E. Beckman, Commissioner Geoff Neustadt and Mayor Ron Sandack

Absent: Village Clerk April Holden

Non Voting: Village Manager David Fieldman, Village Attorney Enza Petrarca and Deputy Village Clerk Linda Brown

*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 the past meetings, an opportunity will be given for public comments and questions of a general matter. 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 presiding officer will ask, at the appropriate time, if there are any comments from the public. If anyone wishes to speak, the individual should raise their hand to be recognized and, after acknowledgment from the presiding officer, approach the microphone and state their name and address. Remarks should be limited to five minutes, and asked that individuals refrain from making repetitive statements.*

*Mayor Sandack 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

*Council Meeting - January 11, 2011*

*There being no additions or corrections to the minutes, Mayor Sandack said they would be filed as submitted.*

### Proclamations

*1. Mayor Sandack proclaimed January 18, 2011 as Downers Grove North Marching Band day in Downers Grove, and thanked the band members for a job well done on their trip to London for a New Year's Day parade performance.*

*Brayer Teague of Downers Grove North High School said it was a terrific journey with great performances by the band. He congratulated the students and thanked the Village for its recognition.*

*2. Mayor Sandack proclaimed January 18, 2011 as Rotary Club day in Downers Grove in honor of the Rotary Club's fiftieth anniversary. He thanked them for their service to the community.*

*Todd Gallentine, President of the Rotary Club, thanked the Mayor and Village for the proclamation, and invited everyone to attend the Rotary's Fiftieth Birthday party at the Sara Lee Building on January 28. He also announced that Grove Fest 2011 is in the planning stages.*

#### **4. Public Comments - General Comments on Matters Not Appearing on Tonight's Agenda**

#### **5. Public Hearings**

#### **6. Consent Agenda**

**COR 00-04387** A. Claim Ordinance: No. 5881, Payroll, December 31, 2010

**Sponsors:** Accounting

**A motion was made to Approve this file on the Consent Agenda.**

**Indexes:** N/A

**BIL 00-04388** B. List of Bills Payable: No. 5876, January 18, 2011

**Sponsors:** Accounting

**A motion was made to Approve this file on the Consent Agenda.**

**Indexes:** N/A

**RES 00-04389** C. Resolution: Authorize an Agreement for Prosecution Services with McMahon Law Offices

**Sponsors:** Village Attorney

**Summary of Item:** A RESOLUTION AUTHORIZING EXECUTION OF AN AGREEMENT FOR PROSECUTION SERVICES WITH MCMAHON LAW OFFICES

RESOLUTION 2011-02

**A motion was made to Pass this file on the Consent Agenda.**

**Indexes:** Village Prosecutor

**MOT 00-04393** D. Motion: Note Receipt of Minutes of Boards and Commissions

**Summary of Item:** Library Board - December 15, 2010

**A motion was made to Note Receipt Of this file on the Consent Agenda.**

**Indexes:** Boards and Commissions Minutes

#### **Passed The Consent Agenda**

**A motion was made by Commissioner Schnell, seconded by Commissioner Barnett, that the consent agenda be passed. The motion carried by the following vote:**

**Votes:** Yea: Commissioner Schnell, Commissioner Barnett, Commissioner Waldack, Commissioner Durkin, Commissioner Beckman, Commissioner Neustadt and Mayor Sandack

## 7. Active Agenda

## 8. First Reading

**ORD 00-04390** A. Ordinance: Rezone Property Located at 5101 Thatcher Road from ORM to M-1  
**Sponsors:** Community Development

**Indexes:** Rezone 5101 Thatcher Road - ORM to M-1

**RES 00-04391** B. Resolution: Final Plat of Subdivision for Neuco Subdivision (5101 Thatcher Road)  
**Sponsors:** Community Development

*Director of Community Development, Tom Dabareiner, explained that the first two items concerned the same property, 5101 Thatcher Road. The ordinance will permit a Zoning Ordinance map amendment, and the resolution approves the Final Plat of Subdivision. Mr. Dabareiner said that the proposal is to consolidate three lots into one lot at Thatcher and Hitchcock. These changes would allow the construction of an addition to the existing building. He clarified that these items are only for the rezoning and the consolidation of the lots. The proposal for the addition will come before the Council at a later date. He noted that the proposed rezoning is consistent with the adjacent property and business trends in that area. All requirements have been met and the Plan Commission reviewed these items and unanimously recommended approval of both items.*

*Paul Neustadt, President of Neuco, said that the business has been in existence since 1980. He commended the EDC for working hand in hand with them, as it helped them remain in Downers Grove.*

*Greg Bedalov thanked Neuco for their desire to remain in the Village, as well as the Neuco staff, Village staff, DuPage County and the State of Illinois for their cooperation in this endeavor. He urged the Council's support of this proposal to show the business community that Downers Grove is open for business.*

*Commissioner Neustadt recused himself from the vote and discussion for the Neuco subdivision since he is related to the owners, and stated that he did not own shares in the company.*

*Commissioner Beckman said that the material presented is consistent with the Village's Zoning Ordinance, and fulfills the expectations of the community. He said that the Village is faced with many parcels in industrial parks and retail areas that were structured as smaller lots. Today's business calls for larger lots, and this type of consolidation provides Neuco with the opportunity of expanding its business in Downers Grove. He supports this proposal.*

*Commissioner Waldack noted that the Plan Commission expressed some concerns. Staff has answered his questions related to the effect this action would have on property values, and the effect it would have on the health, safety and welfare of the community. He thanked staff and Neuco.*

*Commissioner Durkin said this is how an EDC project should work. It was drafted when the previous Council put the EDC together. He highlighted some of the events related to this proposal. A partnership for Neuco's proposal was formed with the Village, the EDC, the County of DuPage, and the Illinois Department of Economic Development. This project retains 70 jobs and adds ten new jobs. The Illinois Finance Authority cooperated by assisting in obtaining private activity bonds for Neuco. Neuco also qualified for an Edge Program in the amount of*

\$500,000 over ten years. He will support this and thanked everyone involved.

Mayor Sandack said this is a good example of the EDC's mission of retention. This partnership, in his opinion, is a no-brainer. He is in complete support of this project.

Mr. Neustadt extended an invitation to the Mayor and the Village Council to come and visit the facility.

Mr. Fieldman said staff has been there and it is quite impressive.

**Indexes:** Subdivision - Neuco, 5101 Thatcher Road

**ORD 00-04213**

C. Ordinance: Vacate a Certain Portion of a Right-of-Way Located Adjacent to 812 and 820 Randall Street

**Sponsors:** Community Development

Mr. Dabareiner said that this ordinance would vacate an unimproved alley adjacent to properties at 812 and 820 Randall Street; these parcels are just southeast of the downtown area. He explained that the property owners of 812 and 820 Randall Street are requesting the vacation. The alley is also adjacent to 5241 Lyman Avenue, and the owner of the Lyman Avenue property is not participating in the petition for vacation. The participating owners of 812 and 820 Randall would divide the alley property and pay the Village for the land.

Mr. Dabareiner noted that at the Plan Commission meeting, a request was made by the Park District for connectivity between Randall Park and the Historical Museum Campus. The Plan Commission believed that the sidewalk system provided sufficient connectivity.

Mr. Dabareiner stated that the owner of 5241 Lyman has used the alley to access his property a few times, and this vacation would eliminate his ability to access his property from the alley. The alley is unimproved. He showed the site on the overhead projector and the driveway that existed on the property previously. The change would not eliminate access to 5241 Lyman, and no public interest will be harmed by the vacation. He indicated that in 2008, the structures and driveway at 812 Randall were removed. Utility companies were contacted to determine retention of public rights-of-way. Staff recommends retaining public drainage and utility access over the entire vacated alley. In terms of payment, the fee to 812 Randall would be \$3800, and \$1300 to 820 Randall. The Plan Commission unanimously recommended approval for the vacation.

1. Robert Olp, 5241 Lyman, said he received a document Friday evening regarding this request, and his name was used in that Village document. He then submitted his position statement, which he said, was in opposition to the proposal. Mr. Olp provided background information on the property, saying he purchased his property on Lyman in 1968. Mr. Olp's property has a driveway extending to Lyman, and he occasionally uses the alley in the winter to access his property. His children and grandchildren have used the alley for access to Randall Park. People adjacent to the alley continued to use that access occasionally until 2010, when the Christianson House was moved to Wandschneider Park. Without notifying him, the Village directed the contractor to remove the gravel driveway in the alley and replace it with sod. Mr. Olp requested a FOIA document, and no document has been supplied to him. He said that he believes the Village made the decision to install sod without knowledge of his use of the area. The Village apparently believed the alley was used only by 812 Randall and no other adjacent residents.

Mr. Olp said he became aware of the planned alteration when Mr. Salman, developer of the 812 Randall property, filed an alley vacation request to increase the value of the 812 Randall property for an intended purchaser. During discussion of that vacation, Mr. Olp expressed a desire to retain his access use of the alley property. It was accepted in principal, but they were unable to reach an agreement that would protect his progeny. Mr. Olp disagrees with the

*vacation of that alley because he wants to continue his existing occasional use for an access to his property. He explained his health problems, which make the ability to drive his car into the alley all the more important. Mr. Olp said he had the right of access before, and the interest of the adjoining property owners should not override his own interest, which was well established over many years.*

*Alternatively, if the Village chooses to approve this request, Mr. Olp said he would request continued access in the event of inclement weather. He said it is his understanding that upon vacation the landowners will each own one-half of the contiguous vacated property. His expectation is that, at the very least, he should be given the same opportunity to purchase the part of the vacated alley contiguous to his property. Mr. Olp submitted his prepared comments to the Council and included some photographs from a previous meeting regarding the concrete sidewalk that extends into the alleyway. Mr. Olp said he also feels that there was a slight misunderstanding expressed in the documentation that he has seen. The past use of the alley by three contiguous property owners has been demonstrated as a public use until 2010. None of the property owners could prohibit the public use of the alley previously. He wanted that noted in the record.*

*Mayor Sandack thanked Mr. Olp for his comments, and said that those comments would be made part of the minutes.*

*2. Ed Stukas identified himself as a Downers Grove resident since 1982. He purchased 812 Randall with the intention of splitting the alley with Mr. Olp and building a new house on the 812 Randall lot. The first request submitted last year was to split the alley property between three parties. Mr. Olp wanted to retain the access in winter, which would include passage over Mr. Stukas' property. There is a six-foot rise from Randall, which makes use of the access difficult. Mr. Stukas said that Mr. Olp admitted that the last time he used the alley was in 1985, and before that 1978 and 1979. They attempted to negotiate with Mr. Olp and his attorney, meeting with them almost weekly. However, Mr. Olp wanted a covenant added to allow him and his heirs continued use of the alleyway in perpetuity. Such a covenant would make the property less valuable to the Stukas family and the Farleys, owners of 820 Randall. Mr. Stukas said that they have their drawings ready for a permit. He said their intention is to build a house on the site.*

*Commissioner Schnell commented that the Park District asked for the ability to connect the campus with Randall Park, but the Plan Commission and staff are not recommending that. She noted that kids are kids and it appears that the alleyway is the shortest distance for park access. She asked whether there could be an access easement encumbered on the property for Park District access. Mr. Fieldman said that it could be done.*

*Mr. Dabareiner said that issue was raised with the two applicants, and they would change their intention to seek the vacation if that occurred.*

*Commissioner Schnell asked if the Park District actually said they wanted the ability to install a pathway, or was that just a comment in passing. Mr. Dabareiner said that the Park District has no specific plan prepared and no policy. It was seen as something desirable, that would encourage a mid-block crossing. Commissioner Schnell said that kids cross wherever is closest to their destination. She sees them cross in the middle of the street on their way to school. She asked for the last date of aerials for neighborhood. If there was an aerial for this area from the 1980s, they could determine its improvements and determine how much public use of that alley actually occurred.*

*Commissioner Beckman inquired as to the type of structures that are allowed on utility easements. Mr. Dabareiner responded that ComEd has electrical poles there. The only permitted structure would be a fence, but nothing more. Commissioner Beckman then asked about the alleyway having been used for parking in the past. He asked if that is an appropriate use. Mr.*

*Fieldman said in certain situations it is appropriate. Staff believes, in the past, the alley was a private gravel driveway serving 812 Randall.*

*Commissioner Barnett asked, looking at the photos, whether they are talking about access to the back of the Lyman address from Randall, or from behind the Lyman garage from Lyman. He said it sounds like the request is for parking behind the garage, and he's having a difficult time seeing anyone accessing Mr. Olp's property from the steep grass hill on the Randall side under any conditions. Mr. Dabareiner said he believes Mr. Olp is talking about driving up the hill to access the rear portion of his yard. It is a just use of the alley area. He said it is not clear whether that would stop at the end of the 812 Randall driveway or rather if it extended beyond that.*

*Mayor Sandack commented that in recent history the Village has had a policy whereby public property can be vacated for reasonable fees to residents adjacent to the property based on a first-come first-served basis. This alley should be private property as there is no real larger public use. He is certain there was a public use at one time by Mr. Olp and his family. The question is whether there is value for the property to the Village, and whether it's better to put the alley land into private ownership because it puts the property on the tax rolls. He said that in the St. Mary's area there are many alleys publicly owned by the Village that are maintained by private contiguous owners. This is an example of a strip of land that ought to be on the private tax rolls. He said he takes no issue with Mr. Olp's comments. What has to be taken into consideration regarding this request is whether it meets the Village policies and screens. It is no longer deemed to have real public access. If so, it is subject to potential vacation, and the Village is entitled to the value of the property. At some point in time improvements were made, possibly privately, by laying down gravel. However, all conditions for vacation have been met in this situation. He intends to support this because it meets the Village policy.*

**Indexes:** Vacation, Vacation - Alley, Vacation - 812 & 820 Randall Street

**RES 00-04392**

**D. Resolution: First Addendum to the Subdivision Improvement Agreement with Joel Andersen and Joel Andersen Homes, Ltd.**

**Sponsors:** Village Attorney

*Mr. Fieldman provided an overview of the proposal which relates to the subdivision at Carpenter and Jefferson. The subdivision was approved in February 2006 with a contractual Subdivision Improvement Agreement between the developer and the Village. The development has been on hold due to economic conditions and the development never really started. Mr. Fieldman said that the agreement includes additional conditions of development such as tree preservation, detention basin landscaping, driveway relocation, and establishing a front building line.*

*Mr. Fieldman said the developer has petitioned for an amendment to update the schedule reflecting the current items, increase the Letter of Credit amount, and recognize the developer's preferred approach of phasing the development. Those are the only three things that would change in the Subdivision Improvement Agreement.*

*Mr. Fieldman said, with regard to the phasing of the development, the developer proposes constructing Phase 1 with Lots 9, 10, and 11 along Carpenter Street, and the entire stormwater detention basin. Phase 2 would include Lots 1-8 and the balance of the public improvements. He used overhead projections to explain how the phases would be developed.*

*With regard to updating the schedule, Mr. Fieldman stated that in Phase 1, the public improvements would have to be constructed within 18 months from the start of the project. Phase 2 improvements would be 24 months from the acceptance of Phase 1 improvements. The Letter of Credit would be changed from \$450,000 to \$510,000 to reflect changes in costs since 2006. There would be no changes to conditions of development.*

Mayor Sandack asked if this is the first deal where there is an agreement with the developer after approval of the Plat of Subdivision. Mr. Fieldman said that was correct and was a good way to respond to neighborhood concerns. The Mayor asked, with respect to timing, what the agreement is as now written. Mr. Fieldman said it had a similar time frame. Mayor Sandack said when a homeowner pulls a permit for improvements, they have a specified period to complete the project. He said that the Phase 1 improvements in this Agreement are less than what is usually issued, and the Manager agreed.

1. Jim Masur, 5800 Carpenter, on the southwest corner, said his concern is the fence shown on the property line. He wanted to make sure they would stay away from the trees, as was agreed four years ago. The trees are still important to the neighborhood

2. Ken Lerner, 4933 Whiffin Place, also expressed concern about the trees, and wanted to elaborate on the points raised by Mr. Masur with regard to protecting the black walnut trees, which are valuable trees.

Mayor Sandack said that this is an amendment to an agreement that does not change anything with respect to the conditions required of the construction itself.

Mr. Lerner quoted a representative from the Morton Arboretum regarding the sensitivity of the trees to disturbances, and the protection of the critical root zone. He said that the current document shows a fence within that 18' root zone protection requirements. He requested that the agreement be more closely reviewed with regard to protection of those trees.

Mr. Fieldman said that Section 15 of the existing Subdivision Improvement Agreement addresses those issues and requires the developer to submit a specific tree preservation program for those black walnut trees. That section will not change.

3. John Spriet, 1209 Jefferson Avenue, said that he hopes they do not forget safety for the children going to and from Hillcrest School. He wants to see that part of the agreement maintained.

4. Mark Cronin, 1117 Jefferson, said the construction entrance is a major concern. He asked where the construction entrances will be for both phases of construction. He doesn't think the Village wants input from the citizens. The residents never received any information about this proposed change, and the project is changing a lot. He sits on the Transportation and Parking Commission, and they invite the neighborhood when changes are proposed. Mr. Cronin also said that the neighborhood proposed that Lot 8 be the responsibility of the new subdivision homeowners association as a detention area. He asked who would be taking care of it, and whether the increase in bond would include management fees.

Mr. Fieldman responded that the Letter of Credit amount is required at 110% of the engineer's cost estimate, which has another 5% added to it. It is enough to cover costs.

5. Beth Riordan, 1133 Jefferson, expressed concern about construction traffic through both phases, since it will all apparently come off of Carpenter. She wants to know where the trucks will be coming from, because of the number of children coming down the street.

6. Maria Brummel, 1121 Jefferson, thanked the Village for the gravel put down last year on Jefferson. With regard to this issue, she knows it is a legal matter, however, before anything moves forward she has three small boys. It's not always possible to keep her eyes on them. She asked whether there will be a fence around the construction area, and the Manager said there would be a fence installed. She also asked about the location of the construction entrance. Mr. Fieldman replied that staff would determine the construction entrance when the site development permit is issued. This will be discussed with the neighborhood and the developer at that time.

*Ms. Brummel then noted that the detention pond is enormous for three houses. The Mayor said that is correct, but it is for stormwater for the entire 11-lot subdivision and for other homes in the neighborhood. Ms. Brummel asked how safe that pond would be with small children there. The Mayor said that is beyond the scope of tonight's meeting. It is a dry-bottom pond, but he would not like to see children in that area. It is a big pond, and he doesn't think it is more unsafe than any other dry or wet detention ponds. Ms. Brummel asked if this would be addressed again at further meetings, and the Mayor said it would. Today they are being asked to revise an agreement with the developer. No permit has been pulled as yet. All other parts of the process will be established later. Rules of construction including fencing, entrances, work hours, parking, etc., are not being changed or affected with this meeting. There will be additional meetings with the developer and the neighborhood later.*

*7. John Schofield, 1125 Jefferson, presented slides to illustrate his comments. He said there was some discussion about the relevance to legal matters. He thinks he is on point. Mr. Schofield spoke about the Jefferson Avenue public improvements, saying he sent an e-mail to the Council on this subject earlier. The presentation is available at [neighbors.nelsonmeadow.com](http://neighbors.nelsonmeadow.com). He described the street as of April 2005 at 14' wide by 400' long and substandard, serving six homes. Parking is difficult, and the Village Council approved a 6' strip of gravel on the north side of the street. The street appears not to have been maintained, and he assumes that is because of the proposed construction project.*

*Mr. Schofield then referred to the February 2006 ordinance and the agreement. The public thought they would be getting public improvements and sidewalks on the north side. They expected stormwater improvements in front of the Riordan's house. During extreme weather conditions the whole street floods. In addition they were promised improved street lighting and a larger watermain from 7" to 8". Mr. Schofield said they were also promised a pedestrian and bicycle connection to Carpenter Street. That is what the neighbors expected. Now the program is being broken into two phases, with Jefferson Avenue part of Phase 2, affecting the existing six homes. Village Council approval was in February 2006, the Plat recorded in June 2006, and the Subdivision Agreement signed in September 2006. Neighbors had every expectation that by September 2009 they would have the public improvements he previously described. Now the proposed addendum is expected to be approved in February 2011, and the triggers for beginning Phase 2 could be much later than August 2014. He then noted the various expected time frames for phases of the development, adding that the neighbors are still waiting. He suggested that the document before the Council could be restructured.*

*Mr. Schofield requested that the clock should begin now for the 42 months for the beginning of Phase 2 construction. He also requested that they improve the completion date. Thirdly, he wanted assurance that there were enough funds to do the work going into 2014 or 2015. He said the neighbors would like to have the Village commit that the job will be done in the time frame promised. He doesn't care about whether Brookbank gets finished. He doesn't care about Nelson Court either; but the neighbors on Jefferson have a half street that was promised to be improved. Five to seven years is too long to wait for something that may not occur. Their street is deteriorating and they would like to see a maintenance program established. He believes these issues are directly pertinent to the phasing changes, and other changes specified in the addendum under consideration by the Council.*

*8. Gordon Goodman, 5834 Middaugh, said he lives around the corner from this development. He wanted to comment on the Subdivision Agreement and its use, particularly for a development like this that is a large development in a well-established neighborhood. He was reassured by the Village Manager's comments that much will not change, and that there will be revisions wherever documents disagree with conditions of the Subdivision Control Agreement. He said that staff would have a complicated task to revise documents to meet the two-phase program being proposed, and still protect the features that were the objectives of the original Subdivision Control Agreement. Those features include access from Carpenter, rather than Jefferson or Brookbank if Lot 9 is built in Phase 1. Also he said that they have had developments drag on*

and on, particularly the Bradley Brookbank development. He said he hopes by splitting this development into two phases they are not going to create another situation where the development is half complete and becomes impossible to proceed with completion. He wants the neighbors to be assured that the two-phase approach will not be detrimental.

9. Alice Strelau, 5611 Brookbank, said that the construction entrance is important. If Phase 1 is done with Lot 9 completed, there will be no construction access from Carpenter, which leaves Jefferson or Brookbank. Brookbank Road is not completed, but the roadway north has been completed to the tune of \$10 million. At its widest point the street is 22 feet wide, and it is a problem getting two cars down the street. She said the issue is not whether this should be built or not. It is how it gets built. She would like to see an agreement that will accommodate everyone. She would like to see them focus on the details.

10. Frank Falesh, 820 Prairie, said that they cannot build a detention basin and still maintain the trees as they are right up to the property line. Mayor Sandack, referring to the slide on the projector, said that line is only for illustration purposes right now to show the phases. He said it has to be designed to meet the requirements. Mr. Falesch said Brookbank Road is not a dry bottom, as 1/3 of it is wetland. Mr. Falesch insisted that the trees were inside the property line and they will have to chop those trees down.

Commissioner Neustadt commented that the phased approach benefits the Village and the tax rolls. Three houses on Carpenter is a benefit to the street and to the Village. Regarding the public improvements, Commissioner Neustadt said this developer built the Banchory Woods subdivision at Chicago Avenue and Lee Avenue and the public improvements there are spectacular. The houses proposed for Carpenter may not be the same size as those in Banchory Woods, but that development is an example of the quality work done by this contractor. He said that the Council will look at all comments raised by the residents for their vote in February.

Commissioner Schnell said her understanding about Phase 1 and the stormwater detention area that triggers the tree preservation plan, is that it must be approved by the Village Forester prior to beginning Phase 1. Mr. Fieldman said that was correct. Commissioner Schnell then referenced the Letter of Credit and the \$60,000 increase. Her concern is that if the Letter of Credit is put in today and the Village has to take over in several years, that the cost might be disproportionate to the costs down the road. She would like to see the possibility for an escalation clause. Mr. Fieldman said that could be put into the agreement, and would be addressed in the agreement and through the Village Code. Commissioner Schnell said she would like to see that in writing as an additional assurance to the residents.

Commissioner Beckman thanked the residents for coming. He noted that there is some risk to the developer with this project and he expected that the developer would prefer to move forward with all 11 lots. He then asked about the difference between this detention pond and the pond at Lee and Chicago. Mr. Fieldman said staff can study that issue and provide a comparison to the Commissioners.

Commissioner Waldack said that developments are good for the Village, but can also provide an extra burden in the provision of services. It is important to negotiate that all public improvements are paid for in full. He agrees that there should be some type of escalator in the agreement. There is a time value involved here, as they are talking potentially about 42/52 months ahead. As for improvements on Jefferson Avenue, he said that he thought this development had an original plan for a cul de sac, which explains why it was done as a half street. He asked what the overall plan was. Mr. Fieldman said there was a time when industry standards allowed for the construction of half streets. The layout suggests that this may have been intended as a cul de sac at one time. Commissioner Waldack asked whether the widening of Jefferson could be included in the Phase 1 improvements. He provided about 15 questions to the staff prior to the meeting and he would like to share those answers with the public. One question he submitted concerned old documentation related to this site. He hopes that the

*Village Forester will look at the prior restrictions of a 15-foot distance from the trees. He recalls that Lot 8 was to be included in the construction, but had to be modified due to its proximity to the drainage area. He also expressed concern about the time line, saying they have already gone five years with no work being done. Economic conditions have contributed to that delay, but he said it could drag on for a long time. He would like to see something other than the acceptance of Phase 2 as a starting place. The agreement has to preserve the property rights of the developer as well as protecting the citizens.*

*Commissioner Durkin inquired about the 18-month and 24-month timelines, saying there were similar ones with the original agreement. He asked why the Village didn't act upon it. Mr. Fieldman said the development did not start. The clock starts when the permit is pulled. Commissioner Durkin asked whether they are now back to square one at this time. He has concerns with some of the points raised. The Village is taking the word of the engineering firm representing the developer, and he asked whether the Village audits those costs. Mr. Fieldman said that the Village does review them and a licensed engineer must approve them. Commissioner Durkin then added that he agrees with the escalation language brought up by Commissioner Schnell.*

*Commissioner Beckman referenced Commissioner Durkin's and Waldack's concerns about when the Phase 2 construction should begin. Under the circumstances today, he asked if Phase 2 construction can start without approval of Phase 1. Mr. Fieldman said he would consult with the Village Attorney on this and get back to the Commissioner.*

*Commissioner Barnett said he is struggling with the Jefferson Avenue public improvement issues. The Village has an obligation to the current homeowners regardless of what occurs with this Subdivision Agreement. If the development is not built, he believes the Village still has an obligation to address the situation on Jefferson Avenue, and asked what the cost would be of making Jefferson Avenue a 2010 street. That begins to muddy the water for the Phase 2 public improvement bond, but he wants to know that number and understand it more. He thinks they are doing a pretty good job of trying to make sure that Phase 1 public works, and stormwater work is done, but Jefferson Avenue needs to be fixed. He wants the costs excluding lights and watermains. Mr. Fieldman said he would provide that information.*

*Mayor Sandack said that the concept is recapture, and involves a whole new set of issues. Jefferson is a Village road right now, but there are a whole slew of insufficient streets in the Village, and the Village has made a decision to allow the streets in poor condition to get to failed condition because putting money into maintaining them would be a waste. Commissioner Barnett's comments are appropriate, as are those of everyone who's talked on this topic. He remembers when this first came up in 2006. If it could be done without all the attendant difficulties of construction, it would be done. He expects the developer would rather develop it in one fell swoop. The reasoning is based on the economic realities of today. The Mayor referred to Mr. Schofield's comments of "what they were promised." The Mayor said he was concerned with what might have been promised, so he looked at the agreement and there were no promises. He then quoted from the agreement, saying they were not so much promises as intentions. Much has changed since 2006 economically. There will be neighborhood meetings, tree protection requirements, discussions about entrances, exits, parking, etc. They are talking about trying to make the project more manageable by cutting it into two phases. The concept of improvements to Jefferson as they relate to every other street in the Village is a fair discussion. They will not move up the road improvement ladder because Phase 2 is delayed. He said that the question is whether cutting this into two phases makes sense. If the answer is yes, they need to talk about the improvements that are indeed promised. He suggested that everyone get his or her questions and comments to the Village Manager. The detention basin has already been approved and must be built in a way that meets the conditions of the project which includes tree preservation, engineering, public safety, etc.*

*Commissioner Barnett added to the Mayor's comments regarding "expectations" that the*

agreement said that the Village has the "right but not the obligation" to make the changes.

Commissioner Waldack asked staff about drawings dated January 11, and he asked the differences between the January 11 drawings and the originals. In addition he asked the status of the original Park District and School District donations, when they kicked in, and whether those amounts need to be recalculated

**Indexes:** Subdivision - Nelson Meadow

## 9. Mayor's Report

**REP 00-04394** Report: 2010 Annual Report

**Sponsors:** Mayor

Mayor Sandack said the focus of his presentation is a retrospective of 2010 in terms of Financial Stewardship, Innovation, and Leadership in the Village of Downers Grove. As most people know the Village continues to engage in a Long Range Financial Plan (LRFP). This process was initiated in 2008 due to the rapidly worsening financial situation that occurred that year. The process was a data driven financial analysis, which revealed a structural gap with expenses exceeding revenues. The LRFP was a three-year plan which began by addressing expense reductions first. He said the Village has continued to implement the LRFP, and the Village is in a good position with a balanced General Fund for 2011, and they do not anticipate using reserves in 2011. There will be no service level changes and they will continue to make necessary infrastructure investments. Mayor Sandack said the key component in the LRFP was expense reductions. Since 2009 the Village has cut \$8 million in expenses, by doing the same or more with less. There were reductions in the number of people, services and departments. The Village work force has been reduced by 45 positions for a decrease in the workforce of 13% in the past three years. In 2007 the Village spent \$43 million, while in 2010 they will have spent \$39 million. The cost cutting continues with \$2.4 million in expense reductions. Those measures include partnering with neighboring municipalities for specific services, a further reduction of positions and health care cost savings.

The Village relies on a number of revenue sources - besides property taxes, our revenue comes from sales tax, the local portion of the state income tax, utility taxes and the hotel tax. The Mayor noted that there was a \$4.1 million reduction in all revenues since 2007. In response, and after diligently reducing expenses, the Village was forced to rebalance our revenues to include a stronger reliance on the property tax, which is the only predictable and reliable source of funding. That increase was dedicated to operational expenses and pension obligations. He reminded everyone that their property tax bill is comprised of many taxing units. The Village of Downers Grove is only about 10% of the total property tax bill.

Mayor Sandack said that the Village maintains miles of roads and sidewalks, and in 2010 completed 20 major infrastructure projects. He reviewed some of those projects including the 8th and Cumnor local detention basins, and the McCollum and Washington Parks projects in cooperation with the Park District which includes detention basins. Park amenities were added to Washington Park to make it a stellar design worthy of the many achievement awards that have been received.

The Mayor commented on the Water Rate Study. Providing clean water is a fundamental service that residents expect. The Village maintains above- and below-ground infrastructure for the water system, and in 2010 the system was studied to determine the condition of the system, and the rates required to continue reliable delivery of the water. That study projected a \$5 million deficit in the water fund by 2015. People are using less water, however DuPage Water Commission costs rose, and infrastructure upkeep expenses continue to rise. The water rates have been changed accordingly.

*In terms of Business and Economic Development, Mayor Sandack said the Village enjoys a strong relationship with the EDC, Chamber of Commerce and Downtown Management Corporation, and is a good partner with the Ogden Avenue Site Improvement Program to provide matching dollars for improvement projects. Grants are now available for building and landscaping of Ogden Avenue businesses.*

*The Mayor then mentioned business wins including: Neuco's proposed expansion; Midwestern University's Dental Clinic which will bring 100 new jobs; DeVry University is bringing 700 jobs; Dover Corporation with 125 new jobs; car dealerships including Zeigler Motors with 40 new jobs; Webb Ford improvements that contemplate \$130,000 in sales revenues; and, Pugi Hyundai's expansion of their facilities with ten new jobs and additional taxes for the Village. Mayor Sandack then noted the addition of Lemon Tree Grocery Store in the downtown area, and Michael's Fresh Market which have both brought additional jobs and sales tax revenues to Downers Grove.*

*Mayor Sandack noted that the Village has received an AA bond rating because of its diligence in being good fiscal stewards. As for innovations, Mayor Sandack referenced the elimination of the social services program, stating that shortly after that program's elimination, the Associates in Family Care filled the void and is providing the same services to the same customers, in the same place, by the same counselors. It turned a difficult situation into a great situation. As for service consolidation, he noted the consolidation of emergency dispatch services between the Villages of Downers Grove and Westmont, with an expected reduction in costs to Downers Grove of \$300,000.*

*With respect to environmental best practices, the Village participated in an innovative program of providing solar streetlights for the Prentiss Creek community. This year there will be more infrastructure changes to include solar power. Presently, the Village is installing solar heating panels in its six well houses to improve energy efficiency. The Department of Energy Recovery Act, as well as the Energy and Efficiency Conservation Block Grant partnered these projects.*

*Mayor Sandack mentioned the Village's partnership with the Conservation Foundation with respect to the sale of rain barrels to residents. The Village sold 544 barrels to residents which will save the average homeowner about 1300 gallons of water during peak summer months.*

*Mayor Sandack said 2010 was a good year for subtle back-patting. The Illinois Association of Municipal Management Assistance awarded the Village the Outstanding Community Project Award for its Long Range Financial Plan. For the first time the Village also received the Distinguished Budget Award from the Government Finance Officer's Association for the 2010 budget, and received recognition from numerous other agencies.*

*Mayor Sandack said he is melancholy because he has delivered three State of the Village reports. In 2007 the Council put into place measures for campaign financial reform, improvements with respect to how meetings are conducted, and empowering staff to do the best they could do for the Village. In 2008, with the economic changes, he and his colleagues, residents and staff recognized that things had to change and turned on a dime and put the Village in a position for sustained financial stability. He said that he is proud of the Village of Downers Grove organization and thinks it is better than any other community in DuPage County.*

*The Mayor expressed his pride in the professional organization of the Village staff that answers its call to duty in every area. That bodes well for the future.*

**Indexes:** State of the Village

## **Materials to be Received**

## **Materials to be Placed on File**

**10. Manager's Report****11. Attorney's Report****Future Active Agenda****12. Council Member Reports and New Business**

*Commissioner Beckman used a "prop" which was a bag of out-of-date prescription medications. Medications that typically can be found in nearly every home in the Village. He has had multiple conversations with physicians and clinics about what to do with unfinished prescriptions, particularly with his wife's recent medical problems. The Village can be a part of the solution to this problem. He has spoken with the Village Manager, who had research done by the Fire Department and will provide feedback.*

*Mr. Fieldman said that there is a State drop-off program at Naperville Fire Station #4, and staff is looking to see what it will take to have a local drop off in Downers Grove.*

*Commissioner Beckman said he was glad to see something might be done. He is concerned about the unintended consequences of this medication being disposed into the water systems or other areas that affect the lives of everyone.*

*Mayor Sandack suggested that drug disposal could also be added to the Recycling Extravaganza.*

*Commissioner Schnell commented that a lot of pills are consumed or not consumed by senior citizens. She suggested contacting the Senior Residences in town, as it would be advantageous to them to know how to dispose of unneeded prescription medication.*

*Commissioner Waldack said in his list of questions regarding the new meeting format, it was noted that there are no workshops. He asked to have sign-up sheets reinstated.*

*Commissioner Durkin said he was proud to accompany Greg Bedalov to Springfield for the inauguration of the members of the 97th General Assembly. He brought back information on Downers Grove's Senator O'Neill who is the only woman to have a statue in the State Capital Rotunda. He also brought back the program of the swearing in ceremony which included swearing in of Mayor, now Senator, Sandack. That material is now present in the record. He added, though, that a lot of money could be saved by the State just by implementing some basic efficiencies and eliminating a lot of talk.*

**13. Adjournment**

*Commissioner Schnell moved to adjourn to Executive Session pursuant to Section 2(c)(1) of the Open Meetings Act to consider personnel. Commissioner Barnett seconded.*

*VOTE: YEA - Commissioners Schnell, Barnett, Beckman, Neustadt, Durkin, Waldack, Mayor Sandack*

*Mayor Sandack declared the motion carried and the Council convened into Executive Session at 9:38 p.m.*