

**Minutes  
Regular Meeting  
Glen Ellyn Village Board of Trustees  
March 23, 2009**

**Call to Order**

Village President Hase called the meeting to order at 8:01 p.m.

**Roll Call**

Upon roll call by Deputy Village Clerk Barrett, Village President Hase and Trustees Armstrong, Comerford, Ladesic, Norton and Thorsell answered, "Present." Trustee Chapman was excused.

**Pledge of Allegiance**

Village President Hase led the Pledge of Allegiance.

**Correspondence**

- a. Note from a local family sent to Police Officer Ryan Wilkens thanking him for helping one of their children during a scary medical situation.
- b. March 12 letter from a Raintree-area resident thanking Police Officers Steve Miko and Brent Pacyga and Paramedics Shannon Files and Mel Sebyan for their prompt and professional help after a fire alarm sounded in her building forcing her to call 9-1-1 for assistance with her disabled daughter.
- c. March 5 phone call from a Village resident thanking Public Works Crew Leader Eric Hendrickson and Maintenance Workers Marcia Bertsch, Stevie Chandler and Greg Garcia for their same-day response to a resident call about downed branches.
- d. March 13 e-mail from a Stagecoach Run resident thanking Maintenance Workers Mike Zitzka and Rob Kadera for their help securing a mailbox that had been damaged by a passing car.

**Audience Participation**

Ray Campbell of 460 Raintree Ct, Apt 460-3K, Glen Ellyn thanked the Village for the new Village website.

**Consent Agenda**

Village Manager Jones presented the Consent Agenda; Village President Hase called for questions and/or discussion on the items on the Consent Agenda.

Trustee Ladesic moved and Trustee Comerford seconded the motion that the following items included on the Consent Agenda be approved:

- a. Total **Expenditures** (Payroll and Vouchers) - \$984,307.60. The vouchers were reviewed by Trustee Ladesic prior to the meeting.
- b. **Resolution No. 09-04**, a Resolution Authorizing Adoption of the 2009 Official Zoning District Map for the Village of Glen Ellyn, DuPage County, Illinois.

This action approves the adoption of the Official 2009 Zoning District Map. State statute requires the Village to publish an updated Zoning Map by March 31<sup>st</sup> of each year. The one change over the past year involves rezoning of property located north of Roosevelt Road at the southern terminus of Brandon Avenue to an R4 Residential Zoning District.

- c. Payment in the amount of \$10,226 to Wheaton Trenching, Inc., of Batavia, Illinois for emergency repairs to the Village sanitary sewer at the intersection of Linden and Forest, performed on March 2, 2009, to be expensed to the FY 08-09 Sanitary Sewer Fund.

This item relates to the recent repair of a collapsed sanitary sewer main on Linden at the intersection of Linden and Forest. On Friday, February 27, 2009, basement backups occurred on a section of sanitary sewer main that extends west from Linden and Forest, serving adjacent areas of Linden and Main Street. Public Works Operations staff identified the problem as a collapsed pipe just to the west of the manhole in the intersection. Crews were able to establish a nominal flow in the main to the extent of relieving the basement backups on Friday, as Engineering staff made arrangements with Wheaton Trenching to perform an emergency repair on Monday, March 2. The contractor met with Village staff on February 28, coordinated utility locations, hired a saw cutter and mobilized equipment and personnel to the repair site on March 2. The repair was made on the same day by installing an approximately 5-foot section of pipe that had completely failed. The Village assisted with traffic control barricades and accepted the excavated material from the repair site while providing general oversight and assistance as needed.

Upon roll call on the Consent Agenda, Trustees Ladesic, Comerford, Armstrong, Norton and Thorsell voted "Aye". Motion carried.

#### **22W114 Marston Avenue – Annexation Agreement**

Trustee Armstrong moved and Trustee Thorsell seconded the motion to open the public hearing to receive comment on an annexation agreement for property commonly known as 22W114 Marston Avenue. All Trustees present voted "Aye." Motion carried.

Planning and Development Director Staci Hulseberg presented information on a request by Louanne Jourdan, owner of property located at 22W114 Marston Avenue, to enter into an annexation agreement with the Village of Glen Ellyn. The subject property is located on the north side of Marston Avenue between Maple Lane and Taylor Road. It is currently located in unincorporated DuPage County and is not contiguous to the Village limits. Among other things, the annexation agreement requires annexation of the property upon it becoming contiguous to the Village limits and allows the petitioners to connect to the Village's water and sanitary sewer services.

Trustee Armstrong moved and Trustee Thorsell seconded the motion that the public hearing be closed. All Trustees present voted "Aye." Motion carried.

Trustee Armstrong moved and Trustee Norton seconded the motion that **Ordinance No. 5738** be passed, an Ordinance Approving an Annexation Agreement for Property Located at 22W114 Marston Avenue.

Upon roll call, Trustees Armstrong, Norton, Comerford, Ladesic and Thorsell voted "Aye." Motion carried.

### **2S678 Park Boulevard – Amend Annexation Agreement**

Trustee Norton moved and Trustee Armstrong seconded the motion to open the public hearing to receive comment on an amendment to the annexation agreement for property located at 2S678 Park Boulevard. All Trustees present voted "Aye." Motion carried.

This request is for an amendment to the annexation agreement for 2S678 Park Boulevard that was approved on December 19, 2005 by Ordinance No. 5421. The amendment designates the property for C2 Community Commercial district zoning upon annexation to Glen Ellyn. The Plan Commission held public hearings on August 14, 2008, September 11, 2008 and December 11, 2008 where it discussed the zoning of the property. At the December 11, 2008 public hearing, by a vote of 5-3, the Plan Commission recommended R3 Residential District of the property upon annexation. However, at a Village Board workshop on January 19, 2009, the Village Board expressed support for future C2 zoning of the property as recommended by Village staff. At this meeting, the petitioner requested a continuation to the April 13, 2009 Village Board meeting; therefore, no discussion took place.

Trustee Norton moved and Trustee Armstrong seconded the motion to continue the public hearing to receive comment on an amendment to the annexation agreement for property located at 2S678 Park Boulevard to the April 13, 2009 Village Board Meeting. All Trustees present voted "Aye." Motion carried.

**Ordinance No. 5739 – 625 Hillside Avenue (Diamante Montessori School) – Special Use Permit**

Planning and Development Director Staci Hulseberg presented information on the request of Ronald and Elizabeth Repking, owners of property located at 625 Hillside Avenue, for a special use permit to allow the operation of a preschool (Diamante Montessori School) in the existing building at 625 Hillside Avenue. The subject site is located at the southeast corner of Hillside Avenue and Park Boulevard in the R2 Residential District. The Plan Commission reviewed the request at public hearings on January 8, 2009, January 22, 2009, February 5, 2009, February 12, 2009 and February 26, 2009. By a vote of 8-1, the Plan Commission recommended approval of the request with conditions.

Public comment was presented, and the following spoke in support of the special use permit for the Montessori school at 625 Hillside Avenue:

John Mulherin, 211 S. Wheaton Avenue, Wheaton, Illinois, the petitioners' attorney, stated that the special use requested by the petitioners is a pre-determined use in the Zoning Code, and he cited a court case supporting that statement. After the public spoke, Mr. Mulherin further commented that impugning the integrity of Village staff is unseemly, and he defended his reasons for objecting to statements during testimony. Mr. Mulherin added that an alley referred to during the public hearing was filed for record in 1904. Mr. Mulherin also stated that stormwater and traffic issues have been addressed, and he reminded those present that a public school is a permitted use at the subject site.

Alex Eves, 152 N. Park, Glen Ellyn, Illinois is in favor of the special use request and felt that the Diamante Montessori School will be an asset to the community in its proposed location. Mr. Eves disclosed that his children currently attend Diamante.

Hanno Lorenzl, 155 Sunset, Glen Ellyn, Illinois is a Montessori parent and spoke in favor of the proposed Montessori School. Mr. Lorenzl stated that the existing Montessori School is an asset to the community and suggested that the opposition visit Diamante. Mr. Lorenzl also stated that this special use process has been going on for over a year and the opposition has had 12 months to prepare testimony.

Mike Maddock, 9 Walnut Road, Glen Ellyn, Illinois spoke in support of the Diamante Montessori School which his children attended. Mr. Maddock stated that drop-off and pick-up safety is stressed by the owners of the school. He also stated that schools are the foundation of a community and encouraged everyone to support Diamante.

The following spoke in opposition to the special use request:

Carl Cepuran, 629 Hillside, Glen Ellyn, Illinois stated he felt his family would especially be negatively impacted by the project as his property is adjacent to the church property and shares a driveway with the church. Mr. Cepuran also cited traffic and safety issues related to the proposed driveways. President Hase took exception to Mr. Cepuran's comment that the Village Board has not had sufficient time to review the project and vote.

Joseph Able, 200 Forest Avenue, Glen Ellyn, Illinois, a planning and zoning consultant hired by residents in opposition to the special use request, stated his opinion that the special use request is not a permitted use, that the standards of the Zoning Code have not been met to allow the special use and that the project would have a negative impact on the immediate neighbors and surrounding neighborhood.

Marilyn Cepuran, 629 Hillside, Glen Ellyn, Illinois stated that she does not want a business next door to her home and expressed concerns regarding health and safety issues due to increased traffic in the area.

Greg Freerksen, 645 Hill Avenue, Glen Ellyn, Illinois expressed concerns regarding increased traffic and safety issues at what he believes to be an already dangerous intersection.

Jim Killham, 377 N. Park, Glen Ellyn, Illinois commented on maintaining the not-for-profit status of the school, considering the large number of residents in opposition to the project and ensuring enrollment caps.

Jim Kelly, 371 N. Park, Glen Ellyn, Illinois stated he would not have purchased his current home in 2007 if he had been aware that a school was proposed for the subject location which he feels will de-value his property. Mr. Kelly added that a business does not belong in a residential neighborhood.

Bob Kopf, 675 Hillside, Glen Ellyn, Illinois expressed concern regarding parking in the area of the proposed school.

Jeff Seifert, 654 Hill, Glen Ellyn, Illinois stated that his main concern was safety due to potential increased traffic in the area if the project is approved.

Steve Horvath, 655 Hillside, Glen Ellyn, Illinois expressed concern that the Plan Commissioners did not give credibility to opinions by realtors regarding property values being negatively affected in the subject area if a Montessori school was approved. Mr. Horvath also was concerned that the traffic studies were not given full consideration. He also requested resolution of the easement issue before proceeding further with the project and requested the same enrollment cap as at the existing school.

Steve Kondogianis, 628 Hillside, Glen Ellyn, Illinois expressed concerns regarding traffic safety at the Park and Hillside intersection. Mr. Kondogianis felt that the Plan Commission had not given the special use request full consideration.

John Lamoureux, 660 Hillside, Glen Ellyn, Illinois expressed concerns regarding traffic, safety, possible flooding, property values and future school growth. Mr. Lamoureux suggested additional traffic and drainage studies prior to a vote and commented that issues outside the purview of the Plan Commission should be considered. Mr. Lamoureux also

questioned why the proposed Montessori School is beneficial to the Village and felt that the application process should start over again.

Walter Land, 397 N. Park, Glen Ellyn, Illinois said he felt that the subject neighborhood would be transformed into a less attractive, highly trafficked commercial area than currently exists if the special use were approved. Mr. Land stated that the school does not conform to the objectives of the Comprehensive Plan, and he referred to petitions signed by many residents in opposition to the special use request.

Laura Lee, 639 Hillside, Glen Ellyn, Illinois stated that she decided to purchase a house in incorporated Glen Ellyn rather than in an unincorporated area to have zoning protection and does not want a permanent pre-school structure in her neighborhood with the attendant fencing, traffic, parking and additional paving.

Suzanne Lundal, 795 N. Park, Glen Ellyn, Illinois expressed concerns regarding traffic and safety, especially due to trains causing traffic back-ups in town. Ms. Lundal also stated that a commercial business does not belong in a residential neighborhood and expressed concern regarding potential expansion of the existing building.

Steven Ruffalo, attorney, 358 Oak, Glen Ellyn, Illinois with an office at 400 South Knoll, stated he represents approximately 12 residents opposed to the special use who believe the project to be non-compliant with the zoning code. Mr. Ruffalo expressed concern that the residents in opposition to the project had not been treated fairly during the special use process, in particular, with regard to comparisons to the existing site, a potential conflict of interest regarding staff's involvement with the subject location for the Diamante Montessori School, insufficient cross examination, the rapid pace at which the request had been scheduled for meetings before the Plan Commission and Village Board and the submission of new material presented to the Village Board.

Frank Whiting, 311 N. Park, Glen Ellyn, Illinois expressed concerns regarding traffic and the safety of Glenbard West students walking in the subject area. Mr. Whiting also commented on the narrowness of Hillside Avenue.

Steve Morris, 900 Hill, Glen Ellyn, Illinois asked that the Village Board listen to the majority of the residents in the subject neighborhood who oppose the requested special use and that the Village Board seek alternatives to the project.

Trustee Comerford moved, and Trustee Norton seconded, the motion that Ordinance No. 5739, as amended, be passed, an Ordinance Granting Approval of a Special Use Permit to Allow the Operation of a Private Preschool in the Existing Building at 625 Hillside Avenue, Glen Ellyn, Illinois 60137 (Diamante Montessori School). Village Attorney Julie Tappendorf read the amendment which was to add a new condition G and then re-number the other two conditions. Condition G is as follows: "G. Upon notice to the applicant that the Village has identified adverse impacts in the neighborhood of the preschool as a result of employee parking for the preschool, the applicant agrees to work with the Glen

Ellyn Police Department to implement an alternative parking plan for its employees to address the impacts identified by the Village.”

Comments from the Village Board were as follows:

Trustee Comerford was supportive of the special use and stated that an executive summary of the project would have been nice but would not have adequately conveyed the intensity of the concern of the neighbors in opposition to the request. Trustee Comerford expressed empathy for the neighbors and reminded those present that a special use is a process and that plans must be submitted and reviewed before permits are issued. Trustee Comerford stated that he relies on staff's expertise for guidance and direction and that an 8-1 in favor recommendation was a strong indicator that the Plan Commission was supportive of the project. He stated that the school is a better use for the site than a vacant building.

Trustee Thorsell was supportive of the special use project. She expressed appreciation for Village Planner Michele Stegall's efforts and integrity regarding the special use request and felt that the Village Board thoroughly reviewed the material. Although she stated that she could understand the residents' concerns, Trustee Thorsell did not agree with many of them and added that a number of conditions have been placed on the special use request.

Trustee Ladesic asked Mr. Cepuran, one of the residents in opposition to the special use request, to describe the contents of a DVD that Mr. Cepuran felt Village Board members did not receive in a timely manner. Mr. Cepuran stated that the video was a compilation of approximately 20 hours of footage on the day the traffic engineer for the petitioners was on the site and added that that traffic engineer's report contains inaccuracies.

Trustee Ladesic asked staff if the Village Board would be approving parking in the gravel lot as part of the request, and Ms. Hulseberg responded that the number of parking spaces required by the zoning ordinance was being provided on the north lot and no parking was being required in the south lot. Trustee Ladesic also asked if driveways are prohibited in rear or side yards such as the subject side yard, and Ms. Hulseberg responded that driveways are permitted obstructions in front, side and rear yards provided the impervious surface setback meets the code, which the subject project does. Trustee Ladesic asked staff if a public school with 7 teachers and 15 required parking spaces could be opened at the subject location with the amount of land available on the site and with proper engineering. Ms. Hulseberg replied that there are different parking standards for public and private schools and more parking spaces would be required on the site if it was a public school and additional engineering requirements would be necessary.

Trustee Ladesic stated that although he was generally supportive of the project, he needed more time to review and receive further clarification on some points. Trustee Ladesic commented that the subject school would be allowed if it was a public school and he supported preservation of the existing structure. He had concerns, however, regarding traffic safety, parking and grading and stated that he would like to see requested FOIA materials given to opponents. Trustee Ladesic commented that some conditions could

possibly be presented by the opponents that the petitioners may be open to. Trustee Ladesic suggested tabling the vote to a later date, however, President Hase and the Village Board were not in favor of postponing the vote.

Trustee Norton was in favor of the special use request. He stated that the existing building would not remain empty forever and he believed the use is a good use for the site. Trustee Norton commented on the great deal of effort staff and the petitioners have expended regarding this project and reminded those present that the petitioners purchased the property from the church.

President Hase was in favor of the special use request. She expressed regret for negative comments made by the opposition regarding Village Planner Michele Stegall's integrity during the process. President Hase commented that the use would bring another type of schooling agenda to Glen Ellyn which would serve a needed niche in the market and be of value to the community. President Hase stated that the Village Board must balance property owners' rights and neighborhood concerns and that the project would improve stormwater retention in the area and the property would again be on the tax rolls. She added that no variations were being requested for the petitioners' plan. Chairman Hase praised the Plan Commission for reviewing the project so thoroughly. She appreciated that the Commission discussed the findings of fact separately and encouraged them to continue that process in the future.

Upon roll call, Trustees Comerford, Norton, Thorsell and President Hase voted "Aye." Trustee Armstrong recused himself. Trustee Ladesic voted "Present (pending additional information)." Motion carried.

### **Park – Glen Ellyn Place – Prairie Improvements Project**

Public Works Director Joe Caracci presented information on the Park - Glen Ellyn Place - Prairie Improvements Project; the Village's first major infrastructure improvements project to be bid for construction in 2009. The work features complete reconstruction of Park Boulevard from Pennsylvania to Hawthorne and Prairie from Cottage to Hawthorne, along with the resurfacing of Park from the railroad tracks to Pennsylvania and Glen Ellyn Place from Park to the east end. The project scope includes new water mains and services, new sanitary sewer mains and services, and storm sewer upgrades. A total of about one-half of a mile of roadway would be improved via complete reconstruction and resurfacing. Mr. Caracci stated that if the project is approved tonight, the anticipated work schedule will begin in April with a final completion date of July 31, 2009.

At the March 11, 2009 bid opening, Brothers Asphalt Paving, Inc., of Addison, Illinois was the low bidder of 12 contractors, submitting a bid of \$1,080,250 for the project. The low bid is 21 percent under the engineer's estimate of \$1,375,000. In conjunction with the funding for this project, Motor Fuel Tax (MFT) Funds would be authorized to offset applicable roadway and storm sewer expenditures. Of the nearly \$1,100,000 construction costs, it is anticipated \$500,000 would be covered by MFT dollars.

Project plans and documents were developed by the consulting firm of Walter E. Deuchler Associates, Inc., of Aurora, Illinois as part of a contract dating back to 2006 which included significant field and design work on Hawthorne from Ellyn to Main. In the course of completing the work, the consultant incurred additional expenses due to extended coordination requirements with IDOT conforming the contract documents for the Motor Fuel Tax funds including multiple plan submittals and project time delays. Approval of Amendment No. 1 to the Walter E. Deuchler Associates, Inc. services agreement in the amount of \$48,000 increases the engineer's overall fee ceiling to \$180,000. The requested level of additional funding for Amendment No. 1 is \$35,000.

To provide the necessary construction oversight services for not only the Park - Glen Ellyn Place - Prairie Improvements Project but to help manage the overall construction program for the 2009 construction year, staff recommends that Civiltech Engineering, Inc., of Itasca, Illinois be retained. In addition to providing the required services including day-to-day construction oversight, office support and material testing, the firm would provide an experienced and highly capable engineer with extensive Glen Ellyn experience to assist staff with essential program coordination and resident contact duties. For this first assignment, Civiltech Engineering Inc. would be retained to provide the needed construction phase engineering services, based on their proposal and estimated fee of \$137,500.

Trustee Thorsell moved and Trustee Armstrong seconded the motion that the following actions be approved:

- a. Award of a contract to Brothers Asphalt Paving, Inc., Addison, Illinois for street reconstruction and underground improvements associated with the Park - Glen Ellyn Place - Prairie Improvements Project, in the amount of \$1,200,000 (including an 11-percent contingency), to be expensed to the FY 09 - 10 Water, Sewer, Capital Projects and Motor Fuel Tax Funds;
- b. Increase the appropriation for design engineering services associated with the Park - Glen Ellyn Place - Prairie Improvements Project provided by Walter E. Deuchler Associates Inc., Aurora, Illinois by \$35,000 for a revised total appropriation of \$180,000, to be expensed to the FY 08-09 Water, Sewer, and Capital Projects Funds;
- c. Amendment No. 1 to the engineering services agreement with Walter E. Deuchler Associates Inc., Aurora, Illinois for additional engineering design services for the Park-Glen Ellyn Place - Prairie Project, in a not-to-exceed amount of \$48,000;
- d. Engineering services agreement with Civiltech Engineering, Inc., Itasca, Illinois for construction engineering services for the Park - Glen Ellyn Place - Prairie Improvements Project, in a not-to-exceed amount of \$145,000 (including a 5-percent contingency), to be expensed to the FY 09 - 10 Water, Sewer, and Capital Projects Funds; and
- e. **Resolution No. 09-06**, a resolution approving the expenditure of Motor Fuel Tax funds for the improvement of Park between the railroad tracks and Hawthorne, Glen Ellyn

Place between Park and the east end, and Prairie between Cottage and Hawthorne by the Village of Glen Ellyn under the applicable provisions of the Illinois Highway Code, in the amount of \$500,000.

Upon roll call, Trustees Thorsell, Armstrong, Comerford, Ladesic and Norton voted "Aye." Motion carried.

### **Additional Sales Tax Implementation**

Trustee Armstrong moved, and Trustee Ladesic seconded, to change the date for the second reading of the home rule sales tax as some Village Board members would not be present to vote at that meeting.

Upon roll call, Trustees Armstrong and Ladesic voted "Aye." Trustees Comerford, Norton and Thorsell voted "Nay." Motion failed.

### **Reminders**

- A Special Pre-Board Workshop is scheduled for Monday, March 30, 2009 beginning at 7:30 p.m. in Room 301 of the Glen Ellyn Civic Center.
- A Special Village Board Meeting is scheduled for Monday, March 30, 2009 beginning at 8 p.m. in the Galligan Board Room of the Glen Ellyn Civic Center.

### **Adjournment**

At 11:35 p.m., Trustee Comerford moved and Trustee Armstrong seconded the motion that the Regular Meeting of the Village Board of Trustees be adjourned. All Trustees present voted "Aye." Motion carried.

Respectfully Submitted,

Curt Barrett  
Deputy Village Clerk