

**Minutes  
Regular Meeting  
Glen Ellyn Village Board of Trustees  
August 24, 2009  
Galligan Board Room**

**Call to Order**

Village President Pfefferman called the meeting to order at 8:03 p.m.

**Roll Call**

Upon roll call by Village Clerk Draths, Village President Pfefferman and Trustees Comerford, Cooper, Hartweg, Henninger, Ladesic and Thorsell answered, "Present."

**Pledge of Allegiance**

The Pledge of Allegiance was led by Jan Langford, Executive Director of the Glen Ellyn Historical Society. Mrs. Langford offered a few comments about Tavern Day planned for September 27 at Stacy's Tavern Museum.

**Correspondence**

- a. August 10 letter sent to Fire Chief Scott Raffensparger from a Glen Ellyn resident telling of the professional care he received from the attending paramedics who transported him to Central DuPage Hospital after he experienced cardiac symptoms.
- b. Excerpt of an email from builder Ray Whalen to President Pfefferman concerning the outstanding level of service in the Planning and Development Department under Director Staci Hulseberg.

**Audience Participation**

- a. President Pfefferman read a proclamation recognizing the more than 20 years of dedicated service provided by former Village Manager Gary Webster to the Village of Glen Ellyn.
- b. The following residents offered their reflections on Gary Webster and the exceptional legacy he left to the Village of Glen Ellyn as a former 22-year resident and Village Manager as a man who was highly respected for his honesty, integrity and frugality. Gary was known for his quiet and thorough "work behind the scenes", his love of the Village of Glen Ellyn and most importantly his love of his family: Vicky Hase, 294 Hill Avenue; Mike Formento, 65 Exmoor Avenue; Timothy Armstrong, 621 Euclid Avenue; Peter Norton, 747 Cottage Avenue; John

Kohnke, 460 Lowell Avenue; Lee Crumbaugh, 725 Kenilworth Avenue; Joe Wark, 626 Roger Road; Fire Chief Scott Raffensparger, 776 Pleasant Avenue; Cory Atwell, G.E. Park District, 185 Spring Avenue; Kay Kendall, 436 Fairview Avenue; Jim Raisins, 589 Maiden Lane; Stu Stone, 453 Anthony Street; John Demling, 764 Riford Road; Trustees Jim Comerford and Pete Ladesic; Village Attorney Stewart Diamond and Chief of Police Phil Norton on behalf of the Village management team and Chief Norton showed a short video featuring Gary.

Village Manager Steve Jones read a letter on behalf of former Lombard Village Manager, Bill Lichter; and Chief of Police Phil Norton read a letter on behalf of George Gilkerson, 588 Midway Park.

- c. Kathy Gilroy, 230 W. Division, #F, Villa Park requested the Village Board approve an ordinance to prohibit video gaming.

### Consent Agenda

Village Manager Jones presented the Consent Agenda; Village President Pfefferman 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. **Minutes** of the following Village Board Meetings:  
Regular Meeting  
June 22, 2009  
  
Special Workshop  
July 20, 2009
- b. Total **Expenditures** (Payroll and Vouchers) - \$1,390,202.06. The vouchers were reviewed by Trustee Ladesic prior to the meeting.
- c. Waive Section 10-4-17.1 of the Village Code to authorize a special event with live music where this type of event/use is neither a permitted or special use in the C5A Central Business District and Section 4-5-7(G) to allow portable signs on the public right-of-way to direct guests to the event, in order to allow for **Bridge Communities' Charity Event at Gearhead Auto Repair**.

This Bridge Communities event will be held at Gearhead Auto Repair, 474 Forest Avenue, on Saturday, January 30, 2010 at 7:00 p.m. through Sunday, January 31, 2010 at 1:00 a.m. This party is a charitable event and will include catered food, alcohol and live music.

- d. **Resolution No. 09-16**, a Resolution Accepting Public Improvements and a Bill of Sale Associated with the **Avon Court Subdivision** Located on the North Side of Geneva Road and Approximately 800 Feet West of Bloomingdale Road.

Ted Leiblich of Develco, Inc. requested the Village accept the public improvements and the Bill of Sale associated with the Avon Court Subdivision, which is located on the north side of Geneva Road and approximately 800 feet west of Bloomingdale Road. The Village consulting engineer approved the final as-built drawings and the public improvements for the subdivision and recommended the Village proceed with the acceptance.

- e. **Resolution No. 09-17**, a Resolution Authorizing the Execution of a License Agreement Pertaining to **Soukup's Hardware** Store's Use of Village-Owned Property.

The owners of Soukup's Hardware at 421 Main Street requested approval of a license agreement to allow the expansion of the outdoor storage area at the rear of their business onto Village-owned property to provide a screened storage area. The storage area requested would be sufficient in size to contain the bulk containers, garbage, recyclables and other materials that are currently being stored in this area. The license agreement requires certain improvements at the rear of Soukup's Hardware store in order to allow the use of Village property.

- f. **Resolution No. 09-18**, a Resolution Concerning the Determination of the Village Board that Change Order No. 1 (FINAL) with Glenbrook Excavating & Concrete, Inc., for a Decrease in the Contract Price of \$27,541 is required for the **Kenilworth Basin Improvements Project**, for a Revised Contract Cost of \$651,965.

This action is the first and final change order for the Kenilworth Basin Improvements Project. The work featured the upgrading of the trunk storm sewer line on Kenilworth Avenue between Linden and Oak. The work was accomplished primarily by using directional drilling and pipe bursting: trenchless techniques that allowed for minimal disruption. A total of about one-third of a mile of storm sewer was improved in the project.

All aspects of the project have been completed and a final agreement on quantities has been reached with the contractor. On July 28, 2008, the Village Board approved a construction contract with Glenbrook Excavating & Concrete, Inc., of Wauconda, Illinois, in the amount of \$679,506 with appropriations from the Capital Construction Funds totaling \$720,000 (including a 6-percent contingency). Change Order No. 1 requested a decrease of \$27,541 to the contract, and would serve as a final change order that includes items associated with all outstanding force account (time and material) items, additional unit price items deemed necessary during construction, and balancing of contract items. The modified contract cost of \$651,965 is 4 percent under the original bid award amount of \$679,506.

- g. Recommendation of Village President Pfefferman that the following appointments be made to the Finance Commission for terms ending December 31, 2012:

Chris Faber, Evan Geiselhart, Rebecca McCloskey, Theodore Moody, Bert Nuehring and Theodore Skirvin.

Upon roll call on the Consent Agenda, Trustees Ladesic, Comerford, Cooper, Hartweg, Henninger and Thorsell voted "Aye". Motion carried.

### **Public Hearing – Glen Ellyn Volunteer Fire Company SSA – North and South of Village Limits**

Finance Director Jon Batek presented information related to the proposed establishment of two Special Service Area (SSA) taxing districts in the unincorporated areas to the north and south of the Village limits that are currently served by the Glen Ellyn Volunteer Fire Company.

These SSAs, if established, would result in an additional property tax levied on the properties contained within the boundaries of the SSAs, to pay for the cost of providing fire services which have historically been delivered without any financial contributions from property owners. The proposed maximum tax rate for the SSAs is 25 cents per \$100 of assessed property value (about \$250 per year for a \$300,000 home), which is well below that of surrounding fire service districts which could service the areas if the proposed SSAs were to fail due to resident opposition.

The public hearings were required, following newspaper publication and mailing of notices to impacted property owners, to provide appropriate public notice of the Village's adoption of ordinances announcing its intent to create the SSAs. Those ordinances were adopted at the Village Board meeting held on August 10, 2009.

Upon completion of the public hearings, a 60 day period begins, during which time registered voters and property owners within the proposed SSAs may object to their creation. If a petition signed by at least 51 percent of the electors residing within the SSA and by at least 51 percent of the owners of record of the land included within the boundaries of the SSA is filed with the Village Clerk prior to the expiration of the 60 day filing period, the SSAs would not be created.

If the SSAs are not established, the Fire Company has expressed its intent to discontinue service to these areas. The residents of these areas would then be responsible for obtaining fire protection services from a neighboring jurisdiction.

Fire Chief Scott Raffensparger provided some historical information on the Glen Ellyn Volunteer Fire Company including that its funding sources are Village resident tax monies and volunteer donations.

Trustee Hartweg moved and Trustee Thorsell seconded the motion that the public hearing to receive comment on the proposed establishment of the North Glen Ellyn Fire Protection Special Service Area be opened. All Trustees present voted "Aye." Motion carried.

At Attorney Diamond's suggestion, Trustee Hartweg moved and Trustee Thorsell seconded the motion that the joint public hearing to receive comment on the proposed establishment of the North and South Glen Ellyn Fire Protection Special Service Areas be opened. All Trustees present voted "Aye." Motion carried

Annette Rice, 1N510 Grove Lane, Lombard said she was confused because correspondence she has received from the Village states she and her neighbors are currently served by the G.E. Volunteer Fire Company, but she believes that is incorrect. Ms. Rice stated that when her family has called 9-1-1 in the past the Lombard Fire Company responded. Chief Raffensparger said that the Lombard Fire Company does currently respond to emergency calls in Ms. Rice's area. He further stated that Glen Ellyn and Lombard are in the process, through DuComm, of creating an agreement to determine fire protection responsibilities for this area. Chief Raffensparger stated the Fire Company would be in contact with Ms. Rice and her neighbors in the very near future to inform them of the terms of the agreement.

Deborah Noble, 21W251 Meadow Avenue, Lombard, Donald Winke, 641 Meadow Avenue, Lombard and Gail Jo Kelly, 500 Grove Lane, Lombard (submitted a letter to the Village Board) said they live in Ms. Rice's neighborhood and were also concerned regarding which Village was responsible for providing fire protection in her neighborhood. They both referred to a memo written in 1996 stating that all properties off of Route 53 would be served by the Lombard Fire Department, and that they preferred to be serviced by Lombard.

President Pfefferman asked for a show of hands to indicate the number of individuals from this neighborhood with the same concerns and counted five.

Attorney Diamond interjected that if these properties are part of the SSAs, Glen Ellyn would have an obligation to provide fire protection as these property owners would be paying Glen Ellyn for fire protection. Attorney Diamond said that the purpose of a public hearing was to bring issues such as these to light.

Bruella Osborne, 22W207 Second Street, asked if the tax rate to be paid by the SSA homeowners was the same tax rate paid by Glen Ellyn residents. Finance Director Batek said there is proportionality and equity in how residents and non-residents pay for fire protection determined by assessed property values. Ms. Osborne asked if manpower would be increased to accommodate her neighborhood and Chief Raffensparger said manpower was currently adequate and that it may be increased in the future.

Wynne Kausmanoff, 21W380 Walnut Road, reminded the Village Board that many unincorporated area residents donate money to the G.E. Volunteer Fire Company.

Robert Vasicek, 1N225 Pleasant Avenue, GE or Lombard?, suggested having one fire protection district for taxing purposes. Village Attorney Paul Keller responded that state statute does not allow the entire Village and the two unincorporated areas to become part of one SSA. SSAs are created because special areas are receiving special services.

Richard Wray, 925 Jenna Court, asked and Attorney Diamond responded that funds that pay for fire protection for Glen Ellyn residents comes from the General Fund. The primary source of revenue of the General Fund is from resident real estate taxes.

Attorney Diamond assured unincorporated area residents that if they should become annexed into the Village in the future they would be taken off the SSA; there would be no double taxation.

James Lerch, 21W606 Bemis, mentioned that he pays toward the Fire Company through his water bill.

Robert Frank and Diane Easter, 22W150 Glen Park Road, said they had a fire at their home a few years ago and Glen Ellyn responded to the call. They said they pay for fire protection to Lisle-Woodridge. President Pfefferman said the Village would research their property to determine which fire protection district they are a part of and pay money to, and that they would not pay both districts. Attorney Keller said that this process allows the Village to remove properties from the SSA that should not be a part of it. This public hearing allows everyone the opportunity to contact the Village to inform them that they are paying another fire protection district. Finance Director Batek stated the Village would review again the fire protection district boundary lines.

Dick Heinz, 518 Bemis Road, stated concerns that if the SSA were successfully defeated, the unincorporated residents would like an additional option for fire protection.

Bill McCormick, 1N185 Main Street, asked and Attorney Diamond responded that according to state statute it is the responsibility of the Village to inform individuals involved in the proposed SSAs what the maximum tax which could be assessed in any year. Attorney Diamond further explained that the Village has no jurisdiction to tax unincorporated areas except through this SSA, which has been approved through their representatives on the DuPage County Board.

Tom Tourek, 1S657 Birchbrook Court, asked and Attorney Diamond said that a tax rate is established annually.

Stella Banks, 1S775 S. Ellyn Road, confirmed that the opportunity for her to show her support for the SSA would be to not sign a petition opposed to the SSA.

Attorney Keller provided the Village Board with a revised copy of the resolution for their consideration which describes the process for those individuals who oppose the SSA are required to follow. Attorney Keller further stated that a 60-day clock begins upon the conclusion of the public hearing in which individuals opposed to the SSAs can submit to

the Village Clerk petitions with signatures of 51% of electors/registered voters and 51% of the property owners of record objecting to the SSA which would be needed to defeat the SSA.

Don Posey, 21W740 Dorchester Court, stated concerns regarding the 25 cent maximum mentioned in the letter and not the actual amount.

Greg Hill, 21W355 Hoyle Road and Don Rice, 1N510 Grove Lane, Lombard, asked and Attorney Diamond responded that the DuPage County Board required the Village to ensure the tax rates for fire protection were equitable.

Robert Mendez, 1S555 Cotuit Court, asked and Chief Raffensparger responded that if the SSA were defeated, unincorporated residents would have the choice to annex to an existing fire protection district or to annex into the Village. Attorney Diamond said it was his suggestion to include in the letter to unincorporated residents the harsh language that if the SSA were defeated, the G.E. Fire Company would not respond to emergency calls.

Attorney Diamond asked and Attorney Keller recommended continuing this public hearing to allow staff time to obtain additional information including questions regarding fire protection district boundary lines and also to invite individuals the opportunity to provide pertinent information to the Village with regard to the same.

Trustee Thorsell moved and Trustee Henninger seconded the motion that the **public hearing to receive comment on the proposed establishment of the North Glen Ellyn Fire Protection Special Service Area and the South Glen Ellyn Fire Protection Special Service Area be continued** to the September 14, 2009 Regular Village Board Meeting at 8 p.m. **and to table the following actions** to the September 14, 2009 Regular Village Board Meeting at 8 p.m.

- a. Resolution of the Village Board of the Village of Glen Ellyn Regarding North and South Glen Ellyn Fire Protection Special Service Areas; and
- b. Motion to exclude the following properties from the Proposed North Glen Ellyn Fire Protection Special Service Area: 820 Second Street, 1N114 Lenox Road, 1N148 Lenox Road and 1050 River Drive.

Upon roll call, Trustees Thorsell, Henninger, Comerford, Cooper, Hartweg and Ladesic voted "Aye." Motion carried.

**Recess:** 11:09 p.m. – 11:15 p.m.

**Ordinance No. 5789 – 275 Sunset Avenue – Lot Coverage Ratio, Side Yard and Front Yard Setback Variations**

Planning and Development Director Staci Hulseberg presented information on a request by Alan and Jessica Buttmer for three variations from the Glen Ellyn Zoning Code to allow a lot coverage ratio of 21.6 percent in lieu of the maximum permitted lot coverage

ratio of 20 percent, a side yard setback of 5.15 feet in lieu of the minimum required side yard setback of 8.0 feet and a front yard setback of 31.83 feet in lieu of the minimum required front yard setback of 39.4 feet. The subject property is an interior lot on the east side of Sunset Avenue between Turner Avenue and Arlington Avenue in the R2 Residential District. The Zoning Board of Appeals considered the request at a public hearing on July 28, 2009, voting on a motion to recommend approval of the variation requests by a unanimous vote of five (5) “yes”.

Trustee Ladesic moved and Trustee Comerford seconded the motion that Ordinance No. 5789 be passed, an Ordinance Approving Variations from the Lot Coverage Ratio, Side Yard Setback and the Front Yard Setback Requirements of the Zoning Code to Allow the Construction of a Two-Story Residential Addition for Property at 275 Sunset Avenue, Glen Ellyn.

Upon roll call, Trustees Ladesic, Comerford, Cooper, Hartweg, Henninger and Thorsell voted “Aye.” Motion carried.

### **Establish Special Service Areas**

- **Central Business District**
- **Roosevelt Road Business District**
- **Stacy’s Corners Business District**

Finance Director Jon Batek presented information on five ordinances proposed to continue or establish a number of Special Service Areas (SSAs) situated in the Village’s commercial areas. These SSAs, most of which were first created in 1991, were established to promote the revitalization of the Village’s commercial districts and to support economic development activities and programs. Proceeds of annual SSA property tax levies have historically provided primary operational funding to the Glen Ellyn Economic Development Corporation.

Presently, there are six commercial district SSAs, numbered 6 through 11. Funding for these SSAs has expired effective with the 2008 tax levies which support economic development operations for the current 2009/10 fiscal year. If a dedicated funding source for these activities is to continue, the SSAs must be extended through a public notice and hearing process. This action is the first step in that process.

The proposed ordinances establish the term of the SSAs to provide regular funding for economic development activities on an on-going basis. The maximum tax rate authorized under the SSAs, which is presently .15 percent of a property’s assessed valuation, is not proposed to increase (except for SSA 9, which is proposed to be increased from .05 percent to .15 percent to maintain an equitable tax rate among all SSAs). Also proposed are some changes in the boundaries of most of the SSAs which were last updated in 1999. Finally, two of the smaller SSAs (numbers 8 and 9), which are located on the far eastern portion of the Roosevelt Road Business District, are proposed to be combined into one, as the amended boundaries result in a contiguous area.

Upon adoption of the proposed ordinances, a public hearing on each of the SSAs would be scheduled for Monday, September 14, 2009 at 8:00 p.m. in the Galligan Board Room of the Civic Center. This would be followed by a 60 day period in which impacted property owners would have the opportunity to file a petition objecting to the establishment of any of the proposed SSAs. Final action on the establishment of the SSAs is tentatively scheduled for Monday, November 23, 2009.

Planning and Development Director Staci Hulseberg presented information regarding SSA criteria which determined whether properties would or would not be included in the SSA boundaries: All commercial properties were included, multi-family and attached single-family residential properties in commercial zoning district and mixed-use buildings in commercial zoning district were included. Detached single-family and multi-family and attached single-family residential properties in residential zoning district were excluded.

Director Hulseberg said that due to Village Board discussion at their August 17 workshop meeting, staff has added in certain multi-family and townhome properties that are also zoned commercial. Director Hulseberg said Sunrise Assisted Living, 95 Carleton Avenue which is zoned R5, was added in for consistency purposes as the Meadows/Brookdale Assisted Living, 60 N. Nicoll Avenue, is included in the SSA.

Director Hulseberg stated there were three exceptions to the SSA criteria outlined above and included in the SSA: 39 Ott Avenue; 31 Ott Avenue and Sunrise Assisted Living. Discussion ensued and it was the consensus of the Village Board to remove 39 Ott Avenue from inclusion in the SSA; and to keep 31 Ott Avenue and Sunrise Assisted Living included in the SSA.

Trustee Comerford moved and Trustee Thorsell seconded the motion that the following ordinances establishing Special Service Area in the Central Business District, the Roosevelt Road Business District and the Stacy's Corners Business District of the Village of Glen Ellyn be approved:

- a. **Ordinance No. 5790**, an Ordinance Proposing the Establishment of Special Service Area Number 6 in the Central Business District of the Village of Glen Ellyn and Providing for a Public Hearing and Other Procedures in Connection Therewith;
- b. **Ordinance No. 5791**, an Ordinance Proposing the Establishment of Special Service Area Number 7 in a Portion of the Roosevelt Road Business District of the Village of Glen Ellyn and Providing for a Public Hearing and Other Procedures in Connection Therewith;
- c. **Ordinance No. 5792**, an Ordinance Proposing the Establishment of Special Service Area Number 9 in a Portion of the Roosevelt Road Business District of the Village of Glen Ellyn and Providing for a Public Hearing and Other Procedures in Connection Therewith;

- d. **Ordinance No. 5793**, an Ordinance Proposing the Establishment of Special Service Area Number 10 in the Stacy's Corners Business District of the Village of Glen Ellyn and Providing for a Public Hearing and Other Procedures in Connection Therewith; and
- e. **Ordinance No. 5794**, an Ordinance Proposing the Establishment of Special Service Area Number 11 in a Portion of the Roosevelt Road Business District of the Village of Glen Ellyn and Providing for a Public Hearing and Other Procedures in Connection Therewith.

Upon roll call, Trustees Comerford, Thorsell, Cooper, Hartweg, Henninger and Ladesic voted "Aye." Motion carried.

### **Hill Avenue Utility Extension Project**

Public Works Director Joe Caracci presented information on an amendment to the existing engineering services agreement with Walter E. Deuchler Associates for the design of water main and sanitary sewer extensions on Hill Avenue and nearby roadways on the eastern end of the Village. The Hill Avenue Utility Extensions Project would construct 8-inch and 12-inch water mains and a network of 8-inch sanitary sewers in a currently unincorporated area of the Village east of Cumnor Avenue along Hill Avenue, near the Glen Oak Country Club, to potentially serve up to about 80 new customers. The estimated construction cost for the project is \$4,250,000.

In 2005 Walter E. Deuchler Associates, Inc., of Aurora, Illinois was selected to undertake the original assignment of water main design. As the project evolved, the need and desire for sanitary sewer in the area became evident, and the pace of project implementation ramped up considerably this spring with the possible inclusion of the project into the American Recovery and Reinvestment Act (ARRA) program. While disappointing news was recently received about the prospect of ARRA funding, staff desires to continue with project implementation using the state revolving loan program. The purpose of the amendment in the amount of \$128,000 was to compensate the engineer for extra services performed to date to incorporate sanitary sewer improvements into the project plans and to provide ongoing assistance with the many remaining easement and agency coordination tasks, as well as to perform miscellaneous design items such as soil borings.

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

- a. Increase the appropriation for design engineering services associated with the Hill Avenue Utility Extensions Project provided by Walter E. Deuchler Associates by \$120,000 for a revised total appropriation of \$285,000, to be expensed to the FY 09 – 10 Water and Sanitary Sewer Fund; and
- b. Amendment No. 1 to the engineering services agreement with Walter E. Deuchler Associates, Inc. for additional design services for the Hill Avenue Utility Extension Project, in the amount of \$128,000 for a revised not-to-exceed total fee of \$278,000.

Upon roll call, Trustees Hartweg, Thorsell, Cooper, Comerford, Henninger and Ladesic voted "Aye." Motion carried.

### **Reminders**

- The next Pre-Board meeting of the Glen Ellyn Village Board is scheduled for Monday, September 14, 2009 beginning at 7 p.m. in the Galligan Board Room of the Glen Ellyn Civic Center.
- The next Regular Village Board Meeting is scheduled for Monday, September 14, 2009 beginning at 8 p.m. in the Galligan Board Room of the Glen Ellyn Civic Center.

### **Adjournment**

At 11:49 p.m. Trustee Cooper moved and Trustee Henninger seconded the motion that the Village Board reconvene into executive session and that the Regular Meeting of the Village Board of Trustees be adjourned. All Trustees present voted "Aye." Motion carried.

Respectfully Submitted,

Andrea Draths  
Village Clerk