

Minutes
Regular Meeting
Glen Ellyn Village Board of Trustees
Galligan Board Room
October 12, 2009

Call to Order

Village President Pfefferman called the meeting to order at 8:02 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 Sandy Brenner, a representative of the Character Coalition.

Correspondence

- a. Note of appreciation written by a young resident sending his thanks to Police Officer Joseph Flores for finding him so the police officer could return a lost baseball bag.
- b. Note sent to Police Officer Tom Staples thanking him and the Police team for the informative Senior Police Academy.
- c. September 6 letter from a resident to Police Chief Phil Norton, forwarding her appreciation for the recent "Coffee with the Cops" session.
- d. September 23 e-mail from a resident to Deputy Police Chief Bill Holmer, forwarding his thanks for the new traffic sign recently installed at an intersection in his neighborhood.
- e. October 2 letter from DuPage County Sheriff Zaruba, thanking Community Service Officer Nick Bellini for participating in this year's Safety Saturday event.
- f. October 5 e-mail from a resident breathing a sigh of relief after Deputy Police Chief Bill Holmer cleared them of parking violations incorrectly issued to their license plate number from another state.

Audience Participation

- a. President Pfefferman presented a proclamation to Sandy Brenner of the Character Coalition declaring the week of October 18 as Character Counts Week. Ms. Brenner said the following are traits promoted by the Coalition: Trustworthiness, respect, responsibility, fairness, caring and citizenship. The Character Counts reception is scheduled to be held October 22.
- b. President Pfefferman read a proclamation honoring Village Attorney Stewart Diamond for representing the Village of Glen Ellyn for 20 years.

Attorney Diamond thanked the Village Board for recognizing him with this proclamation. Attorney Diamond introduced his secretary of 36 years, Dale Rollins; and his wife of 38 years, Shari; who were both present. He said he has enjoyed working with three Village Clerks and six Village Presidents during his tenure. Attorney Diamond said it has been a pleasure to be involved with such an interesting and special community as the Village of Glen Ellyn.

- c. Glen Ellyn was selected for Honorable Mention by the Arts Alliance Illinois and the Illinois Municipal League for the Illinois Arts Friendly Community Award. This award recognizes Glen Ellyn as a model for how mayors and other municipal leaders can work with artists, arts organizations and volunteers to improve the quality of life of our residents. President Pfefferman thanked the Planning and Development Department whose work enabled award of this honor.
- d. Village Clerk Andrea Draths administered the Oath of Office to Police Officers Daniel Rossiter and Kyle Duffie. Police Chief Norton introduced Officers Rossiter and Duffie.

New recruits spend 12 weeks at the Police Training Institute at the University of Illinois in Champaign/Urbana. Upon graduation, officers work alongside experienced Field Training Officers for 14 weeks, and then, the following year on their own under the supervision of Patrol Sergeants. Officers Rossiter and Duffie have now successfully completed their probationary period.

- e. Village Clerk Andrea Draths administered the Oath of Office to Deputy Village Clerk Kristen Denney.
- f. Lauri Reeves, 618 Hillside Avenue, voiced concerns regarding a possible reduction in escrow payments and release of documents relating to a special use permit that was approved by the Village Board on March 23, 2009 for Diamante Montessori School, 625 Hillside Avenue. Ms. Reeves asked and Attorney Diamond responded that the “legal partnership” came about when the Village was sued along with the owners of the 625 Hillside Avenue property. He stated that a resolution of this settlement agreement would come before the Village Board. Attorney Diamond mentioned that never before had the nature of an objection by

citizens been so central with regard to the nature of the process and that the Village has an obligation to protect its processes and procedures so that its citizens could rely upon them. Attorney Diamond stated that when the project was completed the owners, the Repking's requested a reduction in legal fees due to the fact that part of the reason for the higher fees was because the Village was protecting its zoning processes by having a Village Attorney in attendance at numerous meetings that typically they would not have attended. The Village Board directed the Village Manager to negotiate legal fees because money was spent on Village attorney's not only to protect the process but also because the attorney representing the neighbors opposed to the project had threatened litigation early on in the process.

Robert Kopf, 675 Hillside Avenue, asked what exemption was cited for closed session meeting by the Village Board regarding discussion on a draft agreement being negotiated between the Village and the Repking's and Attorney Diamond responded "pending litigation."

Ninnette Karg, 603 Phillips Avenue, voiced concerns regarding various pieces of information given and not given to the Plan Commission and the Village Board during the sup process. Attorney Diamond reminded the Village Board that there were five public hearings during Plan Commission meetings during the sup process and the objectors were represented by an attorney and all arguments of the objectors were presented and ultimately the Village Board was not in agreement with the objectors.

- g. Liz Dawson, 869 Hillside Avenue, asked the Village Board what the status was regarding the proposed tree preservation ordinance and Manager Jones responded that the Village opinion survey, which included questions on the TPO, was eliminated due to budget constraints and that the TPO is a "live topic" on the Village's strategic plan list of initiatives that are in the process of being prioritized.

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

- a. **Minutes** of the July 27, 2009 Village Board Meeting.
- b. Total **Expenditures** (Payroll and Vouchers) - \$2,251,271.68.
The vouchers were reviewed by Trustee Hartweg prior to the meeting.
- c. Waive Sections 8-1-12 (Merchandise on Streets), 10-4-17.2(B)25 for the C5B Central Business District and 10-4-17.1(B)32 for the C5A Central Business District (Special Use for Outdoor Sales, Storage, Tents, Promotional Activities and

Events) of the Village Code in order to permit the Glen Ellyn Chamber of Commerce to host their annual Halloween Event.

The Glen Ellyn Chamber of Commerce requested permission to hold their annual **downtown Halloween Event** on Saturday, October 31, 2009 between the hours of 10:00 a.m. and 2:00 p.m. The event includes the traditional children's parade, trick-or-treating to local merchants, face painting, children's crafts and outdoor merchandise sales and food vendors.

- d. Waive Section 10-4-8(A) of the Village Code in order to permit **St. Mark's Episcopal Church** to host their annual Pumpkin Patch Event. This waiver would allow a special promotional event by a non-residential use in a Residential District which is not listed as a permitted or special use in the zoning district.

St. Mark's Episcopal Church requested permission to hold their annual Pumpkin Patch event between Saturday, October 10, 2009 and Saturday, October 31, 2009. The Pumpkin Patch is scheduled to be open Monday through Friday between the hours of 9:00 a.m. to 8:00 p.m., and on Saturday and Sunday, 10:00 a.m. to 7:00 p.m.

- e. Receive the **Village's Comprehensive Annual Financial Report** for the fiscal year ended April 30, 2009.

The Village's financial statements are annually audited by an independent certified public accounting firm as required by State law. Sikich LLP of Aurora, Illinois has completed the audit of the Village's financial statements for the fiscal year which ended April 30, 2009. The 139-page Comprehensive Annual Financial Report represents the "official" financial statements of the Village. This report is available for public review at the Village Clerk's Office in the Civic Center, at the Glen Ellyn Public Library or online at www.glenellyn.org

- f. Actions related to the **Riford Road Reconstruction Project**:

1. Increase the appropriation for Phase II design engineering services associated with the Riford Road Reconstruction Project provided by Burns & McDonnell by \$50,000 for a revised total appropriation of \$290,000, to be expensed to the FY 09-10 Water, Sanitary Sewer and Capital Projects Funds.
2. Approve Amendment No. 1 to the engineering services agreement with Burns & McDonnell for Phase II engineering Services for the Riford Road Reconstruction Project in the amount of \$62,000 for a revised not-to-exceed total fee of \$284,000.

In August 2007, the Village Board approved a services agreement with Burns & McDonnell to provide detailed engineering design plans and contract documents for the reconstruction of Riford Road between Crescent Boulevard and St. Charles

Road, including improvements on St. Charles Road and the rebuilding of sections of two nearby streets, Grand and Lake. The project has been approved for 70-percent federal funding of eligible roadway and drainage construction costs through the Surface Transportation Program (STP). Pre-final plans were completed in 2008 and submitted to the Illinois Department of Transportation (IDOT) for review in accordance with STP funding procedures. IDOT requirements and comments on the submittals raised concerns about how Grand and Lake should be reconstructed, prompting recent removal of these streets from the project scope in order to avoid further delays. In addition, 2008 stormwater ordinance changes relating to water quality requirements have resulted in the need to expand stormwater permit submittals and incorporate additional mitigation measures into the project. Extra design efforts have also been expended in support of land acquisition efforts near the intersection of Riford and St. Charles, to add various utility improvements, revise IDOT reports and to handle easement requirements.

To perform the needed designs and incorporate the various project changes, the consultant requested additional compensation. Approximately 500 hours of additional effort was required at an estimated cost of \$62,000. The revised plan, specification and cost estimate submittal would be sent to IDOT this month, targeting a March 2010 bid letting date and construction next year.

- g. **Ordinance No. 5801-VC**, an Ordinance Prohibiting the Use of **Groundwater as a Potable Water Supply** by the Installation or Use of Potable Water Supply Wells or by Any Other Methods in the Vicinity of 840 N. Main Street.

Approval of this ordinance prohibits the installation and use of potable water wells in an area surrounding the old Amoco Service Station (Station No. 15385) previously located at 840 N. Main Street. As part of the redevelopment of the northwest corner of St. Charles Road and Main Street, remediation of Leaking Underground Storage Tanks (LUSTs) was performed by the developer. Because certain groundwater constituents may exist and exceed Class I groundwater quality standards for potable water, adoption of this ordinance would eliminate potential threats to human health from groundwater contamination.

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

Ordinance No. 5802 – Baker Hill Shopping Center (830-944 Roosevelt Road) – Sign Variation

Planning and Development Director Staci Hulseberg presented information on the request of Columbia Retail Baker Hill, LLC for amendments to the sign variations previously granted for the Baker Hill Shopping Center on April 14, 1997 by Ordinance No. 4484 and on October 27, 2008 by Ordinance No. 5710. The request was made to allow the existing freestanding shopping center identification sign on the property to be replaced with a new

sign that would be located approximately 100 feet east of the existing sign and which would have a height of 20 feet where a maximum height of 15 feet is permitted. The subject property is located on the north side of Roosevelt Road between Baker Hill Drive and Interstate 355 in the C6 Commercial/Multi-Use Planned Unit Development District. The Architectural Review Commission reviewed the request at a public hearing on September 23, 2009 and by a vote of 7-0 recommended approval of the request with conditions.

Trustee Comerford moved and Trustee Hartweg seconded the motion that Ordinance No. 5802 be passed, an Ordinance Amending Ordinance No. 5710 which Amended Ordinance No. 4484 in Order to Grant an Additional Variation for the Height of One of the Shopping Center Identification Signs at the Baker Hill Shopping Center Located on Property Commonly Known as 830-944 Roosevelt Road, Glen Ellyn, Illinois 60137.

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

Resolution No. 09-27 – Combined Property Tax Levy for the Village of Glen Ellyn and the Glen Ellyn Public Library

Finance Director Jon Batek presented information on the first step in the 2009 property tax levy process, which would be collected on 2010 tax bills. The resolution provides an estimate of the amounts of funds needed for the upcoming fiscal year. This estimate may be modified prior to final adoption of the property tax levy which is tentatively scheduled for November 23, 2009.

The annual property tax levy sets the total amount to be collected from the property tax for both the Village of Glen Ellyn and the Glen Ellyn Public Library. Although the Library has a separately elected President and Board of Trustees, it has no taxing authority. As a result, the Village Board must annually consider the property tax request of the Library Board.

Village Property Taxes – The Village levies property taxes for operating purposes (public safety and road improvements) and to retire previously issued voter-approved bonds for various capital infrastructure improvements. For 2009, total operating funds are proposed to increase by about \$111,000, or 3.1 percent over operating property taxes extended in 2008. Total capital bond funds will decrease next year by approximately \$44,000, or 2.0 percent. The total proposed Village property tax levy for all uses combined is projected to increase by approximately \$67,000, or 1.2 percent over taxes extended in 2008.

Library Property Taxes – Library Director Dawn Bussey presented information concerning the 2009 property tax request of the Library Board. In the past, the Library levied property taxes only for operating purposes and to retire previously issued voter approved bonds from the construction of the Library building. For 2009, the Library Board unanimously decided to add an additional line to the levy, Operating – Capital, for the purpose of repairing and replacing the Library's building, systems, furniture, fixtures,

appurtenances, and contents other than the Library's collection of books and materials, when they reach the expected end of their useful life. This change is in addition to the proposed bond issue to repair the known defects in the building and is intended to ensure that no further borrowings will be necessary to maintain the Library's facilities after those defects are repaired.

Total operating funds for 2009 are proposed to increase by about \$479,000 or 17.8 percent over operating property taxes extended in 2008. Four hundred forty-five thousand dollars (\$445,000) of these proposed funds are to be allocated to the new budget line for Operating – Capital. The amount of the additional budget line for Operating – Capital of \$445,000 is the best estimate of the average amount necessary annually to maintain the Library facility. This estimate was provided by a consultant hired by the Library for that purpose, was unanimously adopted as correct by the Library Board, and is intended to substantially maintain the Library facility in its current state. Excluding the increase for Operating – Capital, the Library's budget for 2009 is an increase of 2.5 percent over its budget in 2008.

The next steps in the Village's annual property tax levy process include a public hearing and property tax ordinance first reading on Monday, November 9, 2009, with final ordinance adoption scheduled on Monday, November 23, 2009. Additional details concerning the proposed property taxes for 2009 can be found on the Village's web site by clicking on "Latest News".

Trustee Henninger requested assurances from the Library Board that 100% of the funds requested would in fact be used now and in the future only for the purposes indicated here, and not become part of the operating budget. This could include the possibility of tax abatement in the future. Library Board President Larry Stein assured the Village Board that funds would be used as requested here.

Trustee Ladesic mentioned concerns regarding what he believed to be high estimate repair costs and mentioned the Library looking into liability with the Library's insurance carrier and potentially with the Library building architect and contractor. Mr. Stein suggested discussions regarding insurance company liability and architect and contractor liability be held in a closed session meeting.

President Pfefferman asked the Village Board if they felt the tax levy for both the Village and Library was "all or nothing", or "something in-between?" Trustee Ladesic he would be looking for "something in-between" and suggested possibly more belt-tightening by the Library and the requested the opportunity to have additional time to review pertinent Library documents. Trustees Henninger, Comerford, Thorsell and Hartweg stated faith in the Library Board and stated support for the tax levy, with assurances/conditions indicated and Trustee Cooper said he felt no additional comments were necessary.

Trustee Cooper moved and Trustee Henninger seconded the motion that Resolution No. 09-27 be passed, a Resolution to Record the Determination of the Corporate Authorities of the Village of Glen Ellyn of the Amounts of Money Estimated to be Necessary to be

Raised by Taxation on Taxable Property for the Fiscal Year Beginning May 1, 2009, and ending April 30, 2010.

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

Reminders

- The next regular Village Board Workshop is scheduled for Monday, October 19, beginning at 7:00 p.m. in the Galligan Board Room of the Glen Ellyn Civic Center.
- The next Pre-Board meeting of the Glen Ellyn Village Board is scheduled for Monday, October 26, beginning at 7:30 p.m. in the Galligan Board Room of the Glen Ellyn Civic Center.
- The next Regular Village Board Meeting is scheduled for Monday, October 26, beginning at 8:00 p.m. in the Galligan Board Room of the Glen Ellyn Civic Center.

Adjournment

At 9:46 p.m., Trustee Comerford moved and Trustee Thorsell seconded the motion 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