

**Minutes  
Special Meeting  
Glen Ellyn Village Board of Trustees  
July 18, 2011**

**Call to Order**

Village President Pfefferman called the meeting to order at 7:03 p.m.

**Roll Call**

Upon roll call by Village Clerk Connors, Village President Pfefferman, Trustees Cooper, McGinley, Hartweg, Henninger, Friedberg and Ladesic answered, "Present."

**Pledge of Allegiance**

Mrs. Martha Pfefferman accompanied by Matthew and Mitchell Pfefferman led the Pledge of Allegiance. They welcomed the new Village Manager and his family.

**Proclamation**

President Pfefferman presented a Proclamation honoring out-going Interim Village Manager Terry Burghard. President Pfefferman and Village Board members thanked him for his extraordinary performance and outstanding job as Village Manager since January 2011. Mr. Burghard expressed his pleasure being able to leave retirement for a short time to work with an excellent staff in a lovely community. Mr. Burghard left the dais.

**New Village Manager**

President Pfefferman introduced and gave background information about Mark Franz who was hired as the Village Manager. As his family joined him, Mr. Mark Franz was sworn in by Village Clerk Connors. He was congratulated by the Village Board and took his seat at the dais. Village Manager Franz spoke about looking forward to working in Glen Ellyn and introduced his family.

**Essex-Lake-Oak-Grand (ELOG) Project**

Village Engineer Bob Minix explained the scope of the project which is located north of Lake Ellyn and is designed to cut off water overflow before it reaches Essex Court, improve drainage in the area, and keep water from Oak Street stays on Oak Street. Mr. Minix informed the Village Board that an island in the middle

of Essex Court is owned by the Andersons. Usually land in a right-of-way is owned by the municipality, but that is not the case in this instance. The Andersons have given permission for the Village to use the island area for water retention so a low spot will be created and the appearance of the island will change. It is anticipated that Phase 1 will be completed by September and Phase 2 will be finished by early November.

Trustee Hartweg moved, seconded by Trustee Henninger that the following motions be approved:

- A. Motion to approve award of a contract to Pirtano Construction Company for improvements associated with the ELOG Drainage and Roadway Improvements Project, in the amount of \$1,780,000 (including a 5% contingency), to be expensed to the FY12 Water, Sanitary Sewer and Capital Projects funds.
- B. Motion to approve an agreement with RHMG Engineers for construction engineering services for the ELOG Drainage and Roadway Improvements Project, in the total not-to-exceed amount of \$175,000 (including a 5% contingency), to be expensed to the FY12 Water, Sanitary Sewer and Capital Projects funds.
- C. Motion to increase the appropriation for engineering services associated with the design of the ELOG Drainage and Roadway Improvements Project in the amount of \$12,000, for a revised total appropriation of \$77,000 to be expensed to the FY12 Water and Capital Project funds.
- D. Motion to approve Amendment No. 1 to the design services agreement with RHMG Engineers for the ELOG Drainage and Roadway Improvements Project for additional plan preparation expenses in the amount of \$17,000 resulting in a total not-to-exceed fee of \$77,000 for the work.

Trustee McGinley noted that the amount in the first motion (A) should be \$1,785,000. Trustee Hartweg amended his motion, seconded by Trustee Henninger to show that the award of the contract to Pirtano Construction Company should be in the amount of \$1,785,000 (including a 5% contingency) with all other parts of the motion (A, B, C, and D) to stand as read.

Upon roll call Trustees Henninger, Hartweg, Cooper, Friedberg, McGinley, and Ladesic voted “aye” in favor of the amended motion. Amended motion passed.

### **COD Building Occupancy**

President Pfefferman announced that tonight’s Workshop agenda originally contained a COD update. That item has been moved to this Special Meeting agenda and will include a motion regarding occupancy of buildings under construction at the College of DuPage. President Pfefferman read an open letter

to the Citizens of District 502 from the Village of Glen Ellyn which was originally sent out July 8, 2011, a copy of which is dated July 18, 2011, is attached and made a part of these minutes.

After the letter was read, Village Manager Franz referred to copies of a Certificate of Compliance and matrix with a list of requirements which the Village is looking to receive. Village Attorney Diamond discussed the Village Board's desire to come to a conclusion as to a final action regarding the four COD buildings that are either under construction or being renovated. He explained the motion could delay or withdraw the Village's desire to proceed with a Temporary Restraining Order to prevent the occupancy of the buildings in question at the College of DuPage. Attorney Diamond read the proposed motion item-by-item and interpreted each portion/section. He also explained the Village's reasons for the motion. The Village Board asked numerous questions of Attorney Diamond, Planning and Development Director Hulseberg and Building and Zoning Official Kvapil. During discussion, Village Board members made suggestions for changes to the proposed motion.

Ken Florey, Attorney for the College of DuPage, addressed the Village Board from COD's point of view. He answered questions from the Village Board. President Pfefferman attempted to recap Attorney Florey's presentation including whether any of the four buildings under consideration are currently being used even though Certificates of Occupancy have not been issued by the Village. He did not finish. Despite direct questions, other Village Board Members were not able to determine from Attorney Florey's answers whether anyone was currently occupying/using any of the COD buildings without Certificates of Occupancy from the Village of Glen Ellyn. Attorney Florey announced that classes are planned to start the 3<sup>rd</sup> week of August 2011.

Attorney Diamond answered additional questions from the Village Board and proposed a motion with additional changes.

### **Recess to Executive Session**

At 9:32 p.m., Trustee Cooper moved, seconded by Trustee Hartweg to adjourn to Executive Session in Room 301 for the purpose of discussing pending litigation returning thereafter to open session in the Galligan Board Room. All present voted "aye."

Prior to members of the Village Board leaving the dais, Joe Sinopoli, 725 Riford, spoke to Village Board members regarding the drainage problems occurring on his property and asked the Village to address those problems during the ELOG Improvement Project.

### **Reconvene to Open Session**

At 10:18 p.m., the Special Village Board Meeting reconvened with all present.

Trustee Cooper moved and Trustee Henninger seconded a motion that the Village of Glen Ellyn consider granting occupancy to the College of DuPage buildings currently under construction or substantial renovation upon the following conditions: (1) By Wednesday, July 20, 2011, by 1:00 p.m., the College provide to the Village the executed attached interim Certificate of Compliance from the Design Architect, Review Architect and Construction Manager for each of the 4 structures under construction (16 certificates), (2) Prior to occupancy of those buildings, the College will provide executed, attached Final Certificates of Compliance from the Design Architect and Construction Manager for each of the 4 structures under construction (8 total certificates), and will request a Fire Inspection and Occupancy Inspection by the Village for each process, (3) If the Fire and Occupancy inspections reveal non-compliance with the requirements of Attachment "A" to the Certificate of Compliance, these matters will be promptly reported to the Village Board, which will determine if the buildings may be granted temporary or permanent Occupancy certificates. If the Occupancy and Fire Inspections reveal compliance with the requirements of Attachment "A" to the Certificates of Compliance, the Occupancy Certificates will be issued by staff before the end of the next business day, (4) In passing this motion and in reaching any other decision regarding Certificates of Occupancy, the Village has and will utilize its powers to waive or vary the provisions of municipal ordinances, (5) the issuance of Occupancy Certificates by the Village Board is not intended to establish any precedent regarding the jurisdiction of the Village over the college of DuPage, which was substantially stated in a Policy Statement adopted by the Village Board on June 13, 2011.

President Pfefferman asked for questions or comments from the public. There were none.

Upon roll call, Trustees Cooper, Henninger, Friedberg, McGinley, Hartweg, and Ladesic voted, "aye." Motion passed.

### **Other Business?**

None

### **Adjournment**

At 10:25 p.m. Trustee Henninger moved, seconded by Trustee Hartweg to adjourn the meeting. All present voted, "aye." Meeting adjourned.

Submitted by,

Suzanne R. Connors,  
Village Clerk