

Minutes
Regular Board Meeting
Glen Ellyn Village Board of Trustees
Monday, August 26, 2013

Call to Order

Village President Demos called the meeting to order at 6:01 p.m.

Roll Call

Upon roll call by Village Clerk Galvin, Village President Demos and Trustees Clark, Elliott, Ladesic and O'Shea answered "Present". Trustee McGinley arrived at 6:08 p.m.

Trustee Friedberg was excused.

Executive Session

A motion was made and seconded to enter to Executive Session for the purpose of discussing the purchase of real property for the use of the public body, and the appointment, employment, compensation, discipline, performance, or dismissal of specific employees.

Call to Order

The meeting was called to order, into Open Session by President Demos at 7:01p.m.

Roll Call

Upon roll call by Village Clerk Galvin, Village President Demos and Trustees Clark, Elliott, Ladesic and McGinley answered "Present". Trustee O'Shea arrived at 7:04 p.m.

Pledge of Allegiance

President Demos asked Kristin Schrader to lead the Pledge of Allegiance.

Village Recognition

- A. A thankful resident called to compliment Victor Zarate, Emma Sprau and Kathryn Horn of Public Works for their professionalism in having a broken limb from an oak tree promptly removed
- B. Officer Steve Miko received a thank you note from the Philip Rock Center for his community education presentation.
- C. The Milton Township S.A.L.T Council sent a letter of thanks to Officer Steve Miko for his excellent presentation on the problem of teenagers and prescription drug abuse.

Consent Agenda

The following items presented by Village Manager Franz are considered routine business by the Village Board and will be approved in a single vote in the form listed below:

Motion to approve the following items including Payroll and Vouchers totaling \$2,032,643.36:

- A. Village Board Meeting Minutes:
 - 1. August 5, 2013 Strategic Planning Session
 - 2. August 12, 2013 Regular Meeting
- B. Total Expenditures (Payroll and Vouchers) - \$2,032,643.36.

The vouchers have been reviewed by Trustee Ladesic and by Manager Franz prior to this meeting, and are consistent with the Village's purchasing policy.
- C. Motion to designate Trustee Ladesic as Village President Pro Tem for the four-month period from September through December 2013.
- D. Motion to waive competitive bidding for a cooperative purchase which is an authorized exception in the purchasing policy to approve the purchase of two 2014 Ford F-350 dump trucks with snow plow equipment from Freeway Ford of Lyons, Illinois in the amount of \$121,187, through the Suburban Purchasing Cooperative, to be expensed to the Capital Outlay – Vehicles Fund.
- E. Motion to approve the annual Cottage Avenue Water Tower maintenance agreement with Utilities Service Company of Perry, Georgia in the not-to-exceed amount of \$22,000, to be expensed to the Water Division Maintenance Building & Grounds Fund.
- F. Motion to increase the appropriation of funds associated with the 2013/14 Tree Planting Program by \$35,000 for a revised total appropriation not-to-exceed \$72,000, to be expensed to the General Fund with a required budget amendment.
- G. Ordinance No. 6161-VC, An Ordinance to Amend Section 9-2-12 (Municipal Permit Parking Lots) and Section 9-5-8 (Schedule H; Parking Limits) of the Village Code regarding parking in the Main and Pennsylvania Parking Lot.

Manager Franz stated that Item G, Ordinance No. 6161-VC, An Ordinance to Amend Section 9-2-12 (Municipal Permit Parking Lots) and Section 9-5-8 (Schedule H; Parking Limits) of the Village Code regarding parking in the Main and Pennsylvania Parking Lot should be corrected. The Ordinance references 10 parking spaces, there are actually 12 parking spaces.

Trustee Elliott requested that Village Clerk Galvin correct errors in the August 12, 2012 Board Meeting Minutes.

President Demos clarified Item C, Motion to designate Trustee Ladesic as Village President Pro Tem for the four-month period from September through December 2013. Since the Board does not have a Vice-President, a Village President Pro Tem is assigned every 4 months.

Trustee Elliott inquired about Item F, Motion to increase the appropriation of funds associated with the 2013/14 Tree Planting Program by \$35,000 for a revised total appropriation not-to-exceed \$72,000, to be expensed to the General Fund with a required budget amendment.

Public Works Director Hansen responded that the Village has not been keeping up with tree planting for the last 2 planting seasons. With this group effort they should be caught up shortly. Trustee Ladesic asked if the Village could team up with the Park District. Director Hansen responded that as all taxing bodies are making do with less, the Park District most likely has their own responsibilities. They have, however discussed tree removal and cost savings by utilizing the same vendors, if possible.

Trustee Ladesic made a motion to approve the Consent Agenda, Items A-G. The motion was seconded by Trustee Elliott.

Upon roll call, Trustees Clark, Elliott, Ladesic, McGinley and O'Shea voted "Aye." Motion carried.

Agenda Item 7 - Purchase of a new Caterpillar Model 938K Front End Loader

Public Works Director Julius Hansen presented information on the purchase of a new Caterpillar Model 938K Front End Loader.

The current Case 721 B Front End Loader has reached its maximum effective useful service life after 15 years of operation. Public Works uses this equipment for numerous tasks, rather than hire a contractor. This is the only equipment utilized for removing all the snow from the Central Business District which is a time sensitive night operation that must be performed without breakdowns.

Public Works sent out an RFP to three heavy construction equipment distributors. Case is a nice piece of equipment but came in third place. JCB submitted the lowest proposal as part of their involvement in a GSA contract. Public Works is convinced that Caterpillar is the better deal since the trade in value for the Cat is better than the JCB. The Public Works operators prefer the Cat and will be able to operate it more effectively and the Cat is made in the USA.

Trustee Clark made a motion to approve the purchase of a new Caterpillar Model 938K Front End Loader from Patten Caterpillar of Elmhurst, Illinois in the total amount of \$140,450 to include the trade in of the 1998 Case 721B for \$35,750, to be expensed to the Capital Projects Fund. The motion was seconded by Trustee Ladesic.

Upon roll call, Trustees Clark, Elliott, Ladesic, McGinley and O'Shea voted "Aye." Motion carried.

Agenda Item 8 – 2013 Sanitary Sewer Lining Program

Public Works Director Julius Hansen presented information on the 2013 Sanitary Sewer Lining Program.

Director Hansen stated that this is an increase in the scope of the work and to proactively request additional funding for the 2013 Sanitary Sewer Lining Program that is currently underway and which is consistent with the available funding.

This year's bid prices are approximately fourteen percent below last year's. With available funding remaining for sewer lining, Director Hansen would like to take advantage of the preferred pricing and perform additional work under the existing contract. The contractor, Insituform Technologies has reviewed the proposed additional work and they have agreed to maintain their pricing.

Trustee Ladesic made a motion to increase the appropriation of funds associated with the 2013 Sewer Lining Program by \$150,000, including an 8% contingency, for a revised total appropriation of \$500,000 for sanitary system improvements to be expensed to the Sanitary Sewer Fund and Resolution No. 13-17, A Resolution Concerning the Determination of the Glen Ellyn Village Board that Change Order No. 1 with Insituform Technologies for an Increase in the Contract Price of \$138,089 is Required for the 2013 Sewer Lining Program for a Revised Contract Cost of \$465,772. The motion was seconded by Trustee Clark.

Trustee Elliott stated that he would recuse himself from this vote due to the relationship between this vendor and his employer.

Upon roll call, Trustees Clark, Ladesic, McGinley and O'Shea voted "Aye." Motion carried.

Agenda Item 9: Chidester – Elm – Lenox – Lenox – Linden Improvements Project

Professional Engineer Bob Minix presented information regarding Amendment No. 1 to the RHMG Engineering Services Agreement to incorporate the design of Elm and Chidester improvements to the Lenox-Linden Project to create the Chidester-Elm-Lenox-Linden Improvements Project.

In August 2012 the Board authorized funding of \$105,000 (including a 10% contingency fee) and approved an engineering services agreement with RHMG Engineers of Mundelein for the design of roadway and underground improvements associated with the rehabilitation of Lenox, between Hawthorne and Oak and Linden between Main and Lenox. Due to the number of design issues that arose during the preliminary engineering earlier this year – including parking configuration, street width, materials and construction of sidewalks – the project was postponed from its original 2013 construction timeframe to 2014.

Designated for construction in 2014 are sections of Elm and Chidester between Lenox and Riford. The proximity of this work to the Lenox-Linden Project, now parallel construction timeframes, logistical construction scheduling and familiarity of the consultant with these corridors (going back nearly 20 years) all combine to recommend expanding the current RHMG agreement to include the design of Elm and Chidester and development of a single Chidester-Elm-Lenox-Linden project. Amendment No. 1 to the RHMG services agreement in the amount of \$799,320 would raise the contract limit from \$95,000 to \$174,820. Additional funding in the amount from FY 14 Water, Sanitary, Sewer and Capital Projects funds is recommended to increase overall project funding to \$192,000, including a 10% contingency.

Trustee McGinley made a motion to increase the appropriation for engineering services associated with the Lenox-Linden Project performed by RHMG Engineers in the amount of \$87,000, for a revised total appropriation of \$192,000, including a 10% contingency, to be expensed to the Water, Sanitary Sewer and Capital Project Funds and to approve Amendment No. 1 to the engineering services agreement with RHMG Engineers for the Lenox-Linden Project to include the detailed design of Elm and Chidester between Lenox and Riford in the amount of \$79,320 resulting in a total, not-to-exceed fee of \$174,820 for the work.

Upon roll call, Trustees Clark, Elliott, Ladesic, McGinley and O'Shea voted "Aye." Motion carried.

Agenda Item 10 – 2013 Emerald Ash Borer Management Plan

Public Works Director Julius Hansen presented information on the 2013 Emerald Ash Borer Management Plan.

The Emerald Ash Borer has killed millions of ash trees in the United States. EAB was confirmed in Glen Ellyn in March of 2009. In 2008, the parkway ash population was 1,172. Since 2009 the Village has removed 883 of those parkway ash trees in poor condition due to EAB, and has treated 685 ash trees in good condition with insecticide to protect against future infestation of EAB. Approximately 200 parkway ash trees will need to be removed in the coming year due to their poor condition from EAB infestation. The removal of trees in poor condition and treatment of trees in good condition is part of the Village's EAB Management Plan that was adopted in May 2010. This plan is updated regularly and ensures that the Village continues to maintain its parkway ash tree population. The public ash tree population will continue to be monitored by staff.

Private property ash trees are a different matter. Since 2011 the Village has been working to inform homeowners that treatment or removal of ash trees is critical to stopping the spread of EAB. Early in 2011 letters were sent to all residents who had parkway ash trees adjacent to their homes that were not being treated or removed. Pricing and contact information for contractors who agreed to treat both parkway ash trees and ash trees on private property at a reduced cost were provided. In the summer of 2011 all parkway ash trees were tagged with information about EAB. Residents were urged to identify ash trees on their property and treat them for EAB or risk losing them to infestation.

The Village will continue to emphasize to residents over the coming months and years that the removal of, or treatment of ash trees on private property are the only choices available to manage EAB. Property owners should treat ash trees now that are in good condition located on private property to prevent them from becoming victims of

EAB or remove them if already infested. In 2012 the Village notified 68 homeowners that their trees were infested with EAB on their private property that had to be removed. As of August 21, 2012 EAB was identified in private ash trees on 40 properties, and these homeowners have been notified.

President Demos asked if the Recreation Department is following the EAB Management Plan at the Village Links and other Village facilities. Director Hansen offered to find out.

Trustee Clark asked if parkway ash trees that were removed are replaced. Director Hansen responded that parkway trees that are removed are replaced. There is also a cost share program that was introduced last year. Residents can donate \$85 and help pick out a replacement tree. Over 50 residents participated in the cost share program. This year 26 residents have participated.

Trustee O'Shea asked if residents can plant their own parkway tree. Director Hansen responded that can, but Village approval is required.

Trustee O'Shea made a motion to approve the 2013 Emerald Ash Borer Management Plan. The motion was seconded by Trustee McGinley.

Upon roll call, Trustees Clark, Elliott, Ladesic, McGinley and O'Shea voted "Aye." Motion carried.

Agenda Item 11 – Proposed Hotel Licenses Ordinance (*Discussion Only*)

Planning and Development Director Staci Hulseberg presented information on a proposed Hotel Licenses Ordinance for Discussion Only.

The proposed Hotel Licenses Ordinance is to address maintenance conditions and criminal activity at existing hotels in Glen Ellyn. This could improve the facilities by establishing minimum health, safety and operational requirements. The Village Code includes provisions for licensing approximately 30 types of businesses but hotel facilities are not included. The Planning and Development Department researched hotel regulation in approximately 25 municipalities, prepared a preliminary draft, reviewed the draft with Village attorneys and the owner's representatives, edited these regulations based on their comments and concerns, and prepared the draft ordinance for discussion tonight.

The Planning and Development Department receives a significant number of complaint calls from the residents at America's Best/Budgetel Inn & Suites regarding bed bug infestations, unsanitary conditions, water and heat problems, and other facility deficiencies. The Department's inspections have revealed safety and maintenance violations that required correction or repair. The Planning and Development Department has issued citations for maintenance issues that have been heard in court. The Police Department also receives a significant number of calls about nuisances and illegal activities on the premises. Although some violations have resulted in citations and court action, building management takes reasonably prompt corrective action. However, similar problems or activities continually occur and ownership appears to be unwilling, or unable to make the permanent changes necessary to ensure the facility is properly maintained, managed and operated to reduce the complaints and violations.

Director Hulseberg added that America's Best/Budgetel Inn & Suites actively rents 30% of the facility for extended stay. Extended stay is defined as a unit intended and designed for temporary occupancy containing a living and sleeping area, and sanitation and cooking facilities with a rental agreement generally for 5 days or longer.

The proposed ordinance would require hotels to be licensed. An investigation and inspection of the property will be required upon receipt of a hotel license application. The investigation is to include all rental units, common areas, and equipment and storage spaces, building exteriors, the roof, and the site at reasonable times by code enforcement officers, building inspectors, sanitation inspectors, fire inspectors, or other authorities with jurisdiction for the purposes of determining compliance with the provisions of all applicable codes, ordinances, laws, rules and regulations pertaining to hotel activity.

Trustee McGinley asked if the inspection process would apply to all rentals: homes, condo, and apartments in the Village. Director Hulseberg responded that only hotels will be included in the proposed Hotel Licenses Ordinance. Trustee McGinley stated that she felt all residents in all rentals in the Village should be inspected, not just residents in hotels. Manager Franz suggested that this may affect personal property rights issues and Director Hulseberg responded that the Fire Company does inspect common areas of all commercial buildings, including apartment building annually.

Trustee Elliott stated that he would like to see this ordinance move forward.

Joe Kvapil, Building and Zoning Official stated that the proposed ordinance would make it unlawful for any person to occupy and extended stay rental for more than 365 days in a 2 year period for a transient rental and for more than 60 days in any 6 month period for an extended stay rental.

Trustee Clark asked about enforcement. Mr. Kvapil responded that the facility owner's records would be subject to inspection.

Mr. Kam Sheth, owner, Taft Investments, 675 Roosevelt Rd., Glen Ellyn, addressed the Board to state his concerns with the proposed ordinance. Mr. Sheth stated that he has 8 employees who reside at America's Best/Budgetel Inn & Suites as part of their employment compensation. Mr. Sheth would like to see those employees and their families exempt from the occupancy restrictions in the Ordinance. Manager Franz responded that employees should have to comply with the ordinance, just like the tenants will have to, that these facilities were not set up for long term living arrangements.

Mr. Sheth expressed concerns over the cost to bring his facilities into compliance with the ordinance and would like 180 days to comply after the ordinance passes.

Mr. Sheth also stated that the extended stay provision making it unlawful for a resident to occupy a unit for more than 60 days in any 6 month period is not enough time for construction workers staying for a longer time.

Ms. Linda Nagel, General Counsel, F & F Realty Ltd., property managers for Crowne Plaza Hotel addressed the Board to express concerns regarding section 3.39.9 of the ordinance which states: A minimum of 90% of all rental units in the hotel must be habitable and available or rented at all times unless otherwise authorized by the building and zoning officials for construction, alterations, evacuation, occupancy revocation, or other reasonable cause.

Ms. Nagle stated that at times, their parent company changes specific programs, for example, with bedding changes. These types of changes occur in non-peak rental times, can be handles in house, without the involvement of Village officials or permits but can result in non-compliance with this section of the ordinance. Director Hulseberg responded that her concerns have been addressed.

Trustee Ladesic asked Ms. Nagle if any Crowne Plaza employees reside at their facility. Ms. Nagle responded no.

Trustee Ladesic expressed concern that hotel rooms in the Village are being used as apartments. Director Hulseberg responded that a high percentage of units in the Village are being used for very long term extended stay and are transitioning to apartments, which they are not zoned for.

Agenda Item 12 – Reminders:

The next Village Board Meeting is scheduled for Monday, September 9, 2013 at 7:00 p.m. in the Galligan Board Room of the Glen Ellyn Civic Center.

Adjournment

At 8:06 p.m. Trustee Elliott moved and Trustee McGinley seconded the motion to adjourn the meeting.

Respectfully submitted,

Catherine Galvin,
Village Clerk