

# Meeting Minutes

Village of Downers Grove - Council Meeting

---

Council Chambers

06/11/2019

7:00 PM

---

In order to give as many visitors as possible an opportunity to speak and in the interest of adjourning the meeting by 9:00 p.m., please limit your comments to 5 minutes in length, unless further time is granted by Council. Thank you.

## 1. Call to Order

Mayor Bob Barnett called the regular meeting of the Village Council of the Village of Downers Grove to order at 7:00 p.m. in the Council Chambers of the Downers Grove Village Hall.

Pledge of Allegiance to the Flag

Mayor Barnett led those present in the Pledge of Allegiance to the Flag.

## 2. Roll Call

**Council Attendance (Present):** Commissioner Walus, Commissioner Earl, Commissioner Sadowski-Fugitt; Commissioner Kulovany; Mayor Barnett

**Absent:** Commissioner José

**Non-Voting:** Village Manager David Fieldman, Village Attorney Enza Petrarca, Village Clerk April Holden

The Council meeting is broadcast live and a recording of the meeting is made using Village-owned equipment. The recording of the meeting will be used for later rebroadcast of the Council meeting over the Village cable television Channel 6.

The Council will follow the rules of conduct for this meeting as provided in Sec. 2.5 of the Downers Grove Municipal Code. These offer the public the opportunity to comment at several points in the meeting. First, immediately following approval of the minutes of past meetings, an opportunity will be given for public comments and questions of a general nature. If a public hearing is scheduled for this meeting, an opportunity is given for public comments and questions related to the subject of the hearing. Finally, an opportunity is given for public comments and questions on items appearing on the Consent Agenda, the Active Agenda and the First Reading.

The Mayor stated that at the appropriate time the presiding officers will ask if there are any comments from the public. Individuals wishing to speak should raise their hand to be recognized and, after acknowledgment from the presiding officer, approach the microphone and state their name. Remarks should be limited to five minutes, and individuals are asked to refrain from making repetitive statements.

Mayor Barnett said there are agendas located on either side of the Council Chambers, and he invited the audience to pick up an agenda and follow the progress of the Council meeting.

## 3. Minutes of Council Meetings

**MIN 2019-82018** — A. Minutes: Executive Session Minutes for Approval Only – May 21, 2019 and June 4, 2019

Council Minutes

Village of Downers Grove

June 11, 2019

**MIN 2019-8210** — B. Minutes: Council Minutes – June 4, 2019

**Motion:** Commissioner Earl moved to approve the minutes as presented. Commissioner Walus seconded the motion.

Mayor Barnett declared the motion carried by voice vote.

#### 4. Public Comments

This is the opportunity for public comments.

1. Steve Leopold spoke about ethylene oxide and an EPA hearing recently announcing that a plant in Willowbrook has been releasing this chemical into the atmosphere that is related to increased cancer rates within up to 25 miles of Willowbrook. He gave statistical data regarding the increase. The Attorney General's office has a suit against this company in Willowbrook and many communities are joining in with the lawsuit. He is asking that Downers Grove consider joining in with this lawsuit. He said he has information for the Council to consider and left a copy of the map.
2. Stan Peters, 1704 White Place, said they have lived here since 1990. He lives, works, shops, prays in Downers Grove and is proud to call it his home. His sister, Janet, and brother-in-law have lived in Willowbrook since 1987. There is a day care center, Conev's Cradle, that has been owned and operated by his sister Janet for over 32 years and is a half mile from Sterigenics. Janet, is a recent breast cancer survivor, and his brother-in-law is living with several types of cancer. They have little doubt that their cancers are connected to Sterigenics. Since Conev's Cradle is a home day-care, his sister has been busy literally both night and day, and so is Sterigenics. Janet's livelihood helped to raise a family with three daughters, and those three daughters now worry about what effect Sterigenics will have on them. Since it has been suggested that this company's business activities post a future risk, he strongly suggested that the Village of Downers Grove join in an effort to stop Sterigenics from going forward and hold them accountable for their actions. The health and well-being of residents residing in municipalities surrounding this company should be the primary concern. Downers Grove and Willowbrook are good neighbors, are components of the far west suburbs, and are solid communities that complement each other. These are communities where people raise their children. Mr. Peters said that the list of residents who suspect that their health has been compromised by this company is rising every day, and their worries are justified as what ails them is not coincidental. Sterigenics is in our backyard and not the other way around as they rent their space. They have no roots in Willowbrook or in this area. He expects that Sterigenics will expect others to clean up the mess they left behind, and it is now time for them to pack up and be gone. Responsible businesses above all want to prevent causing harm. Irresponsible companies do the opposite—they admit nothing, they delay, they do less. Mr. Peters said that Downers Grove is not immune from the effects of Sterigenics emissions, and residents don't have to tolerate this. He asked the Village Council to add the voices of Downers Grove to the growing number of municipalities committed to joining the legal action against Sterigenics.
3. Janet Conev, 234 Midway Drive, Willowbrook, is a breast cancer survivor. Her husband has prostate cancer and other types of cancer, and will be on hormone therapy for the rest of his life. She asked that they try to imagine what the residents of her area are living in. Sterigenics is located on the other side of Route 83. Her home is about ten houses to the west of Route 83. Midway Drive is a short street and between Route 83 and Clarendon Hills Road there are few homes. However, on her block there are ten homes. Ms. Conev said that two members of her family have cancer. At the end of her block on the corner is a woman who also has breast cancer. Immediately across the street from Mrs. Conev is a woman with breast cancer in both breasts. Immediately to the east of this woman is another home where the female resident has cancer in both breasts. The fourth house over from the

Council Minutes

Village of Downers Grove

June 11, 2019

Conev's, the woman has cancer in both breasts. Ms. Conev said that she and her residents need support and they cannot allow the company to continue its operations as usual. She and her neighbors are dying.

Mayor Barnett thanked them for bringing this to the Council's attention. He said the Council would process this and sort it out to determine the next steps to be taken.

## 5. Consent Agenda

**BIL 2019-8211** — A. Bills Payable: No. 6460, June 11, 2019

**RES 2019-8202** — B. Resolution: Authorize an Intergovernmental Police Service Assistance Agreement to Join the DuPage Metropolitan Emergency Response and Investigation Team (MERIT)

**Summary:** This authorizes the approval of an intergovernmental police service assistance agreement to join the DuPage Metropolitan Emergency Response and Investigation Team to provide intergovernmental law enforcement services and resources.

**A RESOLUTION AUTHORIZING THE EXECUTION OF AN INTERGOVERNMENTAL POLICE SERVICE ASSISTANCE AGREEMENT TO JOIN THE DUPAGE METROPOLITAN EMERGENCY RESPONSE AND INVESTIGATION TEAM (MERIT)**

**RESOLUTION 2019-42**

**RES 2019-8180** — C. Resolution: Accept the Comprehensive Annual Financial Report of the Village of Downers Grove for the Fiscal Year January 1, 2018 through December 31, 2018

**Summary:** This accepts the Comprehensive Annual Financial Report of the Village of Downers Grove for the fiscal year January 1, 2018 through December 31, 2018.

**A RESOLUTION TO ACCEPT THE COMPREHENSIVE ANNUAL FINANCIAL REPORT OF THE VILLAGE OF DOWNERS GROVE FOR THE FISCAL YEAR JANUARY 1, 2018 THROUGH DECEMBER 31, 2018**

**RESOLUTION 2019-43**

**MOT 2019-8181** — D. Motion: Award \$2,954,813.77 to A Lamp Concrete Contractors, Inc., Schaumburg, IL, for the 2019 Water Main Improvements Contract A

**Summary:** This awards a contract for the 2019 Water Main Improvements Contract A to A Lamp Concrete Contractors, Inc. of Schaumburg, Illinois in the amount of \$2,954,813.77.

**MOT 2019-8182** — E. Motion: Award \$1,598,100.24 to A Lamp Concrete Contractors, Inc., Schaumburg, IL, for the 2019 Water Main Improvements Contract B

**Summary:** This awards a contract for the 2019 Water Main Improvements Contract B to A Lamp Concrete Contractors, Inc. of Schaumburg, Illinois in the amount of \$1,598,100.24.

**MOT 2019-8193** — F. Motion: Award \$1,215,601.14 to Austin Tyler Construction, Inc., Elwood, IL, for the 2019 Water Main Improvements Contract C

Council Minutes

Village of Downers Grove

June 11, 2019

**Summary:** This awards a contract for the 2019 Water Main Improvements Contract C to Austin Tyler Construction, Inc. of Elwood, Illinois in the amount of \$1,215,601.14.

**MOT 2019-8206** — G. Motion: Award a Contract for \$410,170.00 to Lorusso Cement Contractors, Inc., West Chicago, IL, for the 2019 Replacement Sidewalk Program

**Summary:** This awards a contract for the 2019 Replacement Sidewalk Program to Lorusso Cement Contractors, Inc. of West Chicago, Illinois in the amount of \$410,170.00. This contract also includes curb and gutter replacement and asphalt patching as part of annual parking lot maintenance.

**RES 2019-8203** — H. Resolution: Authorize the Village Manager of the Village of Downers Grove to Execute Certain Documents Associated with IEPA Loan Agreement L175338

**Summary:** This authorizes the Village Manager as signatory for IEPA loan documentation.

**A RESOLUTION AUTHORIZING THE VILLAGE MANAGER OF THE VILLAGE OF DOWNERS GROVE TO EXECUTE CERTAIN DOCUMENTS ASSOCIATED WITH IEPA LOAN AGREEMENT  
L175338**

**RESOLUTION 2019-44**

**MIN 2019-8213** — I. Minutes: Note Receipt of Minutes of Boards and Commissions

**Summary:** Liquor Commission - April 4, 2019

**Motion:** Commissioner Earl moved to approve the Consent Agenda as presented. Commissioner Walus seconded the motion.

Mayor Barnett declared the motion carried by voice vote.

## **6. Active Agenda**

**ORD 2019-8167** — A. Ordinance: Authorize a Loan Agreement with the Illinois Environmental Protection Agency (IEPA) for 2019 Watermain Replacements

**Summary:** This authorizes a loan agreement with the Illinois Environmental Protection Agency (IEPA) for 2019 watermain replacements.

**AN ORDINANCE AUTHORIZING A LOAN AGREEMENT BETWEEN THE VILLAGE OF  
DOWNERS GROVE AND THE ILLINOIS ENVIRONMENTAL PROTECTION AGENCY**

**ORDINANCE NO. 5765**

**Motion:** Commissioner Earl moved to adopt “An Ordinance Authorizing a Loan Agreement between the Village of Downers Grove and the Illinois Environmental Protection Agency” as presented. Commissioner Walus seconded the motion.

**Votes:** Yea: Commissioners Earl, Walus, Kulovany, Sadowski-Fugitt; Mayor Barnett

Nay: None

Council Minutes

Village of Downers Grove

June 11, 2019

Mayor Barnett declared the motion carried.

## 7. First Reading

Village Manager Dave Fieldman said there are four items under First Reading.

**ORD 2019-8160** — A. Ordinance: Establish an Administrative Procedure for Assessing and Determining Claims under the Public Safety Employee Benefits Act (PSEBA).

Village Attorney Enza Petrarca said this ordinance relates to claims awarded to public safety employees who suffer a catastrophic injury or killed in the line of duty. It formalizes the existing procedure for determining claims under the Illinois Public Safety Employee Benefits Act.

**RES 2019-8192** — B. Resolution: Authorize an Intergovernmental Easement Agreement with the Westmont Park District and the Village of Westmont

Nan Newlon, Director, Public Works, explained that this item approves an intergovernmental agreement with the Westmont Park District and the Village of Westmont for engineering work in the Deer Creek Subdivision. This will grant temporary easements to the Village. Downers Grove will perform the work, and the Village of Westmont will maintain the area.

Commissioner Earl asked whether there are any follow-up inspections that Downers Grove can conduct, and does Downers Grove have any say regarding maintenance standards.

Mr. Fieldman said he would be speaking with Westmont on this.

Commissioner Kulovany asked if this is intended to solve stormwater issues in Deer Creek.

Ms. Newlon replied that it would address only smaller storms.

Commissioner Kulovany asked whether the study DuPage County is undertaking will address the watershed needs. Ms. Newlon said it should.

Mayor Barnett thanked Westmont Park District and the Village of Westmont for their participation and cooperation.

**ORD 2019-8191** — C. Ordinance: Regulate Illicit Discharge Detection and Elimination

Ms. Newlon then discussed Items C and D together as they involve revisions to the Village Code Chapters 13 and 26. Chapter 13 will address illicit discharges and expand the list of pollutants prohibited from being discharged into the stormwater system. Changes to Chapter 26 update the floodplain maps that are prepared by FEMA, a Federal agency that issues flood insurance rate maps. This will update those maps. She said the Village is required to update its maps prior to August 2019.

Mayor Barnett asked whether the maps are currently available.

Ms. Newlon said they are available now on the Village website.

**ORD 2019-8212** — D. Ordinance: Amend Stormwater Provisions

Council Minutes

Village of Downers Grove

June 11, 2019

## 8. Manager's Report

## 9. Attorney's Report

Pursuant to Section 2.5 of the Downers Grove Municipal Code, the following are presented for Village Council consideration:

1. An ordinance establishing an administrative procedure for assessing and determining claims under the Public Safety Employee Benefits Act (PSEBA)
2. An ordinance regulating illicit discharge detection and elimination
3. An ordinance amending stormwater provisions

## 10. Mayor and Council Member Reports

Commissioner Earl announced that there is a parking survey on the Village's website for the downtown area, and the Village would like the input of Village residents.

Commissioner Kulovany said he attended the Illinois Municipal League training last Thursday, as well as the DuPage Mayors and Managers training. The orientation he received was very helpful to him.

Commissioner Sadowski-Fugitt echoed Commissioner Kulovany's comments.

Commissioner Walus announced that there are only 9 days to the Rotary Grove Fest. She again predicts beautiful weather.

Commissioner Earl congratulated the West Suburban Humane Society on their groundbreaking ceremony.

## 13. Adjournment

Mayor Barnett asked for a motion to adjourn.

**Motion:** Commissioner Earl moved to adjourn. Commissioner Walus seconded the motion.

Mayor Barnett declared the motion carried by voice vote and the meeting adjourned at 7:25 p.m.

Respectfully submitted,  
April Holden  
Village Clerk