

Meeting Minutes

Village of Downers Grove - Council Meeting

Council Chambers

10/01/2019

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 Robert 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 introduced members of Webelos Pack 227, Den 4 and asked them to assist in the reciting of the Pledge of Allegiance. He said it's wonderful when children from the community attend meetings. Earlier they spent half an hour asking questions of the Council. He thanked them for attending.

2. Roll Call

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

Absent: Commissioner Walus

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

The Council meeting is broadcast over the local FM radio station, WDGC. In addition, a tape recording and videotape of the meeting are being made using Village-owned equipment. The videotape 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 Tully 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 2019-8337 – A. Minutes: Council Minutes – September 17, 2019

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MIN 2019-8338 – B. Minutes: Council Minutes – September 23, 2019

MIN 2019-8325 – C. Minutes: Executive Session Minutes for Release – May 14, 2019; May 21, 2019; June 4, 2019; June 10, 2019; June 13, 2019

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

Mayor Barnett declared the motion carried by voice vote.

4. Proclamations

A. Community Planning Month – Mayor Barnett proclaimed October 2019 as Code Compliance Month in the Village of Downers Grove and presented the Proclamation to Community Development Director Stan Popovich.

B. Code Compliance Month - Mayor Barnett proclaimed October 2019 as Community Planning Month in the Village of Downers Grove and presented the Proclamation to Community Development Director Stan Popovich

C. Arts DuPage Month – Mayor Barnett proclaimed October 2019 as Arts DuPage Month and called upon citizens to celebrate the arts and culture in the Village. He presented the proclamation to Robin Tryloff. Ms. Tryloff thanked the Mayor and also noted that Saturday, October 5 artists' works will be displayed on Main Street. She invited the community to attend.

5. Public Comments

This is the opportunity for public comments.

1. Diane Massura, 4632 Stanley, addressed the question of recreational marijuana businesses in the Village, saying she agrees that the Village should opt-out. She noted that there has been no observation of the effects of these businesses on a community. Several neighboring communities have opted-out or are considering it. She stated she would hate to see Downers Grove become known as a “weed center,” and reference an article in Sunday’s *Chicago Tribune* opposing recreational marijuana businesses. Just because it is legal doesn’t make it good or desirable. She opposed legalization of marijuana in the State of Illinois. She asked that the Village opt-out.

2. Jen Ostrum spoke on behalf of Cinda K. Lester of 644 67th Street, who was disappointed that the Village did not refer this to the Plan Commission and has alienated many supporters of the Council. The decision was shortsighted and an example of partisan politics in what is supposed to be a non-partisan Council. She was also distressed that the Council has chosen to discount the opinions of constituents who have contacted them by phone, email, social media or other means, rather than standing at a podium on meeting nights. This is in opposition to what each Commissioner promised in their campaigns, which was willingness to listen to those you serve. Ms. Lester’s statement noted that the Council’s job was not to impose their own personal opinions about marijuana use and sales, which will be legal activities, but to investigate the potential, benefits and challenges of the sale of marijuana and its associated businesses in the Village of Downers Grove. Resident taxpayers are being held hostage to the personal beliefs of the Council members. She hoped that the Council would reconsider its decision and pay careful consideration to the potential long-term tax implications the decision holds for the Village.

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3. Jen Ostrum, 6825 Camden, stated she is alarmed that four members of the Council feel it is appropriate to shut down a fact-finding mission on how cannabis based businesses would impact Downers Grove. Information is never a bad thing except for those who want to control a situation by assuring that information is not available to the people. Studies can be exchanged that prove the points of either side, however much of it is irrelevant because they are not debating the legalization of marijuana. That has been done by the State. The Village should find out the expected impact of these businesses on the Village but that information is being stopped. If the Council wants the people to trust them they should never attempt to curtail information. She wants Downers Grove to compile their own information as to how this will affect the community. Ms. Ostrum said that the Council is not the morality police, and it is not their place to judge what people do with legal substances. Marijuana will be legal and will be used in Downers Grove. What the Council should be doing is learning if the tax revenue from these businesses could benefit the Village of Downers Grove rather than Darien, Westmont or Lombard.

4. Dr. Margaret Pechota, Clinical Psychologist, 1421 Coral Berry Lane, stated that she downloaded information from the National Institute of Health. She agrees with the first speaker and is speaking as a resident of the community. She has a number of concerns that can be supported by the research. She spoke about the impairment of individuals, particularly when driving under the influence. There have been some tragic incidents in the Village already. She noted that the police would not be able to test the level of impairment as quickly as they can with alcohol. She brought research with her and would be happy to do a thorough assessment of this and provide it to the Council.

5. Colleen Senft, 6545 Main Street, stated she also opposes the sale of marijuana. She knows they can generate additional revenue, but they need to see how other towns handle this situation. She spoke of policing, accidents, etc.

6. Francis Soresi, 4439 Wilson Avenue, spoke about his dog, Jester, and a Code violation for disturbing the peace. He said the Code has a lot of issues such as decibels. His neighborhood has dogs that bark during the day. The dog is deaf and lived in a box all day. Mr. Soresi said he is well versed in deaf dog training and handling. He has worked with Jester for two years to bring him from a level 10 down to a level 2. He has received four or five or tickets for his dog barking in the middle of the afternoon. He is looking for a dispensation. The police have apologized to him while giving him the tickets. The dog doesn't bark in the morning or evenings, just in the middle of the afternoon as he protects his home. He noted that during this meeting, Jester has done nothing during the meeting. He needs help.

Mayor Barnett said he sympathizes with Mr. Soresi. There is no vehicle in this body for flexibility. They must apply the laws across the board. Generally they are responding to complaints, and they are compelled to enforce the law. The Ordinance is there for a reason and has to be applied. They cannot adjudicate this here. He said if there was some way that Mr. Soresi could convince the neighbor to come down to the police station and work this through that would be great; however, once the violation is reported the Village is compelled to enforce and apply the law equitably to everyone.

Mr. Soresi asked how deep they go into the law, stating he is a 30-year Chicago public school teacher. When he came home yesterday afternoon, his neighbor's wife was standing outside of Mr. Soresi's bedroom window for her cigarette break. This time both of his dogs were involved because a police officer approached his home and the dogs saw him through the window. He said if someone can see his dog, his dog can see them, and his dogs continued to bark while the police officer was present.

Mayor Barnett said he sympathizes with the situation, but the Village has to respond when a complaint is made.

Mr. Soresi then addressed the marijuana issue saying it will be legal and people will smoke. No one will not smoke because they cannot buy it in Downers Grove. He appreciates the reasons why people would not want dispensaries. However, this will stop tax revenue, and to him not opting in is giving away free money.

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7. Emma Ostrum 6825 Camden Road said that she feels that the decision the Village made about allowing the recreational sale of Downers Grove was made out of fear. A lot of money will be lost. During the time of seeing what happens in surrounding cities will be money lost. She has to use medicinal marijuana and feels strongly about this topic. She hoped the Council heard the public tonight.

8. Ken Albert, 5437 Fairhaven Court, asked about his street. They don't know whether they are a private road or public road in Downers Grove. They get different answers from the Village and Police Department. Code Enforcement was out in May and hasn't been back to them yet.

Village Attorney Enza Petrarca said she can follow-up with him.

9. Jennifer Norman, 5701 Webster Street, said as a small business owner in town and the mother of two small children, as well as a former resident of Colorado she supports the sale of cannabis in Downers Grove. She would like to see the tax revenue. She would like to see it sold safely. She lived in a community where cannabis was sold safely. She is disappointed in the decision making process and how it has been handled. She doesn't understand how a Council can say they don't know the information, but have stopped looking at this. This is a disservice to the community. The research is out there and they should pursue it. She thinks the Council is trying to silence the voice of the community.

10. Steve Jagielo, 4908 Highland and 4913 Main, addressed the SSA financing and taxing mechanism. He spoke about the SSA #10 Bridgepoint Subdivision regarding the detention basin, as well as the downtown SSA. He read a definition of SSA financing. He then quoted Commissioner José and former Commissioner Waldack, both of whom described the downtown as a place the entire Village benefits from. The entire Village benefits from the downtown, and therefore, in his opinion, the entire Village should contribute toward it. He feels they need to keep the Downtown Management Corporation. Through marketing, the DMC increases sales tax revenue. Events they plan make this a vibrant community and attract new businesses. He also pointed out at the 9/23/19 meeting, Deputy Village Manager Mike Baker spoke of an option to remove the residential portion of the SSA and make it an entirely commercial SSA. He doesn't understand this and was stunned by the comment. He noted that on August 20, 2019 Commissioner José stated that due to State of Illinois law they cannot tax the property of a retail business any differently than they can a residence. He said there may be a legal workaround to this, but he wanted the Council to understand that if they are going to hoist the burden of an SSA on the commercial property owners, it will be detrimental to the downtown. That SSA tax will be passed on in higher rents, ultimately higher costs for the consumer and most likely larger vacancy rates.

11. Kim Koester, 5508 Fairhaven Court, commented that the biggest issue the residents of her street face is the inability to get the street paved. It has never been paved by the Village of Downers Grove, even though they pay full taxes and are incorporated into Downers Grove. Other Village services such as garbage take place regularly. The residents repaved the street themselves once about 25 years ago. It's overdue but would be a big cost burden for the homeowners. She said she did speak to a Village employee, John Welch, and presented a copy of her letter with signatures of all the homeowners. She said that there's a lot of contradiction as to whether they are a private or public road, but regardless, they are entitled to whatever the rest of the residents in Downers Grove receive.

Mayor Barnett replied that it is an important thing to determine because if it is in fact a private road, it is not entitled to the same services that other areas of the Village receive. The Village doesn't pave private roads. He said they would get it straight and be in touch with the residents.

6. Consent Agenda

BIL 2019-8339 - A. Bills Payable: No. 6482, October 1, 2019

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COR 2019-8340 - B. Claims Ordinance: No. 6331, Payroll, September 13, 2019

MOT 2019-8328 - C. Motion: Award \$21,815.00 to Mid-American Water, Aurora, IL, for the Purchase of Sampling Stations

Summary: This awards a contract for the purchase of water sampling stations to Mid-American Water of Aurora, Illinois, for the amount of \$21,815.00.

RES 2019-8316 - D. Resolution: Authorize a Section 115 Trust Agreement for Other Post-Employment Benefits (OPEB)

Summary: This authorizes a Section 115 Trust Agreement for Other Post-Employment Benefits (OPEB).

A RESOLUTION AUTHORIZING EXECUTION OF A SECTION 115 TRUST AGREEMENT
RESOLUTION 2019-65

RES 2019-8318 - E. Resolution: Adopt a Trust Investment Policy for Other Post-Employment Benefits (OPEB)

Summary: This adopts a Trust Investment Policy for Other Post-Employment Benefits (OPEB).

A RESOLUTION ESTABLISHING OTHER POST-EMPLOYMENT BENEFITS (OPEB) TRUST
INVESTMENT POLICY
RESOLUTION 2019-66

RES 2019-8319 - F. Resolution: Adopt a Funding Policy for Other Post-Employment Benefits (OPEB)

Summary: This adopts a funding policy for Other Post-Employment Benefits (OPEB).

A RESOLUTION ESTABLISHING OTHER POST-EMPLOYMENT BENEFITS (OPEB) TRUST
FUNDING POLICY
RESOLUTION 2019-67

RES 2019-8329 - G. Resolution: Authorize a Master License Agreement with Everstream for Use of Village Owned Rights-Of-Way

Summary: This authorizes a license agreement with Everstream GLC Holding Company, LLC for the use of the Village's rights-of-way for the installation, operation and maintenance of underground and/or aerial fiber optics telecommunications system.

A RESOLUTION AUTHORIZING EXECUTION OF A MASTER LICENSE AGREEMENT BETWEEN
EVERSTREAM AND THE VILLAGE OF DOWNERS GROVE FOR USE OF VILLAGE OWNED
RIGHTS-OF-WAY

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RESOLUTION 2019-68

MOT 2019-8341 - H. Motion: Authorize \$53,476.68 for the Purchase of Three Automated CPR Devices from Stryker Sales Corporation

Summary: This authorizes the purchase of three automated CPR devices from Stryker Sales Corporation in the amount of \$53,476.68.

RES 2019-8327 - I. Resolution: Authorize a Renewal Agreement with Blue Cross/Blue Shield of Illinois for Medical Claim Administration Services

Summary: This authorizes a renewal agreement with Blue Cross/Blue Shield of Illinois for medical claim administration services.

A RESOLUTION AUTHORIZING EXECUTION OF A RENEWAL AGREEMENT BETWEEN THE VILLAGE OF DOWNERS GROVE AND BLUE CROSS/BLUE SHIELD OF ILLINOIS FOR MEDICAL CLAIM ADMINISTRATION SERVICES

RESOLUTION 2019-69

RES 2019-8335 - J. Resolution: Authorize a Renewal Agreement with Blue Cross/Blue Shield of Illinois for Stop Loss Insurance Coverage

Summary: This authorizes a renewal agreement with Blue Cross/Blue Shield of Illinois for stop loss insurance coverage.

A RESOLUTION AUTHORIZING EXECUTION OF A RENEWAL AGREEMENT BETWEEN THE VILLAGE OF DOWNERS GROVE AND BLUE CROSS/BLUE SHIELD OF ILLINOIS FOR STOP LOSS INSURANCE COVERAGE

RESOLUTION 2019-70

RES 2019-8330 - K. Resolution: Authorize an Employee Assistance Program Contract with Perspectives, Ltd.

Summary: This authorizes an employee assistance program contract with Perspectives, Ltd.

A RESOLUTION AUTHORIZING AN EMPLOYEE ASSISTANCE PROGRAM CONTRACT BETWEEN THE VILLAGE OF DOWNERS GROVE AND PERSPECTIVES, LTD.

RESOLUTION 2019-71

RES 2019-8331 - L. Resolution: Authorize a Vision Insurance Contract with EyeMed

Summary: This authorizes a vision insurance contract with EyeMed.

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**A RESOLUTION AUTHORIZING A VISION INSURANCE CONTRACT BETWEEN THE VILLAGE
OF DOWNERS GROVE AND EYEMED**

RESOLUTION 2019-72

RES 2019-8332 - M. Resolution: Authorize a Renewal Agreement with Humana for Medicare Advantage Insurance for Retirees Over 65

Summary: This authorizes a renewal agreement with Humana for Medicare Advantage Insurance for retirees over 65.

**A RESOLUTION AUTHORIZING A RENEWAL AGREEMENT BETWEEN THE VILLAGE OF
DOWNERS GROVE AND HUMANA FOR MEDICARE ADVANTAGE INSURANCE FOR RETIREES
OVER 65**

RESOLUTION 2019-73

RES 2019-8333 - N. Resolution: Authorize Amendment #3 to National Insurance Services Trust Joinder Agreement for Group Life Insurance

Summary: This authorizes Amendment #3 to National Insurance Services Trust Joinder Agreement for group life insurance.

**A RESOLUTION AUTHORIZING AMENDMENT #3 NATIONAL INSURANCE SERVICES TRUST
JOINDER AGREEMENT FOR GROUP LIFE INSURANCE**

RESOLUTION 2019-74

RES 2019-8334 - O. Resolution: Authorize Amendment #7 to National Insurance Services Trust Joinder Agreement for Long-Term Disability Insurance

Summary: This authorizes Amendment #7 to National Insurance Services Trust Joinder Agreement for long-term disability insurance.

**A RESOLUTION AUTHORIZING AMENDMENT #7 TO NATIONAL INSURANCE SERVICES
TRUST JOINDER AGREEMENT BETWEEN THE VILLAGE OF DOWNERS GROVE AND
NATIONAL INSURANCE SERVICES TRUST FOR LONG TERM DISABILITY INSURANCE**

RESOLUTION 2019-75

RES 2019-8336 - P. Resolution: Authorize a Trust Funded HRA Administration Agreement with Total Administrative Services Corporation

Summary: This authorizes a trust funded HRA administration agreement with Total Administrative Services Corporation.

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**A RESOLUTION AUTHORIZING EXECUTION OF A TRUST FUNDED HRA ADMINISSTRATION
AGREEMENT BETWEEN TOTAL ADMINISTRATIVE SERVICES CORPORATION AND THE
VILLAGE OF DOWNERS GROVE**

RESOLUTION 2019-76

MOT 2019-8343 - Q. Motion: Award \$256,500.50 to A Lamp Concrete Contractors, Inc., Schaumburg, IL, for Deer Creek Drainage Improvements

Summary: This awards a contract for Deer Creek drainage improvements to A Lamp Concrete Contractors, Inc. of Schaumburg, IL, in the amount of \$256,500.50.

MIN 2019-8342 - R. Minutes: Note Receipt of Minutes of Boards and Commissions

Summary: Environmental Concerns Commission – April 11, 2019; Library Board – August 28, 2019

Motion: Commissioner José moved to adopt the Consent Agenda as presented. Commissioner Earl seconded the motion.

Mayor Barnett declared the motion carried by voice vote.

7. Active Agenda

ORD 2019-8296 — A. Ordinance: Authorize a Special Use for 2149, 2151, and 2153 63rd Street to Permit an Animal Boarding Facility

Summary: This authorizes a special use for 2149, 2151 and 2153 63rd Street to permit an animal boarding facility.

**AN ORDINANCE AUTHORIZING A SPECIAL USE FOR 2149, 2151 AND 2153 63RD STREET
TO PERMIT AN ANIMAL BOARDING FACILITY**

ORDINANCE NO. 5775

Motion: Commissioner José moved to adopt "An Ordinance Authorizing a Special Use for 2149, 2151 and 2153 63rd Street to Permit an Animal Boarding Facility," as presented. Commissioner Earl seconded the motion.

Votes: Yea: Commissioners José, Earl, Gray, Kulovany, Sadowski-Fugitt; Mayor Barnett

Nay: None

Mayor Barnett declared the motion carried.

8. First Reading

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ORD 2019-8326 - A. Ordinance: Providing for the Issuance of Not to Exceed \$22,575,000 Taxable General Obligation Refunding Bonds, in One or More Series, of the Village of Downers Grove, DuPage County, Illinois, and Providing for the Levy and Collection of a Direct Annual Tax for the Payment of the Principal of and Interest on Said Bonds

Village Manager Dave Fieldman explained this concerns refunding of General Obligation bonds, and asked Judy Buttny, Finance Director, to present information.

Judy Buttny, Finance Director, said the concept of a bond refunding is very similar to refinancing a mortgage to take advantage of lower interest rates. In this situation, the Village will have lower debt service payments. This ordinance would result in a net value savings of about \$800,000 or 5.21%. Specifically the parameters identify the bonds, which are Series 2012 road and water bonds, designate the maximum amount to be refunded, which is \$22,575,000, and states that the minimum net savings to the Village is 3%. When this is approved, staff will work with the financial advisor, Robert W. Baird, to negotiate a sale using Raymond James and Associates as the underwriter to get the best pricing possible. They expect the bonds to be priced in November with the issue closed by November 18.

Mayor Barnett stated that the Village spends a lot of time and energy on reducing costs. He thanked staff for their work and diligence.

9. Manager's Report

10. 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 providing for the issuance of not to exceed \$22,575,000 Taxable General Obligation Refunding Bonds, in one or more series, of the Village of Downers Grove, DuPage County, Illinois, and providing for the levy and collection of a direct annual tax for the payment of the principal of and interest on said bonds

11. Mayor and Council Member Reports

Commissioner José addressed the comment made by Dr. Jagielo about the residential vs. commercial property taxes. He said his comment had to do with our ability to apply different rates to different property. He was not speaking regarding regulations related to Special Service Areas (SSA).

12. Adjournment

Mayor Barnett asked for a motion to adjourn.

Motion: Commissioner José moved to adjourn. Commissioner Earl seconded the motion.

Mayor Barnett declared the motion carried by voice vote and the meeting adjourned at 7:50 p.m.

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Respectfully submitted,
April Holden
Village Clerk