

VILLAGE OF DOWNERS GROVE
Report for the Village
1/19/2021

SUBJECT:	SUBMITTED BY:
Amendment to the MOU with Downers Grove Park District - Prince Pond Dredging	Andy Sikich Director of Public Works

SYNOPSIS

A resolution has been prepared to approve an amendment to the Memorandum of Understanding (MOU) between the Village and the Downers Grove Park District for the construction contract for the dredging of Prince Pond, whereby the Village will make an additional payment to the Park District in the amount of \$125,100, increasing the Village's total expenditure from \$339,980 to \$465,080.

STRATEGIC PLAN ALIGNMENT

The goals for 2019-21 include *Top Quality Infrastructure*.

FISCAL IMPACT

The FY20 Budget included \$900,000 in the Stormwater Fund for this project.

RECOMMENDATION

Approval on the January 19, 2021 Consent Agenda.

BACKGROUND

Prince Pond is located on the east side of Linscott Avenue, between Franklin Street and Warren Avenue. The property is owned by the Downers Grove Park District and is jointly maintained by the Village and the Park District as required by a 1987 Intergovernmental Agreement (IGA) governing maintenance of Public Lakes. The 1987 IGA provides that the Village shall be responsible for certain maintenance activities with respect to public lakes including storm water structures, periodic removal of accumulated silt, and the establishment of measures to control silt accumulation. "Public lake" is defined as a body of water which is owned by either the Village or Park District and serves the joint purpose of stormwater management and use by the public for recreational purposes.

On November 17, 2020, the Village Council approved an MOU for the Village to pay for the removal of accumulated silt, as set forth in the 1987 IGA. The Park District then contracted with V3 Construction in the amount of \$339,980.00. This construction contract included the removal of a total of 1,715 cubic yards of accumulated silt, which was believed to be slightly more than what was present in the pond at that time. However, when the contractor was able to drain the pond it became apparent that a total of approximately 2,980 cubic yards of silt was present, which is an additional amount of approximately 1,265 cubic yards. Given the existing conditions in the pond, the contractor has indicated that approximately 700 to 900 cubic yards of this additional silt can be removed without disturbing the stability of the existing pond shoreline.

The Park District has negotiated a change order with the contractor to remove up to 900 additional cubic yards of silt from the pond, and is requesting an amendment to the original MOU for the removal. As with the original MOU, the Village will make a payment to the Park District in advance of the work. If the cost of the project is less than the \$465,080 amount, the Park District will refund the difference to the Village.

ATTACHMENTS

Resolution

Memorandum of Understanding

Amendment

RESOLUTION NO. _____**A RESOLUTION AUTHORIZING EXECUTION OF AN AMENDMENT TO THE
MEMORANDUM OF UNDERSTANDING BETWEEN THE VILLAGE OF DOWNERS GROVE
AND THE DOWNERS GROVE PARK DISTRICT**

BE IT RESOLVED by the Village Council of the Village of Downers Grove, DuPage County, Illinois, as follows:

1. That the form and substance of a certain Amendment to the Memorandum of Understanding (the “MOU”), between the Village of Downers Grove (the “Village”) and the Downers Grove Park District (the “Park District”), for the maintenance and sediment removal of Prince Pond, as set forth in the form of the MOU submitted to this meeting with the recommendation of the Village Manager, is hereby approved.

2. That the Mayor and Village Clerk are hereby respectively authorized and directed for and on behalf of the Village to execute, attest, seal and deliver the MOU, substantially in the form approved in the foregoing paragraph of this Resolution, together with such changes as the Manager shall deem necessary.

3. That the proper officials, agents and employees of the Village are hereby authorized and directed to take such further action as they may deem necessary or appropriate to perform all obligations and commitments of the Village in accordance with the provisions of the MOU.

4. That all resolutions or parts of resolutions in conflict with the provisions of this Resolution are hereby repealed.

5. That this Resolution shall be in full force and effect from and after its passage as provided by law.

Mayor

Passed:

Attest: _____
Village Clerk

**AMENDMENT TO THE MEMORANDUM OF UNDERSTANDING
BETWEEN THE VILLAGE OF DOWNERS GROVE
AND THE DOWNERS GROVE PARK DISTRICT**

THIS AMENDMENT TO THE MEMORANDUM OF UNDERSTANDING (“MOU”) is made and entered into between the Village of Downers Grove, an Illinois municipal corporation (hereafter “Village”), and the Downers Grove Park District, an Illinois municipal corporation (hereafter “Park District”).

RECITALS

WHEREAS, on or about November 17, 2020, the Village and the Park District entered into a Memorandum of Understanding (“MOU”) for the Village to pay the Park District for the cost of removal of silt for Prince Pond; and

WHEREAS, the Park District entered into a contract with V3 Construction Group for the removal of 1,715 total cubic yards of silt; and

WHEREAS, after the pond was drained it was discovered that there was about an additional 1,265 cubic yards of silt; and

NOW THEREFORE, in consideration of the promises, terms and conditions set forth herein, the parties agree as follows:

1.0 RECITALS INCORPORATED.

The Recitals set forth above are incorporated herein and made a part hereof.

2.0 UNDERSTANDING AND AGREEMENT

The Village, in accordance with the 1987 IGA, the MOU and this Amendment, shall pay to the Park District the sum of \$125,100.00 within ten (10) business days of the approval of this Amendment by both parties to fund the removal of up to 900 additional cubic yards of the extra silt. The Village shall not be required to pay any additional amounts in relation to the work and

shall have no further obligation of any kind. In the event the final cost of the Village’s portion of the work is less than \$125,100.00, the Park District shall reimburse the Village any such overpayment no later than sixty (60) days after the completion of the work. The Park District shall provide documentation to the Village showing payments made for the work.

3.0 REMAINDER

The terms of the 1987 IGA are not changed by this Amendment. All other terms from the MOU remain in full force and effect.

VILLAGE OF DOWNERS GROVE

DOWNERS GROVE PARK DISTRICT

Mayor

President

ATTEST:

Clerk

Secretary

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