



Meeting Minutes

Village of Downers Grove – Council Meeting

Council Chambers

June 21, 2022

7:00 PM

1. Call to Order

Mayor Barnett called to order the Village Council meeting at 7:00 p.m. and led those in the room in the Pledge of Allegiance to the Flag. He explained the protocol for the meeting and the guidelines to submit public comment.

2. Roll Call

Council Attendance (Present): Mayor Barnett, Commissioner José, Commissioner Walus, Commissioner Kulovany, Commissioner Gilmartin, Commissioner Glover

Council Attendance (Not Present): Commissioner Sadowski-Fugitt

Non-Voting: Village Manager Dave Fieldman, Village Attorney Enza Petrarca, and Village Clerk Rosa Berardi

MOT 2022-9482 — A. Motion: Allowing for Electronic Participation for the June 21, 2022 Village Council meeting.

Summary: A motion to allow electronic participation for the June 21, 2022 Village Council meeting.

3. Minutes of Council Meetings

MIN 2022-9471 — A. Minutes: Village Council Meeting Minutes - June 14, 2022

Summary: Village Council Meeting Minutes –June 14, 2022

MOTION: To adopt the meeting minutes of the June 14, 2022 meeting, as presented.

RESULT: Motion carried unanimously by voice vote.

MOTIONED TO APPROVE: Commissioner José

SECONDED BY: Commissioner Walus

AYES: Commissioners José, Walus, Kulovany, Gilmartin, Glover and Mayor Barnett

NAYES: None

4. Consent Agenda

BIL 2022-9472 — A. Bills Payable: No. 6670 - June 21, 2022

Summary: No. 6670 - June 21, 2022

COR 2022-9473 — B. Claims Ordinance: No. 6461, Payroll - May 20, 2022

Summary: No. 6461, Payroll - May 20, 2022

MOT 2022-9487 — C. Motion: Approve a Three-Year Agreement with Andy Frain Services, Inc. in the Amount of \$742,564.00 to Provide School Crossing Guard Services

Summary: This motion approves a three-year agreement with Andy Frain Services, Inc. in the amount of \$742,564.00 to provide school crossing guard services.

MOT 2022-9462 — D. Motion: Approve the Disposal of Audio Recordings of Previously Approved Executive Session Meeting Minutes

Summary: This motion approves the disposal of audio recordings of previously approved Executive Session meeting minutes dating from September 4, 2004 through September 1, 2020.

RES 2022-9493 — E. Resolution: Approve an Intergovernmental Agreement with DuPage County for Main Street Stormwater Drainage Improvements for the Otis-Grant-Florence Drainage Improvement Project

Summary: This resolution approves an Intergovernmental Agreement (IGA) with DuPage County for Stormwater Drainage Improvements for the Otis-Grant-Florence Drainage Improvement Project.

RESOLUTION 2022-50

A RESOLUTION AUTHORIZING EXECUTION OF AN INTERGOVERNMENTAL AGREEMENT BETWEEN THE COUNTY OF DUPAGE AND THE VILLAGE OF DOWNERS GROVE FOR THE OTIS-GRANT-FLORENCE DRAINAGE IMPROVEMENT PROJECT

RES 2022-9494 — F. Resolution: Approve an Intergovernmental Agreement with DuPage County for the Wisconsin East of Belmont Drainage Improvement Project

Summary: This resolution approves an Intergovernmental Agreement (IGA) with DuPage County for Stormwater Drainage Improvements on Wisconsin Ave.

RESOLUTION 2022-51

A RESOLUTION AUTHORIZING EXECUTION OF AN INTERGOVERNMENTAL AGREEMENT BETWEEN THE COUNTY OF DUPAGE AND THE VILLAGE OF DOWNERS GROVE FOR THE WISCONSIN EAST OF BELMONT DRAINAGE IMPROVEMENT PROJECT

MOT 2022-9486 — G. Motion: Approve a Three-Year Contract with Muscat Painting & Decorating for Hydrant Sandblasting and Painting in an Amount Not-to-Exceed \$191,433.00, Which Includes a 10% Contingency

Summary: This motion approves a three-year contract with Muscat Painting & Decorating of East Dundee, Illinois, for hydrant sandblasting and painting in an amount not-to-exceed \$191,433.00, which includes a 10% contingency.

MOT 2022-9447 — H. Motion: Approve a Contract with Globe Construction, Inc. of Addison, Illinois, in the Amount of \$301,293.58 for the 2022 Sidewalk Replacement Program

Summary: This motion approves a contract with Globe Construction, Inc. of Addison, Illinois, in the amount of \$301,293.58 for the 2022 Sidewalk Replacement Program.

RES 2022-9510 — I. Resolution: Approve a One-Year Extension to the Contract with AZ Fitness Consulting, LLC, in the Amount of \$17,748.00 for Fire Department Physical Fitness Consulting Services

Summary: This contract approves a one-year extension to a contract with AZ Fitness Consulting, LLC, in the amount of \$17,748. for Fire Department physical fitness consulting services.

RESOLUTION 2022-52

A RESOLUTION AUTHORIZING EXECUTION OF AN EXTENSION TO THE AGREEMENT BETWEEN THE VILLAGE OF DOWNERS GROVE AND AZ FITNESS CONSULTING, LLC

RES 2022-9479 — J. Resolution: Accept the Comprehensive Annual Financial Report and Audit for the Fiscal Year January 1, 2021 through December 31, 2021

Summary: This resolution accepts the Comprehensive Annual Financial Report and Audit for the fiscal year January 1, 2021 through December 31, 2021.

RESOLUTION 2022-53

A RESOLUTION TO ACCEPT THE COMPREHENSIVE ANNUAL FINANCIAL REPORT OF THE VILLAGE OF DOWNERS GROVE FOR THE FISCAL YEAR JANUARY 1, 2021 THROUGH DECEMBER 31, 2021

MOT 2022-9501 — K. Motion: Approve a Contract with JesseJames Creative of New York, New York, for the Redesign of the Village’s Website and the Implementation of a Content Management System in an Amount of \$80,500.00, Which Includes Hosting Services for One Year

Summary: This motion authorizes the redesign of the Village’s website and the implementation of a content management system in an amount of \$70,500 along with hosting services for one year in an amount of \$10,000 from JesseJames Creative of New York, New York.

RES 2022-9499 — L. Resolution: Approve a One-Year Extension to the Contract with Safebuilt, Illinois, LLC, in an Amount Not-to-Exceed \$80,000.00 for Residential Permit Review Services

Summary: This resolution approves a one-year extension to the contract with Safebuilt, Illinois, LLC, in an amount not-to-exceed \$80,000.00 for residential permit review services.

RESOLUTION 2022-54

A RESOLUTION AUTHORIZING EXECUTION OF AN EXTENSION TO THE AGREEMENT BETWEEN THE VILLAGE OF DOWNERS GROVE AND SAFEUILT ILLINOIS, LLC

RES 2022-9498 — M. Resolution: Approve a One-Year Extension to the Contract with TPI Building Code Consultants in an Amount Not-to-Exceed \$80,000.00 Resolutions for Residential Development Review Services

Summary: This resolution approves a one-year extension to the contract with Safebuilt, Illinois, LLC (Safebuilt) and TPI Building Code Consultants, Inc. (TPI) for residential development review services.

RESOLUTION 2022-55

A RESOLUTION AUTHORIZING EXECUTION OF AN EXTENSION TO THE AGREEMENT BETWEEN THE VILLAGE OF DOWNERS GROVE AND TPI BUILDING CODE CONSULTANTS, INC.

***MOTION:** To adopt all items on the Consent Agenda, as amended*

***RESULT:** Motion carried unanimously by voice vote.*

***MOTIONED TO APPROVE:** Commissioner Hosé*

***SECONDED BY:** Commissioner Walus*

***AYES:** Commissioners Hosé, Walus, Kulovany, Gilmartin, Glover, Mayor Barnett*

***NAYES** none*

5. Active Agenda

ORD 2022-9453 — A. Ordinance: Amending Certain Sections Within Chapter 14 of the Municipal Code Concerning Motor Vehicles and Traffic **ORDINANCE 5934**

Summary: An ordinance amending certain sections within Chapter 14 of the Municipal Code concerning motor vehicles and traffic including Sec 14.8; Sec 14.36; Sec 14.37; Sec 14.50; Sec 14.52.17; Sec 14.52.18; Sec 14.52.20; Sec 14.63; Sec 14.63.1; Sec 14.67; Sec 14.71; Sec 14.79; Sec 14.80; Sec 14.80.1; Sec 14.81; Sec 14.85; Sec 14.98; Sec 14.99; Sec 14.101.1; , Sec 14.101.4; Sec 14.103.1; Sec 14.103.3; , Sec 14.103.7; , Sec 14.105.08; Sec 14.164.1;

MOTION: To adopt AN ORDINANCE AMENDING CHAPTER 14 OF THE MUNICIPAL CODE, as presented **ORDINANCE 5934**

RESULT: Motion carried unanimously by roll call.

MOTIONED TO APPROVE: Commissioner Hosé

SECONDED BY: Commissioner Walus

AYES: Commissioners Hosé, Walus, Kulovany, Gilmartin, Glover, Mayor Barnett

NAYES none

PUBLIC COMMENT

David Rose, resident, asked that the Village take a look at the regulation of where and when all types of motorized vehicles are allowed to operate within the Village – he said he has seen motorized vehicles on sidewalks and others that are driven by children on the street. He also stated that he did not agree with a statement made last week regarding growth needing to be considered when it came to assessing future traffic patterns. He felt it counteracted environmental sustainability. Mr. Rose said he wanted the Village to assess fines for speeding in the Village and would like them to be adjusted case by case, with fines based on the violator's income level.

MOT 2022-9512 — B. Motion: Approve Design Development Plans for the Facilities Replacement and Sustainability Plan

Summary: This motion approves the design development plans for the Facilities Replacement and Sustainability Plan and directs staff to pursue Option #1. Option #1 provides for the construction of a 20-foot wide buffer constructed on Village property that would accommodate larger trees.

PUBLIC COMMENT

Sarah DePasquale, 710 Maple Ave. questioned if Option 1 would include fencing that would continue to the east property line. She also asked if anyone could discuss the pros and cons of Option 1 versus Option 2.

Deputy Village Manager Mike Baker stated that the fencing would be continuous. He said the photos that were shown in the meeting's packet were conceptual drawings.

Mayor Barnett stated the renderings shared were concept drawings. He also stated that the focus was on the extra efforts in finding different types of vegetation for the area being discussed. He said staff would have additional conversations regarding Option 1 versus Option 2.

David Rose returned to the podium and stated he did not believe the reduction in the use of energy in the new facility equated to the cost of the project.

VILLAGE COUNCIL COMMENTS/QUESTIONS

Commissioner Hosé stated that he was absent from the last Village Council meeting but thanked his colleagues for their discussion regarding the facilities item. He said he loved seeing the revised drawings from the design team. He said he could not wait to see the building in person. Commissioner Hosé stated that Option 1 had the Village planting trees on Village property and Option 2 had the trees on private property. He stated he supported Option 1, as he would rather the trees were planted on Village property so that they would be easier to maintain.

Commissioner Kulovany stated he was pleased with Option 1. With Option 1 staff was able to carve out 20 feet on Village property to accommodate the placement of the best screening of trees/vegetation possible. He was also pleased this still left enough room on Village property for a fire truck to make a complete turn on the property.

Commissioner Gilmartin gave his support for Option 1 for the same reasons as Commissioner Hosé. He said he appreciated the thought that went into the options and said it showed that the Village is looking for ways to be better neighbors. He also thanked staff for adding the extra door in the Council Chambers and said he was excited the project was on schedule and moving forward.

Mayor Barnett added the discussions on screening had been an attempt by the Village to improve the amount of screening done overall. He said the screening would grow over time and provide a better and more intentional buffer, in addition to the fixed fencing, between the Village grounds and the neighbors that back up to it. He said he was glad that additional Village property had been dedicated toward the efforts to provide better screening. The Mayor stated he thought this would meet the goals of the residents. He expressed his excitement to move forward and see the facility in living color as mentioned by Commissioner Hosé.

Commissioner Walus was also in support of Option 1. She pointed out that Option 1 accommodated larger trees, which met the goal of the residents. She thanked staff for noting in the meeting packet that 20 feet carved out would not negatively impact the use of the lot. She stated she felt Option 1 hit all the key things the Council and residents were looking for. Commissioner Walus said she concurred with Commissioner Hosé and she was also looking forward to seeing the facility in living color.

***MOTION:** To approve design development plans for the Facilities Replacement and Sustainability Plan and direct staff to pursue Option #1, as presented*

***RESULT:** Motion carried unanimously by roll call.*

***MOTIONED TO APPROVE:** Commissioner Hosé*

***SECONDED BY:** Commissioner Walus*

***AYES:** Commissioners Hosé, Walus, Kulovany, Gilmartin, Glover, Mayor Barnett*

***NAYES:** none*

6. First Reading

Village Manager Dave Fieldman introduced Stan Popovich, Community Development Director, to present the first two items under the First Reading portion of the agenda. and said he would be presenting the first two items under the First Reading portion of the agenda.

ORD 2022-9492 — A. Ordinance: Approve of a Special Use to Allow a Personal Vehicle Sales Use at 2424 Ogden Avenue

Summary: This ordinance approves a special use to allow a Personal Vehicle Sales Use at 2424 Ogden Avenue.

Mr. Popovich used a [PowerPoint presentation](#) to present Item A. He showed a diagram of the property located at 2424 Ogden Ave. and gave the history of the property that used to house the Max Madsen Dealership. He stated the petitioner's site plan proposed a new facility on the site which would include a showroom, service area and other ancillary automobile uses. He reviewed the area surrounding the building including the sidewalk and pedestrian connections and the stormwater detention basin. He also showed renderings of the façades and different elevations of the facility. Mr. Popovich said there were six lots on record that the petitioner would consolidate after receiving the proper approvals. He said with regarding the Comprehensive Plan, the site is identified as Corridor Commercial Automobile Related Uses, the proposal would beautify Ogden Avenue and improve pedestrian connectivity. He concluded by stating that the Planning Commission considered the petition at their June meeting and found the standards for Special Use were met and recommended approval.

Commissioner Hosé thanked Pugi for expanding their business within Downers Grove. He stated the site had been vacated for a long time and it would be great to see a new building and dealership there. He thanked Pugi for their continued investment in Downers Grove.

Commissioner Kulovany echoed Commissioner José's comments and said he thought it was a good investment for the Village.

Mayor Barnett stated from an administrative standpoint this was a special use on a site that was previously operating with the same special use, so impacts are minimal.

ORD 2022-9497 — B. Ordinance: Approve a Sales Tax Rebate Agreement between the Village of Downers Grove and Downers Grove Imports Ltd., d/b/a Pugi of Chicagoland, for a Genesis Dealership at 2424 Ogden Avenue.

Summary: This ordinance approves a Sales Tax Rebate Agreement between the Village of Downers Grove and Downers Grove Imports Ltd., d/b/a Pugi of Chicagoland, for a Genesis dealership at 2424 Ogden Avenue.

Mr. Popovich used a [PowerPoint presentation](#) to present Item B. He stated as part of the Sales Tax Rebate, Pugi of Chicagoland would be required to complete construction of the new facility by October 21, 2023, and operate a dealership there for 15 years. He said should the dealership cease to exist for that time, Pugi would need to reimburse the Village per the schedule set in the rebate agreement. He said the Village would be rebating 50% Municipal Sales Taxes for 10 years and per the agreement would be holding back 25% of the most current rebate payment.

PUBLIC COMMENT

David Rose returned to the podium and stated per the documentation provided in the meeting packet, the EDC Board of Directors recommended the agreement. He stated he thought the EDC Board was substantially compromised of members of the Village Council. He said he didn't feel the endorsement of the EDC meant anything. Mr. Rose further spoke of the agreement and stated he hoped the Village would use hold-back protections even if this agreement wasn't much of a risk.

Commissioner José stated sometimes they get commentary on Sales Tax Rebate Agreements and he felt it was useful to talk about their history and use of them. He said we didn't have to like them, but every other community was also using them and chances are there would be another municipality not far away that would give Pugi the Sales Tax Rebate Agreement if we didn't. Commissioner José quoted a previous Mayor, Mayor Tully, saying "50% of something is better than 100% of nothing." He said he would take the 50% knowing that Pugi has done a lot of business in Downers Grove. He noted the EDC Board was made up largely of people from private industries.

Commissioner Gilmartin asked if the Sales Tax Rebate Agreement was in line with other ones the Village has had with Pugi.

Manager Fieldman replied that it was a standard format agreement that was developed about 12 years ago, but that this was the last major revision and it matches all of those done within the last 10 years or so.

Commissioner Gilmartin asked if the amounts they rebated were transparent every year to residents, so they're well aware of what the rebates are and what their value is to both the Village and Pugi.

Manager Fieldman replied that, yes, the rebates are reported in the aggregate Sales Tax Rebate Fund for transparency purposes.

Commissioner Gilmartin stated he fully supported it and welcomed additional investments from Pugi.

Commissioner Kulovany stated that any Sales Tax Revenue that the Village would get from this site would be incremental because there have been zero dollars in revenue from the site for so many years. He said Pugi was well respected in their community and they were pleased and proud to have them. He also added he was looking forward to seeing the new success the dealership would have with the new site and wished them the best.

Mayor Barnett reiterated the property had been generating zero dollars in Sales Tax, so the extra revenue to the Village would be welcome. He said he was thrilled someone wanted to invest in that area. He clarified who was on the EDC Board. He said the Board included himself, Commissioner José, Village Manager Fieldman,, Deputy

Village Manager Baker, but the Board also included people from several other entities. The other members are from Latham and Watkins, LLP, Flavor Chem, Community Bank of Downers Grove, Ziegler Automotive, Downers Grove Park District, School Districts 58 and 99, Adtalem Global Education, DuPage County Board, Jones Lang LaSalle, Doubletree, Philips Law Office, Inland Real Estate, 48th District Representative Tara Costa Howard, Schultz Properties, Downers Grove Sanitary District, Steinhafels, Midwestern University, the Altar Group, Regents Bank and Good Samaritan Hospital. He stated the Board consisted of people who cared deeply and heavily invested in the Village of Downers Grove, and that the EDC relies on their expertise to help them decide if agreements or incentive packages would be helpful or not. Mayor Barnett added that about half of the people on the list were residents of Downers Grove. He stated the Economic Development Cooperation had been a huge success in Downers Grove for 15 plus years. He said they continue to be an important part of how the Village has grown and managed finances. The EDC has kept costs down so residents could raise their kids here and assist seniors who struggle with increasing costs and taxes. He said the economic work in the Village is why the Village of Downers Grove maintains one of the lowest corporate tax rates in the County of DuPage.

7. Manager's Report

INF 2022-9489 — A. Information: 2021-2023 Long Range Plan Update

Summary: 2021-2023 Long Range Plan Update

Manager Fieldman presented the Long Range Plan Update via a [PowerPoint presentation](#). He said he was pleased to start the LRP update process. He stated it was approved by the Village Council last September and it addresses issues that would affect the long-term future of the Village. He said the plan established Village goals and priority actions that guide the annual budgets, daily operations, and delivery of services. Manager Fieldman said the annual update would consist of three meetings. Those meetings included that night's meeting, a meeting in July to discuss the Water and Parking Funds, and then a meeting in August to update the priority action items and make any adjustments to their work plan. He said there were many goals and listed five of them, highlighting the goal that the current Council added. That goal was "A Safe Community" which has driven a lot of work in areas such as public safety, police, fire, and vehicular and pedestrian traffic. Manager Fieldman stated that the General Fund was the main operating fund that accounted for most of the Village services. He said financial sustainability had been a longstanding Village goal and had been achieved in the General Fund with revenues exceeding expenses every year for the past 12 years. He said the projected revenues and expenses in the fund would be aligned for the balance of this year and into FY23. He said revenues increased significantly last year and were projected to increase by 1.5% this year into next year. He also said that with inflation, expenses would be increasing to an expected 10% during this calendar year with a projected inflationary rate of 4.5% annual growth rate for 2023. Manager Fieldman said the effects of inflation are being seen in the General Fund. He continued by saying that since revenues were so strong over the last year and continue to grow modestly, staff thinks the fund will be aligned or balanced for the remainder of the year and next year. He said required contributions to public safety pensions were projected to continue to increase every year for the next 18 years, and those funds were on schedule to be at a 100% funded status by 2040. Manager Fieldman expressed that the Village continues to feel the effects of inflation and global supply chain disruptions. He said though the General fund supported the Parking, Fleet, and Equipment Replacement Funds, they were all experiencing global supply chain issues. He shared a graph showing General Fund Revenues and Expenses for 2018-2023. He said staff would continue to monitor the changes in the economy and would come back to Council for a public update if staff saw anything that would cause a deviation from what was depicted on the graph. He said as mentioned previously, the General Fund supports the Equipment Replacement Fund, the Fleet Fund, and the Parking Fund, all of which have expenses that are rising quickly beyond the original budget. Manager Fieldman reviewed the strategies and solutions to address the key trends and issues. He said that Village staff has always implemented cost control measures and was always looking for ways to keep costs down and they would continue to monitor supply chain issues. He said the Village has to be flexible on how and when purchases like vehicles were made. He said Village staff would continue to maintain reserve balances at the recommended level. Manager Fieldman said that the Village will continue to pay for increases in the required contributions to public safety pensions by increasing the property tax levy for pensions. He concluded by stating that an increase to the property tax levy for operations would only be implemented if necessary.

David Rose returned to the podium and spoke of what he believed to be errors in the packet of agenda materials. He spoke about the graphs in the presentation and requested that additional information be included moving forward.

Mayor Barnett said it was a longstanding process for the current and previous Councils to go through the LRP process. He said people needed to watch for the LRP commentary in future agendas. He said it was a process that would feed both priority action items (the work plan) and budgeting for 2023, which would result in a tax levy. He said it would be a continuous process with lots of opportunities for the public to comment. The Mayor concluded by stating that the process has begun and he welcomed the input and commentary.

8. Attorney's Report

Village Attorney Enza Petrarca presented the following for Village Council consideration pursuant to Section 2.5 of the Downers Grove Municipal Code:

1. An ordinance approving a special use to allow a personal vehicle sales business at 2424 Ogden Avenue.
2. An ordinance approving a Sales Tax Rebate Agreement between the Village of Downers Grove and Downers Grove Imports Ltd.

9. Public Comment

David Rose returned to the podium and on the process of how things were placed on the agenda. He also stated that he believed the Fitness contract doubled in cost since it was last approved. He asked if the Village would pursue the Stormwater Grant Project without grants, and he commented on the crossing guard contract, the Sales Tax Rebate. Mr. Rose talked about how he disagreed with comments made the week prior during the Solid Waste Contract discussion. He said he was disappointed in items going from the 1st reading agenda, to the consent or active agenda for a vote, even when there were negative public comments.

10. Mayor's Report

No Mayor's Report

11. Council Member Reports

Commissioner José reminded everyone about the Primary election. He said early voting would take place in the Committee Room at Village Hall through Saturday, June 25th.

Commissioner Walus asked everyone to come out to Rotary Grove Fest over the weekend. The fest hours could be found at rotarygrovefest.com. She stated there was no rain in the forecast. She said all proceeds would go back into the community through a variety of different scholarships and donations.

13. Adjournment

Mayor Barnett asked for a motion to adjourn the meeting.

MOTION: To adjourn the June 21, 2022, Village Council meeting.

RESULT: Motion carried unanimously by voice vote.

MOTIONED TO APPROVE: Commissioner José

SECONDED BY: Commissioner Walus

AYES: Commissioners José, Walus, Kulovany, Gilmartin, Glover, Mayor Barnett

NAYES: None

Mayor Barnett declared the motion carried by voice vote and the meeting adjourned at 7:55 p.m.

Respectfully submitted,
Rosa Berardi
Village Clerk