



Meeting Minutes

Village of Downers Grove - Council Meeting

Council Chambers

March 05, 2024

07:00 PM

1. Call to Order

Mayor Barnett called to order the Village Council meeting at 7:00 pm and led those in the room in the Pledge of Allegiance to the Flag. .

2. Roll Call

Council Attendance (Present): Mayor Barnett, Commissioner Hosé, Commissioner Sadowski-Fugitt, Commissioner Glover, Commissioner Tully, Commissioner Davenport, Commissioner Gilmartin

Council Attendance (Not Present): None.

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

3. Proclamations

A. National Social Work Month

Mayor Barnett read the proclamation for National Social Work Month and presented it to Heather Lippe, Social worker for the Village of Downers Grove.

4. Minutes of Council Meetings

MIN 2024-10190 — A. Minutes: Village Council Meeting Minutes – March 5, 2024

MOTION: To adopt the meeting minutes of the March 5, 2024, Village Council Meeting, as presented.

RESULT: Motion carried unanimously by voice vote.

MOTIONED TO APPROVE: Commissioner Hosé

SECONDED BY: Commissioner Sadowski-Fugitt

AYES: Commissioners Hosé, Sadowski-Fugitt, Davenport, Tully, Glover, Gilmartin, Mayor Barnett

NAYES: None

5. Public Comments

Mayor Barnett explained the protocol for public comments and provided other means in which the public can contact the Village Council.

Public Comment/Questions

James Kelly shared that it was International Black Balloon Day to honor the memory of people who have been lost due to drug overdose. He asked all to think of those who have lost their lives due to drug overdose.

Council Minutes

Village of Downers Grove

March 5, 2024

Mark Cronin, resident, spoke about a comedy show that took place at the Tivoli Theatre last Thursday and another that took place about two months ago. He suggested that in the future a Council member attend these events to welcome people and interact with residents.

James Wool, resident, spoke about his disappointment in the manner in which the Executive Director of the Library handled requests to paint the Library's window panes and felt his request was treated different than others. He shared that he is disappointed with the procedures in place at the library, including those at public meetings.

Ilene Briner, resident, shared her disappointment in the manner in which the Library's Executive Director Julie Milavec, reacts to public comments at meetings, especially with those that disagree with her. Ms. Briner shared that she supports Jim Wool's comments and Bill Nienburg as a Library Board member, but would like Ms. Milavec and some of the other Board members removed from their positions.

Debra O'Dell, resident, spoke of the excessive speed of cars on Main Street and the safety of residents at pedestrian crossings. She asked the Council to give it thought and come up with ideas to help the situation.

Norm Sidler, resident, commended the Council and expressed his support of his brother-in-law Bill Nienburg and asked the Council to consider setting a precedent in the decision that they make. He asked the Council to put term limits of six years on Village Board and Commission members, and requested a referendum vote be put on the ballot to make the Downers Grove Public Library its own entity – allowing the residents to vote for the members.

Noel Manley expressed his support of Bill Nienburg and said that Mr. Nienburg has been representing the residents of Downers Grove by exercising his fiduciary responsibilities. He shared his disappointment in a personal comment about Mr. Nienburg made by a Library Board member.

A Downers Grove resident, who wished to remain anonymous, shared that while reading the FOIA files on the Library's website, she discovered that Bill Nienburg did not have a library card in 2023.

Laura Kamedulski, resident, stated that Bill Nienburg brings political theatre and nonsense to the Library and expressed her disappointment in his treatment of the Board President and Library Director. She said she supports his removal from the Board.

John Miller, resident, expressed his support of Bill Nienburg and said he thinks that a difference in opinions on the Library Board should be supported. He asked the Council to consider the precedent they could be setting with this decision, and he shared that he also agrees with adding term limits to the Library Board.

Christine Martin, resident, suggested that the Council speak to the staff individually to see how they feel about working under the current Director, Julie Milavec. She shared that she supports Bill Nienburg, and also shared her concerns about the homeless people that are at and near the Library.

Robin Tryloff, resident, asked the Council to vote to put together a resolution to remove Bill Nienburg. She shared that she supports the five board members that request his removal from the board, and said that it is the responsibility of the Council to take action to remove him.

Kylie Spahn, resident, spoke a FOIA listed on the Library's website involving Mr. Nienburg and Mr. James Wool. She expressed her disappointment in the emails that were part of the FOIAs, and requested the Council vote to remove Nienburg from the board.

Hillary Denk, resident, shared her support for the Library Board and the Executive Director's decision to remove Bill Nienburg. She said that hate groups attend the Library Board meetings and asked the Council to stop the hate speech.

Ed Briner, resident, asked the Village Council to reject the Library's request to censure Bill Nienburg and expressed his concern of the Library Board and Director Julie Milavec's credibility. He said he disagrees with the Library Board's actions while knowing that Mr. Nienburg was out of town and not in attendance at the meeting.

6. Consent Agenda

COR 2024-10180 — A. Claims Ordinance: No. 6543, Payroll - February 23, 2024

BIL 2024-10181 — B. Bills Payable: No. 6786 - March 05, 2024

MOT 2024-10296 — C. Motion: Approve a Contract with Globe Construction, Inc. for the 2024 Sidewalk Replacement Program B

Summary: This motion approves a contract for the 2024 Sidewalk Replacement Program B to Globe Construction, Inc. of Addison, Illinois in the amount of \$373,192.00.

MOT 2024-10297 — D. Motion: Approve a Contract with Globe Construction, Inc. for the 2024 Sidewalk Replacement Program C

Summary: This motion awards a contract for the 2024 Sidewalk Replacement Program C to Globe Construction, Inc. of Addison, Illinois in the amount of \$383,992.00.

RES 2024-10294 — E. Resolution: Approve an Extension to the Contract with Denler, Inc. for the 2024 Crack Sealing Project

Summary: This resolution awards a contract extension for the 2024 Crack Sealing Project to Denler, Inc. of Mokena, Illinois in the amount of \$87,955.50.

RESOLUTION 2024-27

A RESOLUTION AUTHORIZING EXECUTION OF AN EXTENSION TO THE CONTRACT BETWEEN THE VILLAGE OF DOWNERS GROVE AND DENLER, INC.

RES 2024-10299 — F. Resolution: Approve an Agreement with The Horton Group for Plan Consulting Services

Summary: This resolution authorizes a three-year agreement with The Horton Group of Orland Park, IL for plan consulting services for a total not-to-exceed \$116,100 over the term of the three year contract.

RESOLUTION 2024-28

A RESOLUTION AUTHORIZING AN AGREEMENT BETWEEN THE VILLAGE OF DOWNERS GROVE AND THE HORTON GROUP

RES 2024-10300 — G. Resolution: Authorize the Disposal of Personal Property Owned by the Village of Downers Grove

Summary: This resolution declares certain vehicles as surplus property and to authorize disposal of such property pursuant to Section 2.35 of the Municipal Code.

RESOLUTION 2024-29

A RESOLUTION AUTHORIZING THE DISPOSAL OF PERSONAL PROPERTY OWNED BY THE VILLAGE OF DOWNERS GROVE

RES 2024-10301 — H. Resolution: Approve an Extension to the Agreement with AL Warren Oil Company, Inc. for the Purchase of Vehicle Fuel

Council Minutes

Village of Downers Grove

March 5, 2024

Summary: This resolution authorizes a contract extension for the purchase of vehicle fuel from Al Warren Oil Co. of Hammond, IN in the amount of \$465,000.

RESOLUTION 2024-30

A RESOLUTION AUTHORIZING EXECUTION OF AN EXTENSION TO THE AGREEMENT BETWEEN THE VILLAGE OF DOWNERS GROVE AND AL WARREN OIL COMPANY, INC.

***MOTION:** To adopt the consent agenda, as presented.*

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

***MOTIONED TO APPROVE:** Commissioner José*

***SECONDED BY:** Commissioner Sadowski-Fugitt*

***AYES:** Commissioners José, Sadowski-Fugitt, Davenport, Tully, Glover, Gilmartin, Mayor Barnett*

***NAYES:** None*

7. First Reading

MOT 2024-10303 — A. Motion: Approve the Lead Service Line Inventory and the Initial Lead Service Replacement Plan

Public Works Director, David Moody, presented on this item via PowerPoint. He explained that this involves the water lines that run from the point of water service all the way to the homes of the residents. He provided the background on the Lead Service Replacement Plan and the Notification Act and explained the process moving forward. Mr. Moody provided a timeline for the replacement process that started in January of 2022 and will run through a completion date in 2044.

Village Council Comments/Questions

Commissioner Davenport asked if the lines known to be lead would be prioritized during the replacement process.

Mr. Moody stated that this is still to be determined, but that the team may be bundling these with other projects, i.e. capital improvement projects, etc. so there will be a number of factors to consider.

Commissioner Sadowski-Fugitt asked what the resident response rate is at this time.

Mr. Moody said the response rate is about 40%.

Commissioner Gilmartin asked if the unknowns are counted toward the lead lines and then will be determined by the consultants later.

Mr. Moody confirmed that is correct.

Commissioner Gilmartin asked about the process of testing for the lead source and how involved that is at the resident level. He asked if this is something that will involve digging.

Mr. Moody said no, the survey will involve residents finding their water service line and taking a photo. He said a quick inspection can determine the replacement.

Commissioner Gilmartin asked about residents that would like their lines replaced sooner rather than later.

Mr. Moody stated that those individuals should call Public Works.

Commissioner Tully explained that this would be discussed further this summer. He said once staff is out in the field, more information will come in and further decisions will be made.

Mayor Barnett encouraged those looking for more information to view the meeting's agenda that was posted online.

MOT 2024-10295 — B. Motion: Approve a Contract with R.W. Dunteman Company of Addison, IL for the 2024 Street Resurfacing Contract B

Scott Vasko, Director of Engineering, presented via PowerPoint. He gave the background on the item and shared the timeline for the resurfacing program.

Village Council Comments/Questions

Commissioner Gilmartin asked if this resurfacing is just improving existing conditions.

Mr. Vasko said the work will include grinding the existing surface off of the streets and will involve some patching. He said there will also be some curb replacements, curb cutting, and sidewalk repairs to make them ADA compliant.

Mayor Barnett encouraged those with questions as to what streets are involved to review the meeting's packet posted online for the list of streets involved.

MOT 2024-10298 — C. Motion: Approve a Contract with Concept Plumbing, Inc. for the Curtiss Street & Glenview Avenue Drainage Improvements

Mr. Vasko presented via PowerPoint. He shared the background on the item and a timeline of the work to be completed. He showed a map of the property and explained where and how the improvements would be installed and will work.

Village Council Comments/Questions

Mayor Barnett asked if the residents will see anything above ground.

Mr. Vasko said the only thing that will be seen above ground is the pump station and generator, further stating they will be on a pad enclosed within a fence.

8. Mayor's Report

RES 2024-10304 — A. Resolution Appointing Members to Village Board and Commissions RES 2024-31

Mayor Barnett explained that two people have volunteered to be on the Village's Environmental Concerns Commission (ECC), which plays a part in the Sustainability Plan. He explained that the Sustainability Plan is a sub plan of the Comprehensive Plan and a part of the current update. He asked Village Clerk Rosa Berardi to read the Resolution appointing the ECC members into the record.

Village Clerk Rosa Berardi read the resolution appointing the following members to the Environmental Concerns Commission:

- Appoint Ken Lerner to a three-year term expiring on August 31, 2027
- Appoint Lauren Donnelly to a three-year term expiring on August 21, 2027

MOTION: To adopt the resolution **APPOINTING MEMBERS TO VILLAGE BOARDS AND COMMISSIONS**, as presented.

RESULT: Motion carried unanimously by voice vote.

MOTIONED TO APPROVE: Commissioner José

SECONDED BY: Commissioner Sadowski-Fugitt

AYES: Commissioners José, Sadowski-Fugitt, Davenport, Tully, Glover, Gilmartin, Mayor Barnett

NAYES: None

Council Minutes

Village of Downers Grove

March 5, 2024

Mayor Barnett called for a motion to move into Executive Session at 8:24 p.m.

MOTION: *To move to convene into closed session pursuant to section 2(c)(1) of the Illinois Open Meetings Act to consider the appointment, employment, compensation, discipline, performance, or dismissal of specific employees, specific individuals who serve as independent contractors in a park, recreational, or educational setting, or specific volunteers of the public body or legal counsel for the public body.*

To move to convene into closed session pursuant to section 2 (c)(3) of the Illinois Open Meeting Act to consider the selection of a person to fill a public office, as defined in this Act, including a vacancy in a public office, when the public body is given power to appoint under law or ordinance, or the discipline, performance or removal of the occupant of a public office, when the public body is given power to remove the occupant under law or ordinance.

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

MOTIONED TO APPROVE: *Commissioner Hosé*

SECONDED BY: *Commissioner Davenport*

AYES: *Commissioners Hosé, Davenport, Tully, Glover, Gilmartin, Sadowski-Fugitt and Mayor Barnett*

NAYES: *None*

The meeting reconvened in Open Session at 9:52 p.m.

9. Council Member Reports

A. New Business

REP 2024-10306 — 1. Report: Proposal to Discuss a Resolution to Remove a Board Member from the Library Board of Trustees

Commissioner Sadowski-Fugitt mentioned that the EQDG Once Book One Town event was taking place the following week, those interested could find details on the Library's website. She also mentioned that the Grove Foundation would be hosting their Passport to Dining event on April 18th.

Commissioner Sadowski-Fugitt then made the following motion:

MOTION: *A motion TO PROPOSE THAT STAFF PUT A RESOLUTION TO REMOVE A BOARD MEMBER FROM THE LIBRARY OF TRUSTEES ON AN UPCOMING FIRST READING AGENDA.*

SECONDED BY: *Commissioner Gilmartin*

Village Council Comments/Questions

Commissioner Sadowski-Fugitt explained that this motion will allow the Council time to discuss this matter further. She said she had been paying attention to the Library Board for some time and spoke of what happened with the Drag Queen Bingo event. She then explained that after seeing the agenda item regarding the Trustee's removal on the Library Board's last meeting agenda, she decided to put this motion forward. Commissioner Sadowski-Fugitt explained the reasons she had for putting forth the motion. First, she spoke of the statements made by the Library trustees at the last Board meeting that outlined a pattern of concerning behavior and by-law violations by Trustee Nienburg. She then went on to mention an email exchange between Mr. Nienburg, not yet a Trustee, and a non-resident. She said she discovered the emails through a public FOIA request. She further explained that the email exchange included very disrespectful language toward Library's Director, Julie Milavec. Commissioner Sadowski-Fugitt spoke of her disappointment that the email was not circulated to the entire Village Council. She said it could have changed the vetting process for some of the Council members because Library Board appointments are made by the entire Village Council. She explained that even after finding out about the emails in November of 2022, she was still willing to give Trustee Nienburg the benefit of the doubt and provide a chance for him to earn back the trust that he had lost. The Commissioner said that in addition to a pattern of attacks toward staff members and fellow trustees,

Council Minutes

Village of Downers Grove

March 5, 2024

Trustee Nienburg had by-law and ethics violations. She said considering the reasons she stated, coupled with the item placed on the Library Board's meeting agenda, Commissioner Sadowski-Fugitt decided to move this forward for the Village Council to discuss a resolution to remove Trustee Nienburg at an upcoming Village Council meeting. She also shared that she does not have a particular timeline on this and she thinks it is important that the Council does its due diligence to have the proper conversations and to follow the proper process moving forward. She reiterated that her new business item is simply to move this forward so that the Council could collectively discuss this matter further.

Commissioner Gilmartin expressed his support of this, as the Village Council is the sole appointer of the Library Board. He shared that he expressed his concerns with other Council members and some of his colleagues have shared that there are limitations to the Council's role in the business of the Library. He said he thinks that it is time for the Council to take action, given that they have received unanimous formal requests from the Library Board. He said the Village Council owes it to the Library Board and all of the residents to consider this request in a meaningful way with respect to discourse and candor.

Commissioner Tully said this is a very serious matter and he does not support this. He said he hopes the Village can stand together, just as they did when standing together for the Pledge of Allegiance. He said he was disappointed about the variety of allegations that he heard at the meeting. Commissioner Tully said that process is important and the process of the Council is important to him. He said that the Library is a self-governing body and since they are not a recommending board, they can decide what they want to do. He reiterated the severity of the allegations and that there is more to the process that is required including as conversations, exploration of options, etc. The Commissioner said the Village Council has processes to follow, as does the Library Board, and he hopes that the Library Board respects the processes equally. He said he is not prepared to support this for further action at this time.

Commissioner José said he supports this and that this is the beginning of the Council's process. He expressed that if the Council is going to have larger conversations about the expectations of any board, or board member appointed by the Council, this is the way it is brought forward. He said more investigating may need to be done and more input from the community may be needed, but that takes place by what was happening at this meeting. He said the only way to have additional conversations about the Council's expectations was to take action at this meeting or some future point not yet determined. He said he had more to say but would save that for another time. He reiterated his support to move this forward.

Commissioner Davenport said that he supports this item. He shared that he agreed with everything that Commissioner José said and he would leave it at that in the interest of time.

Commissioner Glover said that he does not support this item. He shared that the Village Council does a good job of respecting each other's viewpoints and working together collaboratively to come up with solutions. He said the Library Board should act in the same manner and allow their fellow members to have different viewpoints. He expressed that for that reason he does not support moving to pursue Mr. Nienburg's removal at this time.

Mayor Barnett stated that his focus is due diligence and due process and because of that he is not ready to support this. He opined that the Library's process is lacking. He said even if everyone has heard the various complaints about behavior, processes, meeting structure, and how things have gone at the Library Board meetings, it is the Village Council's process and duty to consider what was brought forward by Commissioner Sadowski-Fugitt at this meeting. He said he thinks that the Village deserves more from the Library Board.

A roll call was taken on the motion made by Commissioner Sadowski Fugitt.

RESULT: Motion carried 4:3 by roll call.

MOTIONED TO APPROVE: Commissioner Sadowski-Fugitt

SECONDED BY: Commissioner Gilmartin

AYES: Commissioners Sadowski-Fugitt, Gilmartin, Davenport, and José

NAYES: Commissioners Tully, Glover, and Mayor Barnett

10. Manager's Report

MOT 2024-10302 — A. Information: Fairview Focus Area Implementation – Motion to direct staff to pursue ordinance revisions

Mayor Barnett explained that the discussion on the Fairview Focus Area would be rescheduled because of the time.

Village Manager Dave Fieldman provided a monthly update on the Village's Priority Action Items & Work Plan via PowerPoint. He explained that the presentation was posted with the agenda materials on the Village website. He shared that four of the projects on the list are complete and everything else on the list was running on schedule, except for the Meadowbrook TIF & RDA, which was progressing but at a slower rate than expected.

Deputy Village Manager, Mike Baker, provided a Civic Center Update and explained that Village staff is actively coordinating the building's completion and relocation plans with Leopardo Construction. He said that public information would be posted online and around the site to assist people with regards to navigating where they will need to go for Village services. He shared a video showcasing the recent work completed on the Civic Center.

Mayor Barnett reminded those watching that this has been a two-year project and the Civic Center is nearing completion. He explained that the team lead by Mr. Baker and Village Attorney Enza Petrarca has stayed on schedule and under budget.

11. Adjournment

Mayor Barnett asked for a motion to adjourn the meeting.

MOTION: *To adjourn the March 5, 2024 Village Council Meeting.*

RESULT: *Motion carried unanimously by voice vote.*

MOTIONED TO APPROVE: *Commissioner José*

SECONDED BY: *Commissioner Sadowski-Fugitt*

AYES: *Commissioners José, Sadowski-Fugitt, Davenport, Tully, Glover, Gilmartin, Mayor Barnett*

NAYES: *None*

Mayor Barnett declared the motion carried and the meeting adjourned at 10:15 pm.

Respectfully Submitted,

Rosa Berardi
Village Clerk