



Meeting Minutes

Village of Downers Grove – Council Meeting

Council Chambers

September 20, 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 Sadowski-Fugitt, Commissioner Kulovany, Commissioner Gilmartin

Council Attendance (Not Present): Commissioner José, Commissioner Walus, Commissioner Glover

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

3. Proclamations

Mayor Barnett read the following proclamations:

A. National Preparedness Month

B. Constitution Week

C. National Good Neighbor Day

D. Historical Society 2022 Montrew Dunham Award – James Dohren

- Ian Ogdon, Director of the Downers Grove Historical Society, accepted the proclamation.

4. Minutes of Council Meetings

MIN 2022-9568 — A. Minutes: Village Council Meeting Minutes – September 6, 2022

MOTION: To adopt the meeting minutes of the September 6, 2022 meeting, as presented.

RESULT: Motion carried unanimously by roll call.

MOTIONED TO APPROVE: Commissioner Sadowski-Fugitt

SECONDED BY: Commissioner Kulovany

AYES: Sadowski-Fugitt, Kulovany, Gilmartin, and Mayor Barnett

NAYES: None

5. Consent Agenda

BIL 2022-9569 — A. Bills Payable: No. 6686 - September 13, 2022

BIL 2022-9572 — B. Bills Payable: No. 6688 - September 20, 2022

COR 2022-9571 — C. Claims Ordinance: No. 6473, Payroll - August 26, 2022

RES 2022-9587 — D. Resolution: Approve a Second Amendment to the Agreement with Engineering Resources Associates (ERA) in the Amount of \$60,000.00 for Consultant Service Costs for the Remainder of 2022

RES 2022-69

Summary: This resolution approves a second amendment to the agreement with ERA in the amount of \$60,000.00 for consultant services costs for the remainder of 2022.

RESOLUTION 2022-69

A RESOLUTION APPROVING A SECOND AMENDMENT TO THE AGREEMENT WITH ENGINEERING RESOURCES ASSOCIATES IN THE AMOUNT OF \$60,000.00

RES 2022-9595 — E. Resolution: Approve a Master Service Agreement with Comcast Cable Communications Management, LLC, in the Amount of \$30,456.00 for Session Initiation Protocol (SIP) Trunking Services to the Village's VoIP Telephone System **RES 2022-70**

Summary: This agreement approves a master service agreement with Comcast Cable Communications Management, LLC, for a period of 36 months in the amount of \$30,456.00 for SIP trunking services to the Village's VoIP Telephone System.

RESOLUTION 2022-70

A RESOLUTION AUTHORIZING EXECUTION OF A MASTER SERVICE AGREEMENT BETWEEN THE VILLAGE OF DOWNERS GROVE AND COMCAST CABLE COMMUNICATIONS MANAGEMENT, LLC

MOT 2022-9596 — F. Motion: Approve an Agreement with K.L.F. Enterprises, Inc., of Markham, Illinois, in the Amount of \$44,875.00 for the 5618 Lyman Avenue Residential Demolition Project

Summary: This motion approves an agreement with K.L.F. Enterprises, Inc., of Markham, Illinois, in the amount of \$44,875.00 for the 5618 Lyman Avenue Residential Demolition Project.

RES 2022-9600 — G. Resolution: Approve an Intergovernmental Agreement with the Illinois State Toll Highway Authority for Fire Protection and Emergency Medical Services **RES 2022-71**

Summary: This resolution approves an Intergovernmental Agreement with the Illinois State Toll Highway Authority for fire protection and emergency medical service responses to patients that are on the tollway.

RESOLUTION 2022-71

A RESOLUTION APPROVING AN INTERGOVERNMENTAL AGREEMENT WITH THE ILLINOIS STATE TOLL HIGHWAY AUTHORITY FOR FIRE PROTECTION AND EMERGENCY MEDICAL SERVICES

RES 2022-9591 — H. Resolution: Approve an Amendment to the Agreement with Minuteman Security Technologies to Move Mobile License Plate Reader Data from a Local Server to Minuteman's Regional Cloud

RES 2022-72

Summary: This resolution approves an amendment to the agreement with Minuteman Security Technologies to move the Mobile LPR data from a local server at the Police Department to Minuteman's Regional Cloud.

RESOLUTION 2022-72

A RESOLUTION AUTHORIZING EXECUTION OF AN AMENDMENT TO THE AGREEMENT BETWEEN THE VILLAGE OF DOWNERS GROVE AND MINUTEMAN SECURITY TECHNOLOGIES

MOT 2022-9598 — I. Motion: Approve a Contract with Ramirez Group, LLC, of Dyer, Indiana, for Parking Deck Maintenance in the Amount of \$125,281.00, Which Includes a 5% Contingency.

Summary: This motion approves an agreement with Ramirez Group, LLC, of Dyer, Indiana, for the Parking Deck maintenance in the Amount of \$125,281.00, which includes a 5% contingency.

MOT 2022-9584 — J. Motion: Approve an Agreement with A Lamp Concrete Contractors, Inc., of Schaumburg, Illinois, in the Amount of \$288,888.00 for the 39th and Sterling, Downers Drive Stormwater Improvements

Summary: This motion approves an agreement with A Lamp Concrete Contracts, Inc., of Schaumburg, Illinois, in the amount of \$288,888.00 for the 39th and Sterling, Downers Drive Stormwater Improvements.

MOT 2022-9618 — K. Motion: Approve a Contract with Artlow Systems in the Amount of \$90,544.20 for Fleet Garage Floor Coating

Summary: This motion approves a contract with Artlow Systems in the amount of \$90,544.20 for the Public Works and Fleet garage floor coatings.

MOT 2022-9603 — L. Motion: Approve an Agreement with Dinges Fire Company of Amboy, Illinois, in an Amount Not to Exceed \$47,120.00 for the Purchase of Eight (8) Thermal Imaging Cameras

Summary: This motion approves an agreement with Dinges Fire Company of Amboy, Illinois, in an amount not to exceed \$47,120.00 for the purchase of eight (8) thermal imaging cameras.

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

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

***MOTIONED TO APPROVE:** Commissioner Sadowski-Fugitt*

***SECONDED BY:** Commissioner Kulovany*

***AYES:** Sadowski-Fugitt, Kulovany, Gilmartin, and Mayor Barnett*

***NAYES:** None*

6. Active Agenda

RES 2022-9574 — A. Resolution: Approve an Annexation Agreement for the Property Located at 3811 Sterling Road **RES 2022-73**

Summary: This resolution approves an Annexation Agreement for the property located at 3811 Sterling Road.

***MOTION:** To adopt A RESOLUTION AUTHORIZING EXECUTION OF AN ANNEXATION AGREEMENT FOR THE PROPERTY LOCATED AT 3811 STERLING ROAS, as presented.*

RESOLUTION 2022-73

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

***MOTIONED TO APPROVE:** Commissioner Sadowski-Fugitt*

***SECONDED BY:** Commissioner Kulovany*

***AYES:** Sadowski-Fugitt, Kulovany, Gilmartin, and Mayor Barnett*

***NAYES:** None*

7. First Reading

MOT 2022-9597 — A. Motion: Approve an Agreement with Era-Valdivia Contractors, Inc., of Chicago, Illinois, for the Downers Drive Water Tower Rehabilitation Project (WP-019) in the Amount of \$2,664,791.00, Which Includes a 2% Contingency

Dave Moody, Assistant Public Works Director, presented Item A via PowerPoint. Mr. Moody stated the tank undergoing rehabilitation was a two million gallon elevated water storage tank built in 1957. He said the last time the tank underwent rehab was in 1998. Mr. Moody continued by stating the rehabilitation would consist of maintenance and repairs to meet IEPA requirements which included new coatings on the exterior and interior, safety improvements for OSHA compliance, and the installation of a mixer inside the tank. He concluded by stating that the Village received three bids with the lowest bid from Era-Valdivia Contractors for \$2,612,540.00.

VILLAGE COUNCIL COMMENTS/QUESTIONS

Commissioner Sadowski-Fugitt asked what the life expectancy was for the tower and how long it could effectively function.

Mr. Moody said that every tank was different and he would get back to the Council with an estimate on their life expectancies. He also mentioned there was another tank in town that was built in the 1930's that was still functioning.

Commissioner Kulovany asked if a 24 year interval was normal for maintenance, as it seemed like a long time. He also wanted to know if was in worse shape than other tanked, based on how it looked in the pictures.

Mr. Moody stated it was normal to expect that amount of time for a major rehab.

Mayor Barnett asked what a tank mixer did.

Mr. Moody responded that it helped to cycle the water in the tank.

Mayor Barnett asked if there was already a mixer in the tank and if not, what drove the decision to add one.

Mr. Moody stated the tank did not already had a tank mixer. He said there had been a downward trend in water usage and having the mixer in the tank would ensure that the Village continued to deliver high quality water.

PUBLIC COMMENT

Ian Ogdon, resident, asked if bringing the tank up to code was the only reason it was being rehabbed.

Mayor Barnett stated that the answer would be included in the information provided in the next Council packet.

Commission Kulovany said the pictures clearly showed why the tower needed to be rehabbed.

ORD 2022-9606 — B. Ordinance: Approving an Amendment to Planned Unit Development #31 to Add Multi-Family Residential as an Allowed Use

Community Development Director Stan Popovich presented Item B via PowerPoint. He stated the amendment was regarding Planned Unit Development #31 (PUD #31), the Esplanade at Locust Point. He said the PUD was originally approved in 1991 and zoned as ORM (Office Research Manufacturing). Mr. Popovich said there was master site plan that included an approved use list. He explained that over time there had been various amendments that included different buildings being added to the area, as well as the amendment of some of the uses. The proposed amendment would add multi-family residential as an allowable use within the PUD. Mr. Popovich stated

that multi-family residential locations were recommended to be located near significant activity centers and major roads; this site was located near both as I-355 and Butterfield Road were close by. He added that the Plan Commission found the standards were met for a PUD amendment and recommend approval.

Village Manager David Fieldman added there was no actual project being proposed, just the changing of the words in the Ordinance. He said if approved, the process to go forward with a petition for a multi-family development would happen at a later date.

VILLAGE COUNCIL COMMENTS/QUESTIONS

Commissioner Kulovany asked about the potential demographic for the project.

Manager Fieldman reiterated that there were no proposed projects yet.

Hal Franke, attorney with Meltzer, Purtill & Stelle, LLC, stated that even though there was no project before the Council at that time, he was representing MNR Development and the team was present to answer any questions.

Commissioner Sadowski-Fugitt stated she was not concerned about how much office space was needed in the area, but knowing that it was zoned as ORM, she asked if there was a trend in the surrounding area with development of this type.

Ron Lunt, one of the founding partners of Hamilton Partners, said they had similar issues at the Hamilton Lakes development in Itasca, Illinois. He said presently the office market was in an upheaval. The cost to replace a building such as the one in the Esplanade would be \$350-400 per square foot, yet buildings were selling for only \$50-200 per square foot. Mr. Lunt stated it would be a long time before the market would justify new office development. He said when the plan is to be presented, they would propose to retain one office site to accommodate a large building. He also stated multifamily would bring more activity to the site and all neighboring buildings were in support of it. Mr Lunt added that in current times many people were not buying homes due to the increase in interest rates and they were renting instead. He concluded by stating that he believed renting would remain the trend of the foreseeable future, so including a multifamily use would make the area more dynamic and competitive.

Commissioner Kulovany asked if they had a view as to the permanence of working from home.

Mr. Lunt stated that even with his experience developing office buildings, he couldn't answer the question. He said studies have shown there are certain jobs that will always stay remote such as coding, but those jobs involving general office work were going into work three days per week. He said that smaller tenants were back in the office, but the major corporations were the most indecisive and were entering into short term lease renewals. Mr. Lunt further stated that his best guess moving forward would be that people would be going into work 3-4 days a week with flex time.

Commissioner Kulovany asked if Mr. Lunt was seeing any migration of offices from the city to the suburbs.

Mr. Lunt said there were a couple of smaller businesses that migrated to the suburbs, but there had not been as much as he was hoping for.

Commissioner Gilmartin asked if the ordinance would be specific to that site.

Manager Fieldman stated only the planned unit development discussed.

Commissioner Gilmartin asked if there had been any other examples where they had done similar or the same in town.

Manager Fieldman replied not to his knowledge.

Commissioner Gilmartin said that he didn't see an issue with this. He said times had changed and this was an opportunity to be an example of what could happen. Commissioner Gilmartin said he believed it would be years before anything normalized and thought it was a good idea to allow multi-family residential in that location.

Commissioner Kulovany agreed with Commissioner Gilmartin. He said it was appropriate that changes were being made to deal with the current reality. He said Downers Grove was very valuable and desirable for people to move into, so he believed this change would help give them the opportunity to do so. The Commissioner concluded by stating he hoped once people moved to Downers Grove, that they stayed in town to raise a family, and created a generational situation.

Mayor Barnett said that even the best plans were best executed if they retained some flexibility. He said the process of establishing the PUD set the Village up for the proper process of evaluating how adjustments were made and could be made over time. He thought the proposal was reasonable but needed clarification regarding the PUD. He said that it was zoned as ORM and asked for confirmation that there were uses in the PUD that included hospitality, education, and childcare.

Mr. Popovich listed some of the businesses and where they were located within the PUD. He confirmed there were a variety of uses in the PUD.

Mayor Barnett said he thought the proposal was entirely reasonable. Further stating that there was already a pretty mixed use environment (not office related) as it was, so adding the residential use would only broaden the spectrum of uses.

Commissioner Gilmartin asked if this applied to the entire site. He also asked for confirmation that if an old office building was knocked down, it could be replaced with a multi-family residential use building.

Mr. Popovich said that was correct.

Mayor Barnett asked for verification that in a technical sense, the proposal was just a text amendment to the ordinance adding residential as a use.

Mr. Popovich said that was correct. He also added that it allowed multi-family residential use in the PUD.

Commissioner Gilmartin asked if that would remove any special use requirement.

Mr. Popovich said petitioners would enter through the PUD amendment process and then they would provide zoning related items such as density, height, bulk, and open space - but that would not require a special use.

Mayor Barnett thanked Mr. Popovich and said they looked forward to hearing more about the proposed amendment in the future.

8. Manager's Report

There was no Manager's Report.

9. Public Comment

Elise Kelly, resident, thanked the Council for honoring the environmental work of James Dohren. She expressed concern that the Environmental Concern Commission (ECC) had not held a meeting since January, 2020. She also stated she felt downtown businesses should be allowed to recycle and that the Council should bring back the Downers Grove Green Business Award; further stating the ECC should administer the award.

Preston Straub, resident, spoke of ongoing issues his condo association had with Village inspections and his disappointment with the legal processes that occurred because of it. He shared a letter that was sent to him by the Village Fire Department with the Council. Mr. Straub added that he hoped the Council could assist him to get the situation resolved. He also expressed concern about the discussion that took place regarding the water tower rehabilitation.

10. Attorney's Report

1. An ordinance approving an amendment to Planned Unit Development #31 to add multi-family residential as an allowed use.

11. Mayor's Report

Mayor Barnett explained there were three types of boards and commissions:

- Those that were given tasks by the Village Council, like the ECC.
- Those that had quasi-judiciary kinds of roles, that were petition driven by the public and created a reason for the group to meet, such as the Zoning Board of Appeals.
- Those that met in accordance with a Village Ordinance, such as the Liquor Commission.

Mayor Barnett said the reason the Council still appointed people to boards and commissions, was so that resources were available in the event something came up that required their attention. He said the process was not always understood or unanimous, but that it was the way the boards and commissions were operated.

The Mayor also said he believed the Village's engineering team and public works team had a general idea of the water tower conditions and their likely lifespans.

Mayor Barnett concluded by stating that when it came to code or compliance, the Village worked to try and be a partner and facilitate, but occasionally they ended up in court. He further stated that in the situation that was brought up earlier, there were two different court cases, both decided in the Village's favor. The Mayor said it was Village practice to always look for voluntary compliance when it came to codes and operations, but if that did not happen, they had no other option but to pursue the courts.

12. Council Member Reports

Commissioner Sadowski-Fugitt thanked everyone that went to the Grove Foundation Golf Outing. She said it was a great time and couldn't have asked for a better day.

13. Adjournment

Mayor Barnett asked for a motion to adjourn the meeting.

MOTION: *To adjourn the September 20, 2022, Village Council meeting.*

RESULT: *Motion carried unanimously by voice vote.*

MOTIONED TO APPROVE: *Commissioner Sadowski-Fugitt*

SECONDED BY: *Commissioner Kulovany*

AYES: *Sadowski-Fugitt, Kulovany, Gilmartin, and Mayor Barnett*

NAYES: *None*

Mayor Barnett declared the motion carried by voice vote and the meeting adjourned at 7:47 p.m.

Respectfully submitted,

Rosa Berardi
Village Clerk