



Meeting Minutes

Village of Downers Grove - Council Meeting

Council Chambers

February 21, 2023

07:00 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

The Mayor 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.

2. Roll Call

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

Council Attendance (Not Present): Commissioner Sadowski-Fugitt

3. Minutes of Council Meetings

MIN 2022-9697 — A. Minutes: Village Council Meeting Minutes - February 7, 2023

Summary: Village Council Meeting Minutes - February 7, 2023

MOTION: To adopt the Village Council meeting minutes of February 7, 2023.

RESULT: Motion carried unanimously by voice vote.

MOTIONED TO APPROVE: Commissioner Hosé

SECONDED BY: Commissioner Walus

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

4. Consent Agenda

***Mayor Barnett asked for a motion to remove Item H from the Consent Agenda**

MOTION: To remove Item H from the Consent Agenda and table it for consideration at the March 7, 2023 Village Council meeting.

RESULT: Motion carried unanimously by roll call.

MOTIONED TO APPROVE: Commissioner Gilmartin

SECONDED BY: Commissioner Hosé

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

BIL 2022-9764 — A. Bills Payable: Bills Payable No. 6714 and 6716 - February 14, 2023 and February 21, 2023

COR 2022-9765 — B. Claims Ordinance: Claims Ordinance: No. 6493, Payroll - February 10, 2023

RES 2023-9831 — C. Resolution: Approve the First Extension to the Agreement with Millennia Professional Services **RES 2023-15**

Summary: This resolution approves the first extension to the agreement with Millennia Professional Services.

RESOLUTION 2023-15

A RESOLUTION AUTHORIZING EXECUTION OF A FIRST EXTENSION TO THE CONTRACT BETWEEN THE VILLAGE OF DOWNERS GROVE AND MILLENNIA PROFESSIONAL SERVICES

RES 2023-9843 — D. Resolution: Approve the First Extension to the Agreement with Seeco Consultants, Inc. **RES 2023-12**

Summary: This resolution approves the first extension to the agreement with Seeco Consultants, Inc.

RESOLUTION 2023-12

RESOLUTION AUTHORIZING EXECUTION OF A FIRST EXTENSION TO THE CONTRACT BETWEEN THE VILLAGE OF DOWNERS GROVE AND SEECO CONSULTANTS, INC.

RES 2023-9844 — E. Resolution: Approve the First Extension to the Agreement with Interra, Inc. **RES 2023-13**

Summary: This resolution approves the first extension to the agreement with Interra, Inc.

RESOLUTION 2023-13

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

RES 2023-9832 — F. Resolution: Approve an Extension to the Agreement with Safety Services and Assessments n/k/a Murphy Construction Services **RES 2023-14**

Summary: This resolution extends an agreement with Safety Services and Assessments n/k/a Murphy Construction Services.

RESOLUTION 2023-14

A RESOLUTION AUTHORIZING EXECUTION OF AN EXTENSION TO THE CONTRACT BETWEEN THE VILLAGE OF DOWNERS GROVE AND SAFETY SERVICES AND ASSESSMENTS n/k/a MURPHY CONSTRUCTION SERVICES

MOT 2023-9848 — G. Motion: Approve an Agreement with Air One Equipment, Inc. of South Elgin, IL for the Purchase of Firefighter Personal Protective Equipment

Summary: This motion approves an agreement with Air One Equipment, Inc. of South Elgin, Illinois for the purchase of firefighter personal protective equipment during 2023 and 2024 for an amount not to exceed \$125,000.

***MOT 2023-9857** — H. Motion: Authorize a \$30,000.00 Contribution to the DuPage Senior Citizens Council (DSCC) for the Meals on Wheels Program for FY23

Summary: This motion authorizes a \$30,000 contribution to the DuPage Senior Citizens Council (DSCC) for the Meals on Wheels Program for FY 23.

****Item H was removed from the Consent Agenda and tabled to be voted on at the March 7, 2023 Village Council Meeting.***

Council Questions/Comments

Commissioner Gilmartin explained the Meals on Wheels Director requested additional funding for the Meals on Wheels Program and further stated the Council needed more time to evaluate if the allocated contribution was adequate (Consent Agenda Item H).

MOT 2023-9856 — I. Motion: Approve an Agreement with Chicagoland Paving Contractors, Inc. of Lake Zurich, IL for 2023 Street and Driveway Restoration Services

Summary: This motion approves an agreement with Chicagoland Paving Contractors, Inc. of Lake Zurich, Illinois for 2023 street and driveway restoration services in the amount of \$165,000.

***MOTION:** To adopt all items on the Consent Agenda, absent Item H, as presented*

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

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

***SECONDED BY:** Commissioner Walus*

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

5. Active Agenda

There was no Active Agenda.

6. First Reading

RES 2023-9847 — A. Resolution: Approve a Plat of Subdivision with an Exception for 1300-1418 Butterfield Road

ORD 2023-9846 — B. Ordinance: Authorizing a Special Use for 1300-1418 Butterfield Road to Permit a Restaurant with Drive Through and Parking Variation for the Butterfield Road Plaza

Community Development Director Stan Popovich presented Items A and B via PowerPoint. Mr. Popovich explained the plans for the Plat of Subdivision for the Butterfield Plaza Shopping Center, located at 1300-1418 Butterfield Road. This included a lot depth exception, special use for a drive-thru restaurant, and a parking variation. The proposal included an out-lot on the southwest corner of the property and detention vaults for stormwater. He explained that a traffic parking study found that 52% of the parking spaces were full during peak periods, which allowed for adequate parking and to provide a variance of 11 spaces. Also included in the presentation were details about the exterior facade of the future restaurant (Wendy's). Mr. Popovich explained that with regard to the Comprehensive Plan, the goals were to attract new retail developments, promote a regional customer base, a high level design, and to use existing curb cuts with cross-access easements. He explained that after review at the February 6th meeting, the Plan Commission recommended approval of the petition.

Village Council Questions/Comments

Commissioner Kulovany noted that he liked the proposal and planned to support it. He discussed how he had been to the site and never saw the lot full. He expressed that he was excited about the sales tax revenue that would be generated and the job opportunities that would be created.

Mayor Barnett said that he generally concurred with Commissioner Kulovany's assessment of the proposal. He asked to see the PowerPoint slide that showed the out-lot. The Mayor requested that pedestrian safety be considered in the area between the in-line units and the out-lots.

Mr. Popovich stated that he would work with the Petitioner on creating pedestrian connections on the north side of the lot.

MOT 2023-9829 — C. Motion: Approve an Agreement with Alliance Contractors, Inc. of Woodstock, IL for the 2023 Downtown Business District (DBD) Crosswalk, Accessibility and Traffic Signal Improvements Project

Public Works Director Andy Sikich presented Item C. He shared a video that provided details regarding the project. Mr. Sikich explained that replacements of crosswalks and paver sidewalk ramps had been taking place over the past couple years. They would resume in June of this year and were expected to be completed in October. He used a PowerPoint to share a map with the locations that had already been replaced and the locations that would be upgraded. Mr. Sikich showed photos of what the newly constructed crosswalks looked like. He reviewed the contract, which included new accessible sidewalk ramps, new crosswalks, and traffic signal improvements. The signal improvements included accessible pedestrian signals with audio tones; new traffic signal heads, to replace those that had been in place approximately 20 years; and battery backups which would alleviate flashing red lights in case of power outages. He spoke of the current plan and said that a detailed construction schedule would be coming from the contractor. Mr. Sikich stated that there may be temporary lane closures during portions of the work (not for the entire duration) and flaggers would be in place during those times to direct traffic. Mr. Sikich concluded by stating that staff had been working with business owners to ensure there would be no interruption to the businesses.

Village Council Questions/Comments

Commissioner Gilmartin stated that he was pleased with the work that had been completed with the crosswalks around town to date. He said that he was looking forward to the project's completion, which improved the appearance and safety of the crosswalks.

Public Comment

Marshall Schmitt, resident, stated that he thought the project was a great idea. He suggested that the businesses on Main Street, that typically use street space for outdoor seating, do not occupy the space during the construction.

7. Manager's Report

Village Manager Dave Fieldman spoke of the National Flood Insurance Program that the Village participated in, which allowed any owner or renter to purchase flood insurance and receive a 20% reduction in their premiums. He also spoke of the Annual Report of the Stormwater Floodplain and Oversight Committee. Manager Fieldman stated that both reports, one required by FEMA and the other under the DuPage County Stormwater Ordinance, could be viewed online at downers.us and were located under the Village Council meeting materials.

Village Council Questions/Comments

Commissioner Kulovany told Mr. Fieldman to keep up the good work. He said in his experience, the number of flooding events in town had been reduced and all of the Village's efforts had been making a difference.

8. Attorney's Report

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

1. An ordinance authorizing a Special Use for 1300-1418 Butterfield Road to permit a restaurant with drive through and parking variation for the Butterfield Road

9. Public Comments

Marshall Schmitt returned to the podium and spoke of the development of the Longfellow property, his concerns

with the ownership of the lots, and the amendments made to the Village Zoning Ordinance. Mr. Schmitt addressed the Council and staff with 10 questions regarding the situation. He asked that staff research the answers and respond to the questions.

10. Mayor's Report

Mayor Barnett expressed that he felt it was unfortunate for people make assertions. He said he was disappointed that anyone would elude to some sort of collusion process – especially during campaign season. He explained that whatever documentation the Village had, was always transparent and information was available to anyone at any time. The Mayor concluded by stating that since there were questions about what the ordinance meant, an ordinance clarification was made, adding that there was clear evidence of historical application. He said it was simple and straightforward. Mayor Barnett asked if any of the other Council members had comments or questions on the issue of the subject that had been raised.

Commissioner José said as an attorney himself, he assumed that the developer's attorney would have advised his client of all the various options and possibilities to protect their legal rights.

Commissioner Kulovany said he had served for 2 years on both the Zoning Board of Appeals and the Plan Commission and had attended 80% of the meetings since 2015. He spoke of a situation that involved a lot split at the corner of Sealy and Montgomery which included two non-conforming lots that were grandfathered in. The Commissioner said he voted against it and the Village Council had overturned the decision. He spoke of his disappointment in the campaign of falsehoods that people participated in. He said the fact was that the lots had been grandfathered in before and were still being grandfathered in.

11. Council Member Reports

A. New Business

MOT 2023-9862 1. Motion: Consider amendments to the Village's Purchasing Policy, requiring that all successful bidders participate in apprenticeship and training programs.

Commissioner José spoke of the Illinois Procurement Code. The Code stated when spending State dollars, the construction workforce needed to be affiliated with a registered apprenticeship program with the US Department of Labor. He explained that studies had shown that construction labor that came from apprenticeship programs produced better work quality, more efficient construction, and provided for safer workplaces. Commissioner José said we needed to comply with this when spending State dollars. He added that he thought it should be in the Village code to require this when spending Village dollars on construction projects.

Commissioner Gilmartin said he supported this motion. He stated he believed it was important and inquired as to how often the Village practiced this already.

Commissioner José stated as part of his four hours of research, he asked staff to review contracts that were just Village funded. Of the contracts reviewed, all of the successful contract bidders actually complied with this provision.

Commissioner Kulovany said that he too was a fan of the apprenticeship programs for the trades. He said he concurred with Commissioner José.

MOTION: To direct staff to consider amendments to the Village's Purchasing Policy, requiring that all successful bidders and bidder subcontractors for public works construction projects in excess of \$50,000, participate in apprenticeship and training programs approved and registered with the US Department of Labor's Bureau of Apprenticeship and Training (Section 30-22(6) of the IL Procurement Code).

RESULT: Motion carried unanimously by roll call

MOTIONED TO APPROVE: Commissioner José

SECONDED BY: Commissioner Gilmartin

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

NAYES: None

After the vote, Mayor Barnett explained that this item would go through the regular agenda process; there would be an opportunity for public comment in the future.

12. Adjournment

Mayor Barnett asked for a motion to adjourn the meeting at 7:31 p.m. into Executive Session.

MOTION: Motion to move to adjourn into Executive Session pursuant to Section 2 (C)(2) of the Illinois Open Meetings Act to consider collective negotiating matters between the Village and its employees or their representatives.

MOTIONED TO APPROVE: Commissioner José

SECONDED BY: Commissioner Walus

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

Respectfully submitted,

Rosa Berardi
Village Clerk