

Meeting Minutes

Village of Downers Grove - Council Meeting

Council Chambers

9/17/2019

7:00 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

Mayor Robert Barnett called the regular meeting of the Village Council of the Village of Downers Grove to order at 7:00 p.m. in the Council Chambers of the Downers Grove Village Hall.

Pledge of Allegiance to the Flag

Mayor Barnett led those present in the Pledge of Allegiance to the Flag.

2. Roll Call

Council Attendance (Present): Commissioner Walus, Commissioner Earl, Commissioner Sadowski-Fugitt, Commissioner Kulovany, Commissioner Gray, Commissioner Hosé; Mayor Barnett

Absent: None

Non-Voting: Village Manager David Fieldman, Village Attorney Enza Petrarca, Village Clerk April Holden

The Council meeting is broadcast over the local FM radio station, WDGC. In addition, a tape recording and videotape of the meeting are being made using Village-owned equipment. The videotape of the meeting will be used for later rebroadcast of the Council meeting over the Village cable television Channel 6.

The Council will follow the rules of conduct for this meeting as provided in Sec. 2.5 of the Downers Grove Municipal Code. These offer the public the opportunity to comment at several points in the meeting. First, immediately following approval of the minutes of past meetings, an opportunity will be given for public comments and questions of a general nature. If a public hearing is scheduled for this meeting, an opportunity is given for public comments and questions related to the subject of the hearing. Finally, an opportunity is given for public comments and questions on items appearing on the Consent Agenda, the Active Agenda and the First Reading.

The Mayor stated that at the appropriate time the presiding officers will ask if there are any comments from the public. Individuals wishing to speak should raise their hand to be recognized and, after acknowledgment from the presiding officer, approach the microphone and state their name. Remarks should be limited to five minutes, and individuals are asked to refrain from making repetitive statements.

Mayor Barnett said there are agendas located on either side of the Council Chambers, and he invited the audience to pick up an agenda and follow the progress of the Council meeting.

Council Minutes

Village of Downers Grove

September 17, 2019

3. Minutes of Council Meetings

MIN 2019-8321 — A. Minutes: Council Minutes – September 10, 2019

Motion: Commissioner José moved to approve the minutes as presented. Commissioner Earl seconded the motion.

Mayor Barnett declared the motion carried by voice vote.

4. Public Comments

This is the opportunity for public comments.

There were no public comments.

5. Consent Agenda

BIL 2019-8322 — A. Bills Payable: No. 6480, September 17, 2019

COR 2019-8323 — B. Claims Ordinance: No. 6329, Payroll, August 30, 2019

MOT 2019-8310 — C. Motion: Award \$1,169,500.00 to V3 Construction Group, Woodridge, Illinois, for the St. Joseph Creek Restoration Design-Build

Summary: This awards a contract for the St. Joseph Creek Restoration design-build to V3 Companies, Woodridge, Illinois, in the amount of \$1,169,500.00.

RES 2019-8248 — D. Resolution: Approve an Intergovernmental Agreement with DuPage County for the St. Joseph Creek Restoration Project from Main Street to Fairmount Avenue

Summary: This approves an intergovernmental agreement for the St. Joseph Creek restoration project from Main Street to Fairmount Avenue with DuPage County.

**A RESOLUTION AUTHORIZING EXECUTION OF AN INTERGOVERNMENTAL AGREEMENT
BETWEEN THE COUNTY OF DUPAGE AND THE VILLAGE OF DOWNERS GROVE FOR THE
ST. JOSEPH CREEK RESTORATION PROJECT**

RESOLUTION 2019-63

RES 2019-8308 — E. Resolution: Authorize an Intergovernmental Agreement with the State of Illinois Environmental Protection Agency for the St. Joseph Creek Restoration Project

Summary: This approves an intergovernmental agreement for the St. Joseph Creek restoration project from Main Street to Fairmount Avenue with the Illinois Environmental Protection Agency (IEPA).

Council Minutes

Village of Downers Grove

September 17, 2019

**A RESOLUTION AUTHORIZING EXECUTION OF AN INTERGOVERNMENTAL AGREEMENT
BETWEEN THE STATE OF ILLINOIS ENVIRONMENTAL PROTECTION AGENCY AND THE
VILLAGE OF DOWNERS GROVE FOR THE ST. JOSEPH CREEK RESTORATION PROJECT**

RESOLUTION 2019-64

MOT 2019-8314 — F. Motion: Award \$239,005.20 to ABI Construction, Carol Stream, IL, for 2019 Right-of-Way Accessibility Improvements

Summary: This awards a contract to ABI Construction, Carol Stream, Illinois for 2019 Right of Way Accessibility Improvements in the amount of \$239,005.20.

MOT 2019-8317 — G. Motion: Accept the Water Rate Study Final Report dated August 30, 2019

Summary: This accepts the Water Rate Study final report dated August 30, 2019.

MOT 2019-8324 — H. Minutes: Note Receipt of Minutes of Boards and Commissions

Summary: Plan Commission - August 5, 2019; Zoning Board of Appeals - May 22, 2019

Motion: Commissioner José moved to adopt the Consent Agenda as presented. Commissioner Earl seconded the motion.

Mayor Barnett declared the motion carried by voice vote.

7. Active Agenda

ORD 2019-8315 – A. Ordinance: Repeal Section 15.33 of the Downers Grove Municipal Code

Summary: This repeals section 15.33 of the Downers Grove Municipal Code entitled "Solicitation on Public Rights-of-Way and Highways" and waives the one-week waiting period to consider this ordinance.

AN ORDINANCE REPEALING SECTION 15.33 OF THE DOWNERS GROVE MUNICIPAL CODE

ORDINANCE NO. 5773

Motion: Commissioner José moved to approve “An Ordinance Repealing Section 15.33 of the Downers Grove Municipal Code,” as presented. Commissioner Earl seconded the motion.

Votes: Yea: Commissioners José, Earl, Gray, Kulovany, Sadowski-Fugitt, Walus; Mayor Barnett

Nay: None

Mayor Barnett declared the motion carried.

ORD 2019-8295 – B. Ordinance: Approve a Redevelopment Agreement with the Downers Grove Township

Summary: This approves a redevelopment agreement with The Downers Grove Township.

**AN ORDINANCE APPROVING A REDEVELOPMENT AGREEMENT BETWEEN
THE VILLAGE OF DOWNERS GROVE AND THE DOWNERS GROVE TOWNSHIP**

Council Minutes

Village of Downers Grove

September 17, 2019

ORDINANCE NO. 5774

Motion: Commissioner José moved to approve “An Ordinance Approving a Redevelopment Agreement Between the Village of Downers Grove and the Downers Grove Township,” as presented. Commissioner Earl seconded the motion.

Mark Thoman, Township Supervisor, thanked the Council for their consideration of this item. He said it will be a great project.

Mayor Barnett said he appreciated the opportunity to partner with the Township. It is a win-win situation.

Votes: Yea: Commissioners José, Earl, Gray, Kulovany, Sadowski-Fugitt, Walus; Mayor Barnett

Nay: None

Mayor Barnett declared the motion carried.

8. First Reading

ORD 2019-8296 — A. Ordinance: Authorize a Special Use for 2149, 2151, and 2153 63rd Street to Permit an Animal Boarding Facility

Stan Popovich, Director, Community Development, explained that this ordinance is for an animal boarding facility at the Meadowbrook Shopping Center, on the western side of the site. It will include training, grooming, boarding and day care. The boarding triggers the Special Use. The petitioner will have an outdoor area on the west side of the facility to provide outside time for the animals. The property owner has agreed to improvements on the front of the property, and will resurface the parking lot and add landscape islands. The Comprehensive Plan notes that this shopping center is a mixed-use development and the request complies with the Comprehensive Plan. The Plan Commission reviewed this and found that the standards for approval were met.

Mayor Barnett asked whether the Council has the ability to compel larger improvements in this shopping area. He is interested in what type of opportunities the Village might have related to further improvements.

REP 2019-8276 — B. Report: Human Service Ad Hoc Committee Report

Mr. Fieldman said that the Human Service Ad Hoc Committee was created in December 2018. Two questions were of concern: 1) what role should the Ad Hoc Committee serve, and 2) what can and should the Committee do to assist Council in promoting its function and mission. The Committee met from January to June of this year and produced a high quality report, which has been provided to the Council in their packet. He said it was an impressive group of dedicated professionals and volunteers. They identified two options: 1) accept the report as presented, or 2) have them build on the work done and prioritize the options. The Ad Hoc Committee could also consider presentations by other government and non-profit groups that provide human services to portions of the community and beyond.

Commissioner Sadowski-Fugitt thanked the Ad Hoc Committee for their excellent work. She is in favor of reconvening the Committee for a longer term planning process to evaluate what is being done, and to get some strategic priorities and focus to best use Village manpower.

Commissioner José said he agrees with Option 2 as well. They have done a lot of great work already, and there are a lot of things going on behind the scenes in the Fire and Police Departments that residents may not be aware of. He thinks the Committee has demonstrated their ability to perform good work, and he would like to see them continue.

Council Minutes

Village of Downers Grove

September 17, 2019

Commissioner Kulovany agreed with his colleagues as well. There are places where the people need help and the Village needs to learn the available services and resources. He said this Committee can look for holes and the ways to plug them.

Commissioner Walus expressed her thanks to the Committee, and commented on their thorough and well thought out report. She would like to reconstitute the Committee. This would provide a starting point for the Human Services Commission.

Commissioner Earl added her appreciation to the Committee for their hard work and the report. Option 2 is the best way to go. She said it is a great idea to sit down with other entities and nonprofits.

Commissioner Gray added his appreciation. He also supports option 2 and would like to see where the overlap is and leverage support.

Mayor Barnett commented that identifying gaps is important. They need to understand the gaps.

Mary Blanchard commented that leadership sets the tone. For too many years the focus of the Village has been economics, which has created an imbalance. She said they should consider those in the minority. She also asked that the Village provide funding so there is an impact. There is a lot of work to do as this has been neglected for so long. It is necessary to show inclusiveness if we are to be a community of neighbors.

ORD 2019-8320 — C. Ordinance: Prohibit Adult Use Cannabis Business Establishments

Manager Fieldman said that this does not change anything with regard to medical marijuana.

Commissioner José thanked staff for their work on this issue. He said that the Council decision-making process thus far has been deplorable. Two weeks ago the Council gave clear feedback to continue the public engagement process that may have resulted in zoning for cannabis related businesses. The majority of emails he received after that supported this effort, and he pointed out that they were all sent to the Mayor and Council address, so unless there was a technological glitch somewhere, his colleagues should have received those emails as well. He thanked everyone who contacted the Council, whether pro or con on this issue. Seven days later without any new information and without a heads-up to other Council members, two Council members changed their votes and the majority directed staff to prepare the ordinance that was just introduced by staff. He said the arguments in favor of opting out are largely, if not entirely related to a dislike for legalization, possession and use of cannabis and are entirely unrelated to zoning concerns. The arguments for opting out are equally applicable to alcohol for example. The Village creates designer liquor licenses and zones for liquor stores and restaurants that serve alcohol all the time. This month the Council removed restrictions that were previously imposed on certain liquor license holders, yet there have been no zoning related arguments related as to why cannabis should be treated any differently than alcohol. He has seen no evidence that cannabis is more dangerous than alcohol. The financial opportunity lost on this is manifest. By moving forward with this ordinance the Council is willingly giving up sales tax equivalent to an Art Van Furniture store or a car dealer on Ogden Avenue. Surrounding communities are moving forward to approve zoning for cannabis-based businesses including Lombard, Darien and Westmont. One or more of these towns will take in the sales tax revenue that Downers Grove is willingly pushing away. Remember this the next time someone bemoans the lack of revenue. Some are suggesting that a Plan Commission hearing would not have been valuable because the Plan Commission cannot vote to prohibit sales. That much is true. Commissioner José noted that prior to becoming a Commissioner, he served as Chair of the Plan Commission, and they would have taken information on zoning setbacks, the impact on surrounding areas and businesses, possible special uses that could mitigate potential negative impacts, and perhaps even brought out a business interested in opening in this area. All of this and more would have added value to the community discussion that is taking place, even if the majority ended up right back in this position. This Council majority denied that opportunity. It's also been suggested that only a handful of residents have given feedback at Council meetings. That entirely discounts the

Council Minutes

Village of Downers Grove

September 17, 2019

opinions of those who have written in. Ultimately the reason that this Council majority supports the ordinance that is requested isn't zoning related at all. It's in opposition to the State's legalization of cannabis, and the arguments presented are based on emotion, fear and anecdote rather than rational evidence. He stated that he fundamentally opposes the ordinance.

Commissioner Sadowski-Fugitt said she agrees with Commissioner Hose's comments. She also wanted to point out that by stopping this process now they are also stopping the Council's ability to vet quality and peer-reviewed research. She pointed out that not all research is created equal, as someone who has published peer-reviewed science literature. There is a very specific process that must be gone through when publishing a scientific article. Quality data does not start with a business whose mission statement is to talk about the harm done by marijuana. You are automatically starting at a bias when starting with that type of information. There have been resources from those types of organizations that have been floated around. Commissioner Sadowski-Fugitt said she wanted to make sure as they are going through this process that the evidence and data that they are using has been vetted and has started from a point of assuming we know nothing about this and we are going to conduct a quality research study to figure it out. There are studies that are available about cannabis. Because it is a Schedule 1 drug you cannot use federal dollars to research it, however you can use State dollars and you can also use outside organizations. There have been funders who have funded quality peer-reviewed research studies about cannabis to dispel some of the myths and some of the fears. She also pointed out the importance of knowing where the source of information is coming from, regarding any specific data of whether it be crime, or businesses, or youth use. Studies over the past 20-25 years are the types of things that the Council was not able to analyze and will not be able to vet if they choose to prohibit. She is against making decisions on faulty data or on data that has not been vetted by experts. She thinks the Village should not continue to prohibit this but should provide more time to vet these resources. When it is in the hands of the Plan Commission the Council will have time to do that. She is opposed to prohibiting the zoning immediately, and thinks it is in the best interests of everyone in this community if the Village does all the quality research that it can regardless of whether or not they zone. Being armed with more quality information is always in the best interest of this community.

Commissioner Gray noted the time line related to this issue and the information provided. On August 16 the Village released data to the public at large for public consumption and put it in public domain. The document on the zoning of cannabis businesses went out on August 16. In the last few weeks they had a First Reading on August 20. The Director of Community Development and the Chief of Police discussed the document released on August 16 and the Council discussed it. Last week two ordinances were presented. That's a brief timeline. He referred to the document released last month and the 30-plus resources that were included as information with this topic that have been available for more than a month. He's not sure he agrees with the statement that there's been a hindrance in the flow of information. One of the questions he asks himself is whether he can count on one hand the number of individuals who presented information at the podium on this issue. He could not recall five individuals that have stepped forward to the mike to speak for or against it. He learned today that five people did come and address the issue. There was no overwhelming response from the public. He said he does not look to Next Door for reliable information. He looks to the Wall Street Journal. He asked where the information is coming from. He didn't see anyone in support of moving this idea forward. Instead they are trying to find new data. With regard to the financial aspect, he looked at the number of \$300,000 presented as a potential tax number. There is no basis for this. He is not sure he agrees with the numbers given.

Commissioner Earl said that staff has provided Council with studies, approximately 37. The data is better if you can get it in a timely manner. To suggest that more data might change her mind is incorrect. The Plan Commission would not give her any more data with their scope being strictly limited to land use. The Commissioner said she is a registered nurse, and the rule of medicine is first do no harm. She said that the one thing that four of the Council members agreed upon last week was that they need to take a step back and take a wait-and-see approach and do no harm. They decided that the Village did not need to be in the first phase rollout of recreational marijuana—recreational, that's for fun. She understands it will still be legal in Illinois. Her choice is not to burden the Village with the unknown costs of recreational—not medical—marijuana until they

Council Minutes

Village of Downers Grove

September 17, 2019

understand if they outweigh the equally unknown benefits at this point. Medical marijuana is already legal in Illinois and in the Village and will remain so. They are not talking about something that someone needs to live. They are talking about the price of fun. There are larger issues on this Village docket than this and wasting staff time and tax dollars chasing after data that four of the Council already agrees is unattainable. She is comfortable with the decision she has made not to go any further in this quest at this time and she has been open to revisiting it at some later date, but where she is now, this is still a Schedule 1 drug, it's a cash-based business because it can't be in the federal banking system so that requires some different treatment in different ways on some different policing which may now cause the Village to have to increase officers. It's a give and take situation for fun and that is where she gets stuck. She is comfortable with the wait and see approach.

Commissioner Kulovany asked that the ordinance be shown on screen. He referenced the material staff made available. He said it took an entire weekend for him to read the material. He said since he has been involved as a volunteer he doesn't think he's read more than he has on this issue. He said there is a resource "Adverse Effects of Marijuana Use". One thing that impacted him was that three people died in a robbery of a medical marijuana facility. He doesn't know whether that can happen here. People say he's acting out of fear, and that does cause him some fear if one of these facilities was opened without adequate security and something happened. How would they answer that for maybe \$300,000 of revenue. Would that come to \$100,000 per head, and is that the value they put on a life? He said as you scroll down the resources provided by staff there are various topics such as "risk of addiction," "effect on brain development," "possible role as a gateway drug," "relation to mental illness." He said he knows a reasonable amount on this particular subject and the negative impact of increased psychosis. "The effect on school performance in lifetime achievement," which is another peer-reviewed study talking about the serious impact on the developing cognitive brain up until about the age of 25, affecting the ability to think reasonably for the rest of one's life. So it causes him some concern. The ship has sailed on legal marijuana and on January 1 people can smoke as much as they want, consume as many edibles as they want, and there's nothing that anyone even with a badge or a gun can do to stop that and that's moving forward. What the Village did was say there are some risks involved in this and there are some unknowns involved in this and one of the unknowns is how much tax revenue is it going to bring in, and what are going to be enforcement regulation costs and monitoring costs, and will those costs outweigh the tax revenue. What if the situation cost 2-3 times as much a year to police this versus the amount of revenue taken in. In his thinking, a good way to do this is not to be the first through the door on this issue. He didn't buy the first iPhone. He let them work the bugs out and he thinks the reasonable position the Village took is that other municipalities will do this. The problem with reading the studies, when you dig down you find whichever point you're trying to argue comes right to the surface, for or against. His view is let's not focus on the studies, but let's focus on the actual real-world results in communities near Downers Grove. This is not the Village's last opportunity; it is the Village's first opportunity to get licenses. It will not be the Village's last opportunity to get licenses. He thinks it's particularly reasonable to say let's wait and see so then Chief Gillette can talk with the various other municipalities regarding what issues they have had to face and what tax revenues they raised. What was the increase of addiction amongst teenagers. He thinks there will be a much better feeling about those issues after some period of months or a year or two have passed to view that reality. He is comfortable with this decision. He is not saying "no" forever, but that they should take a look based on what the actual results are.

Commissioner Walus stated she is not against marijuana for medicinal or recreational use. She noted that she might change her mind. On January 1 cannabis will be legal for adults in the State of Illinois. She reviewed the schedule, saying that the Village has time to adjust to the new normal. She thinks they can revisit this.

Mayor Barnett said this has been a challenging process for the Council and the public. It has everyone excited. It's a subject where they have heard from the public and it reflects what the Council hears which is that people have very strongly held beliefs about this subject. What he struggles with, and because they are still in a Workshop condition tonight, he'd like to do something a lot more than just make a statement. It seems to him that most of the conversation he's heard thus far here as well as the inbound emails that they've received has still mostly focused on the general premise of use. He wishes they would be talking more about, or what he would like to hear

Council Minutes

Village of Downers Grove

September 17, 2019

more about are some of the alternative business opportunities. They have talked about what the negatives are. Do they think those negatives are enforced, underscored, magnified by some of the other potential activities. For instance, if someone wanted to be in the business of creating the additive and sell to another market of people who are baking or making Swedish fish, or whatever. They have a list of subjects they were given initially that had to do with other business opportunities beyond just dispensary or delivery. He's disappointed in the process because he doesn't feel as though they have gone through that very well. They haven't gone through that much at the Council meetings, and haven't gotten that much input from the public. He's concerned that they are still missing opportunities. At the end of the day, each one of the decisions that they make as a Village has some basis of data and some basis of value, and that's what they are doing. Seven people are injecting their values into the decision-making process, which is what they are supposed to do. But, he feels from his vantage point that they have skipped some of those other conversations in lieu of this idea of use or retail dispensary kinds of businesses. He doesn't think he's heard that from the rest of the Council except for Commissioner Earl who has made her feelings of wait and see known. However, many of the things they have listed from potential policing issues to potential cash business issues to potential accessibility increasing youth consumption he is struggling to understand the connection between the non-retail aspects of potential zoning and those activities. He would welcome more conversation on those aspects. He's disappointed because of that direction that they are headed, but he also understands that there are an odd number of Council members on purpose so they will make a decision that moves the Village forward. So between now and October 8 when this will be discussed again, he'd certainly welcome additional input from everybody on that subject.

Commissioner José said that it's important to examine some of the statements that have been made because they hear about having an open mind, and yet they don't get the kind of discussion the Mayor just mentioned. They appear to be open minded to everything but the idea of having the Plan Commission hold zoning related hearings, or telling us whether the community thinks that a thousand feet is too much from a school or public park, or if it's too little, or if there really is no limit to what our community would like to see. These are the discussions that have to take place in the community and that the 37 or any number of resources provided by staff cannot tell them. That's the communication and that's the conversation that's been stopped. It's also been demonstrated that they have some people who are fairly close-minded here. People might consider him one of them and that's fine. He doesn't understand the argument about having fewer concerns about medical marijuana when it is just as illegal from a federal perspective as recreational marijuana. When you start to deconstruct the arguments expressed tonight they fall apart. They collapse under the weight of their own lack of logic.

Commissioner Sadowski Fugit spoke about the distribution of licenses and the social justice part of the State bill that will make licenses available more in areas that have been hit hardest in the drug war. She noted that the Village would likely not qualify for any of the next 110 licenses. She said that they probably can't be reconsidered until 2022/2024. However, the Plan Commission could consider Special Uses on licenses. Many other issues could have been discussed as part of the Plan Commission hearing had they continued this on to the Plan Commission. If this were referred on to the Plan Commission it would provide even more time to review aspects of the issue than just the last month to receive public feedback. She also noted that there are a lot of people who are incredibly intimidated by standing in front of a microphone in front of their community, and she doesn't think they should discount that fear. She did note from their Mayor/Council emails that 67 people were in favor of moving forward and sending this on to the Plan Commission with 15 against doing so. They are presently going against what the community has shared with the Council. Their voices are not being heard. She referenced a recent article that analyzed crime data from Denver between 2013-2016, which saw a reduction in crime. Part of that goes to the Social Justice portion of the bill. She commented that it is in the Village's best interest to discuss risks and nuances. She is disappointed that they cannot have those conversations.

Commissioner Gray said that decisions were made of risk versus reward. They cannot put a finger on the financial impact of this project. He said that last week there was not a discussion of additional options of revenue outside of dispensaries. There was no "stop/start" on the timeline. He said they had tons of data available about research available. Tonight was their first discussion about the social equity piece that is experimental. He is not talking

Council Minutes

Village of Downers Grove

September 17, 2019

about a fear of cannabis. He cited operational capacity—how far do we extend the Village's resources when we have so many other priorities. As for the 67 in favor and 15 against, he's not sure that represents a sample size of the population of Downers Grove.

Commissioner Earl said that the State is doing something unprecedented in giving municipalities 2% of the revenue from this project. The State has admitted that they expect problems. She said they don't know what they are in for. Another 3% to the Village on what it sells in town doesn't seem like enough of a factor to consider this, or that the Village would come out ahead.

Mary Blanchard said she finds it offensive that emails are discounted. This is not okay. She thinks they have stopped the discussion for now, and she doesn't understand the decision to stop the discussions.

Barbara Pertell, a long-time resident of the Village, said that last Thursday was the first time she heard of this issue. Many people don't know of these meetings. She stated that she is not for introducing sales facilities in Downers Grove. She has done some research and reading and considers it frightening. She also had trouble finding out when the next meeting would be of the Village Council. She said that she feels the Village was acting too quickly. She asked if the Village has all the information to jump ahead and whether the Village has to be first. She asked what the benefits are besides the revenue. We do not know the consequences of those using this product and don't know enough. She asked what happens if it gets out of control. Can the Village back track. There are questions she doesn't have answers to and asked who agrees with use and who doesn't. The health, safety and well-being of everybody should be more important than the revenue gained.

Mayor Barnett said the Village would continue to watch the conversation. This will be on the Agenda on October 8. There are many elements that we can't control.

Ms. Pertell asked whether she could still voice her opinion online. The Mayor replied "always." He stated that we reserve our phone lines for emergencies.

Jane Mulqueeny said that the Village is being shortsighted. This will bring in no money if it doesn't go to the Plan Commission because it will be stopped.

Andy said it does not make sense to opt out at this point. He also suggested that the Village takes the email option off the webpage if they don't want to consider it.

Commissioner Kulovany spoke of the emails he has received. Sixty came in at the same time. Some people sent in multiple emails. He read an email demanding that the Council approve this. He thinks waiting is the right thing to do.

Commissioner José said he is surprised that the voters might hold them accountable.

Mayor Barnett said this would be discussed again on October 8. He appreciates the participation, and reminded everyone that the Council needs to take in all input, both pleasant and unpleasant. It's the Council's job to take those comments and move forward.

RES 2019-8316 — D. Resolution: Authorize a Section 115 Trust Agreement for Other Post-Employment Benefits (OPEB)

Manager Fieldman said the next three items have to do with the development of the OPEB (Other Post-Employment Benefits) fund which is a topic they have been working on since 2012. The Village will calculate the amount of subsidy taking place in providing for health benefits for retirees. It is the last set of steps in which the Village will place money for post-employment benefits. He asked Judy Buttny, Finance Director to explain this program.

Council Minutes

Village of Downers Grove

September 17, 2019

Judy Buttny, Finance Director, said this concerns health benefits for retirees. All municipalities in Illinois are required to provide access to the Illinois Health Benefit Program. The retirees pay the premium but the cost to provide the benefit is not completely covered. This creates a liability. Ms. Buttny referenced a rule change ten years ago. The Village laid out an active plan to reduce the liability in 2012 using a fully insured Medicare Supplement plan to retirees 65 years and older. In 2018 they placed \$300,000 into an OPEB fund. This is the last step in the multi-step process. She said that funding the trust would allow the Village to invest in a broader range of assets than allowed by State law. Staff proposes that the Village establish an irrevocable trust with a Section 115 Trust Agreement with U.S. Bank who will serve as Trustee for the OPEB account. The annual fees for the service will be \$5,000. U.S. Bank will have custody of the assets and execute investments upon direction from the Village staff. A funding policy accompanies the trust and states the funding goals and actuarial assumptions to be used for the trust.

Commissioner José said this is the perfect way to approach this and he thanked staff for bringing this forward. This is the world he lives in for his day job. It is the right thing to do.

Commissioner Kulovany said he likes that it is irrevocable and keeps politician's hands off of it.

Mayor Barnett commented that it is important. It is a struggle finding ways to fund things long term. If they can set out now to grow the investment it's easier than being reactionary. The opportunity for the money to earn money is higher, and looks out for the best interests of all involved. The cost of borrowing is lower when the Village consistently demonstrates solid fiduciary responsibility, and this is another step in that direction.

Mr. Fieldman thanked Ms. Buttny for her presentation and the team that put the documents together.

RES 2019-8318 — E. Resolution: Adopt a Trust Investment Policy for Other Post-Employment Benefits (OPEB)

RES 2019-8319 — F. Resolution: Adopt a Funding Policy for Other Post-Employment Benefits (OPEB)

8. Attorney's Report

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

1. An ordinance authorizing a special use for 2149, 2151 and 2153 63rd Street to permit an animal boarding facility
2. An ordinance prohibiting adult use cannabis business establishments

9. Council Member Reports

Commissioner Earl said the Friends of the Edwards House Historic Home Tour was a great success. She said 200 people attended. She thanked the homeowners for opening their homes to the public.

Commissioner Kulovany also thanked the homeowners who participated in the tour.

Commissioner Kulovany said the Downers Grove Historical Society will sponsor a program, "This Old New House" on September 24 at Gatto's beginning at 6:30 p.m. Neal Vogel, a restoration contractor, will speak. The cost is \$15.00 which includes a buffet dinner.

Council Minutes

Village of Downers Grove

September 17, 2019

Mayor Barnett called for a recess at 8:27 p.m., after which discussion on the 2019-2021 Long Range Plan will take place.

10. Manager's Report – Committee Room

INF 2019-8271 – A. Information 2019-2021 Long Range Plan

Mayor Barnett reconvened the meeting at 8:35 p.m.

Mayor Barnett said he would ask for a motion to adjourn due to the time and heightened emotions. He said this will be discussed at a later date.

11. Adjournment

Mayor Barnett asked for a motion to adjourn.

Motion: Commissioner José moved to adjourn. Commissioner Earl seconded the motion.

Mayor Barnett declared the motion carried by voice vote and the meeting adjourned at 8:40 p.m.

Respectfully submitted,
April Holden
Village Clerk