



## Meeting Minutes

Village of Downers Grove – Council Meeting

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Council Chambers

August 10, 2021

7:00 PM

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### 1. Call to Order

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

### 2. Roll Call

**Council Attendance (Present):** Mayor Barnett, Commissioner José, Commissioner Walus, Commissioner Sadowski-Fugitt, Commissioner Kulovany, Commissioner Gilmartin, Commissioner Glover

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

### 3. Minutes of Council Meetings

MIN 2021-9041 - A. Minutes: Village Council Meeting Minutes –August 3, 2021

#### Commissioner Comment

Commissioner Kulovany: Edits to the August 3, 2021 Meeting Minutes:

1. Page 4, paragraph 3, 4th line: change the word "prior" to "appropriate."
2. Page 6, paragraph 3, 1st line: change "Greg" to "Brandon".

**MOTION:** To adopt the meeting minutes of the August 3, 2021 meeting as presented.

**RESULT:** Motion carried unanimously.

**MOTIONED TO APPROVE:** Commissioner José

**SECONDED BY:** Commissioner Walus

**AYES:** Commissioners José, Walus, Glover, Gilmartin, Kulovany, Sadowski-Fugitt, Mayor Barnett

**NAYES:** None

### 4. Public Comment

No public comment.

### 5. Consent Agenda

**BIL 2021-9052** — A. Bills Payable: No. 6610 – August 10, 2020

**MIN 2021-9053** — B. Note Receipt of Boards and Commissions Meeting Minutes

**Summary:** Transportation & Parking Commission 10-22-20; Fire Pension Board 5-6-21; Plan Commission 5-17-21; Foreign Fire Tax Insurance Board 5-20-21; Library Board 6-23-21; Board of Fire and Police Commissioners 7-15-21

**MOT 2021-9063** — C. Motion: Approve a Contract to Corrective Asphalt Materials, LLC of South Roxana, Illinois in the Amount of \$218,975.00 for the 2021 Preservative and Restorative Seal (CIP Project ST-004E)

**Summary:** This awards a contract to Corrective Asphalt Materials, LLC South Roxana, Illinois in the amount of \$218,975.00 for the 2021 Preservative and Restorative Seal (CIP Project ST-004E).

**MOT 2021-9064** — D. Motion: Approve a Contract to Schroeder Asphalt Services of Huntley, Illinois in the amount of \$169,280.00 for 2021 Fall Roadway Patching (CIP Project ST-004D)

**Summary:** This awards a contract to Schroeder Asphalt Services of Huntley, Illinois in the amount of \$169,280.00 for 2021 Fall Roadway Patching (CIP Project ST-004D).

**MOT 2021-9065** — E. Motion: Approve a Contract with Christopher B. Burke Engineering, Ltd. (CBBEL) of Rosemont, IL for the Rehabilitation of the Downers Drive Water Tower in the Not-to-Exceed Amount of \$132,061.60, this Amount Includes a 10% Contingency.

**Summary:** A motion is requested to authorize execution of an engineering service contract for the rehabilitation of the Downers Drive Water Tower with Christopher B. Burke Engineering, Ltd. (CBBEL) of Rosemont, IL in the not-to-exceed amount of \$132,061.60. The requested award amount includes a 10% contingency.

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

***RESULT:** Motion carried unanimously.*

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

***SECONDED BY:** Commissioner Walus*

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

***NAYES:** None*

## 6. Active Agenda

### 7. First Reading

**MOT 2021-9062** — A. Motion: Award a Contract to A Lamp Concrete Contractors, Inc. of Schaumburg, Illinois in the Amount of \$197,759.00 for the 2021 Norfolk St. Sidewalk Installation

**PRESENTATION:** Manager Fieldman explained that item A under the First Reading portion of the agenda is a continuing discussion of a proposed sidewalk along Norfolk Street. Staff is seeking a vote from Council to decide: 1). if they approve of the plan and 2). if they approve of the sidewalks as designed and bid

Andy Sikich, Public Works Director, continued with the presentation. He reviewed the location of the sidewalks, a summary of the four sidewalk alternatives and the chosen alternative – Alternative #1 Standard Location. Mr. Sikich gave specifics about Alternative #1 Standard Location which included the following:

- They are generally located 1 foot off the property line.
- The distance from the road's edge = 15 feet.
- Anticipated number of trees to be removed = 16 trees.
- The impact to the drainage system is expected to be minimal.
- Easements are *not* required.
- The lowest bid = \$197,759.00

Mr. Sikich reviewed the schedule for the Sidewalk plan, and if approved by the Council, construction is to take place in September/October. Next, specifics about the 16 trees impacted were reviewed including 9 trees that will be removed and replaced and 7 trees that will be transplanted; not all trees can be replaced in front of the same address from which they were removed. Also, Mr. Sikich mentioned that the specific conditions of each tree would be

evaluated in the field before removal and if any trees could be saved with a high likelihood of success, staff would attempt to do so. A complete list of the addresses affected and anticipated outcomes/likely locations of new or relocated trees was reviewed. Lastly, a map of the existing tree locations and approximate new locations of the transplants/removals/replacements was reviewed - this included the location of brush/vegetation to be cleared that runs adjacent to 6440 Main Street.

### **Commissioner and Mayor Comments/Questions**

Commissioner Gilmartin: Asked if the vegetation that will be cleared was part of a mitigation approach for storm water.

Mr. Sikich: No, it is woody vegetation/brush.

Commissioner Sadowski-Fugitt: Asked if removal of trees that will be replaced elsewhere will have any impact on stormwater and drainage in the neighborhood.

Mr. Sikich: No, not significantly.

Commissioner Hosé: Thanked staff; regrettable to be losing trees but thinks the ultimate result is possible; believes should have sidewalks on both sides of the street for the safety of the pedestrians and school-aged children; likes the fact of transplanting as many trees as we can and replacing others; sees a very strong tree canopy in the neighborhood for many decades to come; thinks it will be a positive result and is in favor.

Commissioner Kulovany: Not excited to lose so many mature trees; appreciates staff making efforts to transplant those of a size that would survive being transplanted; several years ago the Village Council had a strategy to put sidewalks on one side of every street and when the question of whether or not to put sidewalks on both sides of the streets around schools came up – the Council, at that time, decided to allow those to surface based on the neighborhood need to put them on both sides; this is the current Council's response to that and the safety of the elementary school children; he will vote in favor.

Mayor Barnett: Asked about situations where uncovered roots could cause some slight adjustments to the sidewalks when it is laid down; asked if Andy is anticipating any “horseshoes” around the trees.

Commissioner Walus: Appreciates the work done on this and that it was done quickly; concerned about the trees 12 inches to 40 inches in diameter that cannot be transplanted – 7 trees were 30 inches or more in diameter – that’s a big deal; mature trees increase property value; we are called Downers “Grove” for a reason; those trees help absorb water; reiterating what heard from residents that spoke about water concerns at first meeting, knows it is supposed to be minimal impact but hopes that is actually the case once this is completed; has small children so understands the safety issue and need to do this; hopes the impact on the neighborhood is minimal.

Mayor Barnett: He and his colleagues are trying to make the right decision, though it may not be a perfect one; pedestrian safety is being prioritized – there’s a downside to that; the Council is trying to figure out the best long-range answer with a lot of input from our team - thanked Andy for his help with that.

**ORD 2021-9058** — B. Ordinance: Amending the Village's Elevator Safety Standards.

**PRESENTATION:** Stan Popovich, Community Development Director, stated the Village follows the State of Illinois Elevator Safety and Regulations Act. The State updated editions of the codes and the Village will be updating Chapter 7 of the Building Code to be compliant with State Law

Mayor Barnett: This is done a lot with the Village’s Building Code; there are international codes and we try to stay as current as the State with the actual code; we’ve seen this is, as well as other safety-related things, and our codes will continue to be updated to be current.

**MOT 2021-9067** — C. Motion: Authorize the Key Terms for the Facilities Intergovernmental Agreement between the Village and District 58

**PRESENTATION:** Mike Baker, Deputy Village Manager, used a PowerPoint presentation on the key terms of an Intergovernmental Agreement with School District 58 for a partnership in the Village’s facilities efforts. Mr. Baker

began by stating that the Village and School District 58 are both developing plans to address facility needs. The Village plans include replacing the 42-year-old Police Station and 92-year-old Village Hall with a combined building; District 58 is addressing familiar facility needs for its administrative operations. The proposed facility partnership is intended to address the needs of both entities in a way that maximizes value and minimizes cost to our shared residents and taxpayers. Mr. Baker continued by sharing boundary maps and tax information for the two entities. The Village's needs and District 58's needs were reviewed. This included the square footage needed to accommodate administrative offices and the number of parking spaces needed for each of the entities. A review of the Facilities Replacement and Sustainability Plan was reviewed. The Plan is to include:

- 70,000 to 75,000 square feet of a combined Police Station and Village Hall
- Will include environmentally sustainable features
- 330-340 parking spaces; this includes visitor, staff and commuter parking
- An 85-unit apartment building
- Will be located on the current Civic Center property

Next, the estimated cost, the financing plan and revenue sources were reviewed. The benefits of building a shared facility include constructing less space; achieving efficiency and scale economy in construction activity; reducing total construction cost; reducing tax burden; providing an opportunity to partner on operations. A list of Village exclusive space, District 58 exclusive space and shared spaces was reviewed. Lastly, there was a review of the Village and District 58 Key Terms, including a timeline of target dates for specific documents/agreements between the two entities.

If the key terms of the Village and School District Facilities Partnership is approved by both the Village Council and the District 58 Board of Education, the next steps would be to continue with the design of the facility and to draft the Intergovernmental Agreement. Staff is requesting the Village Council approve the key terms at the next Village Council meeting and District 58 will consider key terms at their September meeting.

### **Commissioner and Mayor Comments/Questions**

Commissioner Kulovany: Questioned the sharing of the incremental construction costs- asked if the pure number would be divided by the 25 year period or if finance costs would be folded in; asked if the calculations are the true incremental costs all the way through, including what the debt service would be.

Mr. Baker: This would just be District 58's portion of the new facility; construction costs associated with that portion of construction would be isolated and identified and used to determine that lease payment spread over 25 years.

Commissioner Kulovany: Asked if we could extend that to take the full payment differential – based on what it would cost to make the combined facility versus just two separate facilities and subtract that amount.

Manager Fieldman: Said we could, but the benefits to each entity was the lower overall cost to District 58, in terms of just spreading the incremental pure construction cost; for the Village, the shared residents and taxpayers, the maximization of the revenue from the apartment complex would be tax dollars funneled in to pay for this building; the Village is trying to capture the benefits using that approach, just incremental cost and then a waiver of the revenue from the apartment building.

Commissioner Kulovany: Asked if having the income from the apartments would actually end up lowering the cost.

Manager Fieldman: Yes it would.

Mayor Barnett: The potential TIF money is shared money, for the community – we are trying to lower the cost of these needs to our overall constituents; this minimizes the amount of property in the Village that is not taxable and long term it's a benefit to everybody.

Commissioner Hosé: Thanked staff, colleagues, the School District 58 Board and staff for putting it all together; this

is a long time coming; this is the right result – the cost savings, shrinking the footprint of government, giving the best possible value to our shared taxpayers and finding all the various synergies we can find to work together even better; this is the way governments should work together; wishes he could vote in favor of this more than once.

Commissioner Gilmartin: Echoes what Commissioner José said; this isn't something that always lines up like this – District 58 looking for building space – so this is the perfect opportunity; this is a win-win opportunity for all the reasons his colleagues stated; added the communication efficiency of the two entities being in the same building is priceless; thanked staff and District 58; fully supports this.

Commissioner Walus: Ditto to what colleagues said; wanted to repeat something from Mr. Baker's presentation – this maximizes value and minimizes cost to taxpayers.

Commissioner Kulovany: Agrees with colleagues; proactive way to help our joint taxpayers – we need to build a facility, they need to build a facility and the synergistic approach comes out with an amazing win for our Village.

Commissioner Sadowski-Fugitt: Thanked everyone; glad to hear about sustainability component – building a more efficient building gives us the best bang for our buck and for our taxpayers; happy to be consolidating space in this way, it's a big benefit.

Manager Fieldman: Thanked staff colleagues at School District 58; the Village has been working with District 58 throughout the pandemic in a variety of ways; a joy to work with such professional staff who are philosophically aligned with the Village; looking forward to the project.

## 8. Attorney's Report

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

1. An ordinance amending the Village's elevator safety standards.

## 9. Mayor and Council Member Reports

Commissioner Sadowski-Fugitt: School is about to begin, be kind to everyone, follow policies and wear masks; excited and nervous for the school year since her daughter is starting kindergarten.

Commissioner José: The Grove Foundation Golf Outing is on September 11<sup>th</sup>, details regarding the event can be found at <https://www.thegrovefoundation.org/Golf-Outing.html>; for any additional information residents can email Commissioner José directly.

Mayor Barnett called for a 2-3 minute break at 7:29 p.m. before reconvening in the Committee Room where a Council Governance Discussion on Boards and Commissions will take place.

## 10. Manager's Report

### INF 2021-9045 — A. Information: Council Governance Discussion - Boards and Commissions

Mayor Barnett reconvened the meeting at 7:33 p.m. in the Committee Room. He explained this will be more of a discussion as opposed to a meeting with an agenda and a defined outcome. The subject is Boards and Commissions; two years ago the Council talked about getting into the subject and that got put on hold to focus on facilities, then COVID happened. The Mayor explained there have been many opinions about the proper use of Boards and Commissions – how they do and don't benefit the community; how we do or don't engage them; who engages them. He stressed the importance of all seven Council members understanding that they are all dealing with the same set of expectations - even if they don't all agree. The goal of this meeting is to decide:

- 1). What do we want the Boards and Commissions to do or accomplish?
- 2). What are the expected outcomes of having Boards and Commissions?

Once this is discussed a decision can be made regarding if changes to the process of the program need to be instituted or considered. Staff will get an understanding of whether or not they are all pointed in the same direction; if they are not, staff can help them sift through where their differences are. Much of the community is connected to the Boards and Commissions and the Boards and Commissions engage the community. The Traffic and Parking Committee is involved in the most recent Forest and Prairie discussions. It is important the Boards and Commissions meetings are done in a way the Council is comfortable with and that the community appreciates. The Council members were all given the [report](#) regarding Boards and Commissions and the Mayor opened the conversation up to Council members.

Commissioner Sadowski-Fugitt: Most important part of Boards and Commissions is having a good cross section of the community to add diversity – this will make sure to capture all the values, views and experiences of the residents; if applications that are coming in are not diverse, she wants us to take a look at how the open positions are being marketed; wants transparency in the process; would like the Council to be able to take a look at the top picks; would like to have a standardized procedure so that it's really clear and transparent to the community how the decisions are being made; the Environmental Concerns Commission is the only current Board and Commission that doesn't have a staff member that is a subject matter expert – feels it's important to maximize everybody's time (both staff and residents) to have a staff member expert; in past it has been discussed that the Boards and Commissions bring the Council material – doesn't feel that we are there now nor will we be in the near future- so doesn't want to change that; feels they should run at 80 percent to accommodate vacations, etc and thinks currently Downers Grove runs at 98 percent; "we just don't have the ability for staff to take that time to sit on extra meetings or sit on ad hocs or, or do those types of things and really be able to put in the time that we should be dedicating to it if we do want to make that switch it's something that I personally would love to look into and do. I don't think it's something that we're probably going to do in the next couple of years just knowing what's on our plate going forward. So those are my thoughts".

Commissioner Gilmartin: Agrees with Commissioner Sadowski-Fugitt in that the Boards and Commissions should be generating ideas and coming to the Village and Council with them rather than the Village and Council having to go to the Boards and Commissions; agrees about staffing the ECC (Environmental Concerns Commission) appropriately because it is a perfect example of pressing issues that impact our Village and beyond; is interested in knowing what the rest of the group thinks about the roles of the Commissions – how they've been and where we want to see them because there's an opportunity to have a lot of engagement from the community with a lot of willing participants to engage; wants feedback from the group on how to maximize this.

Commissioner Hosé: Tonight's topics are 1). Boards and Commissions appointments and 2). how we use Boards and Commissions; there have been many different methods for appointing members – all of the Mayors have had different approaches; the code says the Mayor has the authority to put a name forward and the Council can give it a thumbs up or thumbs down; Mayor Barnett's process is to give the Council a short list and asked the Council to vet the people on it – he thinks this is a fair way of doing it; thinks the appointment process is working smoothly; agrees with need to get more diverse candidates – we want a true cross section of the community to be reflected; wants it publicized everywhere and anywhere; in terms of the use of the Boards and Commissions he wants more input – wants to see staff give the Council more suggestions without driving staff time; the allocation of staff time is critical for the reasons Commissioner Sadowski-Fugitt mentioned; the Council needs to be cognizant of the staffing concerns that go along with that; important not to treat Boards and Commissions like subcommittees; would like to see more input/ information – or flagging of some sort.

Commissioner Kulovany: Served on two Boards and Commissions – Zoning Board of Appeals and Plan Commission; his thinking has matured since being on the other side (Village Council); at one time was a proponent of the Plan Commission bringing things forward and making recommendations to the Village Council – specific example is the Downtown Design Review (he started working on it in 2017); he recommended the Downtown Design Review be part of the Comprehensive Plan and that became the roadmap to when Commission Kulovany was able to bring it forward while serving on the Village Council; next week the Village Council will be talking about the Long Range Plan and what their priorities are – there are some big priority items that are going to take a lot of time; he would be averse to have a specific Board or Commission trying to direct specific policy issues that are the

responsibility of the elected officials; those residents that are adamant and passionate about driving policy should run for the Village Council; he spoke of following the rules that are outlined; thought it was beneficial to attend meetings and see what was going on but knows it could influence or intimidate people that are sitting on the Boards and Commissions – wants to be able to view recordings of the meetings, as the minutes aren't designed to capture everything verbatim.

Mayor Barnett: To frame it up there are two subjects: 1). how to use the Boards and Commissions and 2). the appointment process – the two go together; right now most of the Boards and Commissions are recommending Boards that take up subjects the Village gives them, so they are being staffed as an attempt at building a cross section; it's another round of public input as opposed to expertise; even though we don't have an Environmental Scientist on staff, our resources are very good and teamed up with our staff, the past has exhibited the type of behavior and idea generation that has been really helpful to our community; he mentioned groups and organizations the Village utilizes and said that he cannot think of a time that we have chosen to limit ourselves; traffic studies are an example of the data input; you wouldn't want to line up only experts on a particular Board, say only Stormwater Engineers on the Stormwater Committee, because there would be concern that the review and advice from that recommendation was not adequately considering all of the non-technical aspects of stormwater; the Village Council is there to balance things, as seen during the meeting earlier with the trees on Norfolk; Boards and Commissions are being staffed with a cross section of the community intentionally; the Mayor uses a spreadsheet for this process – he places them in a way they will represent a cross section (not geographically or demographically); he has categories of technical expert, advocate and community connector and tries to have them fill roles that create Boards that are a cross section of the community and are likely to provide recommendations to us that are somewhat consistent with what the Council thinks; we don't want to burn staff and volunteer time and keep rejecting them – this would generate aggravated people on wasted staff time; the use of the Boards and Commissions is the question – he knows the Council wants to get more input, but he needs to understand what that means; he wants to make sure that doesn't mean to randomly generate staff time for subjects that we might not take up or subjects that are in conflict with what four, five or six Council members feel about a subject; if anyone has comments on improvements on the appointment process, he is interested in hearing them, but reminded the group that the appointment process is a Mayoral appointment; he has tried to do it in a way that allowed input from the Council, in a way that is understandable; whether the Council agrees with the process or not it's an easy process to describe; agrees that recording the Board and Commission meetings is something we should start doing; the question is how does the Council want to use these Boards - as recommending Boards or Boards of expertise that generate content; this won't be answered tonight; to have advocates and specialists in an area together on a Board will generate ideas - staff doesn't have any extra time – staffing for that would be a long term thing; he wants them to remain structured as they are currently and welcomes any opportunity to reconsider the appointment process; he wants them to be videotaped.

Commissioner Sadowski-Fugitt: Glad to get them on videotape; she hopes the Board and Commission applicants are placed on Boards they have officially applied for – she wants to make sure there's an interest on their end in the positions that they're looking to take; agrees there needs to be a balance on the Boards and Commissions; feels that the people on them that are not experts should at least have enthusiasm about the topic; thinks about small projects the Boards could bring up that are not policy driven; is worried that this will take staff time; even the small things will take up staff time and thinks having experts on staff would cut staff time.

Mayor Barnett: Repeated the categories he lists people in: advocate, community connector and experts (environmental/legal/engineering/architects/design/finance).

Commissioner Kulovany: Asked of this is a topic revisited every couple years

Mayor Barnett: There are two components to this - the first is policy and the second is procedural; the policy has been in place since 2009; he and his predecessors have tried to find ways to engage others in the process – some more successful than others; at the end of the day it's an appointment; theoretically, every August it's revisited in terms of making some appointments to those positions that are expiring, but the policy behind it has been static since 2009.

Manager Fieldman: Staff puts forward a formal opportunity for discussion about Board & Commission engagement every election cycle; the informal stuff happens as appointments come up; so both formally and informally on a

return basis.

Commissioner Kulovany: There are big items that will be on the radar screen, i.e. facilities, ERP system, so we may not have the opportunity of introducing big change now; this is something we should keep in the back of our minds; otherwise we would have to increase staff significantly and incrementally – with that we would take our eyes off of the higher priority items.

Mayor Barnett: Doesn't have data analysis to determine the diversity component of our applicants but anecdotally, it's a pretty diverse group, but it is small given the size of the community; if there is a way to cast a larger net we should do that.

Commissioner Walus: Asked if Board and Commission openings are posted on our website and on social media.

Commissioner Sadowski-Fugitt: Wants to make sure the expectations of the positions are also listed when the open positions are posted – i.e. this is a “recommending” Board.

Manager Fieldman: In 2017 there was a complete overhaul of the recruiting and appointment process to cast a wider net, create more awareness, get more diversity and increased transparency and understanding – this included increased awareness and posting, etc – that process normally starts in May; it was not done this year because staff wanted to see what this discussion brought us; there is clear direction now to start up again and that process will start immediately.

Commissioner Kulovany: Spoke of people wanting to sign up for ten different Boards and Commissions and we need to find out what those residents are passionate about; spoke of those with professional backgrounds and volunteer work helping with placement; there are the few Boards that have specific requirements, but those are easy if you need a lawyer or an architect and when those experts apply placement is easy; he spoke of his personal experience with interviewing candidates.

Manager Fieldman: Said he has heard the Council and the focus is on recruiting and recording.

Commissioner Hosé: Coffee with the Council is this Saturday, August 14<sup>th</sup> at 9:00 a.m. in front of the Farmers Market at the Main Street Train Station.

## 11. Adjournment

***MOTION:** To adjourn the August 10, 2021, Village Council meeting.*

***RESULT:** Motion carried unanimously.*

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

***SECONDED BY:** Commissioner Walus,*

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

***NAYES:** None*

Mayor Barnett declared the motion carried by voice vote and the meeting adjourned at 8:07 p.m.

Respectfully submitted,

Rosa Berardi  
Village Clerk