



Minutes
Village of Glen Ellyn
Glen Ellyn Village Board
Board Meeting
Monday, December 13, 2021
7:00 PM
Glen Ellyn Civic Center, Galligan Board Room

A. Call to Order 7:01 p.m.

B. Pledge of Allegiance

C. Roll Call

Upon roll call by Village Clerk Cosby, President Senak and Trustees Fasules, Gould, Payne and Thompson answered "Present". Christiansen and Kalinich excused.

Also in attendance:

Village Manager Franz, Village Attorney Mathews, Finance Director Coyle, Public Works Director Dave Buckley, Community Development Director Springer, Officer Vavra. Village Engineer, Rich Daubert.

D. Audience Participation:

Roger Hughes First Congregational church submitted an online form concerning his support of the additional funding for the GEYFC.

E. Consent Agenda – The following items are considered routine business by the Village Board and will be approved in a single vote in the form listed below:

Motion to approve the following items below. These items have been reviewed by the Management Team & Village Attorney and are consistent with the Village's Purchasing Policy (Trustee Fasules)

- 1) Approve the Recommendation of Village President Mark Senak that the Appointments be Made for Various Boards and Commissions:

Community Relations Commission: Heaven Martin, Student Commissioner, with a Term Expiring July 31, 2022

Finance Commission: Camile White, Student Commissioner, with a Term Expiring July 31, 2023; Christopher Goodman, Commissioner, with a term Expiring July 31, 2024

- 2) Pursuant to Section 1-10-7 of the Village Code, Approve the purchase of parkway trees from Suburban Tree Consortium in the amount of \$149,800, to be expended from the Motor Fuel Tax Fund (Public Works Director Buckley)

President Senak inquired as to the number of trees to be planted. Director Buckley stated 425 trees are due to be planted.

- 3) Authorize the Village Manager to Approve a Contract with Hampton, Lenzini and Renwick, Inc. for Engineering Services for 2022 in a not-to-exceed amount of \$199,000, to be expensed to the General Fund (Community Development Director Springer)

President Senak asked why the switch back to contracted services. Director Springer stated that the reason is that no qualified candidate applied after the job was posted two times.

President Senak asked Director Springer if this was better to have the engineer on staff or through contract services. Director Springer stated that there are pros and cons to both, as an employee is easier to access but with a contractor, there are ways to structure their time.

President Senak asked what the price point is to keep this position in house and is the salary preventing the hiring of quality people; if so, he would like to see more data to support this.

Village Manager Franz stated this is an issue at Public Works as well

- 4) Authorize the Village Manager to execute the attached Memorandum of Understanding with Glen Ellyn Youth and Family Services for Mental Health Services (Village Manager Franz)
- 5) Authorize the Village Manager to Execute an Extension of an Agreement for Residential Solid Waste Collection Services with Groot Industries, Inc., through July 31, 2024 (Assistant Village Manager Rodman)

Trustee Thompson asked if the internal memo was released to the public regarding multiple days versus one. Manager Franz stated that when the contract was done five (5) years ago, residents stated they wanted only one day of service and were willing to pay the additional costs associated with keeping the pick-up day on Monday.

Trustee Gould asked if Village Code mandates refuse service be with Groot for multi-family residential. Director Springer indicated she was not certain and would investigate and respond.

- 6) Ordinance No. 6925 - VC, An Ordinance to Create Section 9-5-22 (Schedule V; Main Street Parking Garage Restrictions) and Section 9-5-13 (Schedule M; Handicapped Person Parking Locations) and Amend Section 9-2-12 (E)(1) (Fees) and Section 9-3-5 (Parking Rates and Times) (Police Chief Norton and Finance Director Coyle)

Trustee Gould asked if this change impacted leased lots. Director Coyle stated that the change was to remove the Parking Garage. Director Coyle outlined the timetable of planned rate increases and that the one for 2021 was delayed.

Trustee Thompson asked if there was a premium cost that can be tied to the parking garage and the main street parking garage.

President Senak asked if the residents get a choice for premium parking. Director Coyle stated that premium parking is a first come, first serve plan, wherein a resident would be contacted and given the opportunity to come in, pay the higher fee and get their parking badge for the premium spot.

- 7) Ordinance No. 6926, An Ordinance to Amend Ambulance Service Fees for the Village of Glen Ellyn (Finance Director Coyle)

Trustee Thompson had a question regarding Item #7, namely why the fees for residents and non-residents are the same and wondered if this was correct. Director Coyle explained that the GEMT program requires the fees be equal.

- 8) Resolution No. 21 - 14, A Resolution Authorizing the Village to Use Hinsdale Bank & Trust / Wintrust to Receive Collections from Ambulance Billings (Finance Director Coyle)

RESULT:	APPROVED [6 TO 0]
MOVER:	Fasules
SECONDER:	Payne
AYES:	Fasules, Payne, Gould, Thompson
NAYS:	None

F. Central Business District (CBD) Streetscape and Utility Improvements Phase II Engineering, Amendment #3 (Presented by Senior Civil Engineer Tom Topor) (Trustee Payne)

- 1) Motion to Authorize the Village Manager to Execute Agreement Amendment No. 3 for CBD Streetscape and Utility Improvements Phase II Engineering Services with Civiltech Engineering, Inc in the amount of \$329,734.48, to be expensed to the Capital Projects and Water & Sewer Funds.

Mr. Topor outlined the specifics and justification for the amendment requested in the amount of \$329,734.48. The change order includes costs associated with the delays in ordinance approval.

Trustee Payne expressed his disappointment that the costs escalated so quickly and no one was communicating to the CIC/Village staff.

President Senak asked if this is the last change order, as it is had to understand where the costs are going to top out at and where is the process to stop the surprise escalation.

There are factors that if changes are brought to them, the changes do cost time and money to address therefore, no guarantees can be promised. Tracking has improved and communication between staff, and there are ongoing changes with the APEX project. Civiltech has made some concessions in an effort to keep the project going forward and are not passing of the all costs along to the Village.

Village Manager Franz addressed the Board stating that Village staff is looking at ways to improve the monitoring of the projects costs; however, with all of the changes directed by the Village Board, when the various phases of this project go out to bid the construction costs are an unknown and could be substantial as construction costs and climbing across many different sectors.

Mr. Daubert advised the Board that there are two projects that the Village has seen cost savings of \$175,000 and \$92,000 under contract award amounts, so while these cost savings are not always public knowledge, the Village does make every effort to complete projects under contracted budget amounts as well as securing an \$800,000 surface transportation program grant as means to save the tax payers.

Village Manager Franz reiterated that the fault is not that of one or two Village staff members but collectively on everyone and assured the Board that everyone will be more diligent on keeping track of the costs on projects of this nature going forward.

RESULT:	APPROVED [4 TO 0]
MOVER:	Payne
SECONDER:	Fasules
AYES:	Payne, Fasules, Gould, Thompson
NAYS:	None

G. Apex 400 ReDevelopment Agreement Amendment (Presented by Village Manager Franz) (Trustee Thompson)

- 1) Motion to approve Ordinance No. 6927, An Ordinance Approving a Third Amendment to the ReDevelopment Agreement and a First Amendment to the License Agreement for Public Parking Area, Between the Village of Glen Ellyn and GSP Development, LLC Concerning 400 & 418 - 424 N. Main Street

Manager Franz provided some background on the Apex project. 2nd amendment agreement regarding Balance of public parking by January 21, 2022, July 1, 2022. Delays will impact village lack of parking and interference of streetscape project as well as revenues.

\$175,000 revenues to be lost. Additional losses to F&B taxes revenues

Ms. Julie Spiller stated that any closing on the South side of the tracks impacts businesses on the North and vice versa; customers have repeatedly indicated that they avoid the downtown area as a result. Lack of information being shared with the business owners not receiving information, but the building owners are; and the losses will be more than \$175,000 as customers avoid the downtown businesses.

Zach Wilson, how does the village regain their \$175,000 loss in the final year of the TIF due to the Developer.

Representatives from GSP stated that they are working as best they can but COVID has impacted not only supply chain issues, but employees as when one gets sick, the other crew members will take off to protect themselves. Brick workers worked on a Sunday at triple rate in an effort to stay on track.

President Senak asked if this amendment would be the last. Mr. Debb stated that all of the supply chain items are on site now and they built in extra time into the amendment. The goal is to begin marketing leasing opportunities starting in March with move-ins happening in early May.

Trustee Gould asked if the street closure is Apex related or streetscape. Manager Franz sated that no street closures are scheduled.

President Senak asked if GSP is willing to reimburse the Village's projected loss \$175,000 from their TIF Revenue. Mr. Debb, stated that was something he could not agree to.

Trustee Gould asked if there was an unknown from July 26th to this meeting that prompted the amendment change to prevent the February 22nd completion. Mr. Debb stated that power supply to the site, HVAC equipment was delayed; which, in turn delayed the drywall and mud installation. The delays are basically a domino affect in that one thing needs to be done first before the next item can be done. President Senak asked for clarification in that the Village is not causing any of the delays. Representative stated no.

Trustee Gould asked 13 months due to claim of force majeure, 10 months of delays cost \$435,000 and that the explanations given do not equal the last four months to a loss of \$175,000. Not voting to delay the project by 4 months, what is the burden on the businesses and residents

- 1) What will prevent an additional time extension, Liquidated damages if July date is missed*
- 2) Board is will to accept to \$435,000 will no ask from the Developer finish at any*
- 3) Any financial impacts – Wintrust is still the loan holder, no change in ownership*
- 4) Impact on south main street businesses – 2nd closing for streetscape with little or no break,*
- 5) F&B and sales taxes*

Trustee Gould stated she would be willing to approve the parking garage portion of the ordinance and not the contract extension date.

Trustee Thompson asked if due to the absence of 2 trustees would require President Senak to vote

Attorney Mathews All four vote yes, then President does not vote; if 3 vote yes, then the Village President will need to vote.

Trustee Thompson stated that he is in agreement with Trustee Gould's points, especially the impact to the south side businesses and the loss of \$175,000. Mr. Debb has worked diligently to get everything on site and ready for installation and is reassured. The TIF funds are supposed to pay for the streetscape project and is not happy that the delay has impacted the funding.

Trustee Thompson said that he does not see any benefit to voting against the contract extension and is having difficulty voting against the extension.

Trustee Fasules stated that his point is to get this project completed so people will be able to return to downtown area.

Trustee Payne stated that while the forecast can be wrong, he can offer to way to correct the issues and feels that there is no way around the extension.

Trustee Gould stated that the fact that the Developer is not willing to cover 50% of the forecasted loss for the four months is why she is not willing to approve.

President Senak stated that by voting to approve, there is no incentive to encourage the contractor to complete the project on time, and Village has no remedies and by casting his vote he was hoping to give the Village a method to remedy.

RESULT:	NOT APPROVED [3 TO 2]
MOVER:	Thompson
SECONDER:	Fasules
AYES:	Thompson, Fasules, Payne
NAYS:	Gould, President Senak

H. Reminders

- 1) There is a Special Village Board Workshop Monday, January 10 at 5:30 p.m.
- 2) There is a Village Board Meeting scheduled for Monday, January 10 at 7:00 p.m.
- 3) There is a Village Board Workshop scheduled for Tuesday, January 18 at 7:00 p.m.
- 4) There is a Village Board Meeting scheduled for Monday, January 24 at 7:00 p.m.

I. Other Business

J. Adjourn

RESULT:	APPROVED [0 TO 0]
MOVER:	Fasules
SECONDER:	Payne
AYES:	Call for all in Favor All responded "AYE" meeting adjourned.
NAYS:	None

Respectfully submitted,

Gayle Lendabarker
Interim Recording Secretary

Reviewed and approved, Caren Cosby Village Clerk