

Village President

Jennifer Konen

Village Administrator

Scott Koeppel

Village Clerk

Tracey R. Conti



Village Trustees

Matthew Bonnie

Sean Herron

Heidi Lendi

Sean Michels

Michael Schomas

James F. White

**MINUTES
VILLAGE OF SUGAR GROVE
BOARD MEETING
FEBRUARY 6, 2024, 6:00 P.M.
VILLAGE HALL BOARD ROOM
10 S MUNICIPAL DRIVE**

1. Call to Order

The meeting was called to order by President Konen at 6:00 pm.

2. Pledge of Allegiance

Trustee Shomas led the Pledge of Allegiance.

3. Roll Call

On January 16, 2024, the Village Board meeting was held in person in the Board Room at Village Hall.

Present: President Jennifer Konen, Trustee Matthew Bonnie, Trustee Sean Herron, Trustee Heidi Lendi, Trustee Sean Michels, Trustee Michael Schomas, Trustee James F. White.

Absent: None

Additional Attendees: Administrator Koeppel, Attorney Wiley, Finance Director Anastasia, Community Development Director Magdziarz, Chief of Police Rollins, Planning and Zoning Administrator Marion, Public Works Director Merkel, Economic Development Director Cassa, Village Clerk Tracey Conti, and Deputy Clerk Wortham

4. Public Hearing - None

5. Appointments and Presentations

a. Presentation of a Proclamation to honor Jacqueline (Jackie) Link.

A proclamation was given to Jacqueline Link to honor her time and efforts working on the Corn Boil.

Motion by Trustee Herron, seconded by Trustee Bonnie, to approve the proclamation honoring Jacqueline Link. The following vote carried the motion:

Ayes: Bonnie, Herron, Lendi, Michaels, Shomas, White; Nays: None; Absent: None.

b. Presentation from HR Green of the IL 47 & Park Avenue Intersection Improvements.

Jeff Stanko, Senior Project Manager of Transportation for HR Green, presented the IL 47 & Park Avenue Intersection study findings to the Village Board. The purpose of the study is to improve safety. There is a history of serious crashes at this intersection. Most crashes involve vehicles exiting Park Avenue to cross IL 47 or turning left onto IL 47. The existing intersection has a two-way stop. Heavy volumes and high speeds on IL 47 make entry gaps infrequent and difficult.

The proposed improvements prohibit through and left turn movements from Park Avenue to IL 47 from full access to a restricted intersection. This will be achieved by installing raised medians and islands with signage. The traffic impacts were analyzed, and the eliminated eastbound and westbound through movements and left turns would be redistributed to the signalized intersections to the north and south. No widening is needed to achieve these modifications—just a repurposing of the space in the center of Park Avenue.

The future traffic impacts/growth was analyzed with CMAP. CMAP predicts continued significant growth in the area for the next two decades. Once the prohibited movements are redistributed to Bliss/Wheeler and Galena, the predicted delays on Park Avenue would be reduced by up to 200 seconds compared to doing nothing. The intersections to the north and south were also analyzed, and the results show no significant delays. Significant improvements would be made at Park Avenue with minimal negative impact on surrounding intersections. The intersection's safety improvements look feasible and maintain acceptable traffic performance. The combined costs are estimated at \$235,000.

No work is needed on 47; Park Avenue may have limited closures. A detailed crash analysis will be part of the project, but most accidents start on Park Avenue. It was clarified that semis will have room to make turns, but it's not desired for continued use. It was clarified that there would be significantly less stacking at the intersections after the improvements were initiated. The estimated time to complete this project depends on the time it takes to get the permitting done through IDOT, which can take up to 1 year.



2024-0206 Village
Board.pdf



East
Improvements.pdf



West
Improvements.pdf

Motion by Trustee White, seconded by Trustee Lendi, to authorize HR Green's submittal of the IL 47 & Park Avenue Intersection Improvement plans to IDOT. The following vote carried the motion:

Ayes: White, Lendi, Bonnie, Herron, Michaels, Shomas; Nays: None; Absent: None.

c. Presentation of a Recommendation from President Konen to appoint Anthony Speciale to the Plan Commission.

Seven applicants applied for this position. Although all the applicants were qualified, Tony's experience working for the Village, his understanding of procedures, his institutional knowledge of Sugar Grove, and the fact that he ran for office make him the right fit.

It was clarified that Mr. Sepciale will continue to serve on the Airport Advisory Committee until a replacement is appointed.

Motion by Trustee Herron, seconded by Trustee Schomas, to approve the recommendation from President Konen to appoint Anthony Speciale to the Plan Commission. The following vote carried the motion:

Ayes: White, Shomas, Lendi, Bonnie, Herron, Michaels; Nays: None; Absent: None.

6. Airport Report - None

7. Public Comment on Scheduled Action Items - None

8. Consent Agenda

1. Approval: Minutes of the January 16, 2024, Board Meeting
2. Approval: Vouchers

Motion by Trustee Herron, seconded by Trustee Schomas, to approve the Consent Agenda as Presented:

Ayes: Herron, Shomas, Lendi, Bonnie, Michaels; Nays: None; Abstain: White; Absent: None.

9. General Business

a. Resolution: Release of Public Improvement Guarantee – Kimmie Subdivision

Community Development Director Magdziarz explained that this is a single-lot subdivision on Denny Road. Some improvements had to be made to the Denny Road right of way. The improvements have been constructed and inspected, in operation for over 18 months, and were inspected again. Now, we are requesting the release of the guarantee in its entirety.

Motion by Trustee Michels, seconded by Trustee Herron, to approve the release of a public improvement guarantee for Kimmie Subdivision. The following vote carried the motion:

Ayes: Michaels, Herron, Shomas, White, Lendi, Bonnie; Nays: None; Absent: None.

b. Resolution: Authorizing the Execution of an Agreement with Sikich LLP for Audit Services for Fiscal Year 2024-2026 in relation to the Police Pension Fund.

Finance Director Matt Anastasia informed us that the audit for the police pension fund needs to be performed and that the current agreement with Sikich has expired. To avoid any delays, Director Anastasia recommended continuing with Sikich. Although Sikich has quoted an 8% increase, it's better to stick with them due to the delays in government audits.

Motion by Trustee Michels, seconded by Trustee Schomas, to approve the execution of an agreement with Sikich LLP for audit services for fiscal year 2024-2026 in relation to the Police Pension Fund. The following vote carried the motion:

Ayes: Michaels, Shomas, Herron, White, Lendi, Bonnie; Nays: None; Absent: None.

c. Ordinance: Amending the Village Code: Title 1, Chapter 14 – Administrative Adjudication.

Community Development Director Magdziarz stated that an Ordinance is needed to amend the Village Code to incorporate the changes concerning the administrative adjudication process. The fines and fees related to this will remain the same. It was clarified that no areas are being added, but following the home rule provisions for adjudication.

Motion by Trustee Schomas, seconded by Trustee Herron, to approve an ordinance amending the village code: Title 1, Chapter 14 – Administrative Adjudication. The following vote carried the motion:

Ayes: Shomas, Herron, Michaels, White, Lendi, Bonnie; Nays: None; Absent: None.

10. Public Comment

Mr. Dale Essling commented on the Petition for a Writ of Quo Warranto regarding Trustee Michels.

11. Discussion Items

a. 2010 Bike & Trail Plan

Community Development Director Walter Magdziarz talked about the 2010 Bike & Trail Plan. He explained that the plan was created by a committee formed by the Village in 2009. The committee members included Village Staff, the Park District, the Township, the County Forest Preserve, and the Chicago Bicycle Federation. While the recommendations are still sound, the plan requires an update. Although the village board did not formally adopt the plan, it has been implemented gradually. The plan has been included in the County's bicycle transportation plan, and the pedestrian/bike bridge over Blackberry Creek, which the Village Board approved, was a specific recommendation in the Plan. Some elements of the plan have been formalized, and implementation has begun. It is recommended that the Village Staff update the document for formal adoption, and a small amount of money should be allocated for technical expertise, such as GIS mapping.

12. Reports

a. Staff

City Administration

Village Administrator Scott Koeppel stated that he and Chief Rollins have met with the architects regarding the new Police Station. Further meetings have been scheduled to discuss potential options. The objective is to present a needs assessment to the Village Board at the first meeting in April, seeking guidance on which option to choose. Once a decision has been made, the team can create the plans. The plans will be developed, and the project will commence next year.

Community Development

Community Development Director Walter Magdziarz discussed the upcoming Public Hearing regarding the parcel of land at Capitol Drive and Bliss Road. An interested party would like to change the use of the approved PUD for Waterford Place from a medical office building to a residential duplex.

A Public Hearing for the proposed solar farm at Aurora Airport will also be held. The City of Aurora would like to establish a solar farm at the airport.

Finance Department

Finance Director Anastasia confirmed that the Budget Workshop will occur at the next Village Board meeting on February 20, 2024. He also explained that some water bills were held up on the server and not distributed. This has been rectified, and all bills have been received.

Economic Development

Economic Development Director Michael Casa confirmed that a new restaurant, Cilantro, has signed a lease to move into the location next to Jewel. Second, there is interest in the site next to Starbucks from a restaurant that does not require a drive-thru. Lastly, Fireside Grill has completed all the work needed for the commercial property enhancement program grant, and there will be a check presentation on February 28 at 2 pm.

b. Trustees

Trustee White stated that he would like a requirement added to our ordinance that video gaming machines are not visible to children. Also, the owner of Village Liquors has asked for consideration to have video gaming machines at his establishment. Trustee White again thanked Jackie Link for all the work she's done.

President Konen stated that these topics would be brought back for discussion.

Trustee Lendi attended the Library Board Meeting; they discussed the possibility of installing charging stations for electric cars; they received their TIF surplus checks; the last library focus group will be on February 10, the same day as the Winer Market. Additionally, they offer a seed library where you can pick up seeds for your garden. There is also a student art show happening

in February. The forest preserve clean-up at Bliss Woods went well; the next clean-up will be on February 24.

Trustee Shomas said he witnessed the accident at Bliss Road and Denny Road. He offered his high praise to the staff that responded so quickly.

c. President

The Metro West Networking Dinner is coming up and is being hosted by Sugar Grove. If you are interested in attending, please get in touch with Tracey. The Drive Down to Springfield is on April 17 & 18, and we will be attending. If you are interested in attending, please let Tracey know.

Motion by Trustee White, second by Trustee Herron, to enter executive session to discuss potential litigation. The following vote carried the motion:

Ayes: White, Herron, Shomas, Michaels, Lendi, Bonnie; Nays: None; Absent: None.

13. Executive Session

- Personnel – 5 ILCS 120/2(c)(1)
- Litigation – 5 ILCS 120/2(c)(11)
- Property/Land Acquisition – 5 ILCS 120/2(c)(5)
- Sale of Property – 5 ILCS 120/2(c)(6)

Roll Call Vote to go back into open session.

Present: President Jennifer Konen, Trustee Matthew Bonnie, Trustee Sean Herron, Trustee Heidi Lendi, Trustee Sean Michels, Trustee Michael Schomas, Trustee James F. White.

Additional Attendees: Administrator Koeppel, Chief of Police Rollins, Village Clerk Conti

14. Resolution: to Request a Petition for a Writ of Quo Warranto

President Konen read the following statement:

On November 7, 2023, Trustee Sean Michels agreed with the Kane County State's Attorney, which included a provision that he would state under oath that he engaged in conduct that is consistent with charges filed against him. Those charges relate to his falsification and forgery of documents required by the Village of North Aurora as a condition of occupancy of a newly constructed residential structure. The forgery charges filed against Trustee Michels have been recognized by the courts as infamous crimes.

As a municipal officer charged with the adoption, administration, and enforcement of ordinances intended to advance the interest of public safety, I would never condone the

corruption of our inspection or permitting processes. I do not believe that anyone who would abuse the public safety laws of another community is fit to keep the trust that is vested in the village trustees by the people we are duty-bound to serve. The municipal code makes it clear that anyone who enters into a written agreement that includes a plea of guilty to an infamous crime causes the municipal office held by that person to become vacant. I reviewed the legal principles associated with the interpretation of that provision of the municipal code to determine whether the agreement submitted by the court on behalf of Trustee Michels causes his seat on this Board to become vacant. Although the agreement does not specify that it is a plea of guilty, it is an agreement that calls for an admission under oath to the elements of a charge relating to forging public documents, which, in my estimation, corrupts the mechanism of public safety.

I believe that it is this very circumstance that the legislature had in mind when it passed the law, which provides that when a public official tells the court that he did the things with which he was charged, and those charges constitute an infamous crime, the office held by that official becomes vacant. Although the agreement relieves Trustee Michels from entering a formal plea and places him out of harm's way with respect to sentencing, I believe the agreement signed by Trustee Michels and presented to the Court in order that he might avoid the full weight of reckoning attached to those crimes which he was charged, ought to render his seat vacant. It appears to me that the courts have determined that it is the conduct of the defendant, and not the consequences attached to the admission, that the legislature had in mind when it provided that a written agreement establishing the conditionally infamous crime such as forgery automatically results in the vacancy of any office held by the offender.

From his presence here tonight, it is apparent that Trustee Michels does not agree with my views on these circumstances, and absent his resignation, it appears to be his intention to continue to serve in the position of Trustee, which I believe he and his conduct have forfeited. I understand that the process by which a public official's eligibility to hold public office can be determined is initiated by a petition for the court to issue a Writ of Quo Warranto. I also understand that the first step in the process is a request made by the State's Attorney to file such a petition. The State's Attorney has the discretion to either act upon or decline to act upon that request. Although we do not have the ability to control whether the County's Chief Legal Officer will pursue such an undertaking, I believe that it is incumbent upon me, as it would be upon any right-thinking public official sworn to keep the public trust, to request that our State's Attorney seek a Writ of Quo Warranto declaring that the office held by Trustee Michels to be vacant.

Motion by Trustee White, second by Trustee Lendi, to Request a Petition for a Writ of Quo Warranto. The following vote carried the motion:

Ayes: White, Lendi, Herron, Shomas, Bonnie; Abstain: Michaels; Nays: None; Absent: None.

15. Adjournment

Motion by Trustee White, second by Trustee Herron, to adjourn the meeting at 7:34 pm.
The following vote carried the motion:

Ayes: White, Herron, Lendi, Shomas, Michaels, Bonnie; Nays: None; Absent: None.

ATTEST:

/s/ Tracey R. Conti

Tracey R. Conti

Village Clerk