

Village President

Jennifer Konen

Village Administrator

Scott Koepfel

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
MAY 7, 2024, 6:00 P.M.**

1. Call to Order

President Konen called the meeting to order at 6:00 p.m.

2. Pledge of Allegiance

Director Anastasia led the Pledge of Allegiance.

3. Roll Call

The Village Board meeting was held in person at the Village Board room at the Police Department on May 7, 2024.

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

Additional Attendees: Finance Director Anastasia, Public Works Director Merkel, Planning and Zoning Administrator Marion, and Village Clerk Tracey Conti.

4. Absent: Trustee James F. White

5. Public Hearing - None

6. Appointments and Presentations

- a. Proclamation in honor of Motorcycle Awareness Month, May 2024.
- b. Proclamation in honor of Economic Development Week, May 6 – 10, 2024.
- c. Proclamation in honor of National Police Week, May 12 – 18, 2024.

7. Airport Report - None

8. Public Comment on Scheduled Action Items

Mr. Charles Smith, III, commented on open burning.

9. Consent Agenda

- a. **Approval:** Minutes of the April 16, 2024, Board Meeting.
- b. **Approval:** Vouchers.
- c. **Approval:** Resolution Authorizing the Release of the Minutes and Audio Recording from the February 6, 2024, Executive Session Meeting.

Motion by Trustee Schomas, second by Trustee Herron, to approve the Consent Agenda as presented.

Ayes: Schomas, Herron, Michels, Lendi, Bonnie; Nays: None; Abstain: None; Absent: White. MOTION CARRIED.

10. General Business

- a. **Resolution: Approving Supplemental MFT IDOT Resolution for the 2023 Road Program.**

Director Anastasia explained that when the Village receives its final Motor Fuel Tax (MFT) statement from the State in April, it's balanced to maximize the MFT dollars for the State. This supplemental resolution ensures that the dollars received are expended and approved by the State of IL. There are no additional expenses related to this item.

Motion by Trustee Schomas, second by Trustee Herron, to approve a Resolution approving the Supplemental MFT IDOT Resolution for the 2023 Road Program.

Ayes, Schomas, Herron, Michels, Lendi, Bonnie; Nays: None; Abstain: None; Absent: White. MOTION CARRIED.

- b. **Resolution: Authorizing Agreement with Correct Electric Inc.**

Director Merkel mentioned that the staff has requested extra security measures at the Public Works Facility. When the back doors of the garage are open, delivery drivers walk through the building to reach the permit department. To minimize this, additional access points will be added.

Motion by Trustee Schomas, second by Trustee Herron, to approve a Resolution Authorizing Agreement with Correct Electric Inc.

Ayes, Schomas, Herron, Michels, Lendi, Bonnie; Nays: None; Abstain: None; Absent: White. MOTION CARRIED.

- c. **Ordinance: Approving Final PUD Plan for Starbucks.**

Danielle Marion explained that an application was received from Mackin Land Company for final PUD approval for Lot 8, in the Sugar Grove Center. They are proposing a multi-tenant building on the property with two tenant spaces. One of the spaces is proposed to have a freestanding Starbucks. On April 24, 2024, the Plan Commission reviewed the proposal and found that it complies with the requirements of the Village. Since there were no concerns from the Plan Commission and no one from the public attended the Plan Commission meeting on April 24, this item has been brought directly to the Village Board for approval.

One thing to note is that the staff from Public Works and the Police Department have concerns about visibility when entering the site's primary access from the Jewel parking lot. The applicant has been notified that this must be addressed before occupancy approval. There is no need to delay the final PUD approval.

Co-manager of GMX Real Estate Group, Andrew Goodman, presented on behalf of Mackin Land Company. Mr. Goodman mentioned that they contacted Jewel as they have limited approval rights. A cross-access connection will be through the Auto Zone lot to the building. These items will be addressed in the shopping center operating documents and are subject to approval from Jewel. There is a drive-thru that wraps around the back of the building. There are two standard trash bins that will be covered.

Trustee Michels asked if there was a reason the bike trail/path has two 90° angles instead of coming straight off the front of the building. It was explained that it was a grade/slope issue and that more length in the sidewalk was needed to connect and meet the ADA requirements.

Trustee Lendi reconfirmed that the second tenant space will be medical or retail.

President Konen asked Mr. Goodman if they would oppose that being a restaurant space. Mr. Goodman stated they aren't opposed to it if it meets the Village's code and parking demands for an additional restaurant. And that depends on who the user is.

President Konen asked if there would be designated parking for mobile order pickup. Mr. Goodman confirmed that several parking spaces will be dedicated to online pickup.

Trustee Michels confirmed that the outdoor lighting would comply with what is already at the shopping center.

Mr. Goodman went over the development landscape plan and noted that there was concern about visibility during the Plan Commission meeting. Mr. Goodman stated they are open to swapping out some plants due to concerns about visibility.

The materials and elevations being used for the project were reviewed. It was noted that the Starbucks portion of the building uses the Starbucks elements mixed with the current design elements from Jewel. The brick color and stone have been incorporated from the Jewel building.

President Konen confirmed that the PUD, Jewel, and Starbucks dictate the design elements.

Trustee Schomas asked if this Starbucks was corporate or a franchise. Mr. Goodman answered that all Starbucks are corporate owned. It was further clarified that Starbucks has approved this project.

Trustee Michels asked if signage would be put up to direct traffic at the shopping center. Danielle Marion stated that this is part of the access issues that were called out by Chief Rollins and Public Works. Some bushes will be cut down in the median, and the Chief advised that stop signs should be added at the end of the rows of the Jewel parking lot. Mr. Goodman stated that since they don't own it, approval will be required from the owner and/or Jewel.

President Konen asked Mr. Goodman if he would be open to planting a lower-growing shrub when the trees are removed. Mr. Goodman replied that they wouldn't mind contributing on a limited scale.

President Konen thanked Mr. Goodman for attending the meeting.



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Motion by Trustee Schomas, second by Trustee Herron, to approve an Ordinance: Approving The Final PUD Plan for Starbucks.

Ayes, Schomas, Herron, Michels, Lendi, Bonnie; Nays: None; Abstain: None; Absent: White. MOTION CARRIED.

d. Ordinance: Amending Waterford Place PUD and Approving Preliminary Development Plan for Lot 27.

Danielle Marion mentioned there was a previous discussion about the amendment for Waterford Place and changing Lot 27 from a medical building to a single-family attached dwelling, as well as the approved Preliminary PUD Plans for the property. There were comments about the appearance of the proposed dwelling and a request for photos of existing dwellings in Waterford Place. The applicant has addressed the appearance concerns by adding additional brick to the building and provided pictures of existing dwellings in Waterford Place. Staff feels the proposed attached single-family dwelling fits the look and feel of the surrounding Waterford Place homes and recommends the proposed amendment and preliminary PUD.

Scott Richmond, the attorney for the petitioner, noted the addition of bricks on the front of the building that wraps around to the side. Brick was not added above the garage because it changes the structural element and adds additional cost.

President Konen asked about the initial request from Trustee Michels and Trustee White for brick on the north elevation, down the side where the entrance doors are located. Attorney Richmond responded that it was a cost issue.

Trustee Michels pointed out that bricks are needed above the garage doors and that all the homes facing Capitol Drive have front-facing bricks.

Motion by Trustee Michels, second by Trustee Herron, to approve an Ordinance Amending Waterford Place PUD and Approving Preliminary Development Plan for Lot 27, subject to brick being added above the garage doors. (Note: Trustee Herron amended his second; no additional second was given, and the motion failed.)

Trustee Lendi asked if it would be a thin brick, and the applicant confirmed it would be some thin brick.

Trustee Bonnie disagreed with forcing bricks upon this project and builder and said that other subdivisions don't have matching appearances. He supports individuality and homes that look different but nice.

Trustee Lendi said she's okay with not having the brick above the garage door. She noted that the houses appear sufficiently close in style to those in Waterford Place and don't need to be exact replicas. However, they should still be related in appearance.

President Konen stated that the exterior is similar to but different from Waterford Place's. What's being proposed are columns of foundational brick on the front. It still has a brick look, just in a different place.

Trustee Herron explained that he's okay with this if it fits in, but matching the other homes on Capitol isn't a requirement.

Trustee Schomas stated that he's fine either way but doesn't want the decision to delay the process. Trustee Schomas asked the applicant if the motion on the table would hold up the project in any way.

Attorney Richmond answered that this wouldn't make or break the project, but the applicant is willing to do it, but it's a cost matter. The applicant said the original proposal was for actual brick on each side of the garage door, and on the Capitol Drive facing façade of each building. If it's decided to have brick above the garage door and wrapping around, it will be some cheaper brick.

Trustee Herron said he would favor not having bricks above the garage if it meant using better material, and he amended his second on the motion.

President Konen clarified that there is no longer a second on the motion made by Trustee Michels. The president asked for a second, but no second was given. Therefore, the motion by Trustee Michels failed.

Motion by Trustee Herron, second by Trustee Bonnie, to approve an Ordinance Amending Waterford Place PUD and Approving Preliminary Development Plan for Lot 27, including 4" real brick columns on the side and front elevation on Capitol Drive.

Ayes: Herron, Bonnie, Lendi, Schomas; Nays: Michels; Abstain: None; Absent: White. MOTION CARRIED.

e. Resolution: Authorizing Contract with Teska Associates Inc. for Planning & Technical Assistance.

Director Anastasia presented this item on behalf of Village Administrator Scott Koeppel.

Director Anastasia explained that the Community Development Director position is currently vacant. The position is a budgeted item and will be filled, but in the interim, assistance is needed to avoid delaying any ongoing or new projects. Staff usually recommends a complete Request for Qualifications (RFQ) process, but they decided to move forward without an RFQ because this is urgent. Staff contacted several qualified firms with a current or previous relationship with the Village. Staff recommend Teska Associates, which has previously worked for the Village. This is not a budgeted expense for the actual consultant side but for the staff position, so a portion of that would offset that.

Trustee Michels stated that the Village should have gone through the RFQ process.

President Konen explained that time is of the essence in this situation. The staff is overwhelmed and needs help. Scott interviewed three firms and recommended Teska. President Konen mentioned that some projects are being delayed without a Community Development Director.

Trustee Schomas noted that there isn't a fixed monthly cost. There is a monetary range for different people involved. He stated that the Village is getting an individual for a period, but an organization, based on the level of services we need, we will consult with.

President Konen noted that if anyone wanted to put a cap on services, it could be done.

Trustee Schomas agreed that having a cap on services would be nice. Trustee Schomas thought it would be good for the Board to see the qualifications of the different organizations that were interviewed and get it into the record in case the Village was challenged.

President Konen mentioned that Scott was adamant about Teska. President Konen asked Danielle Marion if she had participated in the interviews.

Danielle answered that she sat in on the interview with HR Green.

Trustee Lendi noted that the agreement can be terminated at any time with 30 days' notice if the Village decides to go with one of the other organizations.

Director Anastasia mentioned that some of the others interviewed could not complete what we needed to do or did not have the time.

Village Attorney Bernie Weller joined the discussion.

Attorney Weller stated that the Village has done this at least a couple of times in the last 4 or 5 years that he's aware of. It's not unusual to do this. There isn't a prohibition on hiring a consultant with a particular skill, mainly if they have been used by the Village previously.

President Konen asked Mike Hoffman, President of Teska Associates, to speak to the Board about what he and Scott Koepfel requested that he feels would be sent to Teska for support.

Mike Hoffman said the discussion wasn't specific to what would be done. He explained that he could give a cost and put caps on individual things if he had a particular project to review.

A discussion took place to clarify Teska's services, rules of engagement, and budget limits.

Attorney Weller stated that the Village Board's approval threshold is \$25,000. He noted that this engagement is for someone with unique professional skills and is not necessarily subject to that bidding. This has been considered to ensure that the public is most conservatively served. Regarding the threshold, there are some exemptions for individuals with unique skills. The statute allows a trustworthy relationship with a professional.

President Konen asked Mr. Hoffman, to better manage the dollars, if Teska would inform the Village how much time each project would take. Mr. Hoffman said he would happily do that or bill for each project.

Director Anastasia noted that Scott could report monthly about the projects Teska is working on.

President Konen also brought up that Scott had a previous relationship working with Teska Associates when he worked for Kendall County.

President Konen stated that Danielle has been working very hard, and many others have offered to help with what they can. It's construction season, and the Village needs additional help.

Further, if Scott hadn't thought it was essential to have this on the agenda right away, he would have waited until he returned.

Motion by Trustee Bonnie, second by Trustee Michels, to approve a Resolution Authorizing a Contract with Teska Associates Inc. for Planning & Technical Assistance with a \$25,000 cap.

Ayes: Bonnie, Michels, Lendi, Herron, Schomas; Nays: None; Abstain: None; Absent: White. MOTION CARRIED.

11. Public Comment

Jaden Chada commented on the Village Board discussion, campaign contributions, and Trustee Bonnie's opinion on the State's Attorney's response regarding Trustee Michels.

President Konen responded to Mr. Chada's accusation regarding campaign contributions. President Konen stated that Mr. Chada should check his facts and that Trustee Bonnie did not contribute to her campaign.

12. Discussion Items

12. Reports

a. Staff

Police Department

Friday, May 17, 2024, is the Cop on Top Event at Dunkin Donuts. Police Officers will be there from 5:00 am to 12:00 pm.

Trustee Lendi asked how many fatal accidents have happened at the intersection of Rt. 47 and Waubensee Dr. Chief Rollins responded that there had been two fatal accidents, one at the north entrance and one at the south entrance of Waubensee Community College.

Trustee Herron mentioned the storage container situated on the land at Rt. 47 and Harter Road. It seems that someone had taken up residency there. Chief Rollins plans to contact the Kane County Sheriff's Department regarding this. Residents are concerned.

Community Development

The code enforcement officer will contact the Calamos property owners to get this cleaned up.

President Konen asked that the code enforcement officer also address the garbage in strip centers, weed ordinance violations, the lease sign near Dunkin Donuts, and the detention basin on the west side that feeds Jimmy John's, Dunkin Donuts, etc. It's full of trash.

Trustee Michels added that the grass on the property at Capitol and Galena needs mowing.

President Konen thanked Danielle Marion for stepping up during a vacancy in the Community Development Department.

Public Works

Trustee Herron asked about the horses that have been put up on the sidewalks in Walnut Woods. Several residents have been inquiring. Director Merkel responded that proposals are coming in to do the work and should start next month.

Trustee Herron commended Director Merkel on how he handled the situation with the resident whose child was injured.

Trustee Lendi inquired about the pedestrian bridge and asked if it could be completed before the grant expires. Director Merkel replied that they are working hard to meet the deadline.

Finance Department

No additional items.

b. Trustees

Trustee Michels commented on the event held by Engineering Enterprises, Inc. to celebrate their 50th anniversary.

Trustee Lendi participated in the Bliss Woods clean-up, which was very successful. Additionally, she attended the Library Board Meeting, where all the department leaders presented.

Trustee Herron received some emails regarding the discussion on Solar Panels. Regarding the solar panels on the front of houses, he decided to use more clean energy and do what we can to avoid using fossil fuels. The solar panels in the field didn't concern him as much.

Trustee Bonnie explained that he wasn't trying to be disrespectful to Trustee Michels. Asking questions and trying to find out why we think the way we do is a significant part of how democracy works. After discussing the RFQ, Trustee Michels seconded the motion, which shows we're working together. The fact that Trustee Bonnie disagreed with the State's Attorney's interpretation of the law is just a fact. It's a fact that there is an indictment. He respects the opinion of the State's Attorney but disagrees with it. Disagreeing and saying so is what makes this work. Trustee Bonnie intends to bring common sense, ask questions, and make educated decisions.

d. President

President Konen explained that the Drive Down to Springfield went well. Some items addressed with legislators were the grocery tax, LGDF, and crime-free housing. Trustee Bonnie spoke about

crime-free housing from his point of view as a police officer. The information Trustee Bonnie provided was outstanding. If any board members ever want to join the drive down, please do so.

While there is a proposal for a zero increase in the LGDF and the elimination of the grocery tax, it is to bring home the message of what they tout as progress—every year, going down, hoping for a little bit more progress. We're not progressing on LGDF, and we're going backward in grocery tax. They think they are giving more money to local government, but they are also giving more costs.

The groundbreaking at Waubensee was a lovely event. We would like to see the College become part of the Village. We're very proud of them.

Metro West Council of Government asked President Konen to serve on the Metro West Board for one year. She will represent Metro West with the County.

Arbor Day was a huge success. Five hundred seedlings went out through the library and the elementary school.

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)
- Review of Executive Session Minutes – 5 ILCS 120/2(c)(21)

13. Adjournment

Motion by Trustee Herron, second by Trustee Schomas, to adjourn the meeting at 7:34 p.m.

Ayes: Schomas, Herron, Michels, Lendi, Bonnie; Nays: None; Abstain: None; Absent: White. MOTION CARRIED.

ATTEST:
/s/ Tracey R. Conti
Tracey R. Conti
Village Clerk