

APPROVED

**MINUTES OF THE REGULAR MEETING OF THE
NEW LENOX BOARD OF TRUSTEES**

**New Lenox Village Hall,
One Veterans Parkway
Monday July 25, 2016
#16-20**

CALL TO ORDER

The Regular Meeting of the New Lenox Village Board of Trustees was called to order at 7:00 p.m. by Mayor Baldermann in the Council Chambers of the New Lenox Village Hall.

PLEDGE OF ALLEGIANCE

ROLL CALL

Upon Roll Call by the Clerk, the following members of the corporate authorities answered "Here" or "Present":

Trustees Smith, Madsen, Bowden, Johnson, Finnegan and Mayor Baldermann

Absent - Trustee Butterfield

QUORUM

There being a sufficient number of members of the corporate authorities in attendance to constitute a quorum, the meeting was declared in order.

OTHER OFFICIALS IN ATTENDANCE

Also in attendance were the Village Administrator Kurt Carroll, Village Clerk Laura Ruhl, Director of Public Works Brian Williams, Assistant Village Administrator/Community Development Director Robin Ellis, Finance Director Kim Auchstetter, Deputy Chief Bob Pawlisz, Engineer Will Nash and Attorney Chris Spesia.

CONSENT AGENDA

Motion to approve the following 4 items on the **CONSENT AGENDA #16-18** was made by Trustee Bowden and seconded by Trustee Johnson.

- A - Minutes of the Regular Meeting – July 11, 2016
- B - Surety Reduction – Prairie Ridge On-Site Improvements
- C - Surety Reduction – Gardner Estates
- D - Ordinance #2581 Creating Class SE Liquor for Cooper's Hawk – Ladies Night Out

Upon roll call, the vote was:

AYES: **6** Trustees Smith, Madsen, Bowden,
Johnson, Finnegan and Mayor Baldermann

ABSTAIN: 0

NAYS: 0

ABSENT: 1 Trustee Butterfield

The motion carried.

ORDER OF BUSINESS

Consideration of an Ordinance #2582 Creating Class D Liquor License – Portillo’s

Mayor Baldermann reported that Portillo’s is requesting a Class D (beer/wine) Liquor License. They notified Staff that they would be selling beer only. The background check came back with no issues and the Special Use for the patio prohibits them from allowing patrons to drink on the patio. They will have signs posted. Mayor Baldermann noted they are requesting the Village Board to waive second read on the ordinance so they can move forward with the selling of beer.

Trustee Smith asked with this Liquor License will they be adding video gaming.

Mayor Baldermann explained that is a different license and they will be allowed if they met the requirements of the New Lenox Video Gaming Ordinance and state statute. He noted the ordinance does require them to have a separate room for the gaming.

The representative of Portillo’s stated they have no interest in video gaming. They consider it a privilege to serve beer at their restaurant.

Motion to waive second read was made by Trustee Smith and seconded by Trustee Finnegan. Upon voice vote, the motion carried recording Trustee Butterfield as ABSENT.

Motion to approve the Ordinance was made by Trustee Bowden and seconded by Trustee Johnson

Upon roll call, the vote was:

AYES: 6 Trustees Smith, Madsen, Bowden,
Johnson, Finnegan and Mayor Baldermann

NAYS: 0

ABSENT: 1 Trustee Butterfield

The motion carried.

Consideration for Approval of a Resolution #16-29 Authorizing and Amendment to Real Estate Purchase Agreement – TMC Illinois 2, LLC and Approval of a Resolution #16-30 Authorizing the Sale of Property at U.S. Route 30 and North Cedar Road (Heidner Properties, Inc.)

Mr. Carroll reported attached for your consideration are two Resolutions concerning the properties the Village owns at the corner of Route 30 and Cedar. The first Resolution approves an amendment to the contract with TMC Illinois 2, LLC. This agreement is with the developer of the CVS at the corner of Route 30 and Cedar. The amendment does two things. First of all it extends the Village's due diligence time to allow us sufficient time to address the outstanding IEPA issue regarding the tanks that were formerly located at the corner. It also addresses concerns regarding limitations on gaming machines that satisfies the concerns of both developers, CVS and Heidner.

The second resolution concerns the contract to sell the eastern portion of the land the Village recently acquired at the corner of Route 30 and Cedar. The contract states that Heidner Properties will purchase the property owned by the Village of New Lenox for the price of \$450,000.

The agreement also has the following elements: a 90 day due diligence period, the same reciprocal agreement as approved by CVS, an agreement that the building will lease space to Durbin's and Fleckenstein's, dedication of property to Route 30 improvements, as well as a commitment to expend \$50,000 towards those improvements, similar to CVS' commitment.

Motion to approve the Resolution #16-29 was made by Trustee Bowden and seconded by Trustee Johnson

Upon roll call, the vote was:

AYES:	<u>6</u>	Trustees Smith, Madsen, Bowden, Johnson, Finnegan and Mayor Baldermann
NAYS:	<u>0</u>	
ABSENT:	<u>1</u>	Trustee Butterfield

The motion carried.

Motion to approve the Resolution #16-30 was made by Trustee Bowden and seconded by Trustee Madsen

Upon roll call, the vote was:

AYES:	<u>6</u>	Trustees Smith, Madsen, Bowden, Johnson, Finnegan and Mayor Baldermann
NAYS:	<u>0</u>	
ABSENT:	<u>1</u>	Trustee Butterfield

The motion carried.

Consideration of Approval of a Proposal for Engineering Services – Route 30 and Cedar Road Surveys

Ms. Ellis reported as part of the redevelopment of the property at the northeast corner of U.S. Route 30 and Cedar Road, there are several documents that must be prepared, including a Plat of Vacation for Church Street, Plat of Re-Subdivision to create the two lots to be developed by CVS and Heidner properties, and ALTA Surveys of each of the two newly created lots. The Heidner contract scheduled for Board consideration Monday night requires that the Plat of Re-Subdivision and ALTA Survey be provided for review by the developer within 21 days of approval of the contract. HR Green had prepared surveys for the four parcels the Village initially purchased, and Staff contacted the company to obtain a proposal to complete the work required to complete the transactions to the two developers. Included in packet is a proposal from HR Green to prepare the Plat of Vacation, Plat of Re-Subdivision, and two ALTA Surveys at a total cost not to exceed \$11,000.

Motion to approve the proposal was made by Trustee Johnson and seconded by Trustee Bowden

Upon roll call, the vote was:

AYES: 6 Trustees Smith, Madsen, Bowden,
Johnson, Finnegan and Mayor Baldermann

NAYS: 0

ABSENT: 1 Trustee Butterfield

The motion carried.

Consideration for Approval of a Proposal for Additional Environmental Site Testing for 103 E. Maple (former BP Site) – ECS Midwest LLC

Mr. Carroll reported this is for additional testing that is required by the IEPA. All of the testing so far has come back clean. This is a further request from the IEPA so we can get the “no further remediation” which is part of our agreement with CVS. Mr. Carroll noted this can be a reimbursable cost.

Motion to approve the proposal was made by Trustee Bowden and seconded by Trustee Finnegan

Upon roll call, the vote was:

AYES: 6 Trustees Smith, Madsen, Bowden,
Johnson, Finnegan and Mayor Baldermann

NAYS: 0

ABSENT: 1 Trustee Butterfield

The motion carried.

REPORTS AND COMMUNICATIONS FROM VILLAGE OFFICIALS

MAYOR

Mayor Baldermann talked about Trustee Butterfield who has been absent after a fall he had taken. He is doing better and hopes to come back soon.

Mayor Baldermann announced *National Night Out is Against Crime* Tuesday, August 2nd by the New Lenox Police Station in the Commons.

Mayor Baldermann reported that he had been contacted by a couple of residents to nominate one of our Police Officers as a *Community Hero*. Mayor Baldermann, on behalf of the residents submitted Mike Jurka who won the contest. Thank you to Mike for a job well done. Congratulations to Mike.

Mayor Baldermann commented on the people in the Commons chasing Pokemon.

VILLAGE ATTORNEY

No report.

VILLAGE ADMINISTRATOR

Mr. Carroll asked Engineer, Will Nash, to give an update on the Illinois Highway and Nelson Road construction.

Mr. Nash reported the contractors are working and are expecting the road to be open by the end of the day Friday unless it rains which then it could push it to Saturday or Monday. There have been some rain days that have delayed the construction. He went on to report there is additional stone to be put down then the asphalt. There are about three lifts of asphalt still to be laid in order to be done the correct way.

Mayor Baldermann asked Mr. Nash to explain why we are holding off putting the final grade down.

Mr. Nash explained the majority of the binder course will be installed. The final lift of binder and surface course will be installed in the fall. Those final courses of asphalt were left off due to the construction traffic that will be using the road. Mr. Nash went on to report there will be a 4-way stop at that Nelson Rd and Illinois Highway with left turn lanes on all four legs of the corner. He added that Nelson Rd and Haven Avenue will also be a 4-way stop.

Mayor Baldermann stated once Nelson Road is open there could be a lot of traffic at the stop signs during peak times. He asked Mr. Nash what would be required for signalization.

Mr. Nash reported that these are our roads so we don't necessarily have to follow the guidelines of IDOT. If this is a decision of the Village Board we would put traffic lights. We have submitted a grant request to the Will County Governmental League to put signals at both locations.

Mayor Baldermann asked that the subject of traffic lights be discussed at a future Council of the Whole Meeting. Staff can come back with some actual hard costs and some preliminary information.

Trustee Smith asked if the bike trail was going in during this phase of construction.

Mr. Carroll stated yes, the majority, but it will end before it gets to the intersection of Nelson Rd and Illinois Highway.

Mr. Nash added it will end about 50 –feet shy of Illinois Highway.

Mr. Carroll added we could not extend the bike trail to Illinois Highway because it will not extend south.

Trustee Smith noted the Village needs a bike trail from Gear Drive west to Gougar Road.

Mayor Baldermann stated again this will be discussed at a future COW meeting.

PAYROLL & DISBURSEMENTS

Trustee Madsen made the motion to approve our bi-monthly disbursements in the amount of \$595,417.57. In addition to these disbursements, approval is needed for biweekly payroll in the amount of \$401,840.71 paid on July 22, 2016.

Motion was seconded by Trustee Bowden

Upon roll call, the vote was:

AYES: **6** Trustees Smith, Madsen, Bowden, Finnegan
Johnson and Mayor Baldermann

NAYS: **0**

ABSENT: **1** Trustee Butterfield

The motion carried.

QUESTIONS AND/OR COMMENTS FROM THE FLOOR

No comments.

TRUSTEE COMMENTS

Trustee Johnson

Trustee Johnson had no comments.

Trustee Butterfield

Absent.

Trustee Bowden

Trustee Bowden commented on the success of the recent concert.

Trustee Madsen

Trustee Madsen had no comments.

Trustee Finnegan

Trustee Finnegan had no comments.

Trustee Smith

Trustee Smith urged residents to be careful in the hot weather. CERT has cooling stations set up.

RECESS TO EXECUTIVE SESSION

No executive session needed.

ADJOURNMENT

Motion to adjourn the meeting made by Trustee Smith and seconded by Trustee Finnegan. Upon voice vote, the motion carried. The Regular Meeting of the Village of New Lenox Board of Trustees held on July 25, 2016 adjourned at 7:30pm.

Laura Ruhl, Village Clerk