

## **APPROVED**

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

**New Lenox Village Hall,  
One Veterans Parkway  
Monday August 8, 2016  
#16-21**

#### **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, Butterfield, Johnson, Finnegan and Mayor Baldermann

Absent – Trustee Bowden

#### **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, Street Department Supervisor Sean Vandenberg, Building & Zoning Administrator Warren Rendleman, Assistant Village Administrator/Community Development Director Robin Ellis, Finance Director Kim Auchstetter, Deputy Chief Bob Pawlisz, Engineer Will Nash and Attorney Chris Spesia.

**Mayor Baldermann welcomed back Trustee Butterfield who had been absent.**

#### **OATH OF OFFICE – Police Patrol Officers Elgardo Bonano, Jr. & Andrew Johnston**

Mayor Baldermann swore in the new Police Officers.

The Village Board welcomed them to our Staff.

#### **CONSENT AGENDA**

Motion to approve the following 2 items on the **CONSENT AGENDA #16-21** was made by Trustee Smith and seconded by Trustee Johnson.

- A - Approval of Purchase – Squad Cars – Police Department
- B - Resolution #16-31 Declaring Currently Owned Computer Equipment as Surplus and Authorizing its Disposal

Upon roll call, the vote was:

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

**ABSTAIN:**                **0**

**NAYS:**                    **0**

**ABSENT:**                **1**                    Trustee Bowden

The motion carried.

### **ORDER OF BUSINESS**

#### **Consideration of an Ordinance Creating Class D Liquor License – Badda Bings – 1<sup>st</sup> Read**

Mayor Baldermann reported the required background check has been completed with no issues.

David Ferrentino, of Badda Bings, addressed the Village Board saying they would like to serve beer and wine in his restaurant.

No questions from the Village Board.

#### **Consideration for Approval of an Extension of Preliminary P.U.D. Plat – Lincoln Station**

Ms. Ellis reminded that Lincoln Station is 208 apartment units in three buildings located near the Metra Station on Route 30 which was approved in back in August, 2015. Since that time they have moved forward with the sale of the former Statuary property. Staff has had some preliminary meetings with the purchasers of the Statuary regarding the idea to combine it with part of Lincoln Station and develop a proposed two-tenant building. In your packets is a letter from the developer requesting a one year extension of the preliminary P.U.D. plat which is due to expire on August 10<sup>th</sup>.

Mayor Baldermann stated that we have not seen any movement with this project. Mr. Nash spoke to the Army Corps of Engineers who have not seen any movement in the last 12-months adding the developers have not been able submit but are close.

A representative for the developer spoke to the Village Board saying the application is already on file but the formal submittal should be ready within the next 30 days.

Mayor Baldermann asked the representative to confirm that they are not looking to sell the property but are looking forward to the development.

The representative stated that the goal is to develop the site but it is possible to bring in an equity partner. The idea is not to sell it off.

Mayor Baldermann stated in light of the fact they are getting close he recommended the Village Board approve a six month extension.  
The Village Board concurred.

Motion to grant a 6-month extension was made by Trustee Butterfield and seconded by Trustee Johnson

Upon roll call, the vote was:

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

The motion carried.

**Consideration for Re-Approval of Final Plat – Cherry Hill Business Park Re-Subdivision of Lot 5 of Unit 3**

Ms. Ellis reported this was 2-lot subdivision which would legally create the lot for StarCon and another lot for future industrial use. The final plat was approved by the Village Board in March. The developer has 120-days to obtain all of the required signatures and another 30 days to get it recorded. Since this is not going to happen and our signature block indicates such instead of granting an extension of the final plat the Village Board needs to re-approve it. Nothing has changed.

Motion to approve the re-approval was made by Trustee Johnson and seconded by Trustee Finnegan

Upon roll call, the vote was:

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

The motion carried.

**Consideration of an Ordinances Authorizing Development Agreement– Jacob’s Field – 1<sup>st</sup> Read**

Ms. Ellis reported this annexation was approved back in 1996. Unit 1 has been final platted but the Annexation Agreement has expired, so in order to continue some of the provisions of the Annexation Agreement the developer is proposing a development agreement. The proposed agreement would include the revised preliminary plat and the

developer is seeking to lock in the 50% reduction of open space fees for the life of the development. The tap-on fees are governed by the existing recapture agreement which still has years on it, and per the provision of the recapture agreement tap-on fees are due at the time of final inspection as the building permit is being finalized and the Certificate of Occupancy is almost ready to be issued. Also the rate of the tap-on fees are the rate that was in effect when the final plat was approved by the Board. Ms. Ellis reported there is a sidewalk that will have to be constructed along Gougar and Laraway Roads which the development agreement requires this with the final plat of the last phase. This is something that Staff wanted memorialized in the agreement. There is also a provision related to the commercial lot on the corner that reiterates that a formal site plan approval by the Board would be required before a building permit can be issued. Ms. Ellis asked for Board comments.

Mayor Baldermann stated that he and Staff had met with the developers where the initial conversation was the tap-on fees. Staff explained to the developer that New Lenox is not in the position to freeze tap-on fees for the life of the project. He went on to explain he does not have a problem when it comes to the 50% reduction in impact fees, which sunsets every year, if the developer that purchased the land at the higher price has not sold the property and they maintain ownership. If the land is sold for pennies on the dollar, then the purchaser should have to pay the full impact fees.

Trustee Smith stated this developer came in and signed an agreement when the economy was good, and when the economy went bad the Village made a good faith effort to help and reduced the impact fees. It now seems like the developers want the discount even if the economy gets better. He went on to say when the developers are making money the fees should be increased to make up for the impact on the sewer system which the bills were just increased for our residents. We took a cut on the impact fees to help the developers during bad times. If times get better I believe the tax payers should benefit also.

Mayor Baldermann noted that we are the fastest growing town in Will County with the 50% reduction.

Trustee Smith stated he doesn't want to stop the 50% reduction, just don't lock it in a 20-year agreement.

Mayor Baldermann stated by doing the 50% reduction on the impact fees it's a matter of not having empty fields in our town. Everyone has to pay the increased tap-on fees because we are not in the position to change that. That money is for work that needs to be done on the WWTP's. Mayor Baldermann explained as developers move forward and are looking at increased tap-on fees every year, the 50% reduction of impact fees is the one thing that we could help the developers provided they are still the owners of the lots.

Trustee Smith stated this is a slippery slope, once you lock it in for one developer you have to give it to others.

Mayor Baldermann explained this isn't offered to new development, this is only for those existing lots that are left.

Trustee Smith agreed with Mayor Baldermann saying things are going well and will probably continue but he has an issue locking in for 20-years.

Trustee Butterfield asked the developer what changes, if anything, would there be if we keep the reduction forever or if we pass it every year.

Mr. Flaherty, developer, addressed the Village Board saying the market is still very fickle about market price increases. He explained that in 2013 he increased his home price by about \$5,000 and it shut his sales off. He went back down on the price and was finally able to increase the price of the homes by \$5,000 last year. He went on to say the banks are still very stingy and have cut the next phase in the development by 27-lots because we didn't want to take on 51-lots that just sit there. We are asking to lock the 50% reduction of impact fees for this subdivision and we understand that nothing can be done with the tap-on fees. We have been very successful the last 18-months and want it to continue and don't think it is a big impact to either the Village or the rest of the community.

Trustee Smith stated since Mr. Flaherty is willing to invest money into New Lenox he agrees to lock them in for the next phase but not for the next 20-years.

Trustee Butterfield stated he doesn't have a problem as long as it is for the developers that are here now and that have helped us get through a bad economy.

Mayor Baldermann stated when we look at the total package of the impact fees and where they go, the Village Hall being the smallest amount, we don't want to hurt the other taxing districts that receive the funds.

Ms. Ellis stated a subdivision that is full cash the impact fees are \$16,000 per single family home and with the 50% reduction it is \$8,000.

Mayor Baldermann stated we can keep reapproving the 50% reduction every year but it was the one request I thought was reasonable and didn't touch the tap-on fees.

Mr. Flaherty stated the reason the 50% reduction was put into place was to try and spur development. If the request is approved the lots will be developed a lot quicker.

Mayor Baldermann stated Mr. Flaherty has been very successful which our schools and Fire District and other taxing districts have benefited from. Even if the economy turns around it is my opinion that we should keep the 50% reduction for the impact fees.

Trustee Smith stated he would like the Village Board to continue to review the 50% reduction every year.

The Mayor and Village Board went on to discuss the amount of lots still available under the current 50% reduction resolution. That amount is 300-400 single family homes and townhomes.

Trustee Smith asked that there be a discussion with the other taxing districts for their input.

Mayor Baldermann stated this was discussed in the past with the other taxing districts and they agreed with the reduction.

Trustee Smith stated he would like there to be another discussion with the taxing districts to ask them if they have a problem locking in the current number of lots for the reduction.

Mayor Baldermann noted this reduction has been passed by the Village Board every year. Trustee Smith stated he agrees the original developers of the lots remain with the reduction.

Trustee Finnegan stated if the reduction is working then why take a chance on impacting our growth.

Trustee Johnson agreed.

Mayor Baldermann understands what Trustee Smith is saying with passing the reduction resolution every year, but he also understands what Mr. Flaherty is saying that if the Village Board changes and don't have the same mindset at the current Village Board when it comes to helping the developers.

Trustee Smith stated instead of locking in the reduction let's see what it will cost the Village.

Mayor Baldermann asked Staff to come back with more information regarding these numbers for the next Council of the Whole meeting.

**Consideration of an Ordinances Granting Special Use for Final P.U.D. Plat – Jacob's Field – 1<sup>st</sup> Read**

Ms. Ellis reported this is the final plat for the next phase which is 27-lots just north of unit 1. The Plan Commission reviewed the Special Use back in July and recommended approval.

No questions from the Village Board.

**REPORTS AND COMMUNICATIONS FROM VILLAGE OFFICIALS**

**MAYOR**

Mayor Baldermann reported he had attended the National Safety Council. He congratulated our Safe Communities Group who won another award for their communication efforts with our Community. Mayor Baldermann noted that New Lenox is the only Illinois community that is designated a "Safe Community" which is a designation given worldwide.

**VILLAGE ATTORNEY**

Mr. Spesia had no report.

**VILLAGE ADMINISTRATOR**

Mr. Carroll mentioned there is a need for a Council of the Whole meeting in August.

Mr. Carroll updated the Village Board on the Route 30 and Cedar Road re-development. He reported we are hoping to get a letter this week from Metra regarding an agreement. The soil testing was completed that the IEPA requested and came back clean. Mr. Carroll went on to report next we will start the well test which will take 1-3 weeks which we hope will come back clean so we can move forward with the development.

### **PAYROLL & DISBURSEMENTS**

Trustee Butterfield made the motion to approve our bi-monthly disbursements in the amount of \$1,507,316.09. In addition to these disbursements, approval is needed for biweekly payroll in the amount of \$359,941.62 paid on August 5, 2016. Trustee Madsen seconded the motion.

Upon roll call, the vote was:

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

The motion carried.

### **QUESTIONS AND/OR COMMENTS FROM THE FLOOR**

An un-named resident, who is a Veteran, addressed the Village Board saying that someone had stolen his flag off of his home in broad daylight.

*Bill Walter*, asked the Village Board about the curve on Nelson Road south of Illinois Highway, the amount of time the construction is taking, and water on the road.

Mr. Carroll explained the road had to be moved because of the power lines and the BP pipeline. The road is built to new standards. All new piping and drainage system was installed for the water flow and there were rain delays and a lot of infrastructure had to be done.

Mayor Baldermann stated he appreciates Mr. Walter coming to the Village Board and bringing up issues. There will be discussion at the next Council of the Whole meeting regarding traffic signals.

### **TRUSTEE COMMENTS**

#### **Trustee Smith**

Trustee Smith asked the Village Attorney to make sure that it is 100% that we lock up the 300-400 homes for the next 20-years at the 50% reduction of impact fees but everyone else will pay the full impact fees.

Trustee Butterfield expressed his concerns about the current lots changing hands.

Mr. Spesia said there will be negotiated agreements.

Trustee Smith commented on the success of the National Night Out and Band & Brews.

Trustee Smith welcomed Trustee Butterfield back and talked briefly about his son.

**Trustee Finnegan**

Trustee Finnegan welcomed back Trustee Butterfield.

**Trustee Madsen**

Trustee Madsen welcomed back Trustee Butterfield.

**Trustee Butterfield**

Trustee Butterfield said it was good to be back.

**Trustee Bowden**

Absent.

**Trustee Johnson**

Trustee Johnson welcomed back Trustee Butterfield.

Trustee Johnson commented on the success of National Night Out.

**RECESS TO EXECUTIVE SESSION**

No executive session needed.

**ADJOURNMENT**

Motion to adjourn the meeting made by Trustee Smith and seconded by Trustee Johnson. Upon voice vote, the motion carried. The Regular Meeting of the Village of New Lenox Board of Trustees held on August 8, 2016 adjourned at 8:12pm.

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Laura Ruhl, Village Clerk