

APPROVED

COUNCIL OF THE WHOLE MEETING **NEW LENOX BOARD OF TRUSTEES**

**New Lenox Village Hall,
One Veterans Parkway
Monday, August 15, 2016**

#16-22

CALL TO ORDER

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

ROLL CALL

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

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

Absent - Trustee Madsen

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 Village Administrator Kurt Carroll, Village Clerk Laura Ruhl, Community Development Director/Assistant Administrator Robin Ellis, Finance Director Kim Auchstetter, Village Engineer Will Nash, Building and Zoning Administrator Warren Rendleman, Director of Public Works Brian Williams, Chief of Police Bob Sterba and Village Attorney Chris Spesia

DISCUSSION ITEMS

DISCUSSION OF NELSON ROAD FUTURE PHASES

Mr. Carroll introduced Bryan Welch of Christopher Burke Engineering, who are designing temporary traffic lights at both Illinois Highway/Nelson Road and Haven Avenue/Nelson Road. The goal is to have them installed when the road is finished or shortly after, also to get money from the Will County Governmental League Transportation dollars.

Trustee Bowden asked if there is anything going to be done at the intersection of Nelson Road and Joliet Highway as far as stop signs. It is a long stretch down Nelson Road.

Mr. Carroll explained that this will be a “T” intersection with a stop sign on Joliet Highway, but not on Nelson Road.

Mayor Baldermann stated this can be revisited in the future as more development occurs.

Mr. Welch displayed an overview of the future phases of the Nelson Road extension. One of the phases is widening Nelson Road to its full width of another 48-feet of pavement. What is being constructed now is the half width; 24-feet of pavement. The ultimate cross section for Nelson Road calls for an 18-foot lane in each direction and a 12-foot median. The intent is to allow 4-lanes of pavement in the future, if need be.

Trustee Butterfield asked if the east side gutter that is going in now is permanent.

Mr. Welch stated this is correct. He went on to say what would happen as part of this future phase would not only be the western half of the pavement but the main storm sewer system of Nelson Road would be put in as well. Currently all of the inlets that are going to be in the east curb, that is being constructed now, will drain underneath the road and outlet to the ditch that’s on the west side. The second half of Nelson Road would contain the main storm sewer drain. Mr. Welch went on to say we have the right-of-way that we need for the full width of Nelson Road, the only thing we will need is to provide additional detention for the new pavement, therefore, we will have to expand our detention easement that we have now as part of the first phase. He went on to show the Village Board the future phase which includes traffic signals at Nelson Rd. and Haven Ave. along with right turn lanes on east bound and west bound Haven Ave. which will be designed to federal requirements. Mr. Welch went on to report on the intersection at Nelson Rd. and Illinois Highway. They will be adding right turn lanes on Illinois Highway and on the south leg of Nelson Rd and traffic signals.

Mr. Carroll noted that the Will County Governmental League does not reimburse for the Phase 1 but will reimburse at the 80/20 for the Phase 2 engineering.

Trustee Butterfield asked about the bike trail.

Mr. Welch showed the Village Board where the bike trail is on the map and noted it will end just short of the intersection. He stated they don’t want to end the bike path at the intersection with no connections. This will have to be figured out in the future plans for the bike path to go to the south or to the west.

Trustees Smith and Bowden agreed that they would like to see the bike path go to the end of the street.

Mr. Welch stated the reason for this is there is no curb or signals at this time. This is for safety reasons.

Mayor Baldermann agreed with the Trustees and stated because there are going to be temporary traffic signals they would like the trail to go to the end on the street.

Mr. Welch noted that there will be a sign posted at Joliet Highway announcing that the bike trail ends at Illinois Highway.

Trustee Bowden liked the idea.

Mr. Welch went on to discuss the cost of the project phases saying they are looking at \$5,000,000 for all phases which includes engineering. He went on to say if we go through Federal Funding the benefit is that this will help with funding, but the process is longer and more expensive on the engineering side.

Mayor Baldermann stated we would like to be included in the Will County Governmental League funding.

Mr. Carroll stated we are on the list.

Mayor Baldermann asked if the temporary traffic signal will be installed by the time the road opens.

Mr. Welch stated the timing will be close, but most likely the end of December. This is because of the timing of the equipment that has to be ordered.

Mr. Carroll added the boxes that have to be built for the equipment is what takes so long to make.

Mayor Baldermann said if the temporary signals aren't ready for a couple of weeks after the road is done we are better off waiting until the signals are ready to open the road.

Trustee Smith stated it should be a 4-way stop. It will be backed up but it will get the drivers ready and more aware for a future traffic signal.

Mayor Baldermann stated he is concerned that the east/west drivers are used to not stopping and that this might be a safety hazard.

Mayor Baldermann stated we hope to have the signals put in by December 4th when the road is scheduled to be opened.

Mr. Welch said typically there is advanced warning signs for the signals or stops.

Mayor Baldermann asked about the cost of the temporary signals.

Mr. Welch stated around \$75,000 an intersection.

Mr. Carroll said the contractors doing the work could possibly extend the project to add the installation of the lights. If they give us a reasonable cost.

The Mayor and Board asked Staff to get the cost from the contractor.

Trustee Smith asked if Staff could look at getting signs posted for the bends on Nelson Road.

Mayor Baldermann said there are signs posted.

Mr. Nash noted there are chevrons installed.

Trustee Bowden said there should be a sign closer to the railroad tracks announcing the curve.

Mayor Baldermann announced that Mr. Walter had questions he would like to ask.

Mr. Walter expressed his concern regarding water on the road.

Mr. Carroll explained there are two more lifts of binder and a final surface that have to be installed on the road.

Mr. Williams noted in the future plans there will be ditches on the sides of the road for drainage.

DISCUSSION OF AEROHAVEN DRAINAGE

Mr. Nash reported that there have been some issues with drainage in the backyards of homes on Stafford and Young Drive. The backyards provide around an acre foot of storage that drains down to the south and outlets near Woodlawn Rd. Currently the Village has done some of the storm sewer work by adding a box culvert which is there now. The proposed improvements include digging a shallow detention basin in the Aerohaven Park and connecting this basin to the existing storm sewer along Joliet Highway with new storm sewer pipe along Glenn Drive. Also, a new 30" relief storm sewer pipe along Joliet Highway from Boeing Drive extending west to connect to the existing rear yard storm sewer that runs adjacent to Nelson Road could be installed. At the southwest corner of Joliet Highway and Nelson Road, the existing manhole will be reconstructed to include an overflow grate and a shallow swale will be constructed from Joliet Highway south to Woodlawn Road in the previously dedicated, with the original Aerohaven Subdivision, Nelson Road Right-of-Way. Additionally, the existing storm sewer stubs into the rear yards of the homes that back up to Nelson Road will be removed. Finally, a French Drain will be installed in the rear yards to drain the properties that back up to Nelson Road. The French Drain will be installed from Joliet Highway to Woodlawn Road and will discharge into the newly installed box culvert that extends to the west under the Nelson Road extension. This new storm sewer system will prevent storm water from backing up into the rear yards of these homes. Instead of backing up into the rear yards, overflow storm water will be directed to the swale in the old Nelson Road Right-of-Way and into the new Aerohaven Park detention basin. The French Drain will be installed in the lowest areas of the rear yards to allow drainage of the properties.

Trustee Butterfield asked if there would be any problems with the pipeline.

Mr. Nash said we are staying on the east side of the pipeline.

Trustee Smith stated there are many variance of the French Drain.

Mr. Nash stated our intent is to have about 6-8 inches of stone and then 8-inch perforated pipe.

Trustee Smith asked who would maintain this.

Mr. Nash said the Village would maintain the pipe.

Trustee Smith said he believes the Village installed a French Drain at Bentley before it was hard piped. It did not work very well. How much would this cost to hard pipe instead of installing a French Drain.

Mr. Nash said he did not know but will find out.

Trustee Smith said French Drains are a lot of maintenance. If the rocks and debris are not cleaned out they get clogged extremely fast.

Mr. Nash stated we could put a solid pipe on the bottom and a perforated one on the top.

Trustee Smith said he would like to see a yard box put in at the low points

Mr. Nash said that is basically what we are going to do, put a yard box at the low points and connect that to the French Drain. Our intent is to ask the residents to maintain their yard boxes to help with backyard drainage.

Trustee Bowden noted there are several residents in Aerohaven Subdivision that are appreciative of the Villages attempt to help with the drainage issues.

DISCUSSION OF PERSONNEL POLICY AMENDMENTS

Mr. Carroll reported this personnel policy is coming back with minor changes, part have been law changes and part are contractual.

DISCUSSION OF TRAVEL POLICY

Mr. Carroll reported our travel expense policy is outdated. We looked at following the General Service Administration recommendations. Rates are posted on the GSA website. This rate would not apply to conference travel. Where the traveler is paying a pre-negotiated rate offered by the conference. We would also follow their guidelines for the per diem.

DISCUSSION OF PERFORMANCE MANAGEMENT

Mr. Carroll reported over the last year Staff has been working on a Performance Management system which consists of an organization wide performance review form, supplemental forms (by type of position) and goal setting. This new format is acceptable to the Public Works while the Police Patrol Officers and Sergeants have a different program that they follow. All Staff will be reviewed annually.

DISCUSSION OF ORDINANCE CREATING LOCAL BIDDERS POLICY

Mr. Nash reported the proposed ordinance focuses on the definition of a local bidder and bid pricing.

Definition of Local Bidder – As drafted, a Local Bidder is (1) a contractor or vendor that maintains an establishment for transacting business in the Village of New Lenox corporate boundaries; or (2) a contractor whose regular full-time workforce includes a majority of New Lenox residents.

Board direction on whether this definition is sufficient or whether the definition should be broadened to include (1) contractors or vendors that maintain an establishment for transacting business in (a) New Lenox Township or (b) Will County; or (2) contractors whose regular full-time workforce include a majority of (a) New Lenox Township or (b) Will County residents.

Bid Price – The ordinance applies to bids in excess of \$20,000. The draft ordinance proposes that when a local bidder's bid price is within 2% up to a maximum of \$20,000 of the lowest non-local bidder, they are given the chance to match the low bid price. The local bidder has three days to match the lowest non-local bidder's price. Only the lowest local bidder would be given the opportunity to match the non-local bidder's price.

Board direction on this provision is requested Monday night. Other options would be to:

Grant the lowest local bidder the project at their bid price, if it is within 2%, up to a maximum of \$20,000, of the lowest non-local bidder; or

Provide a sliding scale where the local bidder must be within
 2.0% for projects less than \$250,000;
 1.5% for projects between \$250,001 and \$1,000,000;
 1.0% for projects between \$1,000,001 and \$2,000,000; or
 \$20,000 for projects over \$2,000,000.

Mayor Baldermann asked if this information would be sent to contractors when the Village sends out RFP's? That way non local bidders would know this ordinance is in place. He went on to say we don't want to discourage anyone from coming to New Lenox to bid on projects.

Mr. Nash stated it will be included with the bid documents.

The Village Board concurred this is a good process.

Trustee Smith noted that he would like signs up on construction site saying who the contractors are.

DISCUSSION OF RFP FOR COMMUNITY BRANDING

Ms. Ellis stated the Village will be looking for a company to help guide us through a process to identify who we are and how that will translate into a logo. Right now we use the train seal and Home of Proud Americans. We are looking to create a brand for the Village that makes New Lenox recognizable within the community and the larger Chicago metro area.

The Board discussed our current logos. Mayor Baldermann said personally he would like to keep the logo Home of Proud Americans. The Board concurred.

DISCUSSION OF IMPACT FEES

Ms. Ellis went over the list of subdivisions that are currently eligible for the 50% reduction in open space fees. She went on to report the Board granted the reduction in 2010 and as some subdivision changed hand they fell of the list and others have been

added. Ms. Ellis went over a table that lists the subdivisions, their lots with Final Plat Approval, permits issued and applied for, vacant lots, lots to be platted in future phases and total remaining lots to have reduced fees. Ms. Ellis then went over a table with the dollar fees. (these tables are included with the minutes). Ms. Ellis noted not every subdivision pays the same fees for various reasons. Ms. Ellis reported that Jacob's Field Unit 2, Hibernia Estates Unit 6 and Sky Harbor Unit 2 have either been to the Plan Commission or will be soon with the expectation that these subdivision will be before the Village Board in September and will be asking that the 50% reduction be extended to this phase.

Trustee Bowden asked if Prairie Crossing is the subdivision on Haven Avenue.

Ms. Ellis stated yes and this property just got listed for sale so it is likely their reduction would not get extended.

Mayor Baldermann asked the lots that have changed hands, how many are single-family.

Ms. Ellis answered about 283 additional which includes the next phases of Hibernia Estates, the Sky Harbor.

Trustee Smith said he would like to know exactly who gets the reduction.

Mayor Baldermann said all of the lots on the list get the reduction unless the Village Board negotiates something different.

Trustee Finnegan agreed unless the property on the list is sold.

Trustee Smith asked if this is legal.

Attorney Spesia stated that impact fees have been approved by Illinois courts provided there is legitimate public interest and that the fee is specifically and uniquely attributable to the development in question. We follow set formulas and standards that have been approved by courts. The question is can we treat one development differently than another. There is no elevated standard of review or fundamental right involved, so you are not deciding based on any improper reason. Attorney Spesia stated the reason is rational.

Trustee Smith stated he doesn't think this is legal.

Mayor Baldermann stated we are basing this reduction knowing the developers paid top dollar for their land.

Trustee Smith stated we don't know if they did, it's questionable.

Attorney Spesia the courts will not interfere with the Boards decision.

Mayor Baldermann asked Mr. Spesia if he believes what we have been operating on since 2010 with these lots was reasonable.

Mr. Spesia stated there was a basis and reason behind it. He went on to say that there might have been a further basis with New Lenox and other towns that they wanted to get rid of this inventory of lots that were platted, partially developed, safety reasons, appearances.

Trustee Smith said he agrees with why this was done then but disagrees for doing it for perpetuity. He said he understand the yearly extension until the economy picks up but the issue is the perpetuity.

Mayor Baldermann said if we did the reduction on the premise that these owners paid more for their land then people coming in after the fact, if the economy picks up these people still have a disadvantage because they are still staring out in the hole. If the owner sells the property the reduction goes away. Mayor Baldermann stated there is a reason why we gave the 50% reduction and if the reason goes away so does the reduction.

Attorney Spesia will work with Ms. Ellis on the language of the Resolution.

Trustee Smith asked if there can be language saying that if this is challenged and we lose the resolution will be completely gone.

Mayor Baldermann stated that when the Board first stated the reduction there were 1,100 or 1,200 lots and we are now down to 400. In six years we have been going down by 10% and the first few years were slow.

The Village Board concurred to let the existing resolution run out and create a new resolution specifically naming the owner the lots since January 1, 2011, and if a lot transfers from them it is no longer eligible for the 50% reduction, and the resolution sunsets in 10 years. This resolution will be in effect on January 1, 2017.

The Village Board concurred.

COMMENTS OR QUESTIONS FROM THE FLOOR

ADJOURNMENT

Motion to Adjourn the Meeting made by Trustee Smith and seconded by Trustee Johnson. Upon voice vote, the motion carried. The Council of the Whole Meeting of the Village of New Lenox Board of Trustees held on August 15, 2016 was adjourned at 8:37 p.m.

Laura Ruhl, Village Clerk