

APPROVED

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

**New Lenox Village Hall,
One Veterans Parkway
Monday August 22, 2016
#16-23**

CALL TO ORDER

The Regular Meeting of the New Lenox Village Board of Trustees was called to order at 7:02 p.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 Butterfield, Smith, Bowden, Finnegan and Mayor Baldermann

Absent: Trustees Madsen and Johnson

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

CONSENT AGENDA

Motion to Approve 6 items on the CONSENT AGENDA #16-23 was made by Trustee Smith and seconded by Trustee Finnegan.

- A - Consideration for Approval of Ordinance #2583 Authorizing the Sale by Public Auction of Property Owned by the Village of New Lenox
- B - Consideration for Approval of Ordinance #2584 Creating Class D Liquor License – Badda Bings – 2nd Read
- C - Consideration for Approval of Purchase – Forklift – Public Works
- D - Consideration for Approval of Resolution #16-32 Adopting a Performance Management System
- E - Consideration for Approval of Resolution #16-33 Adopting the Amendment of the Village's Travel Expense Policy
- F - Consideration for Approval of Ordinance #2585 Amending and Updating Sec. 2-116, Personnel Policy and Procedures Manual, of the Municipal Code of the Village of New Lenox, Will Country, Illinois (2016)

Upon roll call, the vote was:

AYES:	<u>5</u>	Trustees Butterfield, Smith, Bowden, Finnegan and Mayor Baldermann
ABSTAIN:	<u>0</u>	
NAYS:	<u>0</u>	
ABSENT:	<u>2</u>	Trustees Madsen and Johnson

The motion carried.

ORDER OF BUSINESS

Consideration for Approval of an Ordinance Authorizing Development Agreement – Jacob’s Field – 2nd Read

Ms. Ellis reminded the Board that they had reviewed the draft development agreement and held first read two meetings ago, and the last meeting was a general discussion regarding impact fees. The agreement was revised to reflect the Boards discussion. Section 4 of the agreement provides for the 50% reduction provided the developer or an affiliate is still the owner when a building permit is issued for a maximum of 10 years. The legal description was modified only to include the lots that are still owned by the developer. At this point Staff is recommending approval.

Trustee Smith stated he thought this was going to be done as an ordinance for all properties and developers to be effective January 2017.

Ms. Ellis stated that Jacob’s Field is a unique situation in that the Annexation Agreement has expired.

Trustee Smith said the developer is still under our current resolution until December 31st for Unit 1 and the Board can extend the reduction for Unit 2.

Mayor Baldermann went over their discussion saying the current resolution will run out on December 31st and a new resolution will be created naming the owner of the lots since January 1, 2011. If a lot transfers from them it is no longer eligible for the 50% reduction, and the resolution sunsets in 10 year. This new resolution will be in effect on January 1, 2017.

Ms. Ellis said she had talked to the developer’s attorney and explained the spirit of where the Village Board was going so what he crafted is very similar to what ultimately gets presented to the Board in the new resolution.

Mayor Baldermann discussed with the Board if there would be any legal issues. All the Village Board members are in agreement with the new resolution.

Mr. Flaherty addressed the Village Board saying he understands what they are trying to do but without the development agreement he can’t move forward on Phase 2. He

explained there is an expired annexation and he is looking to start dirt work in the next 25 days. He is in a position to put off the development and will not start without a development agreement.

Mayor Baldermann and Trustee Smith said the language can be changed in that part of the agreement.

Attorney Spesia said the agreement can read it is per the approved resolution of the Village Board. This is done in agreements.

Mr. Flaherty asked so there will be an ordinance drafted and recorded to what was approved?

Attorney Spesia noted it will not be an ordinance that is recorded but a resolution that will be approved and adopted by the Village Board.

Mr. Flaherty said so the development agreement, in its current form with the addition of the new resolution that the Village will adopt by a certain date, will confirm these fees?

Attorney Spesia stated there is also a deletion on the agreement first. We will be taking out the language that we are contractually in this paragraph approving this for 10 years and instead the language will say it will be by resolution adopted by the Board.

Mr. Flaherty said he understands the Villages position but this stops him from building without a development agreement in place.

Trustee Smith stated Mr. Flaherty will basically have the same agreement that says December 31st.

Mr. Flaherty said he's under the current resolution which does not include Phase 2.

Trustee Smith said the Board would add Phase 2 to the current resolution.

Mr. Flaherty stated he feels uncomfortable without an agreement and that he was looking to move forward on Phase 2 in 25 days.

Mayor Baldermann asked if the Board approves the new resolution and the reworded development agreement that reflects the new resolution, at the next Village Board meeting then you will be able to move forward with Phase 2.

Mr. Carroll said the new resolution will be ready.

Ms. Ellis added the language and the resolution is one thing but it is how the Building Department administers it and makes sure it's followed.

Mayor Baldermann understood but wanted to make sure the policy that the Village Board has agreed on is effective January 1, 2017 for a 10 year period. Anyone that owns these lots as of January 1, 2011 was entitled to the 50% reduction of the impact fees.

Trustee Smith said we also need to have all the lots listed so we know who gets the reduction.

Ms. Ellis noted that it's not as simple as who has title. There are many developers that have partners. Staff needs time to craft the language of the resolution.

Trustee Smith commented on the legal aspect.

Mayor Baldermann stated that the Attorney was very clear that if the Board has a reasonable explanation as to why they granted this reduction to certain developments and not to others, which was clearly spelled out, there will not be any legal issues.

Mr. Flaherty said he can appreciate that this is going to take some additional time. He suggested moving forward with the other items on the agenda and he will meet with Staff and his attorney to see if they can come up with some language that all would feel comfortable with the development agreement.

Mayor Baldermann agreed with Mr. Flaherty to work with Staff on the language in the development agreement so that the Board can approve it at the next meeting. However, he told Mr. Flaherty to understand if Staff does not have the resolution ready the agreement cannot put us in a position. And there is a problem if the Board decided not to approve the resolution and let everything expire December 31st. Mayor Baldermann stated the intent to help people who paid the premium for their lots but do not think the reduction should go to someone that came in after the fact and bought the lot for a discount.

Mr. Flaherty thanked the Mayor and Village Board and said he does not want any action taken on the development agreement at this meeting.

Consideration for Approval of an Ordinance #2586 Granting Special Use for Final P.U.D. Plat- Jacob's Field 2 – 2nd Read

Ms. Ellis said based on the Boards discussion as part of the motion on this item it be subject to the open space resolution for the 50% reduction fees.

Motion to approve the ordinance subject to the 50% reduction of impact fees expiring on December 31st was made by Trustee Smith and seconded by Trustee Butterfield

Upon roll call, the vote was:

AYES: 5 Trustees Butterfield, Smith, Bowden,
Finnegan and Mayor Baldermann

NAYS: 0

ABSENT: 2 Trustees Madsen and Johnson

The motion carried.

Consideration for Approval of a Setting of Surety – Jacob’s Field Unit 2

Mr. Nash request Board approval of a setting of surety for Jacob’s Field Unit 2 in the amount of \$740,598.43.

Motion to approve the setting of surety was made Trustee Butterfield and seconded by Trustee Bowden

Upon roll call, the vote was:

AYES: 5 Trustees Butterfield, Smith, Bowden,
Finnegan and Mayor Baldermann

NAYS: 0

ABSENT: 2 Trustees Madsen and Johnson

The motion carried.

Consideration for Approval of Request for Temporary Use for a Sign – Rachel Ridge

Ms. Ellis reported this sign is on the northwest corner of Rachel Ridge Drive and Laraway Road. The sign has been there for the five years and allowed by the Village Code. Last year the Board granted the petitioner a one year extension. Right now there is one vacant lot and a model home for sale so he is requesting a one year extension. The Plan Commission recommended the sign be allowed until either the vacant lot or the model home sells or the expiration of the one year. The Board concurred on one year.

Motion to approve the request to extend for one year was made by Trustee Smith and seconded by Trustee Finnegan. Upon voice vote the motion carried.

Consideration for Approval of a Final Plat – Hibernia Estates Unit 6

Ms. Ellis reported this is the second to the last phase in Hibernia Estates. It consists of 47 single-family lots. The subdivision plat is in conformance with the subdivision requirements and all the lots meet the R2A –District lot with and lot are requirements. The developer is requesting that tap-on fees be allowed to be paid at the time of building permits which Staff supports subject to them being paid at the rate in effect when the permit is issued. They are also requesting that the 50% reduction fees be extended to this phase of Hibernia, they are the same owner. Staff has no objection.

Motion to approve the final plat was made by Trustee Bowden and seconded by Trustee Smith

Upon roll call, the vote was:

AYES: 5 Trustees Butterfield, Smith, Bowden,
Finnegan and Mayor Baldermann

NAYS: 0

ABSENT: 2 Trustees Madsen and Johnson

The motion carried.

Consideration for Approval of a Setting of Surety – Hibernia Estates Unit 6

Mr. Nash request Board approval of a setting of surety for Hibernia Estates Unit 6 in the amount of \$1,444,758.34.

Motion to approve the setting of surety was made by Trustee Butterfield and seconded by Trustee Bowden

Upon roll call, the vote was:

AYES: 5 Trustees Butterfield, Smith, Bowden,
Finnegan and Mayor Baldermann

NAYS: 0

ABSENT: 2 Trustees Madsen and Johnson

The motion carried.

Consideration for Approval of a Bid Proposal – Booster Station – JJ Henderson

Mr. Williams reported that bids were opened on August 12th for the water booster station project. Three bids were received with JJ Henderson being the lowest bidder at \$1,057,000. If you recall, this project went out to bid a couple of months ago and came in at \$127,000 over the budgeted engineers estimate. We went back and re-evaluated the scope and took a few items out. We were not able to get the cost under the budgeted amount but took off about \$62,000 off the project cost without sacrificing the quality of the project.

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

Upon roll call, the vote was:

AYES: 5 Trustees Butterfield, Smith, Bowden,
Finnegan and Mayor Baldermann

NAYS: 0

ABSENT: 2 Trustees Madsen and Johnson

The motion carried.

Consideration for Approval of a Proposal – SCADA – Booster Station – Tri-R

Mr. Williams reported the enclosed proposal is for Tri-R Systems to provide SCADA services to install all related equipment and associated programming as per construction specifications on the Water Booster Station construction project. This proposal includes providing and installing new equipment, programming new equipment, modifying current software to incorporate the new data received, and coordination with all

contractors to ensure this work is done properly and in a timely manner. The cost of Tri-R's proposal is \$57,000 of which approximately \$26,000 is equipment cost. Tri-R was chosen for these services based on past performance on Village projects. SCADA system providers have a wide variance of quality and consistency. Having found a provider that competently serves our needs, which has not been the case for the past 10 years, I would like to retain their services for this project. I am asking that formal bidding procedures be waived and it is staff's recommendation to accept this proposal to hire Tri-R to complete the SCADA services for the water booster station project.

Trustee Smith asked Mr. Williams if he had checked out any other companies.

Mr. Carroll stated their cost is less by us dealing with them directly.

Motion to waive the competitive bidding process was made by Trustee Bowden and seconded by Trustee Butterfield.

Upon roll call, the vote was:

AYES: 5 Trustees Butterfield, Smith, Bowden,
Finnegan and Mayor Baldermann

NAYS: 0

ABSENT: 2 Trustees Madsen and Johnson

The motion carried.

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

Upon roll call, the vote was:

AYES: 5 Trustees Butterfield, Smith, Bowden,
Finnegan and Mayor Baldermann

NAYS: 0

ABSENT: 2 Trustees Madsen and Trustee Johnson

The motion carried.

Consideration for Approval of a Proposal for Communications – Booster Station – Current Technologies

Mr. Williams reported the attached proposal is for Current Technologies to provide equipment and installation as per construction specifications on the Water Booster Station construction project. This proposal includes providing and installing new equipment on the Joliet Highway standpipe and at the intersection of Schoolhouse and Highview and temporarily relocating any communication devices on Well #10 during construction. The cost of Current Technologies proposal is \$11,151.04.

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

Upon roll call, the vote was:

AYES: 5 Trustees Butterfield, Smith, Bowden,
Finnegan and Mayor Baldermann

NAYS: 0

ABSENT: 2 Trustees Madsen and Johnson

The motion carried.

Consideration for Approval of a Proposal for Engineering Services for Booster Station – Christopher B. Burke Engineering

Mr. Williams reported this proposal is for Christopher Burke Engineering to provide construction engineering services on the Village's behalf to ensure all specifications are adhered to by the contractor on the Water Booster Station project. This proposal includes shop drawing review, on-site construction observation, and contract administration services. The cost of Burkes' proposal is \$62,000 and is based on construction observation for 16 weeks at approximately 20 hours per week. Christopher Burke was chosen for these services based on past performance on Village projects and because they were the design engineers for this project.

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

Upon roll call, the vote was:

AYES: 5 Trustees Butterfield, Smith, Bowden,
Finnegan and Mayor Baldermann

NAYS: 0

ABSENT: 2 Trustees Madsen and Johnson

The motion carried.

Consideration for Approval of an Amendment to a Contract for Nelson Rd and Aerohaven Drainage

Mr. Nash reported this is an amendment to the Nelson Road contract is needed to include the Aerohaven Storm Water Improvements and BP pipeline work. The work in Aerohaven includes digging a new detention pond in the Aerohaven Park, new storm sewer along Joliet Highway, new drainage swale and french drain. The BP pipeline work includes installation and compaction of stone with a static roller for construction of the road thru the pipeline easement. This additional requirement was not known when the project went out to bid. BP recently gave us the requirements for this area of work.

The amendments to the contract are Aerohaven Drainage, \$296,567.50 and BP Pipeline \$85,232.00.

Trustee Smith asked if the unit numbers were attached to the original contract.

Mr. Nash answered that some of them were.

Trustee Smith asked if this is close to market from what you see.

Mr. Nash said it is pretty close and we have had some discussion with the engineer and had a few things changed after we received their first numbers.

Motion to waive the competitive bidding was made by Trustee Bowden and seconded by Trustee Butterfield.

Upon roll call, the vote was:

AYES: 5 Trustees Butterfield, Smith, Bowden, Finnegan and Mayor Baldermann

NAYS: 0

ABSENT: 2 Trustees Madsen and Johnson

The motion carried.

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

Upon roll call, the vote was:

AYES: 5 Trustees Butterfield, Smith, Bowden, Finnegan and Mayor Baldermann

NAYS: 0

ABSENT: 2 Trustees Madsen and Johnson

The motion carried.

REPORTS AND COMMUNICATIONS FROM VILLAGE OFFICIALS

MAYOR

Mayor Baldermann reported that CASA for Children is requesting to post signs for an upcoming 5K -10 K Run on October 2nd.

Mayor Baldermann asked drivers to be careful because school is back in session.

VILLAGE ATTORNEY

No report.

VILLAGE ADMINISTRATOR

Ms. Ellis reported on the upcoming ShareFest Job Fair and Dress for Success.

PAYROLL & DISBURSEMENTS

Trustee Butterfield made the motion to approve our bi-monthly disbursements in the amount of \$359,493.13. In addition to this disbursement, approval is needed for a biweekly payroll in the amount of \$388,656.99 and a monthly payroll in the amount of \$5,991.67 paid on August 19, 2016.

Motion was seconded by Trustee Finnegan

Upon roll call, the vote was:

AYES: 5 Trustees Butterfield, Smith, Bowden,
Finnegan and Mayor Baldermann

NAYS: 0

ABSENT: 2 Trustees Madsen and Johnson

The motion carried.

QUESTIONS AND/OR COMMENTS FROM THE FLOOR

No comments from the floor.

TRUSTEE COMMENTS**Trustee Smith**

Trustee Smith asked drivers to be cautious of children.

Trustee Finnegan

Trustee Finnegan had no comments.

Trustee Bowden

Trustee Bowden reminded residents of the upcoming Ladies Night Out in the Commons.

Trustee Butterfield

Trustee Butterfield mentioned the 9/11 Ceremony hosted by the VFW located at the Fireman's Memorial in the Commons.

Trustee Madsen

ABSENT

Trustee Johnson

ABSENT

EXECUTIVE SESSION

None.

ADJOURNMENT

Motion to adjourn the meeting made by Trustee Smith and seconded by Trustee Bowden. Upon voice vote, the motion carried. The Regular Meeting of the Village of New Lenox Board of Trustees held on August 22, 2016 adjourned at 7:51pm.

Laura Ruhl, Village Clerk