

# **APPROVED**

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

**New Lenox Village Hall,  
One Veterans Parkway  
Monday September 26, 2016  
#16-26**

### **CALL TO ORDER**

The Regular Meeting of the New Lenox Village Board of Trustees was called to order at 7:01 p.m. by Mayor Baldermann in the Council Chambers of the New Lenox Village Hall.

**The Pledge of Allegiance was led by Cub Scout Pack #49.**

### **ROLL CALL**

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

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

### **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 Clerk Laura Ruhl, Finance Director Kim Auchstetter, Community Development Director/Assistant Administrator Robin Ellis, Public Works Director Brian Williams, Village Engineer Will Nash, Chief Bob Sterba and Attorney Chris Spesia

### **CONSENT AGENDA**

Motion to Approve **8** items on the **CONSENT AGENDA #16-26** was made by Trustee Smith and seconded by Trustee Johnson.

- A - Ordinance **#2590** Creating Class B1 Liquor License – Murphy Oil, USA – 2<sup>nd</sup> Read
- B - Ordinance **#2591** Amending Village Code – Local Bidders Policy – 2<sup>nd</sup> Read
- C - Ordinance **#2592** Creating Class TE Liquor License – Boo & Brew – New Lenox Community Park District
- D - Ordinance **#2593** Creating Class TE Liquor License – Adult Flag Football Tournament – New Lenox Community Park District
- E - Resolution **#16-36** Authorizing an Amendment to Village Issued Credit Card Policies & Procedures
- F - Resolution **#16-37** Adopting a Debt Management Policy
- G - Ordinance **#2594** Creating Class TE Liquor License – United Way

H - Surety Reduction – Lot 2, Route 30 and Vancina Lane - InSite Real Estate

Upon roll call, the vote was:

**AYES:**                    7                    Trustees Butterfield, Smith, Bowden, Madsen,  
Johnson, Finnegan and Mayor Baldermann

**ABSTAIN:**              0

**NAYS:**                    0

**ABSENT:**                0

The motion carried.

### **ORDER OF BUSINESS**

#### **Consideration for Approval of an Acceptance of Easement – Sky Harbor Temporary Emergency Access Road**

Ms. Ellis reported the original Annexation Agreement for the overall Sky Harbor development at the southeast corner of Schoolhouse and Laraway Roads required that a temporary entrance for emergency vehicles must be extended to Schoolhouse Road with the final plat containing the 100th residential unit in the event Sky View Drive was not already extended through the commercial portion of the development. In 2012, the Annexation Agreement was amended to state that, in the event Sky View Drive was not constructed prior to approval of the final plat containing the 116th residential unit, the developer must construct Sky View Drive in conjunction with the public improvements of the phase containing the 116th unit, or construct a temporary entrance for emergency vehicles from Schoolhouse Road. When the final plat application initially came in Staff stated that the Village would like to see Sky View Drive extended to the north, not just for emergency vehicles, but as the subdivision builds out it would be beneficial to have a second entrance for the residents. The developer has been working with the county to get the permit approved for the road. To comply with the provisions of the Annexation Agreement the developer has negotiated with the owner of the commercial property for an access easement that would allow for a temporary emergency access road. The hope is that this will not have to be constructed but we will move forward with Sky View Drive.

Trustee Smith asked what the trigger mechanism is.

Ms. Ellis said it would have be done before permits could be issued in Unit 2.

Mayor Baldermann added if need be the Village will be working with the county on this.

Motion to approve the acceptance of easement was made by Trustee Smith and seconded by Trustee Finnegan

Upon roll call, the vote was:

**AYES:**                    7                    Trustees Butterfield, Smith, Bowden, Madsen,  
Johnson, Finnegan and Mayor Baldermann

**NAYS:**                0

**ABSENT:**            0

The motion carried.

**Consideration for Approval of a Setting of Surety – Sky Harbor Temporary  
Emergency Access Road**

Mr. Nash requested approval of a setting of surety in the amount of \$53,000.

Motion to approve the setting of surety was made by Trustee Madsen and seconded by Trustee Finnegan

Upon roll call, the vote was:

**AYES:**                7                    Trustees Butterfield, Smith, Bowden, Madsen,  
Johnson, Finnegan and Mayor Baldermann

**NAYS:**                0

**ABSENT:**            0

The motion carried.

**Consideration for Approval of Final Plat – Sky Harbor Unit 2**

Ms. Ellis reported Unit 2 includes 75 lots and is the final build out of the single family portion of this development. All of the lots comply with the minimum lot area and lot width requirements of the underlying R-2 District. There are three lots that are located along street curves and require larger frontage at the setback line. Staff feels that in order to comply they will have to have the home setback further into the lots which would be inconsistent with the street scape. Staff is recommending approval of a subdivision code waiver for lots 25, 27 and 28. In addition they are requesting that tap-on fees be allowed to be paid at the time of building permit. Staff is supportive of the request provided they are paid at the rate in effect when the fees are paid.

Trustee Smith asked if this subdivision is part of the 50% reduction of impact fees.

Ms. Ellis stated it would under the proposed resolution that is the next item on the agenda.

Trustee Butterfield commented that it is nice to see them building.

Motion to approve the final plat was made by Trustee Finnegan and seconded by Trustee Butterfield

Upon roll call, the vote was:

**AYES:**                7                    Trustees Butterfield, Smith, Bowden, Madsen,  
Johnson, Finnegan and Mayor Baldermann

**NAYS:**                 0

**ABSENT:**             0

The motion carried.

**Consideration for Approval of a Setting of Surety – Sky Harbor Unit 2**

Mr. Nash requested Village Board approval for the setting of surety in the amount of \$1,531,093.32.

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

Upon roll call, the vote was:

**AYES:**                 7                     Trustees Butterfield, Smith, Bowden, Madsen,  
Johnson, Finnegan and Mayor Baldermann

**NAYS:**                 0

**ABSENT:**             0

The motion carried.

**Consideration for Approval of a Resolution #16-38 Adopting a Policy for Impact Fees**

Ms. Ellis reported this resolution has not been changed since it was presented to the Village Board at the last Council of the Whole meeting. It does set forth the list of subdivisions that would benefit from the 50% reduction provided that the permits are issued to developers or a related entities which is defined in the resolution. Staff is requesting approval of the resolution.

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

Upon roll call, the vote was:

**AYES:**                 7                     Trustees Butterfield, Smith, Bowden, Madsen,  
Johnson, Finnegan and Mayor Baldermann

**NAYS:**                 0

**ABSENT:**             0

The motion carried.

**Consideration for Approval of a Resolution #16-39 Authorizing an Intergovernmental Agreement with Will County for the Proposed Improvement at the Intersection of Laraway Road and Cedar Road**

Mr. Nash reported the Will County Division of Transportation is planning an improvement at the intersection of Cedar Road and Laraway Road. The improvement will include two thru lanes, a left turn lane and a right turn lane on Cedar Road, as well as two thru lanes, two left turn lanes and a right turn lane on Laraway. Additionally, permanent traffic signals will be installed at the intersection. The Village has requested street lights, landscaped medians, water main improvements and lighted street name signs to be added to the project. Additionally, a dry bottom detention facility on the north side of Laraway Road will be deeded to the Village and ultimately to the owner of a new development that will incorporate the pond into their development. The Will County Division of Transportation will maintain the pond. The Intergovernmental Agreement addresses the payment, installation, maintenance and energy costs for these improvements. The Jurisdictional Transfer refers to the section of Cedar Road from Laraway Road to Illinois Highway. The Village would send an acceptance letter to IDOT when the Cedar Road and Laraway Road project is complete and the Village has inspected and approved the improvements. After that letter is sent, the Jurisdictional Transfer would be complete and the above mentioned section of Cedar Road would then be under the jurisdiction of the Village of New Lenox. There is a cost estimate that itemizes what the Village requested. Will County agreed to give us a credit for the work that we did at that intersection as well as Cedar Rd. and Francis Rd. They will be giving us a check for \$105,000 which would allow us to do the final landscaping along Laraway Road.

Mayor Baldermann commented that we appreciate our relationship with the county.

Motion to approve the resolution was made by Trustee Smith and seconded by Trustee Johnson

Upon roll call, the vote was:

**AYES:**                    7                    Trustees Butterfield, Smith, Bowden, Madsen, Johnson, Finnegan and Mayor Baldermann

**NAYS:**                    0

**ABSENT:**                0

The motion carried.

**Consideration of an Ordinance Approving an Agreement with Will County for the Transfer of a Street to Municipal Street System – Cedar Road from Illinois Highway to Laraway Road – 1<sup>st</sup> Read**

Mr. Nash noted this will not happen until the project is complete and we have accepted all the improvements and the \$105,000. This ordinance will come back for second read.

**Consideration of an Ordinance Amending Section 90 of the Municipal Code – No Parking – Batson Court – 1<sup>st</sup> Read – Gang Mailboxes**

Mr. Nash reported there have been residents on Batson Court asking the Parking and Traffic Advisory Board (PTAB) to look into parking issues on Batson Court. Automobiles consistently block access to the gang mailboxes. The Parking and Traffic Advisory Board discussed this issue at a meeting on August 25, 2016 and recommended that parking be prohibited in the area around the mailboxes. PTAB recommended prohibiting parking for 5 feet on each side of the mailbox units.

The Village Board briefly discussed parking in front of mailboxes.

**Consideration of an Ordinance Amending Section 90 of the Municipal Code – No Parking – Old Hickory Road – 1<sup>st</sup> Read**

Mr. Nash reported the residents that live on Old Hickory Road had talked to the VFW and the Township about parking issues at the VFW. The issues arise during the fish fries and when the VFW has a large jackpot for their raffle. Patrons of the VFW park on both sides of Old Hickory Road from Vine Street to Hillside Road causing an issue for people driving down Old Hickory Road and making it difficult for emergency vehicles to get through. Staff, representatives from New Lenox Township and the VFW, and residents met on May 19, 2016 to discuss these concerns. During these peak times, the VFW is going to work with ESDA to help contain parking to one side of the street and make sure that driveways are not blocked. The only portion of Old Hickory Road that is under the jurisdiction of the Village of New Lenox is the part of the road adjacent to the VFW. The residents asked the Village to limit parking near the intersection of Vine Street and Old Hickory Road. This would ensure traffic can stop at the stop sign on Old Hickory Road and see oncoming traffic on Vine Street. The Parking and Traffic Advisory Board (PTAB) met on August 25, 2016 to discuss the situation and found that there is an issue in this area. The cars that park near the stop sign obstruct the view of the cars trying to turn onto Vine Street. PTAB recommended prohibiting parking for 65 feet west of Vine Street. This no parking area would allow an unobstructed sight line to see the traffic on Vine Street. This ordinance will come back for second read at the next meeting.

**Consideration for Approval of a Resolution #16-40 Authorizing a Second Amendment to Real Estate Purchase Agreement – CVS**

Mayor Baldermann explained this is a 90-day extension to the contract.

Motion to approve the resolution was made by Trustee Smith and seconded by Trustee Finnegan

Upon roll call, the vote was:

**AYES:**                    7                    Trustees Butterfield, Smith, Bowden, Madsen,  
Johnson, Finnegan and Mayor Baldermann

**NAYS:**                    0

**ABSENT:**                0

The motion carried.

**REPORTS AND COMMUNICATIONS FROM VILLAGE OFFICIALS****MAYOR**

Mayor Baldermann had no report.

**VILLAGE ATTORNEY**

No report.

**VILLAGE ADMINISTRATOR**

Absent.

**ASSISTANT VILLAGE ADMINISTRATOR**

Ms. Ellis had no report.

Village Clerk Ruhl reminded residents of the upcoming Early Voting which starts on October 24<sup>th</sup> thru November 4<sup>th</sup>.

**PAYROLL & DISBURSEMENTS**

Trustee Butterfield made the motion to approve our bi-monthly disbursements in the amount of \$764,732.06. In addition to this disbursement, approval is needed for a biweekly payroll in the amount of \$350,245.23 and a monthly payroll in the amount of \$5,761.67 paid on September 16, 2016.

Motion was seconded by Trustee Madsen

Upon roll call, the vote was:

**AYES:**                    7                    Trustees Butterfield, Smith, Bowden, Madsen,  
Johnson, Finnegan and Mayor Baldermann

**NAYS:**                    0

**ABSENT:**                0

The motion carried.

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

Arlene Davis addressed the Village Board saying there has been work done on her street and ditch on the side of her home. She has concerns with drainage and possible basement flooding.

Mayor Baldermann said he is glad that Ms. Davis is being pro-active and coming to the Board. He asked Mr. Williams if he foresees any issues or cause for concern.

Mr. Williams said that he can't say it would never happen but they are looking into a few things and get back to Ms. Davis.

**TRUSTEE COMMENTS**

**Trustee Johnson**

Trustee Johnson had no comments.

**Trustee Butterfield**

Trustee Butterfield had no comments.

**Trustee Bowden**

Trustee Bowden had no comments.

**Trustee Madsen**

Trustee Madsen had no comments.

**Trustee Finnegan**

Trustee Finnegan had no comments.

**Trustee Smith**

Trustee Smith commented that someone is dumping grass clippings on the southwest side of the sidewalk that goes over Jackson Creek. The area needs to be cleaned up and the railing fixed.

Trustee Smith asked if the Board should consider changing the timing of payment of tap-on fees.

The Mayor and Board concurred.

Trustee Smith commented to Mr. Nash that the lift station on Illinois Highway and Lake Street had an odor when he ran by it.

Mr. Williams stated there is no issue with the lift station and it is flushed twice a year but will check it.

Trustee Bowden commented that she has been out walking and noticed some sidewalks that are in need of repair. She asked the residents to keep watch and to call the Village Hall if they see any sidewalks that need repair.

**RECESS TO EXECUTIVE SESSION**

No Executive Session was 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 September 26, 2016 adjourned at 7:45pm.