

APPROVED

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

**New Lenox Village Hall,
One Veterans Parkway
Monday November 14, 2016
#16-30**

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.

PLEDGE OF ALLEGIANCE – Cub Scout Pack #6 led the Pledge of Allegiance.

ROLL CALL

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

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

Absent – Trustee Madsen

Trustee Butterfield – Arrived at 7:06

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 and Zoning Administrator Warren Rendleman, Village Engineer Will Nash, Deputy Chief Bob Pawlisz and Attorney Jeff Taylor.

Mayor Baldermann commented that before he goes on with the agenda a resident, Bob Schuld, had contacted him regarding fraudulent phone calls. Mayor Baldermann reminded resident that is they ever have any questions to contact the Village Hall or the New Lenox Police Department.

PROCLAMATION – IHSA Individual 2A Championship – Grace Curran

Mayor Baldermann presented Grace Curran with a proclamation and sign for her IHSA Individual 2A Championship.

PUBLIC HEARING – VACATION OF CHURCH STREET

Mayor Baldermann opened the public hearing at 7:13pm. At that time, the Village Clerk, Laura Ruhl, provided proof of notice. There were no speakers.

Ms. Ellis reported this is part of the redevelopment of the corner of Route 30 and Cedar Road. This would vacate the portion of Church Street north of Route 30 to the Metra Station. There will be some utility easements that will have to be re-established through the redevelopment process when the site plans for CVS and the other building come in.

No comments or questions.

Mayor Baldermann closed the public hearing at closed at 7:15pm.

CONSENT AGENDA

Motion to Approve **21** items on the **CONSENT AGENDA #16-30** was made by Trustee Bowden and seconded by Trustee Johnson.

- A - Minutes of the Regular Meeting – October 10, 2016
- B - Ordinance #2601 Authorizing the Installation of a “3-Way Stop” Sign – Kingsway Avenue and Duchess avenue – 2nd Read
- C - Ordinance #2602 Authorizing the Installation of an “All-Way Stop” Sign – Kingston Drive and Ferro Drive – 2nd Read
- D - Ordinance #2603 Creating Class TE Liquor License – Blizzard Dance – New Lenox lion’s Club
- E - Approval of Purchase – Locate Van – Public Works
- F - Approval of Purchase – Stand-by Generator – Public Works
- G - Approval of an Agreement – Construction Services – Collection System Repairs
- H - Approval of a Contract Extension – Avaya Phone Systems – CCC Technologies, Inc.
- I - Request for Extension of Temporary Sign Usage – American Legion Post 1977
- J - Raffle License – TLC Animal Shelter
- K - Raffle License – Trinity Services
- L - Raffle License – Illinois Celtic Baseball
- M - Raffle License – Providence Catholic High School
- N - Raffle License - St. Jude Church and School
- O - Raffle License - Lincoln Way Special Recreation Association
- P - Approval of Request for Use of Council Chambers for 2017 – New Lenox Community Park District
- Q - Surety Reduction – Palmer Ranch 6 – On-Site Improvements
- R - Surety Reduction – Gardner Estates
- S - Surety Release – New Lenox Town Center, Lot 5R Site Improvement Bond
- T - Surety Release – Nelson Ridge Subdivision
- U - Approval of Agreement – LexisNexis – Ecrash Services

Upon roll call, the vote was:

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

ABSTAIN: **0**

NAYS: **0**

ABSENT: **1** Trustee Madsen

The motion carried.

ORDER OF BUSINESS

Consideration for Approval of an Ordinance #2604 Authorizing Special Use for Patio – White Horse Inn – 2nd Read

Ms. Ellis reported there was two changes to the ordinance since the last meeting. The changes are the reduction of a parking space and the shared parking location plan must be recorded before they can get an occupancy permit.

Trustee Smith asked the owner when they will be emptying the bottles in the dumpster. He asked if they could do this in the afternoon because it can be very loud.

The owner stated the bottles are taken outside at night but not put in the dumpster until the morning.

Mayor Baldermann asked the owner to be cognizant of their neighbors.

Motion to approve the ordinance was made by Trustee Johnson and seconded by Trustee Finnegan

Upon roll call, the vote was:

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

NAYS: **0**

ABSENT: **1** Trustee Madsen

The motion carried.

Consideration of an Ordinance #2605 Authorizing a Development Agreement – Silver Cross Hospital and Medical Centers – 1st Read

Ms. Ellis reported this property is located directly west of the hospital campus and was previously owned by the School District. Earlier this year it was rezoned to the H-District. This Development Agreement will address a couple of issues - according to our Sanitary Sewer Master Plan there needs to be a major sewer trunk line extension along the west property line from the northwest corner of this property about a half mile north and almost a half mile to east to connect to WWTP#3. Silver Cross’ engineer estimated that cost is almost \$750,000. In the short term they are only proposing a 14,000 square foot building, and to construct a private lift station, that they would be solely responsible for maintaining, with force main taking it back across Silver Cross Blvd. through the hospital campus and along the I355 right-of-way on the former MCZ property. That particular extension from Route 6 to the plant is part of the SSA and the School District property was not. So in the short term the Village Attorney could not find anything in our agreements with Zaremba to preclude us from allowing them to basically borrow the capacity from some of the other properties until they develop. We also want to make sure

there are triggers in the agreement that would obligate Silver Cross to construct that full improvement. Ms. Ellis went on to discuss the triggers - 1) if the Sproat property develops and the developer posts a surety that would take the sanitary sewer to the north side or Route 6. Silver Cross would have to complete the extension at that time. 2) if we have to levy the SSA tax, also if we determine that because of other pending development that the capacity would be exceeded they would have to construct it at that time. 3) The outside date would be within 10-years of the approval of the Development Agreement or when development on their property would exceed 225 population equivalent, which would put the capacity at that lift station. Because of the cost of providing a letter of credit in the long term, Silver Cross requested that they not be required to post surety for that improvement at this time. This is something that we would typically ask for this but there is language in the agreement that says if Silver Cross sells all or a portion of the property the Village has the right to request the subsequent owner to provide surety. Another issue that is addressed in the agreement is the relocation of the main entrance to the Ambulatory Surgical Center. The main entrance would be off a new roadway to be called Pawlak Parkway but as the site develops and there is more traffic Staff is concerned that the entrance would block stacking for people that would try to exit onto Silver Cross Blvd. So at that time they would have to relocate the main entrance to the western entrance point. They are aware of this and it is incorporated into the agreement. Ms. Ellis went on to report that Pawlak Parkway would be a private road but the intention is that at some point it would be dedicated to the Village of New Lenox so it is being designed to our standards. In the short term they would be required to maintain the road.

Trustee Smith expressed his concerns with the lift station. He asked if 10 years down the road when there is more development, who is liable if the lift station backs up.

Ms. Ellis stated it is a private improvement.

Trustee Smith said it is the Villages WWTP, but is it clear in the agreement that it is not the Village's problem. He said if the lift station backs up what kind of liability does the Village have. Trustee Smith said he does not have an issue with the private lift station, he wants to make sure the Village is free and clear of any liability.

Mayor Baldermann asked the representatives of Silver Cross Hospital if there is any objection to them assuming the liability for the lift station.

Mr. Tryson, representing Silver Cross Hospital, stated this is for a surgery center so they cannot be out of operation long if something happens to the lift station. They would get someone out immediately to take care of any issues.

Trustee Smith stated he is worried about any owners after them.

Mayor Baldermann stated in the agreement we have come up with language to cover the Village as well as assist Silver Cross Hospital. He went on to say he knows that Silver Cross would take care of any issues that came up but we don't want Silver Cross coming to the Village for any responsibility.

Ms. Ellis stated there are two sections in the agreement that address Trustee Smith's concerns. Section 4 clearly says that Silver Cross is solely responsible for maintenance,

upkeep and repair of the lift station and sanitary sewer lines. In Section 23 it says if the Village is ever named a defendant in any litigation that Silver Cross is responsible.

Trustee Smith asked if the sewer line and the lift station could be named specifically.

Silver Cross will add this to the language.

Mayor Baldermann asked if there was anyone in the audience that wanted to speak on this issue. There were no speakers.

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

Motion to approve the ordinance subject to the additional language was made by Trustee Smith and seconded by Trustee Finnegan

Upon roll call, the vote was:

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

NAYS: 0

ABSENT: 1 Trustee Madsen

The motion carried.

Consideration for Approval of a Site Plan – Silver Cross Ambulatory Surgical Center

Ms. Ellis reported the building itself will take about 4-acres in the northeast corner of the property. It is a one-story building and the parking lot is in compliance with our ordinance. There is also an area set aside on the west side of the building for possible future expansion. There will be landscaping around the building and the detention pond that they will be located along the north property line. The building in complimentary to the main hospital campus. There will be a sign on the building wall facing Silver Cross Blvd. and two monument signs. Staffs comments have been addressed.

Motion to approve the site plan was made by Trustee Butterfield and seconded by Trustee Johnson

Upon roll call, the vote was:

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

NAYS: 0

ABSENT: 1 Trustee Madsen

The motion carried.

Consideration for Approval of a Setting of Surety – Silver Cross Ambulatory Surgical Center

Mr. Nash reported the surety for the public improvements will be \$464,891.25.

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

Upon roll call, the vote was:

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

NAYS: 0

ABSENT: 1 Trustee Madsen

The motion carried.

Consideration for Approval of Acceptance of Easements – Silver Cross Ambulatory Surgical Center.

Mr. Nash requested Board approval of two separate easement.

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

Upon roll call, the vote was:

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

NAYS: 0

ABSENT: 2 Trustees Madsen and Butterfield

Trustee Butterfield stepped out of Chambers and was not present for the vote

The motion carried.

Consideration for Approval of a Waiver of the Subdivision Code – Timing of Final Asphalt Surface Installation – Hibernia Unit 6 – Hartz Construction

Mr. Nash stated this will be a waiver of our current code to allow Hartz Construction to put the asphalt surface on immediately. The Board approved this for Unit 5 in Hibernia which is a smaller section but have not had any issues.

Mayor Baldermann asked what the warranty is.

Mr. Nash stated there is a two year warranty from the time that is goes in. At that time we would go and do a final inspection just like all of the other public improvements.

Motion to approve the waiver of the Subdivision Code was made by Trustee Bowden and seconded by Trustee Finnegan

Upon roll call, the vote was:

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

The motion carried.

Consideration of an Ordinance Vacating Right-of-Way – Church Street – 1st Read

Ms. Ellis commented that this is the authorizing ordinance to vacate Church Street north of Route 30 to the Metra station.

This item will come back for second read at the next meeting.

Consideration of an Ordinance Amending Chapter 106 of the Municipal Code – Non-Commercial Trailers, Recreational Vehicles and Boats – 1st Read

Ms. Ellis reported this issue was discussed at the Council of the Whole meeting in September where the direction of the Board was to allow one motorized and one non-motorized RV to be parked in a residential driveway between April 1st and October 31st. Because it is an amendment to the Zoning Ordinance it had to go to the Plan Commission for a public hearing. The Plan Commission had a lengthy discussion and at the end had a split vote to deny it as presented. They were concerned that if there is a smaller driveway and it has two RV's parked where will they park their cars and what does it do to the esthetics of the neighborhood.

The Board went on to discuss the amount of times this ordinance was amended.

Mayor Baldermann stated these are the types of issues that are typically complaint driven.

Trustee Bowden expressed her opinion being in favor of this ordinance.

Trustee Smith stated he has no problems with this amendment as long as people keep up with their properties.

Trustee Butterfield expressed his concerns with the line of site and unsightly trailers.

Mayor Baldermann asked the Board if they would like to see any changes to the ordinance before it comes back for second read at the next meeting.

No Trustees asked for changes so the ordinance will come back as is. Trustee Bowden said she would notify the residents that had contacted her regarding this issue.

Consideration of an Ordinance Amending Chapter 78 of the Municipal Code – Timing for Payment of Water and Sanitary Sewer Tap-On-Fees – 1st Read

Ms. Ellis reported this item was also discussed at the Council of the Whole Meeting. Since the economic downturn the Board has consistently waived the requirement of our Subdivision Code that requires tap-on-fees to be paid with the final plat approval. This amendment will be consistent with what our past practices have been over the last five years to require the fees to be paid at the time of building permit at the rate in effect at that time.

This ordinance will come back for second read at the next meeting.

Consideration of an Ordinance #2606 Amending Title 90 of the Municipal Code – Speed Limits – Nelson Road from Route 30 to Delaney Road – 1st Read

Mayor Baldermann reported that the Nelson Road extension is still on schedule to be opened on December 2nd. He went on to say there should be a consistent speed limit from Delaney Road to Route 30. There was discussion weather the speed limit should be 30mph or 35mph. The Village Board concurred that the speed limit on Nelson Road from Delaney Road to Route 30 should be 30mph.

Trustee Smith asked if reflectors can be installed. The Village Board concurred.

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

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

Upon roll call, the vote was:

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

NAYS: **0**

ABSENT: **1** Trustee Madsen

The motion carried.

Consideration for Approval of a Proposal – Server for Data Back-Up - Current Technologies

Mr. Carroll reported we are reaching our capacity under our current server. This new backup server would allow us to store twice the amount of the existing data. This is not a budgeted item but we do have room within our IT program for this.

Motion to approve the purchase was made by Trustee Johnson and seconded by Trustee Finnegan

Upon roll call, the vote was:

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

NAYS: 0

ABSENT: 1 Trustee Madsen

The motion carried.

REPORTS AND COMMUNICATIONS FROM VILLAGE OFFICIALS

MAYOR

Plan Commission Appointment

Mayor Baldermann requested Board approval to appoint Andrew Hawkins to fill the vacancy in the Plan Commission.

Motion to approve the appointment was made by Trustee Smith and seconded by Trustee Johnson. Upon voice vote, the motion passed recording Trustee Madsen as ABSENT.

Mayor Baldermann reported on the recent coat drive that the New Lenox Police Department sponsored. He said they collected 1,500 coats, over 14,000 in the last 7 years.

Mayor Baldermann announced that Christmas in the Commons will be held on December 4th from 1pm – 5pm. Please come out and see the new holiday lights, also the Village and Park District have partnered up to have an ice rink that will be located in front of the Village Hall. The Park District will have rental skates. Mayor Baldermann went on to explain the cost of the decorations will be spread out over three years and also there is a marketing budget in place that is covering costs. He noted the Village is also going for private donations. This is not new money that is being spent, it is marketing money that the Board felt would benefit New Lenox. Also, the company that we are working with has a PR Firm that is out promoting New Lenox. We are promoting our community.

VILLAGE ATTORNEY

No report.

VILLAGE ADMINISTRATOR

Village Clerk Ruhl reported on the recent election. She stated there were 3,143 early voters in two weeks. She thanked Staff for their efforts.

Mayor Baldermann reported on the recent Veterans Day event in the Commons.

Mr. Nash gave a brief update of the Nelson Road extension.

PAYROLL & DISBURSEMENTS

Trustee Butterfield made the motion to approve our bi-monthly disbursements in the amount of \$6,418,709.96. In addition to this disbursement, approval is needed for biweekly payroll in the amount of \$343,117.98 paid on October 28, 2016, a biweekly payroll in the amount of \$352,852.85 and a quarterly payroll in the amount of \$5,731.67 both paid on November 11, 2016.

Trustee Finnegan seconded the motion.

Upon roll call, the vote was:

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

NAYS: **0**

ABSENT: **1** Trustee Madsen

The motion carried.

QUESTIONS AND/OR COMMENTS FROM THE FLOOR

Bill Walter asked if there will be a bike trail on Nelson Road from Illinois Highway to the CN tracks.

Mr. Nash said that is a next step to talk to the land owner to see if the Village can get an easement from him to do something along that stretch as well as Illinois Highway.

TRUSTEE COMMENTS

Trustee Johnson

Trustee Johnson had no comments.

Trustee Butterfield

Trustee Butterfield gave his condolences to Trustee Madsen for the loss of his son.

Trustee Bowden

Trustee Bowden echoed Trustee Butterfield.

Trustee Bowden thank Mr. Williams and the Public Works Department as well as the Board members who voted for the leaf program. She commented on its success.

Trustee Madsen

ABSENT

Trustee Finnegan

Trustee Finnegan had no comments.

Trustee Smith

Trustee Smith echoed Trustee Butterfield.

Trustee Smith commented on how he had attended a commissioning for the USS Illinois.

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 November 14, 2016 adjourned at 8:26pm.

Laura Ruhl, Village Clerk