

MINUTES OF THE REGULAR MEETING OF THE
NEW LENOX BOARD OF TRUSTEES
New Lenox Village Hall, 1 Veterans Parkway
Monday, December 21, 2009

#09-33

CALL TO ORDER

The Regular Meeting of the New Lenox Village Board of Trustees was called to order at 7:03 p.m. by Mayor Timothy Baldermann in the Council Chambers of the New Lenox Village Hall.

ROLL CALL

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

Trustees Smith, Butterfield, Madsen, Bowden, Dye, and Mayor Baldermann

Absent: Trustee Tuminello

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 Russ Loebe, Village Clerk Marcia Englert, Finance Director Kim Auchstetter, Planning & Development Administrator Robin Ellis, Village Engineer Scott Killinger, Building & Zoning Administrator Warren Rendleman, Police Chief Bob Sterba, Public Works Superintendent Ron Sly, Economic Development Director Randall Lowman, Assistant to the Administrator Carol Hennessy, Attorney Chris Spesia, and Deputy Clerk Laura Ruhl.

CITIZENS REQUESTS & SPECIAL REQUEST

Recognition of New Lenox Scouting Program Food Drive

Mayor Baldermann reported on the participation of over 100 New Lenox scouts in a food drive the first two weeks of November. He listed the troops involved as Cub Scout Pack #49 and #94, Boy Scout Troop #12, #49, and #55, Girl Scout Troops #91, #106, #129, #359, #363, #411, #505 and #649. He stated the scouts dropped off 3,350 grocery bags throughout the community one week and collected the bags the next week. He reported the collection efforts netted 13,171 food items to support food pantries at New Life Church, New Lenox

Township and St. Jude Church. He added these scouts did a great job for the people of the community and applauded the parents, scout masters and leaders for dedicating their time to the organization of this and similar events.

Mr. Bill Thompson stated that the scouting program was available to all children in the community and taught a lot of values that the scouts used as adults. He noted they worked to make New Lenox a better community. He stated parents could Google New Lenox Girl Scouts or Boy Scouts for further information on becoming a scout. Mayor Baldermann stated the websites were also listed on the Village website.

Request for Extension of Site Plan Approval – New Lenox Town Center Lot 3 – John McVickers

Ms. Ellis reported the amendments to the PUD for New Lenox Town Center were done about a year ago noting at that time the site plan for Lot 3 was included for 80,000 square feet of retail. She stated that with the economy the developer was not able to pull a building permit which was required and requested a one year extension. Staff had no objection to the request.

Motion to approve the request for one year extension of site plan for New Lenox Town Center Lot 3 made by Trustee Smith and seconded by Trustee Dye. Upon voice vote, the motion carried unanimously with Trustee Tuminello recorded as ABSENT.

Request for Class B Liquor Licenses – Walgreens – Nelson Road & Schoolhouse Road Locations

Mayor Baldermann reported when he and the Village Clerk explained to Walgreens representatives that the liquor could not be available or accessible after hours. He stated the background checks were okay. Ms. Englert stated they had a liquor license in the past which they dropped explaining that when they dropped their previous license it came of the books and they had to go through the whole process again.

CONSENT AGENDA

Mayor Baldermann reported on a change to Item H - Surety Reduction for Cedar Crossings. Mr. Killinger reported his staff agreed with the request for surety reduction but wanted to take a look at unit prices for verification. He stated the developer requested a reduction of \$6.2 million and staff recommended that the reduction be \$5 million. He noted a further reduction may come before the Board next month.

Motion to approve Consent Agenda #09-33 consisting of 9 items with the amendment to Item H as described above made by Trustee Madsen and seconded by Trustee Bowden.

Items up for approval at this time are as follows:

- A - Surety Reduction – Michigan & Western
- B - Surety Reduction – Prairie Ridge Estates Landscape

- C - Surety Reduction – Prairie Ridge On-Site Improvements
- D - Surety Reduction – Prairie Ridge Off-Site Improvements
- E - Surety Reduction – Rachel Ridge Subdivision
- F - Surety Reduction – Sky Harbor Unit 1
- G - Surety Reduction – Taylor Glen Unit 2
- H - Surety Reduction – Cedar Crossings (with change as described above)
- I - Surety Release – Ortiz Estates

Upon roll call, the vote was:

AYES: 6 Trustees Dye, Bowden, Smith, Butterfield, Madsen,
and Mayor Baldermann

NAYS: 0

ABSTAIN: 0

ABSENT: 1 Trustee Tuminello

The motion carried.

ORDINANCES & RESOLUTIONS

Ordinance #2080 Adopting FY 09-10 Tax Levy

Mayor Baldermann reported Ms. Auchstetter reported on the levy last week. Trustee Smith commented that the levy decreased again.

Motion to approve Ordinance #2080 Adopting FY 09-10 tax levy made by Trustee Madsen and seconded by Trustee Butterfield.

Upon roll call, the vote was:

AYES: 6 Trustees Bowden, Madsen, Butterfield, Smith, Dye,
and Mayor Baldermann

NAYS: 0

ABSTAIN: 0

ABSENT: 1 Trustee Tuminello

The motion carried.

Ordinance #2081 Abating Interest and Principal on GO Bond Series 1999, GO Bond Series 2002A, GO Bond Series 2004, GO Bond Series 2005, GO Bond Series 2007 and GO Bond Series 2009

Mr. Loebe reported the whole general obligation issue had been abated for 19 years. He stated the Village always elected for water and sewer rates to pay for the cost of their own improvements. He noted using general obligation bonds was the most cost effective way to proceed and ended up abating on the property tax bills a \$2.5 million interest/principal payment. He reported there should be no property tax increase and a reduction in the municipal tax rate for the Village of New Lenox should occur again this year.

Motion to approve Ordinance #2081 Abating Interest and Principal on GO Bond Series 1999, GO Bond Series 2002A, GO Bond Series 2004, GO Bond Series 2005, GO Bond Series 2007 and GO Bond Series 2009 made by Trustee Smith and seconded by Trustee Bowden.

Upon roll call, the vote was:

AYES:	<u>6</u>	Trustees Butterfield, Madsen, Smith, Bowden, Dye, and Mayor Baldermann
NAYS:	<u>0</u>	
ABSTAIN:	<u>0</u>	
ABSENT:	<u>1</u>	Trustee Tuminello

The motion carried.

Ordinance #2082 Levying Taxes for Special Service Area 2008-1 – Wildwood Club Detention

Mr. Loebe reported this was a specific tax that referred to this particular residential subdivision added at the request of the residents to pay for the maintenance of the storm water detention pond. He stated in keeping with last year's levy this would provide the resources to cut grass and have money in reserve for any significant maintenance needed in the future. He reported this would return every year for approval and increases if necessary.

Trustee Smith stated the homeowners requested this SSA be set up. Mr. Loebe stated this was the first time this vehicle was used for pond maintenance adding it was requested by the Homeowners Association. Trustee Smith stated only those taxpayers were affected. Mr. Loebe stated only the homeowners in Units 8, 9 and 10 in Wildwood Club Estates would be involved.

Motion to adopt Ordinance #2082 levying taxes for Special Service Area 2008-1 for Wildwood Club Estates made by Trustee Smith and seconded by Trustee Dye.

Upon roll call, the vote was:

AYES: 6 Trustees Madsen, Dye, Butterfield, Smith, Bowden,
and Mayor Baldermann

NAYS: 0

ABSTAIN: 0

ABSENT: 1 Trustee Tuminello

The motion carried.

Ordinance #2083 Creating Two Class B Liquor Licenses – Walgreens

Motion to adopt Ordinance #2083 creating two Class B liquor licenses for Walgreens made by Trustee Butterfield and seconded by Trustee Dye.

Upon roll call, the vote was:

AYES: 6 Trustees Dye, Bowden, Smith, Butterfield, Madsen,
and Mayor Baldermann

NAYS: 0

ABSTAIN: 0

ABSENT: 1 Trustee Tuminello

The motion carried.

Ordinance #2084 Amending Chapter 2, Article III, Division 3 of Municipal Code – Administration – 1st Read

Mayor Baldermann reported first read could be waived on this item and action taken. He stated this gave the Board the ability to use a consulting service for an administrator.

Motion to waive rules for first and second read made by Trustee Smith and seconded by Trustee Bowden. Upon voice vote, the motion carried unanimously with Trustee Tuminello recorded as ABSENT.

Motion to adopt Ordinance #2084 amending Chapter 2, Article III, Division 3 of Municipal Code for Administration made by Trustee Bowden and seconded by Trustee Smith.

Upon roll call, the vote was:

AYES: 6 Trustees Dye, Bowden, Smith, Butterfield, Madsen,
and Mayor Baldermann

NAYS: 0

ABSTAIN: 0

ABSENT: 1 Trustee Tuminello

The motion carried.

REPORTS AND COMMUNICATIONS FROM VILLAGE OFFICIALS

MAYOR

Resolution #09-34 Authorizing Execution of Agreement to Provide Administration Consulting Services – LRL Management, Inc.

There were no Board questions or comments.

Motion to adopt Resolution #09-34 authorizing execution of agreement to provide administration consulting services from LRL Management, Inc. made by Trustee Bowden and seconded by Trustee Smith.

Upon roll call, the vote was:

AYES: 6 Trustees Butterfield, Madsen, Dye, Bowden, Smith,
and Mayor Baldermann

NAYS: 0

ABSTAIN: 0

ABSENT: 1 Trustee Tuminello

The motion carried.

Mayor Baldermann reported that four of the six bands for the summer Concert Series were confirmed as available. He stated action on the contracts would be taken in January. He noted that last year there were three concerts with three big bands playing. He added this would change in 2010 with a local band would opening for a big band with a headline act playing after that. He reported June 19th, August 14th and September 4th would be the dates of the concerts. Trustee Bowden commented that the mayor was finding bands that appealed to a wide audience. Mayor Baldermann recommended a \$40 ticket price for New Lenox residents for the first month of ticket sales and then \$50 for anyone after the first month. He

noted this year there would be a limited amount of tickets available for individual concerts at the price of \$30.

Mayor Baldermann wished everyone a Happy Holiday and Happy New Year. He thanked the Board and staff for their tremendous efforts throughout the year.

VILLAGE ATTORNEY – None

VILLAGE CLERK

Ms. Englert reported that January 11, 2010, would begin Early In-Person Voting at 9 a.m. at the Village Hall. She stated early voting would continue for three weeks from 9 a.m. to 4:30 p.m. for the primary election.

POLICE CHIEF – None

FINANCE DIRECTOR - None

PLANNING & DEVELOPMENT ADMINISTRATOR - None

BUILDING & ZONING ADMINISTRATOR - None

ECONOMIC DEVELOPMENT DIRECTOR - None

VILLAGE ENGINEER - None

PUBLIC WORKS SUPERINTENDENT - None

VILLAGE ADMINISTRATOR – None

COMMITTEE REPORTS

Finance Committee – Trustee Butterfield

Trustee Butterfield reported the committee met earlier in the evening and discussed the Oak Lawn Water delivery. He stated the contract expired in 2011 and the committee would continue to discuss this item. He noted that improvements to the system were forthcoming.

Trustee Butterfield reported the committee discussed a local business that might protest tax assessments due to the economy.

Trustee Butterfield stated the committee discussed the budget including refinancing of bonds to save money for the Village while the rates were good.

Trustee Butterfield asked about availability of coats collected in the recent Coat Drive. Chief Sterba stated there were plenty of coats still available.

Water & Sewer Committee – Trustee Bowden

Trustee Bowden reported the committee met earlier in the evening and discussed the Southgate Sewer/Water Project. She noted this was near completion and the punch list items were being done including driveways.

Trustee Bowden reported on discussion regarding the McVickers Project. She stated most of the off-site work had been done and on-site work of the water main was underway. She added that a meeting was being set for the residents of Williams Street for the first week in January. She stated the project was scheduled to begin in January while the ground was frozen.

Trustee Bowden stated the Walmart project was on schedule. She noted hopefully the Menards project would fall into place shortly.

Trustee Bowden stated the committee discussed the sewer plant project update. She noted that all submissions for WTP #1, WTP #2 and WTP #3 were done and approval was pending.

Trustee Bowden stated that sureties due in January and February did not have any issues. She added that Ms. Auchstetter was working with Mr. Killinger to stay on top of these items.

Public Safety Committee – Trustee Smith

Trustee Smith reported the committee met on November 23rd and discussed IDOT's review of the Route 30 speed limit. He noted Engineering and a police officer were working with IDOT. He stated Trustee Bowden attended this meeting.

Trustee Smith reported CERT began their third class.

Trustee Smith reported that things were doing well with the 9-1-1 Center. He stated their meeting was held at the Village Hall recently.

Development & Land Use Committee – Trustee Dye

Trustee Dye reported the committee met last week and discussed energy efficient grants. She stated she saw an article in the newspaper reporting that Romeoville would be issuing grants to new homebuilders and had asked staff to look into this further. She reported that the Romeoville's grants were based upon their population of 35,000 and this was a minimum requirement. She noted it was not for new construction. She reported the Board did not want to use taxpayer money to give to developers for new development.

Trustee Dye reported wind and solar energy systems were discussed by the committee. She stated that even though Board comments were made that there may not be enough sun or wind in New Lenox to support these systems it would be up to the individual or developer if they wanted to use these items.

Trustee Dye reported the committee discussed inflatable signs for business sponsored events. She noted this item would continue to be looked at and Ms. Ellis could bring a draft ordinance before the Board in January for review.

Trustee Dye reported a developer attended the meeting to discuss eliminating a trail which might work out better for the residents. She stated this trail would not connect to anything. Ms. Ellis reported the stub connection led to the trail along the Hadley Valley Spring Creek Preserve. Trustee Dye asked if this would have to come back before the Board. Ms. Ellis stated it would. Trustee Dye stated this development was trying to get LEED certification for as much energy efficiency as possible. She noted this development was interested in the wind and solar systems.

Trustee Butterfield stated the access to the trail would remain but the backyard trail lead to nowhere.

Streets & Drainage Committee – Trustee Tuminello

In Trustee Tuminello's absence, Trustee Bowden reported on discussion of the FY 2011 Local Rail Highway Grade Crossing Safety Program. She stated that in discussion with IDOT these projects were not for the silent crossings as hoped but was for placement of gates.

Trustee Bowden reported that traffic calming measures were discussed. She noted that the Public Safety Committee would discuss this topic as well.

Trustee Bowden reported the committee discussed the Prairie Ridge sump pump collection system. She stated the developer presented information on alternatives for the collective sump pump water and the committee requested more data. She added she personally had a lot of questions as did Trustee Tuminello.

Trustee Bowden reported on the call for projects from the Surface Transportation Board was discussed last month. She stated the call was from the Southwest Mayors & Managers Council adding that New Lenox was part of the Will County Council who was not calling for projects.

Trustee Bowden reported that the island at the Cedar Road Bridge was discussed.

Trustee Bowden reported on \$349,000 in stimulus money received by the Village for road overlay being placed on an IDOT March 5, 2010 letting. She stated there was also \$317,500 in state emergency repair funds that Representative Kosel procured. She noted the money was currently earmarked for Illinois highway and work would be done with the State to determine how best to use the money in the spring. She reported IDOT planned to overlay Route 30 from Kraker Avenue in Joliet to I-80 noting the project was also on the March 5th letting.

Trustee Bowden reported work on Williams Street would begin in January.

Trustee Smith asked about improvements to Gougar and Route 30 in consideration with the overlaying of Route 30 west from I-80. Mr. Killinger stated that Route 30 and Gougar was a CMAC project. He stated the overlay would be a grind and resurface. He noted the intersection improvements would be more extensive.

Mayor Baldermann stated he attended a senior breakfast at the Fire Department recently where residents from the Wellington townhomes told him about IDOT trying to acquire parcels for Route 30 improvements. He stated the residents informed him that they were told by the IDOT representative that their berms would have to be removed and a sound wall with a chain link fence on the top installed. Mr. Killinger stated the Village had not seen any of these plans. Mayor Baldermann stated the Village needed to get involved in this issue. Trustee Bowden stated that the berms were a Village ordinance. Trustee Smith stated IDOT would acquire the property. Mayor Baldermann stated he felt bad for the residents adding that the preliminary discussions they have had were unacceptable. He asked Mr. Killinger to contact IDOT regarding this. He noted that their timeline of having this done by next year was probably not going to happen but he wanted the Village to stay on top of this. Trustee Bowden agreed with Mayor Baldermann. Mayor Baldermann stated he told the residents to call his office before the next meeting with IDOT so that the Village could have someone there.

Public Improvements Committee – Trustee Madsen

Trustee Madsen reported the committee met November 23rd and discussed the commercial trailer ordinance. He stated commercial class cases from the Secretary of State's Office were discussed so that a new definition for the difference between commercial and a recreational trailer could be better outlined. He noted discussion of amendments to the current code to revise the permitted dates from the 15th of each month to the 1st of each month. He added this change would allow residents who store their vehicles to take advantage of a full month's rent.

Trustee Madsen reported the committee discussed holding a joint meeting with the Public Safety Committee to discuss trailer issues and parking requirements in the right-of-way. He stated this meeting would take place in January.

Trustee Madsen reported on discussion of the Outdoor Entertainment Ordinance guidelines and draft applications timelines. He added that the number of special events and who would approve these requests as well as the hours of operation were items of discussion. He reported Ms. Ellis suggested that the Zoning Board of Appeals (ZBA) review the applications and the Board have final approval. He noted this issue would be forwarded to the Land Use Committee for discussion and to the ZBA for text amendment to the zoning code. Mayor Baldermann stated it read three consecutive days and asked if they were looking how many times a year as well. Trustee Madsen stated that was discussed.

Trustee Madsen reported the ordinance for vacant and abandon housing was discussed. He noted the first read of the ordinance was approved by the Board and posted on the Capital Investment website. He noted staff was working with local realtor groups to address their concerns. He stated the proposed Vacant Structure Ordinance was in its sixth version and

should be brought for adoption in January 2010. He reported on receipt of correspondence from Thomas Joseph, Three Rivers Realtors Association.

Trustee Madsen reported the State and Energy Code was discussed. He stated the 2009 Energy Conservation Code had been signed by the governor and was in the Capital Development Board for rule making and adoption. He stated that once the State completed all of their procedures this would return to the Board for adoption.

Mayor Baldermann reported he also discussed the ordinance for vacant houses with Thomas Joseph as did Mr. Rendleman, his staff and Mr. Loebe. He stated the Board received emails from the local realtors regarding certain issues that the Board was concerned about as well. He noted that the realtors were concerned about property owners' rights. He stated he told Mr. Joseph that the Village was concerned with that but also with the 15-20 people that lived around the vacant homes noting there was a home that neighbors were maintaining the outside of while pipes burst inside the vacant home. He noted Mr. Rendleman and his staff did a great job of working with the realtor group. He stated the Village would continue to do what was right for the community and final discussion with the realtor group would be held before further Board discussion.

Trustee Dye stated one vacant home had rats and the neighbors worried about children in the area and another home became an eyesore in the neighborhood. She added she appreciated that the Board had to look at all parties of an issue but to ignore the residents' concerns did not make sense.

Mayor Baldermann stated the realtors made valuable comments to the original draft and insight from them worked well. He noted everyone would not be happy but the Board would do the best for its residents.

Trustee Butterfield stated the Board had to prepare the ordinance so that it would cover the worst case scenario.

Trustee Madsen stated the community of existing residents needed to be protected as well as a potential resident who might purchase these homes. Mayor Baldermann stated this should be welcome to all because it would help keep the property values up.

PAYMENT OF BILLS

Motion to approve payroll and disbursements in the amount of \$101,389.44 and disbursements in the amount of \$2,805,880.87 including bi-weekly payroll in the amount of \$419,184.85 payable on December 4, 2009, as well as monthly payroll in the amount of \$6,225 and bi-weekly payroll in the amount of \$344,604.99 both payable on December 18, 2009 made by Trustee Butterfield and seconded by Trustee Madsen.

Upon roll call, the vote was:

AYES: **6** Trustees Madsen, Dye, Butterfield, Smith, Bowden,
and Mayor Baldermann

NAYS: 0

ABSTAIN: 0

ABSENT: 1 Trustee Tuminello

The motion carried.

QUESTIONS AND/OR COMMENTS FROM THE FLOOR - None

TRUSTEE COMMENTS

Trustee Dye

Trustee Dye wished everyone a Merry Christmas. She added to state legislators she would send a Bah Humbug because they could not find a way to send a check to Lincoln Way High School. She added it did not matter which state administration was at fault and that this matter needed to be fixed.

Trustee Butterfield

Trustee Butterfield wished everyone Happy Holidays.

Trustee Tuminello - Absent

Trustee Bowden

Trustee Bowden wished everyone a Merry Christmas and Happy New Year.

Trustee Madsen

Trustee Madsen wished everyone Happy Holidays and hoped everyone had a healthy and prosperous New Year.

Trustee Smith

Trustee Smith agreed with Trustee Dye's comments regarding state legislators and Lincoln Way High School. He thought the Federal Government could learn something as well.

Trustee Smith stated he had served the Board for over 19 years and every year the Village abated at minimum \$3,000 to \$4,000 in property taxes. He reported several cost cutting items in administration had been done to save more money without dropping employees or services. He added that the Board and staff should be very proud of these facts because others municipalities were complaining about lack of money and cutting services.

Trustee Smith wished everyone a Merry Christmas and Happy New Year.

EXECUTIVE SESSION - None**ADJOURNMENT**

Motion to adjourn the meeting made by Trustee Smith and seconded by Trustee Bowden. Upon voice vote, the motion carried with Trustee Tuminello recorded as ABSENT. The Regular Meeting of the Village of New Lenox Board of Trustees held on December 21, 2009 adjourned at 7:56 p.m.