

MINUTES OF THE REGULAR MEETING OF THE
NEW LENOX BOARD OF TRUSTEES
New Lenox Village Hall, 1 Veterans Parkway
Monday, December 8, 2008

#08-32

CALL TO ORDER

The Regular Meeting of the New Lenox Village Board of Trustees was called to order at 7:04 p.m. by Mayor Timothy Baldermann in the Council Chambers of the New Lenox Village Hall.

ROLL CALL

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

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

The following were absent: None

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, Planning and Development Administrator Robin Ellis, Finance Director Kim Auchstetter, Village Engineer Scott Killinger, Police Chief Bob Sterba, Building & Zoning Administrator Warren Rendleman, Economic Development Director Randall Lowman, Assistant to the Administrator Carol Hennessy, Attorney Jack Ardaugh, Civil Engineer Will Nash, and Deputy Clerk Bonnie Motyka.

CITIZENS REQUESTS & SPECIAL REQUEST

Presentation of Brick Award – Postl Yore

Mr. Len Mazanek, Postl Yore, presented the Board with an award from the Illinois-Indiana Masonry Council for excellence in masonry design for the craftsmanship of the Village Hall. Trustees Bowden, Smith and Dye accepted the award as members of the Village Hall Committee. Mr. Mazanek reported on a publication by the Brick Distributors of Illinois where the Village Hall was featured on the front and back cover with an inside article which he would frame for Village display. He added he would include a booklet from the award ceremony as well.

PUBLIC HEARING – Tax Levy

Mayor Baldermann opened the public hearing at 7:05 p.m. Ms. Englert provided proof of notice. There were no speakers to be sworn in.

Ms. Auchstetter reported the tax levy for 2008 taxes was \$2,179,794 which was a \$150,000 increase over last year. She added that 55% was related to inflation calculated at 4.1% statewide and the remaining 45% was new growth. She reported the actual tax limiting rate on the tax bill would be capped at one decimal less than last year's rate. She stated the tax levy was derived by estimates and she worked on the numbers with Bonnie Hernandez, New Lenox Tax Assessor. She noted that the Village had decreasing tax rates for the last 17 years and she discussed with the Ms. Hernandez on ensuring that this year would also be a decrease. She added the Tax Assessor recommended she include a letter requesting the tax cap be 26.18 so that the taxes would be calculated lower than last year's rate. She reported the Tax Assessor would do the figures and the rate may be lower but this would insure a cap at a lower rate than last year.

Mayor Baldermann reported the perception of the community was that the Village would live within the tax caps but the rate would go up. He noted that after 17 years of decreasing the rate the Board promised the community if that they passed Home Rule they would still follow the tax caps. He stated the Board was honoring that.

Mr. Loebe reported that the letter would ensure that the Board remained consistent with the downward trend that the Board had done over the past 17 years. He stated there were a few other taxing bodies in the County that requested additional assurance that their rates would go down.

Ms. Auchstetter stated this was referred to as self-limiting and a few other taxing bodies did this as well. She reiterated that this would be done by the inclusion of the letter and the rate could be adjusted in April.

Trustee Bowden stated this was something the community expected would change and she was proud to say that the Board was keeping the costs down in order to not negatively affect their tax bill.

Trustee Smith stated this reflected well on the Board that for the last 18 years they looked for growth to pay for itself and when growth slowed there was enough foresight by the Board to have something put away so they did not have to go back to the taxpayers.

Mayor Baldermann stated the Village could live within the tax caps and still have an increase but opted not only to do that but to limit what they could get.

Trustee Dye stated if there was an increase on a tax bill it would be due to the EAV increasing.

Trustee Smith stated they should contest any increase this year. He added that the Village was a small portion of a tax bill.

Trustee Tuminello stated the Board was living up to the promises made when they requested to become a Home Rule community. Trustee Smith hoped another Board would honor the same system.

Mayor Baldermann closed the public hearing at 7:14 p.m.

Request for Special Event Banner – Lincoln Way Community Bank – Mark Stevens

Mayor Baldermann reported one banner was allowed per year for commercial establishments for special events and Lincoln Way Community Bank had a banner earlier this year. He added that they received Business of the Year honors from the Chamber of Commerce on December 2nd and requested permission to display the banner on their building.

Motion to approve the request for Special Event Banner for Lincoln Way Community Bank made by Trustee Dye and seconded by Trustee Tuminello. Upon voice vote, the motion carried.

Non-Payment of Recapture – Bill Bolker

This item was tabled until the December 15th meeting due to ongoing discussions.

CONSENT AGENDA

Motion to approve 3 items on Consent Agenda #08-29 as presented in packet made by Trustee Madsen and seconded by Trustee Butterfield.

Items up for approval:

- A - Surety Reduction – Shoppes at Heather Glen
- B - Surety Reduction – Shoppes at Heather Glen
- C - Minutes of Regular Meeting of November 17, 2008

Upon roll call, the vote was:

AYES: 7 Trustees Butterfield, Madsen, Smith, Bowden,
Dye, Tuminello, and Mayor Baldermann

NAYS: 0

ABSTAIN: 2 Trustees Bowden and Dye

ABSENT: 0

The motion carried.

ORDINANCES & RESOLUTIONS

Ordinance #2007 for Levy and Assessment of Taxes for the Current and Fiscal Year Beginning May 1, 2008 and Ending on April 30, 2009 of the Village of New Lenox, County of Will, State of Illinois

Motion to approve Ordinance #2007 for Levy and Assessment of taxes for the current and fiscal year beginning May 1, 2008 and ending on April 30, 2009 of the Village of New Lenox, County of Will, State of Illinois made by Trustee Dye and seconded by Trustee Butterfield.

Upon roll call, the vote was:

AYES:	<u>7</u>	Trustees Smith, Butterfield, Madsen, Tuminello, Bowden, Dye, and Mayor Baldermann
NAYS:	<u>0</u>	
ABSTAIN:	<u>0</u>	
ABSENT:	<u>0</u>	

The motion carried.

Ordinance #2008 Authorizing Abatement of the Levy for the Tax Year 2007 to Pay the Interest and Principal on the GO Bond Series 1999, GO Bond Series 2002A, GO Bond Series 2004, GO Bond Series 2005 and General Obligation Series 2007

Ms. Auchstetter stated the abatement was for the bonds and interest for all of the debt the Village had. She noted that annually 100% of the taxes were abated and this year the taxes would be abated again. She reported this was a tax savings to the residents and alternate revenues paid for the bond issues.

Trustee Smith stated other taxing bodies issue checks to residents and the Village did not get the same credit because they did not do that. He noted the Village abated a lot of money in interest due to having growth pay for itself.

Motion to approve Ordinance #2008 authorizing abatement of the levy for the Tax Year 2007 to pay the interest and principal on the GO Bond Series 1999, GO Bond Series 2002A, GO Bond Series 2004, GO Bond Series 2005 and General Obligation Series 2007 made by Trustee Dye and seconded by Trustee Butterfield.

Upon roll call, the vote was:

AYES:	<u>7</u>	Trustees Tuminello, Butterfield, Madsen, Dye, Bowden, Smith, and Mayor Baldermann
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NAYS: 0

ABSTAIN: 0

ABSENT: 0

The motion carried.

Resolution #08-36 Authorizing Execution of Metra Licensing Agreement – Commuter Lot Maintenance

Mr. Loebe reported this was a housekeeping issue regarding the multiple phases of the commuter parking lot located north of Route 30. He stated this would authorize the Village of New Lenox to continue to charge parking fees at the lot as well as do the maintenance of the lot. He reported this was a universal agreement that Metra passed with all of their member communities and did not obligate the Village to do work inside of the station. He added that the Village did maintain the station on Laraway Road.

Trustee Butterfield asked if this was a yearly contract. Mr. Loebe stated once this was in place it would be done.

Motion to adopt Resolution #08-36 authorizing execution of Metra licensing agreement for Commuter Lot maintenance made by Trustee Dye and seconded by Trustee Smith.

Upon roll call, the vote was:

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

NAYS: 0

ABSTAIN: 1 Trustee Madsen

ABSENT: 0

The motion carried.

REPORTS AND COMMUNICATIONS FROM VILLAGE OFFICIALS

MAYOR

Mayor Baldermann announced the retirement of Commander Dennis Klier from the New Lenox Police Department effective on December 22, 2008, after 24 years of dedicated service to the community. He stated the Board would have Commander Klier come in for a presentation for his service.

Mayor Baldermann expressed his sympathy to the family of Tom Arthur on his recent passing. He reported Mr. Arthur had been a volunteer for Channel 6 and Cable TV for many years doing tapings of an assortment of events including Village Board meetings. He expressed his appreciation for the many years of dedication Mr. Arthur gave to the Village noting he would be missed.

Mayor Baldermann reported the tree lighting in the Commons on December 7th was very nice. He thanked staff and Board members for volunteering their services at the event. He encouraged residents to drive through the Commons to see the decorated trees. He expressed special thanks to Mr. Sly and the Public Works Department for their hard work. He pointed out that Santa, wagon rides and the reindeer exhibit were provided for family fun and noted the Board was committed to holding these community events in the center of town.

Mayor Baldermann reported that there was a change in ownership of the Charley Horse noting that the original owner, Brian Sord, would be honoring the gift cards that were purchased prior to the change in ownership.

Mr. Brian Sord addressed the Board thanking them for the Special Meeting on December 3rd. He thanked Ms. Englert for helping him through the liquor license process. He stated he felt bad for the events of the past few months with the restaurant but noted he would be taking over the business and honoring their Charley Horse/94 West gift cards.

Mayor Baldermann reported that he and Mr. Loebe met with representatives from Canadian National earlier in the day to tour the Village so CN was aware of what the Village faced with their pending acquisition of E J & E. He stated they pointed out the extreme increase in trains and how it would impact the community. He reported that he requested CN make a formal offer to the Village regarding mitigation which he should have by December 12th. He noted that no grade separations or money for overpasses/underpasses would be included in their offer. He added CN discussed the possibility sound walls, silent crossings, quad gates, and technology for emergency responders as items for mitigation. He reported it would be premature for the Board to make too many comments this evening before seeing the CN formal offer. He expressed his appreciation to Trustee Bowden, Mr. Loebe and Ms. Hennessy for attending meetings regarding this issue.

Mayor Baldermann stated the community had continued to be engaged in the CN issue and announced a Town Hall Meeting for Saturday, December 13th at 11:30 a.m. to provide information to the community on CN's intentions for New Lenox. He reported the Board may have to take action at the December 15th meeting prior to the Surface Transportation Board meeting in January.

Mayor Baldermann stated that the Board was very concerned with this proposed sale and its effect on the community. He noted that mayors from Frankfort, Joliet, Crest Hill and others were fine leaders taking care of their towns and making their decisions based on what was best for their residents.

Trustee Dye suggested the use of the reverse phone bank to notify residents of the upcoming Town Hall Meeting.

Trustee Bowden suggested emailing the residents on the CN Rally sign- in sheet.

Mayor Baldermann pointed out that the Board was very open with the public from the beginning by stating this was an uphill battle due to the rights of the railroad.

Trustee Tuminello asked for Mayor Baldermann's opinion on whether this was a divide and conquer strategy. Mayor Baldermann stated he had always been in communication with CN representatives and negotiations were never shut down. He noted that the more towns that were on board would look best for them. He added that he thought that the Surface Transportation Board would vote in CN's favor but may have CN mitigate with each community. He noted that CN may be trying to get a head start on that. He stated the Board needed to look at both sides of the issue and do what was best for the community. He explained that CN and the STB might see differences between safety issues and quality of life issues.

Trustee Bowden asked if a representative from CN would be available on Saturday. Mayor Baldermann stated they would not be attending the meeting. Trustee Smith commented on the availability of other representatives that were elected in November. Mayor Baldermann stated that Will County representatives had been positive.

Trustee Butterfield commented on the overpass they were doing in Lynwood which CN would only be responsible for 15% of.

Mayor Baldermann stated that the New Lenox Post Office had been dedicated and renamed in honor of Jacob Lowell. He reported on his attendance at the dedication at Lincoln Way High School adding that the family was grateful for the community not forgetting their son.

VILLAGE ATTORNEY – None

VILLAGE CLERK - None

POLICE CHIEF - None

FINANCE DIRECTOR - None

PLANNING & DEVELOPMENT ADMINISTRATOR - None

BUILDING & ZONING ADMINISTRATOR - None

ECONOMIC DEVELOPMENT DIRECTOR – None

Mayor Baldermann reported staff met with the interested parties of the building in the Commons where construction had stopped. He stated there were assurances that in the near future a roof and windows would be added.

Mr. Rendleman stated that from a safety concern the building needed to be secured. He stated that the interested parties agreed that at a minimum they would put on a roof as well as

add windows and doors within two weeks from today. He noted the developer had some prospects for the building including proposed tenants.

Mayor Baldermann updated the Board regarding the Lumber Yard stating that the Village continued to work with the property owner. He explained that the Village did have legal options but would continue to work with the property owner for now.

VILLAGE ENGINEER

Bid Award – Haven & Gougar Intersection

Mr. Killinger stated seven bids were opened on the Gougar & Haven signalization project. He reported the low bidder was P T Ferro in the amount of \$1,098,479.76. He stated they would like to get the project completed by August 15, 2009 before Lincoln Way West opened and they were ahead of schedule explaining that the utility companies could get moving on their end.

Trustee Smith stated the Committee reviewed this earlier. He noted he asked that Northern Builders and the County be apprised so they would be ready with their portion.

Mr. Killinger added that 1/6 of the total project, estimated to be \$216,000, to be paid by Northern Builders with the other portion to be paid 50-50 between the Village and the County, estimated at \$540,000 each.

Motion to approve the bid award for Haven & Gougar Intersection made by Trustee Madsen and seconded by Trustee Smith.

Upon roll call, the vote was:

- AYES:** 7 Trustees Dye, Bowden, Smith, Butterfield, Madsen, Tuminello, and Mayor Baldermann
- NAYS:** 0
- ABSTAIN:** 0
- ABSENT:** 0

The motion carried.

Award of Contract – Construction Management – Haven & Gougar Intersection

Mr. Killinger requested Board acceptance of a contract for construction management for the Haven & Gougar Intersection project with Christopher Burke Engineering in the amount of \$101,004.00. He noted the amount included \$10,000 for testing services.

Motion to award contract for construction management for Haven & Gougar Intersection to Christopher Burke Engineering in the amount of \$101,004.00 made by Trustee Madsen and seconded by Trustee Smith

Upon roll call, the vote was:

AYES:	<u>7</u>	Trustees Bowden, Madsen, Tuminello, Butterfield, Smith, Dye, and Mayor Baldermann
NAYS:	<u>0</u>	
ABSTAIN:	<u>0</u>	
ABSENT:	<u>0</u>	

The motion carried.

Mr. Killinger reported on possible improvements of adding a right turn lane at Gougar Road and Route 30. He stated that through discussions with the County he was told this was a CMAQ project scheduled for construction in 2010. He noted if temporary improvements were made by the Village a curb would have to be removed for a larger turn radius and one of the light poles would have to be moved. He added the Village would need an IDOT permit to do that and by the time this was done the permanent improvements should be ready. He did not recommend pursuing this. Mayor Baldermann asked Mr. Killinger to stay on top of this with the County to ensure that this stayed on the calendar for 2010 due to the danger of this intersection.

Trustee Butterfield asked if it would be better to look into pursuing the temporary improvements due to the increase in truck traffic with additional warehouses. Mr. Killinger stated he would get figures so the Board could discuss this further.

Trustee Smith suggested discussing this with Joliet as well because their trucks access this intersection.

Mayor Baldermann stated the Village would not be in a position to do this work before 2010. Trustee Butterfield suggested the companies in the area contact the County about this as well.

Trustee Dye stated that school buses would be using this intersection also. Mr. Killinger stated he would get numbers and report back to Streets & Drainage.

Mr. Killinger reported on a recent resident concern with the left turn queuing on the Cedar Road Bridge. He added the design was done to IDOT standards using traffic counts from 1998 projected to 2020. He reported that short of tearing this section out and redoing it there was not a solution.

Mayor Baldermann stated the Board needed to determine if this was an issue before pursuing this. Trustee Bowden stated the area was always and would continue to be congested with the train in the area.

Mr. Killinger stated that the signalization at Calistoga Plaza was powered up and should be turned on this Friday.

Mr. Killinger stated contractor was working on the signal at Prairie & Route 30 and currently boring under Route 30 was being done to install electrical lines to interconnect all the signals. He explained that there was a possibility of the need to close a portion of Church Street due to the contractor encountering rock under the roadway. He stated he may contact the Board later in the week with this request. Mayor Baldermann asked if Opticon for the Fire Department would be installed to which Mr. Killinger stated it would.

PUBLIC WORKS SUPERINTENDENT - None

VILLAGE ADMINISTRATOR - None

PAYMENT OF BILLS – None

QUESTIONS AND/OR COMMENTS FROM THE FLOOR - None

TRUSTEE COMMENTS

Trustee Dye

Trustee Dye expressed her sympathy on the passing of Tom Arthur. She noted that there were many people from all aspects of Mr. Arthur's life at the memorial service and he would be missed.

Trustee Dye reported that a lot of discussion had been about the mall lately and she wanted to focus on a few local businesses in town. She stated there were three resale shops in New Lenox including Morningstar Mission across from Target, a resale at Francis & Cedar and one north of Speedway on Route 30.

Trustee Tuminello

Trustee Tuminello expressed his sympathy on the passing of Tom Arthur. He stated they shared a common bond with racing noting he would personally miss him.

Trustee Tuminello stated Trustee Smith did an outstanding job with the 9-1-1 building.

Trustee Tuminello reported on how New Lenox had been involved in the past with donations to troops during the holidays. He stated this year he would be involved with the program *Honor Flight* and explained that this service provided veterans with a chance to fly to Washington D.C. to see their memorial. He stated that anyone interested in this worthy cause could contact him at the Village Hall or on his website for further information. He added that

monetary donations were accepted and encouraged residents to contact him with names of World War II veterans that might want to participate in the trip. He stated volunteers could accompany the veterans on the trip at their own expense.

Trustee Butterfield

Trustee Butterfield expressed his sympathy on the passing of Tom Arthur. He stated his memorial was a tribute to Mr. Arthur and that he would truly be missed.

Trustee Bowden

Trustee Bowden expressed her sympathy on the passing of Tom Arthur. She related a story about Mr. Arthur and her daughter noting he always had time to include others in his work. She noted he touched people in many ways and would be missed.

Trustee Bowden thanked the people that volunteered to help out at the Christmas in the Commons event, including Girl Scout Troop #853, Lincoln Way Central National Honor Society, Tom Finnegan's Civic Class at Lincoln Way Central, Alex and Dave Smith, Charlie White, Tyler Easton as well as Village employees Kim Auchstetter, Carol Hennessy, Marcia Englert, Candy Jablonski and Jenna, Donna Mariscal and Samantha, and Candy Paben. She thanked Ron Sly and Public Works. She thanked Liberty Junior High and Martino Junior High Madrigals for performing. She also thanked Berkots for their large donations of cocoa and cookies. She thanked all Board members for their help noting she was not able to attend due to a personal issue.

Trustee Madsen

Trustee Madsen expressed his sympathy on the passing of Tom Arthur noting he would miss his sense of humor.

Trustee Smith

Trustee Smith thanked Kevin Bennett for his assistance at the Commons event.

Trustee Smith expressed his sympathy on the passing of Tom Arthur adding that he was a unique person that would be sadly missed. He noted Mr. Arthur did a lot for the community and educated many on cable television. He stated the studios should be renamed Tom Arthur Studios.

Trustee Smith reported that as of 4:58 p.m. today the 9-1-1 Center was officially closed at the New Lenox Police Station and open at their new center on Route 30 in the Frankfort Township Building.

Mayor Baldermann thanked Trustee Smith and Mr. William Walter for their service on the 9-1-1 Committee.

EXECUTIVE SESSION**ADJOURNMENT****Recess**

Motion to recess for five minutes after which the Board would reconvene in Executive Session for Section 2(c)(1) the appointment, employment, compensation, discipline, performance, or dismissal of specific employees of the public body, including hearing testimony on a complaint lodged against an employee to determine its validity AND Section 2(c)(11) Litigation, when an action against, affecting or on behalf of the particular public body has been filed and is pending before a court or administrative tribunal, or when the public body finds that an action is probably or imminent made by Trustee Smith and seconded by Trustee Bowden.

Upon roll call, the vote was:

AYES:	<u>7</u>	Trustees Butterfield, Madsen, Smith, Bowden, Dye, Tuminello, and Mayor Baldermann
NAYS:	<u>0</u>	
ABSENT:	<u>0</u>	
ABSTAIN:	<u>0</u>	

The motion carried. The meeting recessed at 8:07 p.m.

RECONVENE

All members of the corporate authorities previously in attendance before Executive Session were in attendance when the Board reconvened at 8:47 p.m. Mr. Loebe and Ms. Englert were also in attendance.

Motion to adjourn the meeting made by Trustee Smith and seconded by Trustee Dye. Upon voice vote, the motion carried. The Regular Meeting of the Village of New Lenox Board of Trustees held on December 8, 2008 was adjourned at 8:47 p.m.

Bonnie Motyka, Deputy Village Clerk