

MINUTES
VILLAGE OF ELBURN BOARD OF TRUSTEES
APRIL 2, 2018

Board Members Present: President Jeff Walter, Trustees: Ken Anderson, Sue Filek, Bill Grabarek, Dave Gualdoni, Patricia Schuberg, Matt Wilson

Board Members Absent:

Staff Members Present: Village Administrator John Nevenhoven; Finance Director Doug Elder, Village Attorneys Britz & Thomas, Police Chief Nick Sikora; Building Commissioner Tom Brennan; Public Works Supt Phil VanBogaert

Others Present:

David Mangurten 1121 Lake Cook Rd Deerfield, IL	Lynn Means 625 Forest Edge Dr Vernon Hills, IL	Michael Wong 2815 E Main St St. Charles, IL	Tony Ayala 1053 President St Elburn, IL
Brian&Deborah Terpstra 212 Ream Elburn, IL	Randy Yaffe 302 Saunders Rd Riverwoods, IL	Neil Borkan 302 Saunders Rd Riverwoods, IL	Mike & Kim Montaneri 1112 Snow Dr Elburn, IL
Bob Michek 1157 Snow Dr Elburn, IL	John Dillon 1137 Walker Ct Elburn, IL	Jim Kunzer 1143 Collins Dr Elburn, IL	Susan O'Neill, Reporter Elburn Herald/Kane County Chronicle
Sam & Jenna Root 1027 N Carly Ct Yorkville, IL	Michelle Klecka 264 Ream Elburn, IL	Vito Sperando 649 Downing Elburn, IL	Karen Mendoza 235 Ream Dr Elburn, IL
Allen&Heather Stenwall 1170 Snow Dr Elburn, IL	Kathy Bartel 236 Ream Dr Elburn, IL	Jeff & Lauran Groble 215 Walker Dr Elburn, IL	Daniel Bartel 236 Ream Dr Elburn, IL
Leroy Herra 452 W Reader St Elburn, IL	Wayne Byerhof 422 W Shannon St Elburn, IL	Chuck Urbasek 856 Morrill Ln Elburn, IL	Erik Jensen 1176 Walker Ct Elburn, IL
Phil Peschtof			

1. Call to Order – Village President Jeff Walter called the meeting to order at 6:45 p.m.
2. Pledge of Allegiance – Trustee Grabarek led the assembly in the Pledge of Allegiance.
3. Roll Call – A roll call vote ensued.
4. Public Hearing on FY2018-2019 Budget Per 65 ILCS 5/8-2-9.9 – A motion was made by Trustee Schuberg and seconded by Trustee Gualdoni to open the public hearing. A roll call vote ensued. Ayes: Anderson, Filek, Grabarek, Gualdoni, Schuberg, Wilson. Nays: None. Motion carried.

Finance Director Elder stated all changes discussed at the March 19, 2018 Village Board Meeting have been incorporated into the final budget. The tentative budget has been on display at Village Hall and available on the Village website for public inspection since April 20, 2018. Elder highlighted some of the major items/projects for next fiscal year.

Mayor Walter asked three times for public comment. Being none, a motion to close the public hearing was made by Trustee Grabarek and seconded by Trustee Wilson. A roll call vote ensued. Ayes: Anderson, Filek, Grabarek, Gualdoni, Schuberg, Wilson. Nays: None. Motion carried.

5. Public Comment, Awards & Presentations – Mayor Walter highlighted guidelines regarding public comment.

Kim Montaneri, 1112 Snow Dr, Elburn – Regarding the Taco Bell petition, stated she did research regarding drive thru traffic patterns into residential subdivisions and discussed difficulty to enter the drive thru as currently designed. Montaneri spoke with Elburn McDonalds regarding drive thru traffic during peak times. McDonald’s told Montaneri they have 100-110 cars during a busy lunchtime whereas Taco Bell estimates 20-30 cars over lunch hour. Montaneri believes realistically Taco Bell will have 70-75 cars. If there is a backup, it will affect the neighborhood and kids on the street—the sidewalk in the area is used constantly. Montaneri also stated a traffic study at the Route 38 intersection has not been completed.

Erik Jensen, 1176 Walker Ct, Elburn – Stated concern with safety and the nearby bus stop—the school district said the school bus stop will have to be moved if Taco Bell builds. Jensen stated he is in favor of more revenue for the Village but the subject location is very tricky with the entrances and exits. Motorists make illegal turns currently and will occur more frequently if Taco Bell is built. This is a neighborhood—the Elburn McDonald’s is separate from a residential neighborhood. Jensen checked with realtors and appraisers regarding the effect a fast food restaurant would have on property values but they could not find instances of fast food directly across the street from residential.

Dan Bartel, 236 Ream Dr, Elburn – Believes sight lines will be affected at the exit onto Walker Drive due to fencing and landscaping planned to shield Taco Bell from the neighborhood. Believes it will be a hazard.

Michelle Klecka, 264 Ream Dr, Elburn – Asked the Board to consider if this was their own neighborhood, would they want this in their neighborhood? She asked the Board to strongly consider resident comments made this evening as well as at the previous Planning Commission meetings. Klecka said she and her neighbors are passionate about their neighborhood.

Jim Kunzer, 1143 Collins Dr, Elburn – Stated on north side of subject property there is a lot of green space and light fixtures. Surprised three layers of plantings as a buffer between the neighborhood and Taco Bell are planned.

Phil Peschtof – Referenced a quote from President John Adams (Facts are stubborn things . . .). He reminded the Board the Planning Commission, when voting on the findings of fact, found that the proposed development would be detrimental to individuals and the neighborhood and traffic patterns would disrupt quality of life. The fact is, there are children in the neighborhood and a bus stop. If approved, Taco Bell will generate much traffic in a residential neighborhood with children and a bus stop. The Village Board appointed the Planning Commissioners and assumes the Board trusts their judgement. He asked the Board follow the Planning Commission’s judgement. Peschtof does not believe this proposal is a good idea. Peschtof said the Planning Commission Chairman said this developed was never intended for fast food. As a result, the petitioner is trying to squeeze a large fast food restaurant in a location that doesn’t fit which will not get the result desired.

6. Omnibus Agenda (Omnibus Vote) – All items listed with an asterisk (*) are considered to be routine by the Village Board or were recommended unanimously by the Committee of the Whole and will be enacted by one motion. There will be no separate discussion on these items unless a Board Member or citizen so requests in which event the item will be removed from the Omnibus (Consent) Agenda and considered in its normal sequence on the Agenda.

*Minutes

**Village Board*

March 19, 2019

A motion was made by Trustee Schuberg and seconded by Trustee Filek to approve the Omnibus Agenda. A roll call vote ensued. Ayes: Anderson, Filek, Grabarek, Gualdoni, Schuberg, Wilson. Nays: None. Motion carried.

7. Mayor
 - a. Swearing-In of Part Time Police Officers Tony Iyalla & Erik Milner – Chief Sikora introduced the new part-time officers. Mayor Walter performed the swearing of oath.
 - b. Ride-in-Kane – Fred Dornback, Blackberry Township Supervisor – Rescheduled to the next meeting.
 - c. Inc Mental Health Services – Jerry Murphy, Executive Director – Rescheduled to the next meeting.
8. Village Attorney – No report
9. Village Clerk – No report
10. Administration
 - a. Approve Ordinance 2018-09: An Ordinance Approving a Special Use Permit for Lot 1 of Prairie Valley North Commercial Center to Allow Drive-Through Restaurant – Village Admin Nevenhoven gave a brief overview of the project and stated Village planners Teska has made site plan recommendations.

Architect David Mangurten stated this project was reviewed by the Planning Commission in January, February and March of this year—and the developers have listened to the feedback. The petitioner is seeking an amendment to the PUD to allow a drive thru restaurant. Mangurten introduced others present who could answer questions: Traffic Consultant Lynn Means, Taco Bell reps Randy Yaffe and Neil Borkan, Attorney Michael Wong. Mangurten provided a brief overview of the original proposal and described changes made as a result of recommendations. The Planning Commission suggested an exit from the drive thru onto Walker Drive to help with traffic congestion. Traffic consultants support this design. It was also suggested to circulate traffic back through the development rather than onto Walker Drive due to the residential neighborhood. Village Staff/Teska suggested a traffic study which was completed. Currently there are plantings at the north boundary of the subject parcel and the additional plantings will be richer, thicker and more attractive. The Teska report discusses issues regarding signage which the petitioner does not agree with. The ground sign is very important to Taco Bell and three building signs are proposed. One of the three signs can be eliminated if the Village requires. Teska also addressed elevation of the proposed building—it is important to Taco Bell that their branding be allowed and the proposed architecture is very unique to the shopping center. Mangurten stated one of the detriments to the existing building is the lack of glass facades. Teska suggested various Taco Bell prototype buildings and Mangurten stated he believes the proposal is in compliance. A wooden fence is proposed at the north end of the property rather than brick due to a large volume of underground utilities in the vicinity. The height of the fence will be lowered to 4' rather than 6' because the street is higher than the driveway. Spillage of light will be cut off at the property line due to "box-type fixtures" which will shield lighting into the neighborhood.

Trustee Grabarek inquired about the traffic study completed. Traffic expert Lynn Means stated the estimated 968 vehicles per day (Exhibit 5) are for the entire development including employees, customers, vendors, etc. and takes into account there are vacancies within the development. Drug stores and medical facilities typically build in similar developments to allow "one-stop-shopping." With what the proposed use may do to the original concept of the subject development and substantial traffic, believe there are other locations in town (near the Jewel) that would be better suited. Trustee Filek agreed it is hard to imagine the proposal compared with the original concept. As Elburn grows, we want businesses to come and stay. Trustee Filek said she would love to see Taco Bell come to Elburn but not at the subject location. Mayor Anderson gave a reminder that the Board is considering a change to the PUD only this evening.

When asked if the petitioners are in agreement with Teska's recommendation, Mangurten replied no—there is disagreement on signage. Discussion ensued regarding signage and what would best direct traffic to manage congestion. Turning radius to get into the drive thru lane (including service vehicles) was discussed—there is concern about width and ease of navigating.

Mangurten said the original developer still owns the current building and three of the four quadrants of the development. It is a business decision as to why Taco Bell is not developing on another quadrant. Mangurten added the subject property is zoned B2 which allows many uses that would not require petitioning the Village.

Trustee Anderson asked how the special use conditions are being addressed. Means referred to traffic studies, existing traffic and projected traffic during peak times. Regarding drive thru stacking, Village Code requires seven cars and the proposal provides for nine. As far as noise, Mangurten said Route 47 generates traffic noise day and night. The proposed drive thru window has adjustable volume and can be addressed if there is a problem. Glare from lighting has been addressed. When asked about fencing, Mangurten said aesthetically, a wooden fence fits in better with a landscaped area than brick which would require substantial structural work which most likely won't work due to the underground utilities in the vicinity. When it was stated a brick wall would help block sound better, Mangurten said the proposed fence will be a heavy wood or composite. Public Works Supt VanBogaert was asked about the utilities in the vicinity. VanBogaert agreed on the north side by the sidewalk, there are a lot of underground utilities and a storm sewer that runs east and west that could be a problem.

There was discussion regarding the Planning Commission's action. Although they failed to make an official recommendation to the Board due to two findings of fact failing, the Planning Commission recommended the exit onto Walker from Taco Bell be eliminated because of too much traffic in the neighborhood. Discussion ensued regarding different options if the Walker Drive access is eliminated.

Attorney Mike Wong stated the request is for a special use for a drive thru. The parcel is already zoned for a restaurant which could actually generate more traffic than a Taco Bell. With a traditional sit-down restaurant, people will be coming and going and there most likely would be delivery drivers. Wong added the fire station does not have a brick wall—it seems to be wood/composite. The proposed fence at the subject development can match the fire department's fence. Wong continued this is impacting a business decision made by the developer on a parcel which is already zoned for a restaurant and will create an influx of revenue not only for the developer but also for the Village of Elburn.

Discussion ensued regarding Village Land Planners Teska recommendations and whether or not there is agreement with the petitioners. Mangurten replied, no and reiterated there is disagreement with some signage, masonry wall, etc.

A motion to table action until questions between the petitioner and Village Planner are answered was made by Trustee Anderson. Tabling this item would also table Agenda Item 10(b). The motion was seconded by Grabarek. A roll call vote ensued. Ayes: Anderson, Grabarek, Gualdoni, Schuberg. Nays: Filek, Wilson. Motion carried.

- b. Approve Site Plan Recommendations by Teska Associates for the Northwest Quadrant of Existing Commercial Property at the Northeast Corner of Route 47 and Route 38 – No discussion, item tabled (see Agenda Item 10(a) above).

11. Building and Zoning – No report

12. Finance Department

- a. Approve Ordinance 2018-11: An Ordinance Approving the Annual Budget of the Village of Elburn, Kane County, Illinois, for the Fiscal Year Beginning May 1, 2018 and ending April 30, 2019 – A motion to Approve Ordinance 2018-11: An Ordinance Approving the Annual Budget of the Village of Elburn, Kane County, Illinois, for the Fiscal Year Beginning May 1, 2018 and ending April 30, 2019 was made by Gualdoni seconded by Schuberg. Trustee Anderson stated it is critical to implement the strategic plan and increase revenue (sales tax should match surrounding communities) to support long term expenses (additional staff, etc.). Funding of parks and decreasing MFT funding should also be addressed. Mayor Walter said all department heads are

being evaluated on their Continuous Improvement Plans (CIPs). A roll call vote ensued. Ayes: Anderson, Filek, Grabarek, Gualdoni, Schuberg, Wilson. Nays: None. Motion carried.

- b. Police Department – Chief Sikora reported compilation of a new full-time police officer eligibility list is underway. The Village Police Commission and a testing firm will conduct testing on Saturday, April 14 and the new eligibility list should be in place end of May/early June. Two new part-time officers were sworn in earlier this evening and will begin field training this week.

13. Public Works Department

- a. Approve Proposal for Professional Services from Engineering Enterprises, Inc. for Stetzer Street Water Main Extension Project in the Amount of \$16,500 – Public Works Supt VanBogaert estimates the project will last two weeks maximum. The roadway may be blocked for a short period during the afternoon hours and is doubtful water to the area will be temporarily shut off. The entire project budget is \$75K. This will provide another water source into this subdivision. It was noted engineering cost seems a little high however, the cost includes construction observation. A motion to Approve Proposal for Professional Services from Engineering Enterprises, Inc. for Stetzer Street Water Main Extension Project in the Amount of \$16,500 was made by Gualdoni and seconded by Schuberg. A roll call vote ensued. Ayes: Anderson, Filek, Grabarek, Gualdoni, Schuberg, Wilson. Nays: None. Motion carried.
- b. VanBogaert advised the new fuel dispenser system should be up and running by the end of this week or next.

14. Bills

- a. Approve the Bills List – A motion was made by Trustee Grabarek and seconded by Trustee Filek to approve the bills for Monday, April 2, 2018 for \$70,427.96. A roll call vote ensued. Ayes: Ken Anderson, Filek, Grabarek, Gualdoni, Schuberg, Wilson. Nays: None. Motion carried.

15. Executive Session – No executive session this evening.

16. Other Business – None

17. Adjourn - Trustee Gualdoni motioned to adjourn the meeting at 8:23 p.m. with Trustee Filek seconding the motion. The motion passed by a unanimous voice vote.

Respectfully Submitted,

Diane McQuilkin
Village Clerk