

MINUTES
VILLAGE OF ELBURN BOARD OF TRUSTEES
APRIL 16, 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 & Bill Thomas, Police Chief Nick Sikora; Building Commissioner Tom Brennan; Village Engineer David Burroughs, Public Works Supt Phil VanBogaert

Others Present:

John & Marcy Dillon 1137 Walker Ct Elburn	Seth Reed 524 Cambridge Ave Elburn	Mike & Kim Montanari 1121 Snow Elburn	Allen & Heather Stenwall 1170 Snow Elburn
Brian & Deborah Terpstra 212 Ream Elburn	Kathy Bartel 236 Ream Elburn	Gary & Michelle Klecka 264 Ream Elburn	David Mangurten 1121 Lake Cook Rd Deerfield
Lynn Means, GHA 625 Forest Edge Dr Vernon Hills	Natalie Juns 48W646 Ellithorpe Rd Hampshire	Steve Parsons 279 Ream Elburn	Fred Dornback 45W839 Old Midlothian Elburn
Ryan Anderson 308 Jay Elburn	Wayne Byerhof 422 W Shannon St Elburn	Chuck Urbasek 856 Morrill Ln Elburn	Leroy Herra 452 W Reader St Elburn
Beau Bethstak 253 Belle Vue Ln Sugar Grove	Uwe, Carole & Lucas Rotter 833 Carolyn Ct Elburn	Shannon Jensen 1176 Walker Ct Elburn	Andrew Kantola 982 Berry St Elburn
Rich DeCarlo Facility Manager at Athletico	Bob Skidmore Shodeen rep		

1. Call to Order – Village President Jeff Walter called the meeting to order at 6:45 p.m.
2. Pledge of Allegiance – Trustee Gualdoni led the assembly in the Pledge of Allegiance.
3. Roll Call – A roll call vote ensued.
4. Public Comment, Awards & Presentations – Before opening the floor, Mayor Walter outlined guidelines for public comment.

Heather Stenwall, 1170 Snow – Regarding proposed directional signs, Stenwall stated she does not feel motorists will follow them. Stenwall inquired if the developers have been in the neighborhood looking around—there are lots of walkers, kids playing and dog walking. This is a very close neighborhood and residents feel safe but won't feel safe with drive thru patrons anticipated. Stenwall asked the developer to look at the residents and listen to their concerns—this is a family community.

Kathy Bartel, 236 Ream – Stated even though the drive thru exit onto Walker Drive has been eliminated, the Taco Bell sign will bring traffic onto Walker Drive. It will be too much traffic and kids won't be able to cross the street by themselves as they do now. Inquired if there would be enough parking spaces—feels Taco Bell customers will park in front of other businesses. Has seen patients for the physical therapy facility struggling with wheelchairs, etc.—how will they function? It is a windy neighborhood and there will

be a lot of odor and garbage blowing around. Regarding the noise factor, traffic noise on Route 47 dies down in the evening but feels noise from Taco Bell will be loud until 1:30am. Bartel said she does not feel this is a good location as far as residents and Taco Bell is concerned.

Uwe Rotter, 833 Carolyn Ct – Too many times Elburn has turned away businesses. Living close to Route 47 will be noisy. We have been stifling the growth of Elburn by opposing businesses in the past. Denying the Taco Bell request would turn away progress because they would pay property tax and the Village would benefit from sales tax. If a taxing district is having a problem making ends meet, taxes will go up—residents need to be aware. There are laws for noise issues—call the police. Rotter stated he is in favor of Taco Bell and reminded the Village Board they are representing all residents in the Village, not just the few people present this evening. Sometimes you need to make a tough decision.

Gary Klecka 264 Ream – Stated he has not found an instance of an entrance of a Taco Bell directly into a subdivision. Not as much noise will be blocked without the brick wall and the fact a special use permit is needed flags a problem. Klecka said it is not a good idea to put the Taco Bell at the subject location.

Kim Montanari, 1112 Snow – Regarding commercial use in Elburn, Montanari said she is all for growth, but need to grow safely. She asked the Board to keep in mind kids in the neighborhood that she and her neighbors have chosen to live in. Montanari said she spoke with the owners of DeCapo who have serious concerns about the proposed drive thru and traffic pattern and may have to move elsewhere. Are we going to create more empty spaces than fill empty spaces by permitting Taco Bell here? Perhaps the reason there are vacancies is due to the astronomical cost to rent—it is more than double the cost of other locations.

John Dillon, 1137 Walker Ct – Read aloud an email he sent to the Village Board and asked the Village Board to vote no on this proposal. Dillon said he attended meetings for the PUD 15 years ago which did not include the proposed use. He said he is not opposed to a restaurant but does oppose the drive thru. He asked the Board to follow the recommendation of the Village Planning Commission and deny the proposed request.

Lucas Rotter, 833 Carolyn Ct – Speaking for himself and his friends, is in favor of Taco Bell. In addition to serving the community, sales tax revenue will be generated.

Allen Stenwall, 1170 Snow Dr – Stenwall estimates Taco Bell will generate approximately \$12K of revenue for the Village of Elburn. If approved, the Taco Bell may cause real estate taxes to increase and property values to fall which would negate the estimated sales tax revenue. Stenwall asked that the drive thru be removed from the request and if not, asked the Village Board to deny the request.

Andrew Kantola – On behalf of his peers, stated Elburn is not getting kids' attention and youth of the future is talking about moving away to larger communities. If Taco Bell comes in, Elburn will be perceived as a bigger town; Elburn will expand and become a more attractive place to live. Giving up isn't the answer—we should try and work through the issues.

Michelle Klecka, 264 Ream Dr – Stated she is not against Taco Bell in town—just at the subject location. DeCapo is not happy about this and is considering leaving. There is a better location in town for Taco Bell.

Rich DeCarlo, Facility Manager at Athletico – As a physical therapist, is concerned about traffic between the buildings and affecting patients. Hopes the Village Board will consider this in their decision. Does not understand why Taco Bell has to be wedged into such a small lot.

5. 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

April 2, 2018

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

6. Mayor
 - a. Reminder of the Lions Club shredding event on Wednesday, April 18.
 - b. Friends of the Library annual flower sale will be on Friday, May 11.
 - c. Discuss Arbor Day April 28, 2018 – The annual Arbor Day celebration will be at 10:00am on Saturday, April 28, at the Elburn Village Hall.
 - d. Ride-In-Kane – Fred Dornback, Blackberry Township Supervisor – Dornback said this program has been active for ten years. It is a voluntary program and the intent is a ride share program (not a taxi) for those in the boonies that need medical services closer to Randall Road. The program is sponsored by local agencies (Blackberry Township, Kane County and the Federal Government). There are 20 active participants using the service with six living in the Village of Elburn. Dornback asked the Village if they would consider becoming a co-sponsor so all residents of Elburn can take advantage of this service (currently, only Blackberry Township residents can take advantage). Blackberry Township will continue to administer the program and cost to the Village would be approximately \$3K. Monthly billing would be provided and will include the names of residents who used the service. This will be on a future COW for further discussion.
7. Village Attorney – No report
8. Village Clerk – No report
9. Administration
 - a. Kane County Country Market Special Use – Village Admin Nevenhoven said this is not within the Village of Elburn but is within Elburn's jurisdiction. Kane County inquired if the Village had any feedback to offer. Village staff has no concerns or objections. There was consensus from the Board that the Village has no comments/objections.
 - b. 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 – Nevenhoven outlined differences to the proposal since the last appearance before the Board (see memorandum dated April 12, 2018). Trustee Ken Anderson made a motion to approve the request with the following restrictions: (1) guarantee noise reduction (something to provide same decibel results as a brick wall); and (2) internal signage to get people to and from Routes 38 & 47 safely. Trustee Schuberg seconded the motion.

Trustee Grabarek said the Village does not want to chase business away but don't believe we should try and shoehorn something into a space that was not contemplated when the PUD was reviewed/approved. While the need to generate revenue by the land owner is appreciated, deep concerns of residents and current tenants have also been expressed. There are other locations within the Village better suited for fast food and in good conscience, Grabarek said he cannot support the proposal. In addition, two of the findings of fact were not passed by the Planning Commission.

There was discussion of traffic and safety concerns within the development. Directional signage will be very important and some of the turn radiuses are a concern. Safety of pedestrians from all businesses is crucial and don't want to risk chaos. Concern was expressed as to how Village PUDs and land use plans have been altered changing the original intent. On the other hand, when the original PUD plats, etc. were reviewed, Trustee Wilson found that drive thrus are permitted with a special use permit. The original plat also referenced internal access and traffic flows.

Regarding the motion on the table, Trustee Anderson reiterated if a brick wall is not possible, a wall with the same decibel measurement should be installed. It is doubted 100% of noise will be deadened but the Village has a noise ordinance if there is an issue. Trustee Grabarek again expressed concern with trying to shoehorn with this many qualifications into the subject parcel. Attorney Britz stated a 2/3 favorable vote is required by the Board since the Planning Commission did not make a recommendation. A roll call vote ensued. Ayes: Anderson, Schuberg, Wilson. Nays: Filek, Grabarek, Gualdoni. Motion failed.

- c. Approve Ordinance 2018-08 Proposing the Enlargement of Special Service Area #6 (Elburn Station) – Shodeen rep Bob Skidmore was present. Metra has agreed to allow Shodeen to plant trees on Metra-owned property along the western side of the rail yard. Shodeen would like to turn over maintenance of the trees to the Village of Elburn and increase the size of SSA #6 to cover the cost. Shodeen said the area will eventually be dense residential and would like to plant tall, dense trees as a barrier from the rail yard. In addition to expanding the SSA, an easement from Metra is required to allow access to the property. Skidmore added Metra wants a government agency to manage the trees rather than Shodeen. A variety of evergreens will be planted on the parcel. A landscape plan will be submitted to the Village and adhered to by Shodeen. A motion was made by Trustee Anderson and seconded by Trustee Gualdoni to Approve Ordinance 2018-08 Proposing the Enlargement of Special Service Area #6 (Elburn Station). A roll call vote ensued. Ayes: Ken Anderson, Filek, Grabarek, Gualdoni, Schuberg, Wilson. Nays: None. Motion carried.
 - d. Approve Ordinance 2018-10 Amending Section 804.04 "Classification of Licenses; Fees and Number of Licenses" and Section 804.07 "Hours of Operation" – Nevenhoven said this was not included on the consent agenda this evening because another area of the ordinance was changed since previous discussion with the Board. A motion was made by Trustee Schuberg and seconded by Trustee Grabarek to Approve Ordinance 2018-10 Amending Section 804.04 "Classification of Licenses; Fees and Number of Licenses" and Section 804.07 "Hours of Operation". A roll call vote ensued. Ayes: Ken Anderson, Filek, Grabarek, Gualdoni, Schuberg, Wilson. Nays: None. Motion carried.
10. Building and Zoning
- a. Discuss Building and Zoning 1st Quarter Report – Building Commissioner Brennan presented the report.
11. Finance Department
- a. Discuss the Treasurers Report for Month Ending March 31, 2018 – Finance Director Elder presented the report.
 - b. Discuss Revenue and Expenditure Report for Month Ending March 31, 2018 – Finance Director Elder presented the report.
 - c. Approve Proposal from BS&A Software for Field Inspection Module – Finance Director Elder advised these two modules (see agenda item 11d) were budgeted in the new fiscal year budget. A motion to Approve Proposal from BS&A Software for Field Inspection Module was made by Trustee Grabarek and seconded by Trustee Schuberg. A roll call vote ensued. Ayes: Ken Anderson, Filek, Grabarek, Gualdoni, Schuberg, Wilson. Nays: None. Motion carried.
 - d. Approve Proposal from BS&A Software for Fixed Asset Module – A motion to approve Proposal from BS&A Software for Fixed Asset Module was made by Trustee Gualdoni and seconded by Trustee Wilson. A roll call vote ensued. Ayes: Ken Anderson, Filek, Grabarek, Gualdoni, Schuberg, Wilson. Nays: None. Motion carried.
12. Police Department
- a. Discuss Police Department 1st Quarter Report – Chief Sikora presented the report.
 - b. Approve Purchase of a Proposal from ADS for Video/Security System for Village Hall, in an Amount Not to Exceed \$35,060 – Chief Sikora recommends approval of the Alarm Detection Systems (ADS) proposal. They are a current vendor and the Village has received good service from them. The proposal provides full maintenance and service. Reporting will be available. A motion was made by Trustee Gualdoni and seconded by Trustee Filek to Approve Purchase of a Proposal from ADS for Video/Security System for Village Hall, in an Amount Not to Exceed \$35,060. A roll call vote ensued. Ayes: Ken Anderson, Filek, Grabarek, Gualdoni, Schuberg, Wilson. Nays: None. Motion carried.

- c. Chief Sikora advised the Police Department will assist with shred event at Lions Club.
- d. The Department CSO is certified in car seat inspection.
- e. Chief Sikora advised review of towing list applicants is complete. A third vendor (Caliber) will be added to the current two vendors effective May 1, 2018.
- f. A total of 54 applicants completed police testing last Saturday. Test results will be reviewed with the Police Commission at a meeting on Thursday.

13. Public Works Department

- a. Discuss Public Works Department 1st Quarter Report – Public Works Supt. VanBogaert presented the report.
- b. Award the Downtown Sidewalk Project to Lorusso Cement Contractors, in the Amount of \$335,519.50 – A motion was made by Trustee Schuberg and seconded by Trustee Grabarek to Award the Downtown Sidewalk Project to Lorusso Cement Contractors, in the Amount of \$335,519.50. VanBogaert stated there is some additional sidewalk that needs to be bid. Village Engineer Burroughs said two light poles have been ordered and lead service replacements on the east and west sides of the road have been added. IDOT comments were received this morning and anticipate the project getting underway middle of May. A public meeting will be held with all businesses. Access to the buildings must be maintained at all times during construction. A roll call vote ensued. Ayes: Ken Anderson, Filek, Grabarek, Gualdoni, Schuberg, Wilson. Nays: None. Motion carried.

14. Bills

- a. Approve the Bills List – A motion was made by Trustee Grabarek and seconded by Trustee Wilson to approve the bills for Monday, April 16, 2018 for \$272,117.66. A roll call vote ensued. Ayes: Ken Anderson, Filek, Grabarek, Gualdoni, Schuberg, Wilson. Nays: None. Motion carried.

15. Executive Session - 5 ILCS 120 (C) 2 - Collective negotiating matters between the public body and its employees or their representatives, or deliberations concerning salary schedules for one or more classes of employees – A motion was made by Trustee Gualdoni and seconded by Trustee Filek to leave regular session and enter into executive session at 8:44 p.m. A roll call vote ensued. Ayes: Ken Anderson, Filek, Grabarek, Gualdoni, Schuberg, Wilson. Nays: None. Motion carried. It was announced that there would be no announcements after the meeting.

At 9:14 p.m., a motion was made by Trustee Wilson and seconded by Trustee Schuberg to leave executive session and re-enter regular session. The motion carried by unanimous voice vote.

16. Public Hearing to Discuss Expansion of SSA #6 – A motion was made by Trustee Schuberg and seconded by Trustee Gualdoni to open the public hearing regarding the enlargement of SSA #6. A roll call vote ensued. Ayes: Ken Anderson, Filek, Grabarek, Gualdoni, Schuberg, Wilson. Nays: None. Motion carried.

Mayor Walter asked if there were any comments from the public. Shodeen rep, Bob Skidmore, said Shodeen supports the expansion. Being no further public comments, a motion to close the public hearing was made by Trustee Schuberg and seconded by Trustee Gualdoni. The motion carried by unanimous voice vote.

17. Other Business – None

18. Adjourn - Trustee Gualdoni motioned to adjourn the meeting at 9:18 p.m. with Trustee Grabarek seconding the motion. The motion passed by a unanimous voice vote.

Respectfully Submitted,



Diane McQuilkin
Village Clerk