

MINUTES
VILLAGE OF ELBURN BOARD OF TRUSTEES
JULY 1, 2019

Board Members Present: Trustees: Sue Filek, Bill Grabarek, Chris Mond, Patricia Schuberg, Matt Wilson

Board Members Absent: President Jeff Walter, Ken Anderson

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

Others Present: Residents LeRoy Herra, Dan Kolzow, David & Amanda Cyr; Blackberry Township Reps Esther Steele (Township Supervisor), Tim Norris, Harley Veldhuizen; Bruce Aderman; Elburn Herald Reporter Susan O'Neill

1. Call to Order – The meeting was called to order by Trustee Grabarek at 6:45 p.m.
2. Pledge of Allegiance – Trustee Mond led the assembly in the Pledge of Allegiance.
3. Roll Call – A roll call ensued.
4. Appoint Trustee Grabarek Mayor Pro Tem – A motion to appoint Trustee Grabarek Mayor Pro Tem was made by Trustee Wilson and seconded by Trustee Schuberg. A roll call vote ensued. Ayes: Filek, Grabarek, Mond, Schuberg, Wilson. Nays: None. Motion carried.
5. Public Comment, Awards & Presentations – None
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

<i>*Village Board</i>	<i>June 17, 2019</i>
<i>*Committee of the Whole</i>	<i>June 17, 2019</i>

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

7. Mayor – No report
8. Village Attorney – No report
9. Village Clerk – No report
10. Village Administrator
 - a. Discuss and Accept Dedication for Elburn Station, Lot 150 (Open Space/Park Land) – Village Admin Nevenhoven advised this is the 20+ acre park land approved recently for the IDNR OSLAD grant. IDNR requires the Village own or control the property as a condition of the OSLAD grant. The warranty deed for this property was written by the Village Attorney and the survey was approved by the Village engineers. A motion to accept the dedication for Elburn Station, Lot 150 (Open Space/Park Land) was made by Trustee Schuberg and seconded by Trustee Filek. A roll

call vote ensued. Ayes: Filek, Grabarek, Mond, Schuberg, Wilson. Nays: None. Motion carried.

- b. Discuss and Approve a Contract with Hitchcock Design Group for an OSLAD Grant Application and Park Design – Nevenhoven advised a new OSLAD grant period opened July 1, 2019 and closes August 19, 2019. Elburn Station Unit #1 includes a five acre +/- neighborhood park area adjacent to a “dry” detention pond. The park is not in a flood plain or flood way. Hitchcock Design Group proposed \$12,700 to create a design and complete the grant application on behalf of the Village. If approved by the Board tonight, the Village Parks Commission will conduct a public hearing at their next regularly scheduled meeting on July 16. The Parks Commission will review/approve the final draft with a recommendation to the Village Board for action at their August 5 Village Board meeting. Park Commissioners are currently developing ideas for park design and equipment. The new park will need to provide activities and equipment that are deficient in the Elburn area. Park Commission Chairman Dan Kolzow said the Commission intends to keep each park independent so kids won’t have to cross town/major streets to get to it. Hitchcock will weigh the ideas generated and weigh the needs of the community. Although potential grant dollars are the same, this is a much smaller parcel of property and do not anticipate as large of a request. The Village’s share of the fund will be split with Shodeen and perhaps Blackberry Township. Trustee Wilson stated there are no roads, utilities or homes in the area and asked how this would work. Using the same timeline as the current OSLAD Grant, it is anticipated the grant will be awarded in March 2020 and development must be complete within two years. The Elburn Station SSA will be required to pay maintenance costs. When asked about cost of road improvements for the initial OSLAD grant, Nevenhoven said the cost for the right-in/right-out access was included in the grant. Trustee Filek supports applying for the new grant and if approved, take a pass if we find we aren’t ready. At the very least, we would have a design for that particular park for future. Nevenhoven suggested future OSLAD grant applications be used to rehab current parks. Nevenhoven said an adjacent property is designated for a Village well site. The site is too close to other wells and will not be utilized as such. This could potentially allow Shodeen to reshape the retention area and create a bikeway to improve connectivity. A motion to approve and move forward with the grant process was made by Schuberg and seconded by Filek. A roll call vote ensued. Ayes: Filek, Grabarek, Mond, Schuberg. Nays: Wilson. Motion carried.
- c. Discuss and Comment on a Special Use Request for 1S194 Rt 47 (LaFarge) – Nevenhoven said this is a Kane County request and they have solicited feedback from the Village due to the proximity to Elburn. There will be no “benefit” to the Village. Village Engineer Burroughs clarified the two year timeline reference by IDNR is for the start of the project—if the project is not started within two years, they must re-apply. Nevenhoven said there is a reclamation plan and could be a good amenity in the future. Additional truck traffic with the full I88 exchange was mentioned. Typically, builders source their gravel needs close to project sites so not sure this will make much of a change as far as truck traffic. There was discussion as to how this might connect/affect with Elburn’s comprehensive plan. Burroughs suggested no entrances onto Rowe Road—only onto current access on Route 47. Ground water, surface drainage and “ponding” in the S-curve on Route 47 was mentioned. Burroughs said should not be much of an impact for ground water and surface drainage. The “ponding” will most likely be managed and Burroughs suggested additional setback on Route 47 be reserved. Regarding future blasting, without geological surveys, not certain how this will affect future development and the impact to recharge areas. There was consensus from the Board for Nevenhoven to provide the following comments to Kane County regarding the request: 1) no access from Rowe Road; 2) allow for future Route 47 right-of-way expansion; 3) concern for aquifer/recharge area; 4) provide sufficient setbacks along residential areas; 5) resident notification of expansion plans.

11. Building and Zoning – No report

12. Finance Department – No report

13. Police Department

- a. Discuss and Approve Ordinance 2019-13 Amending Chapter 468 – Regulating Size and Weight of Vehicles – Chief Sikora advised this topic was originally brought up to address the development along West South Street but there are other areas in town with the same impact.

The proposed amendment will limit truck traffic by gross vehicle weight registration of 26,000 pounds or more on designated streets. This will make for easier enforcement that would not require every potential violation be taken to a truck scale by a certified truck enforcement officer. It was discussed if the southeast quadrant and Prairie Valley Drive should be included in the ordinance. A motion to approve Ordinance 2019-13 with the inclusion of Prairie Valley Drive from Route 47 to Anderson Road under Section Two was made by Schuberg and seconded Filek. A roll call vote ensued. Ayes: Filek, Grabarek, Mond, Schuberg, Wilson. Nays: None. Motion carried.

- b. Discuss and Approve Ordinance 2019-14 Amending Chapter 805 Tobacco – Chief Sikora said this is to update our existing tobacco ordinance to keep us in compliance with the State’s recent changes increasing minimum age from 18 to 21. However, the State did not change the minimum age for mere “possession” of tobacco products. Sikora suggested the Village maintain the possession of these products as a violation under local ordinance. The Village is allowed to be more restrictive than statute. It maintains consistency from our previous ordinance and also parallels the possession of most other similar items. One correction was noted in Section 805.10 where one of the age references was not changed from 18 to 21. Clerks age 16 and older will still be allowed to sell tobacco products. Regarding Nicorette-type products, although they probably meet the definition of an alternative nicotine product, it is believed it might be a stretch for this ordinance. A motion to approve Ordinance 2019-14 with the correction to section 805.10 noted above was made by Filek and seconded by Schuberg. A roll call vote ensued. Ayes: Filek, Grabarek, Mond, Schuberg, Wilson. Nays: None. Motion carried.
- c. Chief Sikora reported interviews for the part-time records clerk concluded today. A decision to hire should be made this week.
- d. We received notice from the Kane County Sheriff of a reorg that will put Kane County Emergency Management under the Sheriff’s Department. As a result, we will be billed a nominal fee for assistance at events which was not budgeted for.

14. Public Works Department

- a. Discuss and Approve a Bid from Meyer Paving for the First Street Parking Lot, in an amount not to exceed \$62,951 – Public Works Supt VanBogaert advised only one company bid on the project which came in slightly under the engineer’s estimate. It is believed the weather is the cause for low interest—this is considered a small job and is tough for large companies to consider with their workload backup. Burroughs explained the process to correct drainage and the addition of some storm sewer. A motion to approve was made by Wilson and seconded by Mond. A roll call vote ensued. Ayes: Filek, Grabarek, Mond, Schuberg, Wilson. Nays: None. Motion carried.
- b. A missing section of sidewalk on First Street just north of the railroad tracks has been discussed on social media recently. The section belongs to UP Railroad and there is no recollection of that portion of sidewalk being in place for a number of years. VanBogaert will work with UP Railroad to see if we can complete the section or if they will do it themselves.

15. Bills

- a. Approve the Bills List – A motion was made by Trustee Schuberg and seconded by Trustee Wilson to approve the bills for Monday, July 1, 2019 for \$82,883.93. A roll call vote ensued. Ayes: Filek, Grabarek, Mond, Schuberg, Wilson. Nays: None. Motion carried.

16. Other Business – Residents David and Amanda Cyr were present regarding their large water/sewer invoice. They have been watering new sod and did not anticipate sewer charges. Nevenhoven said it has been Village practice that if it goes through the meter, it gets water and sewer charges. The Village Board has consistently denied similar requests but can offer a payment plan. The Cyrs said the majority of the water stayed in the yard and did not go into the sewer—they said they do not want to pay for services they did not receive. The Board has wrestled with this topic many other times—we don’t have the ability to measure and differentiate. The Cyrs asked if notice can be included on water bills to make residents aware. This information is included on sod permits. Finance Director Elder said some customers have paid for and installed a second water meter service specifically for irrigation which does not incur a charge for sewer. The Village does not have meters available for rent by residents for this type of use. It was suggested homebuilders (Shodeen, Ryan Homes, etc.) provide this information to their customers. Nevenhoven suggested the Village send a notice to new

home buyers so they are not blindsided. There was consensus from the Board to provide clarity on the permit and to add a mailing when a new home switches from builder to homeowner.

17. Adjourn - Trustee Mondy motioned to adjourn the meeting at 8:09 p.m. with Trustee Filek seconding the motion. The motion passed by a unanimous voice vote.

Respectfully Submitted,

A handwritten signature in cursive script, appearing to read "Diane McQuilkin". The signature is written in black ink and is positioned above the printed name.

Diane McQuilkin
Village Clerk