

MINUTES
VILLAGE OF ELBURN BOARD OF TRUSTEES
OCTOBER 21, 2019

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

Board Members Absent:

Staff Members Present: Finance Director Doug Elder, Village Attorney Bill Thomas, Deputy Chief Erich Schlachta; Building Commissioner Tom Brennan; Public Works Supt Phil VanBogaert; Village Engineers Dave Burroughs & Julie Morrison

Others Present: Residents LeRoy Herra, Chuck Urbasek, Elburn Herald Reporter Susan O'Neill; Shodeen rep Bob Skidmore; Kane Senior Council rep Marilyn Krolak; DuPage Senior Citizens Council Tasha Samuels; Senior Citizen Council Board Member Jason Doran; Peter & Donna Beughman; Steve Collins; Bruce Aderman

1. Call to Order – Village President Jeff Walter called the meeting to order at 6:45 p.m.
2. Pledge of Allegiance – Trustee Anderson led the assembly in the Pledge of Allegiance.
3. Roll Call – A roll call ensued.
4. Public Comment, Awards & Presentations – Bruce Aderman announced a fundraiser for Venturing Crew 413 on November 2. Aderman also announced a Veterans Celebration Concert at St. Charles North High School on November 11. Everyone is invited to both events.
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*

October 7, 2019

**Committee of the Whole*

October 7, 2019

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

6. Mayor
 - a. DuPage Senior Citizens Council – Marilyn Krolak, Tasha Samuels & Jason Doran were present. Krolak gave a brief history of the organization who has been providing service in Kane County since March of 2018 (transitioned from the Salvation Army). A proposal to partner with the organization has been submitted to the Village. In addition to meals on wheels, the organization is interested in opening a "community dining" facility in Elburn where seniors can gather as a group and would like to find a facility willing to partner with. Approximately half of the budget is covered by federal and state funding. The remainder of the cost is covered by partner communities and fundraisers. Mayor Walter stated the Board will review the proposal submitted. Walter will also recommend a contact name at the Lions Club for community dining.
 - b. Mayor Walter has received Metra's annual operating schedule and budget and will circulate it to Board members for their review.

7. Village Attorney – Attorney Thomas gave an update on the Anderson Road extension project. He has not received conveyance documents yet from the Blackberry Creek HOA but believes a resolution for same will be on the next Village Board agenda for action.
8. Village Clerk – No report
9. Village Administrator – No report
10. Building and Zoning – No report
11. Finance Department
 - a. Discuss the Treasurer Report – September 2019 – Finance Director Elder presented the report.
 - b. Discuss Revenue and Expenditure Report – September 2019 – Elder reported we are at the 42% mark of the fiscal year. Overall for all funds, revenue is at 53% and expenditures are at 31%. A budget amendment is in the process and will be presented to the Board sometime in the future.
 - c. Discuss and Approve Resolution 2019-10 Health Saving Account (HSA) Contribution for 2020 – Elder presented the resolution for HSA funding for all employees covered under the Blue Cross Blue Shield plan. The plan is a high deductible health plan which saves the Village on premium costs. A motion to approve was made by Schuberg and seconded by Grabarek. A roll call vote ensued. Ayes: Anderson, Filek, Grabarek, Mond, Schuberg, Wilson. Nays: None. Motion carried.
 - d. Discuss and Approve Resolution 2019-11 – Truth in Taxation for 2019 Levy – Elder stated Agenda Items 11d, e, f and g are all related and are preliminary levy documents for the Village proper and three SSAs. They are for discussion at this time and will be brought back at a future meeting for approval.
 - e. Discuss and Approve Resolution 2019-12 – Truth in Taxation for SSA #1 – Prairie Valley.
 - f. Discuss and Approve Resolution 2019-13 – Truth in Taxation for SSA #2 – Blackberry Creek.
 - g. Discuss and Approve Resolution 2019-14 – Truth in Taxation for SSA #6 – Elburn Station.
 - h. The SSA (#3) for the Jewel shopping center has been inactive for a number of years. The detention basins are overgrown and need maintenance. VanBogaert was instructed to determine what the Village's obligations are and then meet with Elder to levy funds if need be.
12. Police Department
 - a. Deputy Chief Schlachta reported although there were only 250 registrations for the DuKane ABATE Motorcycle event on October 13, approximately 350-400 bikes attended the event.
 - b. A successful drug arrest by Officer Sheetz occurred recently.
13. Public Works Department
 - a. Discuss and Approve a One-Time Variance from the Subdivision Control Ordinance Section 3.O.7.d Bituminous Binder Course – Public Works Supt. VanBogaert stated Shodeen has requested a variance from the Village's Subdivision Control Ordinance to install a surface course to roads in Elburn Station Unit 1. The Subdivision Control Ordinance requires the binder course shall weather one winter prior to surface course installation. A motion to approve the variance was made by Grabarek and seconded by Mond.

Village Engineer Julie Morrison from EEI was present and provided a list of pros and cons to approving the variance. Morrison stated it is common place for communities to have this process in place in order for pavement failures to present themselves prior to surface coat placement.

Shodeen rep Bob Skidmore stated this was allowed in Phase II with success and would like to do the same for Phase I. Skidmore reiterated the pros stated earlier by Morrison to allow surface coat now rather than later. Skidmore said the same procedure has been used by Shodeen for 20 years in the Mill Creek Subdivision. He continued Shodeen believes in the product and would like to continue this process through each phase of Elburn Station—not just a one-time variance.

Discussion ensued regarding proof rolls. Morrison stated some areas of the proof rolls failed and some areas passed. The binder has not yet been accepted by EEI. Compaction was tested and passed.

As far as approving the variance, Morrison stated it is the Board's decision. If patching the road due to failures is not desired, the Board should deny the variance request. If the Board is OK with patching the roadway where failures occur, they should approve the variance.

VanBogaert stated his concern with settlement—we have had a lot of rain this year. VanBogaert added Elburn Station Phase II was completely different than Phase I and should not be compared. Discussion ensued regarding differences between the two units. Skidmore stated it is little difference.

Trustee Anderson inquired if Shodeen is willing to extend the one year warranty. Skidmore stated if the surface is put down now, it will be 1-1/2 year warranty. Morrison proposed if the Village decides to grant the variance, the roads would not be reviewed until after May 2020 followed by a punch list letter. EEI would not recommend the Village accept the roads until the punch list is complete—so if the surface is put down now, it would be well over 1-1/2 years. No sooner than June 1 was suggested due to wet spring times. Morrison stated wet isn't as detrimental as freeze/thaw. If the variance is granted and patching is required, patching and tarring can be considered aesthetically unpleasing and any seam will weaken the pavement with freeze/thaw.

Morrison stated if the Village Board approves the variance, the following contingencies (all contingencies have been emailed to Skidmore and Village Public Works staff) should be rectified before putting down the surface: 1) CTS binder compaction test results from 10/17/19; 2) Binder to be milled to appropriate depths. EEI will provide summary of areas to be milled; 3) Binder compaction testing and results for Westhaven/Anderson (binder placed on 10/18/19); 4) CB-60 to be plated (or photographic confirmation it has been completed); 5) Missing curb at Anderson/Keslinger placed and cured to strength. Skidmore stated Shodeen has no issue with completing these.

Trustee Grabarek amended his motion to include the five items (listed above) from EEI and that the roads be reviewed no sooner than June 1, 2020. Trustee Mondy agreed to the amended motion.

There was further discussion regarding concern with only a one year warranty period. There is concern with subsoils and the warranty period should be extended as long as possible—perhaps two winters. Trustee Grabarek suggested amending his motion that the roads be reviewed no sooner than June 1, 2021. If this occurs, Skidmore said extending the warranty will be a 2-1/2 year period vs. 1-1/2 years. Skidmore said a maintenance bond is in place for a year following acceptance. Shodeen does not want to take care of the road for 2-1/2 years—there was no problem with aggregate base test. Skidmore continued the Village accepted the roads in Phase II in January and Shodeen is already going above and beyond what was done in Phase II. Morrison said portions of the proof roll failed and new results have not yet been received. Skidmore said there were only 4 or 5 sections that failed and they were not substantial.

VanBogaert stated Phase II is a completely different animal than Phase I. Phase II did not have near the problems we are experiencing with Phase I. The Village Ordinance requires letting the roads go through an entire freeze/thaw cycle. From a Village of Elburn standpoint, we don't have much to lose by waiting if Shodeen is not willing to extend the warranty. Skidmore stated Shodeen is already extending the warranty by over six months.

Trustee Grabarek amended his motion that the roads be reviewed no sooner than September 1, 2020 in order to get beyond the spring rains. Mondy agreed to the amended motion. This means if the variance is allowed, the Village could accept the top lift on approximately September 1, 2020 and the second winter would be under warranty. Morrison said acceptance on September 1 would require a punch list by approximately August 1. If punch list is not fulfilled, it will move approval forward until all punch list items are complete. Morrison reiterated the Board should make a decision based on the Village's priorities—if you are OK with patching the road, you

should approve the variance. If you do not want potential patching, the Board should deny the variance.

As a review, the motion on the table is to approve the variance subject to: 1) CTS binder compaction test results from 10/17/19; 2) Binder to be milled to appropriate depths. EEI will provide summary of areas to be milled; 3) Binder compaction testing and results for Westhaven/Anderson (binder placed on 10/18/19); 4) CB-60 to be plated (or photographic confirmation it has been completed); 5) Missing curb at Anderson/Keslinger placed and cured to strength; and 6) roads be reviewed no sooner than September 1, 2020.

A roll call vote ensued. Ayes: Grabarek. Nays: Anderson, Filek, Mond, Schuberg, Wilson. Motion failed.

- b. Discuss and Approve Resolution 2019-15 Motor Fuel Tax Expenditure – Road Salt – VanBogaert stated this is for rock salt only. A motion to approve was made by Schuberg and seconded by Wilson. A roll call vote ensued. Ayes: Anderson, Filek, Grabarek, Mond, Schuberg, Wilson. Nays: None. Motion carried.
- c. Discuss and Approve the Purchase of "ClearLane" Enhanced Salt, Not to Exceed \$22,000 – VanBogaert stated the Village has the opportunity to purchase enhanced salt which the Village has not had access to for the last two winter seasons. The enhanced salt is more expensive but we will use less volume. Unlike rock salt, ClearLane melts faster and is effective down to 5 or 10 degrees above zero. A motion to approve was made by Wilson and seconded by Schuberg. A roll call vote ensued. Ayes: Anderson, Filek, Grabarek, Mond, Schuberg, Wilson. Nays: None. Motion carried.
- d. VanBogaert reported on October 9, the Kaneland High School pressure main in the westbound lane of Keslinger Road burst. When exposed, VanBogaert said you could see where the teeth of a bucket (from a separate job) dragged across the pipe causing the break. This turned into a very large job. Per the IGA, The Village of Elburn is responsible for the entire force main. The Village Board said the IGA should be reviewed and perhaps pursue the contractor who caused damage to the force main. This will be a huge capital expense when the main needs to be replaced. VanBogaert added the Village has spent approximately \$16,000 in the last year fixing pumps at the lift station and estimates this repair will be in the neighborhood of \$30,000. Staff was directed to research further in order to decide a course of action.
- e. It was inquired why the pond north of Keslinger Road at Anderson Road is holding water and burping over. Staff was instructed to investigate and report at the next meeting.


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, October 21, 2019 for \$28,123.94. A roll call vote ensued. Ayes: Anderson, Filek, Grabarek, Mond, Schuberg, Wilson. Nays: None. Motion carried.

15. Other Business – Two Kaneland High School students, working on a government project, were in attendance but had no questions or comments.

16. Adjourn - Trustee Mond motioned to adjourn the meeting at 8:20 p.m. with Trustee Filek seconding the motion. The motion passed by a unanimous voice vote.

Respectfully Submitted,



Diane McQuilkin
Village Clerk