

MINUTES  
VILLAGE OF ELBURN BOARD OF TRUSTEES  
OCTOBER 5, 2020

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

Board Members Absent:

Staff Members Present: Village Administrator John Nevenhoven; Finance Director Doug Elder, Village Attorney Bill Thomas, Police Chief Nick Sikora; Building Commissioner Tom Brennan; Public Works Supt Phil VanBogaert; Village Engineers Julie Morrison & Chris Ott

Others Present: Resident LeRoy Herra; Debbie Stover; Shodeen rep Bob Skidmore; Ambrogio's owner Dennis Pitts

1. Call to Order – Village President Jeff Walter called the meeting to order at 7:00 p.m.
2. Pledge of Allegiance – Trustee Anderson led the assembly in the Pledge of Allegiance.
3. Roll Call – A roll call ensued.

Being that a quorum was present, a motion to approve Trustee Grabarek's participation via teleconference was made by Trustee Mond and seconded by Trustee Schuberg. A roll call vote ensued. Ayes: Anderson, Filek, Mond, Schuberg, Wilson. Nays: None. Motion carried. Trustee Grabarek joined the meeting via conference call.

4. Public Comment, Awards & Presentations – Debbie Stover, lives south of town, and inquired why the Village of Elburn will not sign a boundary agreement with Sugar Grove and what the Village of Elburn's intentions are with Crown Development. Mayor Walter stated since the Village of Elburn's revised comprehensive plan is now approved, boundary negotiations will begin with Sugar Grove. As far as Crown, the Village has not heard from them since May 2019.
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  
\*Committee of the Whole*

*September 21, 2020  
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A motion was made by Trustee Filek and seconded by Trustee Schuberg to approve the Omnibus Agenda. A roll call vote ensued. Ayes: Anderson, Filek, Grabarek, Mond, Schuberg, Wilson. Nays: None. Motion carried.

6. Mayor
  - a. Mayor Walter stated agenda item #16 will be moved to this slot in order to accommodate one of the Trustee's schedule.
  - b. There will be no increase to the Village's property insurance renewal this year.
  - c. The annual ABATE motorcycle toy run will occur this Sunday.
  - d. The Lions Club German dinner (pickup only) is this coming weekend.
7. Village Attorney – No report

8. Village Clerk -- No report

9. Village Engineer – No report

10. Administration

- a. Discuss and Approve Contract with CGS NIU Staffing Study and Strategic IT Plan – Village Admin Nevenhoven presented. The proposal includes a staffing study and an IT strategic plan. The total for the contract is \$34,050. We budgeted \$30K and the overage will be covered elsewhere in the same budget line item. A motion to approve was made by Wilson and seconded by Mondy. A roll call vote ensued. Ayes: Anderson, Filek, Grabarek, Mondy, Schuberg, Wilson. Nays: None. Motion carried.
- b. Discuss and Approve Ordinance 2020-24 Amending Section 804.04 "Class of Liquor Licenses," Class E-3 (Ambrogio's, 107 Valley Drive) – Nevenhoven presented and advised the E-3 license is for a restaurant with a full bar. Ambrogio's will be expanding into the old Taco Heaven space. A motion to approve was made by Schuberg and seconded by Grabarek. When asked about video gaming, Dennis Pitts (owner of Ambrogio's) stated there will be video gaming. A roll call vote ensued. Ayes: Anderson, Filek, Grabarek, Mondy, Schuberg, Wilson. Nays: None. Motion carried.
- c. Discuss and Approve Change Order #1 with Wilkinson Excavating for Elburn Station Community Park - \$39,174.00 – Nevenhoven explained the addendum. The approval amount should be reduced by \$7,200 because the weir wall line item is being eliminated. Discussion ensued as to the viability of the overall project. IDNR has stated they will not extend the deadline of the project beyond April 15, 2021 which causes a risk of losing the grant and would require the Village to return the \$200,000 advance payment with interest. The contractor is concerned with meeting this deadline. Playground equipment (\$95K) will be delivered tomorrow and we have already committed to the shelter (\$20K). If the Board decides to abandon the project, these items can be used elsewhere. A motion to approve Change Order #1 \$31,974 (will be split with Shodeen) was made by Filek and seconded by Schuberg. The following discussion ensued.

Shodeen rep Skidmore said Shodeen is in favor of the change order. Skidmore also said he is confident the State will not take funding away from all of the OSLAD grant recipients if the deadline is missed due to everything going on in the world right now with the pandemic.

Trustee Anderson stated this site will be a very difficult one to manage drainage-wise and believes it will continue to have issues. Anderson stated he is not in favor of this change order and would vote no but has to leave the meeting now. (Trustee Anderson left the meeting at 8:00pm.)

From Shodeen's perspective, Skidmore said there is disagreement between engineers and claimed Village engineers (EEI) created a monotonous process for a simple solution resulting in a delay.

Village engineer Morrison stated EEI did not do design engineering for the project, they only reviewed for compliance. An overview of the timeline was given. Morrison stated EEI is not driving the design, they are reviewing the design provided based on Kane County Stormwater Control Ordinance requirements and will sign-off on the design if requirements are met. Further discussion regarding timelines ensued.

There was discussion regarding the possibility of losing the \$400K grant if the timeline is not met, where does the blame lie, potential lawsuits, etc. There seems to be a lot of blaming going on.

If weather next spring prevents us from meeting the timeline, it was asked if force majeure would come into play. Village Attorney Thomas said he would have to review the contracts and stated we cannot predict the State's action.

If the change order is approved, it was suggested consultant Hitchcock be required to keep the project moving in order to meet the deadline.

There was agreement to move on for now. Concern was expressed about other potential skeletons that might be uncovered going forward.

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

- d. Discuss and Approve a Contract with Construction Testing Services for Testing Services not to Exceed \$6,579.00 – Nevenhoven said this testing is needed to ensure the ground will support structures (shelter, etc.). A motion to approve was made by Grabarek and seconded by Wilson.

When asked why this was not included in original engineering, Nevenhoven stated there were original borings but this will be more specific. Skidmore stated Shodeen is OK with the extra cost.

Discussion ensued wondering what else was missed and if this is something consultant Hitchcock should be responsible for paying. Nevenhoven will address this with Hitchcock to see if the Village can be reimbursed. It was suggested the Hitchcock agreement be reviewed since these additions seem to be a common occurrence and is irritating.

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

Nevenhoven asked the Board given the time sensitive nature of this project, is the Board comfortable granting authority to Nevenhoven to approve future changes on the fly rather than wait for the next Village Board meeting. There was consensus from the Board to authorize Nevenhoven a \$5,000 threshold in order to keep the project moving—but the Board still wants to know about any additions. Nevenhoven agreed.

Ground breaking for the new park will occur at 11:00am on Wednesday. A sign will be installed, representatives from all entities will speak and the press is invited. Everyone is invited.

11. Building and Zoning – No report

12. Finance Department – No report

13. Police Department – Chief Sikora provided the following updates:

- a. The annual ABATE motorcycle toy and food drive will occur on Sunday.
- b. The initial full-time police officer eligibility list will be approved tomorrow and the final list will be approved on October 21.
- c. Halloween trick or treat hours will be from 4-8pm.

14. Public Works Department

- a. Discuss and Approve 2021 Street Improvement Project PSA with EEI, Inc. for \$104,494 – Public Works Supt VanBogaert stated this includes design and construction engineering and material testing. A motion to approve was made by Schuberg and seconded by Filek. While some of the pre-work will occur this fiscal year, the majority of the cost will occur next fiscal year. Funds have been budgeted this fiscal year to cover the cost.

At a previous meeting, a test of reclamite on one of our newer streets was discussed. It has been decided the test will be done on Prairie Valley Drive to see if it extends the life of the pavement.

There was discussion of stormwater problems on Saratoga which has improved since construction of the detention pond on South Street. VanBogaert said it is his plan to run a storm sewer in the parkway to improve drainage in the area.

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

15. 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 5, 2020 for \$107,201.73. A roll call vote ensued. Ayes: Filek, Grabarek, Mond, Schuberg, Wilson. Nays: None. Motion carried.

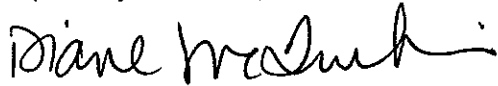
16. Executive Session – The appointment, employment, compensation, discipline, performance or dismissal of specific employees of the public body [5 ILCS 120/2(c)(1)] – A motion was made by Trustee Grabarek and seconded by Trustee Schuberg to leave regular session and enter into executive session at 7:05 p.m. A roll call vote ensued. Ayes: Anderson, Filek, Grabarek, Mond, Schuberg, Wilson. Nays: None. Motion carried. It was announced that there would be no announcements after the meeting.

At 7:35 p.m., a motion was made by Trustee Schuberg and seconded by Trustee Filek to leave executive session and re-enter regular session. The motion carried by unanimous voice vote.

17. Other Business – None.

18. Adjourn - Trustee Mond motioned to adjourn the meeting at 9:01 p.m. with Trustee Filek seconding the motion. The motion passed by a unanimous voice vote.

Respectfully Submitted,



Diane McQuilkin  
Village Clerk