

MINUTES
VILLAGE OF ELBURN BOARD OF TRUSTEES
APRIL 19, 2021
AT ELBURN VILLAGE HALL

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

Board Members Absent:

Staff Members Present: Village Administrator John Nevenhoven; Village Attorney Bill Thomas, Police Chief Nick Sikora; Building Commissioner Tom Brennan; Public Works Supt Phil VanBogaert; Village Engineers Julie Morrison & Pete Wallers

Others Present: Resident LeRoy Herra; ABATE rep Chris Hanson; Curtis Marschinke & family, Shodeen rep Bob Skidmore; Kane County Chronicle reporter

1. Call to Order – Village President Jeff Walter called the meeting to order at 7:00 p.m.
2. Pledge of Allegiance – Trustee Grabarek led the assembly in the Pledge of Allegiance.
3. Roll Call – A roll call ensued.
4. Public Hearing on FY2021-2022 Budget per 65 ILCS 5/8-2-9.9 – A motion to open the public hearing was made by Grabarek and seconded by Schuberg. A roll call vote ensued. Ayes: Anderson, Filek, Grabarek, Mondì, Schuberg, Wilson. Nays: None. Motion carried. Public notice of the hearing was published in the Kane County Chronicle and on the Village website. The tentative budget as approved by the Village Board on April 5, 2021, was available for public inspection at Village Hall (paper copy) and electronically on the Village website from April 6 through April 19, 2021. Mayor Walter inquired three times if there were any questions or public comment regarding the Village of Elburn's FY2021-2022 budget. There were no comments or questions. A motion to close the public hearing was made by Grabarek and seconded by Filek. Ayes: Anderson, Filek, Grabarek, Mondì, 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

**Village Board*

April 5, 2021

**Committee of the Whole*

April 5, 2021

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

7. Mayor
 - a. Swear-in Curtis Marschinke, Part-time Police Officer – Mayor Walter performed the swearing of oath to Curtis Marschinke.
 - b. Arbor Day Proclamation – Mayor Walter read the proclamation aloud.
 - c. Motorcycle Awareness Month Proclamation – Mayor Walter asked ABATE representative, Chris Hanson, to join him at the front of the room and Mayor Walter read the proclamation aloud. Hanson thanked the Village for their continued support.

- d. Aquifers and Lead Service Lines, Pete Wallers, EEI – Wallers gave a comprehensive presentation on the Northwest Water Planning Alliances (NWPA) which is a voluntary group. Topics covered were NWPA's Sub-regional Planning, State and Federal Water Legislation, Regional Water Supply Outlook, Local Water Supply Considerations and Local Water Supply Planning. This will be on a future COW to discuss how the Village wants to participate and, further, how we can get residents to consider conservation.
- e. Mayor Walter stated Representative Keith Wheeler will perform the swearing of oath for newly elected officials at the next Board meeting at Elburn Village Hall.
- f. Executive Session – 5 ILCS 120/2 (c)(1) – The appointment, employment, compensation, discipline, performance or dismissal of specific employees of the public body or legal counsel for the public body, including hearing testimony on a complaint lodged against an employee of the public body or against legal counsel for the public body to determine its validity – A motion to leave regular session and go into executive session was made by Schuberg and seconded by Grabarek at 8:04pm. Ayes: Anderson, Filek, Grabarek, Mond, Schuberg, Wilson. Nays: None. Motion carried.

A motion was made at 8:23pm by Schuberg and seconded by Filek to leave executive session and return to regular open session. The motion carried by unanimous voice vote.

8. Village Attorney – No report

9. Village Clerk – No report

10. Village Engineer – Village Engineer Morrison gave an update on the progress of the new Fox Pointe Subdivision. The Anderson/Keslinger Road project is in punch list phase. Major restoration needs to be done to some sod areas. Crack sealing work carried over from last year will occur soon. The 2021 Streets Program bid opening took place and the work will be awarded to Builders paving.

11. Administration

- a. Discuss and Approve Ordinance 2021-12 Approving the Subdivision of Lot 272, Elburn Station Unit 1 – Village Admin Nevenhoven displayed an aerial photo of the subject property which contains a subdivision monument sign at the southwest corner. The monument was built within the public utility and drainage easements and is on top of a water main. The Village is concerned about future maintenance of the water main and the monument sign. Village staff believes the best way to address future maintenance and ownership issues is to subdivide lot 272 into two separate lots—one for the commercial area and the other for the monument sign. A motion to approve was made by Anderson and seconded by Filek. It was asked if it will be the Village's responsibility to fix the monument in the event it is damaged due to improvements or repairs made to infrastructure. Nevenhoven said there is language in the plat that says the responsibility will be on the owner of lot 272B, who is currently Shodeen. Trustees want to ensure taxpayers are not "on the hook" to pay for associated landscaping and maintenance costs as a result of infrastructure repairs. Trustees asked that verbiage be very "cut and dry" and leave no question. There was consensus from the Board to add more restrictions to the plat to ensure responsibility for repairs and maintenance. Trustee Anderson and Trustee Filek withdrew their motion and second. This will be brought back to the Board for action when it is revised.
- b. Discuss and Approve Ordinance 2021-13 Amending the Final Plat for Elburn Station Unit 1 – Keslinger Pedestrian Path Removal – Nevenhoven stated this has been discussed previously by the Board to eliminate a redundant path that dead ends at the east property line and Village limits. In addition, Shodeen has committed to contribute \$25K toward pedestrian path improvements. This is considered a minor change to the plat and was reviewed by the Planning Commission who recommended approval. A motion to approve was made by Anderson and seconded by Wilson. A roll call vote ensued. Ayes: Anderson, Filek, Grabarek, Mond, Schuberg, Wilson. Nays: None. Motion carried.
- c. Nevenhoven reported the old Village Hall sign has been removed and the new sign will be installed later this week. New carpet is being installed at Village Hall in the Admin and Police Departments.

12. Building and Zoning – Building Commissioner Brennan presented. All three Special Use requests being considered this evening are for live entertainment and dancing. The three requests were reviewed by the Planning Commission who recommended approval.
- a. Discuss and Approve Ordinance 2021-09 Special Use (Live Music) for 113 W North Street (Obscurity) – A motion to approve was made by Anderson and seconded by Schuberg. Trustee Grabarek expressed concern about traffic issues we may face with several music venues in the vicinity. Mayor Walter said there have been numerous meetings with Obscurity regarding their property on West North Street, including their new parking lot. Mayor Walter said the Fire Department has also been involved. Trustee Grabarek believes forethought should be given by the Village regarding potential substantial traffic/parking issues resulting in patrons using side streets, etc. for parking. Mayor Walter said there are three residents who could potentially be affected and mentioned that Obscurity has purchased some homes in the area. There were some residents (the Kings) who expressed concern with noise and traffic at the Planning Commission meeting. Obscurity does not have a long term plan at this time—they have several small items in the plans to help fund future improvements. Obscurity controls the south side of West North Street and the Village has asked for a plan—perhaps as a PUD. Obscurity has been using other parking lots in the area for overflow. It was expressed that although Obscurity has no long range plan now, the Village should know the parking capacity. Obscurity does not want to put down asphalt until their plans are certain—but whatever happens, they want to ensure it is not a problem for residents. We want to make sure there is onsite parking that is managed by Obscurity staff. Nevenhoven has encouraged Obscurity to be good neighbors and at this point, it is still a transition. Trustee Grabarek envisions an explosion of people coming into the Village—which is a good thing—but uncomfortable not having any idea as far as parking because we can't rely on empty bank parking lots, the Legion, etc. Reams will be re-opening The Old Elburn Hall again. Grabarek sees this as a huge draw and it is exciting but would like the Chamber and other stakeholders to review to ensure everyone will benefit. Police Chief Sikora said regarding larger events, the Police Department suggested a shuttle service to/from the Metra lot. It was suggested to make Babcock and Read no parking to help with overcrowding. Trustee Grabarek asked about fencing along the railroad tracks so patrons won't wander onto the tracks. Nevenhoven said it has been discussed and Obscurity has been told they must have fencing running the length of the property. Trustee Schuberg suggested fencing on the south side of tracks as well to prevent folks who decide to park on the south side and walk across the tracks. The Village can require fencing for temporary/special events. When asked about railroad abandonment and removal of the spur, Nevenhoven said the Village will make the owners aware of regulations. Overall, there was agreement this is great and will make Elburn a stronger destination place. A roll call vote ensued. Ayes: Anderson, Filek, Grabarek, Mond, Schuberg, Wilson. Nays: None. Motion carried.
 - b. Discuss and Approve Ordinance 2021-10 Special Use (Live Music) for 217 W North Street (Obscurity) – This particular location will be craft hall, open market and probably a full band (see discussion above in agenda item #12b). 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.
 - c. Discuss and Approve Ordinance 2021-11 Special Use (Live Music) for 21 S Main Street (OBS Mead Hall) – A motion to approve was made by Filek and seconded by Schuberg. Nevenhoven clarified this request is for 1 South and 21 South Main Street. A corrected legal description will be inserted into the Ordinance when received. Trustees Filek and Schuberg agreed to amend their motion and second that approval is subject to receiving the corrected legal description. A roll call vote ensued. Ayes: Anderson, Filek, Grabarek, Mond, Schuberg, Wilson. Nays: None. Motion carried.
 - d. Commissioner Brennan stated he is receiving a lot of permits lately. Dollar General is coming to the north side of town.

13. Finance Department

- a. Discuss and Approve Ordinance 2021-07 An Ordinance Approving the Annual Budget of the Village of Elburn, Kane County, Illinois, for the Fiscal Year Beginning May 1, 2021 and ending April 30, 2022 – In Finance Director Elder's absence, Nevenhoven highlighted the slides provided by Elder. Public notice of the hearing was published in the Kane County Chronicle and on the Village website. The tentative budget as approved by the Village Board on April 5, 2021, was

available for public inspection at Village Hall (paper copy) and electronically on the Village website from April 6 through April 19, 2021. A motion to approve was made by Grabarek and seconded by Schuberg. Trustee Anderson suggested the Village Board re-evaluate spending \$200K in the Welch Creek Industrial Park for sidewalks and paths. Public Works Supt VanBogaert will speak with the developer, Drew Frasz, about bringing the existing path up to standards. This will be discussed at a future COW. A roll call vote ensued. Ayes: Anderson, Filek, Grabarek, Mondí, Schuberg, Wilson. Nays: None. Motion carried.

- b. Discuss the Treasurers Report Ending March 2021 – There were no questions or comments regarding the report.
- c. Discuss the Revenue and Expenditure Report Ending March 2021 – There were no questions or comments regarding the report.

14. Police Department – Chief Sikora presented the following:

- a. Discuss Community Alert Systems – Chief Sikora provided an update since this was last discussed. Typically, a smaller community such as Elburn can expect a higher enrollment rate than larger communities—25-50%. A 1-year contract vs 3-year contract is possible with an opt-out at the end of a contract year, not mid-contract. As far as upgrading mid-contract, two of the three did not have a problem and would pro-rate mid-contract or at a new contract year. Kane County OEM does emergency messaging only (no community announcements). Reminder, a community alert system was not budgeted in FY2022 and will have to find areas to cut or amend the budget if the Board decides to move forward. Trustee Anderson favors the free option from Kane County. When asked for his recommendation, Chief Sikora stated he would recommend Code Red based on pricing. Civic Plus is launching a new platform that has not been tested and don't feel comfortable with it. Code Red has been around the longest and Kane County also uses this system. Regarding the Kane County OEM system, Chief Sikora will research further and report back to the Board.
- b. New carpet is in the process of being installed in the Police Department.
- c. Curtis Marschinke was sworn in earlier this evening as a part-time police officer. It will be a while before he performs officer duties as his graduation from the part-time police academy is January 2022. In the meantime, Marschinke will continue in his CSO job with the Village. Marschinke is also on the Department's current full-time officer eligibility list.

15. Public Works Department

- a. Discuss and Approve SSA #1 Landscape Contract to Accurate Edge - \$19,348 – Public Works Supt VanBogaert presented. A motion to approve was made by Schuberg and seconded by Filek. The bidders understand award of the bid is being split. Trustee Mondí asked why all mowing was not bid on one contract for better pricing. VanBogaert stated this particular contract is not Village per se—it is SSA. This is the first time the Village has considered outsourcing all Village-wide mowing and it was unknown if outsourcing of all Village-wide mowing would be feasible. Trustee Mondí did not agree with some of the requirements (i.e., certifications, etc.) in the contract and thinks we may have scared bidders away. VanBogaert stated the same contract template the Village has used for years was used for these bids. Mayor Walter suggested Public Works review the contract template with the Village Attorney to make sure it makes sense for today. A roll call vote ensued. Ayes: Anderson, Filek, Grabarek, Mondí, Schuberg, Wilson. Nays: None. Motion carried.
- b. Discuss and Approve Metra Landscape Contract to Tentinger Landscape - \$7,115 – A motion to approve was made by Schuberg and seconded by Filek. A roll call vote ensued. Ayes: Anderson, Filek, Grabarek, Mondí, Schuberg, Wilson. Nays: None. Motion carried.
- c. Discuss and Approve Village Wide Mowing to Accurate Edge – Scenario B - \$43,275 – VanBogaert outlined the different scenarios in the bid package. Outsourcing all Village mowing will allow Public Works to do more project-related work. Contractors use their own equipment and fuel. This is not budgeted in the FY2022 budget but there is a \$13,000 mower that can be eliminated if the Board decides to outsource all Village wide mowing. A motion to approve Scenario B in the amount of \$52,291 was made by Grabarek and seconded by Filek. VanBogaert stated the cost will be broken out amongst the Streets, Water and Sewer Departments. Trustee Schuberg is interested in finding out how staff will be utilized if mowing is outsourced. VanBogaert will prepare a memo for the Board outlining how staff will be utilized. It was suggested that some of the mowing cost be allocated to Parks as well. A roll call vote

ensued. Ayes: Anderson, Filek, Grabarek, Mond, Schuberg, Wilson. Nays: None. Motion carried. Trustee Anderson stated he considers this to be an experiment and the Village may or may not decide to renew the contract after the first year.

16. Bills

- a. Approve the Bills List – A motion was made by Trustee Grabarek and seconded by Trustee Schuberg to approve the bills for Monday, April 19, 2021 for \$235,453.58. A roll call vote ensued. Ayes: Anderson, Filek, Grabarek, Mond, Schuberg, Wilson. Nays: None. Motion carried.

17. Other Business – None.

18. Adjourn - Trustee Mond motioned to adjourn the meeting at 9:47 p.m. with Trustee Filek seconding the motion. The motion passed by a unanimous voice vote.

Respectfully Submitted,



Diane McQuilkin
Village Clerk