

MINUTES
VILLAGE OF ELBURN BOARD OF TRUSTEES
MARCH 6, 2023
AT ELBURN VILLAGE HALL

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: Village Administrator John Nevenhoven, Assist Village Admin & HR Specialist Chris Ranney; Finance Director Doug Elder, Village Attorney Bill Thomas, Police Chief Nick Sikora; Building Commissioner Tom Brennan; Public Works Supt Phil VanBogaert; Village Engineer Julie Morrison

Others Present: Residents LeRoy Herra, Thomas Gush, Chris Hansen; Kane County Chronicle reporter Susan O'Neill

1. Call to Order – Village President Jeff Walter called the meeting to order at 7:00 p.m.
2. Pledge of Allegiance – Trustee Filek led the assembly in the Pledge of Allegiance.
3. Roll Call – A roll call ensued.
4. Public Comment, Awards & Presentations – None
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.

Village Board Minutes February 21, 2023
Committee of the Whole February 21, 2023
Ordinance 2023-05 Sewer Rates and Charges
Ordinance 2023-06 Water Rates and Charges
Resolution 2023-03 Capital Improvement Plan

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

6. Mayor
 - a. To date, 35 military banners have been ordered and will be displayed in town later this year.
7. Village Attorney – Village Attorney Thomas gave an update on some recent Appellate opinions. The first was regarding Airbnb and VRBO. Items contested included inspection requirements, host's primary residence, noise restrictions, and two-night minimum stay. The plaintiffs did not meet the burden of evidence. Second was a FOIA from a not-for-profit requesting hard drive contents for certain computer serial numbers. The municipality advised a fee would be charged for the work. The requestor filed a lawsuit over the expense and noncompliance with the request. Judge ruled in favor of the defendant stating the requestor did not clarify what they were looking for—and no attorney fees were awarded. Requestors should clarify their request.
8. Village Clerk – No report

9. Village Engineer – Village Engineer Morrison stated the 2023 Street Program is out for bid. Trine Construction is working on the water main and downstream storm sewer project at the Elburn Station Community Park.
10. Administration
 - a. Discuss and Approve Ordinance 2023-08 Amending Section 894.09 Utility Tax Refunds – Asst Village Admin Ranney advised this revision is to make the ordinance match the State Statutes. Trustees suggested promoting this opportunity as much as possible. A motion to approve was made by Grabarek and seconded by Filek. A roll call vote ensued. Ayes: Anderson, Filek, Grabarek, Mond, Schuberg, Wilson. Nays: None. Motion carried.
 - b. Discuss and Approve Ordinance 2023-09 Amending Section 804.04 Liquor License – Village Admin Nevenhoven presented. This is to allow “to go drinks” for Class E Liquor License holders. A paragraph was added to the E1, E2 and E3 classifications. Unless the State of Illinois extends, this temporary provision will expire in January 2024. 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 Ordinance 2023-10 Vacating Harrison Street – Village Attorney Thomas provided background that a local attorney had a transaction for a Railroad Street address and the legal description referenced Harrison Street. There is no documentation that Elburn had vacated the street. In 1905, there was a transaction where both halves of the street were deeded to two purchasers. To ensure no issues now and going forward, this will formally vacate the street within the Village of Elburn. A motion to approve was made by Grabarek and seconded by Wilson. A roll call vote ensued. Ayes: Anderson, Filek, Grabarek, Mond, Schuberg, Wilson. Nays: None. Motion carried.
11. Building and Zoning – No report
12. Finance Department – Finance Director Elder presented the following:
 - a. GASB has two new statements the Village must comply with (GASB 87 dealing with leases and GASB 96 software-based subscriptions [SBITA]). Department heads are helping with this project by providing documentation.
13. Police Department – Chief Sikora presented the following:
 - a. Business burglaries that occurred last week were discussed. Det. Scuidero is working with other municipalities to solve, and they are making headway.
 - b. Reminder of the Police Department Referendum open house at Village Hall on Saturday, March 11, from 8am to 11am to ask questions and tours of the police department.
14. Public Works Department
 - a. Discuss and Approve 2022 Street Program Pay Estimate #3, Builders Paving, LLC - \$80,149.56 – A motion to approve was made by Mond and seconded by Schuberg. A roll call vote ensued. Ayes: Anderson, Filek, Grabarek, Mond, Schuberg, Wilson. Nays: None. Motion carried.
 - b. Discuss and Approve Elburn Station Community Park Stormwater Outfall Payout #1 to Trine Construction Co. \$93,085.97 – A motion to approve was made by Grabarek and seconded by Filek. A roll call vote ensued. Ayes: Anderson, 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 Schuberg to approve the bills for Monday, March 6, 2023 for \$299,565.50. A roll call vote ensued. Ayes: Anderson, Filek, Grabarek, Mond, Schuberg, Wilson. Nays: None. Motion carried.
16. Other Business – None
17. Adjourn - Trustee Mond motioned to adjourn the meeting at 7:32 p.m. with Trustee Grabarek seconding the motion. The motion passed by a unanimous voice vote.

Respectfully Submitted,

A handwritten signature in blue ink that reads "Diane McQuilkin". The signature is fluid and cursive, with a small flourish at the end.

Diane McQuilkin
Village Clerk