

MEETING OF NOVEMBER 21, 2007

The regular meeting of the Board of Trustees, Village of Elwood, was called to order at 7:00 PM, November 21, 2007 by Village President Ruban. One Trustee LaPaglia absent.

Also present: Aimee Ingalls, Ed Graham, Nick Narduci, Dave Albert, Dave Laveck, Scott Haywood, Kim Smith (Herald News), Brandi (Free Press), Floyd Garrett, Leonard Pulaski, Jerry Buchenau, George Ruban, Greg Hickey, Mr. and Mrs. Randy Lightfoot and son, Mary Ann and Dale Morse, Mr. and Mrs. Art Krause, Bill Bolker, Jerry (from Bill Bolkers office).

Meeting opened with Pledge to the Flag.

PUBLIC COMMENTS

No public comments.

PRESENTATION OF MINUTES

The minutes of the following meetings were presented: Meeting of Oct. 17, 2007, Public Hearing – August 15, 2007, Special Meeting – August 29, 2007 and Public Hearing – September 19, 2007.

The minutes of October 17, 2007 were presented. A motion by Trustee Matichak to approve minutes of October 17, 2007 as presented. Seconded by Trustee Strawn. All voted in favor of motion. Motion carried.

The minutes of a Public Hearing of August 15, 2007 were presented. A motion by Trustee Kucera to approve minutes of Public Hearing of August 15, 2007 as presented. Seconded by Trustee Strawn. All voted in favor of motion. Motion carried.

The minutes of a Special Meeting of August 29, 2007 were presented. A motion by Trustee Bernhard to approve minutes of Special Meeting of August 29, 2007 as presented. Seconded by Trustee Strawn. All voted in favor of motion. Motion carried.

The minutes of a Public Hearing of September 19, 2007 were presented. A motion by Trustee Strawn to approve minutes of Public Hearing of September 19, 2007 as presented. Seconded by Trustee Jones. All voted in favor of motion. Motion carried.

PRESENTATION OF BILLS

The bills for the previous month were presented.

A motion by Trustee Strawn to approve bills as presented. Seconded by Trustee Kucera. All voted in favor of motion. Motion carried.

APPOINTMENT TO PARK AND RECREATION COMMITTEE

President Ruban recommended Mike Walsh and Vic Lopez to be appointed to the Park and Recreation Committee.

A motion by Trustee Strawn to appoint Mike Walsh and Vic Lopez to the Park and Recreation Committee. Seconded by Trustee Jones. All voted in favor of motion. Motion carried.

VACATION TIME APPROVAL - Scott Haywood

Aimee Ingalls explained that Scott did not use all of his vacation time. Need board approval for him to use the three (3) days, would like to use them in December. Was unable to take time off due to the Village Hall project. I am recommending the time be granted.

A motion by Trustee Kucera to approve the three (3) days of vacation time for Scott Haywood. Seconded by Trustee Jones. All voted in favor of motion. Motion carried.

PROPERTY TAX INCREASE

Nick Narduci presented and recommended a ten cent increase. Explained what the increase would involve. Difficult to raise taxes, part of our long range plan. We got a high bond rating and want to keep it that way.

Trustee Matichak – I feel this is a bad time and should wait until the spring. We are raising water and sewer rates. People will feel we are raising to help pay for the new building. Bring up later on, will have no objection later.

Trustee Jones – with the County raising their taxes this year, not a good idea.

Nick Narduci – we have a process to go through, come up with a estimate, will have Public Hearing because over 5%.

Trustee Strawn – raise taxes and stay out of debt.

Nick Narduci – need a dollar amount to be able to publish in the paper for the Public Hearing.

A motion by Trustee Strawn to estimate at ten cents for Public Hearing requirement in paper. Seconded by Trustee Jones. A voice vote was called: Trustee Bernhard – yes, Trustee Jones – no, Trustee Kucera – yes, Trustee Matichak – no, Trustee Strawn – yes, President Ruban – yes. Motion carried.

FISCAL IMPACT STUDY CONSULTANT RECOMMENDATION

Nick Narduci explained the study, would like to hire a firm to do impact study. Will be paid through SSA. Recommend we hire Ehlers and Associates. They have done work for the Village before on another project. Their cost came in at \$17,000.00.

A motion by Trustee Kucera to hire Ehlers and Associates in the amount of \$17,000.00 to conduct the study. Payment to be made from SSA. Seconded by Trustee Bernhard. A voice vote was called: Trustee Bernhard – yes, Trustee Jones – yes, Trustee Kucera – yes, Trustee Matichak – yes, Trustee Strawn – yes. Motion carried.

AN ORDINANCE LEVYING AND EXTENDING A SPECIAL TAX IN THE VILLAGE OF ELWOOD SPECIAL SERVICE AREA NUMBER 1 FOR TAX YEAR 2007

Nick Narduci explained that the levy will allow to bill SSA. The amount to be levied is \$781,253.00.

A motion by Trustee Matichak to approve Ordinance 875, An Ordinance Levying and Extending a Special Tax in the Village of Elwood Special Service Area Number 1 for Tax Year 2007. Seconded by Trustee Strawn. A voice vote was called: Trustee Bernhard – yes, Trustee Jones – yes, Trustee Kucera – yes, Trustee Matichak – yes, Trustee Strawn – yes. Motion carried.

AN ORDINANCE ESTABLISHING MUNICIPAL FEES AND REPEALING ORDINANCE 823 FOR THE VILLAGE OF ELWOOD

Nick Narduci explained the fee increases.

A motion by Trustee Strawn to approve Ordinance 876, An Ordinance Establishing Municipal Fees and Repealing Ordinance 823 for the Village of Elwood. Seconded by Trustee Jones. A voice vote was called: Trustee Bernhard – yes, Trustee Jones – yes, Trustee Kucera – yes, Trustee Matichak – yes, Trustee Strawn – yes. Motion carried.

AN ORDINANCE APPROVING THE PRELIMINARY SITE PLAN FOR THE SHOPPES OF ELWOOD DEVELOPMENT LOCATED WITHIN THE ELWOOD TOWN CENTER SUBDIVISION, UNIT 1, IN THE VILLAGE OF ELWOOD

Aimee Ingalls – Mr. Bolker showed plans at Work Shop. We now have a new concept drawing, changes were made. Main building in same location, compromised that will work for both future building to front Mississippi. Paths would go through parking lot, 28’ at each end of the building for truck delivery and fire trucks. One entrance moved against Mississippi.

President Ruban – is everything in plans to proceed?

Aimee Ingalls – this is a site plan, need some engineering plans, landscape plans and lighting plan. Will have to come back when plans are received.

Letter of Credit for the east side and not Letter of Credit for the west side.

Trustee Bernhard – would like to look over and talk about at the December Work Shop.

Aimee Ingalls – positive recommendation to move forward.

A motion by Trustee Bernhard to table until the Work Shop in December. Seconded by Trustee Strawn.

Any feed back let Aimee know. Need engineering plans to go along with this site plan.

Bill Bolker – had a good meeting with Mayor. Business is critical right now. Only approve preliminary plan, we have a lot of work yet to do.

Would like to start in spring. No reason to delay, need full cooperation of village.

Trustee Matichak – I agree, need preliminary plat approved.

President Ruban - to be done the way we want it done.

Trustee Strawn – what did Rodney Tonelli recommend.

Aimee Ingalls – he came up with the ideas, staff felt we accomplished what we want, building to front Mississippi.

Trustee Strawn – has the Fire Department checked the plans?

Aimee Ingalls – Fire Department has not seen the plans.

Ed Graham – governed by local ordinance, elements are within the document to proceed with future engineering.

President Ruban – make sure you comply with everything we request.

A motion by Trustee Bernhard to rescind previous motion to table. Seconded by Trustee Kucera. All voted in favor of motion. Motion carried.

Ed Graham – can approve ordinance of preliminary site plan with conditions referring to final engineering, landscape and lighting plans.

A motion by Trustee Matichak to approve Ordinance 877, An Ordinance Approving the Preliminary Site Plan for the Shoppes of Elwood Development Located Within the Elwood Town Center Subdivision, Unit 1, in the Village of Elwood. Seconded by Trustee Kucera. A voice vote was called: Trustee Bernhard – yes, Trustee Jones – yes, Trustee Kucera – yes, Trustee Matichak – yes, Trustee Strawn – yes. Motion carried.

AN ORDINANCE GRANTING A SPECIAL USE PERMIT FOR TWO (2) DRIVE-THROUGH RETAIL FACILITIES WITHIN THE C-2 ZONING CLASSIFICATION SUBMITTED BY LINCOLN-WAY PARTNERS, INC. FOR PROPERTY COMMONLY KNOWN AS THE SHOPPES OF ELWOOD AND GENERALLY LOCATED NEAR THE

INTERSECTION OF ILLINOIS ROUTE 53 AND MISSISSIPPI AVENUE WITHIN THE ELWOOD TOWN CENTER

Ed Graham – ordinance to allow for two (2) drive-throughs.

President Ruban – fast food or cleaners, no liquor from drive-throughs.

A motion by Trustee Matichak to approve Ordinance 878, An Ordinance Granting a Special Use Permit for Two (2) Drive-through Retail Facilities Within the C-2 Zoning Classification Submitted by Lincoln-Way Partners, Inc. for Property Commonly Known as the Shoppes of Elwood and Generally Located Near The Intersection of Illinois Route 53 and Mississippi Avenue Within the Elwood Town Center. Seconded by Trustee Strawn. A voice vote was called: Trustee Bernhard – yes, Trustee Jones – yes, Trustee Kucera – yes, Trustee Matichak – yes, Trustee Strawn – yes. Motion carried.

AN ORDINANCE REPEALING ORDINANCES 845, 846, 847, 848 AND 849 IN THEIR ENTIRETY IN RELATION TO THE ELWOOD LAKES SUBDIVISION FOR THE VILLAGE OF ELWOOD

Aimee Ingalls – back in 2006, Board approved the development of Elwood Lakes, development has not been signed. We recommend to repeal ordinances due to the fact they are not completed.

President Ruban – if they want to continue, do they have to re-submit?

Ed Graham – yes.

A motion by Trustee Strawn to approve Ordinance 879, An Ordinance Repealing Ordinances 845, 846, 847, 848 and 849 in their Entirety in Relation to the Elwood Lakes Subdivision for the Village of Elwood. Seconded by Trustee Matichak. All voted in favor of motion. Motion carried.

AN ORDINANCE ESTABLISHING ANTI-MONOTONY CONTROLS FOR SINGLE-FAMILY DETACHED AND SINGLE-FAMILY ATTACHED (DUPLEX) RESIDENTIAL DWELLING UNITS WITHIN THE VILLAGE OF ELWOOD, ILLINOIS, WILL COUNTY, ILLINOIS AND REPEALING ORDINANCE 519 IN ITS ENTIRETY

Aimee Ingalls – ordinance only had single family and now we have added duplexes.

President Ruban – how can you not have monotony, townhouses and duplexes are monotony.

Aimee Ingalls – explained, we are asking for changing of colors, no difference in design.

A motion by Trustee Strawn to approve Ordinance 880, An Ordinance Establishing Anti-Monotony Controls for Single-Family Detached and Single-Family Attached (Duplex) Residential Dwelling Units Within the Village of Elwood, Illinois, Will County, Illinois and Repealing Ordinance 519 in its Entirety. Seconded by Trustee Jones. All voted in favor of motion. Motion carried.

AN ORDINANCE AMENDING “THE OFFICIAL ZONING ORDINANCE” KNOWN AS ORDINANCE 656 AND SUBSEQUENT AMENDMENTS THERETO (BY REPEALING ARTICLE 5.12 IN ITS ENTIRETY) FOR THE VILLAGE OF ELWOOD

Aimee Ingalls explained the current C-3 zoning, need to repeal or replace for town center business district. Businesses that front the street. Create a downtown district.

A motion by Trustee Matchak to approve Ordinance 881, An Ordinance Amending “The Official Zoning Ordinance” Known as Ordinance 656 and Subsequent Amendments Thereto (By Repealing Article 5.12 in its Entirety) for the Village of Elwood. Seconded by Trustee Kucera. All voted in favor of motion. Motion carried.

AN ORDINANCE AMENDING “THE OFFICIAL ZONING ORDINANCE” KNOWN AS ORDINANCE 656 AND SUBSEQUENT AMENDMENTS THERETO, PARTICULARLY INCLUDING BUT NOT LIMITED TO ORDINANCE 788, RELATED TO SIGNAGE REQUIREMENTS OF THE VILLAGE OF ELWOOD

Aimee Ingalls – a minor clarification on electronic reader boards. The Fire Department, civic groups and government bodies the electronic reader boards are allowed.

A motion by Trustee Kucera to approve Ordinance 882, An Ordinance Amending “The Official Zoning Ordinance” Known as Ordinance 656 and Subsequent Amendments Thereto, Particularly Including But Not Limited to

Ordinance 788, Related to Signage Requirements of the Village of Elwood. Seconded by Trustee Bernhard. All voted in favor of motion. Motion carried.

AN ORDINANCE REGULATING THE LOCATION AND USE OF CARGO CONTAINER STORAGE FACILITIES WITHIN THE VILLAGE OF ELWOOD

Ed Graham – requesting ordinance be tabled, need to review one more time to make sure no conflict with legal rights.

A motion by Trustee Kucera to table An Ordinance Regulating the Location and Use of Cargo Container Storage Facilities Within the Village of Elwood for further review. Seconded by Trustee Bernhard. All voted in favor of motion. Motion carried.

AN ORDINANCE ESTABLISHING A POLICY TO INDEMNIFY MUNICIPAL OFFICIALS AND EMPLOYEES IN ALL CAUSES OF ACTION AGAINST THEM ARISING OUT OF THE LAWFUL PERFORMANCE OF THEIR DUTIES FOR THE VILLAGE OF ELWOOD

Ed Graham explained that there is not an ordinance in existence, proposed to provide protection for personnel liability while performing their duties for the Village. Defend any claims of losses for liability.

President Ruban asked about ex-employees, how far back to we go.

Ed Graham –controlled by statue limitations would provide a two year period. Contract action could be five to ten years.

A motion by Trustee Strawn to approve Ordinance 883, An Ordinance Establishing a Policy to Indemnify Municipal Officials and Employees in all Causes of Action Against Them Arising Out of the Lawful Performance of Their Duties for the Village of Elwood. Seconded by Trustee Matichak. All voted in favor of motion. Motion carried.

AN ORDINANCE ADOPTING CERTAIN SAFETY CODES, REGULATIONS AND STANDARDS RELATED TO THE ENFORCEMENT OF THE ILLINOIS ELEVATOR SAFETY ACT AND THE IMPLEMENTATION OF A LOCAL CONVEYANCE SAFETY REGULATIONS PROGRAM FROM THE VILLAGE OF ELWOOD

Aimee Ingalls reported we contract with an elevator company. Inspect annually, no one on staff. There are codes that need to be adhered and complies with.

Resoulution with agreement to enforce codes.

Ed Graham – the State Fire Marashal requires as we are the local regulator of equipment. This is for any land within the Elwood.

A motion by Trustee Matichak to approve Ordinance 884, An Ordinance Adopting Certain Safety Codes, Regulations and Standards Related to the Enforcement of the Illinois Elevator Safety Act and the Implementation of a Local Conveyance Safety Regulations Program from the Village of Elwood. Seconded by Trustee Jones. All voted in favor of motion. Motion carried.

RESOLUTION AUTHORIZING THE EXECUTION OF AN ILLINOIS ELEVATOR SAFETY PROGRAM AGREEMENT WITH THE OFFICE OF THE STATE FIRE MARSHAL DIVISION OF ELEVATOR SAFETY

Aimee Ingalls – between the Village of Elwood and the State Fire Marshal Office, we will inspect all elevators now and in the future.

A motion by Trustee Matichak to approve Resolution 2007-08-15, Resolution Authorizing the Execution of an Illinois Elevator Safety Program Agreement with the Office of the State Fire Marshal Division of Elevator Safety. Seconded by Trustee Strawn. All voted in favor of motion. Motion carried.

RESOLUTION AUTHORIZING THE EXECUTION OF A FIXED PRICE ILLINOIS COM ED ELECTRICITY SUPPLY AGREEMENT

Nick Narduci explained that if we are a member of NIMEC, we can save money on our electric rates for the year. This is for the water treatment facility. Will be no cost to the Village to become a member.

A motion by Trustee Kucera to approve Resolution 2007-08-16, Resoluitioin Authorizing the Execution of a Fixed Price Illinios Com Ed Electricity Supply Agreement. Seconded by Trustee Bernhard. All voted in favor of motion. Motion carried.

PAYMENT REQUEST NO. 15 – WIGHT – FOR VILLAGE HALL

Pay request for Wight for the Village Hall.

Trustee Matichak asked about the balance of the contract.

A motion by Trustee Strawn to approve Payment Request No. 15, Wight, in the amount of \$418,792.39. Seconded by Trustee Bernhard. A voice vote was called: Trustee Bernhard – yes, Trustee Jones – yes, Trustee Kucera – yes, Trustee Matichak – yes, Trustee Strawn – yes. Motion carried.

OLD WATER TOWER DEMOLITION BID RECOMMENDATION

Demolition of old water tower bids were opened. CTE's estimate was for \$75,000.00. Lowest bidder was All Industrial Services, Inc. in the amount of \$30,754.00. Recommended by CTE to award the contract to All Industrial Services Inc.

A motion by Trustee Strawn to award the bid for demolition of old water tower to All Industrial Services, Inc. in the amount of \$30,754.00. Seconded by Trustee Bernhard. A voice vote was called: Trustee Bernhard – yes, Trustee Jones – yes, Trustee Kucera – yes, Trustee Matichak – yes, Trustee Strawn – yes. Motion carried.

DONATION – Jackson Township Twilighters

President Ruban – have a request from Jackson Township Twilighters for a donation. Recommend \$500.00.

A motion by Trustee Strawn to approve the donation to Jackson Township Twilighters in the amount of \$500.00. Seconded by Trustee Bernhard. A voice vote was called: Trustee Bernhard – yes, Trustee Jones – yes, Trustee Kucera – yes, Trustee Matichak – yes, Trustee Strawn – yes. Motion carried.

OTHER BUSINESS

Trustee Matichak – we raised the water and sewer rates, can we give the seniors a cut, set an age limit.

President Ruban – don't really want to start, we are not financially able to right now. Maybe in the future.

BOARD REPORTS

None

STAFF REPORTS

POLICE DEPARTMENT – Chief Albert

Nothing to report.

MAINTENANCE – Scott Haywood

New truck to be delivered the end of November.

Bobcat waiting for next week.

Ed Graham – Tax assessment appeals. Properties within the Village would affect our tax review. They want to reduce their tax assessment. We stand to loose money. Elwood Energy is not in the TIF. Partners reduction is 1.2 million which we would loose \$4222.22 per year. We need to appeal, the hearings to be held December 3rd and 4th. Would attend if Village desires.

President Ruban – we need to appeal.

Ed Graham – suggest after these appeals, establish a policy at Board level as to defend.

EXECUTIVE SESSION

A motion by Trustee Matchak to go into Executive Session to discuss Open Meetings Act Complaint and Closed Session Minutes. Seconded by Trustee Bernhard. A voice vote was called: Trustee Bernhard – yes, Trustee Jones – yes, Trustee Kucera – yes, Trustee Matchak – yes, Trustee Strawn – yes. Motion carried.

BACK IN OPEN SESSION

A motion by Trustee Matchak to go back in open session. Seconded by Trustee Jones. All voted in favor of motion. Motion carried.

Inventory of tapes for Executive Session. February 18, 2004, March 17, 2004, April 21, 2004, December 15, 2004, December 27, 2004, January 19, 2005, March 16, 2005, December 7, 2005, April 18, 2007.

The minutes of Executive Session of February 18, 2004, March 17, 2004, April 21, 2004, December 15, 2004 and December 27, 2004 were presented. Three (3) board members on present board were able to vote. Bernhard, Strawn and Ruban. A motion by Trustee to approve minutes as presented. Seconded by Trustee Bernhard. All voted in favor of motion. Motion carried.

The minutes of Executive Session of January 19, 2005 and March 16, 2006 were presented. Three (3) board members on present board were able to vote. Bernhard, Strawn and Ruban. A motion by Trustee Bernhard to approve minutes as presented. Seconded by Trustee Strawn. All voted in favor of motion. Motion carried.

The minutes of Executive Session of December 7, 2005 were presented. Four (4) board members on present board were able to vote. Bernhard, Strawn, Matichak and Ruban. A motion by Trustee Matichak to approve minutes as presented. Seconded by Trustee Strawn. All voted in favor of motion. Motion carried.

The minutes of Executive Session of April 18, 2007 were presented. Five (5) board members on present board were able to vote. Bernhard, Strawn, Matichak, Ruban and Kucera. A motion by Trustee Kucera to approve minutes of April 18, 2007 as presented. Seconded by Trustee Matichak. All voted in favor of motion. Motion carried.

Ed Graham – the minutes of May 16, 2007 and September 19, 2007 to be deferred to the December meeting.

A motion by Trustee Matichak to defer the minutes of Executive Session for May 16, 2007 and September 19, 2007 until the December meeting. Seconded by Trustee Strawn. All voted in favor of motion. Motion carried.

A motion by Trustee Bernhard to adjourn meeting. Seconded by Trustee Kucera. All voted in favor of motion. Motion carried.

Pat Buchenau
Village Clerk

