

REGULAR MEETING OF THE VILLAGE BOARD MINUTES, SEPTEMBER 7, 2010

The Regular Meeting of the Village Board was held Tuesday, September 7, 2010 at the New Baden Village Hall, 1 East Hanover Street. President Brandmeyer called the meeting to order at 7:00 p.m.

Present and answering to roll call: Mayor Brandmeyer, Trustees Malina, Linthicum, Oster, Picard, Mastromatteo, and Nielsen. **Absent:** None. **Staff Members Present:** Village Clerk Crane; Administrator Morani; Doug Gruenke of Belsheim & Bruckert, LLC (Village Attorney); Village Treasurer Pollmann; Public Works Commissioner Renth; Chief Building & Zoning Officer Green; Brian Buchheit of HMG Engineers; and Police Sergeant Meinhardt.

A motion was made by Trustee Picard and seconded by Trustee Mastromatteo to approve the Consent Agenda, which includes the Minutes from the August 2, 2010 Regular Meeting, the Minutes of the August 16, 2010 Committee-at-Large Meeting and authorization of payment of current invoices.

Ayes: Malina, Linthicum, Oster, Picard, Mastromatteo, Nielsen.

Nays: None.

Absent: None.

A majority of the Board voting aye, the motion carried.

Ordinance 840:
Amending Minor
Violations Penalty

A motion was made by Trustee Malina and seconded by Trustee Linthicum to pass Ordinance 840: Amending the Minor Violations Penalty for Violation of the Village Code (from \$50 to \$75). State fines will be increasing significantly at the end of September.

Ayes: Linthicum, Oster, Picard, Mastromatteo, Nielsen, Malina.

Nays: None.

Absent: None.

A majority of the Board voting aye, the motion carried.

Resolution 2010-9:
Wesclin Homecoming
Parade

A motion was made by Trustee Nielsen and seconded by Trustee Oster to pass Resolution 2010-09: Authorizing closure of State Route 161 on Wednesday, September 29, 2010 from 5:30 to 6:30 p.m. for the Wesclin Homecoming Parade.

Ayes: Oster, Picard, Mastromatteo, Nielsen, Malina, Linthicum.

Nays: None.

Absent: None.

A majority of the Board voting aye, the motion carried.

Resolution 2010-10:
Agreement with
Moran Economic
Development LLC

A motion was made by Trustee Picard and seconded by Trustee Nielsen to pass Resolution 2010-10: Authorizing an Economic Development Assistance Agreement with Moran Economic Development, LLC. This will provide for assistance to Administrator Morani in the development of businesses at the Interstate 64 Interchange in conjunction with the new TIF and Business Districts.

Ayes: Picard, Mastromatteo, Nielsen, Malina, Linthicum, Oster.

Nays: None.

Absent: None.

A majority of the Board voting aye, the motion carried.

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Clinton Street Project

A motion was made by Trustee Oster and seconded by Trustee Malina to approve the cost estimate from Rhutasel & Associates, Inc. for the Clinton Street project; \$32,000.00. The project will be completed by Gleeson Asphalt; the original contractors. This includes completing the curb, gutter and sidewalk on the east side of Clinton Street to Ash Street and to the first driveway on the west side.

Ayes: Mastromatteo, Nielsen, Malina, Linthicum, Oster, Picard.

Nays: None.

Absent: None.

A majority of the Board voting aye, the motion carried.

Police Department:
Part-time Hire

A motion was made by Trustee Oster and seconded by Trustee Malina to approve the hiring of Stanley Donald as a part-time Police Officer; Police Chief Riley recommended this hire.

Ayes: Nielsen, Malina, Oster, Picard, Mastromatteo.

Nays: Linthicum.

Absent: None.

A majority of the Board voting aye, the motion carried.

Raffle License: Fee
Waiver

A motion was made by Trustee Malina and seconded by Trustee Nielsen to approve Raffle Licenses for American Legion, St. George Parish, Zion United Church of Christ, New Baden Lions Club and the New Baden Fire Protection District, fees will be waived.

Ayes: Malina, Linthicum, Oster, Picard, Mastromatteo, Nielsen.

Nays: None.

Absent: None.

A majority of the Board voting aye, the motion carried.

Zoning Board of
Appeals: Norbeck
Recommendation

The Zoning Board of Appeals held a Public Hearing on Wednesday, August 25, 2010. Hearings were held for John Norbeck, 212 West Illinois Street for an area bulk variance for a carport and for Ronald Deutschmann, 614 Della Court for an area bulk variance for a carport.

Mr. Norbeck was requesting a variance of 2 (two) feet for his carport (required setbacks are 5-feet from the property line, his carport would be 3 feet). The Zoning Board of Appeals recommendation was to not approve Norbeck's variance stating it was self-imposed, that a smaller carport could be purchased. Discussion at this meeting indicated that the measurements were not correct and it would only be a 1 (one) foot variance; the carport would actually be 4-feet from the property line.

A motion was made by Trustee Oster and seconded by Trustee Mastromatteo to deny the Zoning Board of Appeals recommendation and waive the fee for a new Zoning Board of Appeals Public Hearing based on the information Mr. Norbeck provided.

Ayes: Linthicum, Oster, Picard, Mastromatteo, Nielsen, Malina.

Nays: None.

Absent: None.

A majority of the Board voting aye, the motion carried.

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Zoning Board of Appeals:
Deutschmann Recommendation

Mr. Deutschmann was requesting a variance for the placement of a carport in front of his home; set backs are 30 feet from the front property line. Attorney Gruenke, in review of the Zoning Boards recommendation, had concerns regarding the Zoning Boards approval of the variance: 1) not in harmony with neighboring properties; 2) removal of carport when ownership of property changes; and 3) denial of a similar variance at same hearing (Norbeck).

A motion was made by Trustee Malina and seconded by Trustee Oster to send the request back to the Zoning Board of Appeals to have them reconsider the request.

Ayes: Oster, Mastromatteo, Nielsen, Malina, Linthicum.

Nays: Picard.

Absent: None.

A majority of the Board voting aye, the motion carried.

Permanent Transfer of Funds

A motion was made by Trustee Malina and seconded by Trustee Picard to authorize a permanent transfer of funds from the General Fund to the Civic Center; \$5,000.

Ayes: Picard, Mastromatteo, Nielsen, Malina, Linthicum, Oster.

Nays: None.

Absent: None.

A majority of the Board voting aye, the motion carried.

American Legion Meat Shoot: Class "E" Liquor License

A motion was made by Trustee Oster and seconded by Trustee Picard to approve a Class "E" Liquor License for the American Legion Meat Shoot on Sunday, October 10, 2010.

Ayes: Mastromatteo, Nielsen, Malina, Linthicum, Oster, Picard.

Nays: None.

Absent: None.

A majority of the Board voting aye, the motion carried.

American Legion Meat Shoot: Class "E" Liquor License

A motion was made by Trustee Nielsen and seconded by Trustee Linthicum to approve a Class "E" Liquor License for the New Baden Chamber of Commerce Chili & Soup Cook-off on Saturday, October 30, 2010.

Ayes: Nielsen, Malina, Linthicum, Oster, Picard, Mastromatteo.

Nays: None.

Absent: None.

A majority of the Board voting aye, the motion carried.

Pay Request #5: Haier Plumbing & Heating for WWTF

A motion was made by Trustee Malina and seconded by Trustee Nielsen to authorize Pay Request #5 submitted by Haier Plumbing & Heating for the Wastewater Treatment Facility; \$75,141.00. This was not presented at a previous meeting due to lack of supporting documentation being submitted to Henry, Meisenheimer & Gende for preparation.

Ayes: Malina, Linthicum, Oster, Picard, Mastromatteo, Nielsen.

Nays: None.

Absent: None.

A majority of the Board voting aye, the motion carried.

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Pay Request #6:
Haier Plumbing &
Heating for WWTF

A motion was made by Trustee Linthicum and seconded by Trustee Nielsen to authorize Pay Request #6 submitted by Haier Plumbing & Heating for the Wastewater Treatment Facility; \$81,594.80.

Ayes: Linthicum, Oster, Picard, Mastromatteo, Nielsen, Malina.

Nays: None.

Absent: None.

A majority of the Board voting aye, the motion carried.

Skate Park

A motion was made by Trustee Picard and seconded by Trustee Oster to authorize going out for bids for work to be done in conjunction with the Skate Park portion of the OSLAD Grant.

Ayes: Oster, Picard, Mastromatteo, Nielsen, Malina, Linthicum.

Nays: None.

Absent: None.

A majority of the Board voting aye, the motion carried.

Executive Session

A motion was made by Trustee Malina and seconded by Trustee Linthicum to adjourn the meeting to Closed Session to discuss Probable Litigation.

Ayes: Malina, Linthicum, Oster, Picard, Mastromatteo, Nielsen.

Nays: None.

Absent: None.

A majority of the Board voting aye, the motion carried and the meeting was adjourned to Closed Session at 7:39 p.m.

Open Session reconvened at 8:08 p.m.

Police Department
DARE Ride

Sergeant Meinhardt reminded the Board that the annual DARE Ride will be on Sunday, September 12, 2010.

Wesclin School
Referendum

Scott Meinhardt made a comment regarding the Wesclin School Referendum that will be on the November 2, 2010 Ballot; a sewer line to New Baden versus the maintenance of the sewer at the school.

Cemetery Sidewalk

Discussion of broken sidewalk in front of the Cemetery. This will be placed on the September 20, 2010.

Street Creep

Trustee Oster requested Street Creep be placed on the September 20, 2010 Agenda.

There being no further business to be brought before the Village Board, a motion was made by Trustee Malina and seconded by Trustee Linthicum to adjourn the meeting.

Ayes: Malina, Linthicum, Oster, Picard, Mastromatteo, Nielsen.

Nays: None.

Absent: None.

A majority of the Board voting aye, the motion carried and the meeting was adjourned at 8:30 p.m.

Teri L Crane, Village Clerk
Approved: October 4, 2010