

REGULAR MEETING OF THE VILLAGE BOARD MINUTES, NOVEMBER 5, 2012

The Regular Meeting of the Village Board was held Monday, November 5, 2012, at the New Baden Village Hall, 1 East Hanover Street. President Brandmeyer called the meeting to order at 7:00 p.m.

Boy Scout Pack 34 led the Village Board and audience members in the Pledge of Allegiance.

Present and answering to roll call: Mayor Brandmeyer, Trustees Malina, Linthicum, Oster, Picard, Nielsen and Gunn. **Absent:** None. **Staff Members Present:** Village Clerk Crane; Village Administrator Morani; Attorneys Gruenke and Palen of Belsheim & Bruckert, LLC; Chief Building & Zoning Official Green; Police Chief Riley; and Brian Buchheit and Doug Ratermann of HMG Engineers.

A motion was made by Trustee Linthicum and seconded by Trustee Nielsen to approve the Consent Agenda, which includes the Minutes from the October 1, 2012, Regular Meeting, the October 15, 2012, Committee-at-Large Meeting and authorization of payment of current invoices.

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

Nays: None.

Absent: None.

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

Announcements

Attorney Gruenke reminded the Board that all elected and appointed officials need to complete the electronic Open Meetings Act Training prior to January 1, 2013. Clerk Crane can provide more details.

Rescheduled Board Meeting

A motion was made by Trustee Linthicum and seconded by Trustee Nielsen to approve rescheduling the Regular Meeting to be held on Monday, December 3, 2012 to Monday, December 10, 2012. The Committee-at-Large meeting to be held on Monday, December 17, 2012 was cancelled.

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

Nays: None.

Absent: None.

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

Boy Scouts Flag Presentation

New Baden Boy Scout Pack 34 presented the Village Board with two (2) POW/MIA flags; with the request that they be flown at Village Hall and at the Park entrance. Mayor Brandmeyer extended thanks on behalf of the entire Village Board.

Audit Report: FY 2012/13

Annette Hipkiss, of Allison, Knapp & Siekmann, Ltd., was present to review the Fiscal Year 2011-12 Audit Report.

Citizen Comments

Resident Mary Lou Schomaker was present to voice her continued displeasure in the Village Board's approval to allow an apartment building in a Single Family Residential zoning district. She inquired on regulations for landlords on whom they can rent to (felons, sex offenders, etc.); which Attorney Gruenke addressed: constitutionally one cannot discriminate against certain individuals. She also questioned the "warehouse for rent" sign posted on the rear building. Chief Building & Zoning Official (CBZO) Jerry Green again stated that the building can be rented to a single person for storage; it cannot be rented to several individuals, which the owners of the property are aware.

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Citizen Comments, cont.

Resident Tom Hull questioned the permit issued for a storage shed at 10 West Poplar Street; citing that the covenants of the Clinton Hill Subdivision prohibit them. CBZO Green stated that the Village does not enforce covenants; if setback and any other requirements are met, the Village will issue a building permit. Covenants are a civil matter between homeowners.

Moran Economic Development Agreement: Business District III Development Plan

A motion was made by Trustee Nielsen and seconded by Trustee Linthicum to approve an Agreement for Technical Services and Assistance with Moran Economic Development for Business District III. As discussed at the October 1 meeting, the Village can establish a Business District for Jerry Kunz's property located on East Illinois Street and adjacent areas to help fund infrastructure improvements, such as the maintenance shed driveway, since its use will be shared with his business. This agreement is for technical services, not to exceed \$4,000. The cost is lower than usual since the same public hearing dates as the Business District II and the Amended I-64 TIF. Additionally, Jerry Kunz has agreed to pay for half of these costs, which can be included in the lease agreement as compensation to the Village.

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

Nays: None.

Absent: None.

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

Business District III Presentation

Jared Kanallakan of Moran Economic Development was present to discuss the Business District III Development Plan. The district would include property along East Illinois Street (Jerry Kunz's recently purchased lot, American Legion Post 321, South 3rd Street, 207 West Hanover Street and property extended to the railroad tracks, with a small section of property leading to South Railway Street). Trustee Malina questioned why New Baden Auto Body (302 South Railway Street) was not included. Administrator Morani stated he would contact the business owner, Tim Hoerchler. Once the plan has been established, parcels can easily be excluded; there is additional cost and delay if including additional parcels.

Resolution 2012-11-05-A: Public Hearing Dates for Business District III

A motion was made by Trustee Picard and seconded by Trustee Gunn to approve Resolution 2012-11-05-A: Authorizing Public Hearing Dates for Village Board Consideration of the Business District III Redevelopment Plan within the Village of New Baden, Illinois. This must be authorized by the Village Board to comply with statutory guidelines. The public hearing is scheduled for Monday, November 19, 2012, at 6:50 p.m.

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

Nays: None.

Absent: None.

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

Ordinance 2012-11-05-A: Prohibiting Reckless & Careless Driving

A motion was made by Trustee Gunn and seconded by Trustee Picard to approve Ordinance 2012-11-05-A: Prohibiting Reckless Driving and Careless Driving. This ordinance will help resolve enforcement issues pertaining to traffic violations outside of those contained in Chapter 11 of the Illinois Vehicle Code.

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

Nays: None.

Absent: None.

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

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Ordinance 2012-11-05-B: Ben El Second Subdivision

A motion was made by Trustee Picard and seconded by Trustee Gunn to approve Ordinance 2012-11-05-B: Approving the Subdivision Plat for the Ben El Second Subdivision. This minor subdivision, located north on State Route 160, involving only a land split, was recommended by the Plan Commission on August 30, 2011. Since this property is located within 1.5 miles of the corporate limits, the final plat must be approved by the Village. Village Attorney Gruenke had a difference of opinion with Doug Ratermann of HMG Engineers on the legality of this subdivision; Attorney Gruenke citing the definition of "subdivision" in the Village Code and Engineer Ratermann citing the State of Illinois Plat Act.

Ayes: Oster, Picard, Nielsen, Gunn.

Nays: None.

Absent: Linthicum, Malina.

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

Clinton County Contracts for Ambulance: SSA 7

A motion was made by Trustee Nielsen and seconded by Trustee Gunn to approve the Contract for Ambulance Service with Clinton County in Special Service Area 7: Village of Damiansville, in the amount of \$8,874.00.

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

Nays: None.

Absent: None.

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

Clinton County Contracts for Ambulance: SSA 8

A motion was made by Trustee Picard and seconded by Trustee Oster to approve the Contract for Ambulance Service with Clinton County in Special Service Area 8: Village of Albers, in the amount of \$28,227.00.

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

Nays: None.

Absent: None.

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

Clinton County Contracts for Ambulance: SSA 9

A motion was made by Trustee Malina and seconded by Trustee Nielsen to approve the Contract for Ambulance Service with Clinton County in Special Service Area 9: Village of New Baden, in the amount of \$60,747.00.

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

Nays: None.

Absent: None.

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

Clinton County Contracts for Ambulance: SSA 10

A motion was made by Trustee Malina and seconded by Trustee Nielsen to approve the Contract for Ambulance Service with Clinton County in Special Service Area 10: Un-incorporated Areas of Lookingglass Township, in the amount of \$42,777.00. This number did not change from the previous year due the closeness to the maximum rate allowed.

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

Nays: None.

Absent: None.

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

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Kassen Excavating:
Pay Request #2; First
& Poplar Streets
Drainage
Improvements

A motion was made by Trustee Malina and seconded by Trustee Gunn to authorize Pay Request #2, \$23,245.20, from Kassen Excavating for First & Poplar Streets Drainage Improvements. The project is approximately 65% complete.

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

Nays: None.

Absent: None.

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

Kassen Excavating:
Change Order #1;
First & Poplar Streets
Drainage
Improvements

A motion was made by Trustee Malina and seconded by Trustee Gunn to authorize Change Order #1, \$2,200.00, from Kassen Excavating for First & Poplar Streets Drainage Improvements. This is for additional work that was required to relocate a Frontier Communications line. This is the phone line that Frontier Communications wanted to charge the Village \$12,953.63 to relocate back in July. The Change Order is for compensation to Kassen Excavating for the additional time due to a slow pace of work (normally would take about 4 hours to complete, took the majority of a day).

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

Nays: None.

Absent: None.

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

Zoning Code Update
Proposal – Lisa
Koerkenmeier

A motion was made by Trustee Malina and seconded by Trustee Nielsen to approve the proposal from Lisa Koerkenmeier of LK Real Estate Consulting Services, Inc., to provide general planning advisory services to prepare an update to the Village's Zoning Code (Ch. 40) at a rate of \$65.00 per hour, not to exceed \$13,000.00. The Community and Economic Development Committee recommended adoption of this proposal based on their October 24, 2012 committee meeting.

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

Nays: None.

Absent: None.

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

Zoning Code Update
Proposal – Jerry
Green

A motion was made by Trustee Oster and seconded by Trustee Nielsen to approve the proposal from Jerry Green, Chief Building & Zoning Officer, to oversee the Zoning Code project. He will work with Lisa Koerkenmeier throughout the process to ensure critical areas are addressed and the project remains on schedule. The Village currently compensates Mr. Green at \$75.00 per month for his duties as Chief Building and Zoning Official so it is unreasonable to expect him to manage this project unless he is fairly compensated. Mr. Green would normally charge \$50.000 per hour for this type of work but has agreed to "donate" half his time back to the Village, thus resulting at a rate of \$25.00 per hour.

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

Nays: None.

Absent: None.

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

New Home Buyer's
Incentive Program

Tabled until a future date.

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Scott Air Force Base
Newcomer's Guide

A motion was made by Trustee Nielsen and seconded by Trustee Linthicum to approve the placement of a full page advertisement in the 2013/14 Scott AFB Newcomer's Guide at the renewal price of \$6,000 (the same price as last year). A few modifications were made at the request of the Community and Economic Development Committee when they met on October 24, 2012.

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

Nays: None.

Absent: None.

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

Police Dept. Part-time
Officer

A motion was made by Trustee Picard and seconded by Trustee Gunn to approve the hiring of Ryan Leary as a part-time Police Officer.

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

Nays: None.

Absent: None.

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

Liquor License
Application: Good Ol'
Days

A motion was made by Trustee Linthicum and seconded by Trustee Malina to approve the Liquor License request from Meytham Ali (the new owner) of Good Ol' Days, 5 East Hanover Street.

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

Nays: None.

Absent: None.

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

South End Water
System
Improvements

A motion was made by Trustee Gunn and seconded by Trustee Nielsen to authorize the bid letting for the South End Water System Improvements project. Design work for this project is near completion and it can be advertised by the end of the month.

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

Nays: None.

Absent: None.

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

Engineering
Agreement with
HMG: Task Order #7,
South 1st Street
Extension

The South First Street Extension project was included in the Capital Improvements Debt Certificate that was approved on October 1, 2012. Since the water main replacement project is underway, HMG Engineers recommend the roadway project be completed at the conclusion of this work, which means a spring start date could be targeted.

A motion was made by Trustee Gunn and seconded by Trustee Nielsen to approve Task Order #7 for South 1st Street Extension with HMG Engineers, Inc., not to exceed \$30,000. This agreement is to extend First Street from Illinois Street to Hanover Street, with a 40 ft. wide from face of curb to face of curb, with 6 ft. wide sidewalks on both sides.

Ayes: Nielsen, Gunn

Nays: Malina, Linthicum, Oster, Picard.

Absent: None.

A majority of the Board voting nay, the motion did not pass.

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Engineering Agreement with HMG: Task Order #7, South 1st Street Extension, cont.

Mayor Brandmeyer expressed his displeasure in this project not moving forward, stating that the property was bought in 2001 with the intention of extending First Street, and that the Board approved a Debt Certificate to pay for this project at the October 1 meeting, with no objections from the Board. The Trustees not in favor of the project stated that they want to see the renovations to the Civic Center completed before approving this project.

Cambridge Roofing Systems, LLC

A motion was made by Trustee Malina and seconded by Trustee Linthicum to authorize Cambridge Roofing Systems, LLC to repair EPDM (rubber) roofs and to waive all bidding requirements. As discussed at the October 15 committee-at-large meeting, Cambridge Roofing Systems has inspected the EPDM (rubber) roofs at the Village Hall, EMS Building, Civic Center, and Library, and has determined they all sustained hail damage. The proposal is to replace these roofs for the amount the insurance company awards the Village; there will be no additional cost to the Village.

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

Nays: None.

Absent: None.

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

Utility Easement for Wesclin Water/Sewer Extension Project: Roger & Wanda Gildig

A motion was made by Trustee Nielsen and seconded by Trustee Picard to approve a Permanent Utility Easement with Roger Gildig Declaration of Trust / Wanda Gildig Declaration of Trust. Proposed compensation for the easement is \$1.50 per lineal foot.

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

Nays: None.

Absent: None.

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

Temporary Construction Easement for Wesclin Water/Sewer Extension Project: Roger & Wanda Gildig

A motion was made by Trustee Nielsen and seconded by Trustee Gunn to approve a Temporary Construction Easement with Roger Gildig Declaration of Trust / Wanda Gildig Declaration of Trust.

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

Nays: None.

Absent: None.

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

Utility Easement for Wesclin Water/Sewer Extension Project: Roger & Wanda Gildig (Lift Station)

A motion was made by Trustee Picard and seconded by Trustee Nielsen to approve a Permanent Utility Easement for the Lift Station with Roger Gildig Declaration of Trust / Wanda Gildig Declaration of Trust. Proposed compensation for the easement is a lump sum payment of \$9,500.00.

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

Nays: None.

Absent: None.

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

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Temporary
Construction
Easement for Wesclin
Water/Sewer
Extension Project:
Roger & Wanda
Gildig (Lift Station)

A motion was made by Trustee Picard and seconded by Trustee Gunn to approve a Temporary Construction Easement for the Lift Station with Roger Gildig Declaration of Trust / Wanda Gildig Declaration of Trust.

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

Nays: None.

Absent: None.

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

Utility Easement for
Wesclin Water/Sewer
Extension Project:
Michael & Judy Kuhn

A motion was made by Trustee Malina and seconded by Trustee Linthicum to approve a Utility Easement with Michael L. Kuhn / Judy L. Kuhn. They are requesting a water tap as compensation for the easement which will be stated in a forthcoming annexation agreement.

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

Nays: None.

Absent: None.

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

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

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

Nays: None.

Absent: None.

A majority of the Board voting aye, the motion carried and the meeting was adjourned at 8:40 p.m.

Teri L Crane, Village Clerk
Approved: December 10, 2012