

REGULAR MEETING OF THE VILLAGE BOARD MINUTES, DECEMBER 10, 2012

The Regular Meeting of the Village Board was held Monday, December 10, 2012, at the New Baden Village Hall, 1 East Hanover Street. President Brandmeyer called the meeting to order at 7:00 p.m. This meeting was to be held on Monday, December 3 but was rescheduled with Board approval at the November 5, 2012 Regular Meeting.

Present and answering to roll call: Mayor Brandmeyer, Trustees Malina, Linthicum, Oster, Picard and Gunn. **Absent:** Trustee Nielsen. **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; Village Treasurer Pollmann, Public Works Commissioner Renth, and Doug Ratermann of HMG Engineers.

A motion was made by Trustee Linthicum and seconded by Trustee Gunn to approve the Consent Agenda, which includes the Minutes from the November 5, 2012, Regular Meeting, the November 19, 2012, Committee-at-Large Meeting and authorization of payment of current invoices.

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

Nays: None.

Absent: Nielsen.

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

Announcements

Mayor Brandmeyer announced that Village Clerk Teri Crane has achieved the status of Certified Municipal Clerk as issued by the International Institute of Municipal Clerks.

Citizen Comments

Resident Tom Hull inquired on the Board adopting an ordinance to enforce covenants within a subdivision; he says there is a state mandate that allows this to happen. Attorney Gruenke stated that this is not possible; municipalities cannot enforce the covenants of a subdivision.

Resolution 2012-12-10-A: Public Hearing Dates for Amended Business District III

A motion was made by Trustee Linthicum and seconded by Trustee Picard to approve Resolution 2012-12-10-A: Authorizing Public Hearing Dates for Village Board Consideration of the Amended Business District III Redevelopment Plan within the Village of New Baden, Illinois. This resolution establishes a second public hearing date for Business District III. The American Legion has requested their property be removed from the proposed district. Since the removal of the parcel will establish a revised perimeter boundary, according to the statute a new public hearing is required. The public hearing is scheduled for Monday, January 7, 2013, at 6:45 p.m. The ordinance establishing the business district will be considered at the February 4 meeting.

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

Nays: None.

Absent: Nielsen.

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

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Ordinance 2012-12-10-A: FY 2012/13 Tax Levy

A motion was made by Trustee Malina and seconded by Trustee Picard to approve Ordinance 2012-12-10-A: Adopting Fiscal Year 2012-2013 Tax Levy, the revised copy that was presented to the Board at the meeting.

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

Nays: None.

Absent: Nielsen.

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

Ordinance 2012-12-10-B: Creating SSA for Caylin Ridge Estates

A motion was made by Trustee Picard and seconded by Trustee Gunn to approve Ordinance 2012-12-10-B: Creating a Special Service Area (SSA) for the Clean-up and Maintenance of the Common Areas of Caylin Ridge Estates. The earliest a special tax levy can be imposed would be next year (for 2013 tax year, payable in 2014). This still allows time for the home owners in Caylin Ridge to form a Home Owners Association (HOA); if the HOA is formed, the SSA levy goes dormant, according to Attorney Gruenke. There is currently a piece of common ground in litigation which is causing a delay in the HOA formation. It was stated that Steepleview Estates and Northridge Estates will also have an SSA levy; but Northridge is very close to having an HOA, according to Mayor Brandmeyer who resides in Northridge Estates. The recently adopted Subdivision Code now requires the establishment of an SSA.

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

Nays: None.

Absent: Nielsen.

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

Ordinance 2012-12-10-C: Amending Discharge of Firearms or Bow & Arrows

A motion was made by Trustee Gunn and seconded by Trustee Oster to approve Ordinance 2012-12-10-C: Amending the Offense of Discharge of Firearms or Bows and Arrows within the Corporate Limits. This was discussed at the November 19 committee-at-large meeting. This ordinance amends Section 27-2-20 of the Village Code to permit the discharge of firearms or bow and arrows on properties within the corporate limits that are zoned agricultural and at least ten (10) acres in size.

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

Nays: None.

Absent: Nielsen.

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

Ordinance 2012-12-10-D: Amending Open Burning

A motion was made by Trustee Gunn and seconded by Trustee Malina to approve Ordinance 2012-12-10-D: Amending the Offense of Open Burning within the Corporate Limits. This was discussed at the November 19 committee-at-large meeting. This ordinance amends Section 27-9-2 and 27-9-3 of the Village Code to permit open burning on properties within the corporate limits that are zoned agricultural and at least ten (10) acres in size.

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

Nays: None.

Absent: Nielsen.

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

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Ordinance 2012-12-10-E: Authorize Village Administrator & Village Attorney to Negotiate for Utility Easements for Expansion of Utility Lines to the new Wesclin High School

A motion was made by Trustee Malina and seconded by Trustee Oster to approve Ordinance 2012-12-10-E: Authorizing the Village Administrator and Village Attorney to Negotiate for the Acquisition of Utility Easements Necessary for Expansion of Utility Lines to the New Wesclin High School Building. If no agreements are reached with the remaining property owners prior to the January 7, 2013 meeting, an ordinance initiating eminent domain proceedings with said property owners will be considered. Property owners are: Keith J. & Jane E. Athmer, John A. Bumpus Trust, Mary L. Hanna, and Kenneth & Donna S. Graul for a total of nine (9) parcels.

The Wesclin School District has been talking to the Tri-Township Water District. There is still the possibility that the Village will have to buy the water rights from Tri-Township at a cost of the amount they would lose by not servicing the new high school. HMG Engineers still believe that no matter what, Tri-Township would not be able to service Wesclin with the location of their current lines, that it would be very expensive. Wesclin would not be willing to pay the fee to run Tri-Township lines and would be required to install a ground storage tank and still be supplied by New Baden.

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

Nays: None.

Absent: Nielsen.

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

KRB Excavating: Pay Request #1; South 9th Street Drainage Improvements

A motion was made by Trustee Gunn and seconded by Trustee Picard to authorize Pay Request #1, \$31,682.74, from KRB Excavating for South Ninth Street Drainage Improvements. This project is substantially complete. The Village will hold \$1,667.51 in retainage. Seeding work will be completed by the contractor in the spring.

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

Nays: None.

Absent: Nielsen.

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

Kassen Excavating: Pay Request #3; First & Poplar Streets Drainage Improvements

A motion was made by Trustee Malina and seconded by Trustee Picard to authorize Pay Request #3, \$32,005.08, from Kassen Excavating for First & Poplar Streets Drainage Improvements. The project is substantially complete. The Village will hold \$8,498.92 in retainage. The barricades are scheduled to be removed later this week once the concrete has finished curing, opening up North First Street to traffic.

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

Nays: None.

Absent: Nielsen.

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

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Liability Insurance
Renewal Proposal
(OneBeacon/ IPRF/
Hanover)

A motion was made by Trustee Picard and seconded by Trustee Gunn to authorize the renewal proposal for liability insurance received from Arthur J. Gallagher Risk Management Services, Inc. The proposal is for the following lines of coverage: Property & Casualty (OneBeacon), Worker's Compensation (IPRF-Illinois Public Risk Fund), and Crime (Hanover). As explained by Gallagher Benefit Services in the executive summary provided to Board members, the approximate 22% increase is due to current market conditions and the Village's loss ratio in recent years. Although we couldn't prevent the hail storm, the losses experienced as a result negatively impacted our renewal. Bob McWeeney of Gallagher Benefit Services indicated that the Village likely would have seen only an increase of 4%-7% from OneBeacon absent the hail storm losses.

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

Nays: None.

Absent: Nielsen.

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

Extension of Liquor
Sales Hours:
American Legion

A motion was made by Trustee Oster and seconded by Trustee Gunn to authorize the extension of liquor sales hours until 2:00 a.m. on New Year's Eve for American Legion Post 321, 105 East Illinois Street.

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

Nays: None.

Absent: Nielsen.

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

Azavar Audit
Solutions Agreement

A motion was made by Trustee Picard and seconded by Trustee Gunn to authorize the Azavar Audit Solutions Agreement. As discussed at the November 19 committee-at-large meeting, the agreement is to audit various taxes and fees imposed by the Village to ensure they are properly paid and collected. The firm works on a contingency fee basis so there is no up-front cost to the Village. Azavar will receive 45% of any revenues they recover, payable over 48-months.

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

Nays: None.

Absent: Nielsen.

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

Civic Center
Improvements

Chad Morris of AAIC, Inc. was present to discuss proposals for Civic Center improvements. Projects for the Civic Center included: new heating/air conditioning system for the gym and locker rooms (the existing unit for the cafeteria is sufficient), new windows in the cafeteria and tuck-pointing the chimney. The numbers were estimated on the high side to give the Board a better idea of actual costs. After much discussion it was decided to hold off on heating/cooling the gym, focus on the locker rooms that were recently painted to have them climate controlled; remove the existing windows and sashes in the cafeteria and replace, leaving aesthetically similar to current conditions, no additional block work between windows, completing window replacement prior to heating/cooling will result in a higher efficiency building envelope and will lead to additional cost savings; and tuck-point the chimney vs. removal of chimney, removal might result in additional roof work and making sure it is water tight, tuck-pointing is the better alternative.

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Civic Center
Improvements, cont.

A motion was made by Trustee Malina and seconded by Trustee Picard to authorize going out for bids for the following Civic Center projects: heating/air conditioning for the locker rooms, window replacement in the cafeteria, and tuck-point chimney.

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

Nays: None.

Absent: Nielsen.

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

Lions Club Pavilion
Improvements

Chad Morris of AAIC, Inc. was present to discuss a proposal for the Lions Club Pavilion improvements. Renovations would include gutting the building, making rodent proof, replacing all counter surfaces, new electrical & plumbing, sealing cracks in floor, new exterior & trim, and adding a ceiling to the pavilion portion with vandal-proof lights. A suggestion was to tear down the existing building and replace with a larger, block building (similar to the restroom structures in the park). Mr. Morris was directed to check into the costs of such a building. This will be addressed at the January meeting.

Park Walking Trail

Discussion on work to be done on walking trail at the Park. Replacing the walking trail completely with either a solid surface (concrete or asphalt) or a rubberized surface is extremely expensive and would have to be done in phases. Trustee Malina suggested replacing only the sections (near softball diamond, soccer field and culvert work) that need to be repaired; that the work KRB Excavating previously did is holding up well. He suggested contacting KRB Excavating for a bid for the work. This project has been budgeted using the TIF fund as the revenue source. This will be addressed at the January meeting.

Love's Travel Center
Update

Administrator Morani reported that the Love's Travel Center project is moving forward. Mr. Morani, Trustee Nielsen, Brian Buchheit of HMG Engineers, and Public Works Commissioner Renth met with representatives from Love's on December 5, 2012 to discuss water, sewer and the roadway. The Village will engineer the water and sewer lines and Love's is handling the roadway. A project funding agreement will be entered into, so there will be no cost to the Village; this will be similar to what has been done for the Reno Guthrie Chevrolet Expansion project. Love's has a contract on the property and hope to break ground in the spring.

South First Street
Expansion Project

Mayor Brandmeyer opened discussion in moving forward with the South First Street Expansion project since there are new developments in the Civic Center Renovations. Trustee Picard stated she would like to see things further along at the Civic Center prior to any approval. Attorney Gruenke stated that since the motion for this project did not pass on November 5, 2012, a Trustee who voted "no" on the project must make a motion to rescind the original motion and have a new vote. This will be addressed at the January meeting.

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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, Gunn.

Nays: None.

Absent: Nielsen.

A majority of the Board voting aye, the motion carried and the meeting was adjourned at 8:42 p.m.

Teri L Crane, Village Clerk
Approved: January 7, 2013