

REGULAR MEETING OF THE VILLAGE BOARD MINUTES: DECEMBER 7, 2015

The Regular Meeting of the Village Board met Monday, December 7, 2015, at New Baden Village Hall, 1 East Hanover Street. Mayor Picard called the meeting to order at 7:00 p.m.

Prior to the meeting, a Public Hearing was held to discuss the Fiscal Year 2015-2016 Tax Levy.

Present and answering to roll call: Trustees Malina, Linthicum, Oster, Mavrogeorge, Gunn, and Pettibone. **Absent:** None. **Staff Members Present:** Village Clerk Crane; Village Administrator Joost; Attorney Gruenke of Bruckert, Gruenke & Long, P.C.; Police Chief Meinhardt; Chief Building & Zoning Official Green; and Public Works Commissioner Renth.

Announcement

It was announced that Governor Bruce Rauner signed SB 2039, which will allow the release of critical revenues the state owes to local governments (Motor Fuel Tax (MFT) revenue, Use Tax revenue, casino and video gaming revenues and 9-1-1 funding).

Reports & Communications: Plan Commission Recommendation for Zoning Text Amendment

Board members reviewed the Plan Commission recommendation from a Public Hearing held on November 24 to discuss a Zoning Text Amendment to have Residential Use as a Permitted Use in a Community Business District. The Commission recommends that the change cannot be approved at this time. Donna Rakers (applicant and owner of the property) and her father Norman Thole were present to discuss the recommendation with the Village Board to find out what the next step would be. Chief Building and Zoning Official Green explained that the Village's practice has been to NOT allow spot zoning of properties. That if the Board is in favor of making changes, it is not a simple process; not only does the Zoning change, but also setbacks, zoning regulations, berms/fences, etc., must all be reviewed and changed. Mayor Picard stated that with the consensus of the Board, the Village would start to look into this process. It will require a review of the Village's Comprehensive Plan and additional meetings with the Community & Economic Development Committee as well as the Plan Commission. It is not an easy fix, and will take several months to complete.

A motion was made by Trustee Pettibone and seconded by Trustee Malina to uphold the recommendation of the New Baden Plan Commission to deny the request for a Zoning Text Amendment to have Residential Use as a Permitted Use in a Community Business District.

Ayes: Malina, Linthicum, Oster, Mavrogeorge, Gunn, Pettibone.

Nays: None.

Absent: None.

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

Consent Agenda

A motion was made by Trustee Malina and seconded by Trustee Linthicum to approve the Consent Agenda, which includes the Minutes from the November 16, 2015, Regular Meeting and authorization of payment of current invoices.

Ayes: Malina, Linthicum, Oster, Mavrogeorge, Gunn, Pettibone.

Nays: None.

Absent: None.

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

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Ambulance SSA Tax Levies

Representatives from the Village of Albers were present to discuss the Ambulance Special Service Area (SSA) Tax Levy that the Village of New Baden approved at the November 2, 2015, regular meeting. The Village approved the contracts with Clinton County, who administer the SSA levy as a party of the County tax levy. Administrator Joost had previous contact with the Mayor of Albers, Steve Schomaker, who had expressed the concern of the Albers Board over the increase to the SSA tax levy supporting ambulance service for Albers. Mr. Joost had prepared and provided to Albers an explanation of the budget challenges and discussion process that went into the Village's consideration of the SSA levy amounts. Village of Albers Trustee Michael McDermid led the discussion. Mr. McDermid did preface the discussion stating that Albers is extremely happy with the level of service the residents receive from the New Baden Ambulance Service and in no way did they wish to jeopardize the relationship with the Village of New Baden. Discussion included an annual meeting that used to be held amongst the communities that the Ambulance SSA affected (New Baden, Albers, Damiansville and Lookingglass Township), which appears to have last met in 2006, and was pure oversight in not meeting again. Mr. McDermid proposed an option in regards to the current Ambulance SSA, which included contacting Clinton County to see if the previous year's rate could stay in effect and the Village of Albers pay the difference for the current rate directly to the Village of New Baden. Mayor Picard, on behalf of the New Baden Board, had no issues with this, as long as Clinton County approved this change. It was also decided that the yearly meeting of the effected SSA communities will be reinstated to discuss the Ambulance budget and tax levy.

Ordinance: 2015-12-07-A: Tax Levy for Fiscal Year 2015-2016

A motion was made by Trustee Pettibone and seconded by Trustee Gunn to pass Ordinance 2015-12-07-A: Establishing a Tax Levy for All Corporate Purposes to be Levied Against All Property Subject to Taxation Within the Village of New Baden, Illinois For the Fiscal Year Commencing May 1, 2015 and Ending April 30, 2016. The corporate and special purpose property taxes extended or abated for 2014 were \$379,131.06. The proposed corporate and special purpose property taxes to be levied for 2015 are \$436,500.00. This represents a 16.35% increase over the previous year.

Ayes: Malina, Linthicum, Oster, Mavrogeorge, Gunn, Pettibone.

Nays: None.

Absent: None.

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

Resolution 2015-12-07-A: Authorizing Execution of a Service Agreement with the Lowest Responsible Bidder for Electric Aggregation

A motion was made by Trustee Malina and seconded by Trustee Mavrogeorge to approve Resolution 2015-12-07-A: Authorizing Execution of a Service Agreement with the Lowest Responsible Bidder for the Supply of Electricity for Residential and Small Commercial Retail Customers Who Do Not Opt Out of Such a Program (Electric Aggregation). This resolution provides authority for the Village Administrator to participate in the Electric Aggregation bid process and make decisions and commitments on behalf of the Board and the Village. At this point, the plan is to go out for bids at the end of January with a large buying group. This bid price and agreement will replace the current aggregation agreement, which will expire in June 2016.

Ayes: Malina, Linthicum, Oster, Mavrogeorge, Gunn, Pettibone.

Nays: None.

Absent: None.

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

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Kehrer Brothers
Construction, Inc.:
Pay Request #3: Roof
Replacement &
Repairs

A motion was made by Trustee Oster and seconded by Trustee Pettibone to authorize Pay Request #3 for \$6,441.07 from Kehrer Brothers Construction, Inc. for the Roof Replacement and Repairs of Municipal Buildings. The retention remaining is \$10,907.79.

Ayes: Malina, Linthicum, Oster, Mavrogeorge, Gunn, Pettibone.

Nays: None.

Absent: None.

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

Kehrer Brothers
Construction, Inc.:
Pay Request #4-
Final: Roof
Replacement &
Repairs

A motion was made by Trustee Oster and seconded by Trustee Pettibone to authorize Pay Request #4 - Final for \$10,907.79 from Kehrer Brothers Construction, Inc. for the Roof Replacement and Repairs of Municipal Buildings.

Ayes: Malina, Linthicum, Oster, Mavrogeorge, Gunn, Pettibone.

Nays: None.

Absent: None.

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

Electric Supplier for
Village of New Baden
Accounts

Administrator Joost explained his memo regarding electric supply prices for specific Village accounts (not electric aggregation). Good Energy acted as the broker for these Village accounts and supplied the pricing for electric prices for seven (7) specific accounts. The other seven (7) of the Village's 14 accounts are smaller and use on average less than 15,000 kWh per year and will be eligible to move to the Village's municipal aggregation rate in August 2016. Good Energy projects that electric prices will continue to rise over the next 36-months; they recommend the Village considering a long-term contract. Mr. Joost suggests that the Board accept the quote from Homefield Energy for either a 24-month contract term at \$0.5757 per kWh or a 36-month contract term at \$0.5888 per kWh.

A motion was made by Trustee Mavrogeorge and seconded by Trustee Malina to authorize the quote of \$0.05888 per kWh for a contract term of 36-months with Homefield Energy for the select Village accounts and authorize Mayor Picard to sign said contract. This rate will go into effect in August 2016 and will expire in August 2019.

Ayes: Malina, Linthicum, Oster, Mavrogeorge, Gunn, Pettibone.

Nays: None.

Absent: None.

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

New Baden Chamber
of Commerce: Park
Lighting Project

New Baden Chamber of Commerce President Scott Meinhardt presented additional details on the Park Lighting Project for the New Baden Park. The Chamber would like to accept a bid from Pfeffer Electrical Contracting for the amount of \$12,650. This bid is for removing five (5) existing poles, panels, lights, receptacles, etc. and replace with five (5) new lights. These lights would continue to be a dusk to dawn light. All work associated with this project will be paid for by the Chamber of Commerce.

A motion was made by Trustee Pettibone and seconded by Trustee Linthicum to authorize the New Baden Chamber of Commerce to replace five (5) existing light poles at the New Baden Park with new poles (at no cost to the Village).

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New Baden Chamber of Commerce: Park Lighting Project, cont.

Ayes: Malina, Linthicum, Oster, Mavrogeorge, Gunn, Pettibone.
Nays: None.
Absent: None.
A majority of the Board voting aye, the motion carried.

New Baden Chamber of Commerce: Park Lighting Project: Permit Fee Waiver

A motion was made by Trustee Gunn and seconded by Trustee Pettibone to authorize the fee waiver for an Electrical Permit for the installation of the new light poles.

Ayes: Malina, Linthicum, Oster, Mavrogeorge, Gunn, Pettibone.
Nays: None.
Absent: None.
A majority of the Board voting aye, the motion carried.

Police Dept.: New Policies & Procedures

A motion was made by Trustee Mavrogeorge and seconded by Trustee Gunn to authorize the New Baden Police Department Policies and Procedures. On August 12, 2015, Senate Bill 1304 was signed into law by the Governor as Public Act 99-352. Portions of that law require the adoption of specific policies and procedures by local law enforcement agencies. These policies for the New Baden Police Dept. were developed in relation to this new mandate and need to be adopted by the Village of New Baden and its Police Department with an effective date of January 1, 2016.

Ayes: Malina, Linthicum, Oster, Mavrogeorge, Gunn, Pettibone.
Nays: None.
Absent: None.
A majority of the Board voting aye, the motion carried.

Part-time Police Officer: Michael Kuhl

A motion was made by Trustee Mavrogeorge and seconded by Trustee Gunn to authorize the hiring of part-time police officer Michael Kuhl.

Ayes: Malina, Linthicum, Oster, Mavrogeorge, Gunn, Pettibone.
Nays: None.
Absent: None.
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 Malina 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, Mavrogeorge, Gunn, Pettibone.
Nays: None.
Absent: None.
A majority of the Board voting aye, the motion carried.

Cancel Regular Board Meeting

A motion was made by Trustee Mavrogeorge and seconded by Trustee Malina to approve cancelling the Regular Meeting to be held on December 21, 2015.

Ayes: Malina, Linthicum, Oster, Mavrogeorge, Gunn, Pettibone.
Nays: None.
Absent: None.
A majority of the Board voting aye, the motion carried.

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Park Board
Appointment: Jeff
Stroot

A motion was made by Trustee Malina and seconded by Trustee Pettibone to appoint Jeff Stroot to the New Baden Park Board for a 2-year term until November 2017.

Ayes: Malina, Linthicum, Oster, Mavrogeorge, Gunn, Pettibone.

Nays: None.

Absent: None.

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

Park Board
Appointment: Joyce
Schomaker

A motion was made by Trustee Oster and seconded by Trustee Gunn to appoint Joyce Schomaker to the New Baden Park Board for a 2-year term until November 2017.

Ayes: Malina, Linthicum, Oster, Mavrogeorge, Gunn, Pettibone.

Nays: None.

Absent: None.

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

Ordinance Prohibiting
Use of Groundwater
for Potable Water:
Properties near 409
East Hanover Street

As part of the environmental cleanup process related to the past removal of underground fuel storage tanks at Kokomo Joe's (409 East Hanover Street), the EPA requested that the Village pass an ordinance prohibiting the use of groundwater, such as from a personal well, as potable water. The ordinance could be Village-wide or limited to only those properties near the contamination site and, if passed, would allow this specific remediation effort to suspend at the current stage. A draft ordinance, specific to the contamination site, was reviewed by Board members; this ordinance is also in review by the EPA to ensure that it meets their requirements. Additionally, a letter was mailed November 30 to the owners of the twelve properties that surround Kokomo Joe's notifying them that the Village will be considering such an ordinance. In the letter, the Village extended an offer to meet with each owner to explain the ordinance and process. The ordinance will be presented for Board consideration once the EPA has completed their review, probably in January.

Ambulance Engine &
Transmission
Replacement

Administrator Joost provided an update. The Village's primary ambulance has been repaired and is back in service, after some delays in getting the actual work completed. The final cost to Jack Schmidt Ford was \$18,475.63 for the replacement engine and transmission. This was a little more than \$200 over the estimate in their quote, but far below any other dealer quote. I called Ford Customer Service to try to determine if there was any extension of the warranty or other financial assistance available to us since the engine had known problems. Ford ceased to use this motor in their other vehicles in 2007, but continued to use it in the 2008 and 2009 ambulances, even though they were aware of the issues. The warranty was for 5 years or 100,000 miles. We were under the mileage threshold but beyond the 5 years. Mr. Joost was informed that no such program or assistance currently exists. Ford did settle 3-class-action lawsuits in relation to the 6.0L engine, one of which was with ambulance fleet operators, but all were limited to vehicles up to the 2007 model year.

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Executive Session

A motion was made by Trustee Pettibone and seconded by Trustee Malina to recess the meeting to Closed Session to discuss Possible Sale/Setting Price of Village Property, 5 ILCS 120/2(c)(6).

Ayes: Malina, Linthicum, Oster, Mavrogeorge, Gunn, Pettibone.

Nays: None.

Absent: None.

A majority of the Board voting aye, the motion carried and the meeting adjourned to Closed Session at 8:16 p.m.

Meeting reconvened at 8:24 p.m.

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

Ayes: Malina, Linthicum, Oster, Mavrogeorge, Gunn, Pettibone.

Nays: None.

Absent: None.

A majority of the Board voting aye, the motion carried and the meeting adjourned at 8:25 p.m.

Teri L Crane, Village Clerk
Approved: January 19, 2016