

REGULAR MEETING OF THE VILLAGE BOARD MINUTES: JANUARY 4, 2016

The Regular Meeting of the Village Board met Monday, January 4, 2016, at New Baden Village Hall, 1 East Hanover Street. Mayor Picard called the meeting to order at 7:00 p.m.

Present and answering to roll call: Trustees Malina, Linthicum, Mavrogeorge, Gunn, and Pettibone. **Absent:** Trustee Oster. **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; Treasurer Pollmann; EMS Director Gilbert; and Park and Rec Coordinator Meinhardt; and Public Works Commissioner Renth.

Announcements

Mayor Picard stated that the new sewer rate went in effect for water/sewer bills due January 15; she encouraged Board members to direct calls to Village Hall if any resident had any questions. Administrator Joost stated there would be a follow-up article addressing the rate increase in the February edition of the New Baden News. Mayor Picard announced that the Clinton County Enterprise Zone has been approved by the State of Illinois.

Consent Agenda

A motion was made by Trustee Gunn and seconded by Trustee Malina to approve the Consent Agenda, which includes the authorization of payment of current invoices; minutes from the December 7, 2015, Regular Meeting will be presented at the January 4, 2016, regular meeting for approval.

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

Nays: None.

Absent: Oster.

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

Ordinance 2016-01-04-A: Prohibiting the Use of Groundwater as a Potable Water Supply by the Installation or Use of Potable Water Supply Wells or by any Other Method

A motion was made by Trustee Mavrogeorge and seconded by Trustee Gunn to pass Ordinance 2016-01-04-A: Prohibiting the Use of Groundwater as a Potable Water Supply by the Installation or Use of Potable Water Supply Wells or by any Other Method. This is the final version of the ordinance that was previously discussed at the December 7, 2015 meeting. It prohibits the use of any groundwater / well water as potable water for specific properties near Kokomo Joe's, 409 East Hanover Street.

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

Nays: None.

Absent: Oster.

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

D.E. Martin Roofing Co., Inc.: Pay Request #2 - Final: Roof Replacement & Repairs

A motion was made by Trustee Gunn and seconded by Trustee Pettibone to authorize Pay Request #2 - Final for \$3,119.20 from D.E. Martin Roofing Co., Inc. for the hail damaged roof repairs at the Civic Center Lower Roof. This is the final pay request for all Village roofing projects due to the hailstorm in 2012.

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

Nays: None.

Absent: Oster.

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

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Amendment to
Professional Services
Agreement with Good
Energy, L.P.

A motion was made by Trustee Pettibone and seconded by Trustee Gunn to authorize the Amendment to the Professional Services Agreement between the Village of New Baden and Good Energy, L.P. The resolution passed in December outlined the municipal electric aggregation bidding process for the Village; this amendment to the services agreement authorizes Good Energy to represent the Village.

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

Nays: None.

Absent: Oster.

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

Gleeson Asphalt, Inc.:
Pay Request #1 -
Final: Village Hall
Parking Lot

A motion was made by Trustee Mavrogeorge and seconded by Trustee Gunn to authorize Pay Request #1 - Final for \$10,545.48 from Gleeson Asphalt, Inc. for resurfacing of the Village Hall Parking lot in August 2013. On December 16, 2015, the Village was served with a lawsuit filed by Gleeson Asphalt, Inc. regarding two claims of non-payment: 1) for the full work on the South 3rd Street Project completed in 2013 and 2) for the work on resurfacing the Village Hall parking lot completed in 2013. Attorney Gruenke is preparing the Village's response, but there was confusion concerning the second claim of the resurfacing of the Village Hall parking lot. When the Village assessed liquidated damages for Gleeson's delays on the South 3rd Street project, no one seemed aware of any such issue with the parking lot work that would result in a delay of payment, and it was unclear if an invoice was actually submitted. Research indicates that a request for payment had been submitted to the previous Village Administrator Jimmy Morani on or about August 16, 2013. Mr. Morani forwarded it to HMG Engineer's, Inc. (the Village's engineer for the 3rd Street project) along with information about the dispute over the 3rd Street work. As best as can be reconstructed, it appears that the parking lot invoice got 'lost' in the discussions over the 3rd Street issues and was never paid. Gleeson apparently did not send a follow up invoice or question why they were not paid. Attorney Gruenke suggested that since the Village now has evidence that the invoice was received, the Village would pay the invoice.

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

Nays: None.

Absent: Oster.

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

Part-time Paramedic:
Tyler Howell

A motion was made by Trustee Mavrogeorge and seconded by Trustee Gunn to approve the hiring of Tyler Howell as a part-time paramedic with the New Baden Ambulance Service. Administrator Joost and EMS Director Gilbert interviewed Mr. Howell in December. Mr. Howell is also a full-time medic with MedStar.

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

Nays: None.

Absent: Oster.

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

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Greenmount
Cemetery Fence:
Marvin Spaeth

Marvin Spaeth has requested permission to begin working on improvements to the Village's Greenmount Cemetery. Mr. Spaeth's proposal includes a concrete runner along the western edge of the property with decorative fencing and posts installed on that runner, parallel to State Route 160. Mr. Spaeth has requested that the Village pay for the cost of the concrete for the runner, approximately a concrete cost of \$18,500 - \$19,500. The Public Work's staff has been reviewing the proposed location of the fence in relation to access to plots in Greenmount Cemetery if the Village Board decides to allow Mr. Spaeth to proceed.

A motion was made by Trustee Malina and seconded by Trustee Pettibone to authorize up to \$19,500.00 in concrete costs for the installation of a concrete runner for fencing to be installed by Marvin Spaeth.

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

Nays: None.

Absent: Oster.

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

Cemetery Lawn
Maintenance
Proposal: St. George
Catholic Church

The Village has received a request from St. George Catholic Church to work cooperatively with lawn maintenance at the shared cemetery located on East Hanover Street for this upcoming season. Father Neff, representing St. George, has asked that when the Village seeks bids for lawn maintenance, that the Village include the entire cemetery property (Village portion and St. George portion), and then allocate that price based upon percent of land owned by the Village versus the Church. The vendor would bill each for their share of the total cutting and each would independently pay for their portion. This method would ensure the grass is uniformly cut across the entire cemetery on the same day. The consensus of the Board agreed to this concept and Administrator Joost will modify the lawn maintenance request for proposal document to include this change.

Roof Leaks: Village
Hall and EMS
Building

Board members reviewed photos and notes from Kehrer Brothers Roofing in relation to roof leaks at Village Hall and the EMS Building discovered last week during the heavy rainstorms. At Village Hall, these leaks include along the north wall behind the counter where previous leakage had occurred and in the restroom. Administrator Joost called Kehrer Brothers Roofing to investigate because it was assumed that this was an issue with the new roof installation. Instead, Kehrer Bros. indicated there is an issue with the parapet walls and stone coping that was not addressed as part of the project. Jason Vandever from Hurst-Roche informed Mr. Joost that: "The scope of the roof project was limited to the items approved by AHRMA for replacement as a result of storm damage and did not include covering the stone parapet coping with a metal cap. Any cracks or open joints in the stone coping or masonry wall construction could be a potential source of water infiltration. However, there were numerous holes in the wall flashings along this parapet wall that were an obvious source of water infiltration prior to replacement." According to Mr. Joost, it is apparent that Hurst-Roche was aware of the issues with the wall / coping and the potential for these being a source of past and future leaks. Since Mr. Joost was not here at the time, he does not know if they advised the Village of these issues or made any recommendations. The consensus of the Board was to have another roofer and/or a bricklayer check out the roof at Village Hall and proceed from there.

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Village Property: 9
North 2nd Street
Update

Administrator Joost informed the Board that the previous offer for the vacant lot at 9 North 2nd Street, which the Board discussed in executive session on December 7, 2015, was withdrawn when the persons making the offer discovered their planned house would not fit on the lot. Mr. Joost has modified the description in the January issue of the New Baden News to help clarify any issues. The consensus of the Board was to place a "for sale" sign on the property.

Dedication of Ahner
Acres Outlots

Administrator Joost explained that Eldon Ahner, developer of the Ahner Acres Subdivision, approached the Village and has offered to dedicate as public right-of-way the three outlots that would serve as the connectors from County Line Road to the undeveloped property west of Ahner Acres. Each of these outlots is improved with a stub "street" with curbs, gutters and oil and chip pavement. The southernmost – Hibiscus - aligns with the new right-of-way that will be dedicated by Zion United Church of Christ. Documents have been prepared to proceed with the dedication. Mr. Ahner informed Mr. Joost that when the northernmost outlot and stub was created that the Village stated they would never accept the property as right-of-way unless the road surface was first improved to concrete or asphalt. Mr. Joost suspended this effort from moving forward until the Board could discuss if this requirement still stands or if the improvement of the pavement could be made a requirement of anyone who chooses to develop the western property. The consensus of the Board was to have a future developer bring the stub streets up to code and that Mr. Ahner would not need to do so at this time. The only exception would be if Zion UCC would choose to develop their property north of the new church, but that would be discussed at the time of development.

Village Administrator
Position

Mayor Picard reported that about 20 applications were received and several interviews have been completed. There is an additional interview scheduled for next week. Mayor Picard would like to recess this meeting and reconvene on Tuesday, January 12 at 7 p.m. This would allow a potential candidate to be reviewed by the entire Board and possible consideration of an employment contract.

Rezoning Application
for Karban-Taylor
Property at Northeast
Quadrant of I-64 and
State Route 161

Donald Karban and Kathleen Taylor, owners of the farmland in the northeast quadrant of the I-64 interchange have a hearing before the Plan Commission on Jan 12, 2016, requesting that their property be rezoned to Highway Business. If granted, they will be allowed to continue farming the land as a non-conforming use but it would be better positioned for commercial development or for sale for that type of project.

Executive Session

A motion was made by Trustee Gunn and seconded by Trustee Malina to recess the meeting to Closed Session to discuss Possible Litigation, 5 ILCS 120/2(c)(11).

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

Nays: None.

Absent: Oster.

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

Meeting reconvened at 7:52 p.m.

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Present and answering to roll call: Trustees Malina, Linthicum, Mavrogeorge, Gunn, and Pettibone. **Absent:** Trustee Oster. **Staff Members Present:** Village Clerk Crane; Village Administrator Joost; Attorney Gruenke of Bruckert, Gruenke & Long, P.C.; and Public Works Commissioner Renth.

Recess Meeting

A motion was made by Trustee Malina and seconded by Trustee Gunn to continue this meeting on Tuesday, January 12, 2016 at 7:00 p.m. at Village Hall.

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

Nays: None.

Absent: Oster.

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

Meeting recessed at approximately 7:53 p.m. on Monday, January 4, 2016.

Reconvene Meeting

Meeting reconvened at 7:00 p.m. on Tuesday, January 12, 2016 at Village Hall.

Present and answering to roll call: Trustees Malina, Linthicum, Mavrogeorge, Gunn, and Pettibone. **Absent:** Trustee Mavrogeorge. **Staff Members Present:** Village Clerk Crane; Village Administrator Joost; and Police Chief Meinhardt.

A motion was made by Trustee Gunn and seconded by Trustee Pettibone to approve the electronic participation of Trustees Oster.

Ayes: Malina, Linthicum, Gunn, Pettibone.

Nays: None.

Absent: Mavrogeorge.

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

Executive Session

A motion was made by Trustee Gunn and seconded by Trustee Pettibone to recess the meeting to Closed Session to discuss Personnel, 5 ILCS 120/2(c)(1).

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

Nays: None.

Absent: Mavrogeorge.

A majority of the Board voting aye, the motion carried and the meeting adjourned to Closed Session at 7:04 p.m.

Meeting reconvened at 7:46 p.m.

There being no further business 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, Gunn, Pettibone.

Nays: None.

Absent: Mavrogeorge.

A majority of the Board voting aye, the motion carried and the meeting adjourned at 7:46 p.m.

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