

# **Village of Homer Glen**

**14933 South Founders Crossing  
Homer Glen, Illinois 60491**

**August 11, 2009**

**Board of Trustees**

## **Board Meeting**

**Village Council Chamber  
14917 South Founders Crossing  
Homer Glen, IL**

**A. CALL TO ORDER**

The meeting was called to order on August 11, 2009 by Mayor James Daley at 7:34 p.m. in the Village Council Chamber – 14917 South Founders Crossing, Homer Glen.

**B. PLEDGE OF ALLEGIANCE TO THE FLAG****C. ROLL CALL**

Present at 7:34 p.m. were Mayor James Daley, Trustees Michael Costa, Russell Knaack, Mary Niemiec, Margaret Sabo, Laurel Ward and George Yukich. All remained present throughout the meeting. Also present on behalf of the Village were Village Clerk Gale Skrobuton, Village Manager Paula Wallrich, and Village Attorney Cary Horvath.

A quorum was established.

**D. APPROVAL OF AMENDMENTS TO AGENDA**

Trustee Yukich made a motion to add discussion of Matters of Personnel to Executive Session; second by Trustee Costa.

Voice Vote:

All Ayes: (6) Trustees Costa, Knaack, Niemiec, Sabo, Ward and Yukich

Nays: (0) None

*Motion carried.*

Trustee Costa made a motion to move *Item J - Executive Session*, after *Item L – New Business*; second by Trustee Ward.

Voice Vote:

All Ayes: (6) Trustees Costa, Knaack, Niemiec, Sabo, Ward and Yukich

Nays: (0) None

*Motion carried.*

**E. APPROVAL OF MINUTES**

*. February 17, 2009 – Committee of the Whole*

*. July 28, 2009 – Board Meeting*

Trustee Sabo made a motion to approve the Minutes of June 23, 2009; second by Trustee Costa.

Voice Vote:

All Ayes: (6) Trustees Costa, Knaack, Niemiec, Sabo, Ward and Yukich

Nays: (0) None

*Motion carried.*

**F. PRESENTATION****1. Ozinga Presentation by Brian Lutey**

Mr. Lutey gave a presentation on the benefits of using pervious concrete which includes:

1. Environmental.
2. Reduced costs.
3. Applications
4. Light Pollution Reduction
5. Puddle and Ice Reduction

Trustee Sabo asked Mr. Lutry if he could give a demonstration at the upcoming Earth Day program.

## **G. REPORTS AND COMMUNICATIONS FROM MAYOR AND OTHER OFFICERS**

1. Mayor Daley thanked Anthony Koenigsmark for volunteering his time in maintaining Kingston Hills Park.

2. **Trustees:**

- a. Trustee Sabo reported:

The Lighting Work Group of the Environment Committee has met numerous times with Manager Paula Wallrich, Edmond Cage, Lindley Ehlert, and Mike Salamowicz during the past months to discuss amendments to the Lighting Ordinance. Meeting with members of staff as well as Maura Rigoni of Robinson Engineering brought forth recommended changes that are both practical and beneficial to both developers and the Village.

Also presented would be an RFP idea for Street lighting to determine a residential street light standard for the Village that meets the requirements of the lighting ordinance.

The Environment Committee would like to present these ideas to the Village Board at a future meeting of the C.O.W. During that meeting there would be time for discussion and explanation of changes. The Committee would appreciate input from the Board.

- b. Trustee Niemiec reported the Community and Economic Development Committee will meet on Wednesday, August 12<sup>th</sup> at 7:00 p.m. A presentation will be given by the web site group on the new Economic Development website and will be brought before the Board at a future meeting.

The Sewer and Water Task Force will meet on Wednesday, August 19<sup>th</sup> at 7:00 p.m. and will be discussing the upcoming rate increase for Illinois American, various strategies to circumvent the rate increase, and customer service issues.

- c. Trustee Knaack – No Report

- d. Trustee Ward – No Report

- e. Trustee Yukich reported the Public Services and Safety Committee discussed the speeding in subdivisions and will be looking at printing the speed limit on the road pavement.

- f. Trustee Costa reported the Homer Harvest Days Committee will meet on Wednesday, August 12<sup>th</sup> at 7:30 p.m. The event is planned for September 12<sup>th</sup> and 13<sup>th</sup> and will feature bands, square dancing, games for the children, hay rides, pony rides, and other activities keeping within the theme of rural life of the past. A down home talent hour will be featured and residents are invited to participate.

3. Clerk – No Report

4. Village Manager Wallrich stated that notices were delivered to the residents on Oakwood Drive of a meeting on Tuesday, August 18<sup>th</sup> at 6:00 p.m. to present the plans for the removal of the berm and the proposed landscaping. Manager Wallrich stated that we have been receiving calls regarding the tree trimming and tree removal along the Mustang pipeline and clarified that this is not part of the Village sewer project.

5. Attorney – No Report

6. Task Force Chairperson(s) – No Report

7. Sheriff – No Report

## **J. PUBLIC COMMENT**

1. John Kooi, 12056 Venetian Way voiced his concern about the new sewer line and questioned who would maintain it. Mr. Kooi asked for a map identifying the boundaries for Homer Glen and Homer Township

## **K. LEGISLATION**

### **1. Orient Cafe**

#### **a. Ordinance No. 09-056 – An Ordinance Authorizing the Issuance of a Special Use to Permit the Sale of Liquor in a C-3 Zoning District.**

Trustee Sabo made a motion to approve Ordinance No. 09-056; second by Trustee Costa.

Village Manager Wallrich stated the Orient Café is located at 14106-14108 S. Bell Road. All qualifications have been met by the applicants and the Plan Commission unanimously voted to recommend approval.

Trustee Ward asked for clarification that only food, not liquor, would be offered as part of the carry-out service. She also asked if a separate bar area was planned or would only table service be available for liquor.

Village Manager Wallrich stated that only carry-out of food will be allowed and that there was a bar area included in the plans.

Trustee suggested that the Board consider having the Plan Commission serve as a Liquor Commission and asked that this be discussed at a future Board meeting.

*The Mayor asked the Clerk to call the Roll:*

Roll Call Vote:

Ayes: (6) Trustees Costa, Knaack, Niemiec, Sabo, Ward and Yukich

Nays: (0) None

Abstain: (0) None

Absent: (0) None

The Mayor did not vote.

*Motion carried.*

#### **b. Ordinance No. 09-057 – An Ordinance Amending Ordinance No. 01-022 to Create a Class B Liquor License.**

Trustee Ward made a motion to approve Ordinance No. 09-057; second by Trustee Niemiec.

*The Mayor asked the Clerk to call the Roll:*

Roll Call Vote:

Ayes: (6) Trustees Costa, Knaack, Niemiec, Sabo, Ward and Yukich

Nays: (0) None

Abstain: (0) None

Absent: (0) None

The Mayor did not vote.

*Motion carried.*

### **2. Resolution No. 09-012 – A Resolution Approving the First Amendment to the Declaration of Covenants and Restrictions for the Evlyn's Gate Subdivision in the Village.**

Trustee Ward made a motion to approve Resolution No. 09-012; second by Trustee Yukich.

Village Manager Wallrich stated the resolution pertains to brick pavers in the public way in Evlyn's Gate. The approved plans indicated concrete; however in some cases sidewalks were installed with brick pavers. This resolution will amend the covenants and restrictions that would place the liabilities and maintenance responsibilities of the brick pavers on the Homeowner's Association.

Trustee Yukich questioned who would police the condition of the sidewalks.

Village Manager Wallrich stated that it would be the responsibility of the Homeowner's Association. If the Village received a complaint, we would enforce the code regulations.

*The Mayor asked the Clerk to call the Roll:*

Roll Call Vote:

Ayes: (6) Trustees Costa, Knaack, Niemiec, Sabo, Ward and Yukich

Nays: (0) None

Abstain: (0) None

Absent: (0) None

The Mayor did not vote.

*Motion carried.*

**3. Motion to Authorize the Mayor to Enter into a Contract with McDonough Associates, Inc., for Phase 1 Engineering in an Amount Not to Exceed \$109,614.00.**

Trustee Ward made a motion to authorize the Mayor to enter into a contract; second by Trustee Knaack.

Village Manager Wallrich stated the scope of services remain the same as in the proposal; however clarifications have been added regarding concerns by the Forest Preserve to make sure the amenity locations, such as the trail head, parking and toilet facilities were included in the scope of services, and a commitment to their Ordinance No. 342. The scope also includes 12 meetings, including public meeting, and 8 site visits.

Mayor Daley stated that Homer Township Supervisor Pam Meyers requested that the Township be kept up-to-date on the progress of the project.

Trustee Niemiec commented that she wants to be certain that we are making an effort to save as many trees as possible, and that all alternative routes have been considered.

Mayor Daley stated the Forest Preserve District will determine and vote on the route.

Trustee Niemiec voiced her concern on how the awarding of the contract was determined and expressed that in the future, when there is not a formal RFP, each firm submitting a proposal give a presentation to the Board in order to provide better clarity.

*The Mayor asked the Clerk to call the Roll:*

Roll Call Vote:

Ayes: (4) Trustees Costa, Knaack, Sabo, and Ward

Nays: (2) Trustees Yukich and Niemiec

Abstain: (0) None

Absent: (0)

The Mayor did not vote.

*Motion carried.*

Trustee Yukich explained his vote by stating that he is in favor of the sewer extension; however, he does not feel that staff provided adequate information or that he was given enough time to analyze and gather all the information to make an educated decision, and some questions remain unanswered.

**4. Ordinance No. 09-058 – An Ordinance Authorizing the Execution of Intergovernmental Indemnification Agreements Regarding the Receipt of Developer Payments with the Homer Township Fire Protection District, the Northwest Homer Fire Protection District, the Mokena Fire Protection District and the New Lenox Fire Protection District.**

Trustee Ward made a motion to approve Ordinance No. 09-058; second by Trustee Costa.

Village Manager Wallrich stated this provides for the Indemnification Agreement with all four Fire Districts, including the New Lenox Fire Protection District, that will hold the Village harmless in the collection of the impact fees.

*The Mayor asked the Clerk to call the Roll:*

Roll Call Vote:

Ayes: (6) Trustees Costa, Knaack, Niemiec, Sabo, Ward and Yukich

Nays: (0) None

Abstain: (0) None

Absent: (0)

The Mayor did not vote.

*Motion carried.*

**5. Motion to Authorize the Mayor to Enter into an Intergovernmental Agreement with Homer Township Regarding Expenses Related to Homer Harvest Days.**

Trustee Costa made a motion to authorize the Mayor to enter into an Intergovernmental Agreement; second by Trustee Yukich.

Village Manager Wallrich stated the agreement provides for equal sharing of costs up to an amount of \$5,000.00 each. Expenses exceeding \$10,000 would not be included in this agreement.

Trustee Knaack noted that the Township has expended money and resources in preparing the site and in the restoration of the property after the event.

*The Mayor asked the Clerk to call the Roll:*

Roll Call Vote:

Ayes: (6) Trustees Costa, Knaack, Niemiec, Sabo, Ward and Yukich

Nays: (0) None

Abstain: (0) None

Absent: (0) None

The Mayor did not vote.

*Motion carried.*

**6. Motion to Authorize the Mayor to Enter into an Agreement with District 33C for the Use of a Parking Lot for the Village's Household Hazardous Waste Collection Day.**

Trustee Sabo made a motion to authorize the Mayor to enter into the agreement; second by Trustee Yukich.

Village Manager Wallrich stated a Hazardous Waste Event will be held on October 3<sup>rd</sup> from 8 a.m. – 3 p.m. at the Hadley School parking lot. She noted the agreement provides for the use of the Hadley parking lot for the event.

*The Mayor asked the Clerk to call the Roll:*

Roll Call Vote:

Ayes: (6) Trustees Costa, Knaack, Niemiec, Sabo, Ward and Yukich

Nays: (0) None  
Abstain: (0) None  
Absent: (0) None  
*Motion carried.*

**7. Motion to Authorize Payment of \$50,000.00 to the Toll Highway Authority Pursuant to Agreement Dated June 13, 2006.**

Trustee Yukich made a motion to authorize payment; second by Trustee Costa.

Village Manager Wallrich stated in 2006 the Village entered into an agreement with the Tollway Authority for payment toward the construction of the entrance and exit ramps along the I-355 Extension. The Villages of Lockport, New Lenox, Lemont and Will County also entered into this agreement. The Village agreed to contribute \$1.5 million dollars in annual installments with the balance paid by December 31, 2014, or else an interest rate of 4.8% would be applied. It was the understanding when the agreement was signed that no payment or a minimal payment would have to be made up to the final payment due in 2014. The Tollway Authority is requesting a good faith effort in making installment payments. If no payments are made it could jeopardize opportunities for future grants, and it is recommended that an annual payment of \$50,000 be made from the Village's tollway fund with a current balance of \$320,355.72. It is the Village's intent to continue to make annual payments to the tollway fund in amounts necessary to make the final payment in 2014 without penalty.

Trustee Ward stated that before we release payment she would like information on State dollars for 159<sup>th</sup> Street.

*The Mayor asked the Clerk to call the Roll:*

Roll Call Vote:  
Ayes: (6) Trustees Costa, Knaack, Niemiec, Sabo, Ward and Yukich  
Nays: (0) None  
Abstain: (0) None  
Absent: (0) None  
The Mayor did not vote.  
*Motion carried.*

**L. OLD BUSINESS**

Trustee Niemiec had asked that we include a penalty in the new Ordinance regarding construction right-of-ways, and questioned if it was included and that it also applied to notification.

Village Attorney Horvath stated that all penalties included in the right-of-way original ordinance would apply to the amended ordinance, and does apply to notification.

**M. NEW BUSINESS**

Trustee Costa commented that school will be starting and reminded residents to slow down now that schools buses will be on the road.

**J. EXECUTIVE SESSION**

Mayor Daley asked for a motion to go into Executive Session for the purpose of discussing:

- . Potential Litigation Concerning Water Rates Charges by Illinois American Water.
- . Land Acquisition.
- . Matters of Personnel.

Trustee Ward made a motion to adjourn to Executive Session; second by Trustee Yukich.

Voice Vote:

All Ayes: (6) Trustees Costa, Knaack, Niemiec, Sabo, Ward and Yukich

Nays: (0) None

*Motion carried.*

The Board recessed to Executive Session at 8:48 p.m.

No final action was taken at Executive Session.

Trustee Ward made a motion to reconvene the Board meeting; second by Trustee Sabo.

Voice Vote:

All Ayes: (6) Trustees Costa, Knaack, Niemiec, Sabo, Ward and Yukich

Nays: (0) None

*Motion carried.*

*The meeting reconvened at 10:01 p.m.*

Mayor Daley asked for a motion to spend not more than \$5,000.00 to join with other communities to retain an expert in water rate litigation case.

Trustee Ward make to motion to spend not more than \$5,000; second by Trustee Yukich.

*The Mayor asked the Clerk to call the Roll:*

Roll Call Vote:

Ayes: (6) Trustees Costa, Knaack, Niemiec, Sabo, Ward and Yukich

Nays: (0) None

Abstain: (0) None

Absent: (0) None

The Mayor did not vote.

*Motion carried.*

## **N. ADJOURNMENT**

Trustee Ward made a motion to adjourn the meeting; second by Trustee Yukich.

The meeting was adjourned at 10:04 p.m.

Respectfully Submitted,

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Gale Skroboton, Village Clerk

*Approved at the Board of Trustees Meeting dated August 25, 2009*