

Village President Brolley called the meeting to order at 7:02 p.m. followed by the Pledge of Allegiance.

Roll Call

Trustee Sperling	Yea	Trustee Jungermann	Yea
Trustee Lee	Yea	Trustee Marecek	Yea
Trustee Heinz	Yea	Trustee Bond	Yea

Also present: Administrator Jeff Zoepfel, Attorney Steve Andersson, Deputy Chief Armando Sanders, Attorney Laura Julien, Director of Public Works Todd Hoppenstedt, Director of Finance Justin VanVooren, Director of Community Development Rich Young, Engineer Peter Wallers, Members of the Press and others.

Public Participation

A. Public Comments (Two Minute Opportunity).

There were no public comments this evening.

B. National Engineers Week Proclamation.

President Brolley read the National Engineer Week Proclamation. Engineer Peter Wallers reported on activities that are going on in the area in regards to Engineers Week. EEI did a presentation and activity for a 5th grade class at Krug Elementary.

Trustee Sperling moved to **approve the Proclamation for Engineers Week for February 22 – February 28, 2015.** Trustee Bond seconded this motion.

6 Yea. 0 No. Motion carried. Trustee Sperling, Trustee Lee, Trustee Heinz, Trustee Jungermann, Trustee Marecek, Trustee Bond voting yea.

Consent Agenda

A. Minutes of the Village Board Meeting of February 8, 2016.

B. Executive Session Minutes of February 8, 2016.

C. Building Report for January 2016.

D. Accounts Receivable Report for January 2016.

E. Accounts Payable through February 18, 2016 in the Amount of \$299,374.17.

F. Professional Services Agreement with Lauterbach & Amen LLP for Auditing Services.

G. Ordinance 1713 Granting a Special Use for Outdoor Storage for 1400 Bohr Avenue (H. Linden & Sons) (Second Reading).

Trustee Sperling **moved to approve items A-G on the Consent Agenda.** Trustee Marecek seconded this motion.

6 Yea. 0 No. Motion carried. Trustee Sperling, Trustee Lee, Trustee Heinz, Trustee Jungermann, Trustee Marecek, Trustee Bond voting yea.

Items for Separate Action

A. Recommendation of the Plan Commission on PC 2016-002 SU Amendment to the Special Use for Outdoor Storage and a Special Use for Alternative Surfaces Located at 1065 and 1079 Sard Avenue – JPC Tree Care, LLC.

Director Young gave an overview of this item. He stated that the company would like to expand from what was approved in the original Special Use in 2013. He then further stated that the Plan Commission recommended denying the request as it had been presented and went through the map with the Board.

Trustee Jungermann asked how many months the owners have been in compliance with the first special use. Director Young stated that for the last year, at least, they have been out of compliance. Trustee Jungermann asked if they have made any effort to comply. Director Young stated that over the past month, the pile is down from what it had been and has expanded.

Attorney Daniel J. Kramer stated he is representing the petitioners, Jhon and Jessica Corderos. He stated it is not true that they have never been in compliance and gave a brief history of the property. In 2013 when they started it was a new business and they were told they could rent the property and did not know that it needed a special use. When the Village stated they needed a special use, they immediately filed with Aurora Blacktop.

Originally their business was going to be limited to removing trees and stumps, but the business expanded quickly and thus they acquired more material. They couldn't get the material out fast enough, so they started to mulch the chips. Attorney Kramer then went over the maps that were provided. Attorney Kramer also went over the request of the petitioner. Inside the fence would be a limestone driveway and there would be a setback on that to provide for access for drainage. Furthermore, Attorney Kramer stated that after mid-last summer when they got the notices of violation, they got rid of the mulch as quickly as they could and made some attempts to comply. He also reviewed the history of the parcel as well as the business and gave an idea of what the expansion could do for the company. Attorney Kramer lastly stated that they can do some things for dust control, and do not believe they are responsible for the odor in the area. He said the Corderos have tried to be good members of the community and would love to keep doing business in the area.

Trustee Lee reviewed the history the Village has had with the Corderos and stated his concerns since Mr. Corderos has not completed the requests made by the Board.

Trustee Marecek stated his concerns regarding the difference between the original intent of the use and the actual use of the property, which is a mulch manufacturing facility. The concern of the Board was that it would not become mulch due to the sensitivity to the neighborhood.

President Brolley asked what the height of the pile is currently. Mr. Corderos stated that it is currently 12 feet high, but they are asking to go to 15 feet high. He reiterated that the restriction in the ordinance is ten feet. President Brolley stated his concerns regarding the fact that someone purchasing the property may not research the special use. He also stated his original concerns about granting the special use, but the Board wanted to give them the opportunity to have this use on the site and went through the special use process. At the time, the Plan Commission looked at the impact it would have on the neighboring properties. His largest concern is that the pile there today impacts the residents that live in the area.

Attorney Kramer stated that had Mr. and Mrs. Corderos been experienced business owners, he believes they would have done more research before renting the property. However, they have worked with staff to limit the impact and they think that if they get it down to ten foot and within the green area, that is the best they can do. He also stated his thoughts about the area being zoned M2.

Trustee Lee stated that the material concerns him as well as the intent of the owner in what they are selling. Attorney Kramer gave an overview of the business and the options the business has with what they do with the wood chips.

Trustee Bond stated that this was not intended to be a storage yard. The Board's main concern revolves around the storage aspect and it appears to be a volume issue.

Trustee Sperling said originally it was stated that mulch would be removed regularly and she expected him to be a good neighbor in the area. She cannot support an expansion at this time due to the past experiences with this business owner.

Trustee Lee reiterated that it is the business owner's problem to get rid of the mulch and stated his concern regarding what might happen if the special use was granted.

President Brolley reiterated that the Plan Commission voted to deny, therefore, a yea vote would be voting to deny the special use, which Attorney Andersson confirmed.

Trustee Marecek moved to **approve the Recommendation of the Plan Commission on PC 2016-002 SU Amendment to the Special Use for Outdoor Storage and a Special Use for Alternative Surfaces Located at 1065 and 1079 Sard Avenue – JPC Tree Care, LLC.** Trustee Bond seconded this motion.

6 Yea. 0 No. Motion carried. Trustee Marecek, Trustee Bond, Trustee Sperling, Trustee Lee, Trustee Heinz, Trustee Jungermann voting yea.

B. Ordinance 1714 Granting an Amendment to a Special Use for Outdoor Storage and a Special Use for Alternative Surfaces for 1065 and 1079 Sard (JPC Tree Care) (First Reading).

This item was not discussed due to the vote on item A.

C. Ordinance 1715 Amending the Village Code Section 20-32 (a) Regarding Tapping Fees (First Reading).

Engineer Wallers gave an overview of this item and detailed the changes that they are proposing. President Brolley questioned if this is standard. Engineer Wallers stated that they have a very defensible source and it is pretty standard. President Brolley reiterated that the changes would make the fee more fair by reducing fees for anything less than a single family home. Engineer Wallers stated that they will be charging by population and not a flat fee.

Trustee Marecek verified what they would be paying if they were currently an apartment. Engineer Wallers detailed the information for the Board.

Trustee Bond stated his concerns regarding a three bedroom apartment or townhome being a better value than a single family home. Director Young stated that it is very rare that you would see an apartment or townhome complex that had three bedroom options. He then stated that you look at true population counts.

Trustee Marecek asked what a duplex would fall under. Engineer Wallers stated that they could add it; however, it could fall into the third category. Trustee Bond verified that a condominium would be similar and Director Young stated that it essentially would be like an apartment.

President Brolley requested language be added regarding a condominium and duplex in the ordinance. President Brolley stated this will be on consent at a future meeting.

This is a first reading; therefore, no action was taken.

D. Award of a Contract to Geneva Construction for the 2016 Infrastructure Roadway Program.

Director Hoppenstedt gave an overview of this item. Engineer Wallers then detailed work on the alleys in the Village. A video was then shown regarding permeable pavement. Engineer Wallers stated that from the staff's perspective it is an ideal place to demonstrate the use of the product and address the issue of the drainage. He then gave an overview of the bids with the permeable asphalt. Staff would recommend to add the alleys since it would be an enhancement to the older part of downtown. He believes the resources are there to do Alternate #2 through the tax program and the bids were competitive.

Director Hoppenstedt stated that the Village has gotten a number of complaints regarding the alleys and anticipates the permeable pavement would alleviate the problem.

Trustee Marecek asked if Alternate #2 which is the corrected bid is lower than Option #1 and asked if they are still under budget. Engineer Wallers stated that is correct.

Trustee Bond asked if permeable pavers would put more pressure on the basement foundations of the properties that are nearby. Engineer Wallers stated that some of the water will percolate into the ground and anything that cannot get through will be taken out by a six-inch pipe.

President Brolley asked why there were no other bids. Engineer Wallers stated there are various reasons why other companies did not bid, but said he is pleased they received two competitive bids and they are local.

Trustee Jungermann moved to **approve the Award of a Contract to Geneva Construction for the 2016 Infrastructure Roadway Program.** Trustee Marecek seconded this motion.

6 Yea. 0 No. Motion carried. Trustee Jungermann, Trustee Marecek, Trustee Bond, Trustee Sperling, Trustee Lee, Trustee Heinz voting yea.

E. Purchase of Parkway Trees.

Director Hoppenstedt gave an overview of this item.

Trustee Jungermann stated he was comparing prices and the Village is getting a great price. He asked how many trees this would put the Village at for the year. Director Hoppenstedt stated they have put in 20-30 trees since he has worked for the Village. Trustee Jungermann said Trustee Bond and he are pushing for 300 trees for the next fiscal year.

Trustee Sperling verified that they are looking at purchasing about 280 trees and asked how many trees the budget will get them for the next year. Administrator Zoepfel stated the budget does not just reflect tree purchasing, it involves others things. They are talking about 175 trees in the budget.

Director Hoppenstedt stated that due to various reasons the nursery stock has been depleted and thus they might be looking at smaller trees. As demand increases the prices fluctuate.

Trustee Marecek would like to possibly get additional trees to get the number up for the following year. Director Hoppenstedt stated that the Village Arborist has been instrumental in getting the prices that they received.

Trustee Jungermann moved to **approve the Purchase of Parkway Trees.** Trustee Sperling seconded this motion.

6 Yea. 0 No. Motion carried. Trustee Jungermann, Trustee Marecek, Trustee Bond, Trustee Sperling, Trustee Lee, Trustee Heinz voting yea.

F. Resolution 2016-002 Authorizing Application for Kane County Riverboat Funds and Execution of All Necessary Documents.

Director Young gave an overview of this item. He stated the Rotary Foundation may make a monetary donation, and staff has talked about additional funding for this item. He stated the goal

would be to do as many stone monuments as possible. He then discussed landscaping ideas and stated they need support of the Village Board to put in the application.

Trustee Bond stated that it is a great idea. Trustee Marecek asked how the design would be implemented and agreed upon. Director Young stated that they would consult the Village Board. Some designs were put together a while back and he will be meeting with that company.

Trustee Sperling moved to **approve Resolution 2016-002 Authorizing Application for Kane County Riverboat Funds and Execution of All Necessary Documents.** Trustee Marecek seconded this motion.

6 Yea. 0 No. Motion carried. Trustee Sperling, Trustee Lee, Trustee Heinz, Trustee Jungermann, Trustee Marecek, Trustee Bond voting yea.

Items for Discussion

A. Fiscal Year 2017 Capital and Other Funds Budget.

Director VanVooren gave an update of this item and went through the various funds.

Trustee Sperling said she would like to meet with Director VanVooren to have explanations of various line items. Director VanVooren stated that he would be willing to do that.

Trustee Marecek asked if the salt purchase will be adjusted in light of the recent season. Director Hoppenstedt stated it has already been adjusted and will continue to be adjusted as need be.

Trustee Jungermann asked how much salt the Village was obligated to receive. Director Hoppenstedt reviewed how the state contract works. He stated he will be looking for alternate ways to store the extra salt.

B. Quarterly Financial Report.

Director VanVooren went over the investment report.

President Brolley asked about the lifespan of the Lakewood SA. Director VanVooren stated that when it was originally approved in 2001 it was for 25 years and thus will go through 2026.

C. Private Property Traffic Enforcement Agreement

Attorney Julien gave a detailed overview of this agreement which was prepared in request of the police department. It is informational only as the Police Department wanted the Board to be aware prior to business owners being notified. Deputy Chief Sanders reiterated that this will streamline the process and have it more centralized.

Trustee Jungermann asked if the Village has agreements with any businesses. Attorney Julien stated that they currently have a few; however, some of them are up for renewal.

Trustee Lee stated that this came up a few years ago and questioned what the police can do in regards to violations. Attorney Julien stated that there are numerous things they can do; however, the businesses can contract out if they would like to. She then reiterated that this allows the police department the authority to remove vehicles as well.

Trustee Sperling asked if the item regarding tractor trailers is in a separate agreement. Attorney Julien stated that anything the statute gives authority for is what is in the agreement. Deputy Sanders stated that the existing agreements are with the properties; however, they can still enforce that with this agreement. Trustee Jungermann asked if it would lie under a certain line item. Attorney Julien reviewed the language and stated that she would reread the language and get back to the Board. Attorney Julien and Deputy Sanders reviewed the items that can be enforced.

Trustee Bond asked for an example that would fall under item L. Attorney Julien stated she will investigate that and get back to the Board. Trustee Bond asked what business owners can do that could make it easier for the Village as well that would fit in the agreement. Deputy Sanders stated that the agreement will put the cost of the signage as well and stated that the business owners can put up signage. Trustee Bond verified that this is only related to vehicles outside the property.

New or Unfinished Business

Trustee Bond stated his concerns that the Board never approved mulch at the specific location looking for the special use that was discussed earlier. He then asked for clarification on whether when they grant a special use that it is incumbent on the Board to say what they do not want. Village Attorney Andersson stated that it is not incumbent of the Board to state what is prohibited. Trustee Bond asked if they could clarify if the special use specifically mentioned mulch or whether it referenced wood chips. Director Young stated that they can do the research and get back to the Board.

Trustee Bond reviewed the process of granting a liquor license if the owner changes and asked whether the Board can do the same with special use permits. Village Attorney Andersson reviewed how a special use is granted. Trustee Bond asked if the Board can recall a special use. Attorney Andersson stated that generally they cannot and most special uses do not but there are times when it is appropriate.

Future Meetings

- A. Plan Commission – Thursday, March 3, 2016 at 7:00 p.m.**
- B. Village Board Meeting – Monday, March 14, 2016 at 7:00 p.m.**
- C. Beautification Committee – Wednesday, March 16, 2016 at 6:00 p.m.**

- D. Historic Preservation Commission – Monday, March 21, 2016 at 6:30 p.m.
- E. Committee of the Whole Meeting – Tuesday, March 22, 2016 at 7:00 p.m.
- F. Intergovernmental Committee – Monday, March 28, 2016 at 6:00 p.m.
- G. Village Board Meeting – Monday, March 28, 2016 at 7:00 p.m.

Executive Session – 8:33 pm. – 8:35

A. To Discuss the Employment of an Employee Pursuant to 5 ILCS 120/2 (c)(1).

Trustee Jungermann moved to adjourn to Executive Session **to Discuss the Employment of an Employee Pursuant to 5 ILCS 120/2 (c)(1)**. Trustee Marecek seconded the motion.

6 Yea. 0 No. Motion carried. Trustee Jungermann, Trustee Marecek, Trustee Bond, Trustee Sperling, Trustee Lee, Trustee Heinz voting yea.

Adjournment: 8:36 p.m.

Seeking no further business to come before the Board, it was moved by Trustee Heinz and seconded by Trustee Jungermann to **adjourn the meeting.**

6 Yea. 0 No. Motion carried. Trustee Heinz, Trustee Marecek, Trustee Bond, Trustee Sperling, Trustee Lee voting yea.

Respectfully submitted,

Tiffany Francis
Village Clerk