

MINUTES  
VILLAGE OF ELBURN BOARD OF TRUSTEES  
DECEMBER 5, 2016

Board Members Present: President Dave Anderson, Trustees: Ken Anderson, Bill Grabarek, Dave Gualdoni, Jeff Walter

Board Members Absent: John Krukoff, Patricia Schuberg

Staff Members Present: Village Administrator & Public Works Director John Nevenhoven; Finance Director Doug Elder, Village Attorneys Britz & Bill Thomas, Police Chief Nick Sikora; Building Commissioner Tom Brennan

Others Present: Residents Wayne Byerhof, LeRoy Herra, Chris Mondji; Antonio Huerta and Family; Elburn Herald Reporter Susan O'Neill

1. Call to Order – Village President Dave Anderson called the meeting to order at 6:45 p.m.
2. Pledge of Allegiance – Trustee Grabarek led the assembly in the Pledge of Allegiance.
3. Roll Call – A roll call vote ensued.
1. Conduct the Truth in Taxation Public Hearing for the 2016 Village of Elburn Property Tax Levy – A motion was made by Trustee Walter and seconded by Trustee Gualdoni to open the Truth in Taxation Public Hearing of the 2016 Village of Elburn Tax Levy. The motion carried by unanimous voice vote. Mayor Anderson asked three times for comments regarding the levy. Being none, a motion to close the hearing was made by Trustee Grabarek and seconded by Trustee Gualdoni. The motion carried by unanimous voice vote.
4. Public Comment, Awards & Presentations
  - a. Swear-in Part-time Police Officer Antonio Huerta – Mayor Anderson welcomed new officer Anthony Huerta and his family. Mayor Anderson conducted the swearing in of Officer Huerta.
5. Omnibus Agenda (Omnibus Vote) – All items listed with an asterisk (\*) are considered to be routine by the Village Board or were recommended unanimously by the Committee of the Whole and will be enacted by one motion. There will be no separate discussion on these items unless a Board Member or citizen so requests in which event the item will be removed from the Omnibus (Consent) Agenda and considered in its normal sequence on the Agenda.

\*Minutes

*\*Village Board*

*November 21, 2016*

*\*Committee of the Whole*

*November 21, 2016*

*\*Ordinance 2016-28 Amending Chapter 884 Towing Services*

A motion was made by Trustee Grabarek and seconded by Trustee Walter to approve the Omnibus Agenda. A roll call vote ensued. Ayes: Ken Anderson, Grabarek, Gualdoni, Walter. Nays: None. Motion carried.

6. Village Attorney – No report
7. Village Clerk – Clerk McQuilkin advised no petitions were received during the Primary Filing Period. The Election Filing Period begins Monday, December 12, and closes Monday, December 19. Times when petitions may be filed have been noticed in the newspaper, are on the Village website, social media and posted on the front door of Village Hall.

8. Finance Department

- a. Approve an Ordinance 2016-21 Tax Levy for Village of Elburn – Finance Director Elder presented. The Village of Elburn portion of property tax bills accounts for approximately 5% and will decrease somewhat next year. EAV is up 10% compared to last year and the proposed levy is \$824,000—the same amount for the sixth year in a row. Being no further questions or discussion, a motion to approve Ordinance 2016-21 Tax Levy for Village of Elburn was made by Trustee Grabarek and seconded by Trustee Walter. A roll call vote ensued. Ayes: Ken Anderson, Grabarek, Gualdoni, Walter. Nays: None. Motion carried.
- b. Approve an Ordinance 2016-22 Tax Levy for Special Service Area #1 – Elder stated EAV is up by 3.2% for this service area and levy request will be \$23K—the same as last year. SSA #1 is for Prairie Valley. A motion to Approve an Ordinance 2016-22 Tax Levy for Special Service Area #1 was made by Trustee Grabarek and seconded by Trustee Gualdoni. A roll call vote ensued. Ayes: Ken Anderson, Grabarek, Gualdoni, Walter. Nays: None. Motion carried.
- c. Approve an Ordinance 2016-23 Tax Levy for Special Service Area #2 – Elder advised EAV for this service area is up 16.6% but the levy request will be the same as last year. SSA #2 is for Blackberry Creek. A motion to Approve an Ordinance 2016-23 Tax Levy for Special Service Area #2 was made by Trustee Walter and seconded by Trustee Grabarek. A roll call vote ensued. Ayes: Ken Anderson, Grabarek, Gualdoni, Walter. Nays: None. Motion carried.
- d. Approve an Ordinance 2016-24 Tax Levy for Special Service Area #3 – No levy is requested for Special Service Areas 3, 4, 5 and 6. SSA #3 is for Jewel. A motion to approve the Tax Levy for Special Service Areas #3, #4, #5 and #6 was made by Trustee Gualdoni and seconded by Trustee Walter. A roll call vote ensued. Ayes: Ken Anderson, Grabarek, Gualdoni, Walter. Nays: None. Motion carried.
- e. Approve an Ordinance 2016-25 Tax Levy for Special Service Area #4 – SSA #4 is for Walgreens. No levy is requested for Special Service Areas 3, 4, 5 and 6. A motion to approve the Tax Levy for Special Service Areas #3, #4, #5 and #6 was made by Trustee Gualdoni and seconded by Trustee Walter. A roll call vote ensued. Ayes: Ken Anderson, Grabarek, Gualdoni, Walter. Nays: None. Motion carried.
- f. Approve an Ordinance 2016-26 Tax Levy for Special Service Area #5 – SSA #5 is for Welch Creek. No levy is requested for Special Service Areas 3, 4, 5 and 6. A motion to approve the Tax Levy for Special Service Areas #3, #4, #5 and #6 was made by Trustee Gualdoni and seconded by Trustee Walter. A roll call vote ensued. Ayes: Ken Anderson, Grabarek, Gualdoni, Walter. Nays: None. Motion carried.
- g. Approve an Ordinance 2016-27 Tax Levy for Special Service Area #6 – SSA #6 is for Elburn Station. A motion to approve the Tax Levy for Special Service Areas #3, #4, #5 and #6 was made by Trustee Gualdoni and seconded by Trustee Walter. A roll call vote ensued. Ayes: Ken Anderson, Grabarek, Gualdoni, Walter. Nays: None. Motion carried.
- h. Approve an Ordinance 2016-34 Disposal of Obsolete Property – Elder said with the new accounting system in place, there are some items that are workable but no longer usable by the Village. A motion to approve Ordinance 2016-34 Disposal of Obsolete Property was made by Trustee Walter and seconded by Trustee Grabarek. A roll call vote ensued. Ayes: Ken Anderson, Grabarek, Gualdoni, Walter. Nays: None. Motion carried. The list of items will be posted on the Village website so local businesses can inquire if they are interested in anything.
- i. Mayor commended Finance Director Elder for his good work on the levy procedure.

9. Building and Zoning – No report

10. Police Department

- a. Approve an Ordinance 2016-32 Amending Chapter 630 "Liquor Control" and Chapter 804 "Alcoholic Beverage Sales" – Chief Sikora stated this has been discussed previously at the COW. It includes violations in conjunction with underage consumption or possession and also if a parent hosts a party with the ability to post a fine rather than criminal action. It is under section 630 of the ordinance and is referenced in chapter 804 so any violation would be written out of one chapter instead of two. A motion to Approve an Ordinance 2016-32 Amending Chapter 630 "Liquor Control" and Chapter 804 "Alcoholic Beverage Sales" was made by Trustee Ken Anderson and seconded by Trustee Gualdoni. A roll call vote ensued. Ayes: Ken Anderson, Grabarek, Gualdoni, Walter. Nays: None. Motion carried.

- b. Approve an Ordinance 2016-33 Amending Chapter 656 "Offenses Against the Public Peace" by Adding Section 656.13 "Possession of Cannabis Prohibited" and Section 656.14 "Possession of Drug Paraphernalia Prohibited" – Chief Sikora advised this ordinance is reflective of State Statute and complies with a request by the Kane County States Attorney to pursue under local ordinance. A motion to Approve an Ordinance 2016-33 Amending Chapter 656 "Offenses Against the Public Peace" by Adding Section 656.13 "Possession of Cannabis Prohibited" and Section 656.14 "Possession of Drug Paraphernalia Prohibited" was made by Trustee Ken Anderson and seconded by Trustee Gualdoni. Discussion ensued. If contested, it would go through local prosecution by the Village Attorney similar to a speeding ticket. Although P tickets would be issued for this violation, any case taken to Kane County would share the revenue. If only paraphernalia is found, a charge would only occur if illegal residue was present. There was discussion if a juvenile is caught with paraphernalia. Expungement is not a Village issue and would be at the request of the defendant. A roll call vote ensued. Ayes: Ken Anderson, Grabarek, Gualdoni, Walter. Nays: None. Motion carried.
- c. The Elburn Christmas Walk went very well. Sikora said a wrap-up meeting will be held this week and he thanked CERT volunteers for their help.

11. Public Works Department

- a. Approve Resolution No. 2016-10 Resolution Approving an Intergovernmental Agreement for Work Performed by the Village of Elburn in the State of Illinois Right of Way in Lieu of a Surety Bond – Public Works Director Nevenhoven stated this was discussed previously and is an IGA for Village of Elburn employees to do work in the IDOT ROW. If the Village hires a contract to do work within the ROW, the contractor would have to post a bond. A motion to Approve Resolution No. 2016-10 Resolution Approving an Intergovernmental Agreement for Work Performed by the Village of Elburn in the State of Illinois Right of Way in Lieu of a Surety Bond was made by Trustee Walter and seconded by Trustee Gualdoni. A roll call vote ensued. Ayes: Ken Anderson, Grabarek, Gualdoni, Walter. Nays: None. Motion carried.

12. Village Administrator – No report

13. Mayor – No report

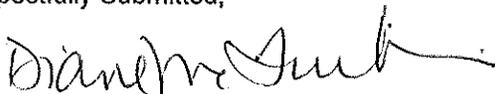
14. Bills

- a. Approve the Bills List – A motion was made by Trustee Grabarek and seconded by Trustee Walter to approve the bills for Monday, December 5, 2016 for \$54,595.94. A roll call vote ensued. Ayes: Ken Anderson, Grabarek, Gualdoni, Walter. Nays: None. Motion carried. The bills list was generated from the new accounting system and is in a new format. The report is customizable if Trustees would like to see more detail. It was agreed account numbers will be included on reports going forward and the report will remain in portrait format vs. landscape.

15. Other Business – Trustee Walter said St. Gall's Church would like the Board's input on the zoning of their downtown property to retail rather than as another church. The property is currently zoned R-2. Nevenhoven explained the process for a rezoning and any petition would have to include the owner and potential buyer. An inquiry has been made for a gas station. There was consensus by the Board that a gas station would not be a good fit for the subject property. The vision for downtown Elburn is similar to Third Street in Geneva. Walter will report thoughts back to the church. Nevenhoven will follow-up with the realtor and will email the downtown study to Trustees for review.

16. Adjourn - Trustee Gualdoni motioned to adjourn the meeting at 7:38 p.m. with Trustee Walter seconding the motion. The motion passed by a unanimous voice vote.

Respectfully Submitted,



Diane McQuilkin  
Village Clerk