

MINUTES
SPECIAL VILLAGE OF ELBURN BOARD OF TRUSTEES
JULY 11, 2011

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

Board Members Absent: Jerry Schmidt

Staff Members Present: Village Admin Erin Willrett, Village Attorneys Britz & Bill Thomas, Police Chief Steven Smith

Others Present: Residents Wayne & Jodeen Byerhof, LeRoy Herra, Walt Tupy, Jack Hanson, Mr. & Mrs. Bill Coughlan, Gordon Dierschow, Kevin Schmidt, Dan Brizek from Knuckleheads; Elburn Herald Reporter Lynn Meredith, Wylie Overlie, Judy Van Bogaert; Stu Chapman; David Hoover from NIMEC

1. Call to Order – Village President Dave Anderson called the meeting to order at 7:00 p.m.
2. Pledge of Allegiance – Village President Dave Anderson led the assembly in the Pledge of Allegiance.
3. Roll Call – A roll call vote ensued.
4. Public Hearing on Residential Aggregation for Electric Rates – Mayor Anderson opened the public hearing and asked for questions or comments. Paula Coughlan asked if residents must go with the different provider if chosen. NIMEC rep, David Hoover, advised the program is designed for everyone in the community but those who wish not to participate may opt out of the program and go with any other provider they wish. There were no further comments from the public. The public hearing was closed and it was announced one more public hearing will be held regarding this topic.
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.

Trustee Grabarek requested Ordinances 2011-12 and 2011-19 be removed from the Omnibus Agenda so they could be discussed further. Trustee Hastert advised he must recuse himself from the vote on Ordinance 2011-18, Cable Franchise Agreement, so it was removed from the Omnibus Agenda as well.

A motion to approve the amended Omnibus Agenda including three sets of meeting minutes and Ordinance 2011-18 was made by Trustee Grabarek and seconded by Trustee Anderson. A roll call vote ensued. Ayes: Ken Anderson, Grabarek, Gualdoni, Hastert, Walter. Nays: None. Motion carried.

A motion to approve the Village of Elburn, Illinois Cable Television Franchise Agreement was made by Trustee Walter and seconded by Trustee Gualdoni. A roll call vote ensued. Ayes: Ken Anderson, Grabarek, Gualdoni, Walter. Nays: None. Trustee Hastert did not vote. Motion carried.

*Minutes

<i>*Village Board</i>	<i>June 6, 2011</i>
<i>*Committee of the Whole</i>	<i>June 13, 2011</i>
<i>*Village Board</i>	<i>June 20, 2011</i>

**Ordinance No. 2011-12 Approving Zoning Ordinance Text Amendment Amending (1) The Noise Regulation of Article XIII "Performance Standards" and (2) Board of Trustees Review/Approval of Planning Commission Recommendations of Section 15.11 "Variations," Section 15.12 "Amendments," and Section 15.13 "Special Uses" of Article XV "Administration and Enforcement"*

**Village of Elburn, Illinois Cable Television Franchise Agreement*

**Ordinance No. 2011-18 An Ordinance Amending Chapter 248 "Police Department" of the Village of Elburn Codified Ordinances*

**Ordinance No. 2011-19 An Ordinance Amending Chapter 804 "Alcoholic Beverage Sales" of the Village of Elburn Codified Ordinances to Regulate Outdoor Retail Sales of Alcoholic Liquor*

6. Public Comment, Awards & Presentations – Resident Jack Hanson read aloud a letter protesting the proposed trash/recycling pickup being considered. Mayor Anderson clarified garbage would be picked up weekly—only recyclables could potentially be picked up bi-weekly.
7. Swearing in of Police Commissioners – Village Clerk McQuilkin gave the Oath of Office to new Police Commissioners Wayne Byerhof, Wylie Overlie, Judy Van Bogaert.
8. Public Works Department – No report
9. Police Department – Chief Smith advised he received a request for West Shannon and Babcock to be turned into a 4-way stop due to speeding problems and the proximity to Byerhof Park which is used heavily in the summer. Smith will review and make a recommendation to the Board soon.
10. Village Attorney – No report
11. Village Clerk – No report
12. Community Development – No report
13. Village Administrator
 - a. Ordinance No. 2011-12 Approving Zoning Ordinance Text Amendment Amending (1) The Noise Regulation of Article XIII "Performance Standards" and (2) Board of Trustees Review/Approval of Planning Commission Recommendations of Section 15.11 "Variations," Section 15.12 "Amendments," and Section 15.13 "Special Uses" of Article XV "Administration and Enforcement"

After some discussion, Village Attorney Britz recommended striking item G (5) in its entirety due to changes made to item G (6). A motion was by Trustee Grabarek and seconded by Trustee Hastert to approve Ordinance No. 2011-12 Approving Zoning Ordinance Text Amendment Amending (1) The Noise Regulation of Article XIII "Performance Standards" and (2) Board of Trustees Review/Approval of Planning Commission Recommendations of Section 15.11 "Variations," Section 15.12 "Amendments," and Section 15.13 "Special Uses" of Article XV "Administration and Enforcement" as revised. A roll call vote ensued. Ayes: Ken Anderson, Grabarek, Gualdoni, Hastert, Walter. Nays: None. Motion carried.
 - b. Ordinance No. 2011-19 An Ordinance Amending Chapter 804 "Alcoholic Beverage Sales" of the Village of Elburn Codified Ordinances to Regulate Outdoor Retail Sales of Alcoholic Liquor

Village Admin Willrett stated there was a question if Knuckleheads could be a grandfather situation and advised they cannot be, however, the Village has the option of not enforcing the ordinance. After further discussion, there was consensus to strike the words 'and consumption' from paragraph 11 (A) to make it clearer. Village Attorney Britz stated he would like to review the Liquor Ordinance to ensure it does not include something that would prohibit outdoor consumption. If this is found, an Ordinance striking this will be brought to the Board in the future. A motion was made by Trustee Hastert to strike the words 'and consumption' from item 11 (A) and to approve Ordinance No. 2011-19 An Ordinance Amending Chapter 804 "Alcoholic Beverage Sales" of the Village of Elburn Codified Ordinances to Regulate Outdoor Retail Sales of Alcoholic Liquor. Trustee Grabarek seconded the motion with an additional change to strike the 'e' from the word 'therefor' in item 11 (B). Trustee Hastert amended his motion to include Trustee Grabarek's amendment. A roll call vote ensued. Ayes: Grabarek, Gualdoni, Hastert, Walter. Nays: Ken Anderson. Motion carried.

- c. Approve Waste Management Recycling Options – Mayor Anderson outlined the new proposal from Waste Management to provide 65 gallon recycle bins to be picked up weekly under a three year contract for \$17.56 per home per month or a five year contract at \$16.81 per home per month. Willrett clarified this is not a renegotiation of the Waste Management contract—this is only for the recycling option. If approved, the recycling bins will not be received until October. Willrett stated one complaint was received regarding the size of the proposed container for a single car garage. Trustee Walter made a motion to approve the five year contract at a rate of \$16.81 per home per month. The motion died for lack of a second. Discussion was held on how to enforce the current ordinance. At this time, education of the public will continue.

14. Mayor – No report

15. Bills

- a. Approve the Bills List – A motion was made by Trustee Grabarek and seconded by Trustee Walter to approve the bills for Monday, July 11, 2011 for \$124,429.79. A roll call vote ensued. Ayes: Ken Anderson, Grabarek, Gualdoni, Hastert, Walter. Nays: None. Motion carried.

16. Other Business – Willrett advised negotiation with EcoWater to provide treated drinking water at Village Hall and Public Works is almost complete. No new update on the credit card project at the train station. Parking space numbers are missing in the 259-260 vicinity at the train station. The personnel manual is getting close to completion.

17. Executive Session – A motion was made by Trustee Walter and seconded by Trustee Hastert to leave regular session and enter into executive session at 7:55 p.m. to discuss personnel. A roll call vote ensued. Ayes: Ken Anderson, Grabarek, Gualdoni, Hastert, Walter. Nays: None. Motion carried. It was announced that there would be no announcements after the meeting.

At 8:13 p.m., a motion was made by Trustee Walter and seconded by Trustee Grabarek to leave executive session and re-enter regular session. The motion carried by unanimous voice vote.

17. Adjourn - Trustee Gualdoni motioned to adjourn the meeting at 8:13 p.m. with Trustee Walter seconding the motion. The motion passed by a unanimous voice vote.

Respectfully Submitted,



Diane McQuilkin
Village Clerk