

**VILLAGE OF LINCOLNWOOD
PRESIDENT AND BOARD OF TRUSTEES
COMMITTEE OF THE WHOLE MEETING
VILLAGE HALL COUNCIL CHAMBERS
AUGUST 21, 2018**

Call to Order

President Bass called the Committee of the Whole meeting of the Lincolnwood Board of Trustees to order at 5:47 P.M., Tuesday, August 21, 2018 in the Council Chambers of the Municipal Complex, 6900 North Lincoln Avenue, Village of Lincolnwood, County of Cook and State of Illinois.

Roll Call

On roll call by Village Clerk Beryl Herman the following were:

PRESENT: President Bass, Trustees Ikezoe-Halevi, Hlepas Nickell, Patel, Sugarman (6:28 pm).

ABSENT: Trustees Cope, Spino

A quorum was present.

Also present: Timothy Wiberg, Village Manager; Ashley Engelmann, Assistant Village Manager; Charles Meyer, Assistant to the Village Manager; Heather McFarland, Management Analyst; Robert Merkel, Finance Director; Steve McNellis, Community Development Director; Douglas Hammel, Development Manager; Nadim Badran, Assistant to the Public Works Director; Andrew Letson, Public Works Director; Ben Harris, Accountant; and Steve Elrod, Village Attorney, Bob Rychlicki, Kane McKenna.

Approval of Minutes

Minutes of the July 17, 2018 Committee of the Whole Meeting were distributed in advance of the meeting and were examined. Trustee Ikezoe-Halevi moved to approve the minutes as presented. Trustee Hlepas Nickell seconded the motion.

The motion passed with a Voice Vote.

1. Fiscal Year 2018/19 Budget Update

This item was presented by Robert Merkel using a PowerPoint presentation. Mr. Merkel stated that he had discussed at the 2018/19 Fiscal Budget presentation the closing of Carson's at Lincolnwood Town Center and the hopes that they would find a buyer, which did not occur and they will be closing their doors in the next few weeks. Staff listed items in the 2018/19 budget that could be delayed or pushed off to deal with the decreased revenue. Roughly \$300,000 in tax revenue is being lost.

Mr. Merkel listed some expenditures that could possibly be delayed:

- Hiring of an additional Police Officer \$90,000
- Additional funding to Police Pension Fund \$220,000
- Replacement of Community Center roof \$150,000
- Replacement of Village Hall boiler \$76,000

Mr. Merkel stated that staff is recommending the hiring of an additional Police Officer be pushed to next year's fiscal budget to lessen the impact. Mr. Merkel said if need be we could possibly hire a new officer near the end of the current fiscal year budget, which would probably be in January/February and at that time the officer would be going through the academy.

Mr. Merkel asked Police Chief Jay Parrott if he had any comments. Chief Parrott stated with the current promotions and vacancies generated by those promotions, he would not be able to send a candidate to the academy until January 2019, therefore Chief Parrott concurred with Mr. Merkel's recommendation.

Mr. Merkel stated that currently the Village is required to fund the actuarial required contribution of the Police Pension Fund, which the Village does. In addition to that we have increased the Village's gas tax by two cents a gallon which goes towards funding the Police Pension Fund. The dollar amount is roughly \$280,000.

Mr. Merkel stated that about a year and a half ago the Police Pension Board had made their biennial presentation to the Village Board and asked the Board for more funding because the Police Pension is about 46% funded and has been at 46% for some time. The Police Pension needs to be 90% funded by 2040.

Mr. Merkel stated the Police Pension Ad-Hoc Committee met a few times and asked about bumping up the funding from \$280,000 to \$500,000, which is about \$220,000 this year. Mr. Merkel stated that currently we are paying in a little over the \$280,000. Mr. Merkel stated staff is asking to wait on this until the end of the fiscal year, and if we are close to the normal projection then we could make an additional contribution.

Mr. Merkel then discussed the Police Pension funding. Trustee Patel asked if this would then be considered for the 2019/20 budget. Mr. Merkel stated yes, that would be staff's recommendation.

Mr. Merkel stated the next item is the roof for the Community Center which is about \$150,000 and is currently leaking. Mr. Merkel stated this is one of the items we cannot wait on as we rent out the room in the Community Center and it is damaging the wooden floors. Staff feels this should be done this year.

Mr. Merkel stated the final item for discussion is the Village Hall boiler. Mr. Merkel stated we started last year replacing the boilers in the different buildings. Mr. Merkel stated that we could possibly wait another year but just last week we had to have them come out and fix the boiler.

Mr. Wiberg stated that not all four of these items need be deferred.

Mr. Merkel suggested the Village hold off on the Police Officer and see how close the Village is on the budget. We currently have a projected deficit of \$900,000 and really do not want to go much higher. The deficit is for the bridge and a few other items.

President Bass asked if there were any questions or discussions.

Trustee Hlepas Nickell asked if there were any new developments coming. Mr. Merkel commented on auto sales and cannot predict sales.

Mr. Wiberg stated there are new developments coming within the next year or so and the mall is looking to repurpose Carson's. It may take a year or two for those projects to come to fruition but there is a plan in place.

Trustee Hlepas Nickell asked if the budget takes into consideration a drop in the sales tax that is generated from the mall. Mr. Merkel stated that the Village has cut back in our budget but it is hard to project sales tax revenue.

President Bass stated that the Village is going to have some major hiccups along the way with Carson's, the unknowns, decrease in auto sales, but there are some fantastic projects coming up.

Trustee Hlepas Nickell stated that she just wanted to make sure that the drop in sales tax was reflected in our current budget.

Trustee Hlepas Nickell stated the roof issue can lead to other issues such as damage and mold. Trustee Hlepas Nickell felt the roof and the Police Pension are two items we should not put off.

Trustee Patel asked for clarification on which items the Board was actually considering. Mr. Merkel felt the roof and the boiler are items we cannot wait on. Mr. Merkel stated in March he can look at the finances and do an estimate to see how we are doing and if doing well add more to the pension the following fiscal year budget.

Trustee Patel stated that we would have about eight months of lost revenue and the estimate is about \$300,000. Mr. Merkel stated that is his projection for this year but for a full year it is a little bit more.

There was no further discussion on this item.

2. Discussion Concerning the Lincoln/Touhy Tax Increment Financing District

This item was presented by Mr. McNellis using PowerPoint.

Mr. McNellis stated this is a request for the Village Board to consider setting the boundaries for the North Lincoln tax increment financing ("TIF") TIF Redevelopment Project Area. The Village currently has the Lincoln/Touhy TIF and this would be a re-designation of that TIF and in doing so we would need to call it something new, whether it changes or not. North Lincoln TIF would be the name of the new TIF.

Mr. McNellis stated the TIF was initially created in 2011 and the re-designation process to start a new TIF began in 2017. Mr. McNellis stated the new process began because the TIF six years had elapsed in the TIF and it fell below the Base equalized assessed value ("EAV") so the TIF fund was empty. Mr. McNellis stated that in 2017 they did have the school support for the TIF but that the school did have concerns about including the property south of the current TIF.

Mr. McNellis stated the re-designation process had been halted and placed on hold pending the resolution of foreclosure on the Purple Hotel site and the designation of a developer for the site.

Referencing the PowerPoint, Mr. McNellis pointed out which area to the south might possibly be removed from the TIF.

Mr. McNellis went on to give a recap of the 2018 Joint Review Board meeting. The Board did vote to continue the re-designation of the TIF but Mr. McNellis stated, as the Village President had mentioned, that there was unanimous support by the Joint Review Board (JRB) to proceed with re-designation but with mixed feelings about a proposed boundary change.

Mr. McNellis stated that on June 19, 2018, the Village Board did pass an Ordinance approving the initiating of the Eligibility Study for the re-designation of Lincoln-Touhy TIF to a new North Lincoln TIF. Mr. McNellis said at the Board meeting the boundaries were discussed but no agreement was reached.

Mr. McNellis stated that Bob Rychlicki of Kane McKenna, who is the Village's TIF consultant, was present to answer questions later.

Mr. McNellis stated that Kane McKenna has completed the TIF Eligibility Report. The report states that whether the area south of Touhy is in or out, the area is eligible for a new TIF and that it meets the eligibility requirements.

Mr. McNellis stated that the TIF boundaries need to be determined before the September 4, 2018 Village Board meeting because at the next Board meeting there will be an Ordinance setting a Public Hearing date.

Mr. McNellis continued with the presentation. Mr. McNellis stated the Board may wish to consider past practice for the areas of consideration. Some of the past practices are limited incentives utilized on a specific property to that generated from the property itself. Mr. McNellis explained that funds generated on Tucker Development property used only on that property. Mr. McNellis also stated that the same would apply to the area to the south, if that were part of the TIF, those funds generated from the property to the south they would generate their own fund and they would only be used for the properties to the south and used for the Purple Hotel site.

Mr. McNellis explained that if the property to the south were removed from the TIF there would be no funds available for improvements if and when the property is considered for redevelopment. There would be no funds for infrastructure improvements but it would not impact the Purple Hotel property.

Trustee Hlepas Nickell asked to go back to the zoning map and asked if the medians on Lincoln Ave. were included. Mr. McNellis stated that if the property to the south is removed the medians on Lincoln Ave. to the north would be included in the TIF.

Mr. McNellis worked with the consultants, Kane McKenna, to quantify potential impacts to the property to the south. Mr. McNellis stated that this was a ball park figure, this was not a development that somebody asked to build, and this was simply a possible scenario. Mr. McNellis stated the scenario assumes a lot of things such as type of use, square footage, and time of occupancy.

- 2.75 acres in size, developed for occupancy in 1st quarter of 2026, with 15k sq. ft. of commercial, 35k sq. ft. of office, and up to 125 residential units in a multi-story building, with one level of carved parking and surface parking
- Approximately \$9.2 Million in TIF generated, after payout of bas taxes to taxing bodies, between 2026 and end of TIF in 2043

Mr. McNellis stated that staff also wanted to offer up a compromise solution. They are as follows:

- A compromise solution could provide flexibility, while recognizing current lack of interest in redevelopment
- Consider keeping properties south of Touhy Ave. in the TIF District, and enter into an intergovernmental agreement (“IGA”) to declare that all TIF generated on those properties annually as excess funds, to be distributed back to the taxing bodies, until such time as redevelopment occurs
- Benefits: makes taxing bodies whole while no development occurs, allows Village and property owners opportunity to incentivize future development opportunities

Mr. McNellis listed some of the options to move forward:

- Maintain current TIF Boundaries for re-designation of the North Lincoln TIF District
- Maintain current TIF Boundaries for re-designation of the North Lincoln TIF District at this time, but revise boundaries to remove the three subject properties prior to December TIF approval (allows further consideration by the Joint Review Board and Village Board, if necessary)

- Amend current TIF Boundaries for re-designation North Lincoln TIF District to remove the three subject properties south of Touhy Avenue

Mr. McNellis stated that until an Ordinance is passed you could leave the south portion in the TIF and remove the properties at a later date prior to the passing of the Ordinance.

Mr. Wiberg added if the properties are removed now there is very little chance that the properties could be added later.

Trustee Patel asked if staff or the consultant felt there was anything negative if we keep the all properties in the TIF as is. Mr. McNellis stated if you keep the boundaries as is and it doesn't redevelop then other taxing bodies would say that this is money they are unable to receive since the property isn't developing and generating further revenue.

Trustee Patel asked what the increment would be for the property to the south and if we had any data on that. Mr. Rychlicki stated the bank building with the parking garage's EAV is at \$3,700,000. There was further discussion regarding the south property.

Mr. Rychlicki stated the two points he wanted to make were from a cautionary basis the two policy issues you would want to consider is legislative, if the TIF Act changes over time and you might be unable to bring the properties to the south in at a later date and the other is it would cost less to include the properties to the south now but if you do it at a later date it will be more costly.

Trustee Hlepas Nickell stated the legislation could work against us and we would not be able to take the property out at a later date. Mr. Rychlicki said, yes, this is true, currently you are allowed to take it out but you would not be able to go back in.

There was further discussion regarding legislation affecting the TIF and removing and adding of properties to the TIF.

Trustee Hlepas Nickell asked what the current occupancy is in the bank building. Mr. Rychlicki stated he thinks the vacancy is between 20 to 40 percent.

Trustee Hlepas Nickell was concerned about the latitude of the property to the south if kept in the TIF, what would our zoning weigh in be. Mr. McNellis stated it would be a PUD because of multiple buildings on one site and also in a B-3 zoning district. It would go through the same development process that Tucker Development is going through.

Trustee Hlepas Nickell was concerned about the canyon effect if we had another tall building there at the bank building site. She asked how much the Village would be able to weigh in on the process, with the PUD process to do it. Mr. McNellis stated yes, it would be the same PUD process and regarding the school we do have the IGA in place with the Purple Hotel site that we will make them whole for the cost of any kids that come into the school as a result of any development on the site. Trustee Hlepas Nickell stated that the more property we make available for that kind of residential development, it does not matter what you do to reimburse the schools, the schools are landlocked, and it is not a money issue but a space issue. Mr. McNellis stated that for the property on the south, mixed use would probably be what would go in.

Trustee Hlepas Nickell asked how much of the TIF had the property utilized. Mr. McNellis stated that none of the properties have utilized it since 2011.

Trustee Patel stated the purpose of including these sites was to incentivize redevelopment. Trustee Patel stated he would rather pay the few thousand extra to have the site in the TIF. Mr. Rychlicki stated the fee was included in the bid.

Trustee Patel stated we would be missing out if we did not include the property to the south.

There was further discussion regarding TIF's and incentives for development.

Trustee Ikezoe-Halevi stated that originally Tucker Development was not going to do a hotel and if that is the case the south portion being proposed in the TIF should remain.

Mr. Wiberg stated that while Imperial Realty owns the building and the parking lot, Republic Bank owns its space in the building, much like how a condo works and any progress on that site would need to be negotiated with both owners.

Trustee Patel stated that if a developer were to come forward to purchase the property from Imperial Realty they would probably come to us to ask for help in the process of the sale.

Trustee Hlepas Nickell stated she would like the triangle piece where that empty auto repair is located between Kostner Ave., Lincoln Ave., and Touhy Ave. included in the TIF piece because it is an oddball piece and the adjacent roadway.

Mr. Rychlicki stated he would have to refer to the Village Attorney but one of the acts of the TIF is that it must be a continuance area. There would have to be a little homework done to see if the point to point option would work.

President Bass at this time asked for public comment.

Mr. John Vranas was invited up to speak. Mr. Vranas stated he is a member of the school board but not a member of the Joint Review Board (JRB). Mr. Vranas spoke of past conversations at the JRB meeting and redevelopment and how nothing would happen at the south portion of the proposed TIF until the Purple Hotel site is developed. Mr. Vranas also spoke of requirements for TIF's. Mr. Vranas felt the evidence for including the property in the proposed south portion of the TIF was pretty soft. Mr. Vranas stated there are companies out there willing to build without a TIF such as The Carrington. Mr. Vranas stated his feeling is that the sites would be developed with or without a TIF. Mr. Vranas spoke of the Devon Ave. TIF but also stated that he urges the Board not to include the proposed property to the south into the TIF.

President Bass asked Mr. Vranas to provide his background information, besides being a school board member and a resident.

Mr. Vranas stated he has been in real estate for over 40 years, does asset management and redevelopment throughout the city, was past president of Chicago Associate of Realtors and former board member of Skokie Fairview School, and has been on the Lincolnwood School Board for five years and a resident of Lincolnwood for 15 years.

Trustee Patel asked Mr. Rychlicki if the property south of Touhy Ave. fit the requirement for the TIF. Mr. Rychlicki stated he has to give some background before he can answer. One section was looked at as blight and the other as conservation. Mr. Rychlicki explained some of the other factors as well.

Mr. Elrod stated that he believes back in 2011 there was research regarding the triangle piece and it was decided the triangle piece could not be included. Mr. Elrod stated that without some changing of the lines the

triangle section of property would not be able to be picked up.

Mr. Donald Gelfund stated that he is a Village resident and a Niles Township Trustee and he is a member of the JRB. Mr. Gelfund stated that speaking for the Township, he does not see a problem with the proposed TIF. Mr. Gelfund also stated that he takes a different viewpoint from the previous speaker; he sees the potential for the proposed TIF property to the south. Mr. Gelfund felt that with the property to the south included in the TIF in the future it would be a source of sales tax revenue. Mr. Gelfund stated he felt it was a tired corner and anything we could do would help it become a better parcel.

There was discussion of the property owner for the proposed south TIF property and what, if any other property they may own in the Village.

President Bass asked Mr. Vranas if he knew what the impact of the TIF would be on the school and if he had run any numbers. Mr. Vranas stated it would be tough to address this scenario.

Trustee Patel stated that Mr. Rychlicki had said the EAV went down but has now come back up. Trustee Patel stated that going by that there would be no impact. Trustee Patel also stated until there is a development there would be no impact.

Trustee Hlepas Nickell asked if Imperial Realty was invited to the meeting tonight. Mr. McNellis stated that yes, Imperial Realty was notified of the meeting.

There was further discussion between staff, the Village Board and Mr. Vranas regarding the TIF and the EAV and if, or if not, it would affect the school or taxpayers.

Trustee Patel asked Mr. Vranas, based on his comments, if the property to the north of the Purple Hotel site should be removed from the TIF as well. Mr. Vranas stated he was not there to talk about the property to the north, only the property to the south.

Mr. Vranas stated he felt the Purple Hotel site needs the money, the property to the south does not.

President Bass stated that everyone is talking hotel. President Bass stated that Tucker Development has not eliminated a hotel from their plans, at least not as of yet.

President Bass stated he was at the JRB meeting and the library and the school and School District 219 were looking to have the parcel to the south removed. With that said, what would the Board like to do this evening?

Mr. Rychlicki stated that the only time line on this matter relates to beginning the TIF process. Mr. Rychlicki stated the boundaries need to be decided for the legal description that is required to move forward. The decision would need to be made before the Village Board meeting on September 4 where the decision will be made for the Public Hearing on the TIF.

Trustee Hlepas Nickell stated she has no problem eliminating the south portion from the TIF.

Trustee Sugarman stated that after listening to the speakers, he does not see why we would include the south portion in the TIF.

Trustee Ikezoe-Halevi, stated she understood the reasoning and she listened to Mr. Vranas but until we hear the full scope of the project from Tucker Development, Trustee Ikezoe-Halevi would rather play it on the safe side and maintain the TIF boundaries and go with option #2 listed in the PowerPoint: Maintain current TIF

boundaries for redesignated N Lincoln TIF District at this time, but revise boundaries to remove the three subject properties prior to December TIF approval (allows further consideration by JRB and VB, if necessary).

Trustee Hlepas Nickell stated that we are on a time crunch so we have to make a decision and we cannot wait.

Mr. Elrod stated that option two is a motion to maintain boundaries.

Trustee Patel voted to maintain the boundaries but to explore an intergovernmental agreement with the other taxing bodies.

There was further discussion before taking the vote.

Mr. Elrod stated the consensus of the Board is for Mr. Rychlicki to proceed with the TIF study without the property south of Touhy.

3. Discussion Concerning the Revised Commercial Vehicle Parking Regulations

This item was presented by Mrs. Engelmann using PowerPoint. Mrs. Engelmann stated that on July 18, 2017 the Village Board approved amendments to the Village Code regarding commercial vehicles and as part of those amendments a 12 month review was included in the Ordinance.

Mrs. Engelmann stated that part of the legislative process was a series of meetings with the Traffic Commission, the Village Board, the Committee on Ordinances Rules and Building (CORB), and the Plan Commission. Mrs. Engelmann stated there was a total of 17 public meetings prior to making the amendments to the Village Code.

Mrs. Engelmann stated the Village Board directed staff to hold a series of workshops with a group of the public who represented both sides of the issue. There was a mixture of residents that sat on both sides of the issue on this committee. Mrs. Engelmann stated there was a list of items that were presented to the committee and ultimately the committee made a recommendation to the Village Board.

Mrs. Engelmann stated there was a total of 18 recommendations that were presented to the Village Board over several meetings due to time constraints. At the July 18, 2017 meeting the Village Board unanimously approved an Ordinance amending the Village Code to include the 13 agreed upon items. Mrs. Engelmann stated that at the August 15, 2017 meeting of the Committee of the Whole, the Village Board discussed the remaining four items. Mrs. Engelmann stated that at the September 5, 2017 Village Board meeting the Board unanimously approved an Ordinance amending the Village Code to include the remaining four items.

Mrs. Engelmann stated that after the regulations were approved staff worked on an education campaign using the Village Website, creating a brochure, press release, articles in the Village Connections and bi-weekly e-newsletter, social media and the Village cable channel. Mrs. Engelmann stated the brochure was given with the warning ticket as part of the education process.

Mrs. Engelmann presented a PowerPoint slide showing the violation history before the approval of the Ordinance and after the approval. Mrs. Engelmann stated that from July 1, 2016 to June 30, 2017 there were 67 violations. The system did not however allow for the breakdown as to the type of commercial vehicle violation such as panel van or taxi cab but they all did fall under the commercial vehicle code violation.

Mrs. Engelmann stated that following the approval of the Ordinance from the time frame of July 1, 2017 to

June 20, 2018 there were 42 violations. Mrs. Engelmann also stated that warnings are not kept track of but that the Village did a lengthy warning period following the approval of the Ordinance.

Mrs. Engelmann stated that staff is recommending the following minor adjustments to the Ordinance. Section 7-2-4(A), the definition of a panel van stated the following: "A van with no rear seating and no rear passenger windows". Staff is recommending removing "no rear seating" as it is difficult to determine if there is no rear seating if there are no rear passenger windows to view possible seating. Mrs. Engelmann stated the proposed updated definition of a panel van is recommended as follows: "A van with no rear passenger windows", would address this particular issue of the code.

Mrs. Engelmann also stated that section 7-2-24(4) states that "no commercial vehicle equipped with a snowplow or salt spreader may be parked or stored in a residential driveway, except that before April 1 and after November 1 of each calendar year, a commercial vehicle equipped with not more than two plows, each of which is physically attached to the vehicle, may be parked or stored in a residential driveway." Mrs. Engelmann stated that as the language currently reads it can be interpreted that one vehicle may have two snow plows attached to it. The intent of the language was to allow two vehicles, each with one snowplow. Staff is recommending clarifying this within the Ordinance and removing the word "commercial" as the vehicle does not need to be for commercial purposes.

Mrs. Engelmann stated there is an Ordinance on the consent agenda for the Village Board meeting recommending the Village Code amendments discussed this evening.

President Bass asked if there were any questions or if they wanted to go forward with the recommendations.

Trustee Patel stated he was on the committee and said as he recalls the meaning of two plows was a plow on the front of the vehicle and one on the rear, having a split plow. Trustee Patel asked Mrs. Engelmann if she looked back at the minutes from that meeting. Mrs. Engelmann stated she did go back and look and from her understanding it was to allow two vehicles with a plow each. There was further discussion regarding two plows.

Trustee Patel stated this was supposed to be complaint based not proactive. Mrs. Engelmann stated the proactive measure came through the education process and handing out the warnings and as a result there was a decrease in ticketing.

Trustee Hlepas Nickell asked if the 42 tickets for this year were complaint generated. Mrs. Engelmann stated she believed they were complaint based.

President Bass asked the Board if they were okay with the language changed proposed to the Ordinance.

The Village Board stated they were okay with the proposed language that will be presented later at the Village Board meeting.

4. Discussion Concerning the Public Works Yard Expansion Project

This item was presented by Mr. Letson using PowerPoint.

Mr. Letson stated there was a problem that has come up with the yard expansion but first Mr. Letson gave an overview on the following bullet point items:

- Background of the Project
- Purpose of the Project

- Soil Contamination Issue
- Value Engineering Options
- Project Costs and Funding
- Next Step

Mr. Letson stated in 2003, Northeast Parkway was constructed. Mr. Letson stated when the road was constructed the Public Works yard became more visible to the public so the plan was to improve functionality and aesthetics of the Public Works facility. It was decided this would be accomplished over three phases.

Mr. Letson stated the first phase was in 2004 when the salt dome was constructed and in 2007 the initial Public Works yard improvements, Phase II, were constructed. This phase included a concrete yard, underground stormwater detention and eight foot masonry wall on three sides.

Mr. Letson stated in 2014 Phase III began with the design of the yard expansion. This process was put on hold until the Village could purchase the Union Pacific (UP) right-of-way. In 2016 the property was purchased and the design process was restarted.

Mr. Letson stated that in March of this year, the Village Board approved the construction contract with Stuckey Construction Company. They were the lowest qualified bidder and began work on the project.

Mr. Letson stated the purpose of this project is two-fold, to improve the functionality of the Public Works yard and to improve aesthetics of the Public Works yard.

Mr. Letson stated from a functionality standpoint the following were considered:

- Provide additional space for storage of materials and daily operations
- Provide permanent covered bins for certain materials that are sensitive to the elements (e.g. topsoil, stone, cold patch asphalt)
- Pave standpipe site to improve drainage issues and reduce long term maintenance

Mr. Letson stated for the aesthetic side the following were considered:

- Screen spoils and other bulk materials from public view
- Continuity of the two sites with matching masonry walls

Mr. Letson showed the Village Board a photo of the black chain link fence currently at the Public Works site which is only to serve a temporary purpose. Mr. Letson stated chain link fence is not that durable and with the pushing of materials a portion of the chain link fence has collapsed.

Mr. Letson then showed the Village Board a photo of the standpipe located across the street from Public Works on Northeast Parkway. Mr. Letson stated that you could see some of the spoils that are stored there and that there is a larger quantity there during the summer months.

Mr. Letson then showed the Village Board the concept plan. He stated the goal is to create continuity between the standpipe across the street and the Public Works yard.

Mr. Letson showed the brick wall currently located on the north side along the Central Park portion and that the goal is to duplicate that brick wall around the standpipe property as well.

Mr. Letson stated when going through the design process part of the process is taking environmental and geometric soil samples of the property. This was done in conjunction with the UP parking lot process which was underway at the same time. Mr. Letson stated the environmental analysis was conducted approximately

100 feet south of the project site during design of the parking lot project. Mr. Letson stated that the standard is to take a sample every 500 feet. Mr. Letson also stated that the parking lot project found limited amount of contaminated soil.

Mr. Letson stated that for the parking lot samples, all were clean except for one which had very little contamination. Mr. Letson stated they thought that would be the case throughout that most would be clean but that was unfortunately not the case. Mr. Letson stated the area right behind Public Works in the UP right-of-way is contaminated with elevated levels of arsenic. Mr. Letson said there is approximately 1,750 cubic yards of contaminated soil that will need to be removed prior to construction moving forward.

Mr. Letson stated there are three levels of soil disposal: clean soil, non-special waste and special waste, which is hazardous. Mr. Letson stated the soil we have is the non-special waste which costs more to dispose of than clean soil.

Mr. Letson showed a PowerPoint slide explaining where exactly the contaminated soil is located.

Trustee Hlepas Nickell asked if the cost covered back-fill.

Mr. Letson stated the current project cost is \$1,523,000 and the additions cost for the soil removal is \$213,503. Mr. Letson stated that the \$213,503 is the best estimate as to what the total soil removal would be. There was already a cost in the project for the back-fill and foundation.

Mr. Letson stated they came to the price when the Village went out to bid we knew there was a small amount of contaminated soil so we included in the bidding but we came up with a lot more contaminated soil than anticipated. Mr. Letson stated what we then did was went out and obtained a bid unit price for disposal of contaminated soil. Mr. Letson stated the contractor, Stuckey, gave us a unit price of \$95 per cubic yard which falls into the industry standard. Mr. Letson also said the final cost included disposal and environmental monitoring that needs to be done.

Trustee Hlepas Nickell asked if we knew how pervasive the contaminated soil is in that location. She also asked if The Carrington had any issue when they did their project. Mr. Letson stated he did not know but further south of our project the soil was pretty clean.

Trustee Hlepas Nickell then asked about the Lowe's site before they began construction. Mr. Wiberg stated that prior to Lowe's that building was a furniture store but it is his understanding there was some contaminated soil there. Mr. Wiberg stated the problem is the bike path is along the freight line where the contamination occurred and The Carrington is further east.

Mr. Letson stated the railroads used to coat their ties in arsenic to keep them from rotting and this material ultimately seeped into the soil.

Mr. Letson stated they did look into the Union Pacific's liability seeing it was their process that caused the issue but upon further review of the contract by the Village Attorney it was determined the Village was ultimately responsible for the clean-up.

Mr. Letson stated they did value engineering on this project to be as cost effective as possible. Mr. Letson said they looked at other things to eliminate to try to make the soil removal as cost neutral as possible. Mr. Letson stated, out of the items presented to the Board, reducing the size of the cover bins and omitting the automated gates are not options because we already own the gates and own the roofs for the bins.

Mr. Letson in his PowerPoint presentation showed the current project cost with remediation and with the value engineering options leaving a difference of \$24,182.

Current Project Cost	\$1,523,000
Addition for Contaminated Soil Removal	\$213,503
New Total Project Cost	\$1,736,503
<u>Value Engineering Options</u>	
Removal of Masonry Wall (Standpipe)	(\$61,670)
Removal of Paving of Standpipe Site	(\$120,151)
Other Minor Items (e.g. omit landscaping, directional bore for electrical at Standpipe)	(\$7,500)
Total Value Engineering Deductions	(\$189,321)
Total Project Cost with VE Options	\$1,547,182
Difference from Current Project Cost	\$1,547,182
Difference from Current Project Cost	\$24,182

Mr. Letson stated we face the following value engineering challenges:

- Reduced functionality
 - Gravel yard at standpipe currently has drainage issues that would not be addressed
 - Gravel requires more long term maintenance
- Reduced aesthetic appeal
 - Continuity between the two sites is lost
 - A fence with screening does not provide the same level of concealment as a masonry wall

Mr. Letson stated that there are sufficient funds to cover the additional expenditure in the NEID TIF which will be expiring at the end of next year.

Trustee Hlepas Nickell asked if we earmarked funds for that. Mr. Wiberg stated only for the next year.

Mr. Letson stated that we have already paid for a portion of this project. Mr. Letson showed a PowerPoint showing the Village would be \$123,350 over budget for this project.

Mr. Letson stated he had spoken with the Finance Director and was told that we have sufficient funds in the NEID TIF to do this project. Mr. Letson stated that had he known earlier he would have included more in the NEID TIF's budget.

Mr. Letson stated due to the fact that sufficient funds are available in the NEID TIF and pursuing the value engineering options would cause the project to not meet its original goals of improving function and aesthetics of the site, staff recommends pursuing the project with the additional cost.

Mr. Letson stated regardless the next step is to pursue construction because at this time we do not know for sure how much of the soil needs to be removed. Mr. Letson also stated that at the end of the project we would come back before the Village Board identifying the exact additional cost and that staff will return to the Village Board if any other major issues should arise.

President Bass asked the Village Board if they had any questions. Trustee Patel stated that he agrees with staff's recommendation. Trustee Ikezoe-Halevi also concurred with staff's request.

Trustee Sugarman asked if there were any other options. Mr. Letson stated staff looked at various options such as putting additives in the soil to make it more structurally sound, looked at building a large berm, and none of these would work.

Mr. Wiberg stated if we stop the project right now the soil can stay there but that would stop the project.

Trustee Sugarman stated he agreed with staff's recommendation. Trustee Hlepas Nickell stated she asked her questions and she was fine with it.

5. Discussion Concerning the Standards for Processing Minor Subdivision Requests

Mr. Hammel came forward to speak on this item using a PowerPoint presentation.

Mr. Hammel gave a brief background on how staff designates and the Village considers Minor Subdivisions. Mr. Hammel stated that the Subdivision Ordinance allows for certain Subdivisions to be classified as "Minor Subdivisions" so long as they meet certain standards and requirements of the Zoning Code and the Subdivision Ordinance. Mr. Hammel explained that Minor Subdivisions are exempt from Preliminary review process. If it is determined that it is a Major Subdivision then it would go before the Plan Commission and Village Board as a Preliminary Subdivision then comes back through both of those bodies as a Final Plat of Subdivision.

Mr. Hammel stated that regardless of the standards all Subdivisions are subject to the same standards for approval, regardless of "Minor" or "Major" classification.

Mr. Hammel stated that when the request is received staff determines classification of a "Minor Subdivision" if it meets the following standards:

- a) Is located in a residential zoning district
- b) Will not contain more than two lots upon approval by the Village
- c) Fronts on an existing improved street
- d) Does not involve any new right-of-way or the extension or installation of any public improvements
- e) Does not adversely affect the development of the remainder of the parcel or adjoining property
- f) Does not require a variation from any provision or portion of the Zoning Ordinance or this Chapter 16

Mr. Hammel stated that if it does not appear to have any major impact or require any variations then it fits the description of a Minor Subdivision.

Mr. Hammel "stated that going back to "e does not adversely affect the development of the remainder of the parcel or adjoining properties" is the one portion of the "Minor Subdivision" that has some ambiguity.

Mr. Hammel stated that staff is recommending the issue be referred to CORB to iron out the following questions:

1. Are there aspects of the definition of “Minor Subdivision” that are ambiguous?
2. How can the definition be amended to better reflect the intent of the process?
3. Is the “Minor Subdivision” process providing a tangible benefit compared to the regular subdivision review process?

Mr. Hammel went back to bullet point “e” in the definition of “Minor Subdivision”; this is the portion that left room for interpretation. As a part of the ongoing case right now, staff consulted with the Village Attorney and it was clear that there was no clear finding as to how this should be interpreted. Mr. Hammel stated staff is requesting the Village Board refer this to CORB so this can be ironed out for future requests.

Trustee Sugarman asked for clarification on what is considered ambiguous. Mr. Hammel stated the ambiguity lies in what is the effect of the remaining parcel of the adjoining property. Mr. Hammel stated they would like that particular aspect of the code tightened up a bit to clarify what is the affect that might trigger “minor” versus “major” subdivision.

Trustee Sugarman stated that it affects development and not the value of the property so where is the ambiguity? Mr. Elrod stated this is an odd provision and is not in any of the other subdivision codes that he has reviewed. Mr. Elrod stated he understands that it is only to determine the procedure and not to approve the subdivision. Trustee Sugarman stated it is unusual but does not appear to be ambiguous. Mr. Elrod stated that what he believes is intended is the development of the remainder of the property so that you do not subdivide your property in a way that would prevent a street to go through or further subdivision. Mr. Elrod explained further about subdivision when communities were first being developed which helped with the development of where streets would be located. Mr. Elrod also stated that this should not have to do with property value because that is governed by the Zoning Code. Mr. Elrod stated that he felt Trustee Sugarman hit it on the head but also admitted there is confusion in the code.

Trustee Hlepas Nickell stated she didn’t feel there was confusion. There was further discussion over how the text read.

Mr. Elrod stated that he thinks this merits going before CORB.

Mr. Hammel stated the request is for it to go before CORB and to not try and fix it this evening.

Trustees Hlepas Nickell, Ikezoe-Halevi and Patel agreed to send the item to CORB. Trustee Sugarman stated he does not see a problem with the wording. Mr. Elrod stated then if the Board would collectively give staff direction on how they think it should be interpreted.

Trustee Hlepas Nickell said to just send it back to CORB for discussion.

Trustee Patel asked Mr. Elrod for some wording he might have for them to consider for the CORB meeting. Mr. Elrod stated he would like to hear how the Board feels first before drafting any language.

Trustee Patel gave further discussion on item “e”. Trustee Patel also stated it might be better just to eliminate minor subdivision and just have everyone go through the process. Trustee Sugarman agreed with Trustee Patel. Trustee Patel stated the item should still go before CORB for discussion.

There was further discussion with the final decision being to send the item to CORB.

Public Comment

Two residents from the 3800 block of Jarvis came forward to talk about when there is heavy rain they are getting sewage back-up in their basement.

Trustee Patel stated we had a Stormwater sewer project and that the item has not yet come before the Village Board to release the funds for the project. Trustee Patel spoke of the Phase I sewer project that was set up in the pilot area on the south east side of the Village. Trustee Patel also stated that we have a stage II of Phase I that the Board authorized the planning process for, but has not come forward yet. Trustee Patel also spoke of all the complaints he has gotten from the north side of the Village area regarding flooding. Trustee Patel asked what the status was of Phase II.

President Bass turned the question over to Mr. Letson. Mr. Letson stated they currently have an RFP for engineering services which is currently being viewed by our Village attorney and once that is done the RFP will be released in the near future.

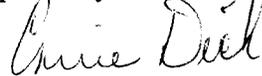
Trustee Hlepas Nickell asked Mr. Letson if the resident could give him a call. She also told them of the program in place regarding flood control. There was further discussion regarding the bid process.

There was further discussion with the resident regarding their issue.

Adjournment

At 7:48 P.M. Trustee Ikezoe-Halevi moved to adjourn the meeting. The motion was seconded by Trustee Patel. The motion was approved via a voice vote.

Respectfully Submitted,



Carrie Dick
Deputy Village Clerk