

THE MINUTES OF THE MEETING
OF THE BOARD OF TRUSTEES
VILLAGE OF ROSELLE
OCTOBER 25, 2021
Meeting Held at Roselle Village Hall
Council Chambers
31 S. Prospect
Roselle, IL. 60172
Streamed live on You Tube

1. CALL TO ORDER
The meeting of the Board of Trustees of the Village of Roselle was called to order at 7:00 p.m. by Mayor Pileski.

2. PLEDGE OF ALLEGIANCE.

3. ROLL CALL:
Upon Roll Call the following answered: Mayor Pileski, Trustees Berkshire, Della Penna, Domke, Piorkowski and Trejo.
Absent: Trustee Lenisa

OTHERS PRESENT: Village Administrator Jason Bielawski, Assistant Village Administrator Brian Joanis, Village Attorney Jim Knippen, Finance Director Tom Dahl, Village Planner/Zoning Administrator Caron Bricks, Fire Chief Mark Bozik, Deputy Fire Chief Dave Gnad, Police Chief Steve Herron, Deputy Police Chief Shawn Kooistra, Public Works Director Karen Young, Assistant Public Works Director Kristin Mehl, Community Relations Coordinator Melissa Brito and Village Clerk Patty Burns.

4. PRESENTATION OF PREPARED AGENDA
Motion by Trustee Trejo, second by Trustee Domke, to Approve the Prepared Agenda as presented.
Upon Voice Vote: **MOTION CARRIED.**

5. CITIZEN COMMENTS/QUESTIONS

Guiseppe Astorino

Mr. Astorino is very concerned about the safety issues when trying to cross Roselle Road at Devon. This intersection is quite dangerous. There should be some sort of crossing assistance installed. *Roselle Rd is a county road and not in the municipalities control.*

6. OFFICIALS AND STAFF REPORTS

6A. MAYOR

1. Sister City Award recognition.
2. Police Officer of the Year for 2019 – Detective Wade Hartman

3. Police Officer of the Year 2020 – Officer Khaled Dalal
4. Firefighter of the Year 2020 – Fire Chief Mark Bozik

- 6B. VILLAGE TRUSTEES – No Report
- 6C. VILLAGE CLERK – No Report
- 6D. VILLAGE ADMINISTRATOR – No Report
- 6E. VILLAGE ATTORNEY – Agenda Item 13A should include “Motion to waive competitive bidding” in the motion and title of the resolution. Agenda Item 13B, paragraph 7 under Compliance of Laws, some sentences have been added.
- 6F. TREASURER’S REPORT – No Report

7. **CONSENT AGENDA**

- A. PRESENTATION AND APPROVAL OF THE VILLAGE BOARD MINUTES OF OCTOBER 11, 2021.
- B. ADOPT RESOLUTION 2021-2455 AUTHORIZING THE MAYOR TO EXECUTE A CONTRACT FOR LICENSED FIREWORKS DISPLAY SERVICES BETWEEN THE VILLAGE OF ROSELLE AND *PYROTECNICO FIREWORKS, INC.*
- C. ADOPT RESOLUTION 2021-2456 AUTHORIZING THE MAYOR TO EXECUTE AN INTERIOR/EXTERIOR IMPROVEMENT GRANT AGREEMENT BETWEEN THE VILLAGE OF ROSELLE AND PROPERTY LOCATED AT 101 EAST IRVING PARK ROAD, *MANGY DAWG.*
- D. ADOPT RESOLUTION 2021-2457 AUTHORIZING THE MAYOR TO EXECUTE AN INTERIOR/EXTERIOR IMPROVEMENT GRANT AGREEMENT BETWEEN THE VILLAGE OF ROSELLE AND PROPERTY LOCATED AT 245 EAST MAIN STREET, *POLLYANNA.*
- E. ADOPT RESOLUTION 2021-2458 AUTHORIZING THE MAYOR TO SIGN AND THE VILLAGE CLERK TO ATTEST TO A RIGHT OF WAY IMPROVEMENT AGREEMENT FOR *400 ROSELLE LLC* (ROSE DRIVE EAST RIGHT OF WAY).

Motion by Trustee Trejo, second by Trustee Della Penna, to Approve the Consent Agenda.

ROLL CALL:

YES: Trejo, Della Penna, Piorkowski, Berkshire, Domke

NAYS: None

ABSENT: Lenisa

MOTION CARRIED.

8. **REGULAR AGENDA**

9. COMMUNITY DEVELOPMENT – Trustee Bruce Berkshire

- 9A. PASS ORDINANCE 2021-4183 AUTHORIZING EXECUTION OF AN AMENDMENT TO THE ANNEXATION AGREEMENT FOR 7N601 RODENBURG ROAD.

Motion by Trustee Berkshire, second by Trustee Trejo, to Approve Item 9A.

ROLL CALL:

AYES: Berkshire, Trejo, Della Penna, Piorkowski, Domke

NAYS: None

ABSENT: Lenisa

MOTION CARRIED.

- 9B. PASS ORDINANCE 2021-4184 APPROVING A FINAL DEVELOPMENT PLAN FOR A PLANNED UNIT DEVELOPMENT (PUD) IN THE R-3 GENERAL RESIDENCE DISTRICT FOR TIMBERLEAF.

Motion by Trustee Berkshire, second by Trustee Trejo, to Approve Item 9B.

ROLL CALL:

AYES: Berkshire, Trejo, Piorkowski, Domke, Della Penna

NAYS: None

ABSENT: Lenisa

MOTION CARRIED.

- 9C. ADOPT RESOLUTION 2021-2452 AUTHORIZING THE MAYOR TO SIGN AND THE VILLAGE CLERK TO ATTEST TO THE SUBDIVISION IMPROVEMENT AGREEMENT FOR TIMBERLEAF.

Motion by Trustee Berkshire, second by Trustee Trejo, to Approve Item 9C.

ROLL CALL:

AYES: Berkshire, Trejo, Piorkowski, Domke, Della Penna

NAYS: None

ABSENT: Lenisa

MOTION CARRIED.

- 9D. PASS ORDINANCE 2021-4185 GRANTING A SPECIAL USE PERMIT FOR A DAY CARE CENTER AT 1080 W. LAKE STREET IN THE B-5 ARTERIAL BUSINESS DISTRICT.

Motion by Trustee Berkshire, second by Trustee Trejo, to Approve Item 9D.

ROLL CALL:

AYES: Berkshire, Trejo, Della Penna, Domke, Piorkowski

NAYS: None

ABSENT: Lenisa

MOTION CARRIED.

- 9E. PASS ORDINANCE 2021-4186 GRANTING A PARKING VARIATION TO PERMIT 21 PARKING SPACES IN LIEU OF 28 SPACES REQUIRED BY SECTION 11.05(B) OF THE VILLAGE OF ROSELLE ZONING ORDINANCE.
Motion by Trustee Berkshire, second by Trustee Trejo, to Approve Item 9E.
ROLL CALL:
AYES: Berkshire, Trejo, Domke, Piorkowski, Della Penna
NAYS: None
ABSENT: Lenisa
MOTION CARRIED.
10. ADMINISTRATION – Trustee Thomas Piorkowski
No Report
11. FIRE – Trustee Lee Trejo
No Report
12. POLICE – Trustee Tom Della Penna
No Report
13. PUBLIC WORKS –Trustee Wayne Domke
- 13A. ADOPT RESOLUTION 2021-2459 WAIVING COMPETITIVE BIDDING AND AUTHORIZING THE EXECUTION OF A CONTRACT WITH *F.H. PASCHEN CONTRACTORS* FOR THE PUBLIC WORKS BUILDING IMPROVEMENTS IN THE AMOUNT OF \$692,683.41 THROUGH THE NATIONAL COOPERATIVE PURCHASING ALLIANCE (NCPA) JOINT BID.
Motion by Trustee Domke, second by Trustee Trejo, to Approve Item 13A.
Upon voice vote: **MOTION CARRIED.**
- 13B. ADOPT RESOLUTION 2021-2460 AUTHORIZING THE PURCHASE OF SCADA SOFTWARE FROM *TRI-R SYSTEMS INCORPORATED* IN THE AMOUNT OF \$36,400.00.
Motion by Trustee Domke, second by Trustee Trejo, to Approve Item 13B.
Upon voice vote: **MOTION CARRIED.**
14. FINANCE – Trustee Domke for Trustee Cheryl Lenisa
- 14A. ACCOUNTS PAYABLE
Motion by Trustee Domke, second by Trustee Trejo, to Approve the Accounts Payable List for October 25, 2021 in the amount of \$1,233,661.06 in order that the amounts approved by the Board of Trustees agree with the amounts posted in the General Ledger.

ROLL CALL:

AYES: Domke, Trejo, Della Penna, Berkshire, Piorkowski

NAYS: None

ABSENT: Lenisa

MOTION CARRIED.

14B. ADOPT RESOLUITON 2021-2461 REGARDING THE PROPOSED
2021 PROPERTY TAX LEVY FOR THE VILLAGE OF ROSELLE.

Motion by Trustee Domke, second by Trustee Trejo, to Approve Item
14B.

Upon voice vote: **MOTION CARRIED.**

15. NEW BUSINESS

16. CITIZEN COMMENTS – None

17. PRE-ANNEXATION DISCUSSION OF 6N736 AND 6N744 MEDINAH ROAD,
MEDINAH.

At the March 2021 Village Board meeting, the Board directed staff to present the recommended financial contributions to the property owner of 6N736 and 6N744 Medinah Road to connect to utilities as part of a pre-annexation agreement. The properties are used for commercial purposes. An adjoining property that was once home to a gas station has contamination underground that is expected to seep into the underground water well used by the properties at 6N736 and 6N744 Medinah Rd. The previous owner of the gas station, Chevron, is required to pay for the remediation so they have been a party to the negotiations/discussions between the property owner and the Village.

The financial contributions reflect the impact of providing water and sewer system services as identified by the Village's consulting engineer Trotter & Associates, which performed a water modeling, sewer capacity, and Devlin Wastewater Treatment Flow development review. The review was paid by Chevron. The summary of the engineer's review is as follows:

- Watermain: They are required to install a 12" section of main to service the property. However, the 12" section will be installed onto an existing 8" main that will need to be upsized when future development occurs south of the parcels along Medinah Road. The property owner will pay their share of the estimated cost to upsized the remainder of the watermain in the future. Their share would be **\$82,688** of an approximate cost of \$220,500.
- Lake Park Lift Station: The lift station constructed to allow Lake Park East Campus to connect to utilities will need to be upgraded in the future as more properties in the area connect to utilities as well as the due to lift station aging. Their share for this improvement would be **\$22,000** of an estimated \$2M project.
- Devlin Expansion: As more properties connect and as development increases in the Town Center, Devlin will need to be expanded to properly service the community. The fair share of this estimated \$16M project would be **\$9,170**.

It is staffs understanding that Chevron has agreed to pay a lump sum for the watermain, Lake Park Lift Station, and Devlin Expansion, which is the present value of contributions for the first 10 years of the agreement. However, Chevron has not agreed to pay for any other contributions after Year 10. The property owner has also indicated they do not want to agree to making annual contributions starting in Year 11 due to the unknown viability and use of the property in the future. The contributions are based upon the maximum term of an annexation agreement, which is 20 years. In addition to the standard language contained within the Village's annexation agreement, staff has identified the following options for the Village Board's consideration:

- Making the term of the agreement for something less than 20 years such as 10 years to align with the value of the lump sum payment.
- Based on the commercial use of the property, the connection to Village utilities provides an instant economic benefit to the property owner. If the property is annexed, the Village will receive property taxes as well as possible sales/eating taxes from the bar/restaurant – 4 Points Saloon. Assuming the properties do not become contiguous to the Village and therefore annexed before the expiration of the agreement, include language stating that:
 - In the year prior to the expiration of the agreement, the parties agree to initiate negotiations for a successor agreement.
 - If the property owner wants to initiate any changes in the use or otherwise tries to increase the commercial viability of the property such as seeking to rezone, redevelop, or apply for building permits through DuPage County for any of the properties, the property owner agrees to pay for another study to determine the impacts of the proposed changes on the Village's water and sewer systems. Based upon the study findings, the property owners agree to make additional financial contributions to offset the impacts.

Mike Hovde, attorney for the petitioner, was present to speak to the Board and address Board questions.

Trustee Trejo stated that if the usage of the property ever changes then the agreement should be re-opened – this should be in the contract. Also, Roselle's Eating Establishment tax (1.25%) should be imposed on this property.

Attorney Hovde was directed to first try to explain the detail of years 11-20 to Chevron. If that was not successful, then the Eating Tax should be substituted for years 11-20 into the contract. If the property becomes contiguous at any time, and becomes fully annexed, the Eating tax will be immediately imposed.

18. RECAPTURE AGREEMENTS

A recapture agreement provides that a cost borne by the entity installing an asset is entitled to recapture a pro-rated portion of the cost incurred for installing the asset when special conditions are met. Public recaptures are when the Village is the entity entitled to recapturing a pro-rated portion of the costs incurred for installing streets, sewers,

water mains, etc. A private recapture is when a private property owner is the entity entitled to recapturing the cost, they incurred for installing the assets. Typically, most recaptures are for the extension of water and/or sewer lines and when properties connect to the lines, they are required to pay a pro-rated share of the total project costs.

Some of the largest recaptures in Roselle go back to the 1970's and 1980's when the Village was growing, and developers were building new subdivisions. The method of recapturing the costs for installing these assets was to ensure that new growth paid for itself and to put the financial risk on the developer. Staff research shows that the Village was involved in litigation with developers, likely the result of the recession, that caused the Village to assume some of the recaptures. In some cases, as part of settling the litigation, the developer made payments towards the recaptures.

Trustee Trejo stated that if the Board is willing to forgive some of the public recaptures, they should also be open to forgiving private recaptures. This should be reviewed.

Staff was directed to get this information into electronic format as soon as possible, then figure out which contracts are actionable – the Board is open to closing or forgiving some that are close to being paid off.

19. OTHER BUSINESS - None
20. EXECUTIVE SESSION – None
21. ADJOURN VILLAGE BOARD MEETING
Motion by Trustee Trejo, second by Trustee Domke, to Adjourn the Village Board Meeting at 8:10 p.m.
Upon voice vote: **MOTION CARRIED.**

Submitted on this 8th day of November, 2021.

Patty Burns, Village Clerk