

**MINUTES OF THE REGULAR MEETING OF THE PRESIDENT  
& BOARD OF TRUSTEES OF THE VILLAGE OF BEECHER  
HELD AT THE WASHINGTON TOWNSHIP CENTER,  
30200 TOWN CENTER ROAD, BEECHER, ILLINOIS  
SEPTEMBER 8, 2008 -- 7:00 P.M.**

All present joined in the Pledge to the Flag.

President Lohmann called the meeting to order.

**ROLL CALL**

**PRESENT:** President Lohmann and Trustees Cleary, Ahrendt, Szymanski, Gardner, Kuhlman and Wehling.

**ABSENT:** None.

**STAFF PRESENT:** Clerk Janett Conner, Administrator Robert Barber, Chief Jeffrey Weissgerber, Treasurer Nelson Collins, Public Works Superintendent Bud Cowger and Ray Koenig from Baxter and Woodman.

**GUESTS:** Terry Gatlin from the Beecher Herald, Bill Byrns from The Daily Journal, Andrew Ahrendt, Julia Cleary, Marilyn Rossler, Kim and Betty Koutsky, Tony and Kellie Solis, Tim Totos, Bill Voss, George Schuitema and Tom Stluka.

A moment of silence was observed in memory of those whose lives were lost on September 11, 2001.

President Lohmann asked for consideration of the minutes of the August 25, 2008 Board meeting. Trustee Szymanski made a motion to approve the minutes as written. Trustee Wehling seconded the motion.

**AYES:** (6) Trustees Cleary, Ahrendt, Szymanski, Gardner, Kuhlman and Wehling.

**NAYS:** (0) None.

Motion Carried.

**CLERK'S REPORT:** 1) A report on income received since the last meeting was provided. 2) There were no objections from the Board for the request from the Knights of Columbus to hold their Tootsie Roll Days on September 19-21, 2008. 3) A bill was presented for the Memorial Tree Account. Trustee Kuhlman made a motion to approve the bill in the amount of \$295.00 as listed on the Clerk's Report. Trustee Gardner seconded the motion.

**AYES:** (6) Trustees Cleary, Ahrendt, Szymanski, Gardner, Kuhlman and Wehling.

**NAYS:** (0) None.

Motion Carried.

**RECOGNITION OF GUESTS:** Julia Cleary commented on the Board possibly allowing an automatic safety cover on a pool in lieu of a fence. She read aloud statistics regarding children drowning in swimming pools. She opposed allowing this variance. She noted three specific concerns with a self-closing cover: 1) there is no way to close the cover if no power; 2) mechanical failure; and 3) human failure.

**A. FINANCE AND ADMINISTRATION COMMITTEE**

**TREASURER'S REPORT:** A copy of the Treasurer's report was provided to the Board for review and the Treasurer was present to answer questions. Treasurer Collins also noted that the Operations and Maintenance (O & M) Account dropped below the \$60,000 threshold designated as minimum by the Village for that account. The account balance should rebound quickly since water bills have just been mailed.

Trustee Cleary raised the issue about whether the sales tax rebates were passed on to Walt's Food Centers, that were being received by Knuth's Country Market. Administrator Barber reported that it was confirmed by reading the original agreement that the rebates would continue with Walt's, since the agreement ran with the business, not the owner.

A list of bills totalling \$134,364.94 to be paid was available for review. A summary of the list of bills was provided. Trustee Szymanski made a motion to approve payment of the list of bills as presented. Trustee Cleary seconded the motion.

AYES: (6) Trustees Cleary, Ahrendt, Szymanski, Gardner, Kuhlman and Wehling.

NAYS: (0) None.

Motion Carried.

Invitations have been mailed for the volunteer/employee recognition dinner to be held on October 4<sup>th</sup> and final plans have been made for the party.

**RESOLUTION #2008-13** - A resolution supporting an extension of the sunset clause from December 31, 2010 to December 31, 2020 for the property tax recovery fund for Will County. This is an extension of the bill that requires the Illinois Department of Transportation (IDOT) to pay leasehold taxes on property purchased for the third airport to the respective taxing bodies. President Lohmann asked Administrator Barber to send a notice out to all Will County Board members of this action. Trustee Szymanski made a motion to adopt Resolution #2008-13. Trustee Cleary seconded the motion.

AYES: (6) Trustees Cleary, Ahrendt, Szymanski, Gardner, Kuhlman and Wehling.

NAYS: (0) None.

Motion Carried.

The Village of Beecher locked in an electric rate with Exelon through NIMEC from June, 2009 through June, 2012.

## **B. PUBLIC SAFETY COMMITTEE**

The Police Department monthly report was provided for review.

Chief Weissgerber reported that the Police Department has received a grant from IDOT for a speed enforcement program beginning October 1<sup>st</sup>. A total of \$14,307 in grant funds will be received for this project.

Chief Weissgerber reported that the grant money for video cameras was received in the mail last week.

Chief Weissgerber reported that Lieutenant Emerson returned from the Republican National Convention. The Police Department will be reimbursed for his salary and expenses for the week he was at the convention.

Trustee Szymanski asked Chief Weissgerber about a letter in his report regarding people that were going door-to-door campaigning.

President Lohmann stated that there is no stop sign at Orchard Lane going east at Donoho and felt it was an unsafe intersection. Chief Weissgerber and the Committee Chairman will consider this matter and make a recommendation back to the Board.

The mosquito abatement program will most likely be suspended for the rest of the year if the weather remains cool and dry.

## **C. STREETS AND ALLEYS COMMITTEE**

There was nothing new to report on the crack sealing program.

The Board considered a proposal from Baxter and Woodman for the inspection of the Village's pedestrian bridges and box culverts for a fee of \$2,750. A copy of the proposal was provided in the packet for review. Trustee Cleary asked questions regarding the testing. Ray Koenig of Baxter and Woodman answered questions. Trustee Cleary asked if the inspection will include evaluation and cost estimates if the bridge(s) need to be repaired. There was some question as to the wording in the proposal. Mr. Koenig thought the proposal included a summary evaluation of what would be needed to fix the bridge(s) but would not include cost estimates. Mr. Koenig will check into the matter and provide a revised letter to staff.

Yardwaste bag distribution dates will be on October 11<sup>th</sup> and October 18<sup>th</sup>. Trustee Cleary may not be able to distribute bags on October 11<sup>th</sup>. It was clarified that ten yardwaste bags will be given to residents on the east side of Dixie Highway that are out of the leaf collection zone. Those in the leaf collection zone (west of Dixie Highway and some areas east) will not receive any bags.

#### **D. SEWER AND WATER COMMITTEE**

The Water and Sewer Department monthly reports were included in the packet for review.

Trustee Cleary noted that Well #5 was not included in the monthly water report. Superintendent of Public Works Cowger responded that there have been some problems with Well #5 and that it was only on-line for a few days in the month reported.

The water billing register for the months of July and August were provided in the packet for review.

Trustee Gardner reported on his plan to create a video on the need for a new public works facility and the upcoming referendum. The storyboard for the three episodes was provided in the packet for review. Trustee Gardner reiterated that approving this referendum will not raise residents' taxes. Work on this video is scheduled to begin this week.

Trustee Wehling and Administrator Barber met with the architects that will be designing the new public works facility. The architects provided black and white copies of the plans for the new facility that will be used for informing the public about the project.

#### **E. PUBLIC BUILDINGS, PROPERTIES, PARKS AND RECREATION COMMITTEE**

An update was provided on the OSLAD Grant project. The auditor has provided his opinion of the grant project and the close-out package has been sent to the State for reimbursement of the full \$190,000. This money will be used for loan repayments.

An update was provided on Welton Stedt Park. Two backstops are being put up by the School District but there will be no fields in these locations unless the Village builds them. Staff will meet with the School District on September 10<sup>th</sup> to determine the exact locations for the ballfields.

An update was provided on Prairie Park. Work should begin soon and be completed by November 1<sup>st</sup>.

#### **F. PLANNING, BUILDING AND ZONING COMMITTEE**

The Board considered an ordinance on a request for a variance for a pool cover in lieu of a fence at 361 Fairway Drive, as requested by Tony and Kellie Solis. A public hearing was held by the Planning and Zoning Commission (PZC) and a petition was filed signed by all but three of the neighbors supporting the variance. One neighbor expressed concerns at the hearing of forgetfulness that could lead to the pool being open and accessible. After the hearing, the PZC made a motion to grant a variance which passed 5-1 on the condition that the variance would expire if the Village ever discovered the pool open and unattended by someone over the age of 21. Material was provided in the packet for review.

The Board discussed the possibility of forgetting to close the pool cover and the difficulty in policing it. Trustee Cleary provided a detailed explanation of the ordinances that affected this and opposed approving this variance for safety reasons with children. Trustee Cleary read statistics regarding pools. Administrator Barber explained the history of this particular variance. President Lohmann said he felt all pools should be fenced in. There were some questions as to the 48" barrier not having to be a fence. It was discussed if all portable pools should have a fence. Much debate was made about this issue at previous meetings. There was much debate and discussion. Trustee Gardner said he wanted to clear up this confusion so that those applying for pools in the future would know what's expected. There was some discussion that people who were previously told that they could use the cover as the required barrier paid the money for it and now may have to pay for a fence also. Mr. Solis explained his side of this to the Board. Mr. Solis noted that the Zoning Board of Appeals (ZBA) did recommend approval of this variance. Mr. Solis said he doesn't want to have a fence installed because of the additional expense. It was also believed that fences are not allowed in the covenants of homes on Fairway Drive.

Trustee Ahrendt made a motion to deny the variance for an automatic pool cover in lieu of a fence at 361 Fairway Drive. Trustee Cleary seconded the motion.

AYES: (4) Trustees Cleary, Ahrendt, Kuhlman and Wehling.

NAYS: (2) Trustees Szymanski and Gardner.

Motion Carried.

President Lohmann asked that the Department Chairman and the PZC look at this issue pertaining to pools and fences since this will likely come up again.

The Board considered an ordinance on a request for a variance for a fence in the front yard setback of a corner lot at 263 Woodbridge Lane. The petitioner, Tim Totos, wishes to extend his fence 13 feet into the front yard setback which will place the fence 12 feet from the public walk. After the PZC's public hearing, at which no one stated opposition, letters were submitted from the neighbors who did not object. The PZC approved a motion by a vote of 3-2-1 to recommend approval of the variance. The two votes in opposition to the motion were because one felt the hardship was not explicit enough, and the second person did not feel that variances of the code should be allowed and that a precedent was being set for future variance requests. Material was provided in the packet for review. According to the homeowner, Tim Totos, the fence will be at least 10 feet from the public sidewalk. Administrator Barber noted that the ordinance says 12 feet from the sidewalk and wanted to clarify that Mr. Totos was in agreement. Mr. Totos said he would probably not be agreement with the 12 feet distance because of where trees were planted. Mr. Totos was asked what his hardship was and he said financial. Mr. Totos stated that if the fence had to be put in the back yard only, the landscaping would all have to be redone. There was much discussion regarding the location of the proposed fence. Some Board members felt if the Board is going to keep approving variances then the ordinance should just be modified.

ORDINANCE #1104- An Ordinance for a variance for a fence in the front yard setback of a corner lot at 263 Woodbridge Lane. Trustee Szymanski made a motion to approve Ordinance #1104. Trustee Wehling seconded the motion.

AYES: (4) Trustees Szymanski, Gardner, Kuhlman and Wehling.  
NAYS: (2) Trustees Cleary and Ahrendt.  
Motion Carried.

Trustee Szymanski made a motion rescinding the previous motion. Trustee Wehling seconded the rescinding of that motion.  
AYES: (6) Trustees Cleary, Ahrendt, Szymanski, Gardner, Kuhlman and Wehling.  
NAYS: (0) None.  
Motion Carried.

ORDINANCE #1104 - An ordinance for a variance for a fence in the front yard setback of a corner lot at 263 Woodbridge Lane, with the amendment to have the fence at least 10 feet from the public sidewalk. Trustee Szymanski made a motion to approve Ordinance #1104. Trustee Wehling seconded the motion.

AYES: (4) Trustees Szymanski, Gardner, Kuhlman and Wehling.  
NAYS: (2) Trustees Cleary and Ahrendt.  
Motion Carried.

Trustee Szymanski asked if the matter should be sent back to the PZC regarding fences and corner lots. Administrator Barber recommended keeping the variance procedure in place, but said the Board could consider putting fences in municipal codes instead of a zoning ordinance so variances would not be an option.

A public hearing for Walt's Food Centers' proposed expansion will be held at the September 25<sup>th</sup> PZC meeting. The PZC meeting will also include continued discussion on whether or not to amend the zoning ordinance on fences around pools; and new language regulating digital display boards.

An update was provided on the Prairie Crossings South retention pond. Seeding has not been done yet. The pond was never accepted by the Village Engineer according to Ray Koenig of Baxter and Woodman. Trustee Cleary asked why the Village would be allowing seeding of the pond if it hasn't been accepted by the Village Engineer. Mr. Koenig tried to explain who owns the pond now and said the homeowner's association was not formed yet. A resident in the audience stated that with the heavy rain last week, the pond did not function well. Superintendent Cowger said he is trying to get the issue addressed. Some discussion followed.

An update was provided on the sprinkler code revision. Administrator Barber requested that President Lohmann sign a letter asking the Fire District exactly what they are proposing. President Lohmann said to wait for the Fire District to provide the information.

It was reported that the mechanical screens to shield the air conditioning units on the roof of Beecher Manor Nursing and Rehabilitation have not yet been installed.

The Building Department monthly report was provided in the packet for review.

The Code Enforcement monthly report was provided in the packet for review.

The Economic Development Coordinator's monthly report was provided in the packet for review.

The Board considered granting a variance to the Subdivision Code which would allow Landover Corporation to install the final surface on Prairie Crossings South Unit #3. A copy of the letter was provided in the packet for review. Mr. Koenig explained that the developer is asking him to intervene on his behalf because he wants to put the final surface on the road. He stated that there are pros and cons for allowing the developer to do this. The developer wants to put the final surface on the road and turn the public improvements over to the Village. Administrator Barber stated that a maintenance bond would be required. Mr. Koenig mentioned that the road is not failing but will get worse, and recommended allowing the developer to put the final lift on the road and obtain an extended maintenance bond. Concerns were expressed about the binder failing on the road. After much discussion, Trustee Szymanski made a motion to grant a variance to the Subdivision Code which would allow Landover Corporation to install the final lift on the roads in Prairie Crossings South, Unit #3 and require the developer to post a five-year maintenance bond. Trustee Cleary seconded the motion.

AYES: (6) Trustees Cleary, Ahrendt, Szymanski, Gardner, Kuhlman and Wehling.

NAYS: (0) None.

Motion Carried.

The Board considered a request to draw on a letter of credit regarding a final lift in Hunter's Chase West Subdivision. Phillippe Builders has committed to doing this work this fall, according to Mr. Koenig. President Lohmann said he wants dates on when it will be done. Trustee Cleary made a motion to inform John Lotton of Phillippe Builders that the Village will expect work on the final lift on Hunter's Chase West Subdivision to begin by October 15<sup>th</sup> and be completed by October 30<sup>th</sup>. After such date, the Village will draw on Phillippe Builders' letter of credit. Trustee Gardner seconded the motion.

AYES: (5) Trustees Cleary, Szymanski, Gardner, Kuhlman and Wehling.

NAYS: (0) None.

ABSTAIN: (1) Trustee Ahrendt.

Motion Carried.

## **G. VILLAGE PRESIDENT'S REPORT**

President Lohmann reported that the last meeting for the Dallas City Flood Relief Committee will be held on September 17<sup>th</sup> and he would like to go to Dallas City on September 19<sup>th</sup> and give them the last donation check. The schools and churches should be done with their fundraising by that date.

President Lohmann asked if the Board wanted to proceed with Offner Road as the northern boundary in regards to the Facilities Planning Area (FPA) expansion negotiations with the Village of Crete. It was the consensus of the Board to proceed with Offner Road as the northern boundary. Trustee Cleary made a motion to approve sending a letter to the Village of Crete regarding the Crete/Beecher

FPA expansion negotiations stating that the two communities should meet. Trustee Ahrendt seconded the motion.

AYES: (6) Trustees Cleary, Ahrendt, Szymanski, Gardner, Kuhlman and Wehling.

NAYS: (0) None.

Motion Carried.

Results were provided from the August 26<sup>th</sup> intergovernmental meeting. President Lohmann said Will County Board member John Anderson was at the meeting. President Lohmann stated that he received an e-mail invitation for a September 30<sup>th</sup> meeting at 7:00 p.m. at the Washington Township Center with John Anderson, Marcy Demaro, Township Supervisor Bob Howard and Brian Cann regarding the Forest Preserve's bike path.

An update was provided on the Will County sewer study. The Farnsworth Group has come up with a first draft of the report which they wish to share with all Village Board members of Peotone, Beecher and Monee on Tuesday, October 7<sup>th</sup> at 7:00 p.m. at the Washington Township Center.

An update was provided on the Illiana Expressway. A series of low level meetings have been held in the past month and there is a push to have the Illiana extended from I-57 to I-55 and connect at Des Plaines River Road. President Lohmann reported that he attended a meeting last Wednesday regarding the Illiana. Mayor Einhorn of Crete is pushing the Illiana Expressway again and has plans on the table provided by Crete which would benefit Crete's economic development. President Lohmann proposed taking the Illiana down County Line Road due to property acquisition, etc., and provided a map of his proposed route. It was the consensus of the Board to agree with President Lohmann's proposed plan.

President Lohmann said he had a request from a businessman on Gould Street asking to remove the double yellow line and put in straight parking on both sides of Gould Street because people turn across the lines all the time and to add an additional parking space by the Amvet Hall. It was the consensus of the Board to keep things as they are.

President Lohmann also asked about the handicapped parking spaces on Gould Street and will talk to the building inspector about the matter.

There being no further business to be discussed in open session, Trustee Cleary made a motion to adjourn into executive session to discuss pending litigation and appointment of special legal counsel at 9:19 p.m. after a five-minute break. Trustee Wehling seconded the motion.

AYES: (6) Trustees Cleary, Ahrendt, Szymanski, Gardner, Kuhlman and Wehling.

NAYS: (0) None.

Motion carried.

Trustee Cleary made a motion to return to regular session at 9:30 p.m. Trustee Szymanski seconded the motion.

AYES: (6) Trustees Cleary, Ahrendt, Szymanski, Gardner, Kuhlman and Wehling.

NAYS: (0) None.

Motion carried.

#### **H. NEW BUSINESS**

President Lohmann reported on a conversation he had last week with representatives from the CSX Railroad regarding an intermodal facility.

There being no further business, President Lohmann asked for a motion to adjourn. Trustee Cleary made a motion to adjourn the meeting. Trustee Szymanski seconded the motion.

AYES: (6) Trustees Cleary, Ahrendt, Szymanski, Gardner, Kuhlman and Wehling.

NAYS: (0) None.

Motion carried.

Meeting adjourned at 9:52 p.m.

Respectfully submitted by:

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Janett Conner  
Village Clerk