



September 26, 2017

Proceedings, transactions and resolution made and order of said record of said Board in the Village of Diamond, IL on the 26th Day of September, 2017.

The scheduled meeting of the Diamond Village Board was held on Tuesday, September 26, 2017 at 6:00 p.m. with Mayor Teresa Kernc presiding. Upon roll call Commissioners present were Mark Adair, Jeff Kasher. Absent-Dave Warner. Carolyn Wilson arrived at 6:02 p.m.

Approval of Minutes

MOTION was made by Commissioner Kasher, **SECOND** by Commissioner Adair to approve the 9/12/2017 regular meeting minutes as reviewed and place on file. **All Ayes; Motion Carried.**

Approval of the August Treasurer's Report

MOTION was made by Commissioner Kasher, **SECOND** by Commissioner Adair to approve the August Treasurer's Report and place it on file. All Ayes; Motion Carried.

Approval of September 26, 2017 Bill List

MOTION was made by Commissioner Wilson, **SECOND** by Commissioner Kasher to approve the September 26, 2017 bill list and place it on file. **All Ayes; Motion Carried.**

Public Comment

None

New Business

Property Owner Fred Price; Discussion of Exterior Improvements for 2585-2615 E. Division St.

Mayor Kernc welcomed Fred Price. Price presented information regarding his present building and the building he is purchasing. Price discussed the issue of customer parking and access to those buildings. Price presented the map and his proposed paver sidewalk which would run along the south side of building. The issue is that the proposed sidewalk is in the alley which the Village owns. Village Attorney John Gallo presented the options for Price to install the sidewalk. After discussion, decision was made to license the use of the Village property on a term rental basis which would allow Price to install the paver sidewalk and remain property of the village. **MOTION** was made by Commissioner Kasher, **SECOND** by Commissioner Wilson to approve Village Attorney John Gallo to prepare a license to allow Mr. Price the installation of a 4 ft x 70 ft. paver sidewalk contingent on the closing of property at 2525 E. Division St. **All Ayes; Motion Carried.**

Approve Country Meadows 2017-18 Winter Season Snow Removal Agreement

Mayor Kernc presented the agreement for the 2017-18 season which reflects a 3% increase. **MOTION** was made by Commissioner Kasher, **SECOND** by Commissioner Adair to approve Country Meadows 2017-18 Winter Season Snow Removal Agreement. **All Ayes; Motion Carried.**

Approve Change Order and Final Payment to Van-Mack Electric Company in the amount of \$19,093.40 for traffic signal project at Will Road and IL 113

Mayor Kernc stated this is the final payment and the project has been completed. **MOTION** was made by Commissioner Wilson, **SECOND** by Commissioner Kasher to approve the change order and final payment to Van-Mack Electric Company in the amount of \$19,093.40 for the Will Road and IL 113 traffic signal project. **All Ayes; Motion Carried.**

Approve Ordinance 2017-17; An Ordinance Authorizing the Sale or Disposition of Surplus Property

Village Attorney John Gallo stated this is required to dispose of truck. **MOTION** was made by Commissioner Kasher, **SECOND** by Commissioner Wilson to approve Ordinance 2017-17; An Ordinance Authorizing the Sale or Disposition of Surplus Property. **All Ayes; Motion Carried.**

Approve Resolution to Allow Construction of the Diamond Point Entrance from IL 113

Mayor Kernc stated this is part of the STP2 project and this resolution is required by IDOT. **MOTION** was made by Commissioner Kasher, **SECOND** by Commissioner Adair approve Resolution #2017-05 to Allow Construction of the Diamond Point Entrance from IL 113 **All Ayes; Motion Carried.**

STP1 Construction Engineering Overrun

Mayor Kernc presented Village Engineer Mike Perry's summary of this project and the construction engineering overrun. Due to Village Engineer Mike Perry's absence from tonight's meeting, this will be a preliminary discussion and will be continued at the October 10, 2017 board meeting. Board members were provided information from Village Treasurer Sheryl McDaniel. Kernc stated this project was in progress during the Diamond tornado and the project was approximately \$70,000.00 over the projected budgeted amount. Kernc stated the final cost of the project was a shock to her. She knew the project was going over however, had no idea the amount. IDOT believes the cost for Midwest Test should be included in the 8% engineering fee. Kernc stated Chamlin Associates disagree for the billing of Midwest Test. McDaniel had reached out to Chamlin in March regarding the overrun and advised them the Mayor would like to handle the restoration inspection herself in an effort to keep costs down. McDaniel had no response from Chamlin Associates on this matter. Kernc stated if Chamlin would have entered a change order, the board would have approved it since the work needed to be completed. This unfortunately, slipped through the cracks during the hectic months that followed the tornado. Kernc had a meeting with Chamlin, and they felt the fair thing to do is refund the village for the profit of the overrun which is \$5,765.00. Kernc was not in agreement with this amount. Kernc stated she made it very clear that whether the funds come from motor fuel tax fund, general fund, grants, etc. that the Village of Diamond's dollars are as important to the board as Chamlin's dollars are to them. Kernc wants to be assured that nothing like this ever happens again. Kernc stated Perry is very valuable to the Village. Perry has assisted Kernc in numerous ways with developer meetings, during the tornado and all other village meetings which Perry is there to assist every step of the way. Perry is a very valuable resource which the village has benefited from. Kernc stated, she feels the village should accept the offer presented. Commissioner Kasher was not in agreement. There is a \$70,000.00 discrepancy along with a signed contract that engineering expenses would not exceed 8% of the bid. Kasher also questioned the IDOT contract that reflects the Midwest Test costs would be furnished by the engineering firm. Village Attorney John stated Midwest Test costs are part of the engineering costs. Kasher questioned why would the village take the \$5,765.00 when the village overpaid Chamlin by \$70,000.00. Kasher added, he has a hard time accepting the amount when a contract was in place. Kernc stated the board will not be acting on this item tonight. This item will be discussed with a possible decision at the October 10, 2017 meeting when Perry will be present to discuss all questions the board may have. Kernc added, this will be a hard decision.

Old Business

Approval of Ordinance 2017-18; Ordinance Approving a Cable Franchise Agreement with Comcast

Village Attorney John Gallo stated this is the same agreement which all municipalities receive. Gallo stated some minor changes are reflected in the contract which he presented. Gallo stated they will pay 5% of the fees collected from subscribers of cable television. The current contract expires in 2018, so this 10-year contract will go into effect after the expiration of the current contract. **MOTION** was made by Commissioner Kasher, **SECOND** by Commissioner Wilson to approve Ordinance 2017-18; Approving a Cable Franchise Agreement with Comcast. **All Ayes; Motion Carried.**

Grundy and Will County Sheriff's Monthly Update

Mayor Kernc presented the report from the Will County Sheriff's Department.

Approve Atlas Companies Phased Market Study Proposal

Mayor Kernc presented the proposal. Kernc felt this would be a wonderful project to place next to the Morris Hospital property, however, there is no activity at this present time for construction. Kernc recommends not to proceed with this until we get further direction from the Morris Hospital. Commissioner Kasher agrees. Kasher added, if the village does proceed with this later, he would like to see the cost split and/or Atlas Companies pay upfront and when the construction is completed, the village would reimburse them for the market study costs. Commissioner Adair agreed. Kernc stated this will be placed on old business. Kasher noted he agreed with Kernc on this matter.

Approve Ordinance 2017-15; Ordinance Establishing a System for Licensing of Raffles

Village Attorney John Gallo stated this was presented at the September 12, 2017 meeting and the changes that were requested are reflected in the ordinance. Commissioner Kasher was concerned with the charge of the license fee for those who are raising money for hardship cause. After discussion, decision was made to reduce the cost of all license fees to \$10.00. **MOTION** was made by Commissioner Kasher, **SECOND** by Commissioner Wilson to approve Ordinance 2017-15; Ordinance Establishing a System for Licensing of Raffles with the change to reflect the cost of all licenses to be \$10.00. **All Ayes; Motion Carried.**

Legal Counsel

No Report

Engineer Updates

Absent

Maintenance Updates

Public Works Director Austin Vining stated retention pond and restoration at the Clark St. project have been completed. Maintenance personnel attended trench box and enclosed space training at the Village Hall.

Clerk Updates

Village Clerk Lori Holmes stated with a few exceptions, all dwellings on the north side of IL 113 have completed the storm water hookup inspection. There were 20 dwellings found with illegal hookups and are now in compliance. Inspections are currently underway on Laura Lane. Holmes also stated cable has been installed at the village hall.

Commissioner Comments

Commissioner Kasher:

Commissioner Kasher addressed an infiltration concern at the McGinty St. lift station. Kasher is concerned there is not a stop sign on Kevin Drive at Patmore St. or Kevin Dr. and McGinty St. Kasher stated there is a need at both intersections. Village Attorney John Gallo stated there is an ordinance for all stop signs within the Village. Village Clerk Holmes will check the ordinance and if needed, an ordinance authorizing placement of signs at those intersections will be needed.

Commissioner Wilson:

Commissioner Wilson stated Village Treasurer Sheryl McDaniel is working with Janet Brown to finalize the audit report and will present the report at an October meeting.

Commissioner Adair:

No Report

Commissioner Warner:

Absent

Mayor Kernc:

Mayor Kernc stated she attended the Illinois Municipal League Conference, September 20-24, 2017. Commissioner Adair is interested in attending next year. Kernc stated it is expensive but very educational. Kernc stated she pays her own hotel bill which is approximately \$1,300.00. The village pays for her conference ticket to attend all conference days which is \$ 400.00. Kernc stated if Adair and/or other Commissioners have the desire to attend, she encourages them to do so at the village's expense and she will budget for this next year.

Adjournment to Closed Session (Employee Issues and Ligation)

MOTION was made by Commissioner Adair, **SECOND** by Commissioner Kasher to enter closed session at 7:30 p.m. **All Ayes; Motion Carried.**

MOTION was made by Commissioner Kasher, **SECOND** by Commissioner Adair to enter back into open session with no action taken at 8:12 p.m. **All Ayes; Motion Carried.**

Motion to Adjourn

MOTION was made to adjourn the meeting at 8:13 p.m. by Commissioner Kasher, **SECOND** by Commission Wilson. **All Ayes; Motion Carried.**

Respectively Submitted:

Lori Holmes, Clerk