

The Dwight Village Board of Trustees met in regular session on Monday, July 27, 2015 at 6:30 p.m. with the meeting being called to order by President Pro-tem Justin Eggenberger. Roll call was as follows:

Present:

Justin Eggenberger	President Pro-tem
Jerry Curtis	Trustee
Randy Irvin	"
Marla Kinkade	"
Tim Dougherty	"

Absent:

Jared Anderson	President
Jim Mixen	Trustee

Other Village officials in attendance were Administrator Kevin McNamara, Public Works Director Steve Kinkade, and Village Attorney Gary Neville.

President Pro-tem Eggenberger led everyone in the Pledge of Allegiance.

A motion was made by Kinkade and seconded by Irvin to approve the minutes of the July 13, 2015 regular Village Board meeting. Roll call was as follows: Curtis-aye; Irvin-aye; Eggenberger-aye; Kinkade-aye; Dougherty-aye. Motion carried, 5 – 0.

The bills were presented for payment from the various funds in the amount of \$97,514.27. A motion was made by Kinkade and seconded by Curtis to pay the bills as submitted. Roll call was as follows: Curtis-aye; Irvin-aye; Eggenberger-aye; Kinkade-aye; Dougherty-aye. Motion carried, 5 – 0.

A motion was made by Dougherty and seconded by Curtis to approve the June 2015 Treasurer's Report as submitted by Village Treasurer, Diane Jensen, showing a balance in all accounts of \$1,981,543.12. Roll call was as follows: Curtis-aye; Irvin-aye; Eggenberger-aye; Kinkade-aye; Dougherty-aye. Motion carried, 5 – 0.

No one spoke in Public Forum.

Administrator McNamara reported:

- Hines V.A. Hospital is having a mobile medical unit coming to Heritage Woods of Dwight every 2nd Wednesday of the month from 9:30 a.m. to 1:30 p.m.;
- Informed the Board that Chief Henson was attending the wake of a Livingston County Correctional Officer who had been killed on duty in an auto accident. EMS Director Metzke was also absent due to a death in the family;
- Livingston County Proactive Unit executed a search warrant at 508 S. Franklin St., Dwight, IL, resulting in two people being taken into custody for possession of cannabis with intent to distribute, and possession of a controlled substance. Other agencies involved with the raid were Pontiac Tactical Response Team and the Dwight Police department;
- Landscapers will be back in town next week to continue work at the Pinecone Path extension;
- The excavator will be in town next week to begin work at the high speed rail depot site.

Janice Lauritzen, representing Dwight Economic Alliance, informed the Board that a representative from Union Pacific Railroad will be in attendance at the Dwight Rotary meeting on Wednesday to talk about economic development along the railway line. She encouraged people to attend.

Public Works Director Kinkade reported that Lovell Excavating is continuing work along Brewster Run Creek near Circle K convenience store/gas station.

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Administrator McNamara read the Zoning Board of Appeals July 21, 2015 recommendation from Public Hearing #1, which was a continuation of a prior hearing to consider an application for a zoning variance filed by Wayne and Tola Haley to allow for the construction of a storage building within an existing flood plain at 505 N. Clinton St., Dwight, IL. The variance also requested that the building size exceed the permitted size for an accessory building in a flood plain:

“It is the recommendation of the Zoning Board of Appeals to the Dwight Village Board of Trustees to deny the application for variance filed by Wayne and Tola Haley to allow the construction of a storage building within an existing flood plain at 505 N. Clinton St., Dwight, IL.”

Mr. Haley was in attendance and said the Village ordinance states he can build a 24'x24' building, but is asking to build a 30'x30' building. He has purchased commercial racks to keep items up off of the floor. Haley said he was told that if he met the flood plain requirements, he could build.

Rick Stirnaman, a member of the Zoning Board of Appeals, was also in attendance to convey his opinion on the ZBA recommendation. Mr. Stirnaman said his opinions were nothing personal against Mr. Haley, but felt building in the flood plain could displace a lot of water and cause problems for a lot of people. He said many things lead him to believe that building in the flood plain should not be allowed, including an email sent to the Village from Erv Daniels, Building Inspector, and Section Ten (10) in the Zoning Ordinance Book regarding variances in the flood plain. Stirnaman also referenced one of the neighbors in the area who spoke in opposition of the building at the first Public Hearing.

Trustee Dougherty exited the meeting at 6:49 p.m., and returned at 6:50 p.m.

Attorney Neville handed out FEMA Floodplain Management Requirements that were given to him by Steve Zabel, a member of the Zoning Board of Appeals. Neville said that regulations put the burden on local governments to look out for the good of all. He also noted that just because the flood ordinance says that a 24'x24' accessory building could be allowed, doesn't mean that it automatically can be built. Neville said this request is really two variances – one to allow the building of a structure, and one to exceed the size that could be allowed.

Trustee Irvin commented that this variance request goes beyond what the flood zone requirements state. Irvin also said this request had gone to the Zoning Board of Appeals twice, and both times the recommendation was to deny the variance. He said the ZBA is there to look at all the information and make their recommendations based on that. Irvin also remarked that a variance should be for an extreme hardship, and he didn't consider this to be an extreme hardship.

Trustee Curtis commented that there are different opinions on what is the definition of a hardship. Curtis didn't see how this request would affect the flood plain, and didn't think the size of the building would matter. Curtis thought a neighbor that has a pool displaces more water.

Trustee Kinkade thought Haley's request was a hardship, and commented that a lot of people are in a flood plain in Dwight.

Attorney Neville explained that voting against the ZBA recommendation to deny the variance request would take a two-thirds ($\frac{2}{3}$) majority of the Village Trustees, or four (4) votes. Neville said would take a simple majority to accept the ZBA recommendation to deny the variance request.

A motion was made by Kinkade and seconded by Curtis to not accept the Zoning Board of Appeals recommendation to deny the variance request as submitted by Wayne and Tola Haley for property at 505 N. Clinton St., Dwight, IL. Roll call was as follows: Curtis-aye; Irvin-no; Eggenberger-no; Kinkade-aye; Dougherty-no. Motion failed, 2 – 3.

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A motion was then made by Eggenberger and seconded by Irvin to accept the Zoning Board of Appeals recommendation to deny the variance request as submitted by Wayne and Tola Haley for property at 505 N. Clinton St., Dwight, IL. Roll call was as follows: Curtis-no; Irvin-aye; Eggenberger-aye; Kinkade-no; Dougherty-aye. Motion carried, 3 – 2.

Administrator McNamara read the Zoning Board of Appeals July 21, 2015 recommendation from Public Hearing #2, which was to consider an application for a zoning variance filed by Thomas L. Christenson and Rebecca E. Christenson to reduce the rear yard requirement from twenty-five feet (25') to nine feet (9') to allow the construction of an addition to an existing home located at 604 S. Chicago St., Dwight, IL:

“It is the recommendation of the Zoning Board of Appeals to the Dwight Village Board of Trustees to approve the application for variance as filed by Tom and Rebecca Christenson to reduce the rear yard requirement from twenty-five feet (25') to nine feet (9') to allow the construction of an addition to their home at 604 S. Chicago St., Dwight, IL.”

A motion was made by Kinkade and seconded by Dougherty to accept the Zoning Board of Appeals recommendation and approve the variance request as submitted by Tom and Rebecca Christenson for property at 604 S. Chicago St., Dwight, IL. Roll call was as follows: Curtis-aye; Irvin-aye; Eggenberger-aye; Kinkade-aye; Dougherty-aye. Motion carried, 5 – 0.

Administrator McNamara reported on the Properties Committee meeting that preceded tonight's Village Board meeting at 5:45 p.m. Agenda items discussed were: 1) Mower purchase; 2) Review sidewalk reimbursement; 3) Public Works building expansion; 4) Establish brush/tree pick-up policy.

A motion was made by Eggenberger and seconded by Dougherty to purchase a 72 inch deck, John Deere Z950 commercial Ztrak mower from Arends/Hogan/Walker in Dwight, IL for \$8,500. Roll call was as follows: Curtis-aye; Irvin-aye; Eggenberger-aye; Kinkade-aye; Dougherty-aye. Motion carried, 5 – 0.

There being no further business, a motion to adjourn was made by Dougherty and seconded by Curtis. All voted aye by voice vote. The meeting adjourned at 7:15 p.m.

APPROVED:

Justin Eggenberger, Village President Pro-tem

ATTEST:

Patricia E. Drechsel, Village Clerk