

Village of Elmwood Park
Board of Trustees Meeting Minutes May 9, 2013
3131 Taylor Building #3

ROLL CALL: Meeting called to order At 6:03 PM by President Mills
Present: Trustee Clouthier, Trustee Haas, Trustee Towery, Trustee Voss
President Mills Clerk\Treasurer Barbara McNulty
Excused: Trustee Steiner

Motion made by Trustee Clouthier to move into closed session, Trustee Jaeck seconded, all in favor.

RECONVENED TO OPEN MEETING AT 6:27 PM

President Mills announced that the Village of Elmwood Park would be looking for a new custodial person to do the cleaning at the Taylor property. The village is looking for an independent contractor to do 20 hours of cleaning at \$10 per hour. John Neumiller resigned his position May 1, 2013.

PUBLIC COMMENT AND INPUT

1. Carol Hansen wanted to thank all of those who helped her with all the old village documents, the task is completely finished. A special thank you, from President Mills, to Carol, Wendy Spencer, Kathy Wells, and Sherry Klabo for all their hard work.
2. Village resident Mr. Norris who resides on Saratoga Court stated he never had a problem parking on the street in the five years he lived in the village and suddenly he received a parking ticket. He was requesting a parking permit due to the fact that he has five cars, his college age kids come and go, and he and his wife work making it difficult to all park in the driveway. President Mills shared with Mr. Norris that due to the amount of complaints received from Village residents about parking on village streets overnight, the parking restrictions for the village were being watched to make they were adhered to by the Sheriff's Department. Resident Norris stated that the signs read "parking by permit only" and he would like to get the permit. President Mills took Mr. Norris' telephone number and shared with him that the parking situation would need to be addressed at the plan commission meeting due to the fact that he was requesting a variance of the municipality rules.

CONSENT AGENDA

1. Accounts Payable – April, 2013
2. Minutes of the April 9, 2013 Village Board Meeting
3. Trustee Clouthier motion to accept the minutes of the April 9th meeting, Trustee Jaeck seconded, all were in favor.

NEW BUSINESS

1. **KOHL'S PROPERTY UPDATE - ATTORNEY ANDREW OETTINGER**, from Godfrey and Kahn, who represents the owners of the Kohl's property-NorStates Bank presented an update of what has been done to resolve the issues the village has with the property. He stated that in the past 2 to 3 months there had been a building inspector from the village and hired by NorStates to inspect the property and there are some structural integrity problems with the property, however, they were not serious. He also stated that low levels of lead were found in the peeling paint in different parts of the Kohl's building. At this point Attorney Oettinger stated that the bank was in the process of waiting for suggestions from various contractors and bids to do the necessary

repairs. He expected all of the reports would be to the bank no later than May 10. At that time, it would take the bank approximately 2 weeks to make a decision on what direction they wanted to take in regard to the building. The two options they would be looking at would be repairing the building while keeping it on the market for sale or to raze the building. At this point in the meeting, **STEVE BOSTROM FROM PRUDENTIAL PREMIER PROPERTIES** in Kenosha Wisconsin interjected that he had a potential buyer for the Kohl's property. The buyer was looking at purchasing the property in as is condition and would be remodeling it and opening up a new business in it. Several village residents expressed the concern as to whether or not the village would then have to start all over with due process to have the building repaired should the new owner not do it. Realtor Bostrom shared with the group that this particular investor had several operations, one of them was constructed in Kenosha in an old store similar to the Kohl's building in that particular job he turned the appearance around of that particular building. Realtor Bostrom does not have anything in writing as far as an offer is concerned and is negotiating verbally between the potential buyer the bank. **TRUSTEE HAAS** followed by stating the following: Durand Shopping Center Plaza is located on the southwest corner of Durand Avenue and Lathrop Avenue, and is owned by NorStates Bank, of Waukegan Illinois. Durand Shopping Center includes the Blue Diamond Restaurant and the parking lot that flanks it to the East, all located entirely in the City of Racine. The shopping center also includes its **main building**, located entirely within the Village of Elmwood Park, and houses Blue Kangaroo Laundromat, Dollar Tree, the former Kohl's Food Store, the former Imaginations Salon, the former Children's Cupboard, the former Jazzercise studio, and the former Shared Dreams Used Books store. This report is aimed at documenting a series of broken commitments, so we are not blindly accepting things we're being told here today. Over three months ago, on **January 28**, I phoned Ramona Robinson with NorStates Bank regarding the condition of the main building. I asked the Bank to put a plan together to get the property fixed during a timeline they'd provide, but noted that if they didn't provide a timeline and stick to it, I would ask the Elmwood Park Board of Trustees to take action to compel the Bank to take action. Ramona told me they would be sending me a plan of action. Later that afternoon, I received that plan via email. It said, "NorStates Bank is ... prepared to address the aesthetics of the property in the spring when the weather is **much** warmer." Later on that same winter day, by the way, I witnessed a construction crew roofing a home in the Lake Park area of Racine. At the **February 14th** meeting of the village board of trustees, I advised the board regarding my contact with the Bank and about their response. A motion was passed to issue the Bank a demand letter, requiring the bank have structural engineer and lead-based paint inspections, and to provide the Village a plan of repairs with a timeline to the Village. The village clerk issued that demand letter on **February 25th**, and required a list of the proposed improvements, lead based paint testing and a letter of structural soundness from a structural engineer. On **February 28**, the Bank's attorney Andy Oettinger sent the Village of letter essentially asking the village board to retract the demand letter. On **March 7**, I talked to the bank and its representatives to setup an inspection of the property by the Village, including our village building and electrical inspectors. By the next day, we had coordinated between the various bank and village representatives an inspection date of March 18. The **ONE and SINGLE TIME** that I know of that the Bank has kept one of its commitments to the Village is when it met village representatives and inspectors at the main building on **March 18** for a property inspection. The village building inspector issued his report on **April 1st**, noting violations of 1. Deteriorated load bearing beam at front façade, 2. Ice damming at roof junction, 3. Peeling paint, 4. Fascia needs repairs, 5. Brick façade requires repairs, and 6. Safety violation on stairway at the rear of the building. The Village Electrical Inspector also submitted his report on April 1, citing an electrical violation. On **Monday April 8**, I

spoke with bank representatives, again on Wednesday, **April 10** I spoke with Rob Gersch of Resilire Real Estate Partners and re-verified their commitment to having their reports to the Village by the end of the week. Rob assured me I would have the reports that week. With no reports and no call from the bank, **Friday (4/12)** came to a close and Friday after hours I left Rob voicemail and e-mail asking about the reports. Rob told me the structural report was delayed, as the engineer wanted to visit Milwaukee city archives to learn more about the overhang structure. Apparently, they had records for similar Kohl's in Milwaukee. He said they would e-mail both the structure engineering report and the lead-based report the village the next week (i.e. by Friday 4/19). I asked if the lead based tests were positive, but received no response. I asked this question again in an e-mail to both Andy Oettinger (attorney) and Rob, but the question was not answered. On **Tuesday 4/16**, I spoke with Andy Oettinger and he told me that on that same day he would be both verifying for me whether or not they had received the lead paint results (and what those results were) and re-verify for me that the bank's representatives would have the reports to the village by that Friday the 19th. Later on **Tuesday 4/16th**, the village clerk delivered to bank representatives via e-mail the follow up letter approved at its most recent board meeting. The letter pointed out that the Village has not received the demanded structural engineer report, or lead based paint test results, or their plan for repairing the property, and noted that the property represents violations of public health and safety, and affects property values and general aesthetics of the village. Andy Oettinger e-mailed a response letter to the Village on Wednesday April 17. The letter addressed none of the issues at hand. Later on **Friday 4/19** at 3pm, recognizing that the bank's representatives were imminently poised to again fail to have the promised reports to the Village still that week, I contacted them via e-mail, noting a list of failed commitments one by one that they failed to live up to. They never lived up to that last commitment either... or any of the previous. The reports never arrived that day or since.

2. **REPORTS**

- (a) Racine County Sheriff monthly report - in the month of April the Sheriff's Department wrote two parking citations. They also conducted numerous foot patrols of the village hall on third shift. Reported to the village that there were reports of a vehicle driving through different areas with the passenger taking pictures of garages that have been garage or open. Asked residents to keep the garage doors closed for their own protection.
 - (b) Clerk/Treasure - no report
 - (c) Trustees Report -
 - Trustee Towery – no report
 - Trustee Voss - potholes have been filled
 - Trustee Jaeck- no report
 - Trustee Clouthier - presented his report on behalf of Trustee Ellis - bids were received for the lawn care at the Taylor property. After all bids were examined Oasis Lawn service was the most competitive bid. Trustee Clouthier made the motion to accept the bid from Oasis, Trustee Jaeck seconded the motion, all were for, no opposed.
3. Beebe school - President Mills advise the board that Evergreen elementary would be signing a lease for one year beginning July 2013 pending an occupancy permit being issued. New windows were installed in the rear of the building.

4. There are 16 windows in the front of the building that need to be caulked, primed, and painted.
5. The painting of the interior paneling and new carpet for the office areas in building 5 of the Taylor complex is on hold. There is a tenant that may possibly be signing a three-year lease the building, that new tenant would be responsible for this project.
6. The interior paneling in building 4 will be painted and the carpeting will be cleaned. The village hall will be vacating building 4, and will move to building 1.
7. The maintenance position was discussed earlier in the meeting.
8. A lawn service agreement will be signed by the village with Oasis.
9. Water has been leaking into buildings 1, 4, and 5. Repair of the chimney flashing and tuck pointing are necessary to alleviate this problem.
10. During the heavy rains recently, the basement at Beebe school flooded, there was approximately 3 inches of water in the basement due to the downspouts having been disconnected. Carpet Plus was hired to do the emergency cleaning.
11. There were several complaints about the property located at 3801 Maryland Ave. the plan commission, at its last meeting, reviewed the complaint and looked at pictures of the property that were submitted by various people. It was suggested by the plan committee to commence action against the owner of the property for various ordinance and code violations. The village would be seeking charging the owner the maximum fines should he not bring the property up to the village standards. This decision was based upon the fact that this property has been a concern of the village since approximately 2005. There are electrical concerns at the property, there are exposed electrical wires believed to be hot wires on the ground, there is a gazebo in the backyard that appears to be being used as storage shed which is in very poor condition and is not meet the code of the village for storage sheds. The owner of the property continues to feed and house various vermin. The village has met with the attorneys and the owner of the property will be issued a citation for these violations, and will receive a letter demanding that he remove the fence is installing as it does not meet building codes nor has there been a permit issued allowing him to install it. Trustee Haas made a motion that the village fine the property owner the maximum charges for the violations, Trustee Jaeck seconded the motion, and all were in favor, no opposed.
12. Trustee Haas proposed that the village increase the compensation for the clerk/treasurer position to \$10,000 annually for the remainder of this year, with an increase to \$12,000 annually beginning next year. He proposed that the village president compensation be raised to \$7000 annually to commence with next year's budget. President Mills stated that the compensation for the clerk/treasurer is below the minimum paid within the county and that the pay increase was necessary to compensate the staff member. When he interviewed many potential candidates for the position when it was open many felt the compensation offered was not enough to take the position. Trustee Jaeck expressed a desire to have the board review this issue in a closed session rather than an open session. The issue will be reviewed in closed session at the next meeting.

OLD BUSINESS

1. President Mills advise the board that the Tower Lights project is now complete payback on this project is expected to be approximately 4 ½ months.
2. The replacement of the sidewalks at the Taylor complex is currently in progress and is expected to be completed on Saturday.
3. The gym roof and gutter work has been completed.

TRUSTEE VOSS MADE A MOTION TO ADJOURN THE MEETING, TRUSTEE CLOUTHIER SECONDED THE MOTION, ALL FOR, NO AGAINST.