

**CHANNAHON VILLAGE BOARD  
BOARD MEETING  
JANUARY 6, 2020**

VP Moorman Schumacher called the meeting to order at 6:21 p.m. and led the Board in the Pledge of Allegiance.

Roll call was taken with Trustees Greco, Host, Perinar, McMillin, Scaggs and Slocum present.

Also present were Village Administrator Thomas Durkin, Finance Director Heather Wagonblott, Director of Community Development and Information Systems Mike Petrick, Director of Public Works Ed Dolezal, Chief of Police Shane Casey, Village Attorney David Silverman and Village Clerk Kristin Hall.

**VP Moorman Schumacher informed everyone present that the meeting was being recorded and anyone speaking at the meeting deems his/her consent to the recording of their likeness and speech.**

**CITIZEN/SPECIAL REQUESTS/PUBLIC HEARING**

**PUBLIC COMMENT**

Dawn and Craig Billie, residents of Channahon, spoke regarding the severe, repeated ground water basement flooding that they experience in their home. She stated at times they have measured several feet of water that enters their home through the sumpit and cracks in the floor. She stated they are not to blame for this situation. She also stated they did not buy a house on the water, they did not build this house and they did not issue the final approval for this house to be built in this location and at this elevation. The Village of Channahon did that. She further stated they are paying the price for it. She stated they first brought this to the attention of the Village in 2008 and nothing has been done. She also stated their home was constructed in violation of the Village's own ordinances at that time and no one at the Village can provide us with any documentation that proves otherwise. She stated we have plenty of documentation that proves this fact to be true. She also stated that their home was approved by the Village to be constructed with a basement that is located 5 feet below the flood elevation of the DuPage River. She stated this has resulted in severe, frequent ground water basement flooding in our home. She stated that because of this, their investment and lives and their health and safety are put at risk, but they continued to be ignored. She further stated in 2009, Christopher Burke did a study of the homes that experience ground water flooding, and their home was included in that study. She stated in their initial proposal letter, they confirmed that our home was built with a basement below the base flood elevation. She also stated that study included a recommendation of the installation of a slurry wall behind our home. That was 10 years ago and nothing has been done. She stated they can no longer live in this unhealthy and dangerous environment that we have been put in through no fault of their own. She further stated that they have exhausted all remedies that they can think of and they continue to feel ignored. She stated because of that, today they have launched their website, [www.channahonfloods.com](http://www.channahonfloods.com), as well as their social media sites on Facebook, Instagram and Twitter, with the hope that the Village will finally take their situation seriously. She stated that everyone has the right to live in a dry, safe and healthy home. They believe their rights have been violated and continue to be violated by the Village. She stated that no one should have to live this way. She stated they are here tonight to ask, once

again, what are the Village's plans to correct this serious health and safety issue their family is facing due to the Village's approval of the construction of our home, as it is.

Dolezal stated the first thing that was done was the Village hired Christopher Burke Engineering, to do a study of the situation out there and develop potential solutions. He stated they did that. We have a report on file that includes several recommendations, along with the cost estimates. He stated the Village is aware of the situation and agree with what is happening out there; the report says the same thing. He also stated that the very poor soils of gravel out there, when the river rises, it rises up enough to inundate the ground around the basement. He further stated that is what the Village has done. The cost was extremely high with the slurry wall, so the Village chose not to pursue anything. He stated if we flash forward to three years ago, the Army Corp of Engineers started a study of flooding problems down the DuPage River. He also stated that study was meant to address things associated with the Flood Insurance Rate Program and it was initially only looking at overland flooding, where the waters would raise above the house and pour in through windows and doors. He further stated that is not what is occurring here. He stated is cognizant of this problem and the fact we had a study out there, the Village approached the Army Corp of Engineers and did it through the Will County Stormwater Management Commission. He stated they decided that this might fit within their scope of what the Federal Government has authorized us to look at. He also stated that they in fact did look at this situation and they included it in their Phase 1 report. He further stated it advanced pretty far through the process, up until the time they finalized the Phase 1 report, where it did not meet their cost benefit requirements. He stated basically what they are saying is, the benefits of mitigating this problem aren't worth the cost of doing that. He stated that is the timeline of physically what has been happening out there. He further stated the documents that the Billie's are referring to show, that they are purporting to show that the Village violated our own Ordinances and that of the Flood Insurance Program. We have different opinions on that. He stated yes, there is flood plain on the property and the subdivision plat on the website shows it on there. He also stated the way the regulations and our Ordinances work, is if you are outside that, you are not subject to the requirements of building in a flood plain; you only have to be a fraction of an inch outside that; and you are not in the flood plain. He further stated that is what has occurred here. He stated what isn't addressed, is once you dig below it in that poor soil, the result is what is happening out there. He stated the Village isn't denying what the problem is, how expensive it is to fix; what is different and the Village Attorney has looked at it, the Illinois Department of Natural Resources has looked at it and the County has looked at it. None of it violated the Village Ordinances or the Federal Ordinances. He stated the problem does exist though.

Mrs. Billie is only speaking on her behalf, she is not here speaking for her neighbors, but there are about 10 other homes as well. The plat of subdivision, which she has, specifically lists her lot in a special flood area. She has many documentations that state that her lot is designated as Zone A or Zone AE. Ordinance 703, which was in affect at the time, said that all homes that are regulating construction of homes in special flood area must have the lowest floor, including basements, elevated at the flood protection elevation, which is 525. Her basement is at 519. They have gotten over three feet of water in their basement. If their home had been constructed as it is written in the Village's own ordinances, she feels that they would have not gotten water.

She has obtained Village Board meeting minutes that state problems with the Village Engineer at the time, who was also working as the subdivision developer.

She feels that the Village doesn't understand the health and safety risks that they are put under. The radon levels in her home are off the charts.

She has come before the Board for help. They have been asking for help for over ten years. This investment for them is garbage, their health is at risk, their safety is at risk and they have the right to live a dry and safe home.

Mrs. Billie would like to be taken seriously. She would like to sit and talk with the Village to find a solution. She has reached out to the IDNR and FEMA, and they told her that groundwater is not their problem. The Army Corps of Engineers know that their basements were built below flood elevations, but it is not their problem. This problem is the Village's, since it was allowed.

Dolezal stated that is true, it is below the flood plain. The reason that the IDNR, FEMA and the Army Corps of Engineer is saying that it is not their problem, is because the houses were not built in a flood plain. Dolezal is aware of all of the problems and they do exist. He has seen the water in the homes, and they have studied it.

Mrs. Billie stated that spring of 2019, her home is not insured. There are so many cracks from one corner to the other. She is able to see the cracks open when the water starts to come. There are also vertical cracks going up the side of the wall. She reached out to her insurance agent and questioned if her house were to implode from the hydrostatic pressure is she covered. The agent told her no. Flood insurance does not cover her house, since this is groundwater flooding. All they did was purchase a home in Channahon and no one should have to live this way. She will not sell this house to an unsuspecting person and put their family at risk, she shouldn't have to do that.

Dolezal stated that it is a concern if that water is three feet deep around the foundation to pump your house basement to a high enough rate to keep it dry, you are in fact creating hydrostatic pressure outside a foundation wall, which is something that is not meant to be done. If that is the case, reinforcements would be needed around the foundation.

Trustee Slocum questioned Dolezal what are the Village's options and what can be done.

Dolezal stated that the study has a few recommendations; Slurry wall, dry flood proof the house, which in essence would be instead of an 8' basement, turning it into a 4' deep crawl. The other alternative is taking out the dam, but that is not something the Village would want done and IDNR does not want to do since they use it as a barrier for the Asian carp coming up the DuPage River. This would be to protect the existing structure.

Dolezal stated that in cases where there is repeated damage and loss due to flooding, that is when FEMA comes in and purchase the homes. He doesn't feel that FEMA would do it for this case.

Trustee Perinar asked if FEMA would do buy outs for groundwater.

Trustee Scaggs asked Dolezal what the cost of a slurry wall was in the study that was done. Mrs. Billie stated that it would run about four to six hundred thousand. Dolezal stated that his thought is that it may start at eight hundred thousand and that was ten years ago. Dolezal stated that the study wasn't designed for this, it was a concept, an estimated solution of what may fix the issue.

Trustee Scaggs concern is when water is coming from every angle of someone's home how are they to pump the ground, of three acres. He questioned if residents would need to go down ten feet.

Dolezal stated that is what might need to be done. Installing the wall, is not going to stop it, but slow the infiltration. In combination with outside pumping, possibly in the yard.

Village President Moorman Schumacher asked if they would be pumping groundwater, since the resident stated there was no water in the yard. Dolezal stated yes, that's why a large sump pump would be in their yard. He feels that the ground is so porous in that area that this would be something that would need to be done.

Mrs. Billie stated that she just wanted someone to talk to and try to find a solution.

Trustee McMillin asked Mrs. Billie if she knew of who poured the basement. Mrs. Billie stated that she is not aware of who the excavator was. Her feeling is the river is getting so full and it is only making matters worse. Dolezal stated that her issue is groundwater.

Trustee Scaggs stated that it is an underground creek and the only time it gets high is when all the rivers get high. When he built his home in August of 1995, it was bone dry. He did not have any problems until July of 1996.

Dolezal stated that in this particular case the water at their home is most likely the level that can be seen at the river. When the river is up, when it's down below the bottom base, it's underground.

Mrs. Billie stated that the house was built in 1994 and they purchased it in 2001. The first major flood they dealt with was in September of 2008 and then in December of 2008. They had 15 to 20 inches of freezing cold water in the basement, three days after Christmas.

Trustee Perinar asked Mrs. Billie if the previous homeowner disclosed that they had water in the basement. Mrs. Billie does not recall. Trustee Perinar stated that there was a flood in July of 1996. Mr. Billie stated that he thinks that the previous homeowner did since they noticed a water line in the basement, but they also just thought it was because of the flooding in 1996.

Dolezal stated that he has had contact and exchanged information with the Billie's for the past ten years, and is not sure they are looking for more discussion with him.

Mrs. Billie stated that she has dealt with Dolezal and he has always been professional, friendly to them and has tried to help them, but they need to elevate it. They need help and Dolezal has done what he can do. He has bosses here and she hopes that they are able to help them.

Mrs. Billie appreciated the time at this meeting and thanked the Board for listening to their issue. The Billie's are looking forward to someone to sit with them and talk to them to find a solution. They were happy that the Board was receptive to them at this meeting, but they have truly felt ignored for the last ten years. She hopes to hear from someone soon.

VP Moorman Schumacher asked Dolezal to put a timeline of everything that has been done and discussed, along with the documentation.

**CONSENT AGENDA**

- A. Consider Approval – Minutes – Committee – December 16, 2019
- B. Consider Approval – Minutes – Board – December 16, 2019
- C. Approve Payment of the Bills List of January 6, 2020 for \$1,224,492.74
- D. Approve Payment of Manual Checks of January 6, 2020 for \$8,670.68
- E. Approve Payment of Net Payroll Expenses for the two week period ending December 15, 2019 and December 29, 2019 for \$144,083.93 and \$131,642.21

Trustee Perinar made a motion to approve the consent agenda as read. Seconded by Trustee Greco.

**ROLL CALL AYES: Greco, Host, McMillin, Perinar, Scaggs and Slocum.**  
**NAYS: NONE** **MOTION CARRIED**

**REPORTS & COMMUNICATIONS FROM VILLAGE OFFICIALS**

**A. VILLAGE PRESIDENT**

**B. VILLAGE ADMINISTRATOR**

**Consider Approval – An Ordinance Amending the Village of Channahon Code of Ordinances with Respects to the Prohibition of Cannabis Business Establishments – 1<sup>st</sup> Read**

Trustee Scaggs asked if a nay vote is for cannabis businesses and an aye vote is against.

VP Moorman Schumacher stated this is a first read item, so if you want to consider it this evening you would have to waive second read. She also stated that an aye vote is to prohibit these types of businesses.

Trustee Perinar stated that her thought is; she agrees with everyone saying that it seems like we would be sending the wrong message but she thinks about the issue and thinks about permitting liquor stores. She stated she thinks it is one of those things where we teach our kids to make the right choices. She also stated that once they are 18, you don't have control anymore and you just hope that you raised them well enough to make the right choices. She further stated that she agrees with what Trustee Host said, that no one is going to be knocking on our doors; we just don't have the rooftops.

Trustee Scaggs stated that he still hasn't seen any revenue numbers.

Trustee Host stated we couldn't compare ourselves. She stated you could sit, wait and watch. She thinks roughly it would be \$30 tax per transaction. She also stated that they could buy it in Joliet and Morris, so the chance of them buying it here is so limited.

A lengthy discussion took place of the Village's options of do nothing, Opt In or Opt Out.

Trustee Host made a motion to waive second read and approve An Ordinance Amending the Village of Channahon Code of Ordinances with Respect to the Prohibition of Cannabis Business Establishments. Seconded by Trustee McMillin.

**ROLL CALL AYES: Greco, Scaggs and Slocum.**  
**NAYS: Host, McMillin, Perinar and VP Moorman Schumacher** **MOTION DENIED**

**Discussion – Consider Directing Staff to Prepare Ordinances and Commence the Process to Regulate Adult Cannabis Facilities in the Village**

VP Moorman Schumacher stated this is not an Ordinance, this is just direction from the Board. Durkin stated it is just providing Attorney Silverman and staff direction from the Board to begin to generate Ordinances to provide for the regulation of those businesses in the community.

VP Moorman Schumacher stated these include zoning considerations; where we would allow that, distances from specific things, all of the things that are similar to alcohol and licensing it like alcohol, so that we can limit the number of them.

Petrick stated it is probably going to go more in depth. This is a whole industry of manufacturing, growing and producing, so there is probably going to be certain aspects that are allowed in some zones that are not allowed in another zone.

VP Moorman Schumacher stated that's another thing to consider; what aspects are we okay with. She stated we could pick and choose which ones we would like to have and which ones we do not.

A length discussion took place; Durkin will individually reach out to each Board Member individually to get their thoughts.

Durkin stated that the refuse RFP went out December 23<sup>rd</sup> to 8 different haulers. Copies have been provided to the elected officials He also stated that our contract with Waste Management will expire on April 30, 2020. He further stated that the RFP is due back on January 24th. He stated that tomorrow, January 7<sup>th</sup>, we will have a pre-proposal conference, here in the Village Hall, with any interested waste haulers. He also stated that staff would be present to answer any questions that they might have in preparation for their proposal. He further stated that we should have enough time to review the proposals, select a hauler and negotiate a contract prior to a start date of May 1, 2020. He stated he also passed out a flyer that was posted on-line and that was mailed to residents today, alerting the residents that our contract is up and to be on the lookout for information. He also stated that there is a dedicated email address for residents to ask questions, [wastecollection@channahon.org](mailto:wastecollection@channahon.org).

**C. COMMUNITY DEVELOPMENT & INFORMATION**

Petrick reminded the Board that next Monday at 6:00 p.m. will be the Planning and Zoning Commission meeting. He stated the agenda contains the final continuation of the Martin Whalen proposed rezoning, which is the only thing on the agenda. He also stated that it has been continued twice, so either it happens or they have to withdraw and come back when they are ready.

Trustee Slocum asked if they had the meeting on the property.

Petrick stated that is on January 9<sup>th</sup>. He also stated that there have been a couple of bulletins coming out today, regarding cyber security, in correlation with a potential threat from Iran. He further stated that there would be an e-mail coming to everyone with more information regarding that.

Trustee Scaggs stated that he got hit for \$12,000 but he got it back, however another guy he knew got hit for \$51,000 on Christmas Eve and it ruined his Christmas. He got his back the day after Christmas. He also stated to keep an eye on your checking accounts.

**D. FINANCE DEPARTMENT**

Wagonblott stated she had no formal items.

**E. POLICE DEPARTMENT**

**Consider Approval – An Ordinance Amending certain Sections of the Municipal Code for the Village of Channahon pertaining to Cannabis and Tobacco Uses, Sales and Possession – 2<sup>nd</sup> Read**

Trustee Slocum made a motion to approve An Ordinance Amending certain Sections of the Municipal Code for the Village of Channahon pertaining to Cannabis and Tobacco Uses, Sales and Possession. Seconded by Trustee Greco.

**ROLL CALL AYES: Greco, Host, McMillin, Perinar, Scaggs and Slocum.**

**NAYS: NONE**

**MOTION CARRIED**

**Consider Approval – Promotion of Officers to Patrol Sergeants**

Trustee Perinar made a motion to approve the Promotion of Officers Blough and Carlson to Patrol Sergeants. Seconded by Trustee Scaggs.

**ROLL CALL AYES: Greco, Host, McMillin, Perinar, Scaggs and Slocum.**

**NAYS: NONE**

**MOTION CARRIED**

VP Moorman Schumacher administered the Oath of Office to Sergeant Blough and his wife pinned him.

VP Moorman Schumacher administered the Oath of Office to Sergeant Carlson and his wife pinned him.

**F. PUBLIC WORKS DEPARTMENT**

**Consider Approval – 2019 MFT Road Maintenance Project CO #1**

**Consider Approval – Venture One Phase I – Improvement Completion Guarantee Reduction Allowance**

**Consider Approval – IDI – Release of Improvement Completion Guarantee for Site Development Permit**

Trustee Perinar made a motion to approve the 2019 MFT Road Maintenance Project CO #1, the Venture One Phase I – Improvement Completion Guarantee Reduction Allowance and the IDI – Release of Improvement Completion Guarantee for Site Development Permit. Seconded by Trustee Scaggs.

**ROLL CALL AYES: Greco, Host, McMillin, Perinar, Scaggs and Slocum.**

**NAYS: NONE**

**MOTION CARRIED**

**G. VILLAGE ATTORNEY**

Attorney David Silverman stated he had no report.

**COMMITTEE REPORTS**

**Trustee Sam Greco – Finance/Human Resources**

Trustee Greco stated Durkin already talked about the meeting tomorrow, he will be in attendance. He hopes there will be some refuse haulers here that are interested and that we get some good proposals.

Durkin stated we have received acknowledgement of receipt from four different haulers.

**Trustee Patricia Perinar – Community & Legislative Affairs**

Trustee Perinar asked what time is the Martin Whalen meeting on January 9<sup>th</sup>.

Petrick stated he wasn't sure, it is not a Village meeting but he believes it is 6-7 p.m. at the Martin Whalen building.

**Trustee Chantal Host – Public Safety/Emergency Support – No Report.**

**Trustee Scott McMillin – Natural Resources and Open Spaces – No Report.**

**Trustee Mark Scaggs – Public Works and Facility – No Report.**

**Trustee Scott Slocum – Community Development**

Trustee Slocum stated we lost a wayfinding sign on Route 6 and we're looking for it. He stated he thinks it might be in the water. He also stated hopefully we can find it and if not, we will get another one.

**OLD BUSINESS**

**NEW BUSINESS**

**EXECUTIVE SESSION**

**ADJOURNMENT**

Trustee Slocum made a motion to adjourn the meeting at 7:15 p.m. Seconded by Trustee Perinar.

**VERBAL ROLL CALL: ALL AYES**

**MOTION CARRIED**

Submitted by  
Kristin Hall  
Village Clerk

