

**MINUTES OF THE REGULAR BOARD**  
**MEETING OF THE PRESIDENT AND BOARD OF TRUSTEES**  
**THURSDAY, APRIL 20, 2006**

**CALL TO ORDER AND ROLL CALL**

President Laube called the meeting to order at 8:00 p.m. in the Municipal Center. Present at roll call were Trustees Bastidas, Bowman, Figurski, Menzel, Pelletier and Tuman. Also present were President Laube, Attorney Rosenthal, Administrator Osten, Chief Polston, Treasurer Toppel and Clerk Brouder.

**PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was recited.

**APPROVAL OF MINUTES**

**Trustee Figurski made a motion to approve the Board Minutes of March 16, 2006 and March 23, 2006. Trustee Menzel seconded.** It was approved by a roll call of six yes votes.

**VISITOR'S COMMENTS**

In attendance were Scouts from Troop #166 working toward their Communications Badge; Don Koss representing the Harbor Team; Patrick & Kathryn Andries for ZBA Case 2006-06; John Opatrny representing the Chamber of Commerce, Developer Ted Wagner, reporter Brandon Coutre, Past-President Stephen Tasch, Police Officer Michael Miller and Sargent Ronald Lukasik, Mrs. Lukasik and their children Rylee and Jake.

Mr. Wagner reported that "Tuesday Morning" retail store had leased the old carpet store space at the Stone Hill Shopping Center. They plan to open May 15<sup>th</sup>. The carpet store had a sign variance and Tuesday Morning will probably request one as well. Mr. Wagner wanted to give the Village a heads up.

Mr. Koss is the new Harbor Team President and wanted to introduce himself to the Village Board. Rich Lauritsen, the past president, will be the Project Manager for the harbor restoration work.

Clerk Brouder did the swearing in for Sargent Lukasik who is being promoted to Lieutenant as of May 1<sup>st</sup>. President Laube presented him with his Lieutenant bars. Michael Miller, who is new to the Police Department, was then sworn in by Clerk Brouder as a new Police Officer. The Village Board and audience congratulated both of them.

**LEGISLATIVE REPORT**

Trustee Figurski reported the following from the NWMC:

~ Eminent Domain bill was amended by the House and sent to Senate. It will effect TIF's created, changed expanded after 4/15/06.

~ DROP (Deferred Retirement Option Plan) will not be called in the Spring session, but may be back in the fall. Trustee Figurski stated that the cost figures from the Village need to be from an actual actuary. Administrator Osten said he sent the actuary figures. The IML has allotted \$75,000 to examine the cost to municipalities.

~ ATT Project Lightspeed – Aesthetics is a concern because of the size of the above ground cabinets. There are two different sizes - one is the size of four large refrigerators - 6' high x 8' wide x 4' deep and the smaller one is 4.5' high x 3.5' wide x .5' deep. The boxes go in the right-of-ways and on private property. Cable franchise agreement require all residents be served while ATT seems to be selecting specific areas. NWMC offers the following suggestions: 1) Carefully review all ATT permits, 2) Ask for more information, 3) Refuse right-of-way permits if there is not a separate franchise agreements, and 4) Adopt an ordinance to create a moratorium on the construction of large ground mounted cabinets on private or public property. ATT already has a franchise agreement with the Village for telephone service. The COPE ACT (Communications Opportunity Promotion and Enhancement Act of 2006 is a bill supported by Rep. Joe Barton and Bobby Rush. This act will cause national cable franchising and could eliminate franchise fees, right-of-way management and consumer protection. NWMC gave a sample letter to write federal legislators.

Trustee Pelletier reported the following for McCOG:

~ Senator Althoff, Representative Franks and State's Attorney Bianchi met with Andrew Klemmer from CTA regarding the 5 year plan for McHenry County looking for agreement and support from McHenry County.

~ Transit Plan Implementation Task Force – If all municipalities, townships, other agencies with buses utilized one central dispatch center they would have a better chance for Federal funding.

~ McCOG meeting is next week.

### **FINANCE AND ADMINISTRATION COMMITTEE REPORT**

~ **Trustee Bastidas made a motion to approve the Accounts Payable Report for March 2006. Trustee Figurski seconded.** It was approved by a roll call of six yes votes.

~ There were no payments and purchase requests.

~ **Trustee Bastidas made a motion to enter into an agreement not to exceed \$930,000 for a ten-year debt certificate. Trustee Figurski seconded.** This is with Chase Bank and will help fund Phase II WWTP (Wastewater Treatment Plant) upgrades and Streets & Parks Garage design. It was approved by a roll call of six yes votes.

### **PUBLIC WORKS COMMITTEE REPORT**

Harbor Team ~ Army Corp of Engineers will have permit to do shoreline restoration next week. The work will be done on inside of peninsula. Received insurance certificate so boats can be put in the water. The team must finish at least 100 feet of restoration by November. They will get together with Superintendent Huizinga to schedule work days. It should take two weekends to break up the concrete and add fill. The plan also includes special natural plants that have deep roots that will hold together. Dredging permit will take 6 – 9 months from now.

## **PUBLIC HEALTH & SAFETY COMMITTEE REPORT**

~ Trustee Bowman made a motion to adopt an ordinance granting a special use to allow the operation of a business employing masseurs in a B02 Zoning District. (314 Northwest Highway). Trustee Figurski seconded. It was approved by a roll call of six yes votes. This will be Ordinance 2006-12.

~ Trustee Bowman made a motion amending Article VII, "Massage Establishments", of Chapter 12 of the Code of Ordinances of the Village of Fox River Grove for the purpose of complying with State law regulating massage therapists and modifying the requirement that there be separate locker and bathroom facilities for each sex. Trustee Figurski seconded. It was approved by a roll call of six yes votes. This will be Ordinance 2006-13.

### **President Laube opened the Public Hearing at 8:45 p.m.**

Administrator Osten explained about the budget. The Village will have \$7.4 million in expenditures and \$7.2 million in revenues. We will be using our reserves to make up the difference. They will help fund large capital expenditures and salary increases. Instead of paving the Picnic Grove Park parking lot, we will add the designated money to the Picnic Grove playground equipment. The budget will be on our website.

Trustee Menzel explained to the Scouts that all Board business had already been thoroughly discussed at the committee levels and that's why there has not been much discussion when passing the ordinances.

### **Closed the Public Hearing at 8:49 p.m.**

## **PUBLIC WORKS COMMITTEE REPORT (Continued)**

~ Trustee Figurski made a motion to adopt an ordinance amending Sections 23-139, Chapter 23 "Water and Sewers" of the Code of Ordinances of the Village of Fox River Grove for the purpose of increasing the rates and charges for the Village's combined waterworks and sewage system. Trustee Bastidas seconded. The increase is not as high as originally anticipated. We need to do this for EPA required upgrades to our WWTP. It was approved by a roll call of six yes votes. This will be Ordinance 2006-14.

~ Trustee Figurski made a motion to recommend approval of the Phase II Bid from Maxim Construction for \$927,000 for construction. Trustee Tuman seconded. It was approved by a roll call of six yes votes.

## **PUBLIC HEALTH & SAFETY COMMITTEE REPORT (Continued)**

~ Trustee Bowman made a motion to adopt an ordinance amending Section 2-11 "Fees for Police Department Reports" of the Village of Fox River Grove code of Ordinances. Trustee Figurski seconded. It was approved by a roll call of six yes votes. This will be Ordinance 2006-15.

~ Trustee Bowman made a motion to adopt an ordinance rezoning certain territory to the B-2 Zoning Classification (912-914, 916, 1000 and 1050 Northwest Highway). Trustee Figurski seconded. It was approved by a roll call of six yes votes. This will be Ordinance 2006-16.

~ Trustee Bowman made a motion to adopt an ordinance granting a special use to allow a building with an area in excess of 5,000 square feet in the B-2 Zoning District (912-914

**Northwest Highway). Trustee Figurski seconded.** It was approved by a roll call of six yes votes. This will be Ordinance 2006-17.

~ **Trustee Bowman made a motion to adopt an ordinance granting a special use to allow a building with an area in excess of 5,000 square feet in the B-2 Zoning District (1000 Northwest Highway). Trustee Figurski seconded.** It was approved by a roll call of six yes votes. This will be Ordinance 2006-18.

~ **Trustee Bowman made a motion to adopt an ordinance granting special uses to allow a building with an area in excess of 5,000 square feet in the B-2 Zoning District and an outdoor seating area in connection with the operation of a restaurant (1050 Northwest Highway). Trustee Figurski seconded.** It was approved by a roll call of six yes votes. This will be Ordinance 2006-19.

#### **VILLAGE ATTORNEY'S REPORT**

Attorney Rosenthal explained that an agreement has been discussed with the property owner of 1007 Route 22 to obtain the easement. This ordinance would serve as a back up should the agreement not be executed. **Trustee Figurski made a motion to adopt an ordinance authorizing the acquisition of easements through condemnation or otherwise for the purpose of extending the Village's combined waterworks and sewerage system (1007 Route 22 – Corty property). Trustee Bowman seconded.** It was approved by a roll call of six yes votes. This will be Ordinance 2006-20.

#### **VILLAGE PRESIDENT'S REPORT**

President Laube proclaimed the week of May 14 – 21 Public Works Week. She also suggested the Scouts would enjoy a tour of the Public Works facility.

#### **VILLAGE ADMINISTRATOR'S REPORT**

~ **Trustee Menzel made a motion to adopt an ordinance repealing Article VIII "Village Collector" of Chapter 2 "Administration" and amending Section 2-123 "General Duties of Village Treasurer" of the Code of Ordinances of the Village of Fox River Grove for the purpose of abolishing the office of Village Collector and devolving the duties of the Village Collector onto the Village Treasurer. Trustee Bastidas seconded.** This duties of the collector were already being done by the treasurer. This was approved by a roll cal of six yes votes. This will be Ordinance 2006-21.

~ **Trustee Menzel made a motion to authorize the Village President to execute a Hold Harmless Agreement between the Fox River Grove Lions Club and the Village of Fox River Grove for their donation of a defibrillator for the Village Hall. Trustee Bowman seconded.** It was approved by a roll call of six yes votes.

#### **VILLAGE CLERK'S REPORT**

~ **Trustee Figurski made a motion to waive the park permit, sound requirements and fees for the Fox River Grove Lions Arts & Crafts Fair. Trustee Bowman seconded.** It was approved by a roll call of six yes votes.

#### **ANNOUNCEMENTS**

Clerk Brouder will e-mail all Trustees to verify best date for the Commissioners Appreciation Party. There are some conflicts with the May 25<sup>th</sup> date.

#### **OTHER BUSINESS**

None.

### **EXECUTIVE SESSION**

**Trustee Figurski made a motion at 9:10 to enter into Executive Session to discuss personnel, pending litigation and sale of Village property. Trustee Bowman seconded.** It was approved by a roll call of six yes votes. All trustees were present. **Trustee Pelletier made a motion to return to Village Board meeting at 10:45. Trustee Bastidas seconded.** It was approved by a roll call of six yes votes. Present were Trustees Bastidas, Bowman, Figurski, Menzel, Pelletier and Tuman. Also present were President Laube, Attorney Rosenthal, Administrator Osten and Clerk Brouder.

~ **Trustee Bastidas made a motion to approve a salary and benefits increase of 8.53 allocated 2.58% Market Adjustment, 3.42 CPI, and 2.53% Insurance Increase of 15% (salary equivalent). Any insurance increase over 15% for PPO coverage will be paid 100% by employee. Trustee Menzel seconded.** It was approved by a roll call of four yes votes. Trustees Bastidas, Menzel, Pelletier and President Laube voted yes. Trustees Bowman, Figurski and Tuman voted no.

~ **Trustee Bastidas made a motion to adopt the budget for fiscal year 2006-2007, and incorporate into the budget the previous motion including salary and insurance and allocate funds from Picnic Grove paved parking lot to playground. Trustee Menzel seconded.** It was approved by a roll call of four yes votes. Trustees Bastidas, Menzel, Pelletier and President Laube voted yes and Trustees Bowman, Figurski and Tuman voted no. This will be Ordinance 2006-22.

~ **Trustee Menzel made a motion to approve the Administrator's contract on May 18<sup>th</sup> and make it retroactive to May 1<sup>st</sup>. Trustee Pelletier seconded.** It was approved by a roll call of six yes votes.

### **ADJOURNMENT**

~ **Trustee Menzel made a motion to adjourn the Village Board meeting at 10:50 p.m. Trustee Bastidas seconded.** All were in favor.

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Katherine A. Laube, Village President

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Date Approved

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Donna M. Brouder, Village Clerk