

MINUTES OF THE REGULAR BOARD
MEETING OF THE PRESIDENT AND BOARD OF TRUSTEES
THURSDAY, DECEMBER 18, 2008

CALL TO ORDER AND ROLL CALL

Acting President Cramer called the meeting to order at 7:00 p.m. in the Municipal Center. Present at roll call were Trustees Bowman, Cramer, Figurski, Menzel and Pelletier. Also present were Attorney Donahue, Baxter & Woodman Representative Michael Plant, Chief Lukasik, Administrator Osten and Clerk Brouder. Trustee Tuman was absent.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was recited.

APPROVAL OF MINUTES

~ **Acting President Cramer made a motion to approve the Board Minutes of the November 20, 2008 meeting. Trustee Figurski seconded.** The motion passed by a roll call of five yes votes.

VISITOR'S PRESENT

Present in the audience were John Derer owner of Chelsea Car Wash/Lil Al Lube, residents Bob Nunamaker, Dan Shea, Claudia Chapman, Jennifer Prell, Tom Cramer and his daughters, Madelyn, Emily and Miah, Suzanne Blohm and Michael Schiestel.

Mr. Derer stated the new water meter has been installed and he still has not heard anything about restitution. He did have a call, though, regarding his signage that was just installed and was told it is non-conforming. He thinks he is being singled out regarding the signage. Administrator Osten stated the Village has hired a part-time service to assist our Building Department with property maintenance and conformity issues. Trustee Pelletier stated that many properties are affected. The properties in the Eastgate area just became incorporated in the last 2 ½ year. The restitution will be discussed in Executive Session.

Acting President Cramer read a proclamation thanking Dan Shea for his many years of service to Fox River Grove and the County. Mr. Shea thanked her and said it is always an honor to serve but even more special to be recognized by your own town. Trustee Menzel stated that Dan Shea is very influential and has encouraged many others to get involved with their communities. Trustee Pelletier said she had gotten to know Dan through MCCOG and appreciates all that he has done over the years.

Acting President Cramer recognized both Hunters Farm and Foxmoor residents for their wonderful community spirit in bringing illumination to residents for the Christmas holidays. She presented Mr. Tom Cramer a certificate recognizing the spirit of Hunters Farm residents.

LEGISLATIVE REPORT

NWMC ~ Trustee Figurski reported the following:

- There was a presentation by John Kelly of the Galvin Initiative, who is working with local governments to guide the implementation of a smart grid to sustain and lower cost of electric power, add smart switches, put power lines underground, and use solar and other distributed metering. Energy efficiency lowers consumer cost. Estimated savings is \$870 per residential rate payer. There are smart grid trials in Hinsdale and Oak Park. This program will require the cooperation of ComEd, the local governments and residents.
- A major priority legislative issue for local communities is the Emergency Budget Act of 2009. There is a concern that the appropriations for the Local Government Distributive Fund could be held back 8%.

MCCOG ~ Trustee Pelletier reported MCCOG had a holiday party and no business meeting. Administrator Osten stated that MCCOG wants municipalities to have a voice in the 2030 plan.

IML ~ There were no comments.

FINANCE AND ADMINISTRATION COMMITTEE REPORT

~ Trustee Figurski made a motion to approve the Accounts Payable Report for November 2008. Trustee Menzel seconded. The motion was approved by a roll call of five yes votes.

~ Trustee Figurski made a motion to approve payment of \$1,500 to Sente, Rubel, Bosman and Lee Architects for their services concerning Lake Barrington Fire District building. Trustee Menzel seconded. It was approved by a roll call of five yes votes.

~ Trustee Figurski made a motion to approve the agreement with Baxter & Woodman for the 09/10 MFT Road Program. Trustee Menzel seconded. It was approved by a roll call of five yes votes.

~ Trustee Figurski made a motion to approve payment of \$984.90 for hydrant and valve clamps. Trustee Menzel seconded. It was approved by a roll call of five yes votes.

~ Trustee Figurski made a motion to approve payment to Leslie Murphy in the amount of \$1,248.75 for TIF work she has done. Trustee Menzel seconded. It was approved by a roll call of five yes votes.

~ Trustee Figurski made a motion to adopt a resolution authorizing approval of an Identity Theft Prevention Program. Trustee Menzel seconded. Attorney Donahue reported this is a federal mandate and is meant to deter identity theft but not relevant to the Village at this time. Administrator Osten stated that the Village will have it in place should we need to take more personal information from residents. It was approved by a roll call of five yes votes. This will be Resolution 2008-16.

~ Acting President Cramer made a motion to adopt an ordinance amending Chapter 2, Article XII Division 6, Section 2-265 of the codes of ordinances of the Village of Fox River Grove for the purpose of adding compensation for the members of the Special Events Commission. Trustee Menzel seconded. Acting President Cramer explained this would pay the Commission members \$20 per meeting. Meetings will have minutes and an agenda. Acting President Cramer said they are the only committee that does not get a stipend and why should they be any different than any of the other committees. Trustee Figurski disagreed. He stated that people volunteer for this committee and did not expect to be paid. The Village needs to stop spending money. Mr. Nunamaker understands Trustee Figurski, but said the Chamber merchants really appreciate Special Events, especially when it brings business to them. If they are able to help local businesses and their events bring in more business it is worth paying them. Trustee Pelletier stated that she would like to see the Commission be more organized and to run the events in town through them. Trustee Bowman asked if Acting President Cramer was able to be the President and the Chair for Special Events. Yes, she is. Trustee Menzel stated that he ran

for the Village Board to serve the community not to get \$75 per meeting. The motion did not pass. Trustees Cramer and Pelletier voted yes. Trustees Bowman, Figurski and Menzel voted no.

PUBLIC WORKS COMMITTEE REPORT

~ **Trustee Pelletier made a motion to adopt an ordinance amending Chapter 2, Article XII Division 3, Section 2-225 of the Code of Ordinances of the Village of Fox River Grove for the purpose of changing the term of office for the members of the Zoning Board of Appeals. Trustee Figurski seconded.** This ordinance will change the term from five years to four years. Trustee Menzel stated it takes a few years to understand and become confident in the zoning procedures. He does not agree. The motion passed by a roll call vote of four yes votes and one no vote. Trustee Menzel voted no. This will be Ordinance 2008-27.

~ **Trustee Pelletier made a motion to adopt an ordinance amending Chapter 2, Article XII Division 5, Section 2-252 of the Code of Ordinances of the Village of Fox River Grove for the purpose of changing the term of office and meeting schedule for the members of the Parks Commission. Trustee Figurski seconded.** The Commission will meet monthly with the exception of July and August in which there will be no meetings. It was approved by a roll call of five yes votes. This will be Ordinance 2008-28.

~ Trustee Pelletier reported the Public Works Committee recommended approval of going out to bid for a pavement condition evaluation.

PUBLIC HEALTH & SAFETY COMMITTEE REPORT

~ **Trustee Menzel made a motion to adopt an ordinance granting a special use to allow an existing building to be used as a recording studio at 110 Northwest Highway with the condition of no audible sound between the hours of 10:00 p.m. and 9 a.m. Trustee Figurski seconded.** Attorney Donahue explained the ordinance has a signature page for the applicant and owner that they need to sign and have notarized that they have received, read and will abide by the conditions before the ordinance will be effective. It was approved by a roll call of five yes votes. This will be Ordinance 2008-29.

~ **Trustee Menzel made a motion to adopt an ordinance amending Sections 10-14 (a) and 10-14 (d) of Chapter 10 of the Code of Ordinances of the Village of Fox River Grove. Trustee Bowman seconded.** This will allow a recreational campfire from 7 a.m. until 1 a.m. It was approved by a roll call of five yes votes. This will be Ordinance 2008-30.

VILLAGE ATTORNEY'S REPORT

Nothing at this time.

VILLAGE ADMINISTRATOR'S REPORT

~ **Acting President Cramer opened the Public Hearing at 7:37 p.m.**

Administrator Osten reported the corporate tax levy is \$948,736. There are four special service areas ~ Gardner Terrace is \$5,000, Picnic Grove is \$2,500, Hunters Farm \$5,000 and Talon Special Service Area is \$4,750. The Foxmoor special service area is paid off. The fund balances are enough to cover any work, so that is why the special service areas are less this year. The tax cap is 4.13% and it could be the same next year or possibly lower. Mr. Derer asked if there has been any effect because of challenged property bills. Administrator Osten replied the tax levy is done by the percentage of property you own in the Village. The only way tax levies can decrease is if the Village cuts back. The Village has always run lean. Most of Fox River Grove taxes go to the schools.

Attorney Donahue stated the Village has not received any written comments. **The Public Hearing closed at 7:50 p.m.**

~ **Acting President Cramer made a motion to adopt an ordinance providing for the levy, assessment and collection of taxes for the fiscal year beginning May 1, 2008 and ending April 30, 2009. Trustee Figurski seconded.** It was approved by a roll call of five yes votes. This will be Ordinance 2008-31.

~ **Acting President Cramer made a motion to adopt an ordinance providing for the levy, assessment and collection of taxes for the Gardner Terrace Special Service Area of the Village of Fox River Grove, Lake and McHenry Counties, Illinois, for the fiscal year beginning May 1, 2008 and ending April 30, 2009. Trustee Figurski seconded.** It was approved by a roll call of five yes votes. This will be Ordinance 2008-32.

~ **Acting President Cramer made a motion to adopt an ordinance providing for the levy, assessment and collection of taxes for the Picnic Grove Special Service Area of the Village of Fox River Grove, Lake and McHenry Counties, Illinois, for the fiscal year beginning May 1, 2008 and ending April 30, 2009. Trustee Figurski seconded.** It was approved by a roll call of five yes votes. This will be Ordinance 2008-33.

~ **Acting President Cramer made a motion to adopt an ordinance providing for the levy, assessment and collection of taxes for the Hunters Farm Special Service Area of the Village of Fox River Grove, Lake and McHenry Counties, Illinois, for the fiscal year beginning May 1, 2008 and ending April 30, 2009. Trustee Figurski seconded.** It was approved by a roll call of five yes votes. This will be Ordinance 2008-34.

~ **Acting President Cramer made a motion to adopt an ordinance providing for the levy, assessment and collection of taxes for the Talon Subdivision Special Service Area of the Village of Fox River Grove, Lake and McHenry Counties, Illinois, for the fiscal year beginning May 1, 2008 and ending April 30, 2009. Trustee Figurski seconded.** It was approved by a roll call of five yes votes. This will be Ordinance 2008-35.

Administrator Osten said a letter was sent to Fox Glen regarding the December 12th deadline for the punchlist that has not been completed. Attorney Donahue has spoken with the attorney for Talon who is trying initiate compliance by his client. The Board approved waiting until the next Board meeting to decide whether to draw on Talon's letter of credit.

VILLAGE CLERK'S REPORT

Nothing to report

ANNOUNCEMENTS

Administrator Osten reported the Joint Review Board will be meeting in January. He is in the process of confirming the date.

OTHER BUSINESS

Mr. Michael Plant from Baxter & Woodman, Inc. delivered a short presentation regarding the Lincoln Avenue LAPP. He incorporated the additional items from the last Public Works meeting into the new plans he distributed to the Village Board this evening. He reported that in order for the work to be done in August and September, his deadline to submit the final documents to IDOT is February 20th. These plans must be signed by the Village but signing the plans does not commit the Village to the project. Mr. Plant said the plans have very detailed information that will go into the final bid. He also said that changes can be made before going out to bid. There was a question regarding cross slope and crowning and how that can be noted on the plans. Mr. Plant stated that the intent is to match the existing slopes and grades. The plans will also show additional existing drainage information to ensure the proposed improvements do

not impact existing drainage. An estimate of time is provided in the plans to IDOT. The road will be open during the improvements and the Union Pacific Railroad limits contractors to work between 9 a.m. and 3 p.m. IDOT needs the final Joint Agreement for Construction by April 24th. This does commit the Village to the project. Mr. Plant will be doing another presentation for the residents on S. River, Lincoln, Millard and Gladys at the January 13th Public Works meeting.

EXECUTIVE SESSION

~ **Trustee Cramer made a motion to enter into Executive Session at 8:38 p.m. to discuss property acquisition, litigation and Attorney client privilege matters. Trustee Pelletier seconded. All were in favor. Trustee Figurski made a motion to return to the Village Board meeting at 9:44 p.m. Trustee Pelletier seconded. All were in favor.**

ADJOURNMENT

~ **Trustee Bowman made a motion to adjourn the Village Board meeting at 9:45 p.m. Trustee Figurski seconded. All were in favor.**

Cindy Cramer, Acting Village President

Date Approved

Donna M. Brouder, Village Clerk