

MINUTES OF THE REGULAR BOARD
MEETING OF THE PRESIDENT AND BOARD OF TRUSTEES
THURSDAY, DECEMBER 17, 2009

CALL TO ORDER AND ROLL CALL

President Nunamaker called the meeting to order at 7:00 p.m. in the Municipal Center. Present at roll call were Trustees Figurski, Ireland, Knar, Menzel and Tuman. Attorney Donahue, Chief Lukasuk, Administrator Osten and Village Clerk Brouder were also present. Trustee Cramer was out of town.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was recited.

APPROVAL OF MINUTES

~ Trustee Figurski made a motion to approve the minutes of the November 19, 2009 Board Meeting. Trustee Knar seconded. It was approved by a roll call of five yes votes.

VISITOR'S PRESENT

Residents Mike and Dan Strohl, Walter Weinert, Glenn Kayler, Joe Sgarbossa, Mark Molenaar and Paula Moore were all in attendance.

President Nunamaker addressed the guests that signed in.

Walter Weinert, 903 Lincoln Avenue, received a letter from the Village regarding his home and yard. He is tired of being singled out. There are other properties that have items that should be addressed. President Nunamaker stated that Mr. Weinert has ordinance violations and he is not being singled out. Administrator Osten stated that if Mr. Weinert thinks others are in violation of Village ordinances let the Village know so they can be addressed.

Glenn Kayler, 1017 North Road, attended because of the new Public Works garage. It will be across the street from his home. He had some questions ~ How does the Village Board justify spending so much money for so few employees? How will the Village compensate Mr. Kayler for his loss in property value by putting the Public Works building across from his home? He feels this is a very underhanded thing to do without notifying him. He wants the Village to give him money or to buy his house. Why can't it be built on Route 14 where there is the vacant property that can't even be auctioned off? The proposed Public Works site has hydronic soil (water bearing soil) and it will be very expensive to prepare the property and a waste of taxpayers money. Is a \$3.5M garage worthy of the amount of people that live in Fox River Grove? How much is new sewer plant going to cost? Why not spend the money on that instead of the Public Works garage?

Administrator Osten said the reason the garage is being built there is because of the Water & Sewer plant expansion. Trustee Knar stated the Village does not want to put the garage along Route 14, because that is prime real estate. Trustee Ireland invited Mr. Kayler to attend the Public Works meeting January 7th.

VILLAGE PRESIDENT'S REPORT

~ President Nunamaker read a Proclamation for the Holiday Decorations on the Historic Bettendorf Castle and presented the Strohl family with a Proclamation and engraved paperweight. They have done an excellent job in spreading holiday cheer.

LEGISLATIVE REPORT

NWMC ~ Trustee Figurski attended a presentation from the Federal Mediation & Conciliation Service. They are an independent neutral organization that has mediators from both management and labor backgrounds and charge no fees. They cover collective bargaining mediation and have ten items of training most of which can be done on site. They are Management/Union Relationship; Contract Administration; Grievance Processing; Labor Management Committee; Committee Effectiveness Training; Conflict; Discipline; Interest Based Bargaining & Modified Traditional Bargaining; Partners in Change; and Relationship by Objectives. It might be a good idea to get involved with this.

~ NWMC also addressed the Cook County Watershed Ordinance. They sent twelve comments to the Metropolitan Water Reclamation District. FEMA may follow the NWMC's lead.

~ They are working on a pension reform platform and looking to build a collation of municipalities including downstate.

~ The Legislative Brunch is Saturday February 20th at 10:00 a.m. in Arlington Heights.

~ The NWMC membership survey is in support of the Conference's legislative efforts in 2010.

MCCOG ~ President Nunamaker reported there is a recently created Water Policy Task Force to serve as a forum for analyzing and commenting on proposed water policies and /or legislation by CMAP and other regional organizations. The task force would also work with McHenry County on any future county-wide water initiatives.

~ Some of the transportation priorities included in the \$31B capital plan are the widening and improvements along Route 47, Route 31, Route 176 to Route 120, the Eastern McHenry Bypass, I-90 to Reed Road, Route 31 to 176 and Route 14 from Crystal Lake to Woodstock.

~ Their Legislative agenda includes supporting legislation for municipalities to expand non-property tax revenue sources; protect government revenues and oppose unfunded mandates imposed by the state or federal government.

CONSENT AGENDA

~ Trustee Figurski made a motion to establish the consent agenda. #'s C & D are not resolutions. The agenda includes ~ A) Accounts Payable, November 2009; B) Resolution, IDOT, MFT; 2009 Street Maintenance Estimate; C. IDOT, MFT; 2009 Labor Snow Plowing Estimate; D. 2008 Street/Snow Plowing/Labor Actual; E) Vehicle Hoist, Automotive Lift Services in the amount of \$3,895; F) Vehicle Exhaust blower, Automotive Service Equipment in the amount of \$1,361; G) WTP #1 Piping, Skirmont in the amount of \$25,000; H) 2013-2015 STP Algonquin, Doyle 80/20 Grant Apps in the amount of \$1,000; I) Resolution: Doyle Road STP (LAPP) Improvements; J) Resolution: Algonquin Road/Plum Tree Road STP (LAPP) Improvements. Trustee Knar seconded. This was approved by a roll call of five yes votes.

~ Trustee Figurski made a motion to approve the items listed on the consent agenda. Trustee Knar seconded. It was approved by a roll call of five yes votes.

FINANCE AND ADMINISTRATION COMMITTEE REPORT

~ **Trustee Menzel made a motion to refinance our \$975,000 General Obligation (G.O.) bonds. Trustee Figurski seconded. This will give us about a \$45,000 savings on tax bills that goes directly to taxpayers.** It was approved by a roll call of five yes votes.

~ **Trustee Menzel made a motion to hire Chapman & Cutler in the amount of \$5,200 as bond counsel for the refinancing of the General Obligation Bonds. Trustee Figurski seconded.** It was approved by a roll call vote. Trustees Figurski, Menzel, Tuman and President Nunamaker voted yes and Trustees Ireland and Knar voted no.

~ **Trustee Menzel made a motion to open the public hearing under the Bond Issue Notification Act concerning the Village's intent to sell bonds in an aggregate principle amount not to exceed \$3.5M for the purpose of defraying the cost of constructing a Public Works vehicle garage and other capital projects. Trustee Figurski seconded.** It was approved by a roll call of five yes votes.

Resident Mark Molenaar, 105 South Road, asked what the bond is for and why the Village is trying to get approval for a bond before the property is rezoned to commercial. It is for a Public Works vehicle garage and other capital improvements. Administrator Osten stated there is a sequence of events that need to happen. The bond is not tied to a specific property. The people that purchase the bonds only care that the Village can pay the bond back. Trustee Menzel stated the EPA requires the Village to do improvements to our water plant. The government is offering stimulus incentives right now allowing the Village to get a better rate and ultimately saving taxpayers money. Trustee Ireland stated the residents have the ability to put together a referendum, but all Village taxpayers would benefit by getting a better rate. President Nunamaker reiterated that this meeting is stating the Village's intent to sell bonds. Authorizing their sale will be another meeting. Trustee Ireland suggested the residents stop by Village Hall to see the draft plans and that \$3.5M is the maximum amount, the Village hopes to come in lower.

Mr. Kayler said that the plans show a privacy fence and he would like to see more greenery and a nice looking fence.

Resident Paula Moore, 1014 North Road, asked what the next steps would be. It would be drafting an ordinance to authorize the sale of the bonds and then the actual sale of the bonds. She stated she understands the importance of getting a lower rate and that the EPA does have mandates, but is there another place this could be located other than a two-acre residential parcel. She suggested the Saturn Dealer building on Route 14 in Lake Barrington or the lumberyard on Algonquin Road. She asked if the Village could co-operate with Algonquin Township or the Village of Cary. The Village has discussed this with both townships and looked at other locations. We've been investigating this for several years. Construction and inflation costs are currently lower. President Nunamaker stated the \$3.5M is a maximum and this is the only site available. Mr. Kayler asked when this project would start. President Nunamaker stated the EPA says four years. Attorney Donahue asked Clerk Brouder if the Village had received any objections or questions regarding the bond sale. The Village has not received anything. Trustee Knar stated he is not comfortable with doing this now. People are financially hurting and by 2018 the average resident will be paying \$100 per month for water. Trustee Ireland stated his concerns about the amount of money needed. The revenues from the state, MFT and sales taxes are all down and water rates are going up every year. Trustee Figurski stated the garage is a very small piece. The EPA requirements and Route 22 project still need to be addressed. Resident Paula Moore said there are environmental issues going on and all of these will affect the life, health and integrity of our community. Resident Joe Sgarbossa, 1006 South Road, suggested using the vacant land next to Walgreens. It doesn't need sewer, water and has proper soil and is 1.25 acres. Trustees Figurski and Knar reiterated that is a prime location.

Trustee Knar made a motion to close the Public Hearing at 8:15. Trustee Figurski seconded. It was approved by a roll call of five yes votes.

~ **Trustee Menzel made a motion to adopt an ordinance providing for the transfer of funds equal to 5% of the gross receipts received for the sale of water consumed within the Village to the Village's General Fund. Trustee Figurski seconded.** The motion was approved with a roll call of four yes votes. Trustees Figurski, Ireland, Menzel, and Tuman voted yes. Trustee Knar voted no. This will be Ordinance 2009-33.

~ **Trustee Menzel made a motion to adopt an ordinance authorizing the issuance of Waterworks and Sewerage System Revenue Bonds of the Village of Fox River Grove, McHenry and Lake Counties, Illinois, in the aggregate principal amount of \$2,000,000 for the purpose of improving the existing waterworks and sewerage system of said Village. Trustee Figurski seconded.** The motion was approved by a roll call of four yes votes and two no votes. Trustees Figurski, Menzel, Tuman and President Nunamaker voted yes and Trustees Ireland and Knar voted no. This will be Ordinance 2009-34.

~ **Trustee Menzel made a motion to adopt an ordinance authorizing the issuance of General Obligation Bonds (Combined Alternate Revenue Source) of the Village of Fox River Grove, McHenry and Lake Counties, Illinois, in the aggregate principal amount not to exceed \$3,500,000 for the purpose of constructing public improvements in and for said Village. Trustee Figurski seconded.** The motion was approved by a roll call of four yes votes and two no votes. Trustees Figurski, Menzel, Tuman and President Nunamaker voted yes and Trustees Ireland and Knar voted no. This will be Ordinance 2009-35.

~ **Trustee Knar made a motion to open the 2009 R. E. Tax Levy Hearing at 8:25 p.m. Trustee Ireland seconded.** The motion was passed with five yes votes.

Administrator Osten reported the corporate tax levy is \$952,863. 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.

~ **Trustee Menzel made a motion to close the hearing at 8:29 p.m. Trustee Figurski seconded.** The motion was approved with five yes votes.

~ **Trustee Menzel made a motion to adopt an ordinance providing for the levy, assessment and collection of taxes for the fiscal year beginning May 1, 2009 and ending April 30, 2010. Trustee Ireland seconded.** It was approved by a roll call of five yes votes. This will be Ordinance 2009-36.

~ **Trustee Menzel 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, 2009 and ending April 30, 2010. Trustee Knar seconded.** It was approved by a roll call of five yes votes. This will be Ordinance 2009-37.

~ **Trustee Menzel 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, 2009 and ending April 30, 2010. Trustee Ireland seconded.** It was approved by a roll call of five yes votes. This will be Ordinance 2009-38.

~ **Trustee Menzel 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, 2009 and ending April 30, 2010. Trustee Ireland seconded.** It was approved by a roll call of five yes votes. This will be Ordinance 2009-39.

~ **Trustee Menzel 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, 2009 and ending April 30, 2010. Trustee Tuman seconded. It was approved by a roll call of five yes votes. This will be Ordinance 2009-40.

~ **Trustee Menzel made a motion for the Village to go out to bid for the 2010/2011 Road Program design and construction engineering. Trustee Knar seconded.** It was approved by a roll call of five yes votes.

PUBLIC WORKS REPORT

Committee wishes everyone a Merry Christmas.

PUBLIC HEALTH & SAFETY COMMITTEE REPORT

The Metra station will be remodeled next year. It will be substantially larger and include a coffee vendor and bathroom. They will be increasing the platform about 60 feet and adding a warming station down the tracks. There are renderings of the station at the Village Hall.

VILLAGE ATTORNEY'S REPORT

Nothing to report.

VILLAGE ADMINISTRATOR'S REPORT

The Harrison & Associates appraisal item will be discussed after Executive Session.

VILLAGE CLERK'S REPORT

None

OTHER BUSINESS AND ANNOUNCEMENTS

None

EXECUTIVE SESSION

~ **Trustee Knar made a motion to enter into Executive Session at 8:42 p.m. to discuss pending litigation, property acquisition and sale, and attorney/client privilege. Trustee Ireland seconded.** All were in favor. **Trustee Knar made a motion to return to the Village Board meeting at 9:18 p.m. Trustee Figurski seconded.** All were in favor.

~ **Trustee Menzel made a motion to enter into a contract with Harrison and Associates in the amount of \$2,500 for property appraisal. Trustee Figurski seconded.** It was approved by a roll call of four yes votes and one no vote. Trustee Ireland voted no.

ADJOURNMENT

~ **Trustee Ireland made a motion to adjourn the Village Board meeting at 9:21 p.m. Trustee Menzel seconded.** All were in favor.

Robert J. Nunamaker, Village President

Date Approved

Donna M. Brouder, Village Clerk