

MINUTES OF THE REGULAR BOARD
MEETING OF THE PRESIDENT AND BOARD OF TRUSTEES
THURSDAY, SEPTEMBER 16, 2010

CALL TO ORDER AND ROLL CALL

President Nunamaker called the meeting to order at 7:01 p.m. in the Municipal Center. Present at roll call were Trustees Blohm, Figurski, Ireland, Knar, Menzel and Tuman. Attorney Donahue, Sergeant Domagala, Administrator Osten and Village Clerk Brouder were also present.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was recited.

APPROVAL OF MINUTES

~ **Trustee Menzel made a motion to approve the minutes of the August 19, 2010 Village Board Meeting. Trustee Ireland seconded.** It was approved by a roll call of six yes votes.

VISITOR'S PRESENT

Chuck Barrett, representing the Chamber, George Hanus and Lawrence Friedman representing Aetna Development, Randy Granath and Bob Blasko, and residents Joe Sgarbossa, Glenn and Paula Kayler, Paula Moore, Janice Molenaar, and John Berg. Planning and Economic Development Commission Chair Michael Schiestel and Kevin Lentz, who is being appointed at this meeting.

Joe Sgarbossa, 1006 South Road, stated he heard at the Public Works meeting that the building will be costing the Village \$200 square foot. Why would the Village pay that when they could get a building for \$46,000 used because of the poor economy.

Glenn Kayler, 1017 North Road, stated many people are not happy about the Public Works garage. The Village is doing the wrong thing, spending the wrong amount of money and in the wrong place. He suggested buying or leasing the Com Ed land and building it there.

Randy Granath and Bob Blasko, from TinMans Pub, explained they are hosting a welcome home party for four World War II Veterans from their Honor Flight Trip on October 3rd at TinMans Pub. The party is being sponsored by the Veterans Network Committee. The Cary-Grove High School Band will play, the Warrior Watch will escort home the Veterans, President Nunamaker, Senator Althoff and State Rep Michael Tryon will all be speakers. He has invited CBS and the Herald, too. He has gotten permission from Ted Wagner to cordon off an area in the parking lot. Mr. Granath spoke with Police Chief Lukasik about a sound permit and to allow beer in the cordoned off area. They would check ID's and have wristbands. President Nunamaker stated it was not possible to have liquor outside of the pub without a permit. Mr. Blasko suggested pouring the alcohol inside, and the Village giving special allowance to take it outside in plastic cups. He has a State and Village license and has liability and dram shop insurance. Attorney Donahue stated that his insurance probably only covers serving inside his building and not in the parking lot. He also thinks a state temporary event license is needed. President Nunamaker took a consensus of the Board and they are all agreeable with the following conditions ~ Mr. Blasko gets a one-day temporary license

from the state; the area is cordoned off; they have wristbands; they have dram shop insurance coverage; they get a sound permit and they agree to pay for the extra police. They need to bring everything to the Village Hall when they have it. President Nunamaker is the Liquor Commissioner and can sign off without it having to be brought to the Village Board.

Paula Moore, 1014 North Road, asked if it would be possible for the Village Board to re-vote on the Public Works Facility, looking at a lease option. She stated in the June 3, 2010 Public Works meeting the Village Engineer stated it is going to cost \$25M to fix the entire system. Some of our sewer system dates back to 1923. The residents would need to put in overhead sewers to eliminate wastewater in their basements. This is very important information.. The Board should move the Public Works Facility to an industrial park where it belongs and use the money to update our sewer plant. President Nunamaker stated the Board could not re-vote tonight because it is not on the agenda. Trustee Blohm stated that if Ms. Moore is referring specifically to the building in Cary, the building itself is not move-in ready, it is not tall enough, there are not enough parking spaces, and for the Village to go into another town, we would want it to be tax-exempt and they will not want that. She added the Village has not gone formally in front of their Board to ask for the tax-exemption, but she is pretty sure they will not allow that. Trustee Menzel added that he had investigated moving into the Pepper Road area and had spent much time on that. Residents do not want to go out of the Village for the Public Works Facility. Ms. Moore reiterated that the Village does need new sewers. Spend \$25M to fix that. That is a wise use of money. She asked who the Village has as the contractor that will dispose of contaminated soil. Trustee Blohm stated the soil has been tested and there are no contaminated spoils. Ms. Moore then asked about the permit from the Army Corp of Engineers. President Nunamaker stated it is not required.

John Berg, 400 Woodbine, stated he is not on water and sewer, so this would not affect him. He goes around to different towns and builds skateboard parks – over 120 towns. He attended the last meeting and was concerned that not one person asked the architect his costs. It seemed like no one cared. He asked if that is responsible. Is this the only plan available. He stated the Village is a small community and we do not need a taj mahal. He has not seen any fiscal responsibility from the Board. Trustee Blohm stated that at the end of the meeting he attended, the architect was asked to send a proposal of the fees and changes. Trustee Menzel added that five years ago we turned down an \$8M proposal. Mr. Berg asked when and where the budget was decided. President Nunamaker stated there is a lot on the agenda this evening and invited Mr. Berg to come to Village Hall and he would be happy to go over it with him. Mr. Berg said this should all be in the newsletter. President Nunamaker stated it was in the newsletter. He added that the Village is aware the sewers need work and all of the Board is very concerned about costs.

Janice Molenaar, 105 South Road, stated the residents are intense about this building not going in their neighborhood. She told the Board all their faces look bored, but they will keep coming back. She added that the Village says Cary building is not big enough or tall enough. There are also several dealerships on Route 14 that are available and could be rented. He went on to explain the Village is making a major investment and does not want to cut corners. The Board promised Welch's subdivision they will have a good looking building.

VILLAGE PRESIDENT'S REPORT

~ President Nunamaker read a proclamation declaring September 17 – 23rd as Constitution Week.
~ Sente, Rubel, Bossman & Lee Architects (SRBL) Garage Redesign/Re-budget – The Board had a meeting on Monday night. We told the architect we wanted future items to be added. This would use the space of four bays to achieve a maintenance area. It is a fee of \$3,500 – and he asked if the Board wants to approve it. Trustee Knar commented that he was heartened that his fellow Trustees realized that Phase II was impossible. He asked what the plan would be when we do not have enough money to complete this and still don't have a place for offices. Trustee Blohm stated that SRBL have seen bids coming in less and then we would have enough money. Trustee Knar added there should be some effort at cost reduction. He is not comfortable spending \$3.5M and not having

offices. Trustee Blohm also said that if we do this now, the money planned in the ten-year capital, for Phase II, we may not have to spend. Administrator Osten stated that that ten-year plan is for sewer rehab not the garage. Trustee Menzel asked what happens if the revisions cost a lot more. We haven't made a vote on what we will do. To spend \$3,500 to design and then go back to where we were would not be good. The big spending will be when the IEPA comes in and tells us what we need to do. We really are in a tough spot.

Trustee Ireland made a motion to approve entering into a contract with Sente, Rubel, Bosman and Lee (SRBL) Proposal Number P10958 not to exceed \$3,500. Trustee Blohm seconded.

Trustee Tuman thought the repair area would be 2,400 square feet. Now it's adding storage spaces, combined work area and mechanics offices. Trustees Ireland and Blohm both replied that Mr. Wright is just detailing out the four bays and what will be included. Trustee Ireland complimented Trustee Tuman from suggesting the bump out to fit longer vehicles (at the Monday night meeting) and stated that he can amend his motion to change the proposal to have five spaces rather than four. Trustee Figurski replied that the zoning for this building is that all the vehicles are parked inside. Trustee Tuman stated he just wants to be sure this will work for the area. He does not want to waste \$3,500 and wants to be sure it is what we want. Administrator Osten added that Mr. Wright is going to take out the four bays and then discuss with Superintendent Huizinga and Mechanic Churchill to see what is really needed. We would have two bids – one with the proposed bays and the second with the bump out at the side. Trustee Knar stated it sounds good, but that will be two sets of plans and will cost more money.

President Nunamaker stated that Phase II was hundreds of thousands of dollars, maybe \$1M – the Village could save money by not going into Phase II. He added he would like to change the wording to “a bump out not to exceed 2,000 square feet”. Trustee Blohm stated she is not sure if that could be done, because of the turning radius of the vehicles. It was decided to leave the number of spaces used to four. A roll call vote was taken and the motion did not pass. Trustees Ireland and Blohm voted yes and Trustees Figurski, Knar, Menzel and Tuman voted no. Trustee Blohm asked if this means we are just going ahead with the parking facility. Yes.

Lawrence Friedman and George Hanus representing Aetna Development spoke next. Aetna is who developed the Walgreens corner at Routes 14 & 22. They are interested in the 910 Northwest Highway next to the Walgreens development. They are asking the Village for development incentives. They explained it is difficult to get financing now and they can't do so conventionally. They are not requesting the Village give them money, but since the property is located in a TIF (Tax Increment Financing) area, they would like some consideration to being able to share TIF and sales tax revenues to create some relief. They have a meeting with the Village Planner, Al Maiden from Rolf C. Campbell & Associates and an architect tomorrow. Trustee Menzel stated this was discussed in Finance. All were in favor of getting something started. The Committee would like a letter with more information noting the TIF eligible expenses and the typical cost of each expense. There may be a problem with the groundwater and/or soil. They would like the information to staff, so it can be presented at the Finance meeting in October and they can make recommendation to Village Board. Trustee Blohm added she would like to see two examples – on a straight split and then a split of the difference. This is what we have done in the past and we may want to do that again. Attorney Donahue explained the TIF can be used for extraordinary expenses. He added we may want to limit to extraordinary development costs. Trustee Figurski stated that Walgreens site has substantial peat and problems, but River Pointe did not. Mr. Hanus stated he has been in business for forty years and is one of the few developers still building now. Mortgage money is tough to get, so if they can be part of the TIF, the costs are split for 13 more years, until the end of the TIF. This will bring jobs. The previous developer has done extensive studies and shows there is extensive peat in the area. The developer will also have to accommodate the water run off. Standards have gone up. There is already an easement with it. Mr. Hanus said if we can get

momentum going, we can start quickly. President Nunamaker took a consensus of the Village Board and all were in favor of moving forward.

President Nunamaker introduced Kevin Lentz to the Village Board. He would like to appoint him to the Planning and Economic Development Commission. **Trustee Knar made a motion to concur with President Nunamaker's appointment of Kevin Lentz to the Planning and Economic Development Commission. Trustee Menzel seconded.** It was approved by a roll call of six yes votes.

LEGISLATIVE REPORT

Trustee Figurski reported he had not attended the Northwest Municipal Conference meeting last evening.

CONSENT AGENDA

Trustee Menzel made a motion to establish the consent agenda. Trustee Blohm seconded.

Trustee Blohm asked for item C to be removed from the agenda. The agenda includes ~

- A. Accounts Payable, August 2010
- B. B&W, PW Garage ZBA -- \$865
- C. B&W, GPS Purchase & Training -- \$5,992.51
- D. B&W, 2010 Road Program -- \$20,654.64/\$22,983.67/\$105,000
- E. Reeves Drive Part, Flo-Lo Corp. -- \$1,850
- F. Pavement Striping , SRS -- \$4,634
- G. 2010 Road Program, Schroeder Asphalt Services -- \$243,176.38/0/ \$1,049,871.99
- H. Koenig & Strey, Downtown Consulting -- \$2,215/\$31,552/\$52,500
- I. RCCA, PW Garage ZBA -- \$2,266.05
- J. RCCA, PW Garage ZBA -- \$1,172.50

The motion to establish the consent agenda was approved by a roll call of six yes votes. **Trustee Blohm made a motion to approve the consent agenda excluding item C. Trustee Knar seconded.** It was approved by a roll call of six yes votes.

Trustee Ireland stated that item C – the GPS Purchase & Training for \$5,992.51 was brought to both Public Works and Finance in July and Village Board in August. The amount has been \$5,550 and now it is \$5,992.51. In all the discussions there has never been any mention of training. He was not aware there was an additional cost for training. This has not gone through Public Works, Finance or the Village Board. He would like an explanation. This is not what has been approved – it needs to be put back on the Public Works agenda.

FINANCE AND ADMINISTRATION COMMITTEE REPORT

~ Trustee Menzel reported there was a lengthy discussion at Finance regarding the 2010 Debt Certificate repayment schedule.

~ Aetna was discussed in the beginning of the meeting. Trustee Blohm asked Administrator Osten to make a summary of the other TIF arrangements.

PUBLIC WORKS REPORT

~ **Trustee Ireland made a motion to adopt an ordinance amending Chapter 23 “Water and Sewers”, Article IX “Groundwater Protection Regulations – Chemical Substance Controls” of the Code of Ordinances of the Village of Fox River Grove, McHenry and Lake Counties, Illinois. Trustee Blohm seconded.** This has been discussed for several months and the Village adopted the County and Illinois Environmental Protection Agency’s ordinance guidelines. This motion was approved by a roll call of six yes votes. This will be Ordinance 2010-28.

~ Emergency/Event access from Ski Hill Road to Gardner Road was discussed at Public Works. The Village Engineer and Superintendent of Public Works looked at the area and determined it would be very difficult and expensive to do. It is an nice idea, but too costly.

PUBLIC HEALTH & SAFETY COMMITTEE REPORT

Front yard fencing was discussed and it was decided not to refer this to the Zoning Board of Appeals. Trustee Tuman does not see anything wrong with chain link fences and does not think this is something we need. Trustee Blohm stated she is not in favor of the ordinance, but appreciated that the Zoning Board saw what other communities were permitting and appreciate they brought this up.

~ **Trustee Figurski made a motion to adopt an ordinance authorizing the sale of certain items of personal property. Trustee Ireland seconded.** This is for a 2001 Ford Crown Victoria. This will be Ordinance 2010-29.

VILLAGE ATTORNEY'S REPORT

Attorney Donahue had no report.

VILLAGE ADMINISTRATOR'S REPORT

Administrator Osten stated that Mr. Graft of MJG Builders is asking to extend his due diligence to October 25th, because the Zoning Board of Appeals meeting has not taken place yet. They meet on September 22, 2010. **Trustee Figurski made a motion to extend the due diligence period to October 25th for MJG Builders. Trustee Knar seconded.** It was approved by a roll call of six yes votes.

VILLAGE CLERK'S REPORT

~ **Trustee Knar made a motion to waive the fidelity bond requirement for the FRG Lioness Club Pasta Dinner Raffle on November 7th. Trustee Ireland seconded.** It was approved by a roll call of six yes votes.

~ **Trustee Tuman made a motion to waive the sound permit fees and requirements for the "Welcome Home Party" October 3rd, 2010 at Tinmans Pub sponsored by the Veterans Network Committee. Trustee Knar seconded.** This is for four World War II Veterans that are coming home from their Honor Flight trip. It was approved by a roll call of six yes votes.

OTHER BUSINESS AND ANNOUNCEMENTS

~ President Nunamaker congratulated Deputy Clerk Barb Majkrzak on her letter of commendation from the Boy Scouts. She has been a dedicated leader for many years. Congratulations to her.

~ This weekend is the Norge Ski Club Tournament. It is free Saturday and Sunday is their main event. Be sure to try and attend.

~ Trustee Tuman proposed a moratorium on leaving our ordinances just the way they are for the rest of this year. We have no money. Trustee Knar added that John Spurgeon does a great job for the two days he is working here. Trustee Tuman added he has enough to do in a short time. Trustee Blohm stated the Board needs to do a better job of thinking things through before asking staff to do more. President Nunamaker absolutely agrees.

~ Trustee Blohm commented the Public Works Facility has been an extremely difficult decision for everyone, but she thinks the Village is doing a disservice to everyone by not doing a study or adding repair bays now. In four years, when we have to tear down the present facility, all we will have is a storage facility – no offices or repair area. Trustee Knar added the Village should reduce the size of the building. That is going to be the only way to reduce the cost.

EXECUTIVE SESSION

~ Trustee Menzel made a motion to enter into Executive Session at 8:55 p.m. Trustee Knar seconded. All were in favor. Trustee Ireland made a motion to leave Executive Session and return to Village Board meeting at 9:09 p.m. Trustee Blohm seconded. All were in favor.

ADJOURNMENT

~ Trustee Menzel made a motion to adjourn the Village Board meeting at 9:09 p.m. Trustee Blohm seconded. All were in favor.

Robert J. Nunamaker, Village President

Date Approved

Donna M. Brouder, Village Clerk