

MINUTES OF THE REGULAR BOARD
MEETING OF THE PRESIDENT AND BOARD OF TRUSTEES
THURSDAY, MARCH 17, 2011

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 Blohm, Figurski, Ireland, Knar, Menzel and Tuman. Attorney Donahue, Chief Lukasik, Treasurer Toppel, Administrator Osten and Village Clerk Brouder were also present.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was recited.

APPROVAL OF MINUTES

~ **Trustee Knar made a motion to approve the minutes of the February 17, 2011 Village Board Meeting. Trustee Ireland seconded.** It was approved by a roll call of six yes votes.

VISITOR'S PRESENT

Present were Walter Weinert, Ted Johnson, Sam Miyuskevich, Kevin Long, Joe Sgarbossa, Glenn & Paula Kayler, CAHMCO (Corporation for Affordable Homes in McHenry County) Representative Kim Ulbrich, as well as Trustee candidates Michael and Chester Olencheck, Joanna Colletti, Michael Schiestel, and John Gagliano.

President Nunamaker stated the Village had received a letter from the attorney for the Bettendorf Castle (Michael & Judy Strohl, 418 Concord) withdrawing their pending zoning application. He read the audience the letter.

Ms. Ulbrich, Representative for CAHMCO (Corporation of Affordable Homes in McHenry County) will speak when that item is discussed.

Walter Weinert, 903 Lincoln Avenue, stated the Village should consider using solar power for the new maintenance building. Where he lived before, he had installed an 80 foot windmill and was able to save considerable money. He said the building should face south. He also said he is still going to court for the police incident one year ago and asked the Village if they could help him. President Nunamaker stated that we have checked and we can't do anything now, as it is in the court system.

Ted Johnson, 420 Concord, stated that at the December 7, 2010 Public Health & Safety meeting, Trustee Knar asked the process for a zoning case. He was told setting up an escrow, consultants reviewing the application and the Village would set-up a hearing date. Mr. Johnson wanted to know about the escrow being set up for the Strohl's zoning application. It was explained Village ordinances only address commercial cases not residential. Mr. Johnson asked if the Village is doing

anything about that? Will they collect the money spent for consultants and attorneys from the Strohl's? Administrator Osten stated it is on tonight's agenda to change the ordinances. President Nunamaker added the Village has not received any bills yet, and has not given up trying to recover the costs involved. Mr. Johnson asked if using a consultant is common for all cases. If this comes up again, can the public ask the consultant questions? Administrator Osten stated the Village tries to get the questions answered before the meetings. Trustee Blohm added that the Trustee's sometimes ask the same questions as the public. President Nunamaker reminded him that he is available for questions every Tuesday morning from 9 – 12 at the Village Hall.

Joe Sgarbossa, 1006 South Road, stated Welch's drainage has been in future considerations since 2006. He wants to know if it will be moved to the current budget. No, it will not.

VILLAGE PRESIDENT'S REPORT

President Nunamaker announced the 7th Grade Middle School girls won the Conference Championship in volleyball.

LEGISLATIVE REPORT

~ Trustee Figurski stated Randy Blankenhorn, Executive Director of Chicago Metropolitan Agency for Planning (CMAP) attended his meeting. He talked about the new comprehensive plan, local funding, air quality and unified work programs. CMAP is reviewing tax sharing. Currently 40% goes to northern Illinois and 60% goes to southern Illinois. They want to change it to 60% to the north and 40% to the south.

~ President Nunamaker reported that McHenry County Council of Governments (MCCOG) is still focusing on water supply. He is also a member of the Northwest Planning Alliance and they are both looking for things that can be done.

~ He reported the bill to direct deposit funds directly into municipal accounts passed the house and is now in the senate.

~ He also reported that small municipal projects under \$20,000 will not have to pay prevailing wage.

~ President Nunamaker has been appointed to the Metra Planning Board.

CONSENT AGENDA

~ **Trustee Blohm made a motion to establish the consent agenda. Trustee Ireland seconded.**

Items D and F were asked to be removed. The agenda items being included are ~

- A. Accounts Payable, February 2011
- B. B & W GIS Sanitary Sewer: \$4,850 / \$1,002.50 / \$7,000
- C. Lake County SMC Review Fee: \$5,440
- E. Building Repairs: Roof Drains \$1,900; Roof \$14,300; Windows \$3,036 = \$19,236
- G. Cost Savings Award, Donna Brouder: \$100
- H. Auditor Contract
- I. Ordinance: Recovery of Consultant's Zoning Costs

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 with items D & F removed. Trustee Tuman seconded.** It was approved by a roll call of six yes votes. The Ordinance for the Recovery of Consultant's Zoning Costs will be Ordinance 2011-07.

The fee waiver request for CAHMCO is actually \$965. **Trustee Figurski made a motion to waive the fee of \$965 for a building permit. Trustee Tuman seconded.** Trustee Ireland is concerned about waiving fees with our current budget. Also, what happens when a private citizen wants their fees waived? Our budget is so tight, he does not feel we can afford to lose \$965. Trustee Tuman agrees – the Village just does not have the funds. Trustee Knar stated a private citizen rehabs for profit. Ms. Ulbrich stated that CAHMCO fixes up the homes for rental, but also to help stabilize the

area. This home is close to the train and hospital and they are spending about \$78,000 to fix it up. Trustee Menzel added this saves the area from being blighted. The motion passed by a roll call vote of five yes votes and one no vote. Trustee Ireland voted no.

~ **Trustee Menzel made a motion to pay \$1,200 to Algonquin Township for four phones for the Village's disaster set-up. Trustee Figurski seconded.** This was discussed at the Finance meeting. The Village has a second Village Hall set up in the event of a disaster and the Village Hall would not be habitable. The township has just replaced their phones and we asked them for four phones. Trustee Knar asked about using cell phones. The Village's phone numbers would be transferred to the township building in case of disaster. The motion passed by a roll call of four yes votes and two no votes. Trustees Ireland and Knar voted no.

PUBLIC WORKS REPORT

~ Trustee Ireland reported that the \$1,200 for engineering re-design work of North River Road in the contract should be removed because the work was done last year. This would reduce the cost to \$47,300.

~ Trustee Ireland stated the Village will be partnering with Cary to do testing of the river water. This was a recommendation from Larry Thomas based on future EPA mandates. Both communities approved up to \$2,800 and Baxter & Woodman has already submitted the testing protocol to the EPA and is waiting for approval. There was a discussion regarding the split of the costs. Possibly it should not be split down the middle. Trustee Tuman added that not everything should be broken down to dollars and cents. We share many things with Cary. Trustee Ireland stated Cary does have all the equipment to do this.

~ **Trustee Ireland made a motion to approve the Lake Barrington/Fox River Grove Intergovernmental Agreement for water & sewer services. Trustee Figurski seconded.**

Trustee Ireland said the Public Works Committee recommended approval of these revisions. They included increase of fees paid to Fox River Grove, an automatic fee escalator based on price index, a revision to the tap-on fee formula, and a list of circumstances under which interconnect can be opened between Fox River Grove and Lake Barrington water systems expanded. The motion was approved by a roll call of six yes votes.

~ Trustee Ireland also reported that road maintenance and snow removal will be discussed at the April Public Works meeting and parking pads will be in May's discussion.

PUBLIC HEALTH & SAFETY COMMITTEE REPORT

There was no report.

VILLAGE ATTORNEY'S REPORT

~ Attorney Donahue stated the Harrison & Associates will be discussed after Executive session.

~ Attorney Donahue explained the alley assessment bonds are paid and there is a surplus of \$14,218.28. The Village will need to pass a resolution rebating public benefit assessments Special Assessment No. 1. **Trustee Figurski made a motion to adopt a resolution rebating public benefit assessments Special Assessment No. 1. Trustee Ireland seconded.** It was approved by a roll call of six yes votes. This will be Resolution 2011-02.

VILLAGE ADMINISTRATOR'S REPORT

~ Administrator Osten reported the Village's current internet provider is going out of business and Administrator Osten is in the process of locating another provider. He would like the Board's authorization to enter into a contract with a new provider. **Trustee Blohm made a motion to authorize Administrator Osten to enter into a contract for internet service with the President or Finance Chair's agreement. Trustee Menzel seconded.** It was approved by a roll call of six yes votes.

~ Administrator Osten stated that a Harbor Team member asked him if it would be OK with the Village to get a 20' boat and pier for the Village's harbor. Presently the agreement with the Harbor Team only allows a 19' boat and pier. Administrator Osten stated that the member needed to bring

a letter from the Harbor Team stating their agreement and he would bring it to the Village Board. Administrator Osten has not received anything.

VILLAGE CLERK'S REPORT

Nothing to report.

OTHER BUSINESS AND ANNOUNCEMENTS

No report.

FINANCE AND ADMINISTRATION COMMITTEE REPORT

The budget will be on display at the Village Hall by April 8, 2011. **Trustee Menzel made a motion to approve the General Fund budget revisions listed on the Budget Revisions and Updates memo dated March 16, 2011 (attached) from Treasurer Toppel and Administrator Osten. Trustee Figurski seconded.** There was a question about the \$70,000 increase in income tax. The Village will be receiving two more months, but doesn't know if it will be this fiscal year or next fiscal year. Trustee Ireland stated the increases are speculative and would like to include only half that amount for income, sales and use taxes. He also questioned the weather service for Streets and Parks at a cost of \$151.66 per month. There are many free weather services they could use. **Trustee Ireland made a motion to remove the weather service.** Trustee Menzel stated Superintendent Huizinga convinced the Finance Committee this is necessary. The weather service is more accurate to Fox River Grove and that is very helpful when having to call out employees. It does save money on overtime. The motion did not receive a second and died. **Trustee Menzel restated his motion for approval of the 14 items listed on page #1 of the Budget Revisions and Updates memo dated 3/16/11. Trustee Figurski seconded.** It was approved by a roll call of five yes votes and one no vote. Trustee Ireland voted no.

Trustee Tuman suggested eliminating hiring a band for fireworks for \$500 under Special Events. Trustee Figurski had no changes. Trustee Knar thanked Treasurer Toppel and Administrator Osten for the memo. He stated the operating deficit is \$80,000 and he is comfortable with that. President Nunamaker also thanked Treasurer Toppel and Administrator Osten. Trustee Blohm had questions about the road program. The \$321,900 does not include the \$47,300 engineering for North River Road. She would like to just do North River Road and leave the remaining for next year. President Nunamaker took a consensus of the Board if they would like to leave the road program as is and five Trustees said yes and one no. Trustee Blohm said no. Trustee Ireland added that we have very limited dollars for road maintenance ~ last year was \$75,000 and this year was \$70,000. This is 28% less than three years ago. The Board could do a budget amendment or put extra money into to budget. Trustee Knar added that we spent more this year that we thought and asked if this is a realistic number. Administrator Osten stated Superintendent Huizinga said this is what they would need. Trustee Ireland brought up the budgeted amount for legal. His concern is that it is not realistic with all that is going on. Trustee Menzel added he is concerned about the legal, too.

Trustee Menzel made a motion for a 5% increase of Water & Sewer rates beginning May 1, 2011. Trustee Figurski seconded. Trustee Knar would like to keep rates low for the next year or two. Administrator Osten stated the Federal EPA has been putting pressure on the State EPA. The Village may have to consider putting Phases 3 & 4 together. We don't know what changes will happen and when they will happen. We need to write our legislators. They need to be consistent. The motion was approved by a roll call of five yes votes and one no vote. Trustee Ireland voted no.

Trustee Tuman asked about the Water & Sewer camera. He understands the infrastructure needs to be looked at. He suggested budgeting ½ this year and ½ next year of the \$77,000. We could rent the camera this year or the Village of Cary has one that we could borrow. Trustee Knar said if we

are considering buying in a couple years, we should just do it so we can get started on our infrastructure plan. After further discussion, it was decided to keep the camera in this year's budget.

There was a question about Route 22 and why we took it out of our budget. President Nunamaker stated he had spoken with Illinois Department of Transportation and it is not projected to happen for at least ten years out.

Trustee Menzel thanked Administrator Osten and Treasurer Toppel for all their hard work on the budget. It is appreciated.

EXECUTIVE SESSION

~ Trustee Ireland made a motion to enter into Executive Session at 9:10 p.m. Trustee Menzel seconded. All were in favor. Trustee Menzel made a motion to leave Executive Session and return to Village Board meeting at 10:35 p.m. Trustee Figurski seconded. All were in favor.

Trustee Figurski made a motion to approve the contract with Harrison & Associates for the McCarthy versus Village lawsuit. Trustee Menzel seconded. It was approved by a roll call of six yes votes.

Trustee Menzel made a motion for a salary increase of 2% for non-exempt and non-union employees. Trustee Figurski seconded. It was approved by a roll call of four yes votes and two no votes. Trustees Blohm and Knar voted no.

ADJOURNMENT

~ Trustee Menzel made a motion to adjourn the Village Board meeting at 10:42 p.m. Trustee Knar seconded. All were in favor.

Robert J. Nunamaker, Village President

Date Approved

Donna M. Brouder, Village Clerk