

**MINUTES OF THE REGULAR BOARD**  
**MEETING OF THE PRESIDENT AND BOARD OF TRUSTEES**  
**THURSDAY, MAY 20, 2010**

**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, and Menzel. Attorney Donahue, Chief Lukasuk, Administrator Osten and Village Clerk Brouder were also present. Trustee Tuman was absent.

**PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was recited.

**APPROVAL OF MINUTES**

~ **Trustee Figurski made a motion to approve the minutes of the April 15, 2010 Board Meeting and May 11, 2010 Special Board Meeting. Trustee Knar seconded.** It was approved by a roll call of five yes votes.

**VISITOR'S PRESENT**

Present at the meeting were Cole Stapleton and Stephen Kendeigh with a presentation for a light show at the Fireworks, residents Glenn & Paula Kayler and Joe Sgarbossa from Welch's Subdivision, Chamber representative John Opatrny, Michael Graft of Michael Graft Builders, PEDC member Michael Schiestel, and John Terrell and Ken Busse from Koenig & Strey.

Cole Stapleton and Stephen Kendeigh did a presentation about having a light show before the Village Fireworks on July 10<sup>th</sup>. They would be selling advertising to local businesses that would flash on the screens during the light show to cover their expenses. The Trustees were impressed with the presentation and thought this would be worth pursuing. **Trustee Figurski made a motion to give conditional approval upon further review with the Fireworks Committee and the Public Health & Safety Committee. Trustee Blohm seconded.** This would not cost the Village any money. It was approved by a roll call of five yes votes.

Joe Sgarbossa stated Welch's subdivision flooded after 3 ½ inches of rain. The Village's retention pond does not have the capacity. He stated that Baxter & Woodman indicated putting a drain in and removing the fill would help the flooding. Village President Nunamaker stated that it is in the budget. Mr. Sgarbossa also stated that by putting the Public Works facility there, it would cause even more water to go into Welch's subdivision. Also, that IDOT would require the Village to install curbs and gutters.

Glenn Kayler asked when the Zoning Board would vote on the zoning for the facility. The zoning hearing is May 26<sup>th</sup>, then it goes to Public Health & Safety and the Village Board. He asked it there

was any petition available to change where the Public Works facility will be built – maybe go to Cary. Village President Nunamaker stated there is nothing that he is aware of. Trustee Ireland stated this is already approved and reiterated that the Zoning Board recommends to Public Health and Safety and they forward to the Village Board. Trustee Blohm stated that the Village looked at the Cary facility available for \$1.5M and about another million would have to be spent to make it work for the Village. Trustee Knar added that residents do not want the facility to be outside of Fox River Grove. That would be inefficient. And also the Village of Cary will not be agreeable to having that property tax exempt. Mr. Kayler then questioned the agenda item – Ordinance: Sale of Village Property. MJG Builders is buying part of the Village’s property on County Line Road. Mr. Kayler stated he had heard there was a major landfill on that property and that the soil is contaminated. President Nunamaker stated that the Village Engineer did a soil sample on the property and the majority of it will be removed because it is too high. Mr. Kayler wanted to know what the agenda item for site work contract was. Attorney Donahue explained to the audience that is a contract between the Village and contractor who is removing the spoils on the Village property. Mr. Kayler asked if the contractor is aware that it is swampland. President Nunamaker stated the contractor has been on the property and knows how to work with the land. Mr. Kayler also asked the cost of preparing the soil. The Village does not have any separate numbers on that yet. Mr. Kayler also questioned the setback rules and asked doesn’t the Village have to follow rules. Administrator Osten stated the setback is about 30 feet and the Village planner is putting together a list of items that will need to be reviewed.

Trustee Blohm stated she was on the Village Board years ago when this all began. The Village looked at every possible property available and commercial places. After years of investigating, this site was decided on. This has been in the planning for several years. Mr. Kayler stated Doyle Road had an area for sale and wondered why the Village never purchased that. He also stated they were never notified. Trustee Blohm stated that the Village followed all procedures.

### **VILLAGE PRESIDENT’S REPORT**

~ President Nunamaker read a proclamation stating that May is “Look at Local History Month”.

~ President Nunamaker read a proclamation supporting the “Leave No Child Inside” initiative.

~ President Nunamaker re-appointed Don Kendeigh, Rich Lauritsen and Mick Welch to the Planning & Economic Development Commission for another term. Due to health problems, Mr. Kendeigh will be stepping down as Chair and Mike Schiestel will be the new Chairperson. On the Zoning Board of Appeals he re-appointed Rich Murren. Nina Haselhorst has resigned after serving ten years on the board, so there is an opening for a position on the Zoning Board of Appeals.

Joanna Colletti was re-appointed to the Parks Commission. **Trustee Figurski made a motion to concur with the appointments. Trustee Blohm seconded.** The motion was approved by a roll call of five yes votes.

~ President Nunamaker thanked all the volunteers and participants in the bike race. This event started in 2006 with 48 riders. In 2010 there were 230 riders. Everyone appreciated it, participants and audience as well. There were some difficulties with deer and parking that will need to be addressed for next year.

~ The Salvation Army will be in town fundraising June 4<sup>th</sup> & 5<sup>th</sup> and November 19<sup>th</sup> until December 24<sup>th</sup>.

~ The purchase of property will be discussed after Executive Session.

Koenig & Strey Presentation ~ John Terrell from Koenig & Strey informed the Village that they have made very good progress. There have been very positive meetings with property owners. They are on board and waiting to hear from Mr. Terrell for the next step. Koenig & Strey are positive and encouraged.

Leslie Murphy, who was part of the original team for Task #5, Financial Feasibility has taken another job with Skokie, so Mr. Terrell introduced Ken Busse, from Busse Consulting, Inc., who will take her place. He is a financial analyst and has been in real estate development and urban planning for the past thirty years. He started Busse Consulting, Inc in 2002. His company negotiates with developers and works with intergovernmental agreements. He has worked with Ms. Murphy in other communities. He applauds the Village being proactive rather than reactive.

Mr. Terrell anticipates discussions with landowners and developers in Tasks 7 & 8 specifically for the properties in Area 1 along Northwest Highway in front of Village Hall and Area 2 near the library. There was some discussion on what has taken place already and the anticipation of the assemblage of properties and what people want to see in each place. It was decided that Mr. Terrell would come to the June 17<sup>th</sup> meeting and give more specific information. **Trustee Figurski made a motion to replace Leslie Murphy, of Griffith Murphy Consulting with Ken Busse of Busse Consulting, Inc. Trustee Blohm seconded.** Trustee Knar asked is this increases the budget. Ms. Murphy was the consultant included in the \$50,000 budget, so there is no increase. It was approved by a roll call of five yes votes.

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

Attorney Donahue explained the ordinance for the sale of Village property. MJG Construction L.L.C. will pay \$188,000 with \$10,000 earnest money down. Mr. Graft will have sixty days for a due diligence period. MJG Construction L.L.C. will have until July 26, 2010 to evaluate the real estate and determine whether it is satisfactory for their intended uses and needs.

The ordinance approving a construction contract with MJG Construction L.L.C. is for the Village's project site work. It is more efficient to move the spoils and vegetation off both properties at the same time, and to expand the water detention area. These items were all included in the bid. Any change orders would be at an additional cost. This all benefits the Village as far as cost and efficiency. Trustee Blohm asked if the new detention pond would help Welch's subdivision. President Nunamaker stated that the street is high and the sides slope, so the water runs down the sides. He drove through Welch's after the rain. Administrator Osten stated that the Village property never added to the drainage problems.

~ **Trustee Menzel made a motion to adopt an ordinance approving a (1) contract for the sale of certain municipal owned property and (2) the execution of a deed and other related documents necessary to transfer title to certain municipal owned property. Trustee Figurski seconded.** It was approved by six yes votes ~ Trustees Blohm, Figurski, Ireland, Knar, Menzel and President Nunamaker. Trustee Tuman was absent. This will be Ordinance 2010-17.

~ **Trustee Menzel made a motion to adopt an ordinance approving a construction contract with MJG Construction L.L.C. for the removal of spoils/soil, the clearing of vegetation and the excavation necessary to expand a detention basin. Trustee Figurski seconded.** It was approved by five yes votes. This will be Ordinance 2010-18.

### **CONSENT AGENDA**

**Trustee Figurski made a motion to establish the consent agenda. Trustee Knar seconded.**

Trustee Knar asked to remove item 7E, the tree replacement for Hunters Farm from Gro in the amount of \$1,825, from the consent agenda. The agenda includes ~ Accounts Payable April 2010; B) Squad Car Replacement - \$29,500 [Vehicle Replacement Fund]; C) Northern Illinois Municipal Natural Gas Franchise Consortium - \$955.72 [General Fund]; D) Tree Removal: Picnic Grove Detention, Davey Tree - \$1,300 [SSA]; F) Plow Repairs, Don's Welding - \$4,645 [General Fund]; G) Water Tower Vent, Deerfield Construction - \$1,500 [W & S Fund]; H) Road Patching, Best Bid - \$20,000 [General Fund]; I) 2010/2011 Road Program, Schroeder Asphalt - \$1,049,871.99 [2010 Bond]; J) 2010 Road Program Design Engineering, B&W - \$28,030.27 + \$47,969.73

(0/\$76,000)[2010 Bond]; K) Lincoln Road Construction Engineering, B&W - \$1,043.72 (\$29,018.71/\$31,738.99)[Gen. Fund]; L) Algonquin Road Construction Engineering, B&W - \$218.55 (\$1,391.96/\$28,318.40) [Grant]; M) Public Works Garage Planning Assistance, B&W - \$315 [Contract – TBA]; N) Koenig & Strey \$4,117.50 (\$3,026/\$17,000) [General Fund]. The motion was approved by a roll call of five yes votes. ~ **Trustee Knar made a motion to approve the consent agenda except item 7E. Trustee Figurski seconded.** The motion was approved by a roll call of five yes votes. ~ **Trustee Knar made a motion to send Item 7E back to Public Works. Trustee Ireland seconded.** This would be setting a bad precedent replacing an 18' tree with another 18' tree. He would like to see a more reasonably sized tree. The motion was passed with a roll call of five yes votes.

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

~ **Trustee Menzel made a motion to approve the Final Addendum to the Accounts Payable Report for April 2010. Trustee Blohm seconded.** It was approved by a roll call of five yes votes.  
~ **Trustee Menzel made a motion to donate \$500 to Algonquin Township for the senior bus service. Trustee Figurski seconded.** It was approved by a roll call of five yes votes.

### **PUBLIC WORKS REPORT**

~ **Trustee Ireland made a motion to approve the park work permit for Tom Burke to clear evasive plants in Hunters Farm Park. Trustee Figurski seconded.** Superintendent Huizinga marked the area. It was approved by a roll call of five yes votes.  
~ **Trustee Ireland made a motion to approve the park work permit to plant a Freeman Hybrid maple tree in honor of Patti MacNamara in Lions Park near the river and baseball field. Trustee Figurski seconded.** It is a tolerant and hardy tree. It was approved by a roll call of five yes votes.  
~ Ms. Cassandra McKinney did a short presentation on water quality, quantity, conservation and education. Very informative. She also said Fox River Grove and Johnsburg are already taking unused and expired medications. Assistant Superintendent Zintl prepared a list of short and long term goals for Fox River Grove. Short term should be quality of water.  
~ Mr. Ben Welisek, Wildwood Lane, attended the meeting and complimented Public Works for clearing brush. Kudos to them.

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

Building & Zoning Consultant John Spurgeon made a suggestion about prohibiting chain link fences in front yards. Should the Village have Attorney Donahue prepare an ordinance on chain link fences in front yards granting a moratorium of maybe 25 years. The useful life is about 15 to 20 years, so 25 years would be too long. **Trustee Figurski made a motion to instruct Attorney Donahue to prepare an ordinance prohibiting all fences in front yard except split rails with a sunset clause of 25 years from date. Trustee Knar seconded.** The motion was not approved. Trustees Figurski and Menzel voted yes and Trustees Knar, Ireland and Blohm voted no. Trustee Ireland suggested sending it back to Public Health & Safety. There is more to think about and the property owners would need to be notified. Going back to committee.

~ Twenty businesses have signed up to be on the "Buy FRG" card. It is out for typesetting and proofs. We'll be getting 550 cards in approximately two weeks. We will have the businesses proof their ads. Trustee Knar thanked the Planning and Economic Development Commission for their hard work – they did a great job.

~ Residents on Concord Avenue attended the Public Health & Safety meeting to talk about the Bettendorf castle. They saw on a Bettendorf castle website that there were going to be events held there and wanted to know what was going on. The Strohl family, owners of the castle, know there are Village requirements that need to be fulfilled before any licenses or permission can be granted. They have also changed their website.

- ~ 413 Woodbine ~ still working with the County.
- ~ A contractor has shown interest in the Five O’Clock Steakhouse property and will be presenting cost estimates to the owner soon.
- ~ Crimestoppers donated surveillance equipment for the Police Department.
- ~ Fox River Grove Lioness donated a police bicycle for the Police Department.

**VILLAGE ATTORNEY’S REPORT (Continued)**

- ~ **Trustee Figurski made a motion to adopt an ordinance amending Sections 3 ( I) and 6 (f) of Article IX (I) (“SIGNS”) of the Zoning Ordinance to increase the allowable size of For Sale and For Rent signs for vacant lots and commercial properties in business zoning districts. Trustee Knar seconded.** The effective date of this ordinance will be July 1, 2011. A commercial business owner could get a special use if necessary. Trustee Blohm asked if the Village could waive fees for a special use and who would have the authority to waive fees. Administrator Osten said that the fees cover the Village’s costs and publications. Attorney Donahue stated a fee waiver would be a Village Board decision. Trustee Blohm said she wanted that option as an effort to promote Economic Development. Trustee Ireland does not want any exceptions. The motion was approved by a roll call of four yes votes and one no vote. Trustee Menzel voted no. This will be Ordinance 2010-19.
- ~ **Trustee Figurski made a motion to adopt an ordinance amending Section 1(a) and 3(e) of Article IX (I) (“SIGNS”) of the Zoning Ordinance to allow shared usage of unattached signs as a special use in business zoning districts. Trustee Blohm seconded.** It was approved by a roll call of five yes votes. This will be Ordinance 2010-20.

**VILLAGE ADMINISTRATOR’S REPORT**

- ~ Administrator Osten reported there are two years left on our Call One phone service contract through the Northwest Municipal Conference. If we continue with them, we will get an extra 5% off rates. We will also get back 5% of last year’s bills which totals about \$1,200. **Trustee Figurski made a motion to continue with Call One. Trustee Blohm seconded.** It was approved by a roll call of five yes votes.
- ~ Administrator Osten asked the Village Board to approve the contracts for the Public Works Facility pending Village Attorney’s review. **Trustee Figurski made a motion to approve the Baxter & Woodman (B & W) contract for engineering services for the Public Works Facility. Trustee Ireland seconded.** It was approved by a roll call of five yes votes. **Trustee Figurski made a motion to approve the Sente, Rubel, Bosman & Lee (SRBL) contract for the Public Works Facility. Trustee Knar seconded.** It was approved by a roll call of five yes votes. **Trustee Figurski made a motion to approve the contract with Urban Forest Management (UFM) for the Public Works Facility. Trustee Ireland seconded.** It was approved by a roll call of five yes votes.
- ~ Administrator Osten also reported that Algonquin Road is done and looks great.

**VILLAGE CLERK’S REPORT**

- ~ **Trustee Knar made a motion to waive the park permit fees for the Memorial Day Parade. Trustee Figurski seconded.** The motion was approved by a roll call of five yes votes.
- ~ The horsing around event was cancelled.
- ~ **Trustee Figurski made a motion to waive the park and sound permit fees and requirements for the Fire Protection District Water fights on July 11<sup>th</sup>, 2010. Trustee Knar seconded.** It was approved by a roll call of five yes votes.
- ~ **Trustee Figurski made a motion to waive the park and sound permit fees for Cary-Grove Jaycees River Jam on August 14<sup>th</sup> and 15<sup>th</sup>. Trustee Ireland seconded.** It was approved by a roll call of five yes votes.

**OTHER BUSINESS AND ANNOUNCEMENTS**

~ President Nunamaker reminded everyone to meet at Algonquin Road School at 8 a.m. for the Memorial Day parade.

~ Trustee Menzel stated that branch chipping is the first Tuesday of the month and that people are putting their branches out and they are sitting there for three or four weeks. This is in the right-of-way. It was decided to send this to Public Works for discussion.

~ President Nunamaker stated that resident Len Buresh was going on the Veterans Honor Flight on May 25, 2010. He served in the Merchant Marines.

**LEGISLATIVE REPORT**

NWMC ~ Trustee Figurski reported that the police pension and State budget are still not decided. Senator Link may bring his amendment to the Police & Fire Pension bill back. If funding drops below 50%, they can use sales tax, real estate tax and MFT funds. This is not a good thing. There are now 82 members in the Pension Fairness coalition.

MCCOG ~ Nothing to report.

IML ~ Nothing to report.

**EXECUTIVE SESSION**

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

**ADJOURNMENT**

~ Trustee Menzel made a motion to adjourn the Village Board meeting at 9:36 p.m. Trustee Blohm seconded. All were in favor.

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Robert J. Nunamaker, Village President

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Date Approved

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Donna M. Brouder, Village Clerk