

**VILLAGE OF HUNTLEY
VILLAGE BOARD MEETING
May 1, 2008
MINUTES**

CALL TO ORDER:

A meeting of the Village Board of the Village of Huntley was called to order on Thursday, May 1, 2008 at 7:00 p.m. in the Municipal Complex Village Board Room 10987 Main St, Huntley, Illinois 60142.

ATTENDANCE:

PRESENT: Mayor Charles H. Sass, Trustees: Jay Kadakia, Harry Leopold, Paul Mercer, and John Piwko.

ABSENT: Trustees Pam Fender and Niko Kanakaris

IN ATTENDANCE: Village Manager Carl Tomaso, Assistant Village Manager David Johnson, Village Attorney Mike Coppedge, Finance Director Jennifer Chernak, Police Chief John Perkins, Village Clerk Rita McMahon, Management Assistant Barb Read, and Recording Secretary Anita Powers of Karick & Associates.

PLEDGE OF ALLEGIANCE:

Mayor Sass led the Pledge of Allegiance.

PUBLIC COMMENTS

None

SPECIAL PRESENTATIONS

1. Administration of the Oath of Office – Police Officer Bradley Kummer and Police Officer Richard Miller

Police Chief Perkins introduced and gave credentials for newly hired Police Officers Bradley Kummer and Richard Miller. Police Chief Perkins congratulated both on meeting the high standards for Huntley Police Officers. Village Clerk Rita McMahon administered the Oath of Office to Mr. Kummer and Mr. Miller.

2. Support of the City of Chicago's Bid for the 2016 Olympic and Paralympic Games

Mayor Sass read the resolution in support of Chicago's bid for the Olympics:

**VILLAGE OF HUNTLEY
RESOLUTION OF SUPPORT FOR THE CITY OF CHICAGO'S BID
FOR THE 2016 OLYMPIC AND PARALYMPIC GAMES**

WHEREAS, the City of Chicago (hereinafter "City") has been selected by the United States Olympic Committee as the U.S. Applicant City for the international competition to host the 2016 Olympic and Paralympic Games; and

WHEREAS, the City and other municipalities in the metropolitan Chicago region are anxious to serve the Olympic Movement by embracing and celebrating the Olympic Games; and

WHEREAS, the Olympic and Paralympic Games represent the best of the human spirit, and Chicago 2016 and the United State Olympic Committee are committed to bringing the 2016 Olympics and Paralympic Games to the United States for the benefit of all and to inspire harmony locally, nationally and globally; and

WHEREAS, Chicago, a world-class city and region with remarkable diversity, culture, history and people, already holds a place in the international community as a city and a metropolitan area of immigrants from around the world who are eager to be ambassadors to visiting Olympic athletes; and

WHEREAS, hosting the Games in the heartland of the country will provide a unique opportunity to enhance the development of Olympic sport in the Midwest and across the nation; and

WHEREAS, the Olympic and Paralympic Games in Chicago would provide a spectacular experience for athletes, the Olympic Family, spectators, residents and the global viewing audience by celebrating the Games in the center of the City and throughout the metropolitan region and in the midst of millions of people who are passionate about sports and will create an energetic spirit in side and outside of the venues; and

WHEREAS, Chicago is one of the transportation hubs of the world and can provide accessible transportation to international visitors through extensive rail, transit and motorways infrastructure, combined with world-class international airports.

NOW, THEREFORE BE IT RESOLVED, that the Village of Huntley supports the City of Chicago and Chicago 2016 as they compete for the privilege to host the 2016 Olympic and Paralympic Games.

BE IT FURTHER RESOLVED that the Village of Huntley pledges its assistance to enhance the efforts of the City and Chicago 2016 to host the 2016 Olympic and Paralympic Games.

Signed and Approved this 1st day of May, 2008.

3. National Historic Preservation Month

Mayor Sass read the resolution recognizing Historic Preservation Month:

NATIONAL HISTORIC PRESERVATION MONTH

WHEREAS, historic preservation is an effective tool for managing growth, revitalizing neighborhoods, fostering local pride and maintaining community character while enhancing livability; and

WHEREAS, historic preservation is relevant for communities across the nation, both urban and rural, and for Americans of all ages, all walks of life and all ethnic backgrounds; and

WHEREAS, it is important to celebrate the role of history in our lives and the contributions made by dedicated individuals in helping to preserve the tangible aspects of the heritage that has shaped us as a people; and

WHEREAS, “*This Place Matters*” is the national theme for the celebration of Preservation Month; and

WHEREAS, “*Look at Local History*” is the theme throughout McHenry County, Illinois, being held in conjunction with National Historical Preservation Week;

NOW, THEREFORE, I, Charles H. Sass, Mayor of the Village of Huntley, do proclaim May 2008, as National Historic Preservation Month, and call upon the people of the Village to join their fellow citizens across McHenry County in recognizing and participating in this special observance.

Signed and Approved this 1st of May, 2008.

Historic Preservation Chairperson Donna Britton spoke on behalf of the Historic Preservation Commission and thanked the Village for support and the emphasis placed on Historic Preservation Month. Ms. Britton described events taking place during the month and stated that the Commission is working on creating the first Historic District within the Village. Mayor Sass thanked the Commissioners for their work.

4. Recognition of Village Clerk

Mayor Sass read a proclamation recognizing Village Clerk Rita McMahan on 20 years service to the Village. Mayor Sass presented Mrs. McMahan with a commemorative certificate.

At 7:18pm Mayor Sass called for a brief recess, the meeting reconvened at 7:28pm.

ITEMS FOR CONSIDERATION:

- A. Approval of the April 3, 2008 Village Board Meeting and April 10, 2008 Village Board Meeting Minutes

A MOTION was made to approve the April 10, 2008 Village Board Meeting Minutes as presented

MOTION:	Trustee Leopold
SECOND:	Trustee Mercer

AYES: Trustees Kadakia, Leopold, Mercer, and Piwko
NAYS: None
ABSENT: Trustees Fender and Kanakaris
Motion carried 4:0:2

A MOTION was made to approve the April 3, 2008 Village Board Meeting Minutes as presented

MOTION: Trustee Leopold
SECOND: Trustee Piwko
AYES: Trustees Kadakia, Mercer, and Piwko
NAYS: None
ABSTAIN: Trustee Leopold
ABSENT: Trustees Fender and Kanakaris
Motion carried 3:0:1:2

B. Approval of the May 1, 2008 Bill List in the amount of \$676,353.76

A MOTION was made to authorize the payment of the May 1, 2008 Bill List in the amount of \$676,353.76

MOTION: Trustee Leopold
SECOND: Trustee Piwko
AYES: Trustees Kadakia, Leopold, Mercer, and Piwko
NAYS: None
ABSENT: Trustees Fender and Kanakaris
Motion carried 4:0:2

C. Approval of Payout Request No. 5 - West Wastewater Treatment Plant Irrigation Pumping Station No. 2 - \$18,699.02.

Mayor Sass reported that on May 10, 2007 the Village Board of Trustees awarded Joseph J. Henderson & Son, Inc., the contract for construction of West Wastewater Treatment Plant Irrigation Pumping Station No. 2. The amount awarded was \$402,000.00

In accordance with the Facility Expansion Agreement with Huntley Venture for the Talamore Subdivision all costs for the West Wastewater Treatment Plant Irrigation Pumping Station No. 2 construction are to be funded by Huntley Venture.

In the opinion of the project engineer, Baxter & Woodman, the amount now due and payable to Joseph J. Henderson & Son, Inc. in accordance with the terms of the Construction Contract Documents for this project is \$18,699.02. The project is 68% complete with a target completion date of November 2009.

Funds paid to date including the proposed \$367,590.21. Awarded contract amount \$402,000.00 minus payouts to date, \$367,590.21 leaves an outstanding balance of \$34,409.79.

A MOTION was made to approve the Engineer’s Payment Estimate No. 5 for the West Wastewater Treatment Plant Irrigation Pumping Station No. 2 in the amount of \$18,699.02.

MOTION:	Trustee Piwko
SECOND:	Trustee Leopold
AYES:	Trustees Kadakia, Leopold, Mercer, and Piwko
NAYS:	None
ABSENT:	Trustees Fender and Kanakaris
Motion carried	4:0:2

D. Approval of Payout Request No. 15 – Joseph J. Henderson & Son, Inc. West Wastewater Treatment Plant Improvements Phase 3 - \$367,814.81.

Mayor Sass reported that on October 5, 2006 the Village Board of Trustees awarded Joseph J. Henderson & Son, Inc., the contract for the 1 million gallon Phase 3 expansion of the West Wastewater Treatment plant. The contract amount awarded was \$14,320,000.00.

In accordance with the Facility Expansion Agreement with Huntley Venture for the Talamore Subdivision all costs for the Phase 3 West Wastewater Treatment Plant Improvements are to be funded by Huntley Venture. Since retainage is no longer being held on the payout, payment will be held until funds are received from Huntley Venture.

Joseph J. Henderson & Son, Inc. is now requesting partial payment for work performed and material purchased through February 20, 2008 (fourteenth payout request).

In the opinion of the Village’s project engineer, Baxter & Woodman, the amount now due and payable to Joseph J. Henderson & Son, Inc. in accordance with the terms of the Construction Contract Documents for this project is \$367,814.81. The Phase 3 improvement is 80% complete. J.J. Henderson has requested in accordance with article 14.02, Subsection A, Paragraph 3 it states “Periodic partial payments shall be made for the value of the completed work as approved by the engineer until construction is 50% complete, after which no additional amount will be retained if contractor is making progress to owner satisfaction and there is no specific cause for withholding 10% of the total value of completed work”. Staff is in agreement with the request and will no longer reduce payouts by 10% for retainage.

Funds paid to date including the proposed \$11,304,020.56. Awarded contract amount \$14,320,000.00 minus payouts to date, \$11,304,020.56 leaves an outstanding balance of \$3,015,979.44.

A MOTION was made to approve the Engineer's Payment Estimate No. 15 for the West Wastewater Treatment Plant Improvements Phase 3 and placement on the May 1, 2008 Bill List for payment to Joseph J. Henderson & Son, Inc. in the amount of \$367,814.81.

MOTION:	Trustee Leopold
SECOND:	Trustee Piwko
AYES:	Trustees Kadakia, Leopold, Mercer, and Piwko
NAYS:	None
ABSENT:	Trustees Fender and Kanakaris
Motion carried	4:0:2

E. Approval of Payout Request No. 6 – River City Construction, LLC, Well No. 11 Water Treatment Plant - \$36,112.27

Mayor Sass reported that on June 22, 2006 the Village Board of Trustees awarded River City Construction, LLC the contract for the construction of Well No. 11 Water Treatment plant. The contract amount awarded was \$2,380,000.00.

In accordance with the Facility Expansion Agreement with Huntley Venture for the Talamore Subdivision all costs for the Well No. 11 Water Treatment Plant construction are to be funded by Huntley Venture. Since retainage is no longer being held on the payout, payment will be held until funds are received from Huntley Venture.

River City Construction, LLC began construction of the water treatment plant in September of 2006 and are now requesting partial payment for work performed and material purchased through March 18, 2008 (\$52,198.70), This amount has been adjusted to cover engineering service incurred after contract completion date of 10/9/07 (\$16,086.43).

Well #11 contract project manual includes a cash allowance of \$35,000 to provide adequate budget to cover items not precisely determined prior to bidding. The value of any work covered by the contingent cash allowance will be determined in accordance with the general conditions and supplementary conditions, but shall not include overhead and profit amounts from the contractor. Prior to final payment, an appropriate change order will be issued as recommended by the engineer to reflect actual amounts due contractor on account of work covered by the contingent cash allowance and the contract price shall be correspondingly adjusted. In the past, the Village Board approved Change Order #1 consisting of two credits 1) \$729.00 2) \$325.78 and one added cost of \$4,500.00, leaving a balance of owed of \$3,445.22. This amount will now be added to the original contract amount of \$2,380,000 bringing the adjusted contract amount to \$2,383,445.22.

In the opinion of the project engineer, Baxter & Woodman, the amount now due and payable to River City Construction, LLC in accordance with the terms of the Construction Contract Documents for this project is \$36,112.27. The project is 99% complete. Well is operating and substantially complete.

Funds paid to date including the proposed \$2,211,284.54. Adjusted contract amount \$2,383,445.22 minus payouts to date, \$2,211,284.54 leaves an outstanding balance of \$172,160.68.

Motion by the Village Board to approve the Engineer’s Payment Estimate No. 6 for the Well No. 11 Water Treatment Plant and placement on the April 10, 2008 Bill List for payment to River City Construction, LLC in the amount of \$36,112.27

MOTION:	Trustee Piwko
SECOND:	Trustee Leopold
AYES:	Trustees Kadakia, Leopold, Mercer, and Piwko
NAYS:	None
ABSENT:	Trustees Fender and Kanakaris
Motion carried	4:0:2

F. Approval Resolution (R) 2008-05.16 - Temporary Use Permit Request – Centegra Health System, Temporary Sales Trailer and Associated Signage, Haligus and Algonquin Roads

Petitioners: Centegra Health System

Village Manager Tomaso reported that pending all required approvals, Centegra anticipates opening the trailer to the public around May 5th. The trailer is expected to be removed by the end of October. Hours of operation are 9:00 a.m. to 5:00 p.m. Monday, Wednesday, Friday and Saturday, with hours from 9:00 a.m. to 8:00 p.m. on Tuesday and Thursday evenings. From May to August, no Sunday hours are planned. From September through October, the hours would be the same plus 9:00 a.m. to 5:00 p.m. on Sundays.

Centegra plans to place the trailer in the parking area south of the main access drive that serves the Ambulatory Care Mall to the north and the Fitness Center to the south.

Village Manager Tomaso presented photos of the proposed signage.

Items such as ADA accessibility to the trailer and utilities will be reviewed as part of the building permit plan review to ensure compliance with applicable codes.

In regard to signage, Centegra is proposing to change the copy on the existing signs at Haligus and Algonquin Roads and Reed and Haligus Roads to advertise the Fitness Center. Another sign is proposed for the main entrance on Haligus Road, with additional directional signage in the parking lot to direct traffic to the trailer.

Centegra is also requesting to place a banner on the front of the trailer, as well as a smaller banner on the security gate. Sign permits would be required for all new signage. Banners are not allowed under the Village's Sign Ordinance. Banners are not allowed under the Village's Sign Ordinance. In addition, the Sign Ordinance provision for temporary signs limits them to 50 square feet and a maximum 30-day time frame. The sign proposed for the Haligus Road entrance is 80 square feet.

Village Manager Tomaso noted that the petitioner will provide ample security on registration dates.

Approval of the temporary use permit is requested subject to the following conditions of approval:

1. Payment of \$75 temporary use permit fee.
2. Approval of applicable building and signage permits.

A MOTION was made to approve Resolution (R)2008-05.16 granting a request for a temporary use permit for a temporary sales trailer for Centegra Health System at Haligus and Algonquin Roads pursuant to the above referenced conditions.

MOTION:	Trustee Mercer
SECOND:	Trustee Piwko
AYES:	Trustees Kadakia, Leopold, Mercer, and Piwko
NAYS:	None
ABSENT:	Trustees Fender and Kanakaris
Motion carried	4:0:2

G. Approval of Ordinance (O)2008-05.23 - Adoption of the Open Burning Ordinance – Kane County Incorporated Area of the Village of Huntley

Village Manager Tomaso reported that on March 13, 2008 the Village Board adopted Ordinance (O)2008-03.13 amending Article III of the McHenry County Public Health Ordinance to address the open burning of landscape waste. This Ordinance became effective April 1, 2008 and included all of McHenry County.

Subsequent to that meeting the Village Attorney proceeded to contact the McHenry County State's Attorney's office pursuing the possibilities of an Intergovernmental Agreement with the McHenry County Health Department for enforcing the ordinance in the Kane County portion of the Village of Huntley. This request was put forth because the Village of Huntley is located in two counties and for consistency purposes in the administration and enforcement of the code regulations.

The Village Attorney was advised by the States Attorney's office that the County Health Department does not have the resources or manpower to enforce the ordinance in the Kane County portion of the Village. Therefore, for consistency purposes an ordinance is being proposed for Village Board consideration that mirrors the

McHenry County Public Health Open Burning ordinance for the Kane County portion of the Village. The enforcement of the ordinance that could result in the P-ticket would be similar to a parking ticket to the individual at the scene of the violation. The ticket then could be paid directly at the Village of Huntley Police Department without having to involve the attorney and court costs. Under a local ordinance the violation would allow the Village to garner 100% of the fine.

Village Manager Tomaso asked if there were any questions. There were none.

A MOTION was made to approve Ordinance (O)2008-05.23 - Adoption of the Open Burning Ordinance – Kane County Incorporated Area of the Village of Huntley

MOTION:	Trustee Leopold
SECOND:	Trustee Kadakia
AYES:	Trustees Kadakia, Leopold, Mercer, and Piwko
NAYS:	None
ABSENT:	Trustees Fender and Kanakaris
Motion carried	4:0:2

VILLAGE ATTORNEY’S REPORT

No report

VILLAGE MANAGER’S REPORT

Village Manager Tomaso provided a brief summary of the Illinois Works Coalition meeting he attended in Geneva. He noted that Kane County officials are emphasizing their funding commitment for the full interchange at I-90 and Route 47. This project is a top priority and they will be providing funding for the improvements in the Kane County Division of Transportation’s five year capital improvement plan. Trustee Mercer asked if representatives from Hampshire or Pingree Grove attended the meeting. Village Manager Tomaso answered no.

VILLAGE PRESIDENT’S REPORT

Mayor Sass announced that there would be no Village Board Meeting on May 8, 2008.

UNFINISHED BUSINESS

None

NEW BUSINESS

None

ADJOURNMENT INTO EXECUTIVE SESSION

There was a motion made at 7:42pm. to adjourn the meeting into Executive Session to discuss pending litigation and contractual issues.

MOTION: Trustee Leopold

SECOND: Trustee Kadakia

Motion carried unanimously

ADJOURNMENT OUT OF EXECUTIVE SESSION

There was a motion made to exit Executive Session at 7:59pm.

MOTION: Trustee Leopold

SECOND: Trustee Piwko

Motion carried unanimously

ADJOURNMENT:

There was a MOTION made to adjourn the meeting at 8:00pm.

MOTION: Trustee Leopold

SECOND: Trustee Piwko

Motion carried unanimously

Respectfully submitted,

Anita M. Powers
Recording Secretary
Karick & Associates.