

**VILLAGE OF HUNTLEY
VILLAGE BOARD MEETING
May 22, 2008
MINUTES**

CALL TO ORDER:

A meeting of the Village Board of the Village of Huntley was called to order on Thursday, May 22, 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: Pam Fender, Jay Kadakia, Niko Kanakaris, Harry Leopold, Paul Mercer, and John Piwko.

ABSENT: None

IN ATTENDANCE: Village Manager Carl Tomaso, Assistant Village Manager David Johnson, Village Attorney Mike Coppedge, 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

ITEMS FOR CONSIDERATION:

A. Approval of May 1, 2008 Village Board Meeting Minutes

A MOTION was made to approve the May 1, 2008 Village Board Meeting Minutes as presented

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

B. Approval of the May 22, 2008 Bill List in the amount of \$858,593.32

A MOTION was made to authorize payment of the May 22, 2008 Bill List in the amount of \$858,593.32

MOTION: Trustee Piwko
SECOND: Trustee Kadakia
AYES: Trustees Fender, Kadakia, Kanakaris, Leopold, Mercer and Piwko
NAYS: None
ABSTAIN: None
Motion carried 6:0:0

C. Approval of Resolution (R)2008-05.20 - Village of Huntley Support of a Land Use Policy Proposal for McHenry County

Mayor Sass explained that the Village Board has been requested to adopt a resolution supporting a land use policy proposal for McHenry County. The McHenry County Council of Governments is proposing to present a unified policy position illustrating the key issues that need to be addressed regarding future municipal development and land use opportunities throughout the County. To that end, a resolution has been prepared that illustrates the key elements that call for the orderly development, land use, and transportation issues to be addressed and not ignored in the County’s planning efforts.

The last planning efforts by the McHenry County Planning and Development Department / Plan Commission resulted in omission of input from municipalities and inaccurate information regarding the municipal comprehensive land use plans for the growing communities in the county. The effort this time, via the proposed resolution, is to emphasis the importance of including the municipalities in the county-wide planning process.

A MOTION was made approve Resolution (R)2008-05.20 - the Village of Huntley support of a land use policy proposal for McHenry County

MOTION: Trustee Leopold
SECOND: Trustee Fender
AYES: Trustees Fender, Kadakia, Kanakaris, Leopold, Mercer and Piwko
NAYS: None
ABSTAIN: None
Motion carried 6:0:0

D. Approval of Resolution (R) 2008-05-21- Temporary Use Permit Request – Prime Outlets/Duchow’s Boat Center (Fox Lake, IL), 11800 Factory Shops Boulevard Prime Outlet Event

Petitioner: Prime Outlets; Duchow’s Boat Center

Assistant Village Manager Johnson reported that Prime Outlets and Duchow's Boat Center of Fox Lake, Illinois, are requesting a temporary use permit to hold a Boat Tent Sale within the parking lot of Prime Outlets located at 11800 Factory Shops Boulevard on June 7, 8, and 9, 2008. The Boat Tent Sale will utilize a 40 ft. by 80 ft. tent that would be installed within the southwest parking lot of Prime Outlets. Duchow's Boat Center is located at 410 Kings Road in Fox Lake, Illinois. The Boat Center does not lease a space at the outlet mall, however, the proposed outside sale will bring additional customers and help promote the outlet mall.

The request falls under the *Special Promotion* heading of the Temporary Use section of the Zoning Ordinance. The ordinance stipulates that a Special Promotion shall be permitted for a period of not more than 72 consecutive hours. The event itself falls within these regulations.

Proposed signage during the event includes the following:

Four (4) banners total, all to be installed on a trailer that will be located in the south parking lot.

- a. Two (2) banners will measure 8 ft. by 16 ft. (128 sq. ft.) and will be installed on each side of the trailer. The banners will have a white background with red text.
- b. Two (2) banners will measure 8 ft. by 8 ft. (64 sq. ft.) and will be installed on the front and rear of the trailer.

Conditions of Approval:

1. The standard \$75 temporary use permit fee must be paid by Prime Outlets or Duchow's Boat Center prior to erecting the tent.
2. A temporary sign permit must be obtained prior to the installation of the proposed signage.
3. The tent shall be inspected by the Village of Huntley Building and Code Enforcement Division and the Huntley Fire Protection District prior to the event and shall meet all code requirements.

A MOTION was made to approve Resolution (R) 2008-05.21 granting a request for a temporary use permit and signage for a 3-Day Boat Sale by Duchow's Boat Center at Prime Outlets, 11800 Factory Shops Boulevard, subject to the above referenced conditions.

MOTION:	Trustee Kanakaris
SECOND:	Trustee Leopold
AYES:	Trustees Fender, Kadakia, Kanakaris, Leopold, Mercer and Piwko
NAYS:	None
ABSTAIN:	None
Motion carried	6:0:0

E. Approval of Resolution (R) 2008-05.22- Temporary Use Permit Request – Prime Outlets/Steven M. Johnson of Creations by Carrie, 11800 Factory Shops Boulevard

Petitioner: Prime Outlets; Steven M. Johnson of Creations by Carrie

Assistant Village Manager informed the Trustees that Prime Outlets and Steven M. Johnson of Creations by Carrie, are requesting a temporary use permit to hold a Craft Fair within the parking lot of Prime Outlets located at 11800 Factory Shops Boulevard on August 22, 23, and 24, 2008. The Craft Fair will consist of approximately 65 – 10 ft. by 10 ft. tents to be located within the mall’s south parking lot. Creations by Carrie is based in Elgin, Illinois.

Rick Fedder, General Manager of Prime Outlets, was present to answer questions.

The request falls under the *Special Promotion* heading of the Temporary Use section of the Zoning Ordinance. The ordinance stipulates that a Special Promotion shall be permitted for a period of not more than 72 consecutive hours. The event itself falls within these regulations.

Proposed signage for the craft fair includes on-premise and off-premise signs that would be installed on the days of the event (August 22-24). Off-site signage to be installed includes the following:

- a. Two (2) - 2½ ft. by 2½ ft. signs to be located along Route 47 , approximately ½ mile north and south of the Freeman Road/Route 47 intersection.
- b. Two (2) - 2½ ft. by 2½ ft. signs to be installed at the intersection of Freeman Road/Route 47.
- c. One (1) - 2½ ft. by 2½ ft. sign to be installed at the intersection of Factory Shops Blvd./Freeman Road.

Proposed on-premise signage to be installed includes the following:

- a. One (1) banner on each side of the Prime Outlet Mall ground sign so viewable from I-90.
- b. One (1) - 2½ ft. by 2½ ft. sign directing event traffic to the south parking lot.

Conditions of Approval:

1. The standard \$75 temporary use permit fee must be paid by Prime Outlets or Steven M. Johnson prior to the event.
2. The tents shall be inspected, as needed, by the Village of Huntley Building and Code Enforcement Division and the Huntley Fire Protection District prior to the event and shall meet all code requirements.
3. A temporary sign permit must be obtained prior to the installation of the proposed signage.

A MOTION was made to approve Resolution (R) 2008-05.22 granting a request for a temporary use permit for a 3-Day Craft Sale and temporary on-premise and off-premise signage by Steven M. Johnson of Creation by Carrie at Prime Outlets, 11800 Factory Shops Boulevard, subject to the above referenced conditions.

MOTION:	Trustee Fender
SECOND:	Trustee Mercer
AYES:	Trustees Fender, Kadakia, Kanakaris, Leopold, Mercer and Piwko
NAYS:	None
ABSTAIN:	None
Motion carried	6:0:0

F. Approval Payout Request No. 16 – Joseph J. Henderson & Son, Inc. West Wastewater Treatment Plant Improvements Phase 3 - \$347,284.40

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 \$347,284.40. 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 \$11,651,304.96. Awarded contract amount \$14,320,000.00 minus payouts to date, \$11,651,304.96 leaves an outstanding balance of \$2,668,695.04.

A MOTION was made to approve the Engineer's Payment Estimate No. 16 for the West Wastewater Treatment Plant Improvements Phase 3 and payment to Joseph J. Henderson & Son, Inc. in the amount of \$347,284.40.

MOTION: Trustee Leopold
SECOND: Trustee Kanakaris
AYES: Trustees Fender, Kadakia, Kanakaris, Leopold,
Mercer and Piwko
NAYS: None
ABSTAIN: None
Motion carried 6:0:0

G. Approval of Resolution (R)2008-05.23 - Engineering Services Agreement / Strand Associates, Inc. - Rehabilitation of Well #7 Water Tower

Village Manager Tomaso reported that Staff is in receipt of a proposal to provide engineering services from Strand Associates, Inc. for the Rehabilitation of Well No. 7 Water Tower with an amount not to exceed \$29,400.

The approximate breakdown of fees per phase of the project is as follows:

Preliminary Engineering Services	\$ 4,200
Bid Document and Contract Preparation	\$10,100
Construction Related Engineering Services	\$12,800
Warranty Inspection Services	\$ 2,300

It is anticipated that the Preliminary Engineering Services and the Bid Document Preparation Services will be completed within eight weeks of notice to proceed. The bidding, award, and construction process is anticipated to take four months. This would allow for construction to take place from August through October, which typically provides a suitable painting climate. Village Manager Tomaso presented details of the proposed repairs.

The FY2008 budget included funds in the amount of \$150,000 (line item number 21-10-4-7720) for engineering and painting for the Well No. 7 Water Tower #2 located on Route 47 in the Prime/Horizon Village Green development. This will be the first time this tower has been painted since being constructed in 1994.

Subsequent to approval at a later date, color schemes will be presented to the Village Board for selection.

Trustee Mercer asked if towers should be painted more often. Village Manager Tomaso stated that a schedule will be implemented putting towers on a rotating schedule of maintenance. Towers will be assessed every 4 years.

Village Manager Tomaso noted that the Village Board will review the quote for work after the bidding process.

Trustee Kadakia asked if the work will meet the requirements of the American Water Works Association. Village Manager Tomaso answered yes, it will be in full conformance with all applicable requirements.

Trustee Leopold explained that using a color other than white will hold up longer and reduce the appearance of black mildew.

A MOTION was made to approve Resolution (R)2008-05.23 - Engineering Services Agreement Strand Associates, Inc. for Rehabilitation of Well No. 7 Water Tower

MOTION:	Trustee Leopold
SECOND:	Trustee Kadakia
AYES:	Trustees Fender, Kadakia, Kanakaris, Leopold, Mercer and Piwko
NAYS:	None
ABSTAIN:	None
Motion carried	6:0:0

H. Approval of Resolution (R)2008-05.24 - Engineering Services Agreement Amendment/Smith Engineering – Village of Huntley Sanitary Collection System Interceptor Extension Phase 2 and Lift Station Improvements

Village Manager Tomaso reported that in June 2007 the Village Board approved an Engineering Services Agreement (ESA) with Smith Engineering Consultants (SEC) for routing and preliminary design for the interceptor route. In summary, the route begins south of Powers Road and continues as follows.

- a. South through the west side of the Rubloff property in an easement dedicated by Rubloff
- b. Crosses to the west side of Route 47 approximately a quarter mile north of Del Webb Boulevard.
- c. Continues south on the west side of Route 47 in the IDOT right of way.
- d. To a point south of Dhamer Drive and the BP property where it crosses back over to the east side of Route 47 to avoid potential conflicts with the full interchange project.
- e. The route extends south underneath I-90 and terminates at the proposed lift station site to be dedicated as part of the proposed Pancor (Barancik property) project.

At the October 11, 2007 Village Board meeting, the Board approved an ESA with SEC to begin engineering services for construction plans on a time and material basis not-to-exceed \$181,772.60.

Staff is seeking approval for an amendment to the Resolution approved in October 2007 to include additional items to be performed by SEC at the request of the Village of Huntley as follows:

- 1) The force main and lift station portions of the project have been broken out into two (2) separate bid packages in order to offer a more competitive bidding process for contractors. By breaking the two (2) construction components out separately, the general contractor for both sets of plans will be doing the majority of the work and will not need to subcontract the work out.
- 2) Addition of an above ground Masonry Building to incorporate the proposed generator and control panels for the lift station. SEC will subcontract with Direct Design Architects, LTD to produce construction documents and perform review of shop drawings and periodic site visit during construction to facilitate the construction of this building.

The requested revisions total \$32,200 in addition to the original \$181,772.60 contract amount bringing the new contract amount to \$213,972.60. Funds are included in the FY08 budget Capital Development/line item 02-10-4-6925.

A MOTION was made to approve Resolution (R)2008-05.24- the amended Engineering Services Agreement/Smith Engineering - Village of Huntley Sanitary Collection System Interceptor Extension Phase 2 and Lift Station Improvements

MOTION:	Trustee Kadakia
SECOND:	Trustee Piwko
AYES:	Trustees Fender, Kadakia, Kanakaris, Leopold, Mercer and Piwko
NAYS:	None
ABSTAIN:	None
Motion carried	6:0:0

I. Approval of Resolution (R)2008-05.25 - I-90 Lift Station Parcel Agreement

Village Manager Tomaso spoke of the proposed I-90 Lift Station Parcel Agreement between the Village and PanCor the contract purchaser of the Barancik property. The Village and PanCor continue to work on a Development Agreement for the +/- 350 acre property located at the southwest corner of I-90 and Route 47.

Recognizing that the Development Agreement would not be completed by the time the Village needs property to locate the water, sanitary sewer and lift station south of I-90, both parties agreed to negotiate a separate agreement so that the Village can continue its utility expansion project south of the interstate. The triangular shaped 1.78 acre parcel located on the east side of Route 47 was included in the packet exhibits. Highlights of the agreement are found below:

- a. The Village will build the Utility Conveyance System (water, sanitary sewer and lift station) and extend the utilities to the PanCor/Barancik property. *Phase II and III authorized by the Village Board.*
- b. In return, PanCor/Barancik have agreed to convey the required property to the Village.
- c. The Village's Utility System Expansion (water and sanitary sewer conveyance) will be completed no later than May 30, 2009.
- d. The Village will complete the Lift Station within one year of receiving written notice from PanCor/Barancik that it will be requesting an occupancy permit.
- e. The Village will reserve 2,856 p.e. of conveyance capacity within the Utility Conveyance System for PanCor/Barancik's use.
- f. The conveyance capacity is for the PanCor/Barancik property and cannot be transferred by PanCor/Barancik.
- g. Pancor/Barancik agrees to grant the Village the necessary easements on their property to extend the Utility System to neighboring properties.
- h. The PanCor/Barancik connection fee is \$660 per p.e.

Village Manager Tomaso stated that Staff and the Village Attorney have reviewed the document and all is in order for Village Board consideration.

A MOTION was made to approve Resolution (R)2008-05.25 - the Village of Huntley I-90 Lift Station Parcel Agreement

MOTION:	Trustee Leopold
SECOND:	Trustee Kanakaris
AYES:	Trustees Fender, Kadakia, Kanakaris, Leopold, Mercer and Piwko
NAYS:	None
ABSTAIN:	None
Motion carried	6:0:0

- J. Approval of Approval of Resolution (R)2008-02.06 - An Engineering Services Agreement with Graef, Anhalt, Schloemer and Associates, Inc. (GASAI) for Professional Design Services for the Reconstructed Interchange at Illinois Route 47

Village Manager Tomaso reported on a proposed engineering services agreement (ESA) with GASAI in the amount of \$600,000 to start the design engineering process for the reconstructed full interchange at Route 47 and I-90. This ESA is the result of meetings over the course of the last six months between the Village, the Illinois Toll Highway Authority (ISTHA); the Illinois Department of Transportation (IDOT) Kane County and McHenry County Divisions of Transportation. All parties agree that this "Start Up" Agreement (SUA) is beneficial in that it will expedite the overall design engineering for the project. To avoid delays tied to the State's ability to fund the project, the SUA is proposed to be funded by the Village and two Counties. A separate Intergovernmental Agreement (IGA) is required between these entities and is

being presented as Agenda Item E. The IGA as proposed requires a one-third cost share by the Village and Counties, which would be credited to each entities overall project share. The Village will pay GASAI directly and be reimbursed by the Counties. Funds have been allocated in the Village of Huntley FY08 budget for these professional services in the amount of \$600,000. It is anticipated that it will take six (6) months to complete. Engineering for the project is broken into three (3) district phases identified below:

Design Engineering for the Full Reconstructed Interchange at Route 47 and I-90

- a. Phase 1 Design Concept (ESA that the Village Board is considering at the February 28th Village Board meeting)
- b. Phase 2 Preliminary, Pre-Final and Final Design Engineering
- c. Phase 3 Construction Observation

The overall estimated cost for Phase 1 and 2 engineering services is \$2.6 million.

Phase 1 “Start Up” Design Engineering Scope of Services

The project scope for Phase 1, Design Concept Engineering, includes the following tasks to be completed via a Design Concept Report:

- A. Roadway Requirements – to include topographic surveys, drainage / hydraulic analysis, concept cross sections, identification of utility impacts, interchange lighting requirements, right of way studies, signing plans and traffic and construction staging options.
- B. Structural Bridge Modifications – to include plan views, bridge deck cross sections, span lengths, skew angles, types and depths of superstructures and types of sub-structures for replacement of the bridge over I-90.
- C. Unattended Ramp Toll Plaza Requirement – to include locations and requirements for a minimum of three lane toll plaza for each ramp requiring tolling and any other control building and fiber optic requirements.
- D. Environmental Studies and Reports – to include the completion of a two-part Environmental Studies Inventory Sheet (ESIS), required noise studies, wetland delineation, biological surveys and project coordination through ISTHA with the Army Corp. of Engineers, Illinois Department of Natural Resources, Illinois Environmental Protection Agency, and the Illinois Historic Preservation Agency.

Phase 1, Design Concept Engineering is expected to take approximately six (6) months.

A MOTION was made to approve Resolution (R)2008-02.06 - the Engineering Services Agreement with GASAI for the purposes of beginning the design engineering for the full interchange at Route 47 and I-90 subject to receipt of the IDOT letter specifying IDOT’s policy commitment and state funding for their share of the project.

MOTION:	Trustee Kanakaris
SECOND:	Trustee Piwko
AYES:	Trustees Fender, Kadakia, Kanakaris, Leopold, Mercer and Piwko
NAYS:	None
ABSTAIN:	None
Motion carried	6:0:0

K. Approval of Resolution (R)2008-02.07 - An Intergovernmental Agreement with Kane County, McHenry County and the Village of Huntley – Start Up Agreement Engineering Services Agreement for the I-90 / Route 47 Full Interchange Engineering Design

Village Manager Tomaso reported that in conjunction with Agenda Item J, the Resolution approving a Professional Services Agreement with Graef, Anhalt, Schloemer and Associates, Inc (GASAI), Staff is seeking approval of a Resolution to enter into an Intergovernmental Agreement (IGA) with the Counties of Kane and McHenry to fund the Start Up Agreement (SUA) for the I-90/Route 47 full interchange in an amount not to exceed \$600,000. This separate IGA is required between the Counties and the Village of Huntley. The IGA proposes a one-third cost share by the Village and Counties, which would be credited to each entities overall project share as proposed in ongoing discussions to be part of a future Intergovernmental Agreement. The Village will pay GASAI directly and be reimbursed by the Counties.

The IGA would include the following:

- I. Scope of Engineering Services
 - A. The professional engineering services to be performed in the SUA will be provided by the firm of Graef, Anhalt, Schloemer & Associates, hereinafter referred to as the Project Engineer.
 - B. McHenry and Kane will separately obtain the necessary legal and procedural authorizations from their corporate authorities to participate in this agreement for contractual and funding purposes.
 - C. The Village agrees to enter into a professional engineering services agreement with the Project Engineer to provide the scope of services identified in Paragraph A of the attached Engineering Services Agreement.
 - D. The cost of engineering services will not exceed \$600,000.
 - E. The Village agrees to perform the “Start-Up” engineering and associate services as stated in Paragraph A subject to reimbursement by McHenry and Kane, and submit all reports and studies to the Tollway for approvals.
 - F. The Village agrees to provide copies of all studies and reports to McHenry and Kane for input and recommendations.

It is anticipated that the scope of services outlined in the IGA will take approximately six (6) months to complete. Subsequent to completion, the work specified in the IGA, the design for the full interchange will commence.

The scope of “start up” engineering related services provided for in the IGA will be an integral component of the Design Engineering Services for the proposed future I-90 / Route 47 full interchange project.

A MOTION was made to approve Resolution (R)2008-02.07 - an Intergovernmental Agreement with Kane County, McHenry County and the Village of Huntley – Start Up Agreement Engineering Services Agreement for the I-90 / Route 47 Full Interchange Engineering Design subject to receipt of the IDOT letter specifying IDOT’s policy commitment and state funding for their share of the project.

MOTION:	Trustee Fender
SECOND:	Trustee Leopold
AYES:	Trustees Fender, Kadakia, Kanakarlis, Leopold, Mercer and Piwko
NAYS:	None
ABSTAIN:	None
Motion carried	6:0:0

L. Approval of Village of Huntley Resolution (R)2008-05.26- Authorizing the Village of Huntley to submit an application for an WQMP petition for an FPA amendment for approximately 175 acres of land located east of Route 47, south of Big Timber Road, north of Reinking Road, and west of Powers Road and to authorize the Village Manager to enter into Professional Services Agreements to process the petition.

Mayor Sass stated that authorization is requested of the Village Board for submittal of an application for a Water Quality Management Plan (WQMP) petition for an FPA amendment for approximately 175 acres of land located east of Route 47, south of Big Timber Road, north of Reinking Road, and west of Powers Road.

In 2004, the Village Board authorized the submittal of an application for the above referenced area. At that time the Village was denied the request based on the IEPA’s evaluation that there was not an existing need and that sanitary sewer service would not be available for the next 20 years. Sanitary sewer service will be available via the Phase II sanitary sewer interceptor project commencing south of Powers Road continuing further south of the I-90 right-of-way along with the watermain extension. The improvements will be stubbed at the triangular parcel (Barancik property/east side of Route 47) on the east side of Route 47 located immediately south of the I-90 east bound access ramp.

With these improvements in place, pursuant to Village Board policy direction and research conducted to date, authorization is now requested to submit an application for the proposed amendment adding the property in question to the Village's WQMP.

It is requested that the Village Board authorize the Village Manager to enter into professional services agreement with engineering, legal counsel and any other required consultants to process the petition accordingly.

A MOTION was made to approve Resolution (R)2008-05.26 - Authorizing the Village of Huntley to submit an application for an WQMP petition for an FPA amendment for approximately 175 acres of land located east of Route 47, south of Big Timber Road, north of Reinking Road, and west of Powers Road and west of Powers Road and to authorize the Village Manager to enter into Professional Services Agreements to process the petition.

MOTION:	Trustee Kanakaris
SECOND:	Trustee Fender
AYES:	Trustees Fender, Kadakia, Kanakaris, Leopold, Mercer and Piwko
NAYS:	None
ABSTAIN:	None
Motion carried	6:0:0

M. Approval of Ordinance (O)2008-05.27 - Amending Ordinance (O)2003-09.84 – An Ordinance Amending the Simplified Municipal Telecommunications Tax Rate Assessed in the Village of Huntley, McHenry and Kane Counties, Illinois

Mayor Sass reported that pursuant to Village Board's policy direction regarding the adoption of the five-year Capital Improvement Program at the May 15th meeting, one of the funding items for the projects was the Village's commitment to the interchange project. It called for using approximately \$375,000 annually from telecommunication revenues to be placed into the interchange fund. These funds would be used to supplement the Village's commitment for funding the interchange pursuant to the draft in progress Intergovernmental Agreement between the Counties of Kane and McHenry, the Illinois State Toll Highway Authority, the Illinois Department of Transportation, and the Village of Huntley.

As you will recall the Village Board had committed \$3 million from existing revenue sources which consists of \$1 from the municipal building fund, and \$2 million from the general fund unreserved balance. The proposed use of a portion of the telecommunication fund is to fund the remainder of the Village's \$6 million commitment. The projected reimbursement in accordance with the draft Intergovernmental Agreement is between the years 2009 and 2016.

Trustee Fender stated that this Ordinance does not change the tax rate, it only changes the fund into which the money is placed. Village Manager Tomaso agreed.

A MOTION was made to approve Ordinance (O)2008-05.27 - Amending Ordinance (O)2003-09.84 – An Ordinance Amending the Simplified Municipal Telecommunications Tax Rate Assessed in the Village of Huntley, McHenry and Kane Counties, Illinois

MOTION: Trustee Leopold
SECOND: Trustee Piwko
AYES: Trustees Fender, Kadakia, Kanakarlis, Leopold, Mercer and Piwko
NAYS: None
ABSTAIN: None
Motion carried 6:0:0

N. Village of Huntley Cable/Video Service Provider

1. Approval of Ordinance (O)2008-05.28 - Amending TITLE XI: Chapter 119 of the Village of Huntley Code of Ordinances Article I Cable/Video Service Provider Fee and PEG Access Support Fee.
2. Approval of Ordinance (O)2008-05.29 - Amending TITLE XI: Chapter 119 of the Village of Huntley Code of Ordinances Article II Cable and Video Customer Protection Law.
3. Approval of Ordinance (O)2008-05.30 – Amending TITLE XV: Chapter 158 of the Village of Huntley Code of Ordinances regarding Construction of Utility Facilities in the Rights of Way

Village Manager Tomaso reported that on November 15, 2007, the Village Board approved the above Ordinances creating TITLE XI: Chapter 119 to the Village of Huntley Code of Ordinances pursuant to the provisions of the Illinois Cable and Video Competition Law of 2007, Public Act 95-0009.

As the Village Board will recall, the Franchise Agreement with Comcast expires on May 30, 2008 at which time the Village will issue a letter to Comcast informing them that they may continue their services in the Village of Huntley on an equal footing as provided to AT&T or any cable or video provider.

The amendments to TITLE XI: Chapter 119, Article I gives clarifications with regard to:

- a. The definitions of “Holder” and “Service”
- b. The expiration of existing franchise agreements
- c. More specific requirements regarding Audits of Cable/Video Service Providers

The amendment to TITLE XI: Chapter 119, Article II gives clarification in the “Penalties” section for definition of Material Breach.

The amendment to TITLE XV: Chapter 158 gives clarification with regard to the definition of “Holder”

While the above noted are minor changes and/or clarifications to the Code, Staff respectfully requests that the Village Board approve these amendments so as to update the ordinances passed in 2007 which may apply to those entities which hold a state-wide franchise issued by the Illinois Commerce Commission (i.e. AT&T). Comcast has not received such a state-wide franchise and therefore these modifications will encompass existing cable operators within the corporate limits that do not have the state-wide franchise (i.e. Comcast). Language was also added to reflect that, upon the cable operator’s compliance with the fee ordinance, the customer service ordinance and the right-of-way ordinance, such compliance would constitute “the franchise”.

If approved, Staff will issue the amended Codes to both Comcast and AT&T.

A MOTION was made to approve Approval of Ordinance (O)2008-05.28 - Amending TITLE XI: Chapter 119 of the Village of Huntley Code of Ordinances Article I Cable/Vide Service Provider Fee and PEG Access Support Fee.

MOTION:	Trustee Leopold
SECOND:	Trustee Piwko
AYES:	Trustees Fender, Kadakia, Kanakaris, Leopold, Mercer and Piwko
NAYS:	None
ABSTAIN:	None
Motion carried	6:0:0

Approval of Ordinance (O)2008-05.29 - Amending TITLE XI: Chapter 119 of the Village of Huntley Code of Ordinances Article II Cable and Video Customer Protection Law.

MOTION:	Trustee Piwko
SECOND:	Trustee Leopold
AYES:	Trustees Fender, Kadakia, Kanakaris, Leopold, Mercer and Piwko
NAYS:	None
ABSTAIN:	None
Motion carried	6:0:0

A MOTION was made to approve Ordinance (O)2008-05.30 – Amending TITLE XV: Chapter 158 of the Village of Huntley Code of Ordinances regarding Construction of Utility Facilities in the Rights of Way

MOTION:	Trustee Fender
SECOND:	Trustee Leopold
AYES:	Trustees Fender, Kadakia, Kanakaris, Leopold, Mercer and Piwko
NAYS:	None
ABSTAIN:	None
Motion carried	6:0:0

O. Policy Direction – Route 47 Decorative Street Lighting Plan

Village Manager Tomaso reported that pursuant to Village Board policy direction, Staff has consulted with IDOT regarding the decorative street lighting plan for Route 47. IDOT has informed the Village that decorative street lighting in the median for the length of the project (south of Deicke Park to north of the Algonquin Road intersection) is not feasible. The lights must be located along the sides of Rt. 47 to adequately illuminate the pavement and sidewalk.

There are a total of five (5) locations where the street lights could be placed in the median because of sufficient green area. On the attached exhibit, the five (5) areas in the median are in pink. The lights on the perimeter of the right-of-way are in yellow.

The five (5) median locations are as follows:

- a. Deicke Park entrance.
- b. South of Mill Street approaching the intersection.
- c. North of Mill Street.
- d. North of UP Railroad intersection – 2 locations

The lights on the perimeter of the road would line up across from one another and would not be offset.

IDOT standards specify that the lights must provide adequate illumination for the pavement and sidewalk. This illumination cannot be achieved by median lighting alone.

IDOT standards require poles to be 40 feet tall to obtain proper photometrics for lighting the pavement and sidewalk.

Median Light Poles at 30 feet in height are considered by IDOT as decorative only, since the primary lighting will need to be provided by the lighting located along the sides of Rt. 47. The median lights are considered by IDOT to be an unnecessary fixed object hazard.

IDOT requires the lights directly across from each other versus a “staggered” alignment.

Village Manager Tomaso requested policy direction from the Village Board for the Decorative Street Lighting Plan for the Route 47 Widening Project (South of Deicke Park to Algonquin Road Intersection).

Trustee Leopold spoke in favor of the plan as proposed, excluding the lights in the median. He suggested that banner arms be added to the lights.

The Trustees discussed various aspects of the lighting and came to the consensus that there should be two (2) decorative lights, one on each side of the banner. There was also a consensus to proceed with the decorative lighting, excluding the median lights.

A MOTION was made to proceed with the Decorative Street Lighting Plan for the Route 47 Widening Project (South of Deicke Park to Algonquin Road Intersection) to include lights on the perimeter of the road lining up across from one another; and two lights and a pole for decorative banners on the lower portion of the pole.

MOTION:	Trustee Kanakaris
SECOND:	Trustee Fender
AYES:	Trustees Fender, Kanakaris, Leopold, Mercer and Piwko
NAYS:	Trustee Kadakia
ABSTAIN:	None
Motion carried	5:1:0

P. Policy Direction – Wing Pointe Commons Center – Secondary Access Road on the Perimeter of Lot 3 (DeFiore - Jorgenson Funeral and Crematory Services).

Village Manager Tomaso explained that subsequent to the April 10, 2008 Village Board direction regarding the access road on the south and west sides of the building, the Village Engineer received a letter dated April 16, 2008 from the site engineer identifying hardships and concerns with this Village Board direction. The hardships and concerns are summarized as follows:

- a. The site slopes generally from the northeasterly portion of the lot to the southwesterly portion of the lot; at a total drop from northeast to southwest of 14 feet (Elevation 895 to Elevation 881). The building has been designed to fit into the slope with the front part of the building at floor elevation 892.10 and the rear of the building a walkout at elevation 883.1 (caretaker's residence).

To introduce a vehicular access on the south and west sides, filling of the south and west sides via earthen-fill or retaining walls would be required to achieve acceptable vehicular surface grades. The fill would be in the order of 9' at the southwest corner of the site. The walkout would be eliminated and there would be a need for a guardrail installed at the top of the grade for vehicle protection.

- b. The south and west sides of the building are not used for deliveries or other day-to-day operations.
- c. Possible noise and visual appeal for the residential area to the south may be compromised unless dense, tall screening is included.

Village staff contacted the Huntley Fire Protection District regarding the current design (with walkout) for an opinion regarding the District's ability to service the site. The District's opinion was that neither response time nor operations are compromised by the current design. The site has adequate access from the front of the building, and the lower level walkout can be adequately serviced without vehicular access, as the east driveway is sufficient to service the walkout level. A sidewalk can be added and is recommended for emergency personnel access to the walkout level.

In addition, the International Fire Code and International Building Codes do not mandate a second access point if the site is directly accessible from either side of the building.

The Trustees discussed aspects of the access road and agreed that it is acceptable to proceed without the access road on the south and west sides of the proposed building. The unanimous policy consensus was not to require a second access point along the rear of the building.

VILLAGE ATTORNEY'S REPORT:

No report

VILLAGE MANAGER'S REPORT:

Village Manager Tomaso asked the Trustees if it is acceptable to allow the library to keep the recycling bins in front of the library along the east side of the access driveway for a three month trial period to decide if this fundraising effort will continue. The Trustees agreed that the bins are acceptable for a three month trial period that would terminate on August 22, 2008.

VILLAGE PRESIDENT'S REPORT:

Mayor Sass made the following announcements:

- The Memorial Day Parade will begin at 11am on Monday
- Village offices will be closed on May 26th
- There will be no Village Board meeting on May 29th.
- There will be an Open House with Congressman Manzullo office on Saturday, May 31st from 10:30 a.m. until Noon in the Village Board Room.

UNFINISHED BUSINESS:

None

NEW BUSINESS:

None

ADJOURNMENT INTO EXECUTIVE SESSION:

There was a motion made at 7:50pm. to adjourn the meeting into Executive Session to discuss litigation and land acquisition.

MOTION: Trustee Leopold

SECOND: Trustee Piwko

Motion carried unanimously

ADJOURNMENT OUT OF EXECUTIVE SESSION:

There was a motion made to exit Executive Session at 8:14pm.

MOTION: Trustee Leopold

SECOND: Trustee Kanakaris

Motion carried unanimously

POSSIBLE ACTION ON ANY CLOSED SESSION ITEM:

None

ADJOURNMENT:

There was a MOTION made to adjourn the meeting at 8:15pm.

MOTION: Trustee Leopold

SECOND: Trustee Kanakaris

Motion carried unanimously

Respectfully submitted,

Anita M. Powers
Recording Secretary
Karick & Associates.