

**VILLAGE OF HUNTLEY
VILLAGE BOARD MEETING
July 17, 2008
MINUTES**

CALL TO ORDER:

A meeting of the Village Board of the Village of Huntley was called to order on Thursday, July 17, 2008 at 7:00 p.m. in the Municipal Complex Village Board Room 10987 Main Street, 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: Assistant Village Manager David Johnson, Village Attorney Mike Coppedge, Management Assistant Barb Read, Accounting Supervisor Julie Baumgartner, and Recording Secretary Anita Powers of Karick & Associates.

PLEDGE OF ALLEGIANCE:

Mayor Sass led the Pledge of Allegiance.

PUBLIC COMMENTS

Bryan Beasley, 10770 Wing Pointe Drive, inquired about the approval of the ComEd lines through Huntley. Mayor Sass informed him that ComEd still plans on proceeding with the Kreutzer Road route.

Scott Goodman, 10850 Great Plains Court, expressed his displeasure with the ComEd plan. Mr. Goodman stated that he moved into his residential development based on the zoning at that time that called for the land near his home to be used for residential housing. Com Ed's decision to ignore public opinion and put the power lines near homes will cause a decrease in his property value. Mr. Goodman quoted study data that was inconclusive regarding the health effects of power lines in residential areas. Mr. Goodman also questioned the safety of locating power lines in close proximity to an airport.

Trustee Leopold added that it is a sad day when big government elected officials ignore the public opinion of homeowners but give precedence to bailing out IndyBank.

SPECIAL PRESENTATIONS

- A. Government Finance Officers’ Association – Certificate of Achievement Audit Award / Fiscal Year 2006 Comprehensive Annual Financial Report

Mr. Fred Lantz of the Government Finance Officers Association presented the Mayor and Board of Trustees with a Certificate of Achievement in recognition of outstanding financial reporting on behalf of the Village of Huntley for the Fiscal Year 2006 Annual Audit.

Mr. Lantz noted that the Village goes above and beyond standard accounting principles by compiling a comprehensive report and adding it to the Village website. This is the sixth consecutive year the Village has reached this level of achievement. Accounting Supervisor Julie Baumgartner accepted the certificate on behalf of the Finance Department.

ITEMS FOR CONSIDERATION:

- A. Accept and place on file the 2007 Village of Huntley Comprehensive Annual Financial Report and authorize a one time transfer of revenue reserves in the amount of \$2,479,576 to the Capital Projects Fund.

Mr. Fred Lantz of Sikich Gardner & Co. LLP, from the Village’s auditing firm of Sikich Gardner & Co. LLP, presented the preliminary Fiscal Year 2007 Comprehensive Annual Financial Report to the Village Board.

Mr. Lantz congratulated the Village on receiving a clean unqualified report and reviewed the contents of the Comprehensive Annual Financial Report.

In September 2003 the Village Board adopted a one-time revenue policy. This policy prohibits the use of one time General Fund revenues to fund operations. One time revenues in excess of budgeted revenues will be transferred for the use of one time expenditures. These transfers can be used to fund a capital project, new/additional equipment purchases, or any other non-operational purpose.

The 2007 audit designates the following General Fund reserves for Village Board allocation:

2007 one time revenue transfer from General Fund: \$ 2,479,576

Recommended Allocation to the Capital Projects Fund:

2007 ending fund balance in the Capital Project Fund	\$ 1,282,332
General Fund Reserve Allocation (transfer)	\$ 2,479,576
2008 Beginning Fund Balance in the Capital Project Fund	\$ 3,761,908

Independent Auditor's Report: Less than 3/10 of 1% of all government agencies nationwide and only 1 out of 20 in the State of Illinois receive a "clean" unqualified opinion. The auditor's review of the Village's financial records confirms the information contained in the report is fairly and accurately presented without any misrepresentations or areas of concern.

Mayor Sass asked if there were any questions. Trustee Leopold asked if the 89% funded ratio for the Illinois Municipal Retirement Fund has been affected by the Police Fund being pulled out in 2002, and if that percentage is at a healthy level. Mr. Lantz answered yes to both questions.

Trustee Leopold asked if the Village should bail-out the TIF bondholders if there are insufficient revenues to pay the obligation. Mr. Lantz stated that there is nothing in the State law that would prohibit that but other municipalities have chosen not to interfere and their bond ratings have gone up as a result. Mr. Lantz recommended that Village not interfere with TIF bonds and consult bond counsel regarding the matter. Trustee Leopold stated he would not be in favor of bailing out the TIF bondholders.

Trustee Kadakia asked about the approximately \$6.5 million in money market mutual funds. Mr. Lantz stated that the trustee for the TIF bonds has about \$2.5 million and is responsible for investing the funds in accordance with the trust agreement established when the TIF bonds were issued and therefore the Village has no flexibility. Mr. Lantz noted that the Village needs to look at the funds from a risk-assessment standpoint and noted that the Village's investment policy has diversification targets.

Trustee Fender asked about the difference between business-type and governmental activities. Mr. Lantz explained that business-type activities are items such as water and sewer funds that recover costs through fees and charges.

Mayor Sass asked Mr. Lantz why the TIF ends up in the Village's audit and the SSA's do not. Mr. Lantz stated that SSA funds are a no-commitment debt to the Village and need not be included in financial statements. The Village acts only as an agent to collect the SSA funds. The Governmental Accounting Standards Board sets standards that require TIF funds to be reported on financial statements since the local government has forgone the right to this particular revenue stream.

A MOTION was made to accept and place on file the Village of Huntley Fiscal Year 2007 Comprehensive Annual Financial Report and authorize a one time transfer of revenue reserves in the amount of \$2,479,576 to the Capital Projects Fund.

**MOTION:
SECOND:**

**Trustee Fender
Trustee Kanakaris**

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

B. Approval of June 19, 2006 Village Board and June 26, 2008 Village Board Meeting Minutes

A MOTION was made to approve the June 19, 2006 Village Board Meeting Minutes as corrected and the June 26, 2008 Village Board Meeting Minutes as presented

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

C. Approval of the July 17, 2008 Bill List in the amount of \$53,629.04

A MOTION was made to authorize payment of the July 17, 2008 Bill List in the amount of \$53,629.04

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

D. Approval of Ordinance (O)2008-7.49 - Petition No. 08-7.1, William and Judith Roberts, 13098 Farm Hill Drive, Simplified Residential Zoning Variance for rear yard setback relief

Petitioner: William and Judith Roberts

Assistant Village Manager Johnson presented a PowerPoint presentation including aerial photos and photos of the east elevation of the property in question.

Location and Size

13098 Farm Hill Drive (8,903 square feet, 0.2-acre) – Lot 18, Del Webb Sun City, NH 1C – east side of Farm Hill Drive, second lot south of the intersection with Rock Creek Circle.

Development Overview

The petitioners request serves to accommodate the proposed 10'x 26' screen room addition on the rear (east side) of the residential structure. The property is zoned "SF2-PDD", Garden Residential –Planned Development District and per Village of Huntley Ordinance No. 97-07-24-01 is required to adhere to the following Site Standards for Estate Lots Single Family:

1. Lot area: 8,800 square feet minimum
2. Lot width: 80 feet minimum
3. Lot coverage: 50% maximum, includes primary and secondary use buildings only
4. Building setbacks:
 - a. Front: 20 feet minimum
 - b. Side: 7.5 feet minimum
 - c. Combined side yard: 15 feet minimum
 - d. Side Yard Abutting a street: 15 feet minimum
 - e. Rear: 20 feet minimum - the petitioners are requesting ten-feet in relief from the rear setback on the east side of the residence
5. Building height: 2 stories, 35 feet maximum
6. Parking requirements: Minimum of 2 spaces per dwelling

The 10' x 26' screen room addition as proposed would encroach 10 feet within the required 20'-rear yard setback. The petitioner's principal reason for seeking the relief from the rear yard setback requirement is cited as the location/proximity of the residence from the Whisper Creek's Golf Club's 16th-hole fairway and the hazard created by errant golf shots landing in the yard and hitting the house.

The petitioner shall also be required to secure approval of the screen room addition from Del Webb's Sun City Community Association.

Zoning Board of Appeals Recommendation

The Zoning Board of Appeals reviewed the petition and voted unanimously to recommend it for approval subject to the following conditions:

1. All plans submitted for Building Permit must conform to all applicable Village Building Code and Engineering Design Standards.
2. The Sun City Community Association modification committee shall approve the proposed 10'x 26' screen room addition prior to issuance of the building permit.

With the conclusion of the PowerPoint presentation, Mayor Sass asked if there were any questions.

Trustee Mercer asked if the Sun City Community Association modification committee had been approached about the addition. Mr. Roberts stated that his

request was denied because it did not fall within Village Code. The petitioner will reapply to the committee if the variance is granted by the Village.

A MOTION was made to approve Ordinance (O)2008-07.49 - Petition No. 08-7.1, William and Judith Roberts, 13098 Farm Hill Drive, Simplified Residential Zoning Variance for rear yard setback relief subject to the above referenced conditions.

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

E. Approval of Resolution (R)2008-07.33 - Temporary Use Permit Request – Construction Trailers – Kinder Care, 12581 Princeton Drive

Petitioner: Glenbard Interiors, Inc.

Assistant Village Manager Johnson reported that per Section 156.075, Temporary Uses, of the Village of Huntley Zoning Code, a temporary use permit is required for a contractor’s office and equipment sheds incidental to a construction project. The contractor for Kinder Care, Glenbard Interiors, Inc. is seeking approval of a temporary use permit for up to two construction trailers for the site at 12581 Princeton Drive.

The trailers will be located adjacent to Princeton Drive south of the main entrance to the site. The trailers are each 8’ x 20’ in size.

Conditions of Approval:

1. The standard \$75 temporary use permit fee must be paid by Glenbard Interiors, Inc. prior to issuance of a building permit
2. The trailers shall be removed from the site within 30 days after termination of its use
3. No advertising for any off-site development, business, use or event shall be permitted on the trailer

A MOTION was made to approve Resolution (R)2008-07.33 granting a request for a temporary use permit for the location of up to two construction trailers at 12581 Princeton Drive for Kinder Care subject to the above referenced conditions.

MOTION:	Trustee Leopold
SECOND:	Trustee Kanakaris
AYES:	Trustees Fender, Kadakia, Kanakaris, Leopold, Mercer and Piwko

NAYS: None
ABSTAIN: None
Motion carried 6:0:0

- F. Approval of Resolution (R)2008-07.34 - Temporary Use Permit Request – Construction Trailers / Equipment Shed – Walmart, 12300 S. Route 47 (Lot 1, Huntley Grove Commercial Subdivision)

Petitioners: G.A. Johnson & Son; Carey Electric

Assistant Village Manager Johnson reported that per Section 156.075, Temporary Uses, of the Village of Huntley Zoning Code, a temporary use permit is required for a contractor’s office and equipment sheds incidental to a construction project. The contractors for Walmart, G.A. Johnson & Son and Carey Electric, are seeking approval of a temporary use permit for two construction trailers and an equipment shed (storage trailer) for the site at 12300 S. Route 47, Lot 1, Huntley Grove Commercial Subdivision. G.A. Johnson will occupy the two trailers and Carey Electric will utilize the storage trailer.

The trailers and storage shed will be located on the northeast side of the building in the parking lot area to the south of Outlot 1, which fronts Kreutzer Road. The trailers are 8’ x 20’ and 60’ x 12’. The storage trailer utilized by Carey Electric will be 300 square feet.

Conditions of Approval:

1. The standard \$75 temporary use permit fee must be paid by G.A. Johnson & Son prior to issuance of a building permit
2. The standard \$75 temporary use permit fee must be paid by Carey Electric prior to issuance of a building permit
3. The construction trailers and storage trailer shall be removed from the site within 30 days after termination of use
4. No advertising for any off-site development, business, use or event shall be permitted on the trailer

A MOTION was made to approve Resolution (R)2008-07.34 granting a request for a temporary use permit for the location of three construction trailers at 12300 S. Route 47 for Walmart (Lot 1, Huntley Grove Commercial Subdivision) subject to the above noted conditions.

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

G. Approval of Resolution (R) 2008-07.35- Temporary Use Permit For a Tent Sale at Nick's Custom Furniture, 10514 Route 47

Petitioner: Nicholas Bumba, Owner

Assistant Village Manager Johnson reported that Nicholas Bumba, owner of Nick's Custom Furniture, 10514 Route 47, is requesting a temporary use permit to allow an outdoor tent sale for the following days: July 21st through July 28th. Per Section 156.075 of the Zoning Code concerning Temporary Uses, the tent sale would fall under the definition of a Special Promotion, as the event involves the sale of goods outside. Per the Zoning Code, such permit shall be for a period of not more than 72 consecutive hours (three days) in any one calendar month. Mr. Bumba is requesting that the Board approve the temporary use permit for a sale period of six (6) days. In addition, the tent would be put up on Monday, July 21st and removed the following Monday, July 28th, the last day of the event. The tent will be 20' x 40' in size and will be enclosed to house furniture throughout the sales event. Mr. Bumba intends to provide security overnight through a professional private security firm or by utilizing a Village police officer at his cost.

The request does not involve the use of any additional signage beyond that previously approved for this location.

Trustee Fender commented that the proposed tent would block a previously approved banner. Mr. Bumba stated that he is not asking for additional signage. Trustee Fender asked how long employees will be waiving signs along the roadway. Mr. Bumba stated that he has not received any complaints and thus has not plans to discontinue the advertising strategy. He stated he has informed the people holding the signs to step back off the curb. Trustee Fender stated that she does not like the look of the banner or the people holding signs along the road.

A MOTION was made to approve Resolution (R) 2008-07.35 granting a request for a temporary use permit to allow a Tent Sale at Nick's Custom Furniture, 10514 Route 47

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

H. Approval of Resolution (R)2008-07.36 – Agreement Between The County of McHenry and The Village of Huntley For Engineering, Construction, and Construction Engineering For The Water Main Relocation, Shared-Use Path, Trees and Enhancements Along Algonquin Road (County Route #48)

Assistant Village Manager Johnson reported that as a part of the McHenry County Division of Transportation (MCDOT) project to widen Algonquin Road from west of Church Street to east of Annandale Drive, the Village has had on-going discussions with MCDOT to incorporate the Village-desired landscape and streetscape amenities, and the MCDOT-required Village water main relocation into the road project. The agreement includes provisions for the immediate construction of the shared-use path and the water main relocation, as well as provisions for tree planting on the south side of Algonquin Road and future streetscape enhancements such as benches, trash receptacles, pedestrian-level lighting and additional plant materials. The agreement was approved by the McHenry County Board on July 1, 2008.

Per the Village Board’s direction, as a part of the Capital Improvement Plan (CIP) approved on May 15, 2008 the water main improvements are to be paid via the Water Capital Fund and the path paid via the Village’s Capital Project Fund. Additional Algonquin Road landscaping is to be considered as part of the Fiscal Year 2009 Budget. The overall MCDOT project is approximately 20% complete. Currently, the relocated Village water main is being tested for Village acceptance and issuance of the IEPA Operating Permit.

Staff and the Village Attorney have reviewed the proposed agreement and all is in order for Village Board consideration.

Trustee Piwko asked if the County will be responsible for the median and the Village responsible for the bike path and south side of Algonquin Rd. Assistant Village Manager Johnson answered yes. Trustee Piwko stated that he would like to see improved landscape in the median. Mayor Sass noted that the Village would probably not want to take over maintenance of the median. Assistant Village Manager Johnson stated that he will have conversations with the County this week regarding the matter.

A MOTION was made to approve Resolution (R)2008-07.36 – Agreement Between The County of McHenry and The Village of Huntley For Engineering, Construction, and Construction Engineering For The Water Main Relocation, Shared-Use Path, Trees and Enhancements Along Algonquin Road (County Route #48)

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

Motion carried 6:0:0

- I. Approval of Village of Huntley Petition to the Illinois Commerce Commission for New Pedestrian Crossing of the Union Pacific Railroad Tracks at Route 47 and Main Street, and for the Installation of Pedestrian Gates at the Pedestrian Crossings of the Union Pacific Railroad Tracks at Route 47 and Main Street

Assistant Village Manager Johnson reported that the Route 47 widening project from Kreutzer Road to Reed Road includes sidewalk on both sides of Route 47 and Main Street where the Union Pacific Railroad crosses Route 47 and Main Street. These pedestrian crossings of the railroad require the installation of protective gates at the sidewalk crossing locations. The Village is required to petition the Illinois Commerce Commission (ICC) for approval of the new pedestrian crossing of the railroad at Route 47, and to petition for the installation of protective gates for each of the pedestrian crossings.

Assistant Village Manager Johnson presented a photo of the proposed locations for sidewalk crossings.

A MOTION was made to authorize the submittal of the Petition to the Illinois Commerce Commission for New Pedestrian Crossing of the Union Pacific Railroad Tracks at Route 47 and Main Street, and for the Installation of Pedestrian Gates at the Pedestrian Crossings of the Union Pacific Railroad Tracks at Route 47 and Main Street

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

- J. Approval of Resolution (R)2008-07.37 - Intergovernmental Agreement between Grafton Township Road District and the Village of Huntley for use of Talamore Road Impact Fees

Assistant Village Manager Johnson reported that as part of the final approvals granted for the Talamore Subdivision in 2006, at the Village’s request Huntley Venture (HV) agreed to a \$100 per unit Township Road Impact Fee. The reasoning behind the fee request was to ensure that any adverse impact to Grafton Township Roads due to construction activity at Talamore would be paid for by the developer (HV).

To date, the Village has collected \$22,900. Per Village policy, an intergovernmental agreement (IGA) is to be approved by the Village Board before the Village releases funds to the Township. The draft agreement identifies which roads the fees are to be

utilized on and includes specific reimbursement provisions. The eligible roads are illustrated on Exhibit A attached to the agreement.

Assistant Village Manager Johnson informed the Trustees that the Village will provide reimbursements to Grafton Township upon evidence of spending.

The draft IGA has been reviewed by Staff and the Village Attorney and all is in order for Village Board consideration.

Trustee Kadakia mentioned that Hemmer Road, north of Sun City, was in very poor condition and requested that the road be repaired.

A MOTION was made to approve Resolution (R)2008-07.37 – authorizing an Intergovernmental Agreement between Grafton Township Road District and the Village of Huntley for use of Talamore Road Impact Fees

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

VILLAGE ATTORNEY’S REPORT:

None

VILLAGE MANAGER’S REPORT:

None

VILLAGE PRESIDENT’S REPORT:

Mayor Sass reminded the Trustees about the McHenry County Council of Governments Dinner on July 23.

UNFINISHED BUSINESS:

None

NEW BUSINESS:

None

ADJOURNMENT INTO EXECUTIVE SESSION

There was a motion made at 8:05pm. to adjourn the meeting into Executive Session to discuss litigation, contractual, and collective bargaining issues.

MOTION: Trustee Leopold

SECOND: Trustee Fender

Motion carried unanimously

ADJOURNMENT OUT OF EXECUTIVE SESSION

There was a motion made to exit Executive Session at 8:39pm.

MOTION: Trustee Kanakaris

SECOND: Trustee Fender

Motion carried unanimously

ACTION ON CLOSED SESSION ITEM:

None

ADJOURNMENT:

There was a MOTION made to adjourn the meeting at 8:40pm.

MOTION: Trustee Kanakaris

SECOND: Trustee Fender

Motion carried unanimously

Respectfully submitted,

Anita M. Powers
Recording Secretary
Karick & Associates.