

**VILLAGE OF HUNTLEY
VILLAGE BOARD MEETING
November 20, 2008
MINUTES**

CALL TO ORDER:

A meeting of the Village Board of the Village of Huntley was called to order on Thursday, November 20, 2008 at 7:21 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 David Johnson, Finance Director Jennifer Chernak, Accounting Manager Julie Baumgartner, Village Clerk Rita McMahon, Management Assistant Barb Read, Management Assistant Margo Griffin, Village Attorney Mike Coppedge, and Recording Secretary Anita Powers of Karick & Associates.

PLEDGE OF ALLEGIANCE:

Mayor Sass led the Pledge of Allegiance.

PUBLIC COMMENTS

None

SPECIAL PRESENTATION

Proclamation – National Drunk and Drugged Driving (3D) Prevention Month – December 2008

Mayor Sass read a proclamation into the record:

**NATIONAL DRUNK AND DRUGGED DRIVING (3D) PREVENTION
MONTH: DECEMBER 2008**

WHEREAS, motor vehicle crashes killed 1,248 people in Illinois during 2007;
and

WHEREAS, 434 of those deaths involved a driver impaired by alcohol; and

WHEREAS, the December holiday season is traditionally one of the most deadly times of the year for impaired driving; and

WHEREAS, for thousands of families across the state and the nation, holidays are a time to remember loved ones lost; and

WHEREAS, organizations across the state and the nation are joined with the *You Drink & Drive, You Lose* and other campaigns that foster public awareness of the dangers of impaired driving and anti-impaired driving law enforcement efforts; and

WHEREAS, the Village of Huntley is proud to partner with the Illinois Department of Transportation's Division of Traffic Safety and other traffic safety groups in that effort to make our roads and streets safer;

NOW, THEREFORE, I, Charles H. Sass, do hereby proclaim December 2008 as Drunk and Drugged Driving Prevention Month in the Village of Huntley and do hereby call upon all citizens, government agencies, business leaders, hospitals and health care providers, schools, and public and private institutions to promote awareness of the impaired driving problem, to support programs and policies to reduce the incidence of impaired driving, and to promote safer and healthier behaviors regarding the use of alcohol and other drugs this December holiday season and throughout the year.

Passed and approved this 20th day of November, 2008.

ITEMS FOR CONSIDERATION:

A. Approval of November 20, 2008 Bill List in the Amount of \$1,366,035.05

A MOTION was made to authorize payment of the November 20, 2008 Bill List in the Amount of \$1,366,035.05

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

B. Approval of the Christmas in the Square Tree Lighting Ceremony for 2008

Mayor Sass reported that Staff is in receipt of a request from the Huntley Jaycees to conduct a Christmas in the Square event on Saturday December 6, 2008 from 2:00 pm – 6:00 pm. The event would be held in conjunction with the Village's first Tree Lighting ceremony also planned for the same day in the square. The following is an outline of the events tentatively scheduled and coordinated by the Jaycees:

- a. Santa will ride up to the square on a fire truck at approximately 3:00 pm. Santa will stay at the square to have pictures taken with children and residents by Karen

- Fleck until 5:00 pm. Santa will give each child a candy cane and also have elves to assist him with the pictures.
- b. Caroling will be provided by Sun City singers throughout the day.
 - c. Jaycees will give out free coffee, hot chocolate and cookies.
 - d. A Toys for Tots or Grafton Food Pantry drive will be conducted by the Jaycees.
 - e. The Old Village Hall will be open for families to go in and create small craft projects with their children. All supplies and staff will be provided by the Jaycees.
 - f. Parking will be provided for at the Lutheran Church, Legion and Municipal Parking lots and along the streets.
 - g. Signage will be placed across Main Street.

The tree lighting ceremony, conducted by the Village, will take place at 5:30 pm with the Mayor's welcome. The tree will be located in the gazebo.

The budget for the event would be approximately \$1,800 to cover the purchase of the tree and staff time needed to close and reopen Coral Street between Woodstock and Church Streets.

There was a consensus of the Village Board to authorize Staff to work with the Jaycees to proceed with the event as proposed.

C. Approval of Ordinance (O)2008-11.69 - Petition No. 08-11.1 Andrzej and Alicja Talaska, 10516 Cindy Jo Avenue; Simplified Residential Zoning Variance for Side Yard Setback Relief.

Petitioner: Andrzej and Alicja Talaska

Village Manager Johnson presented a PowerPoint presentation including an aerial photo, site plan and renderings of the elevations.

Location and Size

10516 Cindy Jo Avenue (11,200 square feet, 0.26-acre), Lot 3, Bakley's Third Addition, east side of Cindy Jo Avenue, third lot north of Algonquin Road.

Development Overview

The petitioners request serves to accommodate an 8'x 25.6' (204.8 square feet) garage addition on the south side of the existing garage. The residence was constructed in 1970 with a single-bay garage and the petitioners intend to construct an addition, including a ±18'-wide overhead door to service the enlarged two-car garage. The widening of the driveway, installed in the fall 2006, should provide an adequate driveway width to service the southern-most portion of the proposed two-car garage.

The property is zoned "R-1" Single-Family Residence District with the following setback requirements:

- a. Front: 30' minimum
- b. Rear: 40' minimum
- c. Total Side: 20' minimum
- d. Minimum Side: 8' minimum – 2' relief requested resulting in 6' setback on south side of residence.
- e. Total Side: 20' minimum - 20-foot total side setback requirement will still be met on the property (14.4' on north side and 6'-plus on south side of residential structure).

Zoning Board of Appeals Recommendation

At the November 12, 2008 Zoning Board of Appeals meeting the petitioner's request received a unanimous (vote of 5-0) of recommendation for approval subject to the following condition:

- 1. All plans submitted for Building Permit must conform to all applicable Village Building Code and Engineering Design Standards

With the conclusion of the PowerPoint presentation, Village Manager Johnson asked if there were any questions.

Trustee Leopold asked if there had been any contact with the property owner to the south. Village Manager Johnson stated that he believes there is somebody living in the house but there was no receipt from the certified mailing to the neighbor. He noted that the hearing notice was also posted on the subject property and in the newspaper. Mrs. Talaska stated that she has not had any conversation with the property owner to the south.

A MOTION was made to approve Ordinance (O)2008-1.69 - Petition No. 08-7.1, Andrzej and Alicja Talaska, 10516 Cindy Jo Avenue, Simplified Residential Zoning Variance for side yard setback relief, subject to the above noted condition.

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

D. Approval of the Transit Station Site Steering Committee Recommendation – Coyne Station Road

Mayor Sass announced that this item has been tabled. A Committee of the Whole Meeting will be scheduled in December or January.

E. Approval of Resolution (R)2008-11.57 - Authorizing the Application Submittal for Kane County Riverboat Funds and Execution of all Necessary Documents

Village Manager Johnson reported that the Kane County Community Investment Initiatives program offers grant awards through several programs: Community Development Fund, Riverboat Fund and the Small Cities Grant Program. The Riverboat Fund Program is a program that will, if awarded, provide reimbursement for costs involved in projects and programs that address education, economic development and environmental issues.

The Village entered into boundary agreements with the Villages of Hampshire and Pingree Grove on September 11, 2008. As part of those agreements, each Village agreed to participate in a Sub-Area Planning Study along Route 47. The planning study is to address such items as appropriate land uses, development standards and recommended pavement width and profiles for primary roadways within the area.

Staff has contacted the Villages of Hampshire and Pingree Grove to solicit their interest in applying for these funds as a way to off-set the Sub-Area Planning Study cost of all three communities. The preliminary Staff responses from Hampshire and Pingree Grove appeared favorable. It is also believed that this collaboration would help our chances of being awarded a grant as the program strongly encourages collaboration amongst communities.

As part of the application process, Kane County requires that a resolution of support by the Village Board be approved prior to the application being reviewed. The application is due no later than January 9, 2009.

Trustee Leopold asked if the program is administered by the County. Village Manager Johnson answered yes.

A MOTION was made to approve Resolution (R)2008-11.57 - Authorizing the Application Submittal for Kane County Riverboat Funds and Execution of all Necessary Documents

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 of Resolution (R)2008-11.58 - Rescinding Resolution (R)2008-05.19 Previously Adopted in Opposition of the Village of Pingree Grove's Water Quality Management Plan Amendment (WQMP-048)

Village Manager Johnson reported that at the May 15, 2008 Village Board meeting, the Board of Trustees approved a resolution of opposition for the Village of Pingree Grove's Water Quality Management Plan Amendment for the area south of Big Timber Road, east of Route 47 and north of Reinking Road. The area encompassed +/- 175 acres.

In addition to the Resolution of Opposition, Staff and Village consultants, at the direction of the Village Board, prepared an application to include the same 175 acres in Huntley's Facility Planning Area. The Village of Huntley never filed the application due to boundary agreement negotiations.

The boundary agreement negotiations continued throughout the summer and an agreement was ultimately approved at the September 11th Village Board meeting. The agreement was also approved by the Village of Pingree Grove at their September 22, 2008 Village Board meeting. The property in question is on the Pingree Grove side of the boundary line and withdrawal of the objection is appropriate.

Village Manager Johnson presented a map highlighting the boundary line agreement between Huntley and Pingree Grove.

A MOTION was made to approve Resolution (R)2008-11.58 - Rescinding Resolution (R)2008-05.19 Previously Adopted in Opposition of the Village of Pingree Grove Water Quality Management Plan Amendment (WQMP-048)

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

G. Approval of Resolution (R)2008-11.59 - Damage Assessment – McHenry County Council of Governments Mutual Aid Intergovernmental Service Agreement

Mayor Sass reported that the Village has received a request from the McHenry County Council of Governments (MCCG) to consider a resolution authorizing membership in the McHenry County Council of Governments Damage Assessment Mutual Aid Intergovernmental Service Agreement. The agreement is similar to a previously authorized agreement for public works departments in the County. The Village Board authorized participation in the public works intergovernmental agreement in January of this year.

The Damage Assessment Mutual Aid system is intended to provide assistance among member communities at times of natural or man-made disasters that go beyond the resources of an individual municipality or township to handle effectively. The agreement provides for the sharing of personnel, equipment, and material resources in such situations. Each member agrees to provide assistance to other members in assessing property damage in the event of disaster and will receive the same assistance if needed in its community. Building inspection services to assess the safety of structures would be the primary type of assistance provided. Some of the other communities that have approved the agreement are Algonquin, Fox River Grove, Harvard, Lakewood, Richmond, and McCullom Lake.

The agreement has been reviewed by the Village Attorney and is in order for Village Board consideration at this time.

Mayor Sass asked if there were any questions. There were none.

A MOTION was made to approve Resolution (R)2008-11.59 - Authorizing Membership in the McHenry County Council of Governments Damage Assessment Mutual Aid Intergovernmental Service Agreement

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

H. Policy Direction – Village of Huntley Tax Levy Resolution

Finance Director Jennifer Chernak gave an overview of the 2008 Tax Levy and reported that the Village Board must approve the annual property tax levy in sufficient time to file the approved property tax levy ordinance with the County Clerks by the last Tuesday in December, which is Tuesday, December 30, 2008.

Property Tax Extension Limitation Law (PTELL)

The collar counties (DuPage, Kane, Lake, McHenry and Will) became subject to the PTELL for the 1991 levy year for taxes paid in 1992. Cook County was added in 1994. Under this property tax cap legislation (for non-home rule taxing districts), the Village's maximum property tax increase without requiring referendum approval is limited to the lower of 5.0% or the consumer price index (CPI). The County Clerks have notified the Village that the CPI to use for the 2008 property tax levy is 4.1%, which is significantly higher than the 2007 CPI rate of 2.5%.

Truth-in-Taxation Disclosure Requirements

The Village of Huntley is required to comply with Public Act 89-102, known as the "Truth in Taxation Act." This Act places requirements on the Village in the adoption of the 2008 property tax levy if the proposed 2008 gross property tax levy is 105% greater than the 2007 net property tax extension. The actual Truth in Taxation publication percentage increase is distorted because the required comparison is from the prior year actual levy receipts to the current year request. For example, the actual increase in property tax extensions from 2006 levy (\$2,904,886) compared to the actual extensions from the 2007 levy (\$3,219,110) is 10.81 % however; the Truth in Taxation increase for 2008 will show a 22.70% increase. (\$3,219,110 actual 2008 receipts vs. \$3,950,000 request).

Village Board policy has been for the levy request to exceed 105% of the prior year's property tax extension for the following reasons:

1. The Village does not levy for the tax rate, the Village levys for dollars. By requesting the maximum amount available, the rate is calculated based on the total request. It is recommended that the dollar request be greater than the anticipated dollar amount to allow for adjustments by the counties in their calculations of the assessed values and added multipliers.
2. As a non-home rule community, the Village cannot recover any lost levy dollars if a levy request is not maximized due to the calculation of the property tax caps.

Finance Director Chernak reviewed the 2008 property tax rate estimates.

Summary

The Village does not set the tax rate. The tax levy process is an estimation based on assessed valuations, estimated new construction and annexations that have occurred during the year. By maximizing the Village's levy capacity, the Village of Huntley is able to capture the maximum dollars allowed under the tax caps. The Township Assessors calculate the estimated valuations and the County Clerks ensure that the Village's net levy does not exceed authorized limits. Final valuations are affected by rate multipliers imposed by the Counties and the State of Illinois.

It should be noted that property tax revenues do not affect any enterprise funds, such as the water/sewer funds. The water/sewer funds operate like a business where user fees are the primary source of income.

The following schedule will be followed for the 2008 Tax Levy process:

- | | |
|-------------------|---|
| November 20, 2008 | Present a notice estimating the amount of funds to be levied for 2008 tax levy. |
| December 1, 2008 | Publish Notice of Public Hearing and Truth in Taxation disclosure. |

December 11, 2008 Public Hearing held during the scheduled Village Board Meeting

December 11, 2008 Village Board to approve:
a.) 2009 Annual Budget
b.) 2008 Property Tax Levy Ordinance
c.) 2008 Special Service Area Levy Ordinances**

**Truth in taxation requirements and public hearings are not part of the Special Service Areas levies because these levies are strictly bond and interest repayments. The Special Service Area levies are calculated by the Service Area Administrator based on debt service repayment needs.

Village Manager Johnson stated that it is important to note that the Village tax rate will drop 10% this year.

Trustee Leopold spoke of an example of a homeowner with a house valued at \$100,000. He stated that the homeowner would have paid \$415.50 in taxes last year, and only \$371.00 this year, yet in accordance with the truth in taxation law, the Village must advise the taxpayer that the taxes will increase. Director Chernak agreed.

Director Chernak noted that other taxing bodies affecting Huntley residents have realized increases in taxes.

Trustee Leopold asked how Home Rule would affect the calculations. Director Chernak stated that Home Rule municipalities would not be limited to the CPI. Village Manager Johnson stated that the drop in the tax rate provides lower taxes, which are great for property owners, but add to funding challenges for the Village.

Trustee Kadakia asked if the Village would be better off as a Home Rule municipality. Village Manager Johnson stated that under home rule, the Village Board would have the ability to set a consistent tax rate that could balance the needs of the Village's operations with the tax rate charged to property owners. Trustee Leopold noted that if the rate had stayed the same, the revenue would have increased \$450,000.

There was a consensus of the Village Board to conduct a public hearing on December 11, 2008 to elicit comments on the 2008 tax levy and direct staff to prepare a Tax Levy Resolution and Truth-in-Taxation notice based on a dollar request of \$3,950,000

VILLAGE ATTORNEY'S REPORT:

None

VILLAGE MANAGER'S REPORT:

Village Manager Johnson reported that there will be a budget workshop meeting on December 4th. Village Manager Johnson reported that the Attorney General is looking into the 200% increase in salt prices. Attorney Coppedge noted that the Attorney General could order restitution in the case but it would not have an impact this year.

VILLAGE PRESIDENT’S REPORT:

Mayor Sass reported that there will be no meeting next week due to the Thanksgiving Holiday.

UNFINISHED BUSINESS:

None

NEW BUSINESS:

None

EXECUTIVE SESSION

None

ACTION ON CLOSED SESSION ITEM:

None

ADJOURNMENT:

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

MOTION: Trustee Piwko
SECOND: Trustee Fender
Motion carried unanimously

Respectfully submitted,

Anita M. Powers
Recording Secretary
Karick & Associates.