

**VILLAGE OF HUNTLEY  
VILLAGE BOARD MEETING  
September 18, 2008  
MINUTES**

**CALL TO ORDER:**

A meeting of the Village Board of the Village of Huntley was called to order on Thursday, September 18, 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 (arrived at 7:18pm), Paul Mercer, and John Piwko.

**ABSENT:** None

**IN ATTENDANCE:** Village Manager David Johnson, 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

**ITEMS FOR CONSIDERATION:**

**A. Approval of August 21, 2008 Liquor Commission Hearing; August 21, 2008 Village Board Meeting; and August 28, 2008 Village Board Meeting Minutes**

**A MOTION was made to approve the August 21, 2008 Liquor Commission Hearing; August 21, 2008 Village Board Meeting; and August 28, 2008 Village Board Meeting Minutes as presented.**

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| <b>MOTION:</b>        | <b>Trustee Kanakaris</b>                                     |
| <b>SECOND:</b>        | <b>Trustee Piwko</b>   |
| <b>AYES:</b>          | <b>Trustees Fender, Kadakia, Kanakaris, Mercer and Piwko</b> |
| <b>NAYS:</b>          | <b>None</b>  |
| <b>ABSENT:</b>        | <b>Trustee Leopold</b>                                       |
| <b>Motion carried</b> | <b>5:0:0</b>   |

**B. Approval of September 18, 2008 Bill List in the amount of \$776,093.89**

**A MOTION was made to authorize payment of the September 18, 2008 Bill List in the amount of \$776,093.89**

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| <b>MOTION:</b>        | <b>Trustee Kadakia</b>                                       |
| <b>SECOND:</b>        | <b>Trustee Fender</b>  |
| <b>AYES:</b>          | <b>Trustees Fender, Kadakia, Kanakaris, Mercer and Piwko</b> |
| <b>NAYS:</b>          | <b>None</b>  |
| <b>ABSENT:</b>        | <b>Trustee Leopold</b>                                       |
| <b>Motion carried</b> | <b>5:0:0</b>   |

**C. Discussion - Referral of Interstate Partners, LLC Corporate Park Concept Plan to the Plan Commission and Zoning Board of Appeals to begin the formal annexation, zoning, and development approval process**

Petitioner: Interstate Partners, LLC

Village Manager Johnson presented a PowerPoint presentation including aerial photos and a site plan.

Interstate Partners is the contract purchaser of approximately 162 acres on the south side of Freeman Road immediately east of the outlet mall. The property is owned by Kirk Homes and is currently unincorporated. Interstate Partners is considering the purchase and development of the site for a business park that could accommodate up to 1.3 million square feet of warehouse, light industrial, and office space. Approximately half of the site would be utilized for development, while the remainder would provide detention for the site or would remain as undeveloped open space. The proposed use is consistent with the Village's Comprehensive Land Use Plan, which calls for Business Park development on the subject property.

Interstate Partners is the developer of the Northwest Corporate Park at the northwest corner of I-90 and Randall Road, as well as The Grove commercial development along the Randall Road frontage. Village Manager Johnson presented examples of the type of buildings that would be constructed.

With the conclusion of the PowerPoint presentation, Village Manager Johnson introduced Mr. Paul Anderson of Interstate Partners.

Mr. Anderson gave a brief introduction of Interstate Partners. He explained that this proposed project is similar to their Northwest Corporate Park in Elgin. Mr. Anderson said he is looking forward to working with the Village.

Trustee Fender asked if there will be any retail space in the plan. Mr. Anderson stated that there will be a 24,000 s.f. office building in the northeast corner of the property near Freeman Road but there are no plans for retail. Trustee Fender stated that she likes the plan.

Trustee Piwko asked if they have any prospects for tenants. Mr. Anderson answered yes.

There was a consensus of the Village Board to refer the Concept Plan to the Plan Commission and Zoning Board of Appeals to begin the formal annexation, zoning, and development approval process.

**D. Discussion - Regarding a Request from Rubloff Huntley II, LLC to amend the Annexation Agreement for Phases II and III of the Huntley Crossings Commercial Development**

Village Manager Dave Johnson presented a PowerPoint presentation including aerial photos.

Rubloff Huntley II, LLC is preparing to move forward with the development of Phase II of the Huntley Crossings commercial development (the former Riedl property north of Powers Road). The parcel was annexed in December, 2006. The annexation agreement for Phase I (south of Powers Road), the parcel that includes the Home Depot lot, allows two of the outlots to be used for financial institutions. Rubloff Huntley II, LLC no longer owns the Phase I property, which is being developed by Klein Development. The annexation agreement for Phase II allows development of one outlot with a financial institution. In total, three financial institutions on the outlots for Phases I and II of Huntley Crossings are allowed by the annexation agreements.

Rubloff Huntley II, LLC has submitted preliminary engineering and planned unit development plans for Phase II for review and approval to begin the development of the seven outlot parcels. They have reached an agreement with a bank for the outlot on the northeast corner of Regency Parkway and Route 47. They have also entered into a Letter of Intent with a pharmacy for one of the other outlots. The developer is now requesting that the annexation agreement be amended to allow another drive-through financial institution on one of the five remaining outlots.

The total number of outlots between Phases I and II is twelve. If the amendment were approved, the number of outlots with financial institution would be four. For informational purposes, the Tucker/Walmart development immediately north of Phase II is allowed financial institutions on two of the nine outlots. There are six existing banks on outlots along Route 47; there are three “in-line” banks.

Mr. Bruce Danly of Rubloff/Oxford Partners was present to answer questions.

Mayor Sass asked that the petitioner bring an element such as a Big Box store or a restaurant to the project if another bank is to be added.

Trustee Kanakaris asked if development will be limited to outlots at this time. Mr. Danly stated that he has interest for the land at Route 47 and Regency Parkway from a retailer. He noted that many retailers are not building at this point but continue to plan for when the economy picks up. Mr. Danly explained that once the WalMart opens there should be enough traffic to spur other development so he is planning to build from the front to the back.

Trustee Fender stated that she would like to see the bank tied to a larger element but thinks the Village should remain flexible. Mr. Danly agreed that there are several options that they can bring forward. Trustee Kanakaris stated he has no problem with the proposal. Trustee Piwko stated that it is a good idea to compromise.

Trustee Kadakia asked if the bank on this lot would be any different from others in the area. Mr. Danly stated that opening up the possibility of a bank at this location helps get the site to the best marketing opportunities.

Policy direction was given to move forward with preparation of an amendment to the annexation agreement as requested by Rubloff Huntley II, LLC.

**E. Approval of Resolution (R)2008-09.49- Temporary Use Permit Request – Construction Trailer – Shepherd of the Prairie Construction Trailer/10805 Main Street**

Petitioner: Shales McNutt Construction, LLC

Mayor Sass 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 incidental to a construction project. The contractor for Shepherd of the Prairie Lutheran Church, Shales McNutt Construction, is seeking approval of a temporary use permit for a construction trailer for the site at 10805 Main Street.

The trailer will be located off of the entrance to the site on Manhattan Drive on the south end of the property. The trailer is 10' x 36' in size.

**Conditions of Approval**

1. The standard \$75 temporary use permit fee must be paid by Shales McNutt 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

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

**A MOTION was made to approve Resolution (R)2008-09.49 granting a request for a temporary use permit for the location of a construction trailer for Shepherd of the Prairie Lutheran Church, 10805 Main Street, subject to the conditions listed above.**

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

**F. Approval of Payout Request No. 19 – Joseph J. Henderson & Son, Inc. West Wastewater Treatment Plant Improvements Phase 3 - \$289,226.77**

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 July 20, 2008 (nineteenth 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 \$289,226.77. The Phase 3 improvement is 90% 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 is \$12,417,469.66. Awarded contract amount \$14,320,000.00 minus payouts to date, \$12,128,242.89, leaves an outstanding balance of \$1,902,530.34.

Trustee Leopold asked if the last payment was completed. Village Manager Johnson answered yes.

**A MOTION was made to approve the Engineer’s Payment Estimate No. 19 for the West Wastewater Treatment Plant Improvements Phase 3 and payment to Joseph J. Henderson & Son, Inc. in the amount of \$289,226.77.**

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

**VILLAGE ATTORNEY’S REPORT:**

None

**VILLAGE MANAGER’S REPORT:**

None

**VILLAGE PRESIDENT’S REPORT:**

Mayor Sass reported that the McHenry County Board approved the Intergovernmental Agreement and has also signed Letter of Intent regarding the tollway interchange. The McHenry County Council of Government approved the Village’s request for \$700,000 for Reed Road from Haligus to Annandale and \$700,000 for Huntley/Dundee Road from Main Street to Kreutzer Road. The FAU classification for Kreutzer Road from Route 47 to Huntley/Dundee was also approved which will permit the road to be eligible for federal funding.

**UNFINISHED BUSINESS:**

Trustee Fender thanked the Trustees, Police Department, and Public Works for their help with Fall Fest.

**NEW BUSINESS:**

None

**ADJOURNMENT INTO EXECUTIVE SESSION**

**There was a motion made at 7:30pm. to adjourn the meeting into Executive Session to discuss probable or imminent litigation and pending litigation.**

**MOTION: Trustee Leopold**  
**SECOND: Trustee Fender**  
**Motion carried unanimously**

**ADJOURNMENT OUT OF EXECUTIVE SESSION**  
**There was a motion made to exit Executive Session at 7:38pm.**

**MOTION: Trustee Kanakaris**  
**SECOND: Trustee Leopold**  
**Motion carried unanimously**

**ACTION ON CLOSED SESSION ITEM:**  
None

**ADJOURNMENT:**  
**There was a MOTION made to adjourn the meeting at 7:40pm.**

**MOTION: Trustee Kanakaris**  
**SECOND: Trustee Leopold**  
**Motion carried unanimously**

Respectfully submitted,

Anita M. Powers  
Recording Secretary  
Karick & Associates.