

**VILLAGE OF HUNTLEY
VILLAGE BOARD MEETING
February 19, 2009
MINUTES**

CALL TO ORDER:

A meeting of the Village Board of the Village of Huntley was called to order on Thursday, February 19, 2009 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, Paul Mercer, and John Piwko.

ABSENT: Trustee Leopold

IN ATTENDANCE: Village Manager David Johnson, Senior Assistant to the Village Manager Lisa Armour, Management Assistant Barbara Read, and Village Attorney Mike Coppedge.

PLEDGE OF ALLEGIANCE: Mayor Sass led the Pledge of Allegiance.

PUBLIC COMMENTS: McHenry County Board Member Paula Yensen introduced herself to the Village Board and stated that she represents the 5th District. She noted that she is on the Transportation, Management Services and the Human Resources Committees and invited the Village Board to contact her if they had questions or needed anything.

ITEMS FOR CONSIDERATION:

A. Approval of the January 29, 2009 Joint Meeting of the Village Board and Consolidated School District 158 Minutes, the February 5, 2009 Liquor Commission Minutes and the February 5, 2009 Village Board Meeting Minutes

A MOTION was made to approve the January 29, 2009 and February 5, 2009 Village Board Meeting Minutes as amended.

MOTION: Trustee Kanakaris

SECOND: Trustee Kadakia

AYES: Trustees Fender, Kadakia, Kanakaris, Mercer and Piwko

NAYS: None

ABSENT: Trustee Leopold

Motion carried: 5-0-1

A MOTION was made to approve the February 5, 2009 Liquor Commission Hearing Minutes as amended.

MOTION: Trustee Piwko
SECOND: Trustee Fender
AYES: Trustees Fender, Kadakia, Mercer and Piwko
NAYS: None
ABSENT: Trustee Leopold
ABSTAIN: Trustee Kanakaris
Motion carried: 4-0-1

B. Approval of the February 19, 2009 Bill List in the amount of \$1,361,206.26

A MOTION was made to approve the February 19, 2009 Bill List in the amount of \$1,361,206.26.

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

C. Approval of Resolution (R)2009-02.07 - Temporary Use Permit Request for a Temporary Banner – Sun City Community Association, 12880 Del Webb Boulevard

Mayor Sass noted that the Village was in receipt of a request from the Sun City Community Association to install one (1) 2.5' by 10' (25 square feet) temporary banner advertising Sun City's semi-annual Consumer Showcase. The request seeks permission to install the banner twice annually (March and October) for the next five years. The banner would be installed two weeks prior to each Consumer Showcase and located within Sun City's landscaping at the northwest corner of Route 47 and Del Webb Boulevard. Mayor Sass noted that this year's Consumer Showcases will be held on March 26 and October 29. The Village Board's authorization for this request is required in accordance with the Sign Code §153.17 Prohibited Signs, subparagraph (K) Banners and Flags.

Mayor Sass stated that staff has reviewed the request and recommends approval subject to the following conditions:

1. A sign permit shall be obtained from the Development Services Department prior to each display period.
2. Each display period shall not exceed two (2) weeks.
3. The Temporary Use Permit is not transferable to other events.

Mayor Sass asked if the Board had any questions. There were no questions.

A MOTION was made to approve Resolution (R) 2009-02.07 - granting a request for a temporary use permit allowing for the installation of a “Consumer Showcase” temporary banner semi-annually for the next five (5) years.

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

D. Approval of Payment of the McHenry County Division of Transportation (MCDOT) Invoice No. 1 dated December 10, 2008, in the amount of \$159,908.37 for Traffic Signal and Street Lighting Work at the Intersection of Algonquin Road and Haligus Road

Mayor Sass stated that on June 7, 2007 the Village Board approved Resolution (R)2007-06.22 - Agreement Between the County of McHenry and the Village of Huntley for Engineering, Installation, and Maintenance of the Proposed Traffic Signal and Intersection Lighting at the Intersection of Algonquin Road (C.H.32) and Haligus Road. The agreement outlined cost responsibilities, including costs associated with the traffic signal and street lighting at the intersection of Algonquin Road and Haligus Road. In accordance with Items 6 and 15 of the agreement, the County has invoiced the Village of Huntley for its 50% share of the as-bid and as-built constructed costs for the traffic signal and street lighting, and 100% of the Emergency Vehicle Pre-emption System. The project is 99% complete pending final MCDOT acceptance.

The project is included in the Capital Projects Fund. The invoice has been reviewed by the Village Engineer and payment in the amount of \$159,908.37 to the County of McHenry is recommended.

Mayor Sass asked if the Board had any questions. Trustee Fender asked if another layer of asphalt will be applied to Algonquin Road. Mayor Sass noted that the final layer will be applied in 2009. There were no other questions.

A MOTION was made to approve Payment of the McHenry County Division of Transportation (MCDOT) Invoice #1 dated December 10, 2008, in the amount of \$159,908.37 for Traffic Signal and Street Lighting Work at the Intersection of Algonquin Road and Haligus Road

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

E. Approval of Payout Request No. 2 to Home Towne Electric, Inc. for Construction of the Haligus Road at Reed Road and Haligus Road at Huntley-Dundee Road Traffic Signals in the amount of \$251,559.92

Mayor Sass reported that at the August 14, 2008 Village Board meeting the Village Board awarded the construction of the Haligus Road at Reed Road and Haligus Road at Huntley-Dundee Road Traffic Signals to Home Towne Electric, Inc. in the amount of \$413,408.60.

The project is part of the Village's 5-Year Capital Improvement Program (CIP) included in the Capital Project Fund line item 02-10-4-6925.

Work completed to date includes the underground conduits, concrete foundations for the traffic signal posts and handholes. The project is approximately 99% complete, pending final quantities and surface restoration. All landscape and correction list work shall be completed by May 1, 2009.

Pay Request No. 2 reflects a 5% retention amount, and waivers of lien have been received. Retention will apply until final payout is reviewed and approved.

Mayor Sass stated that the Village Engineer recommends payment to Home Towne Electric, Inc. in the amount of \$251,559.92.

Mayor Sass asked if the Village Board has any questions. There were no questions.

A MOTION was made to approve Payout Request No. 2 in the amount of \$251,559.92 to Home Towne Electric, Inc. for the construction of the Haligus Road at Reed Road and Haligus Road at Huntley-Dundee Road Traffic Signals

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

F. Approval of Payout Request No. 23 to Joseph J. Henderson & Son, Inc. for West Wastewater Treatment Plant Improvements Phase 3 in the amount of \$616,081.78

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.

Mayor Sass reported that 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 November 20, 2008 (twenty-third 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 \$616,081.78. The contract allows for liquidated damages to be assessed against the contractor for failure to complete the project by the completion date of September 22, 2008. Liquidated damages are being assessed on this payout in the amount of \$106,000. Liquidated damages are used for covering additional cost incurred by owner to complete project, i.e. engineering fees. Also included in this payout is a reduction of the retainage withheld from contractor on each payout. Retainage is being reduced from \$716,000.00 to \$286,232.66. The Phase 3 improvement is 96% complete.

Mayor Sass asked if the Village Board had any questions. There were no questions.

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

G. Approval of Final Payout Request to Joseph J. Henderson & Son, Inc. for the West Wastewater Treatment Plant Irrigation Pumping Station No. 2 in the amount of \$34,409.79

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

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

Joseph J. Henderson & Son, Inc. began construction in October 2007 and is now requesting final payment for work performed and material purchased for this project.

In the opinion of the project engineer, Baxter & Woodman, the amount now due and payable to Joseph J. Henderson & Son, Inc. in accordance with the terms of the Construction Contract Documents for this project is \$34,409.79

The project is now complete, with total payouts in the amount of the contract award of \$402,000.00.

Mayor Sass asked the Village Board if they had any questions. Trustee Fender asked what was being irrigated through this system. Village Manager Johnson reported that all the

common open spaces, excluding the park, were being irrigated. There were no other questions.

A MOTION was made to approve the Final Payout Request to Joseph J. Henderson & Son, Inc. for the West Wastewater Treatment Plant Irrigation Pumping Station No. 2 in the amount of \$34,409.79

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

H. Approval to Waive Formal Bidding Process and Purchase Used 2007 John Deere 444J Wheel Loader

Village Manager Johnson reported that the Public Works Department purchased a used John Deere 444 Wheel Loader from West Side Tractor in 1998 for \$75,000. Public Works has utilized the current wheel loader for more than 10 years and has put 3600 hours on the unit. Public Works will continue using this until it is scheduled for replacement in 2013. To improve our level of service for the residents, the Village Board, as part of the 2009 budget approved the purchase of a second used wheel loader in an amount not to exceed \$150,000.00.

Village Manager Johnson stated that staff has researched and investigated numerous used wheel loaders and have comprised a list with the cost and hours of use on each unit:

- 2007 John Deere 444J Wheel Loader - \$100,000, West Side Tractor Sales Co., 120 hours
- 2006 John Deere 444J Wheel Loader - \$95,000, Holt Equipment Co., 2238 hours
- 2005 John Deere 444J Wheel Loader - \$90,090, Doyle Equipment Co., 883 hours
- 2005 John Deere 444J Wheel Loader - \$85,000, Erb Equipment Co. Inc., hours not available

West Side Tractor is also including a full machine warranty until May 20, 2009 and a power train and hydraulic extended service warranty until May 20, 2011 or 1500 hours.

Based on the evaluation, staff recommends that the Village Board waive the formal bidding process and purchase a used 2007 John Deere 444J Wheel Loader from West Side Tractor Sales Co., Rockford, Illinois.

Mayor Sass asked if the Village Board had any questions. There were no questions.

A MOTION was made to waive the formal bidding process and purchase a used 2007 John Deere 444J Wheel Loader from West Side Tractor Sale Co.

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

I. Approval of PAR Development, Inc. – Bond Reduction Request – Huntley Grove Commercial Subdivision Stormwater Management Design

Mayor Sass reported that as part of the stormwater management design for the Huntley Grove Commercial Subdivision (Walmart), some grading and utility work was required on the Huntley Grove residential property immediately east of the Huntley Grove Commercial Subdivision. PAR Development, Inc. posted Bond No. 6492555 by Safeco Insurance Company of America in the amount of \$1,528,980.00 to guarantee the grading and utility work.

PAR Development, Inc. has requested a reduction in the value of the bond based on work completed to date, along with a derivation of the requested reduction. In accordance with the Subdivision Regulations and the project annexation agreement, the bond may be reduced in value after partial completion of the covered improvements.

The Village Engineer has reviewed the request and concludes that the bond amount may be reduced from its current value of \$1,528,980.00, by \$1,291,054.00, to a new amount of \$237,926.00. The new amount represents retaining 120% of the value of the uncompleted improvements and 10% of the completed improvements.

Mayor Sass asked if the Village Board had any questions. There were no questions.

A MOTION was made to approve the PAR Development, Inc. – Bond Reduction Request – Huntley Grove Commercial Subdivision Stormwater Management Design

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

J. Approval of Resolution (R)2009-02.08 - Authorizing the Application Submittals for Funding Sources for Capital Improvement Projects and Execution of all Necessary Documents

Village Manager Johnson reported that the Federal Government is in the process of accepting applications and documents for future appropriation requests as well as “shovel ready” projects as part of the American Recovery and Reinvestment Act of 2009 (“Stimulus Program”).

In anticipation of receiving funds through the Federal Stimulus Program, the Illinois Environmental Protection Agency (IEPA) is accepting pre-applications for water and sewer projects. The following projects would be submitted as part of the pre-application process:

1) I-90 Sanitary Sewer Pumping Station (\$3,100,000.00); 2) Well No. 13 (South of I-90) Construction (\$1,000,000.00); 3) Route 47 Water Main Relocation (\$2,100,000.00) as part of the IDOT Route 47 Widening Project; 4) Route 47 Sanitary Sewer Relocation (\$1,150,000.00) as part of the IDOT Route 47 Widening Project; and 5) Water Tower No. 2 Repainting (\$402,000.00).

Congressman Foster’s office is accepting Fiscal Year 2010 Appropriation Requests. The following projects would be submitted as part of the request process: 1) I-90 Sanitary Sewer Pumping Station (\$3,100,000.00); 2) Well No. 13 (South of I-90) Construction (\$1,000,000.00); and 3) Kreutzer Road Extension Project (\$6,500,000.00).

Congressman Manzullo is also being contacted about supporting funding for the Kreutzer Road Extension Project (\$6,500,000.00) and the Route 47 Widening Project – Infrastructure Improvements (\$3,250,000.00). Congressman Manzullo has previously secured in excess of \$6 million of Federal Funds for the Route 47 Widening Project.

Village Manager Johnson stated that staff will pursue the above noted programs as well as other programs available to fund the Village’s Capital Improvement Projects with this formal authorization of the Village Board of Trustees.

Mayor Sass asked if the Village Board had any questions. Trustee Kadakia asked how soon these applications will be ready to be submitted. Village Manager Johnson stated they are completed and may be submitted immediately. Trustee Kadakia suggested that the IEPA applications be submitted as soon as possible.

Trustee Kanakaris asked if the full interchange at I-90 and Illinois Route 47 will be included in these applications to which Village Manager Johnson stated that the project will not be using federal funds.

A MOTION was made to approve Resolution (R)2009-02.08 - Authorizing the Application Submittals for Funding Sources for Capital Improvement Projects and Execution of all Necessary Documents

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

K. Approval of Self-Insured Dental Program

Village Manager Johnson reported that one of the goals Staff identified as part of the FY2009 budget was to analyze the Village's dental insurance program for possible cost saving options. In working with the Village's medical insurance broker, Staff has identified a self-insured funding option that, based on the current projections, could save the Village an estimated 20% from the current premium based plan.

The current premium based plan through Humana costs the Village approximately \$63,000 per year. Based on the Village's dental insurance claim history, the proposed self-insured program through Guardian would cost approximately \$48,600 annually. Aggregate Stop Loss Insurance Protection at 110% of the expected cost is included with the policy.

Switching the program to Guardian would not only be cost beneficial to the Village, but the plan actually has a larger network for employees to choose from for services. No service changes are proposed and claims would be processed through a third party administrator.

Self-insuring the dental component of the Village's medical insurance program is relatively low risk due to the fact that dental claims have a high frequency but a low average cost per claim. In addition, the plan maximum of \$1,500.00 limits the amount of claims for one person.

The premium based program remains an option in the future if the self-insured program does not operate as anticipated.

Mayor Sass asked if the Village Board had any questions. There were no questions.

A MOTION was made to Approve the Self-Insured Dental Program

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

L. Authorization to Proceed with the Implementation of the 2009 Farmers' Market Business Plan

Management Assistant Read reported that this year will be the 3rd season for the farmers market and that growth and interest in the market has increased yearly.

Prior to preparing the business plan for the 2009 market, a meeting was held on January 23rd with the current vendors to solicit their input and suggestions as well as clear up some of their concerns from last year's market.

Most of the market business plan remains the same as last year but there are several changes:

- In 2008, the market was held each Saturday from June 7th through September 27th. This year, the dates will be June 6th through October 3rd.
- In 2008, the market hours were 8 a.m. – Noon. This year, the hours will be 8:00 a.m. to 12:30 p.m. For safety reasons, no vendor cars will be allowed to drive on the street to unload after 7:45 a.m.
- In addition to the special events held in conjunction with the farmers market in 2008, a special “Plant your Garden Day” on May 9th is proposed where our current vendors along with possibly new vendors would sell annuals, perennials, potted plants and possibly fresh cut flowers. (This is the Mothers’ Day Weekend)
- Due to the increased length of the market, there will actually be 5 craft fairs held in 2009.
- As the 4th of July falls on a Saturday, we are proposing making that market an “All American Family Fun Day” theme where we will invite non-profit groups to run games, do face painting, bike decorating contest, etc. As it is the first Saturday, there will be the scheduled craft fair and Peter Guerin a/k/a the Elvis impersonator is interested in providing entertainment on that day as he has done the last 2 years.
- Other theme days in addition to the ones we started last year that the vendors have suggested are: Grandparent’s Day (9/12), Father’s Day (6/20), the Woodstock Car Club, and an Art in the Park Day. The McHenry County Antique Farm Equipment club has already signed up for the August 22nd market. And on our last market (October 3rd) we will also be hosting a “Harvest Fest/Celebration”. This may include such things as games, pumpkin decorating, etc.
- Costs - There will be no change in the participation fees for this year.
- There will be no change in the McHenry County Health Department requirements or Village Sales Tax or Liability Insurance coverage requirements.
- Advertising Grant from the IL Dept. of Agriculture – As of today, the internal review committee has forwarded their recommendations to the Director for approval. So they believe an announcement will be made shortly. We have set aside matching funds should the Village be awarded a grant.
- The Village Board’s packet included a budget. A couple of the large banners are falling apart and have outdated information so those will need to be replaced.
- Staff is requesting to pay four (4) performers a minimal fee as they bring fairly large crowds to the farmers market.

Mayor Sass asked the Village Board if they had any questions. Trustee Fender asked if there will be a craft fair at the May 9th Plant Your Garden Day event. Staff said there were no plans at this time. There were no other questions.

It was the consensus of the Village Board to proceed with the 2009 Farmers' Market Business Plan.

VILLAGE ATTORNEY'S REPORT: None

VILLAGE MANAGER'S REPORT:

Village Manager Johnson noted the memo to the Village Board regarding the temporary closure of the post office due to the replacement of the flooring and the possible existence of asbestos. Village Manager Johnson reported that the McHenry County Department of Health contacted the Illinois Environmental Protection Agency for proper testing.

VILLAGE PRESIDENT'S REPORT:

Mayor Sass reported the following:

- The Village will have a booth at the Huntley Expo on February 21st and 22nd
- He and Village Manager Johnson will be meeting with Congressman Foster's office on Monday to present the Huntley projects looking to be part of the Congressman's 2010 appropriations list
- McHenry County Department of Transportation will be holding an open house regarding the extension of Algonquin Road from Route 47 to Brier Hill Road on March 12th from 4:00 – 7:00 p.m. at Huntley High School
- The next McCOG dinner meeting will be held on February 25th.

UNFINISHED BUSINESS: None

NEW BUSINESS: None

EXECUTIVE SESSION:

A MOTION was made at 7:33 p.m. to adjourn the meeting into Executive Session to discuss pending litigation.

MOTION: Trustee Piwko
SECOND: Trustee Kanakaris
The motion carried unanimously.

ADJOURNMENT OUT OF EXECUTIVE SESSION

There was a motion made to exit Executive Session at 7:45 p.m.

MOTION: Trustee Kadakia
SECOND: Trustee Fender
Motion carried unanimously

ACTION ON CLOSED SESSION ITEM: None

ADJOURNMENT:

There was a MOTION made to adjourn the meeting at 7:46 p.m.

MOTION: Trustee Kadakia
SECOND: Trustee Fender
Motion carried unanimously

Respectfully submitted,

Barbara Read
Recording Secretary