

**VILLAGE OF HUNTLEY
VILLAGE BOARD MEETING
April 23, 2009
MINUTES**

CALL TO ORDER:

A meeting of the Village Board of the Village of Huntley was called to order on Thursday, April 23, 2009 at 7:03 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, Senior Assistant to the Village Manager Lisa Armour, Management Assistant Barbara Read, Village Attorney Mike Coppedge, Village Engineer Bill Geegan and Director of Finance and Human Resources Jennifer Chernak.

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

APPROVAL OF THE AGENDA:

Mayor Sass stated that Agenda Item 8d, the ordinance approving and adopting an amended redevelopment plan for the Huntley Redevelopment Project Area Number One Redevelopment Project needs to be approved prior to Agenda Item 8c, the ordinance providing for the issuance of not to exceed \$14,500,000 of Tax Increment Allocation Revenue Refunding Bonds.

A MOTION was made to amend the April 23, 2009 Agenda moving item 8d before item 8c and change the ordinance numbers accordingly.

MOTION: Trustee Mercer

SECOND: Trustee Kanakaris

The voice vote noted all ayes and the motion carried.

PRESENTATION:

- a) Proclamation – Look at Local History Month

Mayor Sass read the following proclamation:

WHEREAS, historic preservation is an effective tool for managing growth, revitalizing neighborhoods, fostering local pride and maintaining community character while enhancing livability; and

WHEREAS, historic preservation is relevant for communities across the nation, both urban and rural, and for Americans of all ages, all walks of life and all ethnic backgrounds; and
WHEREAS, it is important to celebrate the role of history in our lives and the contributions made by dedicated individuals in helping to preserve the tangible aspects of the heritage that has shaped us as a people; and

WHEREAS, “*This Place Matters*” is the national theme for the celebration of Preservation Month; and

WHEREAS, “*Look at Local History*” is the theme throughout McHenry County, Illinois, being held in conjunction with National Historical Preservation Week;

NOW, THEREFORE, I, Charles H. Sass, Mayor of the Village of Huntley, do proclaim May 2009, as National Historic Preservation Month, and call upon the people of the Village to join their fellow citizens across McHenry County in recognizing and participating in this special observance.

Donna Britton, Chairperson of the Historic Preservation Commission, thanked Mayor Sass for recognizing Historic Preservation Month and talked about the events scheduled for May 2nd and the Pride in Preservation program.

PUBLIC COMMENTS: None

CONSENT AGENDA:

- A. Approval of the March 19, 2009 Committee of the Whole Meeting Minutes, March 26, 2009 Village Board Meeting Minutes and the April 2, 2009 Committee of the Whole Meeting Minutes, as amended
- B. Approval of April 23, 2009 Bill List in the amount of \$461,978.03
- C. Approval of Resolution (R)2009-04.26 – A Resolution Granting an Exemption from the Provisions from the Sign Ordinance of the Village of Huntley for Boy Scout Troop 167, as amended
- D. Approval of Ordinance (O)2009-04.10 - Final Planned Unit Development for Outlot 5 – Huntley Crossings Phase I/Harris Bank N.A.; Petition No. 09-4.1, Klein Huntley L.L.C. (owner) and Harris N.A. (contract purchaser), 2.329 acres, more or less, and commonly known as Lot 5 of Huntley Crossings – Phase I Commercial Subdivision – Request is for approval of a Final Planned Unit Development; and Approval of such other relief as may be necessary to allow for development in accordance with the site plan that has been submitted to, and is on file with, the Village of Huntley, all pursuant to the requirements of the Zoning Ordinance, including specifically Section 156.120 et seq., as amended
- E. Approval of Resolution (R)2009-04.19 - Approving a Development Agreement Between the Village of Huntley and Centegra Health System/NIMED Corp. for Reed Road Reconstruction
- F. Approval of Resolution (R)2009-04.20 – Engineering Services Agreement/Civiltech Engineering, Inc. – Design Engineering Services for the Reed Road Reconstruction Project
- G. Approval of the Village of Huntley 2009 Street Improvement Program:
 - a) Approval of Resolution (R)2009-04.21 – to appropriate \$650,000.00 in Motor Fuel Tax Funds for Contract Construction for the 2009 Street Improvement Program

- b) Approval of Resolution (R)2009-04.22 – Execution of the Construction Contract to the lowest responsible bidder, Schroeder Asphalt Services, Inc., in the amount of \$927,679.15 for Option No. 2 / 2009 Street Improvement Program
- H. Approval of Resolution (R)2009-04.23 – Engineering Services Agreement/ Christopher B. Burke Engineering, Ltd. (CBBEL) – Professional Construction Observation Services for the Huntley-Dundee Road Resurfacing Project
- I. Approval Resolution (R)2009-04-24 – approval of the temporary construction easement and dedication of Village owned right-of-way for a perpetual easement / south side of Main Street East of Route 47 (1EW0020DED, TE-A & TE-B) to the Illinois Department of Transportation for the construction and improvement of Route 47 – Kreutzer Road to Reed Road
- J. Approval of Resolution (R)2009-04.25 – Proposal for Engineering Services /Christopher B. Burke Engineering, Ltd. (CBBEL) – National Pollutant Discharge Elimination System (NPDES) Phase II Compliance – Permit Guidance and Yearly Reporting
- K. Reject all Bids Received and Re-Bid the Police Department Second Floor Buildout

A MOTION was made to approve the Consent Agenda as presented.

MOTION: Trustee Leopold
SECOND: Trustee Kadakia
AYES: Trustee Fender, Kadakia, Kanakarlis, Leopold, Mercer and Piwko
NAYS: None
ABSTAIN: None
The motion carried: 6-0-0

DISCUSSION/APPROVAL OF ITEMS REMOVED FROM CONSENT AGENDA

None

ITEMS FOR DISCUSSION & CONSIDERATION

- a) Approval of Resolution (R)2009-04.27 – Temporary Use Permit Request – Jewel Food Stores, 13200 Village Green Parkway

Mayor Sass reported that Jewel/Osco is requesting a temporary use permit to conduct a series of promotional events on their property beginning Saturday May 2, 2009. The proposed schedule of events is as follows:

- Charmin Bear - Saturday and Sunday, May 2nd and 3rd - 10:00 - 3:00 p.m.
- Crest Squeeze - Saturday, May 2nd - 10:00 - 3:00 p.m.
- Tide Soccer Speed Kick - Saturday, May 9th - 10:00 - 3:00 p.m.
- Gain Bungee Run - Saturday, May 16th - 10:00 - 3:00 p.m.

A photo/description of each event, an aerial of the event area and site plan for an alternative area to be used in the event of inclement weather are included in the packet. Each event would utilize the use of an inflatable promotional device, which would be considered signage under Village Ordinance.

The Village Board's authorization for this request is required in accordance with the Sign Code §153.17 Prohibited Signs, subparagraph (N) prohibiting inflatable or tethered or airborne devices. In addition, 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 first weekend event is scheduled for 10 hours; the two remaining events are scheduled for 5 hours each.

Conditions of Approval

- The standard \$75 temporary use permit fee for each request (\$300 total) must be paid by Jewel/Osco prior to May 2, 2009
- All drive-aisles and sidewalks must be kept clear with the exception of the *alternative staging area* used if inclement weather occurs

Mayor Sass asked if the Village Board had questions. There were none.

A MOTION was made to approve Resolution (R)2009-04.27 – Temporary Use Permit Request – Jewel Food Stores, 13200 Village Green Parkway.

MOTION: Trustee Leopold

SECOND: Trustee Mercer

AYES: Trustee Fender, Kadakia, Kanakarlis, Leopold, Mercer and Piwko

NAYS: None

ABSTAIN: None

The motion carried: 6-0-0

- b) Update – Reconstructed Full Interchange at Interstate 90/Route 47 – Phase I Engineering Status Report

Village Manager Johnson reported that the Reconstructed Full Interchange at Interstate 90 / Route 47 – Phase 1 Design Study was initiated through a partnership between the Village of Huntley, Kane County and McHenry County. The Village is the lead agency for the study at a cost not-to-exceed \$600,000. Each of the three (3) agencies participates in a 33.33% share via an Intergovernmental Agreement.

Village Manager Johnson introduced Pete Johnston and Dave Castillo from Graef-USA Inc., and Tim Sjogren from Metro Transportation Group, the engineering consultants who made a presentation on the following items:

1. Project History
2. Exhibits illustrating the interchange geometry and simulated function
3. Project Elements
 - Traffic Projections
 - Interchange and adjacent intersection geometrics
 - Environmental Issues/Impacts
 - Drainage
4. Project Cost Estimates and Funding

5. Phase 1 Engineering schedule for completion and agency reviews (ISTHA, IDOT, KDOT, McDOT)

Mayor Sass asked the Village Board if they had questions of the consultants.

Trustee Leopold noted the configuration of the Route 53/I-90 entrance/exit ramps and stated that the traffic patterns cross through each other and noted the dangers. The consultants stated that this will not occur with the proposed traffic patterns for the Route 47 interchange and fewer lane changes will need to be made.

Trustee Leopold asked if this construction would happen at the same time as the widening of the Tollway from Randall Road going west. The consultants reported that this project would happen first taking into consideration the widening of the Tollway lanes.

There were no other questions.

- c) Approval of Ordinance (O)2009-04.11 – An Ordinance of the Village of Huntley, Illinois Approving and Adopting an Amended Redevelopment Plan for the Huntley Redevelopment Project Area Number One Redevelopment Project

Village Manager Johnson reported that the proposed Redevelopment Ordinance extends the Final Maturity Date for the final payment of obligations from January 28, 2016 to December 31, 2016 to capture the *ad valorem* taxes for 2015 property taxes paid in 2016. This is consistent with the intent of the Settlement Agreement.

In addition, the current financial projections prepared by the Village's Financial Advisor, Muncipal, do utilize sales taxes collected through December 31, 2016. The sales tax was included to provide the required debt service coverage in 2016. Based on the terms of the Settlement Agreement, this could ultimately be a benefit to the Village.

Village Manager Johnson introduced the Village's Bond Counsel, Chris Knight of Foley & Lardner to answer any questions of the Village Board. There were no questions.

A MOTION was made to approve Ordinance (O)2009-04.11 – An Ordinance of the Village of Huntley, Illinois Approving and Adopting an Amended Redevelopment Plan for the Huntley Redevelopment Project Area Number One Redevelopment Project

MOTION: Trustee Leopold
SECOND: Trustee Fender
AYES: Trustee Fender, Kadakia, Kanakaris, Leopold, Mercer and Piwko
NAYS: None
ABSTAIN: None
The motion carried: 6-0-0

- d) Approval of Ordinance (O)2009-04.12 – An Ordinance Providing for the Issuance of Not to Exceed \$14,500,000 of Tax Increment Allocation Revenue Refunding Bonds (Huntley Redevelopment Project), Series 2009 of the Village of Huntley, McHenry and Kane Counties, Illinois

Village Manager Johnson reported that in accordance with the Settlement Agreement between the Village and Horizon, tax increment allocation revenue refunding bonds refinancing the existing 1995 Series A and B TIF Bonds (1995 Bonds) must be issued on or before June 1, 2009. The ordinance provides for the issuance of not to exceed \$14,500,000 in bonds. This amount is more than the required pay off amount for the existing bonds, which is \$14,025,000. The intent of the refinancing is not to issue more bonds but to provide for “cover” in the event of any unforeseen circumstance. U.S. Bank National Association will remain as Trustee.

Upon the issuance of the 2009 bonds, the 1995 bonds will no longer be deemed to be an outstanding indebtedness. The new bonds, as is the case with the existing bonds, will be payable from Pledged Revenues of the TIF District. The Pledged Revenue sources are the incremental property taxes and 50% of the sales tax. The Village is under no obligation to make bond payment from any other sources other than the Pledged Revenues of the TIF District. The Village agrees to provide annual financial information and notice of material events in a Continuing Disclosure Undertaking. The Ordinance provides for the release of the Series B Collateral Account to Horizon.

The Flow of Funds upon receipt of Incremental Taxes is in priority order as follows:

- i. Payment of debt service
- ii. Required deposit to Debt Service Reserve Fund (20% of outstanding debt)
- iii. Annual surplus to C bond holders in accordance with the Settlement Agreement (25% - 75% split between Village and Horizon)

The Village’s Bond Counsel, Financial Consultant, Attorney and Staff have reviewed the draft ordinance and all is in order for Village Board consideration.

The Village’s Bond Counsel, Chris Knight of Foley & Lardner, reported that there are two (2) sets of changes to the bond; however, these changes do not change the business agreement as indicated in the Settlement Agreement between Huntley and Horizon. The two changes are: 1) the location of the trustee – the institution is the same but the location is changed from Richmond, VA to Chicago, IL; and 2) two reserve funds are not available to pay series C Bonds (these are junior bonds). Mr. Knight also noted that if there is not a purchaser there will be no obligation to the Village.

Trustee Piwko noted that the Village’s address needs to be changed from Coral Street to Main Street.

Trustee Leopold thanked Staff and Counsel for their hard work.

A MOTION was made to approve Ordinance (O)2009-04.12 – An Ordinance Providing for the Issuance of Not to Exceed \$14,500,000 of Tax Increment Allocation Revenue Refunding Bonds (Huntley Redevelopment Project), Series 2009 of the Village of Huntley, McHenry and Kane Counties, Illinois

MOTION: Trustee Leopold
SECOND: Trustee Piwko
AYES: Trustee Fender, Kadakia, Kanakaris, Leopold, Mercer and Piwko
NAYS: None
ABSTAIN: None
The motion carried: 6-0-0

VILLAGE ATTORNEY'S REPORT: None

VILLAGE MANAGER'S REPORT: None

VILLAGE PRESIDENT'S REPORT:

Mayor Sass gave an update on the McCOG dinner meeting.

Mayor Sass reported that he will be attending a KDOT meeting on Monday, April 27th regarding the Tollway. On Tuesday, April 28th Walmart will be holding their VIP grand opening event and their ribbon cutting on Wednesday, April 29th at 7:00 a.m.

Thursday, April 30th is the fifth Thursday of the month so there will be no Board Meeting or packets.

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 7:43 p.m.

MOTION: Trustee Kadakia
SECOND: Trustee Kanakaris
Motion carried unanimously

Respectfully submitted,

Barbara Read
Recording Secretary