

**VILLAGE OF HUNTLEY  
VILLAGE BOARD MEETING  
May 14, 2009  
MINUTES**

**CALL TO ORDER:**

A meeting of the Village Board of the Village of Huntley was called to order on Thursday, May 14, 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, Harry Leopold, Paul Mercer, and John Piwko.

**ABSENT:** None

**IN ATTENDANCE:** Village Manager David Johnson, Sr. Assistant to the Village Manager Lisa Armour, Management Assistant Barbara Read, Village Attorney Mike Coppedge, Village Clerk Rita McMahon, Village Engineer Bill Geegan, Director of Finance and Human Resources Jennifer Chernak, Director of Public Works Jim Schwartz and Police Chief John Perkins.

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

**APPROVAL OF THE AGENDA:**

Mayor Sass stated that Agenda Item 8f needs to be changed from Resolution (R)2009-05.36 to Ordinance (O)2009-05.17 and Executive Session needs to be moved up on the agenda to follow item 4d.

**A MOTION was made to amend the May 14, 2009 Agenda changing Resolution (R)2009-05.36 to Ordinance (O)2009-05.17 in Agenda Item 8f and move Executive Session to follow Agenda 4d for a) Pending Litigation.**

**MOTION: Trustee Leopold**

**SECOND: Trustee Fender**

**The voice vote noted all ayes and the motion carried.**

**PRESENTATIONS:**

Oath of Office for Elected Officials

Village Clerk Rita McMahon administered the Oath of Office for the following:

- Mayor Charles H. Sass
- Trustee Pam Fender
- Trustee Paul Mercer
- Trustee John Piwko

Proclamation – Public Works Week

Mayor Sass read the Proclamation – Public Works Week, May 17 – 23, 2009

Whereas, public works services provided in our community are an integral part of our citizens' everyday lives; and

Whereas, the support of an understanding and informed citizenry is vital to the efficient operation of public works systems and programs such as water, sewers, streets and highways, public buildings, and solid waste collection; and

Whereas, the health, safety and comfort of this community greatly depends on these facilities and services; and

Whereas, the quality and effectiveness of these facilities, as well as their planning, design, and construction, is vitally dependent upon the efforts and skill of public works officials; and

Whereas, the efficiency of the qualified and dedicated personnel who staff public works departments is materially influenced by the people's attitude and understanding of the importance of the work they perform,

Now, Therefore, I, Charles H. Sass, Village President do hereby proclaim the week of May 17 – 23, 2009 as "National Public Works Week" in the Village of Huntley, and I call upon all citizens and civic organizations to acquaint themselves with the issues involved in providing our public works and to recognize the contributions which public works officials make every day to our health, safety, comfort, and quality of life.

Passed and Approved this 14<sup>th</sup> day of May, 2009.

Citizens Police Academy

Police Chief John Perkins led the Graduation of the third class of the Citizens Police Academy. There were 12 new graduates in 2009.

**EXECUTIVE SESSION:**

**A Motion was made at 7:16 p.m. to adjourn the meeting into Executive Session to discuss a) Pending Litigation.**

**MOTION: Trustee Piwko**  
**SECOND: Trustee Leopold**

**The motion carried unanimously.**

**ADJOURNMENT OF EXECUTIVE SESSION:**

**A Motion was made at 7:24 p.m. to exit Executive Session and resume the meeting.**

**MOTION: Trustee Leopold**  
**SECOND: Trustee Piwko**

**The motion carried unanimously.**

**PUBLIC COMMENTS:** None

**CONSENT AGENDA:**

- A. Approval of the April 9, 2009 Liquor Commission; April 9, 2009 Village Board; April 16, 2009 Committee of the Whole Meeting, *as amended*; April 23, 2009 Liquor Commission Hearing and April 23, 2009 Village Board Meeting Minutes
- B. Approval of May 14, 2009 Bill List in the amount of \$540,939.85
- C. Accept and Place on File the First Quarter Financial Reports for the Village of Huntley – Revenue and Expense Report, *as amended*
- D. Approval of Resolution (R)2009-05.28 – Temporary Use Permit – Cruise Night – Culver’s Restaurant, 13240 South Route 47
- E. Approval of Resolution (R)2009-05.30 – Granting an Exemption from the Provisions of the Sign Ordinance of the Village of Huntley for the Huntley Area Public Library District’s Summer Reading Program Banner, *as amended*
- F. Approval of Resolution (R)2009-05.31 – Granting an Exemption from the Provisions of the Sign Ordinance of the Village of Huntley for A Wish for Lynn Benefit and Fundraiser Banners, *as amended*
- G. Approval of Ordinance (O)2009-05.13 – Petition No. 09-4.3 Christian Life Church, 11800 Factory Shops Boulevard, Unit 560 – Special Use Permit for a Place of Worship, *as amended*
- H. Approval of Ordinance (O)2009-05.14 – Petition No. 09-4.2, Dennis and Betty Hansen, 13342 Bluebird Lane, Simplified Residential Zoning Variance for Rear Yard Setback Relief
- I. Approval of Ordinance (O)2009-05.15 – Plat of Easement - Heritage Woods of Huntley LLC, 12450 Regency Parkway
- J. Approval of Payment Request No. 1 – Era Valdivia Contractors, Inc. for Tower No. 2 Rehabilitation - \$65,628.00
- K. Approval of Payment Request No. 24 – Joseph J. Henderson & Son, Inc. West Wastewater Treatment Plant Improvements Phase 3 - \$225,346.42

L. Approval of the Emerald Ash Borer Infested Tree Removal Policy

M. Approval of Resolution (R)2009-05.32 – Urging Passage of a Comprehensive Capital Infrastructure Program

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

**MOTION: Trustee Kadakia**

**SECOND: Trustee Fender**

**AYES: Trustee Fender, Kadakia, Kanakaris, Leopold, Mercer and Piwko**

**NAYS: None**

**ABSTAIN: None**

**The motion carried: 6-0-0**

#### **DISCUSSION/APPROVAL OF ITEMS REMOVED FROM CONSENT AGENDA**

- a) Approval of Resolution (R)2009-05.29 – Temporary Use Permit – Arts and Craft Show – First Congregational Church, 11628 E. Main Street

Mayor Sass reviewed a Power Point presentation of the tentative layout of the event showing the areas for parking. Staff reported that, as requested, the petitioner contacted Trinity Lutheran Church about the use of their parking lot for overflow parking but had not yet heard back from the Church.

**A MOTION was made to approve Resolution (R)2009-05.29 – Temporary Use Permit – Arts and Craft Show – First Congregational Church, 11628 E. Main Street.**

**MOTION: Trustee Leopold**

**SECOND: Trustee Kanakaris**

**AYES: Trustee Fender, Kadakia, Kanakaris, Leopold, Mercer and Piwko**

**NAYS: None**

**ABSTAIN: None**

**The motion carried: 6-0-0**

#### **ITEMS FOR DISCUSSION & CONSIDERATION**

- b) Approval of Resolution (R)2009-05.33 – Designating Tax Increment Allocation Refunding Bonds as Qualified Tax-Exempt Obligations under Section 265(b)(3) of the Internal Revenue Code

Village Manager Dave Johnson reported that on April 23, 2009, the Village Board approved Ordinance No. (O)2009-04.12 the Issuance of Not to Exceed \$14,500,000 of Tax Increment Allocation Refinancing Bonds for the purpose of refinancing the 1995 A and B Series Tax Increment Financing bonds. In accordance with the provisions in the ordinance, the bonds are to be designated as qualified tax-exempt obligations under the Internal Revenue Code.

Normally, financial institutions which invest in tax-exempt bonds are not permitted to deduct their borrowing costs associated with such an investment. This makes municipal bonds less attractive to banks. Section 265(b) of the Internal Revenue Code contains a limited exception to this rule to encourage banks to buy bonds from smaller issuers. Under that Section, a municipality which expects to issue less than \$30 million of tax-exempt debt in any given year can "designate" bonds under Section 265(b). If a bank buys those bonds, the interest will be tax-exempt and the bank can deduct the interest on borrowings it incurs in order to buy the bonds.

To be in compliance with the bond ordinance and the terms of the issuance, the Village Board must adopt the resolution as presented.

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

**A MOTION was made to approve Resolution (R)2009-05.33 – Designating Tax Increment Allocation Refunding Bonds as Qualified Tax-Exempt Obligations under Section 265(b)(3) of the Internal Revenue Code**

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

- c) Approval of Resolution (R)2009-05.34 – Granting Relief from the Provisions of the Sign Ordinance of the Village of Huntley for the American Cancer Society’s Relay for Life Event

Mayor Sass reported that this year marks the 25<sup>th</sup> year anniversary of the Relay For Life. It began with one man, running for 24 hours in Tacoma, Washington and has evolved into the world’s largest fundraiser. Over 5,000 relays will be held in 2009.

The Relay for Life consists of teams of 8-15 people taking turns walking all night. The 12-hour event is symbolic of each cancer patient’s journey through illness and the shared journey to find a cure.

The committee of the Relay For Life of Northern Fox Valley / American Cancer Society is holding its first Relay For Life in Huntley on June 5<sup>th</sup> – 6<sup>th</sup> and have requested four (4) 10 ft. x 3 ft. banners and 17 yard signs be installed from May 21<sup>st</sup> until June 6<sup>th</sup>.

They would like to put six (6) yard signs around the square that would have the date of the event and some information about the services of the American Cancer Society as well as tie purple ribbons around the trees in this area.

On Route 47 along the fence of Deicke Park, they would like to hang the four (4) banners as this will be the location for the Relay for Life. The committee is also requesting permission to place eight (8) yard signs along Route 47 and three (3) yard signs on Mill Street leading to Deicke Park. The petitioner has been notified that the Village does not authorize installation of any signage within State of Illinois right-of-way.

The American Cancer Society is requesting a waiver of sign permit fees.

Mayor Sass introduced Ms. Roxy Martinez from the American Cancer Society who presented additional information regarding the relay.

Mayor Sass asked the Village Board if there were questions.

Trustee Leopold asked if the relay would leave Deicke Park; Ms. Martinez stated that the relay is entirely held in Deicke Park.

There were no other questions.

**A MOTION was made to approve Resolution (R)2009-05.34 – Granting Relief from the Provisions of the Sign Ordinance of the Village of Huntley for the American Cancer Society’s Relay for Life Event**

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

- d) Approval of Resolution (R)2009-05.35 – Granting Relief from the Provisions of the Sign Ordinance of the Village of Huntley for the Sun City Community Association – Fitness and Fashion Expo, 12940 Del Webb Boulevard

Mayor Sass reported that on Friday, May 8<sup>th</sup>, staff received a request from the Sun City Community Association to install one (1) 3’ by 8’ (24 square feet) temporary banner advertising Sun City’s first Fitness and Fashion Expo. The request seeks permission to install the banner from Friday, May 15 through Thursday, May 28, 2009. The banner would be installed on the north side of Del Web Boulevard across from the gatehouse. The Fitness and Fashion Expo will be held on Thursday, May 27 from 9 AM – 3 PM. 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.

Recommended Conditions of Approval

1. The petitioner shall obtain a sign permit from the Development Services Department prior to installing the sign.

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

**A MOTION was made to approve Resolution (R)2009-05.35 – Granting Relief from the Provisions of the Sign Ordinance of the Village of Huntley for the Sun City Community Association – Fitness and Fashion Expo, 12940 Del Webb Boulevard**

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

- e) Approval of Ordinance (O)2009-05.16 – Amendment to the Settlement Agreement between the Village of Huntley and Huntley Development Limited Partnership

Village Manager Dave Johnson reported that on March 10, 2009, the Village Board approved the Settlement Agreement between the Village and Huntley Development Limited Partnership. In accordance with 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, approved by the Village Board on April 23, 2009, the amendment to the Settlement Agreement is required to clarify the flow of funds and to replenish the equity account of Huntley Development Limited Partnership.

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

**A MOTION was made to approve Ordinance (O)2009-05.16 – Amendment to the Settlement Agreement between the Village of Huntley and Huntley Development Limited Partnership**

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

- f) Approval of Ordinance (O)2009-05.17 – Confirming Extension of the Maturity Date of the Tax Increment Financing Series C Bonds

Village Manager Dave Johnson reported that on April 23<sup>rd</sup>, the Village Board approved 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 and 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 in accordance with the Settlement Agreement.

In accordance with the terms of the Settlement Agreement, the proposed draft ordinance confirms the extension of the Final Maturity Date for the final payment of obligations of the Series "C" Bonds from January 28, 2016 to December 31, 2016.

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

**A MOTION was made to approve Ordinance (O)2009-05.17 – Confirming Extension of the Maturity Date of the Tax Increment Financing Series C Bonds**

**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 reported that Weber Grill has approached the Village to consider the possibility of painting their name and logo on the water tower at their cost. Mayor Sass reviewed a Power Point presentation and asked for comments from the Trustees.

Trustee Leopold stated that he was not in favor. He stated that it would be on the water tower for 10 – 15 years; he was also concerned that it would be promoting advertising on Village property and asked if there would be a monthly or yearly lease prepared. He stated that the Village should be inviting people to the Village and not to businesses. Trustee Leopold stated that he thought earlier discussions noted that the top of the water tower is suppose to be white and the designs shown are red. Trustee Leopold also questioned the legality and the costs involved. Trustee Leopold also asked how the other Huntley businesses would feel.

Trustee Fender stated that she liked the idea of Exhibit #1 but that she would like it to say Huntley on it somewhere. She stated that she would want a lease agreement and have the Village receive \$100,000 - \$200,000 for this use.

Trustee Mercer stated the he liked Exhibit #1 pending the financial commitment of Weber. Trustee Mercer stated that he would like "Welcome to Huntley" painted on the south side of the stem and he would also want Weber to have funds set aside for repainting of the water tower.

Trustee Piwko stated that he liked Exhibit #1.

Trustee Kadakia stated that he would like to see a long term agreement and wants to know the financial arrangements prior to approval.

Trustee Kanakaris stated that he liked Exhibit #1 and asked if we would legally say no to other businesses for the other water towers. He stated that there should be a minimum 5-year lease.

Village Manager Johnson stated that the contractor is moving forward with the original painting design but will be pulled off the job during the negotiations with Weber. Village Manager Johnson stated that the Village will be responsible to give the contractor relief until the end of the year.

**UNFINISHED BUSINESS:** None

**NEW BUSINESS:**

Trustee Piwko commended the two police officers who assisted with saving the life of a small child who was choking earlier in the day.

**ACTION ON CLOSED SESSION ITEM:** None

**ADJOURNMENT:**

**There was a MOTION made to adjourn the meeting at 7:51 p.m.**

**MOTION: Trustee Kadakia**

**SECOND: Trustee Kanakaris**

**Motion carried unanimously**

Respectfully submitted,

Barbara Read  
Recording Secretary