

MINUTES OF A PUBLIC HEARING & REGULAR MEETING OF THE VILLAGE BOARD OF THE VILLAGE OF ISLAND LAKE, LAKE AND MCHENRY COUNTIES, HELD ON THE 10th DAY OF MAY 2007

CALL TO ORDER Mayor Thomas P. Hyde called the meeting to order at 7:10 pm. Those present stood and pledged allegiance to the flag.

ROLL CALL Roll call indicated the following present: Trustees Becker, Herrmann, Huff, Schmidt and Stiller. Absent: Trustee Guido.

Also in attendance was: Village Attorney Scott Puma; Kevin Sutherland, Baxter & Woodman Engineers; Police Chief John Fellmann; Willie Kootstra, Public Works; Captain Joseph Arrizzi, Wauconda Fire Department; Connie Mascillino, EMA Director and Sharon Hyde, Creative Playtime.

Howard Teegen, Attorney for IRL44, announced the public hearing is for the annexation agreement for 63 lots in Covered Bridge Farm subdivision. Andy Teegen gave a brief presentation/overview of Covered Bridge Estates. He also handed out the latest version of the annexation agreement, with the redline, so the changes were easily noted. Mr. Teegen said that they had 3 sessions with TAC, 3 sessions with the Plan Commission, completed all their due diligence and appropriate studies as well as have met with, many times, Village employees such as Public Works, Building Department, etc.

They removed two lots which saved 5 additional trees and 9 lots are now larger.

Trustee Matt Huff entered the meeting at 7:15 pm.

The preliminary plat was reviewed by Baxter & Woodman. Kevin Sutherland reviewed it, made comments and all have been resolved to date. There are 384 hardwood trees. One change was made in the landscape exhibit – the barrier between two lots in cul de sac. It is now being wrapped around the corner with added vegetation, trees, etc. Mr. Teegen next went through the “redline” changes on the annexation agreement which included page 5. 6. D., page 6 8. D., page 6 9. A, page 7 C., page 8 F. and page 12 and page 15 A. Trustee Becker questioned on page 7 “other property”. Mr. Teegen clarified this saying it is BCP, Hummel and Bacon properties. The Board reviewed the compounding interest vs. simple interest.

Trustee Stiller mentioned the fence on the south and east sections. He said it was expressed that there are concerns with the nearby active fields and pastures with large livestock. There is concern for nearby children. Trustee Stiller stated that a split rail fence and vegetation may not be enough. Mr. Teegen replied that they are willing to work with Mr. Kirby and Daisy Bacon.

Trustee Stiller questioned the Letter of Credit and/or bonding. Mr. Teegen replied that it is 80% or 5 years, which ever comes first. Mayor Hyde questioned when the property and lots would be possibly ready for sale. Mr. Teegen explained that so much is going into the preliminary engineering that they will only need about 3-4 months to get engineering approval and plan to have all the improvements and lots ready to sell in 2008.

Motion by Trustee Stiller, properly seconded to open the meeting to the floor. All in favor.

Jim Kirby, Golden Oaks Farm: Mr. Kirby, on behalf of Daisy Bacon, expressed concern again for the nearby children and the large livestock roaming in Daisy's fields which are close to this new subdivision. There will be cul de sacs nearby where children tend to gather. He knows that aesthetics are important but what about safety and health. Mr. Kirby stated that a split rail fence and landscaping are not solid barriers. He said that if Mr. Teegen doesn't do something, Ms. Bacon will have to do it as well as pay for it.

John Ponio, 212 Island Drive: Mr. Ponio asked if an environment audit has been completed and Mr. Teegen replied yes. He asked if all the neighbors had been notified. Mr. Teegen replied that everyone, yes, was notified for the public hearing for the Plan Commission which is required by the Village ordinance. Mr. Ponio commented that being that this is a friendly Village, shouldn't Mr. Teegen have notified everyone again for they knew about tonight's public hearing. Mr. Ponio next questioned what happens, after the development goes in, and large trees die. Mr. Teegen said that they have an extensive tree preservation plan as well as they have received recommendations from an arborist. Mr. Teegen explained that when someone purchases a lot, they have to come in with a lot plan and in there have to address the trees. Mr. Teegen explained that they have done extensive work already for the protection of the trees in order to preserve the look of the neighborhood. Problem trees were already taken down and removed. Trustee Huff also spent time with them looking at the trees. They don't want residents to have to take down large trees in the future. They are trying to do that now. The next question dealt with the over sizing of the water main. Kevin Sutherland, of Baxter & Woodman, explained that this is done at final engineering. Mr. Ponio questioned if the Village engineer controls the need, size, etc. Mr. Teegen replied that Mr. Sutherland has already given them a lot of communication already. The plan shows a 12 inch main already. A provision is already there. Mr. Ponio inquired about soil borings. Mr. Sutherland replied that because of the ground water supply concern throughout Lake County, they are now asking, in every annexation agreement, for developers to provide soil borings. The developer will provide 1 test hole. More data can be collected this way and plans for the future can be worked on from this on-going data. Mr. Ponio asked Attorney Puma if an annexation agreement can be reversed and Attorney Puma replied that it can, if mutual parties agree. Mr. Ponio verified that all the legal notices were done properly. Attorney Puma stated that all the legal noticed have been done. All the green cards came back in and it was also published properly. Mayor Hyde added that there have been many meetings about this subdivision throughout the past year. Mr. Ponio next commented that this all seems to be rushing through all of the sudden. Mayor Hyde replied that this subdivision has been a year in review already and is not being rushed. Trustee Becker commented that this annexation agreement has been a work in progress and that the most recent changes are pointed out in red so they are easily visible.

Gene Whipple, neighbor of Daisy Bacon: Mr. Whipple stated that his property is located on the backside of this subdivision near Daisy Bacon. He questioned if there are any concerns for their trees?! He said that a fence line has been run but is there no concern for the trees on their side as well?! He added that he has received no further notice other than for the first public hearing with the Plan Commission. Mr. Whipple explained too that more water than ever before is collecting on their land. He is not seeing detention for the backside.

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Bob Wargaski, 3035 Dowell Road: Mr. Wargaski stated that the first notice that the neighbors received was on November 17th, 2006. That was less than a year ago yet the Board is saying that this has been negotiated for over a year now with this developer. He stated that he objects to the annexation agreement. He objects to the zoning and annexation. He expressed concern for why this is being rushed all of the sudden. Mr. Wargaski said that there is concern with water build up, there are fencing issues, etc., yet to be decided upon. He added that he has sent all the Trustees a memo asking

them to please meet with him; however, only 2 Trustees responded and came out and met with him. He added that the noise from the generator situation was never cleared up.

John Scott, neighbor: Mr. Scott reported that there is a water collection issue this year. He has never had water like this on his property and is concerned. He stated that things are happening, little by little, and there's already a foot of water that's built up.

Mayor Hyde expressed that he relates to the neighbors and the fence issue. He said that he relates to the neighboring property owner and that she shouldn't have to pay for a fence. He said that the property owners should be attuned to watching their children. Mayor Hyde said that safety is important. Mr. Teegen brought out the landscaping exhibit. He said boarding Neville Road, lot 7 and 8 and the cul de sac, will be determined at final engineering. There is a provision in there for at the final stage. Mr. Teegen said that a chain link fence was mentioned; however, that is not the look they are looking for. Trustee Becker replied that lots 16, 17, 18 – 20, etc. are all near the abutting farms. He said that if children want to get in, they'll get in. He added that they could just walk around if they really want to. Trustee Stiller asked if something else, some sort of screening or barrier, could be placed there to act as a deterrent. Mr. Teegen said that maybe something collectively could be done with Ms. Bacon. He added that it's noted in the agreement that this has to be addressed again at a later date. Mayor Hyde commented that final engineering is a ways away and he asked Mr. Kirby, Daisy Bacon and Andy Teegen to work this out together.

Mr. Teegen addressed the water issue. He said that there is a low area, near lots 21 and 22. Part of the plan is to build a culvert across Dowell Road to improve the overflow. Mr. Scott, neighboring resident, stated that they've never had standing water before. He said it could be from Walnut Glen. He is not sure. Mr. Teegen said that tile surveys were done and no tiles in that area were found. They worked with Walnut Glen on this also. Mr. Scott said that he too is trying to figure out where the water is coming from. He said that the standing water is unusual this year. Mr. Teegen added that mystery standing water all over is suddenly being seen. Mayor Hyde said that the culvert should help this situation.

Developer agreed to pay funds to Island Lake for a water tower. Trustee Stiller added that there was only 1 site available, when the water tower and well location was decided upon, because that was the only development coming into the Village at that time. Because of the timing of permits and the need for a well in that area, the Village needed to move forward on this project. Mr. Wargaski commented though that this development appears to be being rushed through suddenly. Mr. Teegen stated that they have taken 12 + months with numerous meetings with the Village, TAC, etc. He objected to Mr. Wargaski's statement and commented that this was not being rushed.

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John Scott, neighbor to development: inquired about the protection for the number of trees that are on their properties that could also be affected by this development. Mr. Teegen explained that there is a 30 foot rear yard set back.

Doug Hellmann, 3510 Burr Oak: Mr. Hellmann asked about tree preservation and the Village ordinance for tree preservation. He questioned, once the property is owned by a private owner, that they can do what they want especially with the trees on their lot. Mr. Teegen reiterated again that they are taking many precautions to preserve the trees within this development. He said that trees will be tagged and listed to be preserved. Attorney Puma replied that the any owner will have to follow the tree preservation plan as well as the Village ordinances. Mr. Hellmann said that he has spoken about this same issue at past meetings and is once again expressing his concerns. Especially, down the road, the potential high cost to have to remove trees.

John Ponio: Mr. Ponio asked to see the environmental audit.

Motion by Trustee Stiller, properly seconded to bring the meeting back to the Board. Upon voice vote, the motion was unanimously carried.

Being that there was no further business, the public hearing ended at 8:15 pm. Motion by Trustee Huff, properly seconded. All in favor.

8:17 pm The Regular Meeting of the Village Board began.

- 1. Approval of the minutes – April 5, 2007, April 12, 2007 and April 26, 2007*

Motion by Trustee Huff, properly seconded to approve the meeting minutes from April 5, 2007, April 12, 2007 and April 26, 2007.

Upon roll call, Trustees voted as follows:

*AYES: Trustees Becker, Herrmann, Huff, Schmidt and Stiller
NAYS: None
ABSENT: Trustee Guido
ABSTAIN: None*

Motion was declared carried.

COMMITTEE REPORTS

1. BUILDING, ZONING AND ORDINANCE

Trustee Herrmann read the building report for the month of April: Total building permit fees \$32,435.00, total water connection fees \$13,677.00, total permits issued 25, Electrical Compliance Inspections \$150.00 for a total of fees collected for the month of April, \$47,212.00.

Motion by Trustee Stiller, properly seconded to approve the BUILDING, ZONING AND ORDINANCE report as presented by Trustee Herrmann. Upon voice vote, motion was unanimously declared carried.

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2. FINANCE AND ADMINISTRATIVE

Trustee Huff read the Finance and Administration report for the month of April: 23 residents moved out and into the Village in April, 53 residents have had their garbage suspended as a result of non payment, Garbage bills have been sent out and are due May 24th. 4 red tags were posted and 1 shut off/turn on and remainder paid. John met with the Health insurance benefit advisors to review the upcoming renewal rates and to discuss a Flex Spending Account for employees. John met with Ron Amen from Lauterbach & Amen to discuss the upcoming audit and to set dates for the field work. A rate increase of 2.17% from Waste Management for garbage service will take effect September 1, 2007. The increase was budgeted. On July 21st, SWALCO will hold a household chemical waste drop off event at Cotton Creek School in Island Lake. John met with the villages' IT provider, Baxter & Woodman Control Systems Integrated, to discuss several computer related issues.

Motion by Trustee Stiller, properly seconded to approve the FINANCE AND ADMINISTRATIVE report as presented by Trustee Huff. Upon voice vote, motion was unanimously declared carried.

3. POLICE AND PUBLIC SAFETY

Chief Fellmann summarized the POLICE AND PUBLIC SAFETY activity report for the month of April: 1179 Calls for Service, 50 criminal offenses with a total collected from May 1st to April 30th, \$19,523.12. Chief Fellmann reported that the speed trailer has been reactivated for the season and in light of the new speed limit changes, the speed trailer will be placed in various areas throughout the Village to alert and educate motorists of the speed changes.

Motion by Trustee Huff, properly seconded to approve the POLICE AND PUBLIC SAFETY report as presented by Chief Fellmann. Upon voice vote, motion was unanimously declared carried.

4. PARKS, RECREATION AND EDUCATION

Trustee Schmidt presented the report for the month of April: Creative Playtime: 147 enrollees with 29 openings. Total registered for 07-08 is 111. Creative Playtime held its fundraiser, selling cookie dough, and 350 tubs were sold totaling \$3,500.00 with a profit of \$1,786.40. Practices for graduation are in process and the schedule is as follows – May 22nd for section 5 and 6, May 24th for section 3 and 4 and May 25th for Section 1, 2 and 7. Clean Up Day for the classrooms and teachers is scheduled for Tuesday, May 29th. Total revenue \$98,174.50 and expenses \$92,726.81. Trustee Schmidt asked to table the Park and Recreation Report for the month April, properly seconded. Trustee Schmidt said that the Mother/Son Bowling on April 28th went well and was well attended. The Village Annual Kite Fly from this past Saturday also went well and many residents and children attended and came out to fly their kites along with the professional kite flyers, Fire & Ice. Trustee Schmidt thanked Clerk Kaczmarek, Don Verciglio and Fran Sadoski for all their assistance with this event and for running the event on Saturday. T-Ball registration continues. July 14th is the Island Lake Street Dance and Fireworks.

Motion by Trustee Stiller, properly seconded to approve the PARKS, RECREATION AND EDUCATION reports as presented by Trustee Schmidt. Upon voice vote, motion was unanimously declared carried.

5. PUBLIC WORKS

Trustee Stiller summarized the Public Works report for the month of April: Public Works snow plow damage repairs are almost complete. Salt usage for the season – 1200 tons was budgeted for as well as \$47,600 and actual expended was \$38,780. 35 MPH speed limit signs have been installed on Village portions of Dowell Road, as directed and prescribed by the Speed Study performed by Baxter & Woodman. Street sweeping has been taking place routinely throughout the Village streets. The 2007 Road Project bid is completed and roads that will be repaired are: Cedar Terrace, Spruce Terrace from Hickory Terrace to Burnett, Pine Terrace, Oak Terrace, Ethel Terrace, Hickory Terrace and David Court. Several areas of Dowell Road have been repaired due to major and rapid degradation of the road. The developer of Walnut Glen has been very cooperative with the Village seeing that the repairs to Dowell Road are completed in a timely manner and at no cost to the Village. The May 5th kick off event for the Electronics Waste Recycling, in conjunction with Wauconda, Wauconda Township, SWALCO and Island Lake, was well attended. The new truck that has been on order has arrived in Springfield and the proper snow plow amenities are currently being installed on the truck.

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Water Department: Completed 83 JULIE locates. Repaired water main breaks at 3104 Midway Drive, 406 Channel Drive and 3408 Eastway Drive. Completed the year 2006 Water Quality Report and will appear in the next Village newsletter. Replaced the chlorinators at the Fox River Shores Softening Plant. 2005 CDBG Water System Improvement Project update-36 new “b” boxes, 12 residents have completed new water service installations from the “b” box to the homes and 6 residences have completed the new water services entirely. Water Department completed our annual spring hydrant flushing program. Peter Snelton and Sons pulled and replaced the column piping and check valves from well #6. Total gallons pumped: 18.3 million with average gallons per day 608 thousand and peak day gallons 797 thousand.

Motion by Trustee Huff, properly seconded to approve the PUBLIC WORKS report as presented by Trustee Stiller. Upon voice vote, motion was unanimously declared carried.

6. ECONOMIC DEVELOPMENT

Economic Development report presented by Trustee Becker for the month of April: Nothing to report for this month.

Motion by Trustee Huff, properly seconded to accept the ECONOMIC DEVELOPMENT report. Upon voice vote, motion was unanimously declared carried.

Consent Agenda Items:

1 Items under the Consent Agenda are considered routine and/or non-controversial and will be approved by one motion. If anyone (board member, staff, or citizen) wishes to have a separate vote on any item, it will be pulled from the Consent Agenda and voted on separately.

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1. Approval to pay the bills

Motion by Trustee Stiller, properly seconded to approve the items in the Consent Agenda.

Upon roll call, Trustees voted as follows:

AYES: Trustees Becker, Herrmann, Huff, Schmidt and Stiller

NAYS: None

ABSENT: Trustee Guido

ABSTAIN: None

Motion was declared carried.

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1 **Agenda Items:**

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1. Approval of ordinance 1308-07 approving the Annexation Agreement for Covered Bridge Farm subdivision

Motion by Trustee Huff, properly seconded to approve ordinance 1308-07 approving the Annexation Agreement for Covered Bridge Farm subdivision

Upon roll call, Trustees voted as follows:

AYES: Trustees Herrmann, Huff and Stiller and Mayor Hyde

NAYS: Trustee Schmidt and Trustee Becker

ABSENT: Trustee Guido

ABSTAIN: None

Motion was declared carried.

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2. Approval of ordinance 1309-07 annexing of Covered Bridge Farm subdivision

Motion by Trustee Huff, properly seconded to approve ordinance 1309-07 annexing of Covered Bridge Farm subdivision

Upon roll call, Trustees voted as follows:

AYES: Trustees Herrmann, Huff and Stiller and Mayor Hyde

NAYS: Trustee Schmidt and Trustee Becker

ABSENT: Trustee Guido

ABSTAIN: None

Motion was declared carried.

3. Approval of ordinance 1310-07 zoning of Covered Bridge Farm subdivision

Motion by Trustee Huff, properly seconded to approve ordinance 1310-07 zoning of Covered Bridge Farm subdivision

Upon roll call, Trustees voted as follows:

AYES: Trustees Herrmann, Huff and Stiller and Mayor Hyde
NAYS: Trustee Schmidt and Trustee Becker
ABSENT: Trustee Guido
ABSTAIN: None

Motion was declared carried.

4. Approval of bid to Chicagoland Paving Contractors in the amount of \$166,813.20 for the 2007 MFT

Motion by Trustee Stiller, properly seconded to approve the bid to Chicagoland Paving Contractors in the amount of \$166,813.20 for the 2007 MFT

Upon roll call, Trustees voted as follows:

AYES: Trustees Becker, Herrmann, Huff, Schmidt and Stiller.
NAYS: None
ABSENT: Trustee Guido
ABSTAIN: None

Motion was declared carried.

1 5. Approval of bid to Maneval in the amount of \$298,957.50 for the 2006 CDBG

1 Motion by Trustee Stiller, properly seconded to approve the bid to Maneval in the amount of \$298,957.50
1 for the 2006 CDBG

Upon roll call, Trustees voted as follows:

AYES: Trustee Becker, Herrmann, Huff, Schmidt and Stiller
NAYS: None
ABSENT: Trustee Guido
ABSTAIN: None

Motion was declared carried.

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1 6. Approval of Curves Car Wash fundraiser for the American Cancer Society

1 Motion by Trustee Huff, properly seconded to approve the Curves Car Wash fundraiser for the American Cancer Society

Upon roll call, Trustees voted as follows:

AYES: Trustees Becker, Herrmann, Huff, Schmidt and Stiller.
NAYS: None

ABSENT: Trustee Guido
ABSTAIN: None

Motion was declared carried.

7. Reconsideration of the veto for ordinance 1311-07 Interim Police Chief

Trustee Stiller motioned, properly seconded to table the reconsideration of the veto for ordinance 1311-07, properly seconded to the regular board meeting on June 14th.

Upon roll call, Trustees voted as follows:

AYES: Trustees Becker, Herrmann, Huff, Schmidt and Stiller.
NAYS: None
ABSENT: Trustee Guido
ABSTAIN: None

Motion was declared carried.

8. Receipt of Mayoral veto of ordinance 1211-07

Motion by Trustee Huff, properly seconded Boards receipt of Mayoral veto of ordinance 1211-07

Trustee Stiller stated that the veto mixes apples and oranges. Mayor Hyde discussed the Police Chief in his comments as to why he is vetoing the ordinance; however, this particular ordinance is for an Interim Police Chief for the Village not for a Police Chief. They are two different positions. Trustee Becker asked if the new Trustees will have a copy of the ordinance and Mayor Hyde replied that they will. Trustee Schmidt asked if there are any legal issues as there are new Trustees joining the Board. Attorney Puma said that this is not a problem and that the reconsideration can be at the next regular board meeting which is June 14th. Trustee Herrmann clarified that the motion this evening is for the fact that the Board has received the veto, that the Board is acknowledging receipt of the Mayor's veto and all agreed.

Upon roll call, Trustees voted as follows:

AYES: Trustees Becker, Herrmann, Huff, Schmidt and Stiller.
NAYS: None
ABSENT: Trustee Guido
ABSTAIN: None

Motion was declared carried.

Items from the Clerk, Department Heads and Trustees

- Clerk Kaczmarek announced that the newsletter articles for the next Village newsletter are due by or before June 4th.
- Connie Mascillino reported that tornado season is upon us. In doing some research, she discovered that no tornado drill has ever been conducted at Village Hall. Nor a fire drill. She also noticed that there are no signs for either drill either. The Wauconda Fire Department is working up signage for Village Hall including procedures in the event of a tornado or fire. Sharon Hyde agreed to assist Connie in laminating these signs. Ms. Mascillino also reported that the 4th of July Parade plans are coming along.

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Items from the Mayor

- Mayor Hyde announced that there is an invitation to the 50th anniversary for the Lake County Soil & Water Conservation District on Wednesday, May 23rd at Lake County College.
- The Salvation Army Donut Days are June 1 and 2
- McHenry County Conservation has formally requested for the Village to be part of a steak holder program. June 6th at Glacier Park.
- Mayor Hyde mentioned the subdivision on the other side of the Fox River that the Board was asked to vote on and sign off on a couple months ago. Attorney Puma explained that it is a proposed subdivision off of 176 between Bay View and Beach Drive. The Board has to receive a formal request of anything that is within 1 and ½ miles of the Village. The Village Board voted to approve to sign the plat.

Motion by Trustee Stiller, properly seconded to open the meeting to the floor. Upon voice vote, motion was unanimously declared carried.

Don Saville, 3608 Burr Oak: Mr. Saville verified that the ordinance was for an Interim Police Chief and that this ordinance could be for any appointed Interim Police Chief and Attorney Puma agreed. He verified that the ordinance itself, the reconsideration of the Mayor's veto of the Interim Police Chief ordinance, has been tables until the June 14th meeting and Attorney Puma agreed. Attorney Puma said that the Village does have currently an Interim Police Chief who was appointed by the Mayor. Mr. Saville verified that an ordinance is being put in place for an Interim Police Chief. Attorney Puma agreed and added that the Village has an appointed Interim Police Chief at this time. Mr. Saville next questioned if this could be discussed in open session. Attorney Puma replied that it can be done in open or in closed session. He said it can be discussed in open and if it is to relate to a particular person, it can then go into and be discussed in closed session.

Motion by Trustee Stiller, properly seconded to bring the meeting back to the board. Upon voice vote, motion was unanimously declared carried.

Mayor Hyde extended a special thank you to the outgoing Trustees – Becker, Schmidt, Huff, Stiller and Guido. He stated that the Trustees did a good job and commented that it is not always easy being a Trustee. That it comes with a big responsibility.

Mayor Hyde next swore in the new Trustees – John Ponio, Don Verciglio, Don Saville, Fran Sadoski and Rich Garling. All took the Official Oath.

Motion by Trustee Ponio, properly seconded to adjourn the Board meeting. All in favor. Being that no further business was discussed, the meeting adjourned at 9:00 pm.

Clerk Christy Kaczmarek