

**MINUTES OF A REGULAR MEETING OF THE VILLAGE BOARD OF THE VILLAGE OF ISLAND LAKE, LAKE AND MCHENRY COUNTIES, HELD ON THE 9<sup>th</sup> DAY OF DECEMBER 2004**

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**CALL TO ORDER** Mayor Charles R. Amrich called the meeting to order at 8:00pm. Those present stood and pledged allegiance to the flag.

**ROLL CALL** Roll call indicated the following present: Trustees Eberhard Becker, Sally Fleissner, Deborah Herrmann, Matthew Huff, Thomas Hyde and Thomas Martin.

Also in attendance was Village Attorney David LeSueur; Kevin Sutherland, Baxter & Woodman Engineers, Police Chief Don Bero; Sergeant Anthony Sciarrone; Frank DeSort, Building Department; Willie Kootstra, Public Works Director; Bob Carpenter, Lake Management Committee and Connie Mascillino, EMA.

**CORRESPONDENCE:** no correspondence was presented.

**APPROVAL OF MINUTES**

Motion by Trustee Fleissner, seconded by Trustee Martin to approve the minutes of November 11 and 23, and December 2 as presented and September 30 Special Committee Addendum as presented by Trustee Hyde.

Trustee Hyde indicated that he presented two addendums to the September 30 Special Committee meeting, one includes comments made by the veterans and the other one refers to comments and introductions made by the contractors regarding the beach house at Veterans Park. Trustee Becker indicated that he received the second addendum that highlights the veteran's comments this evening and has not read it yet and requested that the second addendum be tabled to next month.

Trustee Fleissner amended her motion to only include the addendum that refers to the comments made by the contractors. The motion was seconded by Trustee Martin.

Trustee Fleissner pointed out that the agenda lists one addendum to be voted on this evening and asked if her original motion would stand. Attorney LeSueur indicated that it would.

Trustee Hyde requested that the board also vote on acceptance of a statement from William Woodhouse that was referred to at the September 30 meeting.

Trustee Fleissner rescinded her amended motion and referred back to the original motion.

Upon roll call, Trustees voted as follows:

AYES: Trustees Fleissner, Herrmann, Huff, Hyde and Martin  
NAYS: Trustee Becker  
ABSENT: None  
ABSTAIN: None

Motion was declared carried.

**COMMITTEE REPORTS**

**1. BUILDING, ZONING AND ORDINANCE**

Trustee Herrmann read the building report for the month of November. A total of 24 building permits were issued, total building fees collected was \$11,357.00, total water connection fees \$420.00, total permit fees \$11,777.00, total electrical compliance inspections \$1,300.00, total rental inspections \$150.00, total fees collected \$13,227.00. The Building, Zoning and Ordinance Committee has been working on ordinance amendments this month; she will elaborate on the changes under Items from Trustees.

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

## 2. FINANCE AND ADMINISTRATIVE

Trustee Fleissner read the Finance & Administrative report for the month of November. Water bills were mailed for Section B, garbage service late notices were mailed, vehicle sticker applications were mailed, by January 1 all general fund transactions will be switched to the First National Bank of McHenry, and the December invoice from Waste Management reflects a 3% increase.

Motion by Trustee Martin, seconded by Trustee Hyde to approve the FINANCE AND ADMINISTRATIVE report as presented by Trustee Fleissner. Upon voice vote, motion was unanimously declared carried.

## 3. POLICE AND PUBLIC SAFETY

Trustee Martin summarized the POLICE AND PUBLIC SAFETY activity report for the month of November. Calls for service totaled 697, criminal offenses 59, criminal arrests 6, ordinance violations 51, traffic citations 178, accident reports written 15, warrants served 3, p-tickets 21 and warning tickets 4. Total monies received from Lake County \$2,720.66, total McHenry County \$10,679.64, total p-tickets \$1,330.00, report copies \$33.00, and miscellaneous fees collected \$1,926.67. Pointed out the press release submitted by the Lake County Sheriff's office regarding the Island Lake Police Department arrest of an Island Lake man for his involvement in over ten residential burglaries in the McHenry and Island Lake areas.

Motion by Trustee Hyde, seconded by Trustee Fleissner to approve the POLICE AND PUBLIC SAFETY report as presented by Trustee Martin. Upon voice vote, motion was unanimously declared carried.

## 4. PARKS, RECREATION AND EDUCATION

Trustee Hyde summarized the Parks, Recreation and Education reports for the month of November:

*Creative Playtime:* Classes are busy getting ready for their holiday parties, the portraits, shirts, Southern Living and candle fundraisers have gone well, the children are making ornaments for their parents, and they have colored 72 pictures to be sent to a friend who is stationed in Iraq.

*Recreation:* the recreation program has 165 students, the recreation guide was mailed, the Annual Craft Faire was a success, total revenue was \$3,468.52, Winter Wonderland will be on December 18 from 1:00-4:00pm. Current revenue for the department is \$4,668.00

*Club:* 55 children are enrolled in the program, current revenue for the program is \$12,922.00. Reminded the board of the need to replace the bus for the safety of the children.

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

## 5. PUBLIC WORKS

Trustee Becker summarized the Public Works report for the month of November:

*Public Works:* the heavy snow of November 30 resulted in a large quantity of downed tree branches that were picked up by the department, completed a curb repair on Harvest Court, reviewed and forwarded comments to Baxter & Woodman on the plans for the Prairie Woods subdivision, Willie met with School District 118 regarding the proposed school on Darrell Road.

*Parks:* installed the sledding and skating signs at Converse Park, installed the ice skating rink border at Converse Park, several donated trees were planted in various parks, waiting for the response from Dorothy Coil, DECO, regarding Veterans Park.

*Water Department:* drained all water sample stations throughout the distribution system, completed the quarterly meter readings in the original section of town, began budget preparations for fiscal year 2005-06, completed payout requests for Maneval Construction Company, Kountoupes Painting Company and Civil Contractors, reviewed and provided comments on the plans for Prairie Woods subdivision, attended a meeting with School District 118 regarding the proposed school on Darrell Road.

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

**6. ECONOMIC DEVELOPMENT**

*Trustee Huff attended the Island Lake Chamber meeting at True Value Hardware and will schedule a meeting to discuss architectural requirements for the business district.*

*Motion by Trustee Hyde, seconded by Trustee Becker to approve the ECONOMIC DEVELOPMENT report as presented by Trustee Huff. Upon voice vote, motion was unanimously declared carried.*

**CONSENT AGENDA**

*Items for approval: Resolution No. 512-04 Board, Commissions and Committees Annual Meeting Schedule, Employee Christmas Bonus and approve the payment of bills as follows: General Fund \$134,796.93, Water Fund \$101,347.76, and Manual Checks: \$3,284.88 for a total of all funds \$239,429.57.*

*Trustee Martin requested pulling Resolution No. 512-04 off the consent agenda so the board can discuss changing meeting times to 7:30.*

*Motion by Trustee Martin, seconded by Trustee Huff to remove Resolution No. 512-04 from the Consent Agenda Items as presented.*

*Upon roll call, Trustees voted as follows:*

*AYES: Trustees Becker, Fleissner, Herrmann, Huff, Hyde and Martin  
NAYS: None  
ABSENT: None  
ABSTAIN: None*

*Motion was declared carried.*

*Motion by Trustee Fleissner, seconded by Trustee Martin to approve the Consent Agenda Items as presented.*

*Upon roll call, Trustees voted as follows:*

*AYES: Trustees Becker, Fleissner, Herrmann, Huff, Hyde and Martin  
NAYS: None  
ABSENT: None  
ABSTAIN: None*

*Motion was declared carried.*

*Trustee Huff pointed out that Trustees Becker and Martin voted to approve the employee Christmas bonus and stated that since it is a conflict of interest, being that both of their wives are employed by the village, they should abstain from the vote because the bonus will directly benefit the family. Attorney LeSueur stated that the matter is strictly a judgment call. Trustee Martin suggested the board rescind the motion.*

*Motion by Trustee Hyde, seconded by Trustee Fleissner to rescind the Consent Agenda Items motion as presented.*

*Upon roll call, Trustees voted as follows:*

*AYES: Trustees Becker, Fleissner, Herrmann, Huff, Hyde and Martin  
NAYS: None  
ABSENT: None  
ABSTAIN: None*

*Motion was declared carried.*

*Motion by Trustee Hyde, seconded by Trustee Fleissner to approve the Consent Agenda Items as presented.*

*Upon roll call, Trustees voted as follows:*

*AYES: Trustees Fleissner, Herrmann, Huff, Hyde  
NAYS: None  
ABSENT: None  
ABSTAIN: Trustees Becker and Martin*

*Motion was declared carried.*

### **AGENDA ITEMS**

**1. Harmony Homes, Pine Ridge Subdivision Letter of Credit Reduction to \$101,866.00:**

*Kevin Sutherland indicated that their recommendation on the reduction stands, the estimated costs to repair Burr Oak Lane is \$3,000.00.*

*Motion by Trustee Martin, seconded by Trustee Fleissner to approve the Harmony Homes, Pine Ridge Subdivision Letter of Credit Reduction to \$101,866.00 as presented.*

*Upon roll call, Trustees voted as follows:*

*AYES: Trustees Becker, Fleissner, Herrmann, Huff, Hyde and Martin  
NAYS: None  
ABSENT: None  
ABSTAIN: None*

*Motion was declared carried.*

**2. Monforte, Guru Nana Sikh Mission of America and Thomas Dufore variances, special use permits and amendment of the zoning ordinance:**

*Mayor Amrich pointed out that the petitioner's attorney was not present and asked Attorney LeSueur to briefly explain the zoning requests and variations. The property was originally annexed into the village as a whole in the early 70's. Since then all of the lots, except Lot 1, were conveyed to other parties, but the property was never legally subdivided. Attorney LeSueur informed the board that all of the current property owners have joined in this petition. In addition to seeking the legal subdivision of the property they are seeking to correct the zoning classifications. They are seeking B2 zoning for Lots 3, 4 & 5, with a special use permit for vehicle repair and approval for the existing apartments on Lot 3. A special use is requested for Lot 5 for car repair and used car sales for Lot 2. The Zoning Board of Appeals and Plan Commission minutes detail the requests. One of the buildings on Lot 4 is within the right-of-way on Bassler Drive and a number of the buildings are situated close to the lot lines and are not conforming structures under the current setback requirements. They are asking that all of those buildings are allowed variances. Attorney LeSueur informed the board that the Zoning Board of Appeals had suggested conditions on the approval for the setback variations that the variations would expire if the buildings were ever wholly or partially destroyed or abandoned. Attorney LeSueur recommends that the board set those conditions when considering the ZBA recommendations.*

*Trustee Hyde stated that he has some concerns and would like to table this petition until their attorney is present to discuss the requests in detail.*

*Motion by Trustee Hyde, seconded by Trustee Martin to table the Monforte, Guru Nana Sikh Mission of America and Thomas Dufore variances, special use permits and amendment of the zoning ordinance until representatives for the petitioners are present as presented. Trustee Herrmann requested that the board vote on each request separately. Trustee Hyde would like to see specific plans for the used car lot and the Route 176 entrance.*

*Upon roll call, Trustees voted as follows:*

*AYES: Trustees Becker, Fleissner, Herrmann, Huff, Hyde and Martin  
NAYS: None  
ABSENT: None  
ABSTAIN: None*

Motion was declared carried.

3. Resolution No. 511-04 Prevailing Wage Act:

Trustee Herrmann asked Attorney LeSueur what this resolution will require the village to do as opposed to what the village is required to do now. Attorney LeSueur stated that adoption of the resolution is to keep the Department of Labor happy by adopting their determinations of what the prevailing wage is for this area, it reinforces the fact that contractors must pay prevailing wages and gives notice to any contractor that the village is adopting the state's determined wage rate. Lengthy discussion took place over the purpose of the resolution, the donation of labor by area contractors, the state law regarding the prevailing wage rate and the requirement to pay prevailing wages. Attorney LeSueur explained the definition of the state law regarding prevailing wages and public work projects as defined by the act. The passing of this resolution is the determination that the rates are those that are set by the Department of Labor.

Motion by Trustee Martin, seconded by Trustee Becker to approve Resolution No. 511-04 Prevailing Wage Act as presented.

Upon roll call, Trustees voted as follows:

AYES: Trustees Becker, Fleissner, Herrmann, Huff, and Martin  
NAYS: Trustee Hyde  
ABSENT: None  
ABSTAIN: None

Motion was declared carried.

4. Final Plat of Subdivision, Prairie Woods, Kenneth James Builders:

Don Augustin, Kenneth James Builders and Steve Dahl, Greenguard Engineers were present. Trustee Martin voiced concern that the acceleration and deceleration lanes on Dowell Road are not included in the plan. He feels that with further development in the future the lanes will be a necessity. Mr. Augustin stated that the traffic study and the engineers have indicated that the turn lanes are not needed at this time based on sight distance. Trustee Martin feels that it will be a problem in the future and would like to see the lanes installed now to avoid problems in the future. Mr. Augustin stated that they made adjustments to the lots and did not add in the turn lanes because they were not required. Trustee Martin stated that the adjustments to the lots was an offer from the builders; the changes in the number of lots was not approved by the board. Mayor Amrich recalled discussions regarding the turn lanes for Dowell Road. Mr. Augustin offered to split the cost of the turn lanes with the developer of the property on the north side of Dowell Road. Trustee Hyde suggested negotiating a package with both developers to split the cost. Mr. Augustin indicated that the cost for the turn lanes is an expense that they were not expecting and suggested that they submit ½ of the cost to be put in escrow for the developer of the property to the north. Attorney LeSueur suggested a recapture fee.

Kevin Sutherland stated that there are some drainage issues that Greenguard has responded to but he has not had sufficient time to get through everything. He should have a report by early next week. There are final comments he has received from Public Works and the Sanitary District is still reviewing the plan.

Trustee Huff suggested changes in the landscape plan for the entrance as follows: sound barrier of evergreens along Dowell Road behind lots 1, 33, 34, 35, 36 that are salt tolerant. Increase the berm size on Dowell Road, and substitute the proposed Ash trees with some other variety. The front entrance monument is very nice, he would like to see less wood in the plan, possibly substitute with low maintenance vinyl. He would like a committal to the lighting of the sign and irrigation for watering of decorative floral plants at the monument.

Motion by Trustee Fleissner, seconded by Trustee Martin to table the Final Plat of Subdivision for Prairie Woods, Kenneth James Builders as presented.

Upon roll call, Trustees voted as follows:

AYES: Trustees Becker, Fleissner, Herrmann, Huff, Hyde and Martin  
NAYS: None  
ABSENT: None  
ABSTAIN: None

Motion was declared carried.

**5. Police Telecommunicators ICOPS Agreement:**

*Motion by Trustee Martin, seconded by Trustee Huff to table the Police Telecommunicators ICOPS Agreement as presented.*

*Upon roll call, Trustees voted as follows:*

*AYES: Trustees Becker, Fleissner, Herrmann, Huff, Hyde and Martin*

*NAYS: None*

*ABSENT: None*

*ABSTAIN: None*

*Motion was declared carried.*

**6. Wauconda High School Winter Sports Program Ad:**

*Trustee Herrmann informed the board that the program has already been printed and an ad from the village was not included.*

*Motion by Trustee Fleissner, seconded by Trustee Martin to approve the Wauconda High School Winter Sports Program Ad as presented.*

*Upon roll call, Trustees voted as follows:*

*AYES: None*

*NAYS: Trustees Becker, Fleissner, Herrmann, Huff, Hyde and Martin*

*ABSENT: None*

*ABSTAIN: None*

*Motion was denied.*

**7. Civil Contractors & Engineers, Water System Improvements Final Payout \$10,000.00:**

*Motion by Trustee Martin, seconded by Trustee Becker to approve the final payout in the amount of \$10,000.00 to Civil Contractors & Engineers for the water system improvements as presented.*

*Upon roll call, Trustees voted as follows:*

*AYES: Trustees Becker, Fleissner, Herrmann, Huff, Hyde and Martin*

*NAYS: None*

*ABSENT: None*

*ABSTAIN: None*

*Motion was declared carried.*

**8. Ordinance No. 1248-04 Amending Building Codes Regulations, Expiration of Permits:**

*Motion by Trustee Martin, seconded by Trustee Fleissner to approve Ordinance No. 1248-04 Amending Building Codes Regulations, Expiration of Permits as presented.*

*Upon roll call, Trustees voted as follows:*

*AYES: Trustees Becker, Fleissner, Herrmann, Huff, Hyde and Martin*

*NAYS: None*

*ABSENT: None*

*ABSTAIN: None*

*Motion was declared carried.*

**9. 2003 CDBG Water System Improvements payment to Maneval Construction in the amount of \$21,911.90:**

Motion by Trustee Martin, seconded by Trustee Huff to approve payment in the amount of \$21,911.90 to Maneval Construction for the 2003 CDBG Water System Improvements as presented.

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Upon roll call, Trustees voted as follows:

AYES: Trustees Becker, Fleissner, Herrmann, Huff, Hyde and Martin

NAYS: None

ABSENT: None

ABSTAIN: None

Motion was declared carried.

10. Resolution No. 512-04 Board, Commissions and Committees Annual Meeting Schedule:

Trustee Martin suggested a change in the meeting time for the village board and committee meeting to begin at 7:30pm. The board agreed to the time change.

Motion by Trustee Martin, seconded by Trustee Hyde to approve Resolution No. 512-04 with the board meeting time change to 7:30pm as presented.

Upon roll call, Trustees voted as follows:

AYES: Trustees Becker, Fleissner, Herrmann, Huff, Hyde and Martin

NAYS: None

ABSENT: None

ABSTAIN: None

Motion was declared carried.

#### **ITEMS FROM THE MAYOR**

Informed the board that he should be receiving the first draft of the Local 150 union agreement next week.

#### **ITEMS FROM THE TRUSTEES AND DEPARTMENT HEADS:**

Trustee Martin:

- The Police & Public Safety Committee met this week and agreed to award the towing service contract to Sharp Towing with Mike's Towing to be used as back up.
- Received notification from the Illinois Department of Transportation for the reduction in speed limits on Route 176 from Greenleaf Avenue to Orchard.
- Referred to a notice in the Legislative Bulletin regarding HB826, municipal sales tax, which allows municipalities to impose up to 1% additional sales tax for development of specific business areas. Attorney LeSueur is researching the matter.
- The Illinois Municipal League has projected lower MFT revenues for next year. John Little has estimated the reduction for the village will be \$23,000.00 less next year.
- Distributed a copy of the hotel tax ordinance for the board to review. The funds generated will be earmarked for tourism and promotion of the village.

Trustee Herrmann:

- Comments on the tree ordinance were received from Frank DeSort and Attorney LeSueur. She scheduled a BZO committee meeting to discuss the tree, noise and spiller pays ordinances. Chief Dato from the Wauconda Fire Department pointed out that ordinance section 8-12-8 refers to the village and Wauconda Fire Department and should include the McHenry Fire Department due to the new developments in McHenry County.

Trustee Huff:

- Questioned why the responsible party was not charged for the mercury spill at the Public Works building a few years back when this ordinance was in place at the time of the accident. He feels that the village attorney should have brought this ordinance to the board's attention to recover the costs of clean up. Attorney LeSueur stated that this is the first time he has heard of the spill. Discussion took place over the matter.

Trustee Hyde:

- The Comcast cable line has been installed for Cotton Creek School. He met with the principal Darlene Bake to discuss their needs in the future.

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- Stated that the Crystal Valley RV sales tax revenue is down \$19,000.00 from last year. Crystal Valley is the village's number one sales tax resource and he would like to know the reason for the lower revenues. Trustee Fleissner will look into the matter.
- In regards to the Christmas bonus for Recreation Department and Creative Playtime employees, he clarified that the bonuses have nothing to do with the village budget per se other than it is in that. It is not something the board votes on but something that was put in place at the end of the year for full time employees and teacher staff. Mayor Amrich pointed out that the employee Christmas bonus is included in the budget also. Trustee Hyde stated that their bonus is included in the departmental budget.

Trustee Fleissner:

- A meeting is scheduled on December 15 at Wauconda Village Hall with Andy Quigley of SWALCO to discuss whether to extend the garbage service contract for another three years or to send it out for bid. Trustee Fleissner will attend the meeting and discuss setting up possible dates for spring/fall clean up. If any board members have suggestions they should submit them to Clerk Becker who will forward them to Trustee Fleissner.

Trustee Martin stated that Trustee Herrmann called John Little asking for a list of names and addresses of all village residents who are billed for vehicle stickers, garbage and water service for budgetary purposes. Trustee Herrmann stated that she wanted the proposed revenue from those particular items. Trustee Martin stated that she did not need the names and addresses; she only needs the total amounts for budgetary purposes. She said she would like to know the percentage of residents who have not paid and referred to the vehicle sticker program. A couple of years ago the board implemented a stricter enforcement of it and asked if we have continued with it. Trustee Martin stated that there are privacy laws for names and address information. For budgetary purposes all she needs are the final numbers. Trustee Herrmann will call John Little tomorrow to clarify her request.

Trustee Herrmann asked if anything further has been presented to the village from the School District for the proposed middle school on Darrell Road. Discussion took place over the matter.

Trustee Huff: scheduled an Economic Development Committee meeting on December 21 at 7:30pm to discuss architectural requirements for the business district.

Trustee Martin left at 9:45pm.

Trustee Becker:

- Public Works has requested to store their lawn mowing equipment temporarily in the Veterans Park beach house.
- Attended a meeting this week with Frank DeSort and School District 118 and Lake County Highway Department. The county will not let anyone enter or exit their roads. They will issue a variance for the entrance on Darrell Road. The other option would be to put the entrance off Burr Oak Lane. The county suggested that they conduct a traffic study for Darrell Road. The entrance to the school will need an extended turn lane for the bus traffic. Their timetable to open the school is the second half of 2006 or the first half of 2007.

Attorney LeSueur: informed the board that the village has been served with a summons and complaint from JS Reimer for the Converse Park project. Their attorney has agreed to transfer the matter to McHenry County for everyone's convenience. Dave will have more information for the board after his review of the contract.

Chief Bero: informed the board that Joe Kemper, Kemper Valve, and his friend have donated a used Suzuki motorcycle for the department's use. They motorcycle will be modified and should be in use by the summer.

Connie Mascillino:

- Met with a disaster liaison for the American Red Cross. They would like a memorandum of understanding from all of the municipalities in the event of a disaster to avoid duplication of

services so that when they come in to help out we know what services they will provide. The memorandum will inform them of the resources that we have such as shelter locations and food vendors.

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- *Pointed out that the spiller pays ordinance requires notification from the village to the spiller within 90 days. She feels that part of the reason no one realized that we have this ordinance was because it is listed under Fire Prevention.*

*Motion by Trustee Herrmann, seconded by Trustee Huff to open the meeting to the floor. Upon voice vote, motion was unanimously declared carried.*

*Tom Kazmarek, Fox Trail: recalled discussion about one year ago over Trustees overseeing their wives who work for the village. Trustee Martin stated at the time that it was not a conflict of interest. Mr. Kazmarek stated that today Trustee Martin voted on a financial issue that will benefit his family. He feels that Trustee Martin gave himself a license to divert taxpayers money into his and thinks that it is clearly a conflict of interest and unethical. He pointed out that another Trustee brought the matter up that they should have abstained from the vote.*

*Motion by Trustee Fleissner, seconded by Trustee Huff to bring the meeting back to the board. Upon voice vote motion was unanimously carried.*

*There being no further business, motion by Trustee Huff, seconded by Trustee Herrmann to adjourn the meeting. Upon voice vote, motion was unanimously declared carried. Meeting was adjourned at 9:55 pm.*

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*Christine Becker, Village Clerk*