

**MINUTES OF THE REGULAR MEETING
OF THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF ALGONQUIN,
McHENRY & KANE COUNTIES, IL HELD IN VILLAGE HALL ON
MARCH 6, 2001**

CALL TO ORDER: Village President Ted Spella called the regular meeting to order at 8:00 PM. In the absence of Village Clerk Jerry Kautz, Deputy Clerk Jenna Kollings called the roll.

ROLL CALL: Present: Trustees Jim Steigert, Barbara Read, John Schmitt, Linda Wolski, Bob Smith, Constance Donner. A quorum was established.
Staff in attendance: Administration – William Ganek, Bob Mitchard, Jeff Mihelich, Russell Laine. Attorney – David Rogers, Engineer – Jeff Kehoe of Scheflow Engineers.

PLEDGE TO FLAG: Deputy Clerk Kollings led all present in the Pledge of Allegiance.

ADOPT AGENDA: Moved by Schmitt, seconded by Smith, to adopt tonight's agenda as printed including item 14, Executive Session, to discuss litigation and annual appointment of officers. Voice vote; ayes carried.

AUDIENCE PARTICIPATION:

Mr. Bala, 770 Majestic Drive: Mr. Bala has lived at this address for one year and two months. None of the items on his walk-through punch list have been resolved. He has been unable to get a response to his problems. Mr. Bala read a letter from Realen dated August 10, 1999, that outlined the commitments that Realen made to the homeowner; Mr. Bala feels that Realen has made repeated errors and has not lived up to their commitments.

David G. Bocek, 730 Majestic Drive: Mr. Bocek still has items outstanding from his punch list dated April 20, 1999. The contractors do not show up for their appointments. He has concerns about the paint, loose siding, and flooring. Contractors have been out to repair his windows nine times; his window problems are still not resolved. He is upset with the poor quality of the work and the poor customer service provided by Realen Homes.

Anthony Lingis, 751 Majestic Drive: Mr. Lingis stated that he is experiencing severe problems with his windows; his heating bill is large. Many items from his original punch list, such as floor problems, a tray ceiling in the bedroom with substandard taping, and so on, have not been resolved.

Robert Wilhelm, 701 Majestic Drive: Mr. Wilhelm closed on his house in June 1999. He feels that Realen has failed to live up to their obligations. He has drafty windows, poor insulation, poor heating in two rooms, and occasionally gets ice buildup on the inside of his windows. He was told by Realen that drafty windows are normal. The windows have not been repaired, so his family uses space heaters and plastic on windows. His calls to Realen have not been returned. He has written Mr. Harris and others at Realen with no reply. He wants Realen to live up to their warranty. It took 1½ years to replace a door. He requested that the Board not allow Realen to continue with any projects until these issues have been resolved.

Christine Meland, 700 Regal Lane: Ms. Meland stated that she is having similar problems as listed above; her windows and basement leak. She has seven major cracks in her basement that are leaking, and the ten-year warranty does not cover leaks. The exhaust from her dryer is not properly directed, so it leaks into the house and sets off her carbon monoxide detector. She closed on her house in November 1999.

Tim Smith, 1831 Hartley Drive: Mr. Smith indicated that his punch list items were never complete, and he is past the year warranty period. He has leaking windows, and he can see through the wall to the backyard around one of his windows. The carpet is peeling back, and his wood floors were installed inappropriately. He also has cracks in his basement floor and creaks in the second floor. He stated that the quality is not there for the price he paid for his house, and he urged the Board to hold off on future Realen projects until the problems are fixed.

Janet Hammel, 760 Majestic Drive: (See attached notes.) Ms. Hammel closed on her home in December 1999. Realen's customer service is lacking. Her home was never cleaned before she moved in, and it took Realen an unacceptable amount of time to provide her with keys to her garage door. She was told by Realen that spec homes do not get top priority. Her house has drafty windows

and a drafty fireplace. Her driveway is sinking and has not been repaired. She stated that she cannot recommend Realen Homes to anyone.

Carl Thumboe, 1801 Hartley Drive: Mr. Thumboe closed on his house in June 1998. Bob Anderson, the construction manager for Realen at the time, was unable to solve his problems. It is breezy in his home, and he has poor heat distribution. He spent a lot of time at home waiting for workers to show up. Workers damaged his vanity and didn't fix it; he is still waiting for a new vanity top that Realen indicated was ordered 2 ½ years ago.

Barbara Hall, 710 Majestic Drive: Ms. Hall stated that she has experienced similar problems as stated previously. She had a major problem with water leakage that led to safety concerns; it took Realen 1 ½ weeks to get someone out to look at the problem. She had problems with flooding from the upstairs bath through the downstairs ceiling fan. The plumbing backs up because a contractor poured plaster down her sinks. One of her drawers does not have a front on it. The motor burned out on her dishwasher because the water was never connected, so she has no dishwasher. She has been waiting nineteen months for her refrigerator to be replaced. Her heating bill for two months was \$1,150 because of poor insulation in her home. She has major window problems, including moldy windowsills and windows that get so soft during rain that they move. She feels she and her family are living in a dangerous and unsafe situation. The screens don't fit on her house, and bugs come into her house.

Allan Erikson, the Director of Planning and Development for Realen Homes, replied to the residents, stating that their comments are not going unheard. He will convey all concerns to Randy Harris. *A discussion ensued between residents and Mr. Erikson.*

Trustee Wolski stated that she felt that the condition with Realen Homes is unacceptable. Trustee Smith questioned Bob Anderson (Realen's Construction Manager) and his position with Realen; Mr. Erikson stated that he is no longer with Realen. Trustee Schmitt felt that the building department needed to get involved. President Spella stated that Mr. Erikson should coordinate with Mr. Ganek and Mr. Harris on this issue.

Village Attorney Rogers clarified that the Board has no power to arbitrate disputes and enforce contracts, yet they can enforce codes through the Building Department.

President Spella reiterated that he is appalled at the lack of quality control, and that the Board will do what it can in this situation. Trustee Smith asked if Realen keeps a record of complaints; he would like to see this list in order to ensure that all issues have been addressed. Mr. Ganek indicated that staff will meet with representatives of Realen to address all issues.

Patrick Colcernian, 1011 Glacier Parkway: Mr. Colcernian stated that he is appalled at what he has heard about Realen Homes, and urged the Board to not approve another phase. He also thanked the Board and staff for addressing the concerns he raised at the last Board meeting regarding advertising papers.

THE BOARD RECESSED FOR FIVE MINUTES AT 9:05 P.M., AND RECONVENED AT 9:10 P.M.

CONSENT AGENDA: The following items are considered routine in nature and were approved/accepted by one motion with a voice vote;

A. Meeting Minutes of Boards, Committees & Commissions:

1. Regular Village Board Meeting Held February 20, 2001
2. Historic Commission Regular Meeting Held January 10, 2001, and Workshop Meetings Held January 20 and 27, 2001.
3. Community Development Committee Meeting Held January 23, 2001.
4. Public Works and Safety Committee Meeting Held January 4, 2001.

Moved by Wolski, seconded by Schmitt, to approve the Consent Agenda of March 6, 2001 as listed. Voice vote; ayes carried.

OMNIBUS AGENDA:

Village Trustees discussed removal of item number 7 (A) (4), Ordinance Approving the Final Plat of Subdivision and Final Planned Development for Phase 2 of the Algonquin Lakes Subdivision, off the omnibus agenda. Moved by Schmitt to table approval of item 7 (A) (4), Ordinance Approving the Final Plat

of Subdivision and Final Planned Development for Phase 2 of the Algonquin Lakes Subdivision, until the March 20, 2001, Board Meeting. No second is needed. Voice vote; ayes carried.

The following items are considered routine in nature and were approved by one motion with a roll call vote;

A. Pass Ordinance

1. **ORDINANCE 2001-O-05, APPROVING THE WOODS CREEK WATERSHED PROTECTION PLAN**
2. **ORDINANCE 2001-O-06 APPROVING AN AMENDMENT TO THE FINAL PLANNED DEVELOPMENT FOR A DRIVE-THROUGH PHARMACY AT THE MAIJER STORE ON LOT 6 OF THE EAGLE COMMERCIAL CENTER**
3. **ORDINANCE 2001-O-07 APPROVING THE FINAL PLAT OF RESUBDIVISION AND FINAL PLANNED DEVELOPMENT FOR A RESTAURANT (RED ROBIN) ON LOT 3 OF THE RANDALL ROLLS SUBDIVISION**
4. **ORDINANCE 2001-O-08 RESTRICTING PARKING ON THE SOUTH SIDE OF BUNKER HILL AT THE INTERSECTION OF WOODS CREEK LANE AND BROOKSIDE AVENUE**

B. Authorize Agreements

1. Police Assistance Agreement with East Dundee and West Dundee

C. Adopt Resolutions

1. **RESOLUTION 2001-R-02, ALLOWING USE OF MFT ALLOCATIONS FOR JANAKS, PHASE 4 STREET IMPROVEMENTS (SUPPLEMENTAL)**
2. **RESOLUTION 2001-R-03, ALLOWING USE OF MFT ALLOCATIONS FOR RAOD MAINTENANCE (SALT PURCHASES)**

Moved by Donner, seconded by Schmitt, to approve the Omnibus Agenda of March 6, 2001 as listed, excluding item 7 (A) (4).

Roll call vote; voting aye – Donner, Wolski, Steigert, Smith, Read, Schmitt.

Motion carried; 6-ayes, 0-nays.

APPROVAL OF BILLS:

Moved by Steigert, seconded by Wolski, to approve the List of Bills for payment, as funds become available, and as recommended by the Village Manager; Bills dated 3/6/01 in the amount of \$568,467.52 and Payroll dated 2/28/01 in the amount of \$233,439.90.

Roll call vote; voting aye -- Steigert, Read, Schmitt, Wolski.

Motion carried; 6-ayes, 0-nays.

PAYMENT OF BILLS:

General Fund	\$63,050.06
Cemetery Fund	1,575.00
Motor Fuel Tax Fund	7,721.37
Street Improvement Fund	58,120.00
Swimming Pool Fund	107.57
W & S Operating Fund	12,528.97
W & S Bond Int Fund	382,550.00
W & S Improvement Fund	40,060.80
W & S Construction Fund	2,696.00
Insurance Fund	<u>57.75</u>
Total	\$568,467.52

COMMITTEE & CLERK'S REPORTS:

GENERAL ADMINISTRATION COMMITTEE~ Trustee Steigert reported the committee has not met since the last Board meeting.

COMMUNITY DEVELOPMENT COMMITTEE ~ Trustee Donner reported that the Committee met on February 27 and discussed the following issues:

- (1) Meijer Pharmacy Drive-Through, which was addressed under the omnibus agenda
- (2) Millbrook Marketplace Annexation. This item was the subject of the Public Hearing held prior to the Board Meeting, and it will appear on the March 20 Board meeting agenda. This development has a significant amount of revenue attached to it for School District 300 and the Village. The preliminary plan outlines sites for a fire station and a church.
- (3) Approval of the Red Robin Restaurant was included on the omnibus agenda.

(4) The Committee also discussed recommending approval of Algonquin Lakes Phase II, which includes 100 single-family lots with a 10,000 square foot minimum.

(5) The Committee also discussed issues with Eastgate Court development.

PUBLIC WORKS & SAFETY COMMITTEE ~ Trustee Wolski reported that the Committee met on March 1, 2001, and discussed the following:

(1) The Committee considered bids for a hydropneumatic tank. Moved by Wolski, seconded by Smith to approve a bid in the amount of \$44,565 to Municipal Well and Pump for a hydropneumatic tank at Cary Road Booster Station. Voice vote; motion carries.

(2) The Committee reviewed extra work to be completed on Eastgate Court.

(3) They review the five year capital plans for streets, park sites, and water and sewer capital improvements.

(4) The Intergovernmental Agreement for Police Assistance appeared on the omnibus agenda.

(5) They addressed concerns of residents regarding traffic and safety at Woods Creek and Bunker Hill Drives. The Board approved an ordinance regarding this issue on the omnibus agenda.

(6) The Committee requested that staff look at a policy and procedure for property transfer.

(7) An article on tree trimming by Com Ed was presented to the Committee; staff will follow up on this issue.

COMMITTEE OF THE WHOLE ~ President Spella announced that the Committee met on February 22, 2001, and discussed the following:

(1) Environmental expert Dr. Eames gave the Committee a walk-through of the Woods Creek Watershed Protection Plan, which was approved under the omnibus agenda.

(2) The Economic Development Commission reviewed the work that they have been focusing on lately.

(3) The Committee presented the local business awards.

(4) This month, the Committee will hear a report from representatives of Elgin Community College regarding their upcoming referendum.

VILLAGE CLERK ~ Deputy Clerk Kollings announced upcoming scheduled Village meetings.

STAFF REPORTS:

VILLAGE MANAGER ~ Mr. Ganek reported the following:

He will be giving a budget presentation on the General Fund at the next General Administration Committee for a budget of over \$10 million. The budget hearing will be prior to the next Board meeting on March 20.

PUBLIC WORKS DIRECTOR ~ Mr. Mitchard reported the following:

His department is preparing for the upcoming construction season. He has also been working on the budget. Tree trimming is winding down. His department has also been working on Riverfront Park and Terrace Lakes Unit II.

COMMUNITY PLANNING DIRECTOR ~ Mr. Mihelich reported the following:

Lifetime Fitness is scheduled to open on April 7. Coleman's Restaurant opened yesterday. Also, the Village has received a grant for implementation of the Woods Creek project.

VILLAGE ENGINEER ~ Mr. Kehoe reported the following:

His office has been working on the Algonquin Shores pump station. Also, phase II of the Algonquin Hills project is on schedule.

POLICE DEPARTMENT ~ Chief Laine reported the following:

His department has posted warning notices on Stratford Lane. DARE graduations have been scheduled for March 9, 14, and 19, and there will be two more following these dates. Also, the Northeast Multi-Regional Training Board recognized the police department training facility, and awarded the Police Department with a plaque and a certificate for a free in-service training session.

VILLAGE ATTORNEY ~ Mr. Rogers reported the following:

His staff has been involved with property matters, development, contracts, easements, and litigation.

CORRESPONDENCE & MISCELLANEOUS: NONE

OLD BUSINESS: NONE

RECESS INTO EXECUTIVE SESSION: Moved by Schmitt, seconded by Wolski, to recess into executive session to discuss litigation and annual appointment of officers.

Roll call vote; voting aye – Schmitt, Donner, Wolski, Steigert, Smith, Read.

Motion carried; 6-ayes, 0-nays.

President Spella recessed the meeting at 9:35 p.m.

RECONVENE: President Spella reconvened the regular meeting at 10:10 P.M. and requested a roll call. Trustees Steigert, Smith, Read, Schmitt, Donner, and Wolski were present.

REPORT OF EXECUTIVE SESSION: Attorney Rogers stated the Board met to discuss annual appointment of officers with no action required tonight. He also reported the Board discussed a case in the 19th Judicial Circuit in McHenry County. The Village is party to a lawsuit regarding Phase 4 of the Wastewater Treatment Plant. The matter has been settled, and the following motion is required.

Moved by Wolski, seconded by Schmitt, to authorize settlement of the Keno lawsuit by payment to Keno in the amount of \$194,750 and authorize the Village Manager to execute all settlement agreements and general releases relating to the settlement, subject to the Village attorney's review and approval.

Roll call vote; voting aye – Schmitt, Wolski, Steigert, Smith, Read, Donner.

Motion carried; 6-ayes, 0-nays.

NEW BUSINESS: NONE

ADJOURNMENT: There being no further business, it was moved by Schmitt, seconded by Wolski, to adjourn.

Voice vote; ayes carried.

President Spella adjourned the meeting at 10:12 PM.

Respectfully submitted:

Approved this 20th day of March, 2001:

Deputy Village Clerk, Jenna R. Kollings

Village President, Salvatore Spella