

**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
May 1, 2001**

CALL TO ORDER: Village President Ted Spella called the regular meeting to order at 8:00 PM. Village Clerk Jerry Kautz Clerk 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, Craig Arps, Russell Laine. Attorney – David Rogers, Engineer – Frank Cuda.

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

ADOPT AGENDA: Moved by Schmitt, seconded by Wolski, to adopt tonight's agenda as printed including item 16, Executive Session to discuss possible real estate transaction. Also move Omnibus Item 9A-1 to Item 10, Discussion.
Voice vote; ayes carried.

PROCLAMATIONS: Clerk Kautz read two proclamations, one proclaiming May 13, 2001 as Algonquin Police Week, and May 15, 2001 as Police Memorial Day, the other proclaiming Child Care Provider Appreciation Day on May 1, 2001.

OATH OF OFFICE: Clerk Kautz administered the Oath of Office to Paul Riese as Police Sergeant in the Village of Algonquin.

AUDIENCE PARTICIPATION:

1. Anthony Lingus, 751 Majestic, Algonquin, voiced complaint about defects in his Realen built home and asked for assistance.
2. Mr. Gulati, 1741 Hartley, Algonquin, said he has problems with his home and complained about Realen.
3. Glen Haluczak, 711 Majestic, wants Algonquin Lakes Subdivision held up as this seemed to be the only way homeowners are receiving repairs.
4. Lisa Bray, 1711 Hartley, voiced complaint regarding her home.
5. Chris Fox, 1721 Hartley, thanked the Board for listening to the homeowners concerns and stated that Realen has begun repairing defects in his home.
6. Robert Wilhelm, 701 Majestic, also thanked the Board. He is concerned about his warranty of Silverline Windows and proper installation. He said he was worried about a warranty void in future years if the new windows are not installed properly.
7. Tim Smith, 1831 Hartley, showed the Board some pictures and read a letter from Realen regarding wood floor repair. The pictures showed split carpet seams in the middle of his family room, Realen told him they could not anything about this issue. He also complained about severe air leakage at his windows.
8. Matt O'Connor, 1880 Crofton, said some things have been corrected in his home, but his windows still needed repair. He also stated he did not have a lot of problems but wanted to speak out.
9. Jim Markovitz, 780 Regal Lane, asked the Board about the legality of holding up Algonquin Lakes Subdivision final plat approval. Attorney Rogers explained that legally there is no linkage between the Windridge complaints and the Algonquin lakes project. He said the Village is under agreement to honor the final plats. Mr. Markovitz said Realen is trying to resolve the issues but asked why the topic is always in the newspapers in light of the Village being under contract responsibility to allow Realen to proceed with building Algonquin Lakes. President Spella said the newspapers cover all public meetings and the Village cannot regulate what is covered. Mr. Markovitz is concerned about property values and the negative press coverage.
10. David Bocek, 730 Majestic, brought up issues about his vinyl siding. He did say that Randy Harris, Realen Homes, has taken care of other issues regarding his home.
11. Christine Neland, 700 Regal, is upset about cracks in her foundation and the repairs that were made. She said there are now several small repairs that should have been done in the first year. She appreciates the Village's efforts in listening to the homeowners' complaints.

12. Cynthia Olhava, 1614 W. Shirra Court, Arlington Heights, IL, was very upset and emotional as she stated she has contracted for a home in Algonquin Lakes and has read all the articles in the newspapers about the problems in the west side Windridge project. She is worried about her new home being built and having like problems. She cannot afford to break her sales contract, as it would cost her \$10,000 to do so. She said she contacted a homeowner in Algonquin Lakes and asked if they were happy with their home and was told, "they were not". She implored the Board to not allow Realen to build any more homes in Algonquin Lakes until all problems have been addressed.

13. Randy Harris, Realen Homes, 1828 Colonial Pkwy. Inverness, addressed the Board and residents. He explained the Realen Warranty Standards and said he upholds that warranty. He said he has addressed the "warranty" issues with some still to be done. He said these are contract debates and can be arbitrated through the National Academy of Arbitrators and can be resolved. He also said he has changed some service policies to make sure these types of issues do not occur in the future. He asked the Board to approve the Algonquin Lakes Final Plat Phase 2.

Trustee Wolski asked why the residents had to get the Village involved before anything was done for them. Mr. Harris answered they have made a lot of changes in their system to correct these repair issues. Trustee Smith said he is concerned about Realen personnel not being truthful with homeowners regarding other owner problems. At this point, Mr. Harris introduced Jeff Duncan, Silverline Windows Sales Manager. Silverline agreed to inspect homes to see if the windows were installed properly in the first place. Jeff said he looked at a few homes already but because it is warm out at his time, the windows performed properly. This does not mean they are perfect but he stated that when it is cold outside there could be a difference in the way the windows operate. Trustee Schmitt said he is concerned that Realen's staff does not respond in a timely fashion. He is also concerned about major issues and how they may affect Algonquin lakes. He stated he likes his Realen built home but does not want these things to occur in the future. President Spella told Randy Harris that if arbitration is necessary in Windridge and the homeowner has to pay \$450. up front, they should be reimbursed by Realen if the arbitration goes in favor of the homeowner. Mr. Harris agreed he would do so. Spella added that Realen should put that in writing at the end of the Realen warranty Statement. Greg Haluczak asked to be recognized again and stated he wants to readdress a roofing matter. He said shingles were not laying flat and he complained he would have to pay \$450 to dispute the claim.

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 4/17/01
2. Historic Commission Regular Meeting Held 3/14/01, and Workshop Meetings Held 3/17 & 3/24/01
3. Economic Development Commission Meeting Held 3/23/01
4. General Administration Committee Meeting Held 4/10/01

Moved by Wolski, seconded by Schmitt, to approve the Consent Agenda of May 1, 2001 as listed. Voice vote; ayes carried.

OMNIBUS AGENDA: 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-20, APPROVING THE FINAL PLAT OF SUBDIVISION FOR BRIARWOOD CENTER**
2. **ORDINANCE 2001-O-21, APPROVING THE FINAL PLAT OF SUBDIVISION AND FINAL DEVELOPMENT PLAN FOR PHASE 2 OF THE CREEKSIDE OF ALGONQUIN SUBDIVISION**

Moved by Donner, seconded by Schmitt, to approve the Omnibus Agenda of May 1, 2001 as listed, Roll call vote; voting aye – Donner, Wolski, Steigert, Smith, Read, Schmitt. Motion carried; 6-ayes, 0-nays.

PLEASE NOTE: AT THIS TIME, PRESIDENT SPELLA RECESSED THE MEETING FOR TEN MINUTES AT 9:40 P.M.

THE MEETING WAS RECONVINED AT 9:50 P.M. BY PRESIDENT SPELLA AND A ROLL CALL SHOWED THE FOLLOWING TRUSTEES PRESENT: STEIGERT, SMITH, READ, SCHMITT, DONNER, AND WOLSKI

DISCUSSION OF ITEM REMOVED FROM OMNIBUS:

Final Plat for a Retail Center (Ryan Place/Starbucks)

Trustee Smith stated he is concerned about possible duplicate businesses at the proposed Ryan Place being in competition with the Town Center, i.e. pizza places or dry cleaners. He said there are many struggling current businesses in the Town Center and does not want to see them suffer. Trustee Donner replied that the village cannot dictate as to what businesses are placed in a private retail center unless it requires a special use permit. Others agreed, with Trustee Steigert adding that he agrees with Mr. Smith not wanting to see duplicate businesses, but that a Starbucks would be a “shot in the arm” for the east side of the Village. After further discussion, a motion was offered.

Moved by Donner, seconded by Schmitt, to pass **ORDINANCE 2001-O-22, APPROVING THE FINAL PLAT OF RESUBDIVISION AND FINAL DEVELOPMENT PLAN FOR A RETAIL CENTER ON LOT 1 IN THE ALGONQUIN TOWN CENTER PHASE 2 (RYAN PLACE/STARBUCKS)**

Roll call vote; voting aye – Donner, Wolski, Steigert, Read, Schmitt. Voting nay – Smith.
Motion carried; 5-ayes, 1-nay.

APPROVAL OF BILLS:

Moved by Smith, seconded by Wolski, to approve the List of Bills for payment, as funds become available, and as recommended by the Village Manager; Bills dated 5/1/01 in the amount of \$1,100,838.79 and Payroll dated 4/30/01 in the amount of \$247,135.57.

Roll call vote; voting aye -- Steigert, Read, Schmitt, Wolski, Donner, Smith.
Motion carried; 6-ayes, 0-nays.

PAYMENT OF BILLS:

General Fund	\$113,754.25
Cemetery Fund	4,930.00
Swimming Pool Fund	1,248.66
W & S Operating Fund	81,655.65
W & S Improvement Fund	16,500.63
Cemetery Acquisition Fund	1,500.00
School Donation Fund	877,543.00
Insurance Fund	3,706.60
Total	\$1,100,838.79

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 April 24 with minutes forthcoming. Three items discussed were on tonight's Omnibus Agenda. The following matter requires Board action.

1. Moved by Donner, seconded by Steigert, to pass **ORDINANCE 2001-O-23, APPROVING THE FINAL PLAT OF SUBDIVISION AND FINAL DEVELOPMENT PLAN FOR PHASE 2 OF ALGONQUIN LAKES**

During discussion, it was noted this ordinance has been held up due to the problems the residents have been having with Realen Builders in the Windridge Subdivision. As previously stated, legally, there is no linkage between Algonquin Lakes and the Windridge project. Trustee Wolski said she could not vote for this in good conscience. Trustee Steigert stated the Village has no right to not approve the plat. Trustee Schmitt said the items that Realen said they would address with the Windridge homeowners should be completed in 15 days so why not put this vote off until the next Board meeting. President Spella reminded the Board that the Village has benefited by a large sum of money for village public improvements including park space and school site and Realen has a large investment in this community. Village Manager Ganek said as for the annexation agreement of Algonquin Lakes, Realen has lived up to the aspects of the agreement.

When asked, Attorney Rogers stated that all plans are in conformance with the preliminary plan and the annexation agreement, and the Village has no choice but to approve the final plat for Phase 2.

Trustee Donner offered a compromise saying that the Village could issue only half the permits to allow Realen to start building and yet give the Village time to investigate any complaints from Algonquin lakes residents. She then made the following motion;

Moved by Donner, seconded by Steigert, to amend the motion and restrict to issuing 50 permits pending review of Algonquin Lakes Phase 1.

Roll call vote; voting aye – Donner, Steigert, Read, President Spella. Voting nay – Wolski, Smith, Schmitt.

Motion carried; 4-ayes, 3-nays.

President Spella asked for a roll call on the original motion as amended. (The motion now reads, to pass ORDINANCE 2001-O-23, APPROVING THE FINAL PLAT OF SUBDIVISION AND FINAL DEVELOPMENT PLAN FOR PHASE 2 OF ALGONQUIN LAKES, RESTRICTING TO ISSUING 50 PERMITS PENDING REVIEW OF ALGONQUIN LAKES PHASE 1)

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

Motion carried; 4-ayes, 2-nays.

Randy Harris thanked the Board for the restricted vote and said he is confident Algonquin Lakes Phase 1 residents are satisfied with their homes.

PUBLIC WORKS & SAFETY COMMITTEE ~ Trustee Wolski reported that the Committee has not met since the last Board meeting.

COMMITTEE OF THE WHOLE ~ President Spella announced that the Committee did not meet in April due to the Annual meeting.

VILLAGE CLERK ~ Clerk Kautz announced upcoming scheduled Village meetings.

STAFF REPORTS:

VILLAGE MANAGER ~ Mr. Ganek reported the following:

He and Jeff Mihelich will be attending a regional meeting on Downtown Redevelopment. He also said the recent Village Spring Cleanup was a big success.

PUBLIC WORKS DIRECTOR ~ Mr. Mitchard reported the following:

He attended a Kane County Storm Water meeting after which it was announced that Algonquin will operate under its own ordinance. He is also working on his staff's performance evaluations. He is holding divisional budget meetings to keep track of the various public works budgets.

COMMUNITY PLANNING DIRECTOR ~ Mr. Mihelich reported the following:

Planning & Zoning Commission has three items on next week's agenda.

VILLAGE ENGINEER ~ Mr. Kehoe reported the following:

The North River Road reconstruction project is out for bid. I.D.O.T. bids were received for the bridge enhancement project. His staff is working on the final engineering plans for Riverwoods improvement projects.

BUILDING COMMISSIONER ~ Mr. Arps reported the following:

His department is in the busy season with 80 permits being issued daily.

POLICE DEPARTMENT ~ Chief Laine reported the following:

He is preparing to participate in Police Memorial Day festivities.

VILLAGE ATTORNEY ~ Mr. Rogers reported the following:

His staff has been involved with real estate matters, liquor issues, and development matters.

CORRESPONDENCE & MISCELLANEOUS:

1. Trustee Smith said he would like the Village to send a letter to the State supporting the Algonquin residents of Kane County when it relates to the Miss Algonquin Pageant. It is a policy that only Algonquin McHenry County residents qualify for Miss Algonquin who then moves to the Miss McHenry Pageant, therefore leaving those ladies that reside in the Kane County portion of Algonquin removed from the Pageant. It was noted that the State regulates the rules.

OLD BUSINESS: NONE

RECESS INTO EXECUTIVE SESSION: Moved by Schmitt, seconded by Wolski, to recess into executive session to discuss a real estate matter.

Voice vote; ayes carried.

President Spella recessed the regular meeting at 10:41 P.M.

RECONVENE: President Spella reconvened the meeting at 10:51 and requested a roll call.

Present; Steigert, Smith, Read, Schmitt, Donner, Wolski. A quorum was established.

REPORT ON EXECUTIVE SESSION: attorney Rogers reported the Board discussed a real estate matter with no action required in open session tonight.

NEW BUSINESS: NONE

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

Voice vote; ayes carried.

President Spella adjourned the meeting at 10:53 PM.

Respectfully submitted:

Approved this 15th day of May, 2001:

Village Clerk, Gerald S. Kautz

Village President, Salvatore Spella