

VILLAGE OF ALGONQUIN
COMMITTEE OF THE WHOLE
Meeting Minutes
Algonquin Village Hall Board Room
December 11, 2007

AGENDA ITEM 1: Roll Call to Establish a Quorum

Present: Chairperson – Trustee Sosine; Trustees Dianis, Glogowski, Smith, Spella, and Steigert; and President Schmitt

Staff Members Present: William Ganek, Village Manager; Jenna Kollings, Assistant Village Manager; Jeff Mihelich, Assistant Village Manager; Bob Mitchard, Public Works Director; Kelly Cahill, Village Attorney

AGENDA ITEM 2: Community Development

A. Prairie Path – (2004-26)/North Side of Highland Avenue – Existing Zoning R-1 PUD Single Family – Final Planned Development Extension

Mr. Mihelich opened with a general overview of the location of the subdivision and why Kennedy Homes is asking for an extension. There was a delay in starting construction due to not being able to find a builder willing to do a phased development. During this delay, the housing market decreased dramatically. With this in mind, Kennedy is requesting a two year extension.

Mr. Dianis asked if all the engineering plans would still be acceptable. Mr. Mihelich said yes.

Mr. Glogowski asked about the dedicated trail corridor. Mr. Mihelich stated that the Village had asked the developer to dedicate land to the Village for Prairie Path to become part of the trail system along Highland Avenue. The Village is preparing a grant application through the Department of Natural Resources for this purpose. If the grant goes through then the Village would be able to start construction, even if the developer has not. Mr. Glogowski asked if the developer was in agreement. Mr. Mihelich stated yes.

The Committee of the Whole recommended unanimously that the request for an extension on the Final Planned Development be forwarded to the Village Board for consideration.

AGENDA ITEM 3: General Administration

A. Consider Agreements for Implementation of the Village of Algonquin Municipal Court
(1) Administrative Law Judge
(2) Court Software System

Mrs. Kollings presented a request to the Committee for consideration of two agreements. The first agreement for the Administrative Law Judge, and the second is for the software system to be used by the Administrative Court. She outlined the anticipated costs and revenue. Mr. David Eterno (prospective Law Judge) was on hand to answer questions. It was noted that Mr. Eterno's contract would be for a one year period, at which time the relationship would be re-evaluated. He also works with and recommends the proposed court system software.

Mrs. Kollings also outlined the code violation software, which would enable the Law Judge to enter his judgments, as well as print out rulings at the time of the hearing. An important aspect of this software package is that the Village will be purchasing this software outright and will not have to worry about long term licensing or a maintenance contract.

Mr. Glogowski asked about the dollar amount of malpractice insurance to be maintained by the Law Judge, specifically if it would be enough. Mrs. Kollings replied that the Attorney does not hold malpractice insurance and that is due to the Village having an appeal process that would send any disputes to McHenry County Circuit Court. Mrs. Cahill added that she had a concern about any civil rights law suits that may be brought against the Village, and the staff was confident that the Village insurance was adequate enough to cover those issues.

Mr. Glogowski then asked if it was customary for the cost of the start up for the Administrative Court to be recovered in three years in comparison to other municipalities. Mrs. Kollings stated there is no standard for this type of system, but revenues from red light video enforcement would help offset these costs.

Mr. Glogowski asked what the cost would be to provide support staff for the Law Judge and court. Mrs. Kollings replied that the Village anticipates all other staffing needs would be handled in-house (i.e. Clerk, Bailiff). She added that the Village expects to only hold one court date per month for the first year.

Mr. Glogowski inquired about the use of the pronoun "She" in the Professional Service Agreement for the software and asked if it should be that specific. Mrs. Kollings answered that the agreement is with Chaya Freidman and she is the sole proprietor of her company, so the wording is correct.

Mr. Smith asked to what extent citations would apply to the Administrative Court System. Mrs. Kollings replied that it could be anything in the Village's municipal code, but no moving or criminal violations can be brought before this system. Mr. Smith then asked if the red light video enforcement violations would be considered a moving violation. Mr. Ganek replied no, that Illinois law has allowed for those types of citations to be brought before the Administrative Law Judge. Mr. Smith then asked for clarification that violations from the red light cameras can be brought before the Administrative Court, but citations issued by an officer could not. Mrs. Cahill confirmed that was correct.

Mr. Smith asked if the Police Department will be providing some type of bailiff. Mr. Ganek replied yes, that they will probably be providing some one at the entrance to the courtroom.

Prospective Law Judge Mr. David Eterno then addressed the Committee to express his support and enthusiasm for these types of Administrative Court Systems, and that he is looking forward to working for the Village of Algonquin.

At this time Chairperson Sosine called for two separate votes.

The Committee of the Whole recommended unanimously that the Agreement for the Administrative Law Judge Services be forwarded to the Village Board for consideration.

The Committee of the Whole also recommended unanimously that the Agreement for the Court System Software be forwarded to the Village Board for consideration.

- B. Consider Agreement with Heartland Communications to Determine the Feasibility of Establishing a Community-Wide WiFi Network

Mrs. Kollings presented an overview on the research Village staff has done regarding WiFi networks for Algonquin. She outlined the different companies that staff considered and explained that due to changing requirements with ad-based free internet access, staff recommends a subscriber based system with Heartland Communications. This network would work similar to that of Comcast or AT&T, where the subscribers would be able to choose their level of access at different costs. All customer service, maintenance, marketing, equipment and installation will be handled by Heartland as well as functioning as the internet service provider.

Greg Parro from Heartland Communications provided an antenna for the Committee to view as well as the wireless bridge device that would be in subscriber's homes/businesses. Mrs. Kollings stated that, if this agreement passes the Village Board, Heartland will start a 3-6 month feasibility study to determine how many antenna sites will be needed to provide the Village with coverage, and also the ultimate cost to Heartland to setup and maintain this type of system.

Mrs. Kollings stressed that the agreement put before the Committee is preliminary and allows Heartland Communications to do the feasibility study. It was noted that they require the Village to not sign any agreements with any other WiFi network provider while the study is being conducted.

Mr. Steigert asked if they would not be able to provide 100% coverage for the Village. Mr. Parro replied that is not necessarily true. Through preliminary studies they have identified 34 municipal sites to install their equipment on that would provide the base for the network. Through the feasibility study, they would identify additional sites from there to obtain the best coverage possible. He noted that in some residential areas where there are no municipal structures to utilize, they may have to use other means such as tornado sirens, light poles in parks or right-of-ways, etc. Mr. Parro stated they could even add an antenna to the roof of a residence if necessary, offering the property owner free service in return.

Mr. Steigert then asked about expansion to other communities and the ability for anyone on the Heartland Network to use this system within the Village. Mr. Parro stated the availability would allow visitors to travel to Algonquin and still have access to the network; visitors would not be limited to just their municipality.

Mr. Steigert then asked about the speed of the network, about 1 megabyte per second (mbps). Mr. Parro clarified saying that they would probably offer a standard package with approximately 1.5 mbps. Mr. Steigert asked if that speed could be increased, and Mr. Parro replied yes that they are offering that in business packages, and are currently testing the reliability in Crystal Lake. Mr. Steigert asked if the maximum speed would be 1.5 mbps. Mr. Parro stated that they can go up to 6 mbps.

Mr. Glogowski stated he likes the idea of the Village-wide WiFi access; however, he asked for clarification on how the antenna would be installed. Mr. Parro explained that the sample brought for the Committee is the antenna itself and would be mounted on top of a 10 foot pole. Mr. Glogowski then expressed his concerns about the antenna installed on top of residential roof tops. Mr. Parro stated that would be a worse case scenario, that all other options would be explored first. Mrs. Kollings then asked Mr. Parro if there would be a better understanding of what locations will need to be used after the study is conducted. He stated that is correct.

Chairperson Sosine asked if the system bridge for the homes is an additional cost to the subscriber. Mr. Parro replied the cost of the bridge is included in the standard package amount; however, subscribers to smaller packages, for instance the light-user package, would then have to rent the unit or buy it outright for \$89.00. If for some reason the customer decides to discontinue their service, Heartland will buy back the bridge for \$50.00. He also noted that service plans will be month-to-month; they will not require customers to sign long term contracts. Mrs. Sosine then

asked how the equipment is plugged in. Mr. Parro replied that it works just like a cell phone charger; it just plugs into a regular outlet. President Schmitt then asked if the bridge then acts as the antenna within the home and works with the external antennas. Mr. Parro replied yes.

President Schmitt then asked as new technology becomes available, how quickly they can update equipment, for instance if they came up with a smaller antenna. Mr. Parro replied they will always be motivated to update equipment, especially when it concerns the aesthetics of the Village. President Schmitt asked if it is possible to make an agreement that once new technology is out, that they would be willing to change equipment. Mr. Parro stated that he is not in a position to say either way; however, with the current technology in Crystal Lake, they have received good feedback with the aesthetics of the product and during the recent ice storm, the network remained stable.

Mr. Dianis asked about the life of the antenna. Mr. Parro replied they are not sure, but this antenna has been used extensively throughout Asia for the last five to six years, and there have been no problems that he knows of. Mr. Ganek added that the upside of month-to-month service is beneficial to the subscriber in that if they are not happy with the service, they can terminate their subscription.

Mr. Smith asked what the difference in service packages is. Mr. Parro replied that mainly it is the speed of the service. Mr. Smith asked if it is the antenna that determines the speed. Mr. Parro stated that when a user subscribes to the service, their bridge device and their computer are registered with the network. It was also noted that any computer can use the wireless network inside the house, but only computers registered with a roaming account will be able to access the network outside the residence. Mr. Smith asked if a neighbor would be able to access that connection from their home or yard. Mr. Parro replied there are security features in place to prevent that.

President Schmitt asked if visitors to the Village, who do not subscribe to Heartland's network, would be able to use the internet for a daily fee. Mr. Parro replied they can make that option available on a day-by-day basis.

Mr. Steigert then offered as a reference, an article from the Municipal Associations Magazine that gave examples on the various speeds of downloading content from the internet. Mr. Parro added that they are currently working with the latest technology, but as demand dictates, they will have to upgrade to provide the best internet experience for their customers. President Schmitt asked if it was the antenna that limited that capability. Mr. Parro replied that he thinks it is the radio equipment and backbone. Currently their radio equipment is capable of 54 kbps.

The Committee of the Whole recommended unanimously that the Agreement with Heartland Communications to Determine Feasibility of Establishing a Community-Wide WiFi Network be forwarded to the Village Board for consideration.

- C. Consider Participating in the "Cool Cities" Program by Endorsement of the U.S. Mayor's Climate Protection Agreement.

Mrs. Kollings gave a brief summary on what Cool Cities is and the steps to get involved. This program emphasizes solutions to minimize the community's impact on global warming. She noted that this is a voluntary program and that by endorsing the agreement, it in no way commits the Village to participation. She pointed out that the Village is already doing a majority of the programs that work towards reducing CO₂ emissions which shows the Village's existing commitment which could easily transition into programs that specifically address the Cool Cities initiative. She continued by saying there is a software package available that would help

determine current levels of CO₂ emissions, and that could be used to draw up an action plan to reducing those numbers.

Chairperson Sosine appreciated the scenario of what the Village is currently doing.

Mr. Dianis strongly supports this program. He states that our Village is a leader in these types of endeavors and found the write up of all the steps the Village is currently taking enlightening and could be a good marketing tool to be used in the future.

Mr. Smith stated that he concurs the staff has done a great job in the effort towards recycling and agrees that Algonquin is a leader in its efforts to becoming a "green city"; however, he voiced concern at signing a pledge that he feels states without a doubt that these are the reasons for global warming.

Mr. Glogowski stated that he disagrees with Mr. Smith and that he sees no downfall to signing this agreement, adding that there are no penalties to signing nor are any fines levied by not conforming to any regulations and thinks it is a wonderful concept.

President Schmitt added that whether there is an obligation or not to follow this program, he was confident that the Village staff will adhere to it.

With no further discussion, Chairperson Sosine called for an individual vote. Aye votes, Chairperson Sosine, Trustee Glogowski, Trustee Dianis, Trustee Steigert, Trustee Spella and President Schmitt. Nay votes Trustee Smith.

The Committee of the Whole recommended 6 votes to 1 vote that consideration of participating in the Cool Cities Program be forwarded to the Village Board for consideration.

D. Consider Ordinance Declaring Certain Property and Vehicles as Surplus

Mr. Ganek outlined the property and vehicles the Village would like to declare as surplus.

Mr. Dianis asked if there is something that shows maintenance costs on the vehicles on the list. Mr. Ganek replied that the Fleet Department keeps records on all costs towards maintenance, and when they reach a threshold the vehicles are then taken out of service. Mr. Dianis then asked if there is a numerical threshold that is used. Mr. Ganek replied absolutely. Mr. Mitchard added that everything is based on a cost per mile that includes a factor of down time, fuel, and maintenance costs. He also stated that the Fleet Manager is very diligent on keeping an eye on the costs of all the vehicles.

Mr. Smith asked what the vehicles were used for. Mr. Ganek replied that they were originally squad cars that were eventually phased out to other uses throughout the Village. Mr. Smith then asked if they were all "in-town" cars, meaning vehicles that were not taken home by employees. Mr. Ganek replied yes. Mr. Smith then asked when these vehicles are out of service, if they are replaced with new or used vehicles. Mr. Ganek stated that it varies. Some vehicles are replaced by used vehicles and others by new vehicles.

The Committee of the Whole recommended unanimously that the Ordinance Declaring Certain Property and Vehicles as Surplus be forwarded to the Village Board for consideration.

AGENDA ITEM 4: Public Works & Safety

A. Consider Bids for the Route 62 Bridge Water Main Replacement

Mr. Mitchard presented an overview on the Route 62 bridge water main replacement project. He also outlined the different bids presented from contractors, and their endorsement of the second lowest bidder for the project, John Neri Construction. Mr. Mitchard also said that Mike Kerr, the Village Engineer, also recommends this contractor after checking on all references available. Mr. Mitchard noted that they are not recommending the lowest bidder for two reasons. First, they have not closed out a current contract for the work with water treatment plant number three. Second, they do not focus solely on water main work, whereas John Neri Construction specializes in that field.

Mr. Dianis asked if the company has done this type of work before. Mr. Mitchard replied yes. Mr. Dianis then asked if Mr. Mitchard had worked for the contractor, and Mr. Mitchard clarified that he had worked with them in other projects, not while working for the Village of Algonquin, but did not work for them.

Mr. Smith asked about the scope of work to be completed on the water main and how it differs from what was done with the treatment plant. Mr. Mitchard stated that the treatment plant involved a multitude of different tasks, where the Route 62 project will be strictly water main and mechanical. Mr. Ganek added that the difference in the bid numbers are so significant in certain items, that they did not completely comprehend what was required for this project. This job also has a real tight time frame; and if the contractor is not well versed in this type of work; then there is no time for a learning curve due to the water having to be shut off crossing the river. Mr. Smith then asked what the time frame is. Mr. Mitchard stated that they would like the project started in January and finished in April, emphasizing that it needs to be complete without fail by May 1.

Mr. Smith then asked what the time frame is for a re-bid if the Village would go back to the lowest bidder and ask them to verify their numbers. Mr. Ganek stated 30-45 days. President Schmitt then asked Mr. Mitchard if Mike Kerr looked at the bids, specifically pricing and materials. Mr. Mitchard stated that Mike Kerr did look at it and that his memo is in the packet to the Committee. Mr. Smith then added that he was concerned that the staff was passing on this bid because it was too low, when it could be the contractor does know what he is talking about and that he just wanted to underbid to get the business. Mr. Ganek stated that there is more to not hiring this contractor than just the bid; the Village has worked with them in the past.

The Committee of the Whole recommended unanimously that the Bid for the Route 62 Bridge Water Main Replacement be forwarded to the Village Board for consideration.

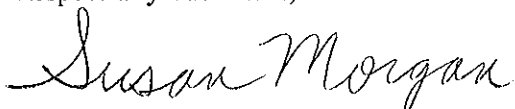
AGENDA ITEM 5: Executive Session
None necessary.

AGENDA ITEM 6: Other business
No items to discuss.

AGENDA ITEM 7: Adjournment

There being no further business, Chairman Sosine adjourned the meeting of the Committee of the Whole at 8:35 pm.

Respectfully Submitted,



Susan Morgan, Recording Secretary