

VILLAGE OF ALGONQUIN
COMMITTEE OF THE WHOLE
Meeting Minutes
Algonquin Village Hall Board Room
January 8, 2008

AGENDA ITEM 1: Roll Call to Establish a Quorum

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

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

AGENDA ITEM 2: Community Development

A. Consider Resolution Authorizing an Application for the Haeger's Bend Trail Through the Illinois Department of Natural Resources Grant Application

Mr. Mihelich opened with a general overview of the location of the proposed trail that will connect Algonquin Lakes with Presidential Park. Its intended uses include walking, biking, dog walking, cross-county skiing and roller blading, but will prohibit the use of motorized vehicles. The trail will be 1.7 miles long and ten feet wide and will be maintained by the Village.

The Village held three separate meetings for public input. From those there were 18 formal pieces of comment - 13 approved, 5 disapproved. Reasons residents did not support the trail were loss of privacy, trespassing (due to limited access points), litter, crime, and loss of open space. Mr. Mihelich stated that the Village will have to do public education regarding the use of the trail and trespassing.

The preliminary budget for this project is approximately \$700,000.00, with the possibility of \$200,000.00 of that supplied by the grant. The engineering number provided by Village Engineer Mike Kerr was estimated high; however, once he walked the site he realized that there will not be the need for such extensive engineering and that number should come down. Money would need to be included in the FY '08-'09 budget to provide the needed matching funds.

If all goes as planned, the Village can expect the trail to be open by the fall of 2009.

Mr. Glogowski asked in regards to the possibility of increased crime, some residents have asked where the elevation of the trail is high enough to see into some houses if that will have an effect on the security of the residences. Mr. Mihelich stated that, as of right now, even without a formal trail, that property is public and anyone can walk back there as is, so there is no foreseeable increase in a loss of privacy with the construction of a trail. Also, as foot traffic increases with a formal trail, people will be less likely to linger in one area. The setback of the trail will be at least 50 feet from the property line and in some areas will have an additional 40 feet. Also with homes that are only on one side of the open space corridor, they will shift the trail back to 100 feet with an additional 40-foot setback.

Mr. Glogowski then asked if there will be no major excavation, that the Village will just dig out what is needed to lay the trail and everything else will remain as is. Mr. Mihelich said that is correct. There are no anticipated problems with soil, however, should there be, the soil will be removed and back filled with more appropriate material.

Mr. Glogowski then inquired about tree loss near Highland Avenue. Mr. Mihelich stated that the trail will be on the property side of the existing tree line not the street side, so there should be no tree removal in that area, except where the trail will come across Highland Avenue itself.

Mr. Smith pointed out, in regards to questions of security, that the Village has a very good bicycle patrol, and the construction of the trail would give officers access to areas they currently do not have.

Chairman Dianis asked what kind of priority the trail would have in regards to other projects in the Capital Improvement Program and if the project time frame could be drawn out if funds cannot be realized in the next fiscal year. Mr. Mihelich said they are in the process of putting together a formal recommendation to the Village Board on the Capital Improvement Program. He added that, if the timing of the project goes to fall of 2009, there will be a chance to fund the project in phases. He noted, however, that it is important to try to fund this project in one year, in case construction is ahead of schedule. Mr. Ganek added that funds for the trail system would not compete with water, sewer, roads, etc. The money comes from developer contributions and donations to the Park Development Fund.

Chairman Dianis then opened the discussion for public comment. He first called on Ms. Pat Johnson of 601 Hackberry Lane. She is opposed to the building of the trail and she emphasized that four years ago, reason for purchasing the residence they live in was because of the large open space behind the land. She also emphasized that they would like to keep the area as is for the wildlife there. There are very few places that have that type of openness and would like the Village to look into other places for a trail to be placed.

Chairman Dianis then recognized Mr. Mick Johnson of 601 Hackberry Lane. He wanted to reinforce his wife's position (being opposed to the trail). He also said that it is a public area as is and that people can walk there without a trail.

Chairman Dianis then recognized Ms. Pam Garlisch of 711 Hackberry Lane. She declined any further comment stating that Mr. and Ms. Johnson had said everything she was going to, but wanted to say that she is also opposed to the trail.

Chairman Dianis then recognized Mr. Chris Kempf of 605 Souwanis. He asked what the life expectancy of the trail would be. Mr. Mitchard stated that it would be 12 to 15 years. Mr. Kempf also asked for clarification on what species of trees would be removed. Mr. Mihelich replied that a detailed tree inventory has not been done, but he could speculate that there will probably be some oak and hickory trees lost. He added that there will only be small trees removed.

The Committee of the Whole recommended unanimously that the Resolution Authorizing an Application for the Haeger's Bend Trail through the Illinois Department of Natural Resources Grant Application be forwarded to the Village Board for consideration.

- B. Consider Zoning Ordinance Amendments
 - (1) Section 21.3 – Definition of Adult Use
 - (2) Section 21.8 – Definition of Home Use
 - (3) Section 21.12 – Terminating Special Uses

Mr. Mihelich provided a summary on three housekeeping amendments.

Section 21.3, Definition of Adult Use, is to be changed to state that any business where 25% or more of there stock is sexual in nature will have to be considered for an Adult Use Permit.

Section 21.8 Definition of Home Use, shall be changed to prohibit the sale of firearms, explosives or ammunition, and gunsmith services.

Section 21.12, Terminating Special Uses, shall be changed to show that permits that expire due to property being abandoned or discontinued would not be redeveloped unless new special use permits, planned development, or rezoning is approved by the Village Board.

Mr. Glogowski asked, in regards to the Adult Uses section, if the stores with over 25% stock or trade would be located in industrial zoning. Mr. Mihelich confirmed that adult uses are only allowed in I-2 zoning districts with a special use permit. Mr. Glogowski then asked where the current industrial zoning is located within the Village. Mr. Mihelich stated there were only a handful of acres around the gravel pits.

Mr. Smith commented on the Home Occupation Uses section. He feels that the ordinance should not prohibit gunsmiths/repair work.

Mr. Glogowski stated that the proposed ordinance it is not prohibiting an individual from working on his/her own weapon, but taking away the option of providing a service. He concluded stating that he has no problem with the ordinance as worded.

Mr. Spella asked if repairs are being made to weapons in a home, wouldn't the product have to be tested to insure proper repair. Mr. Smith replied that they would be taken to a range to be fired. He added that this ordinance would outlaw a trade or skill that currently is legal.

President Schmitt added that there would be a potential for accidental discharging of a gun if we allowed gunsmith businesses. Ms. Sosine agreed and stated that it would especially be a concern near schools. Mr. Dianis added that there is a possibility for a volume of weapons to be stored in a home while in repair and there would not be adequate security.

The Committee of the Whole recommended unanimously that the Zoning Ordinance Amendments for Sections 21.3, 21.8, and 21.12 be forwarded to the Village Board for consideration.

AGENDA ITEM 3: General Administration

A. Consider Ordinance Authorizing Execution of an Intergovernmental Agreement to Purchase Electrical Power

Mr. Ganek provided a brief background on the Village's contract with People's Energy that would provide electric energy for certain utility facilities within the Village. He continued, stating that after the five-month extension with Peoples Energy is complete, a new option for the purchasing of power would be to join the Northern Illinois Governmental Energy Cooperative (NIGEC). This co-op consisting of nine municipalities and the Woodstock Fire/Rescue District was able to secure competitively priced, electric power and reduce the total transaction costs of negotiating the power purchasing arrangement. The purpose of the proposed ordinance would enable the Village to act quickly when the price for power is ideal.

Mr. Glogowski asked who would be responsible for signing any contracts for the purchase of electric power. Mr. Ganek replied that the Village President is the signatory, but Finance Director Jack Walde is the representative.

Mr. Glogowski then asked if one week is enough time to provide information requested for bid specifications. Mr. Ganek replied yes, that the information they would be looking for is the metered accounts that have a certain energy usage, and the Village already has that information on hand.

Mr. Glogowski asked, in regards to the waiver of conflict of interest statement in the ordinance, how many municipalities Zukowski, Rogers, Flood and McArdle represent within the co-op. Ms. Cahill replied all but Hampshire and Huntley. Mr. Ganek added that statement is for the co-op, and Ms. Cahill stated that it is for full disclosure that the law firm represents the co-op as well as the Village.

The Committee of the Whole also recommended unanimously that the Ordinance Authorizing Execution of an Intergovernmental Agreement to Purchase Electrical Power be forwarded to the Village Board for consideration.

AGENDA ITEM 4: Public Works & Safety

Chairman Dianis recognized Michelle Zimmerman as she presented the award for Natural Areas Creation and Protection for the Arquilla Natural Detention to President Schmitt. This award was sponsored by the United States EPA and the Chicago Wilderness.

A. Consider Ordinance Amending Chapter 11, Parks and Playgrounds, to Add Preservation and Regulation of Natural Areas

Ms. Zimmerman then presented the ordinance to amend Chapter 11, Parks and Playgrounds, adding Preservation and Regulation of Natural Areas. She included a brief overview of the different types of natural areas to be included and examples of these around the Village. She also pointed out the many benefits of these areas to the environment and community as a whole.

Mr. Steigert praised Ms. Zimmerman and staff for their passion and effort throughout the community and; said that their hard work is appreciated.

President Schmitt agreed and asked what percentage of the Village's open areas is naturalized. Ms. Zimmerman estimated about 20% but could not be sure.

Mr. Glogowski added that the City of Batavia had commented on the Village of Algonquin's Conservation Program and has taken a similar approach on their efforts.

The Committee of the Whole recommended unanimously that the Ordinance Amending Chapter 11, Parks and Playgrounds, to Add Preservation and Regulation of Natural Areas be forwarded to the Village Board for consideration.

B. Consider Resolutions Authorizing Membership in the McHenry County Council of Government Public Works Mutual Aid Service Agreements

Mr. Mitchard presented the McHenry County Council of Governments Emergency and Non-emergency Mutual Aid Agreements. In these agreements each Municipality agrees to assist nearby Member jurisdictions by providing personnel, equipment, and/or material resources as a situation allows. Similar agreements exist between fire and police departments. It was specifically noted that the needs of the Village of Algonquin will be first considered before responding to any other municipalities.

Ms. Sosine expressed her gratitude to Mr. Mitchard for keeping this campaign alive as it is important to work with our neighboring communities.

Chairman Dianis agreed with Ms. Sosine. He had one question regarding page two of the non-emergency agreement, section 4A. He asked if the sentence "Personnel rendering emergency Mutual Aid..." should read "Personnel rendering non-emergency Mutual Aid...". Mr. Mitchard replied yes.

Chairman Dianis stated that it is important to know that providing assistance to others will be done after the needs of the Village of Algonquin are met. Mr. Mitchard agreed adding that they will never short the citizens of Algonquin or the Village Board in their efforts to provide assistance to another community.

President Schmitt added that, as this resolution puts Mutual Aid into a formal document, there has been cooperation between neighboring communities as far back as the flood in 1993.

Mr. Smith asked, in regards to the non-emergency agreement, if there is a dollar amount allocated towards possible expenses, if personnel, for instance, was sent to a neighboring community. Mr. Mitchard replied that there is a reimbursement process for equipment use, personnel, and a small administrative fee.

Mr. Glogowski asked about when Marengo helped out in a certain situation, how it affected us financially. Mr. Mitchard replied that Marengo did not charge the Village for their help and time.

The Committee of the Whole recommended unanimously that the Resolutions Authorizing Membership in the McHenry County Council of Government Public Works Mutual Aid Service Agreements 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 Dianis adjourned the meeting of the Committee of the Whole at 8:40 pm.

Respectfully Submitted,

A handwritten signature in cursive script that reads "Susan Morgan". The signature is written in dark ink and is positioned above the printed name.

Susan Morgan, Recording Secretary