

VILLAGE OF ALGONQUIN
COMMITTEE OF THE WHOLE
Meeting Minutes
Algonquin Village Hall Board Room
February 10, 2009

AGENDA ITEM 1: Roll Call to Establish a Quorum

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

Staff Members Present: William Ganek, Village Manager; Jenna Kollings, Assistant Village Manager; Bob Mitchard, Public Works Director; Russ Farnum, Community Development Director; Katie Parkhurst, Senior Planner; Ben Mason, Senior Planner; Kelly Cahill, Village Attorney; Mike Kerr, Village Engineer

AGENDA ITEM 2: Community Development

- A. Riverwoods on the Fox – Case Number 2008-091/1841 North River Road – Existing Zoning R-1 Single Family Residential
 - (1) Preliminary Plat of Subdivision
 - (2) Preliminary Planned Development for 17 single-family lots

Mr. Farnum and Mr. Mason presented to the Committee a petition from Mr. Greg Pantos of A.K. Group, LLC. The property is located at 1841 North River Road and is proposed to be subdivided into 17 single-family residential lots and be a private, gated community. They provided a brief summary of the property and surrounding area, as well as concerns they have with the project. Items noted were the length and grade of the cul-de-sac, the number of trees that would be removed, and the traffic impact at Algonquin and River Roads. Staff recommended denial of the petition and outlined their findings in the Report of the Village of Algonquin Planning and Zoning Commission who also recommended denial.

Mr. William Graft, Graft and Jordon, provided a statement on behalf of the petitioner at this time. He disagreed with Village staff and the 21-page report, stating that it was not based on facts; he would like to present to the Committee a letter of rebuttal addressing those items. He was also unhappy with the Public Hearing held on January 12, 2009 with the Planning and Zoning Commission and the minutes taken by the recording secretary, and he offered the transcripts from their court reporter who attended the meeting. Mr. Graft also noted that many of the items of concern are often addressed in final engineering and the plat of subdivision.

Chairperson Dianis opened the meeting to public comment. Mr. Al Gafka, 1843 North River Road, expressed his concerns about the retention pond and its proximity to his property.

Mr. Carl Swanson, 1901 North River Road, presented a petition to the Committee signed by numerous residents of North River Road. He asked the Committee to consider keeping the wooded area preserved and possibly put into a public trust, denying the petition.

Trustee Smith expressed his concern with the safety of the subdivision, adding that it could be a threat to the entire east side of the Village if emergency vehicles are unable to service that area.

Trustee Sosine stated there were good reasons for staff to object to the subdivision, noting there are many variances to Village ordinances. She is also citing safety as her number one concern.

Trustee Glogowski walked the area to get a feel for the property and the development. He added that, along with safety being a concern, there are 76 items of noncompliance to Village code.

Trustee Spella agreed with what the other trustees had said and asked that, if the average home in this project will sell for \$950,000, how these will sell in today's market. A representative of the project stated that this is a difficult market but expected to sell one to three houses a year, which is a reasonable number for that area, and that it is a unique site in which people will want to live. Trustee Spella then stated that it is a unique site; however, there is no crystal ball to predict how sales will be.

Trustee Steigert stated that, in reference to Mr. Graft's opening remarks, he agrees that these plans are not final and it may be possible to work with them. He added 76 variances to code is a "steep mountain to climb." Health and safety are his number one concerns.

President Schmitt said his concerns go along with the opening statements from staff. He continued by stating that the Board enacted Village codes and standards to prevent them from allowing certain projects to be done. He added that the Committee should take Mr. Graft's offer of providing the transcripts and letter of rebuttal for review and table this issue to a later meeting. Ms. Cahill asked Mr. Graft if he is still willing to provide the documents discussed. Mr. Graft provided some examples of the discrepancies in facts between the developer and staff. President Schmitt asked again if he would provide the documents. Mr. Graft asked if it would be for the Committee of the Whole, and President Schmitt stated that it would be. Mr. Graft asked when it would go before the Village Board. President Schmitt replied that it would be two weeks after the next Committee of the Whole meeting, providing that the requested paperwork has been received. At this time, Mr. Graft conferred with other representatives of the developer in private. He returned and stated that they would submit the documents. Ms. Cahill asked what the letter would be. Mr. Graft stated it would be a letter correcting the report from the Planning and Zoning Commission and listing deficiencies in the minutes taken at the public hearing. Ms. Cahill then asked if they are willing to extend the time frame of review that is required by State statute governing municipal code. Mr. Graft replied in the affirmative.

Trustee Smith asked if their planning team was aware of the minimum requirements of the Village code. Mr. Graft stated that they had access to the Zoning Ordinance. Trustee Smith then asked if they were aware that their plan did not meet standards when it was submitted. Mr. Graft answered that there were reasonable exceptions granted in other projects. Trustee Smith asked if their plans met the Village minimum standards, and Mr. Graft replied that he could not answer that. Trustee Smith asked if he wasn't sure. Mr. Graft stated that the Committee was relying on the report from the Planning and Zoning Commission (which they would like a chance to review and offer a rebuttal), and their plan has exceptions similar to other plans that were approved by the Village.

Trustee Steigert addressed the Committee and asked if the current item up for approval is to get the transcript and letter, review those documents in comparison to staff documents, and revisit this agenda item at a future Committee of the Whole meeting. President Schmitt replied in the affirmative. Trustee Steigert then asked Mr. Graft if the discrepancies in facts are a result of interpretation of the Village ordinances. Mr. Graft replied they received the report Monday February 09, 2009 and believe there are mistakes of fact. He added their engineer has stated they are in compliance and it is not a matter of interpretation. Mr. Steigert then asked that, if the Village code states that a cul-de-sac will be no longer than 600 feet long,

then how is a 1,400-foot long cul-de-sac as described in the project plans in compliance. Mr. Graft stated the Village still has to honor property owners' rights.

Mr. Ganek asked for clarification on when the Committee would receive the transcriptions and rebuttal letter. Mr. Graft replied next week. Mr. Ganek added that, if the documents are not received by a set deadline, the project would have to be pushed to an even later Committee of the Whole meeting. Mr. Graft stated that it depends on when the court reporter can provide the transcription. Mr. Ganek asked if both documents can be made available by February 18, 2009. Mr. Graft stated that they could be. If they could not satisfy this deadline, they would agree to an additional two week extension to allow time for the next scheduled Committee of the Whole Meeting and additional review time.

Chairperson Dianis asked how property, including roads, would be maintained if only three units per year were sold and no Homeowners' Association (HOA) is active. Mr. Graft replied that the developer would be responsible for all those costs. Chairman Dianis stated that he has safety concerns, especially with no sidewalks in the neighborhood, citing mobility issues for residents who want to walk their neighborhood. Mr. Graft said that if public policy states that sidewalks are needed, the developer will consider it; however, if sidewalks are put in, it will eliminate more trees. It would be the same if the road was made public which would widen the street.

Chairperson Dianis then asked about water runoff systems. Mr. Randy Bus, Cemcon Engineering, stated that they will use best management practices, including bio swales, cisterns, and berms. Chairperson Dianis asked if it is the homeowner's decision on what they will and will not use on their property. Mr. Bus replied that it is, but they are encouraged to include them. He continued stating that some items will be put in regardless, such as the berms. Mr. Anthony Divisio, Divisio Group, added that drainage at each home will be specific to the lot. There will be no standard plans, and they are willing to design the structures to the sites to make them work. Chairperson Dianis asked if there are immediate ideas on where certain features will be. Mr. Divisio replied that there were. Chairperson Dianis asked, in regards to the water supply and each of the 17 lots having its own private well, if there will be concerns finding wells. Mr. Bus stated that a public supply is preferred, but, with no source in proximity to the site, this is the option to use. Trustee Smith then asked if the developer can guarantee the homeowner that the well would last. Mr. Bus stated that the well diggers will be able to locate the wells either shallow or deep, but he is not sure in regards to a guarantee. Trustee Smith commented that, with a public water supply, the Village can guarantee residents they will have water available. Mr. Bus replied that a public supply is possible if the Village extends service to that area. Trustee Smith stated that it is the developer's responsibility to extend service.

Trustee Sosine asked if the berms on undeveloped land would work together with the ones on the developed lots to ensure that runoff will flow through continuous. Mr. Bus stated that it would. Trustee Sosine stated that it wouldn't matter which lot was built first and Mr. Bus again stated yes. Trustee Sosine asked where the runoff would go. Mr. Bus answered that it travels to the basins placed uphill from the existing residents located along River Road. Trustee Sosine asked where the water goes from the basins if they overflow. Mr. Bus stated that, in a significant storm scenario, it is designed to flow down the pavement.

The Committee of the Whole recommended unanimously that the Preliminary Plat of Subdivision and Preliminary Planned Development for Case Number 2008-091/1841, Riverwoods on the Fox, be tabled for further review by the Committee, pending the receipt of transcriptions and a letter of rebuttal from the developer. If the documents are submitted to the Village by February 18, 2009, this item would be on the February 24, 2009 Committee of the Whole Meeting agenda.

AGENDA ITEM 3: General Administration

- A. Review Proposed 2009-2010 Enterprise and Special Fund Budgets
 - (1) Water and Sewer Operating Fund
 - (2) Cemetery Fund
 - (3) Swimming Pool Fund
 - (4) Vehicle Maintenance Service Fund
 - (5) Building Services Fund

Ms. Kollings presented the Enterprise and Special Fund budgets for 2009-2010 to the Committee.

The Water and Sewer Operating Fund is for maintenance and operations. It is made up of the Water, Sewer, and Underground Divisions, with 96% of its revenue coming from water and sewer fees. No new staff positions will be added.

The Cemetery Fund is for maintenance. A large part of the revenue for this fund comes from the cell tower rental fees. There is an expected expenditure of \$28,900 for professional services to maintain the grounds.

The Swimming Pool Fund budget is down 8% from last year due to a shortened season and no big purchases needed. Revenue will come from annual pass sales, daily pass sales, swim lessons, and pool rentals. Personnel costs are 53% of the budget. Trustee Smith asked if rentals are mainly swim teams or individuals. Ms. Kollings replied rentals consist of both. Trustee Smith asked if staff considered a multi-year pass, adding that it could cut down on the costs of producing new passes every year. Ms. Kollings stated they have not considered it yet, but the passes are reusable.

The Vehicle Maintenance Service Fund includes supplies and maintenance for all Village vehicles and other pieces of equipment, training for personnel, and contractual services. There is a 2% increase in this year's budget, which includes the purchase of a Thermal Imager (costs shared with Building Maintenance). No new personnel are budgeted for this year.

The Building Services Fund is for maintenance of all municipal facilities, including supplies, equipment, and labor. Previously, these costs were absorbed by the Public Works Division, but, by using this fund, it more accurately reflects the true cost of operating each department and division by tracking "overhead" costs. No new staff positions are added for the year. Chairperson Dianis asked if alternative energy is a future goal and when a plan could possibly be looked at. Mr. Ganek stated that staff is looking at alternative energy sources but that it would take capital investment.

With no further action needed to be taken, Chairperson Dianis closed this agenda item for discussion.

AGENDA ITEM 4: Public Works and Safety

- A. Consider Bids for the Arrowhead Subdivision Roadway Improvements

Mr. Ganek presented the 18 bids received for the Arrowhead Subdivision Roadway project. The recommendation from Graef Engineers is to go with the low bidder, Pease Construction. Mr. Mitchard added that he has worked with Pease around town, and they have creative ways of recycling material to save costs.

Trustee Glogowski asked, in regards to the memo submitted by Michele Zimmerman, about the "Acceptable Phase Plan." Mr. Mitchard clarified that means having the right person on site for Phase III oversight. Trustee Glogowski asked if the bidder assumes all risk. Mr. Mitchard stated that they did. Trustee Glogowski asked if the bid includes landscaping. Mr. Mitchard stated that the Pease Bid of 1.9 million is the base bid, and the landscaping cost of \$54,000 would be added to that for a total project cost of \$2,043,270.83.

Trustee Dianis asked if the Village has used this contractor before. Mr. Mitchard stated yes.

The Committee of the Whole recommended unanimously that the Bid for the Arrowhead Subdivision Roadway Improvements be forwarded to the Village Board for consideration.

AGENDA ITEM 5: Executive Session

No items to discuss.

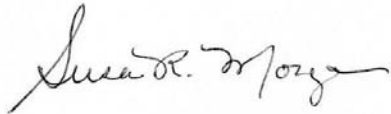
AGENDA ITEM 6: Other business

A. Regarding Agenda Item 2A – Trustee Steigert asked Ms. Cahill where the line is between Village Code and Developer Rights in areas such as tree preservation. Ms. Cahill stated that the Village has to have a rational reason to deny a developer's request and that courts typically will defer to a board's opinion as long as it is reasonable. He advised all Committee members to retain documents from their packets relating to Riverwoods.

AGENDA ITEM 7: Adjournment

There being no further business, Chairperson Dianis adjourned the meeting of the Committee of the Whole at 9:36 pm.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Susan R. Morgan".

Susan Morgan, Recording Secretary