

**VILLAGE OF HUNTLEY
COMMITTEE OF THE WHOLE MEETING
October 16, 2014
MINUTES**

CALL TO ORDER:

A meeting of the Committee of the Whole of the Village of Huntley was called to order on Thursday, October 16, 2014 at 7:00 p.m. in the Municipal Complex, Village Board Room, 10987 Main St., Huntley, Illinois 60142.

ATTENDANCE:

PRESENT: Mayor Charles Sass; Trustees Ronda Goldman, Niko Kanakaris, Harry Leopold, John Piwko and JR Westberg.

ABSENT: None

IN ATTENDANCE: Village Manager David Johnson, Assistant Village Manager Lisa Armour, Management Assistant Barbara Read and Village Attorney Mike Coppedge.

PLEDGE OF ALLEGIANCE: Mayor Sass led the Pledge of Allegiance.

PUBLIC COMMENTS: None

ITEMS FOR DISCUSSION:

- a) Discussion – Consideration of the September 11, 2014 Liquor Commission, September 11, 2014 Village Board, September 18, 2014 Committee of the Whole, September 25, 2014 Village Board and October 2, 2014 Committee of the Whole Minutes

Mayor Sass asked if the Committee had any comments or changes to the Minutes; Trustee Piwko reported that he already notified Staff of the corrections and they were made.

It was the consensus of the Committee of the Whole to forward on to the Village Board for approval the September 11, 2014 Liquor Commission, September 11, 2014 Village Board, September 18, 2014 Committee of the Whole, September 25, 2014 Village Board and October 2, 2014 Committee of the Whole Minutes.

- b) Discussion – Consideration of the October 23, 2014 Bill List in the Amount of \$578,313.21

Mayor Sass asked if the Committee had any questions regarding the Bill List; there were none.

It was the consensus of the Committee of the Whole to forward on to the Village Board for approval the October 23, 2014 Bill List in the Amount of \$578,313.21.

- c) Discussion – Consideration of a Resolution Approving a Temporary Use Permit for an American Flag Display and a Veteran’s Day Event / Culver’s of Huntley

Mayor Sass reported that the Village has been contacted by Culver’s of Huntley located at 13240 Route 47 to host a Veteran’s Day Event from November 3rd through November 11th.

Staff Analysis

Culver’s would like to display approximately 300 American Flags representing fallen American heroes from November 3rd through November 11th between the trees and in the small grassy areas at the corner of Route 47 and Oak Creek Parkway and along the edge of their property on Oak Creek Parkway. On Sunday, November 9th local Veterans are invited to meet at Deicke Park at 1:30 p.m. and participate in a motorcade leaving the park at 2:00 p.m. and traveling south on Route 47 to Culver’s for the presentation.

Culver’s is in the process of contacting IDOT’s Bureau of Traffic to request permission to extend the placement of American Flags into the right-of-way but will keep the display on the Culver’s side of the utility boxes should they not receive permission.

Culver’s is requesting assistance from the Police Department again in 2014 with the motorcade portion of the event.

Mayor Sass reported that Culver’s Assistant Manager, Richard Myer, was in attendance to answer questions.

Mayor Sass asked if the Committee had any comments or questions.

Trustee Leopold asked if the flags would be lit at night; Mr. Myers said that they are lit.

There were no other comments or questions.

It was the consensus of the Committee of the Whole to forward on to the Village Board a Resolution approving a Temporary Use Permit for an American Flag Display from November 3, 2014 through November 11, 2014 and a Veteran’s Day Ceremony on November 9, 2014 at Culver’s of Huntley located at 13240 Route 47.

- d) Discussion – Consideration of an Ordinance Approving a Simplified Residential Zoning Variation for a Building Addition Encroaching into the Rear Yard Setback – 10713 Midwest Avenue

Assistant Village Manager Lisa Armour reported that the petitioners are requesting 0.64 feet (approximately 7-¹¹/₁₆ inches) relief from the forty (40’) foot minimum rear yard building setback to accommodate the construction of a sun room addition on the south side of the “RE-1 (PUD)” Residential Estate – Planned Unit Development-zoned residence at 10713 Midwest Avenue.

The proposed 10’ x 19’ (190 square feet) sun room addition on the rear (south) side of the

residence will encroach 0.64 feet into the forty (40') foot rear yard setback established in Village of Ordinance #2002-07.37.

The petitioners' note that as designed the sun room addition cannot be constructed without encroaching 0.64 feet into the forty (40') foot rear yard building setback. Additionally, the Development Services Department has confirmed that the Georgian Place Homeowners Association does not require review and approval of building additions such as the sun room proposed by the petitioners.

Zoning Board of Appeals Recommendation

The Zoning Board of Appeals will review the petitioner's request at a public hearing scheduled for October 15, 2014. Staff is recommending the following condition should the ZBA recommend approval:

1. No building permits or Certificates of Occupancy are approved as part of the Simplified Residential Zoning Variation.

Assistant Village Manager Armour reported that the homeowner, Monica Dase, was in attendance to answer questions.

Mayor Sass asked if the Committee had any comments or questions; there were none.

It was the consensus of the Committee of the Whole to forward on to the Village Board an Ordinance Approving a Simplified Residential Zoning Variation for an addition encroaching into the Rear Yard Building Setback – Monica and Richard Dase, 10713 Midwest Avenue.

- e) Discussion – Consideration of a Resolution Approving a Release of Recapture Agreement with Huntley Venture, LLC

Village Manager David Johnson reported that on November 16, 2006, Huntley Venture, LLC and the Village of Huntley entered into a Recapture Agreement for the West Wastewater Treatment Plant. The agreement was recorded with the McHenry County Recorder of Deeds on January 17, 2007, as Document No. 2007R000362. The agreement was entered into in accordance with the provisions of a Facilities Expansion Agreement. Pursuant to the Agreement, Huntley Venture, LLC was entitled to certain recapture payments as reimbursement for the West Plant Recapture Amount.

Staff Analysis

Huntley Venture, LLC will receive recapture payments in accordance with the terms of the agreement and in accordance with negotiations between the Village and the Benefitted Properties, as defined in the agreement. With the Release of Recapture Agreement, Huntley Venture, LLC acknowledges acceptance of these payments as full satisfaction of the recapture obligations arising out of the agreement. The release agreement confirms that Huntley Venture, LLC hereby releases and forever discharges any claim to recapture, and specifically the West Plant Recapture Amount and any amounts either directly or indirectly associated therewith, arising out of the recapture agreement.

Legal Analysis

The Village Attorney has reviewed the proposed agreement.

Mayor Sass asked if the Committee had any comments or questions; there were none.

It was the consensus of the Committee of the Whole to forward to the Village Board a Resolution Approving a Release of Recapture Agreement with Huntley Venture, LLC.

- f) Discussion – Consideration of a Resolution Approving a Release of Recapture Agreement with American Community Bank & Trust

Village Manager David Johnson reported that on November 16, 2006, Huntley Venture, LLC and the Village of Huntley entered into a Recapture Agreement for the West Wastewater Treatment Plant. The agreement was recorded with the McHenry County Recorder of Deeds on January 17, 2007, as Document No. 2007R000362. The agreement was entered into in accordance with the provisions of a Facilities Expansion Agreement. American Community Bank & Trust is currently holder of a portion of the recapture as the result of a series of events involving one of the previous original entities that was a party to the Facilities Expansion Agreement.

Staff Analysis

American Community Bank & Trust will receive recapture payments in accordance with the terms of the West Wastewater Treatment Plant Recapture Agreement and in accordance with negotiations between the Village and the Benefitted Properties, as defined in the agreement. With the Release of Recapture Agreement, the bank acknowledges acceptance of these payments as full satisfaction of the recapture obligations arising out of the recapture agreement. In addition, the release agreement states that American Community Bank & Trust hereby releases and forever discharges any claim to recapture, and specifically the West Plant Recapture amount and any amounts either directly or indirectly associated therewith, arising out of the recapture agreement.

Legal Analysis

The Village Attorney has reviewed the proposed agreement.

Mayor Sass asked if the Committee had any comments or questions; there were none.

It was the consensus of the Committee of the Whole to forward on to the Village Board a Resolution Approving a Release of Recapture Agreement with American Community Bank & Trust.

- g) Discussion – Consideration of a Resolution Approving a Sewer Capacity Allocation Agreement with MCRN Farms, LLC

Village Manager David Johnson reported that MCRN Farms, LLC is the owner of the approximately 412 acres of land located on the north side of W. Main Street immediately adjacent to the Village limits. The owner anticipates residential uses for the property at some

time in the future, at which time the property would be annexed to the Village in order to receive municipal utility services. The sewer capacity allocation agreement reserves and assigns sewer capacity to the property. The owner has the right to use the capacity for any other property it may own within the Village or to reassign the capacity to another party for use within the Village limits subject to the Village's right of first refusal to purchase the capacity.

Staff Analysis

The West Wastewater Treatment Plant has unallocated treatment capacity. The agreement reserves wastewater treatment capacity of 200,000 gallons per day, or the population equivalent (p.e.) of 2,000 people, at a cost of \$2 million, or \$1,000 per p.e. The recapture is owed to Huntley Venture, LLC and American Community Bank & Trust in satisfaction of a recapture obligation pursuant to the recapture agreement for the Phase III expansion of the West Wastewater Treatment Plant.

Legal Analysis

The Village Attorney has reviewed the agreement.

Mayor Sass asked the Committee if they had any comments or questions; there were none.

It was the consensus of the Committee of the Whole to forward on to the Village Board an Ordinance Approving a Sewer Capacity Allocation Agreement with MCRN Farms, LLC.

- h) Discussion – Consideration of a Resolution Approving a Release Agreement with American Community Bank & Trust

Village Manager David Johnson reported that on November 16, 2006, Huntley Venture, LLC and the Village of Huntley entered into a Recapture Agreement for the West Wastewater Treatment Plant. The agreement was recorded with the McHenry County Recorder of Deeds on January 17, 2007, as Document No. 2007R000362. The agreement was entered into in accordance with the provisions of a Facilities Expansion Agreement. American Community Bank & Trust owns or has a controlling interest in certain parcels that are subject to the recapture agreement. The release agreement addresses payment of the recapture due to Huntley Venture, LLC.

Staff Analysis

American Community Bank & Trust will make payment of \$190,000 in satisfaction of the recapture obligation due for the affected properties subject to the release agreement no later than October 31, 2014. The agreement releases the owners from any further recapture obligations for the Phase III expansion of the West Wastewater Treatment Plant. The agreement also confirms that the owners have secured the required sanitary sewer treatment capacity for future service. The capacity may not be used by or assigned for use on any other property.

Legal Analysis

The Village Attorney has reviewed the release agreement.

Mayor Sass asked if the Committee had any comments or questions; there were none.

It was the consensus of the Committee of the Whole to forward to the Village Board a Resolution Approving a Release Agreement with American Community Bank & Trust.

- i) Discussion – Consideration of a Resolution Approving a Release Agreement with Ruby-02-Hntlycmrcl, LLC

Village Manager David Johnson reported that the Village of Huntley approved Ordinance (O) 2006-11.108 approving an Annexation Agreement with Evelyn A. Riedl, as trustee and Donald Riedl, Ann M. Seemann, and John L. Riedl as successor trustees and sole beneficiaries of Evelyn Riedl Trust under trust agreement dated June 23, 1993, and known as Evelyn A. Riedl Trust, as general partner of the Riedl Family Limited Partnership and Rubloff Huntley, LLC. The 54 ± acre commercial Phase II property is now under the ownership of Ruby-02-Hntlycmrcl, LLC, while the 30 ± acre residential Phase III property is currently owned by Ruby-02-Hntlyresi, LLC. The release agreement addresses payment of the recapture due to Huntley Venture, LLC and American Community Bank & Trust for the Phase III expansion of the West Wastewater Treatment Plant as required via the annexation agreement.

Staff Analysis

Ruby-02-Hntlycmrcl, LLC will make payment of \$270,000 in satisfaction of the recapture obligation due for the commercial portion of Huntley Crossings Phase II no later than October 31, 2014. The agreement releases the owners from any further recapture obligations for the Phase III expansion of the West Wastewater Treatment Plant. The agreement also confirms that the owners have secured the required sanitary sewer treatment capacity for future service. The capacity may not be used by or assigned for use on any other property.

Legal Analysis

The Village Attorney has reviewed the release agreement.

Mayor Sass asked if the Committee had any comments or questions; there were none.

It was the consensus of the Committee of the Whole to forward to the Village Board a Resolution Approving a Release Agreement with Ruby-02-Hntlycmrcl, LLC.

- j) Discussion – Consideration of a Resolution Approving a Release Agreement with Ruby-02 Hntlyresi, LLC

Village Manager David Johnson reported that the Village of Huntley approved Ordinance (O) 2006-11.108 approving an Annexation Agreement with Evelyn A. Riedl, as trustee and Donald Riedl, Ann M. Seemann, and John L. Riedl as successor trustees and sole beneficiaries of Evelyn Riedl Trust under trust agreement dated June 23, 1993, and known as Evelyn A. Riedl Trust, as general partner of the Riedl Family Limited Partnership and Rubloff Huntley, LLC. The 54 ± acre commercial Phase II property is now under the ownership of Ruby-02-Hntlycmrcl, LLC, while the 30 ± acre residential Phase III property is currently owned by Ruby-02-Hntlyresi, LLC. The release agreement addresses payment of the recapture due to Huntley Venture, LLC and American Community Bank & Trust for the Phase III expansion of the West Wastewater Treatment Plant as required via the annexation agreement.

Staff Analysis

Ruby-02-Hntlyresi, LLC will make payment of \$364,000 in satisfaction of the recapture obligation due for the residential portion of Huntley Crossings Phase III no later than October 31, 2014. The agreement releases the owners from any further recapture obligations for the Phase III expansion of the West Wastewater Treatment Plant. The agreement also confirms that the owners have secured the required sanitary sewer treatment capacity for future service. The capacity may not be used by or assigned for use on any other property.

Legal Analysis

The Village Attorney has reviewed the release agreement.

Mayor Sass asked if the Committee had any comments or questions; there were none.

It was the consensus of the Committee of the Whole to forward to the Village Board a Resolution Approving a Release Agreement with Ruby-02 Hntlyresi, LLC.

- k) Discussion – Consideration of an Ordinance Approving an Amendment to the Rubloff Development Phases II and III Annexation Agreement

Village Manager David Johnson reported that the Village of Huntley approved Ordinance (O) 2006-11.108 approving an Annexation Agreement with Evelyn A. Riedl, as trustee and Donald Riedl, Ann M. Seemann, and John L. Riedl as successor trustees and sole beneficiaries of Evelyn Riedl Trust under trust agreement dated June 23, 1993, and known as Evelyn A. Riedl Trust, as general partner of the Riedl Family Limited Partnership and Rubloff Huntley, LLC. The 30 ± acre residential Phase III property is currently owned by Ruby-02-Hntlyresi, LLC.

Staff Analysis

The proposed amendment removes the requirement for the developer to pay sewer tap-on fees for the residential phase of the development. A public hearing was conducted by the Village Board on September 11, 2014. No comments or testimony were offered regarding the proposed amendment.

Legal Analysis

The Village Attorney has reviewed the proposed amendment and all is in order for Village Board approval.

Mayor Sass asked if the Committee had any comments or questions; there were none.

It was the consensus of the Committee of the Whole to forward to the Village Board an Ordinance Approving an Amendment to the Rubloff Development Phases II and III Annexation Agreement.

- l) Discussion – Consideration of a Resolution Expressing Official Intent Regarding Certain Capital Expenditures to be Reimbursed from Proceeds of an Obligation to be Issued by the Village of Huntley

Village Manager David Johnson reported that the Village has developed a list of capital projects for which it reasonably expects to reimburse itself for related expenditures with the proceeds of an obligation. All or a portion of the expenditures relating to the projects have been paid within the 60 days prior to the passage of this Resolution or will be paid on or after the passage of this Resolution. Projects are related to implementation of the Downtown Streetscape Plan and construction of a train station and platform to accommodate a new AMTRAK passenger rail service that is to start in late 2015. The State of Illinois, through the Illinois Department of Transportation, has committed \$2.9 million towards a station, which includes the passenger platform, station building, and parking lot improvements.

Staff Analysis

Projects to be undertaken include Downtown business district improvements, including streetscaping and infrastructure improvements such as landscaping, benches, planters, lighting, underground utility relocations, dry utility relocations, water and sewer improvements, sidewalks, streets, lighting, parking improvements, other improvements to Village owned-property including buildings, and associated train station building, passenger platform, and parking lot improvements.

Financial Impact

The maximum principal amount of the obligation expected to be issued for the projects is \$6.9 million, of which \$2.9 million is directly related to the passenger rail improvements to be funded by the State of Illinois. Potential revenue sources available for debt service payments include the telecommunications tax, water/sewer funds, and future tax increment finance district funds.

Legal Analysis

Staff has consulted with the Village's bond counsel and all is in order for approval of the resolution.

Mayor Sass asked if the Committee had any comments or questions; there were none.

It was the consensus of the Committee of the Whole to forward on to the Village Board a Resolution Expressing Official Intent Regarding Certain Capital Expenditures to be Reimbursed from Proceeds of an Obligation to be Issued by the Village of Huntley.

- m) Discussion – Consideration of a Resolution Approving a Snow Plow Agreement with D R Horton/Cambridge Homes for the Lions Chase Subdivision

Mayor Sass reported that Lions Chase Subdivision includes roadways not yet accepted by the Village. As in previous years, the Village and developers are proposing to enter into an agreement that would provide for the Village to snowplow these areas at a specified rate.

Staff Analysis

The agreement provides for certain roadways not yet accepted within the subdivision to be plowed on the same schedule as Village roads, with the developer reimbursing the Village for associated costs.

Financial Impact

Developers are charged \$150.00 per hour for snowplowing and spot salting. Costs for additional services are outlined in the agreement.

Mayor Sass asked if the Committee had any comments or questions.

Trustee Leopold noted that if the developer is planning on building during the winter, they will have to keep the equipment off the street as there is quite a bit currently on the street. Village Manager Johnson stated that Staff will make sure the streets are cleared.

There were no other comments or questions.

It was the consensus of the Committee of the Whole to forward on to the Village Board a Resolution Approving a Snowplowing Agreement with D R Horton/Cambridge Homes for the Lions Chase Subdivision.

VILLAGE ATTORNEY'S REPORT: None

VILLAGE MANAGER'S REPORT: None

VILLAGE PRESIDENT'S REPORT: None

UNFINISHED BUSINESS: None

NEW BUSINESS: None

EXECUTIVE SESSION: None

ACTION ON CLOSED SESSION ITEMS: None

ADJOURNMENT:

There being no further items to discuss, a MOTION was made to adjourn the meeting at 7:19 p.m.

MOTION: Trustee Piwko

SECOND: Trustee Westberg

The Voice Vote noted all ayes and the motion carried.

Respectfully submitted,

Barbara Read
Recording Secretary