

**REGULAR BOARD MEETING**  
**Village Hall, 102 South Second Street**

**August 19, 2013 - 7:30 pm**  
**Village of West Dundee**

**I. CALL TO ORDER:**

President Nelson called the Regular Board Meeting to order at 7:30 pm.

**II. ROLL CALL:**

Present were Village President Nelson, Trustees Pflanz, Wilbrandt, Kembitzky, Price, Hanley and Yuscka.

Also present were Village Manager Cavallaro, Village Attorney Brechin, Finance Director Danielson, Community Development Director Tymoszenko, Public Works Director Babica, Police Chief Wieteska, Water Superintendent Doyle and twenty-five (25) persons in the audience.

**III. PLEDGE OF ALLEGIENCE:**

Trustee Kembitzky led the Board and those in attendance in the Pledge of Allegiance.

**IV. APPROVAL OF AGENDA:**

**MOTION:** Moved by Trustee Hanley and seconded by Trustee Yuscka to approve the agenda as presented. Voice vote was unanimous.

**V. VILLAGE PRESIDENT'S REPORT:**

President Nelson said the Village has had 300 likes on their Facebook page. He also asked the residents to exercise caution with the Routes 72 and 31 construction.

**VI. REPORTS AND QUESTIONS FROM TRUSTEES:** There were none.

**VII. VILLAGE STAFF REPORTS:**

Chief Wieteska briefed the Board on the construction at Rts.31 and 72. He said the Police Department is doing all it can for traffic violations, but can do nothing about the traffic itself. He asked residents to address complaints to the Police Department and they will follow up. He said the Police Department has directed patrols, drone vehicles, caution flagging, additional signage and has the speed trailer out in the neighborhoods.

Director Babica said he has daily/weekly conversations with IDOT regarding the construction and said that the storm sewer installation is taking place later this week.

Director Tymoszenko said she is working with business owners for signage in the construction area.

**VIII. QUESTIONS FROM THE AUDIENCE:**

James Strazalka, 546 South Seventh Street asked that the Board review the Driveway Approach Ordinance to see if there is anyway a variance can be drafted to allow for asphalt approaches. He said the current approaches look terrible and need to be replaced. He said concrete is too expensive.

**IX. CONSENT AGENDA:**

- A. Approval of Bills: August 19, 2013
- B. Ratification of Debit Purchases: July 2103
- C. Approval of Minutes: August 5, 2013 Regular Board Meeting
- D. Employee Recognition Lamplighter Award
- E. Request for Proposals – Audit Services
- F. I.G.A. for Animal Control Services through Kane County
- G. Authorization to Solicit Proposals – 2013 Tree Replacement Program
- H. Authorization to Proceed – IL Clean Energy Foundation Street and Roadway Lighting Grant Application

Trustee Yuscka asked that Item G be removed from the Consent Agenda and moved to New Business.

**MOTION:** Moved by Trustee Kembitzky and seconded by Trustee Wilbrandt to approve the Consent Agenda with Item G moved to New Business. Upon roll call, motion was approved.

**AYES:** Trustees Pflanz, Wilbrandt, Kembitzky, Price, Hanley and Yuscka.

**NAYS:** None

**X. ORDINANCES AND RESOLUTIONS:**

**A. Ordinance Amending Zoning Regulations Special Uses in the B3-Hamilton Academy**

Director Price brought this item to the Board for discussion explaining that this ordinance will amend the zoning regulations in the B-3 District to permit schools below the first floor as Special Uses and that the second proposed ordinance will grant a special use permit to Hamilton Academy to operate at the proposed site.

Director Tymoszenko gave a brief background about the property and potential users including her meeting with Barbara Hamilton of Hamilton Academy who was interested in purchasing the site. She explained that Hamilton Academy works with students to help them learn and grow with the goal of returning to their former school with new coping and learning skills.

She said the plans call for a build out of classrooms and offices on the first floor. The second floor mezzanine and basement will not be used by the students and are not slated for upgrades.

She said an application was filed by Hamilton Academy requesting an amendment to the zoning regulations for special uses to include educational services on or below the first floor in the B-3 District and to petition for such a use. The Planning and Zoning Commission held a public hearing on July 29, 2013 and recommended in favor of the petitions.

Director Tymoszenko explained that the school use is compatible with the neighboring residential and church/school uses and will cause minimal impacts to the neighborhoods.

A brief discussion ensued in which Ms. Hamilton addressed the concerns of the Board regarding the type of students, (their program is entirely different from that of Lutherbrook), that the school district provides transportation so there should be little traffic impact, drop off is 8:45am and

pick-up is 2:45 pm, there are no plans to use the basement and there is very little outside use as there is no recess.

**MOTION:** Moved by Trustee Price and seconded by Trustee Kembitzky to adopt Ordinance 13-14, an Ordinance Amending the West Dundee Zoning Regulations Regarding Special Uses within the B-3 Zoning District. Upon roll call, motion was approved.

**AYES:** Trustees Pflanz, Wilbrandt, Kembitzky, Price, Hanley and Yuscka  
**NAYS:** None

**B. Ordinance Issuing A Special Use Permit to Allow Educational Services on or Below the First Floor for the Property Commonly Known as 180 S. Eighth Street (Hamilton Academy)**

**MOTION:** Moved by Trustee Price and seconded by Trustee Hanley to adopt Ordinance 13-15, an Ordinance issuing a Special Use Permit to Allow Educational Services on or Below the First Floor for the Property Commonly Known as 180 S. Eighth Street (Hamilton Academy) upon roll call, motion was approved.

**AYES:** Trustees Price, Hanley, Yuscka, Pflanz, Wilbrandt and Kembitzky  
**NAYS:** None

**XI. UNFINISHED BUSINESS:**

**A. Authorization to Proceed- High Pressure Zone Water Quality**

Trustee Yuscka brought this item to the Board for discussion by explaining that the Board authorized Baxter & Woodman to conduct a Water System Investigation for the High Pressure Zone Water Quality in June of this year in order to research, refine and develop strategies to effectively resolve the ongoing hydrogen sulfide issue for Well #6, as the use of an Ozone Treatment Plant for Well #6 became prohibitive because of the cost..

Harry Harman and Carolyn Griever, from Baxter & Woodman gave a power point presentation of their findings, strategies and recommendations to solve the ongoing problem with Well #6 as well as answering any questions the Board might have.

Mr. Harmon said an alternative to the use of ozone to address the hydrogen sulfide (H<sub>2</sub>S) is to relocate the point of the introduction of the Chlorine gas to treat the water from its current location, which is downstream of the water softeners, to upstream of the water softeners. He explained how this method would work and that the result would be the permanent removal of the majority of the H<sub>2</sub>S before it would even enter the distribution system.

Mr. Harmon explained that are other modifications to the distribution system which include that the Randall Road Water Tower be taken out of service, drained, cleaned and inspected. He said that cleaning is highly encouraged to ensure than any sediment that builds up is removed and that there are no other issues within the reservoir that may be consuming the chlorine. He said that a mud valve should be installed as it was not included with this tower, explaining that a mud valve allows for the utility to routinely drain the accumulated sediment without taking the entire tower out of service.

Another option for the water tower is to install a mixing system within the reservoir, which would allow for the continual circulation of the stored water which would improve the water quality by reducing the likelihood that water within the tank would age.

Two other options would involve the water main distribution system and would include the installation of two permanent hydrant flushing stations, one on Hilly Lane along IL RT 72 and a second at the west end of Weseman Drive. This item is still being studied by staff as staff feels that portable flushing stations be acquired, since they can be relocated and used where most needed. Staff is still looking at a permanent installation on Weseman Drive in the industrial park as there is a large diameter main within that area to meet fire protection flows with very limited demand.

The last option, Mr. Harman spoke to was an intensive cleaning of the water mains through the implantation of “ice pigging.”

Manager Cavallaro pointed out that the facilities were built to accommodate a full build out of the community, but with the downturn of the economy this has not happened. He said staff initially focused on ozone as a solution, which was not the most cost effective solution to the problems.

Paul Judson, 2695 Acorn Court, said he was speaking for a number of residents who have a smelly water situation in the Grand Pointe Meadows subdivision. He said hydrant flushing did not fix the problem and that hot water is more affected.

The Board held a brief discussion on the options offered by Baxter & Woodman.

**MOTION:** Moved by Trustee Yuscka and seconded by Trustee Price to direct staff to solicit an Engineering Services Agreement with Baxter & Woodman of Crystal Lake, Illinois, to develop all necessary documents and specifications to: relocate the chlorine feed system at the Randall Road Water Treatment Plant at a cost of \$30,000; clean, inspect, install a mud valve and install a temporary riser system at the Randall Road Tower in the amount of \$22,000 and develop plans and specifications for the installation of a permanent riser for the Randall Road Water Tower. Upon roll call, motion was approved.

**AYES:** Trustees Yuscka, Pflanz, Wilbrandt, Kembitzky, Price and Hanley

**NAYS:** None

## **B. Galvin Annexation Discussion Continuation**

Director Tymoszenko explained that the annexation of the Galvin property has been pursued for several years by the Village as it is widely recognized that the future economic growth of the community is dependent upon Randall Road expansion. She said that annexing the Galvin property into the corporate boundaries of the Village of West Dundee would represent an 11% increase in the land area of the municipality.

She explained that Mr. Galvin and Attorney Ruth Schlossberg met with a potential buyer, who is seeking to purchase part of the 270 acres for a proposed multi-family development on the southern end of the site.

Attorney Schlossberg explained that they have received a proposed contract late last week and said that the purchasers are seeking site plan approval for their proposed project at the same time the entire property is annexed. She said the purchasers are comfortable with the zoning and will be asking for a PUD.

Director Tymoszenko said after the annexation is completed, future development of the site will need to go through the planned development process at Planning and Zoning and then to the Village Board for final approval prior to the issuance of building permits. She explained that it is at the future subdivision stage that specific project details will be reviewed from a detailed perspective in accord with development regulations of the Village.

## **XII. NEW BUSINESS:**

### **A. Underground Retrocade 121 Main: Economic Incentive Discussion**

Director Tymoszenko said that Underground Retrograde is a family owned and operated retro arcade that caters to the arcade enthusiast. She said the business was previously located in East Dundee, but there were flooding problems, and now the owner, Scott Lambert, is looking to relocating in West Dundee.

She said Mr. Lambert is concerned about our annual per machine licensing fee as they have approximately 100 machines which would amount to a significant amount of money for a small business. She said that the Village's amusement fee was created to address establishments that have a few machines in a location as a subordinate position to the mainstay business. She explained that these machines are typically placed there by a third party amusement company who are viewed as basically operating a business within a business. The license fee is always paid by the amusement company and doesn't have a negative impact on the main business. She said this primarily the case for all the bars and restaurants with these machines.

Director Tymoszenko said that Mr. Lambert is looking at moving to 121 Main Street. Director Tymoszenko said that this would be a good use as Underground Retrocade is an entertainment use that has a good reputation, a loyal following and can offer a new and interesting place to be in downtown West Dundee. She explained that the building is proposed to be set up to house the classic video machines, to provide for party space and other gatherings, a separate pinball area and to offer a couch area where there will be flat panel TV for classic console gaming as well as a small concession area.

Director Tymoszenko said that Mr. Lambert wants to open in time for Heritage Fest, but prior to moving forward with occupancy, it is necessary to obtain a special use permit as arcades are a special use in the B1 zoning district. A hearing is set for the Planning and Zoning Commission, but the hearing date could not be sped up due to the requirements for public notifications. She said that should the Village Board be in agreement with the proposed interpretation and restructuring of the applicable fees as outlines, an economic incentive agreement along with the necessary special use ordinance will be presented at the September 9<sup>th</sup> Board meeting along with the necessary special use ordinance assuming the hearing proceeds favorably.

The Board did suggest to Mr. Lambert that the exterior signage could be more creative.

**MOTION:** Moved by Trustee Price and seconded by Trustee Hanley to direct staff to continue an economic development agreement with Underground Retrocade. Upon roll call, motion was approved.

**AYES:** Trustees Price, Hanley, Yuscka, Pflanz, Wilbrandt and Kembitzky

**NAYS:** None

**B. DreamCo 102 Main –Appeal ARC Denial of Wall Sign**

Trustee Hanley said the applicant is appealing the Appearance Review Commission’s decision to deny the request for approval of an art graphic wall sign proposed for the First Street or east elevation at 102 W. Main Street.

President Nelson said that the Appearance Review Commission is tasked with a difficult job and he supports their decision to turn down the sign.

Jay Correia, the owner of DreamCo presented his ideas, explaining that he took into consideration the changes recommended, but that the artwork explains to people what his business does, is important for his business and will have an impact on the business. He said the sign is framed artwork similar to the artwork at Emmett’s.

Director Tymoszenko said the main problem in the Commissions finding is that the appropriate sign should complement the architectural style of the building and should be designed as an architectural element of the building or district.

She said that the mode or the medium of the sign style is viewed as more appropriate for a print ad, but less appropriate as a large poster as the design doesn’t translate well when enlarged to a wall mural application. She also said because the sign in the proposed location inadvertently creates an entrance feature for the Village, the quality of the sign needs to make a statement about the downtown by relaying a feeling or lifestyle message as opposed to being a one dimensional advertisement for the business.

Mr. Correia said he is matching branding and said it would be an economic setback not to have the sign. He wanted to have the sign up before Heritage Fest.

Tom Baldoni, a Commissioner on ARC said that the ARC supplied images of poster art of the 20’s and 30’s to Mr. Correia to give him perspective on their suggestions.

Laura Lemajeur, a Commissioner on ARC, said it was suggested to look at the artwork as how it translates to the downtown as the building is an entryway to the downtown.

A brief discussion followed regarding the need to reflect West Dundee and Dream Co, a willingness to find middle ground and to continue to work with the Commission.

**MOTION:** Moved by Trustee Hanley and seconded by Trustee Pflanz to the deny the appeal and remand the issue back to the Appearance Review Commission with the suggestion of working with the petitioner in an attempt to resolve the differences between them. Upon roll call, motion was approved.

**AYES:** Trustee Hanley, Yuscka, Pflanz, Wilbrandt and Kembitzky

**NAYS:** None

**C. 1<sup>st</sup> Quarter Financial Report –FY2013-14**

Finance Director Danielson explained that the first quarter financial report reflects only the first three months of the fiscal year. He said there are no great surprises in terms of revenues or expenses at this point and if things continue on the course that has been chartered up to now, the Village’s fiscal strength will remain in tact. He said the numbers contained in his report are right

on target for the first quarter. He did say that sales tax is down \$17,000, but it is too early to make any predictions for the year.

He said that the field work for the Village audit has been completed and he anticipates receiving the first draft of the 2012/13 Comprehensive Annual Financial report on or about September 1, 2013.

Director Danielson said that the total General Fund Revenues year to date are \$2,880,948. This is a 5.4% increase from last year's year to date total of \$2,732,478.

He said the most important item is that total General Fund Expenditures year to date are \$2,162,057, which is a 3.0% decrease from last year's year to date total of \$2,230,078.

He said there has been an increase in fines/fees, hotel tax, utility taxes, ambulance fees and water and sewer revenues.

Director Danielson said that interest income within the General Fund has remained virtually flat, but he expects to slightly exceed the budgeted \$10,000 interest income amount for the fiscal year.

#### **D. Authorization to Solicit Proposals-2013 Tree Replacement Program**

Trustee Yuscka said he is not comfortable with the allocation of \$15,000 to replace parkway trees throughout the Village. He said this amount will only purchase sixty (60) trees, and he feels that putting additional dollars into this program will benefit the community.

Manager Cavallaro said this amount could be raised to \$30,000 from the reserves with an allocation of \$10,000 for the 50/50 program.

A brief discussion took place regarding the number of trees that still have to be removed, the participation in the 50/50 program, and the condition of some of the trees that was observed during the walking tour of the Village last month.

**MOTION:** Moved by Trustee Yuscka and seconded by Trustee Hanley to direct staff to increase the amount to \$30,000 for the 2013 Tree Replacement Program and to continue the 50/50 cost sharing program.

**AYES:** Trustees Yuscka, Pflanz, Wilbrandt, Kembitzky, Price and Hanley

**NAYS:** None

#### **XIII. EXECUTIVE SESSION:**

**MOTION:** Moved by Trustee Hanley and seconded by Trustee Yuscka to recess to Executive Session for the purpose of discussing Section 2(c) (5) of the IL Open Meetings Act: Land Acquisition.

**AYES:** Trustees Hanley, Yuscka, Pflanz, Wilbrandt, Kembitzky and Price

**NAYS:** None

The Regular Board Meeting resumed at 10:45 pm.

**XIV. MISCELLANEOUS:**

Trustee Hanley asked what can be done to let residents know that refuse can only be put out the night before collection. He said there are people who have items on the curb for a week before pick-up.

Manager Cavallaro said he would check into it to address the issue.

Manager Cavallaro said that as an alternative solution to the position of building inspector, Nate Herman, who is currently one of our part-time patrol officers and previously community service officer will be working additional days of the week specifically within the Community Development Department to deal with property maintenance violations.

**XV. ADJOURNMENT:**

**MOTION:** Moved by Trustee Hanley and seconded by Trustee Pflanz to adjourn the Regular Board Meeting. Motion passed unanimously by voice vote.

The Regular Board Meeting adjourned at 10:50 pm.

**ATTEST:**

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Barbara Traver  
Village Clerk

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Christopher Nelson  
Village President

**EXECUTIVE SESSION:  
Village Hall, 102 S. Second Street**

**August 19, 2013  
Village of West Dundee**

President Nelson called the Executive Session to order at 10:43 pm for the purpose of discussing Section 2(c) (5) of the IL Open Meetings Act: Land Acquisition.

Present were Village President Nelson, Trustees Pflanz, Wilbrandt, Kembitzky, Price, Hanley, and Yuscka. Also present were Village Manager Cavallaro, Village Attorney Brechin, Finance Director Danielson and Community Development Director Tymoszenko.

Discussion took place regarding acquisition of a specific property in West Dundee.

**MOTION:** Moved by Trustee Wilbrandt and seconded by Trustee Pflanz to adjourn the Executive Session. Upon roll call, motion was approved.

**AYES:** Trustees Wilbrandt, Kembitzky, Price, Hanley, Yuscka and Pflanz

**NAYS:** None

The Executive Session adjourned at 10:44 pm.

**ATTEST:**

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Barbara Traver  
Village Clerk

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Christopher Nelson  
Village President