

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

**Aug. 31 2015 - 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, Trustee Wilbrandt, Kembitzky, Price, Hanley and Yuscka. Trustee Pflanz arrived at 7:52 pm.

Also present were Village Manager Cavallaro, Attorney Kathleen Orr, Public Works Director Babcock, Community Development Director Scott, Police Chief Wieteska and eight (8) persons in the audience.

**III. PLEDGE OF ALLEGIANCE:**

Trustee Wilbrandt led those in attendance in the Pledge of Allegiance.

**IV. APPROVAL OF AGENDA:**

**MOTION:** Moved by Trustee Yuscka and seconded by Trustee Hanley to approve the agenda as presented. Motion passed unanimously by voice vote.

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

President Nelson introduced members of the Challenger Jamboree who addressed the Board explaining the purpose of the Jamboree, how it works and asking for support from the Village Board. The volunteers are made up of High School students. The Challenger Jamboree will be held at Randall Oaks on Saturday, September 12, 2015.

**VI. REPORTS AND QUESTIONS FROM TRUSTEES: None**

**VII. VILLAGE STAFF REPORTS:**

Chief Wieteska said he would like to recognize employees for doing good things, in particular Kyle Ficek and Kate McCarthy who worked for months on a homicide arrest and investigation which will be rapped up by mid September.

He also recognized Sergeant Gorski, who recently received his EMT certificate for aiding the victim of an electrocution event using the AED and CPR which brought the man back to life.

Community Development Director Scott said there are 5 Items on the Appearance Review Commission Agenda for September 1, 2015.

Director Babcock said his seasonal staff has left and they were a great group of people to work with.

Manager Cavallaro asked for help from the Board and volunteer groups for Heritage Fest.

**VIII. QUESTIONS FROM THE AUDIENCE: There were none.**

**IX. CONSENT AGENDA:**

- A. Approval of Bill List: August 31, 2015
- B. Authorization to Solicit Proposals for Purchase of Trees – 2015 Parkway Tree Replacement Program
- C. Authorization to Solicit Proposals for Contractual Tree Planting Services – 2015 Parkway Tree Replacement Program
- D. Recommendation to Award Contract-Painting of the Clock Tower and Exterior Wood Surfaces at Village Hall
- E. Recommendation to Award Contract and Approve CRS-Fifth Street Booster Station Modifications
- F. Authorization to Conduct Contractual Crack Filling and Seal Coating – North Parking Lot and Spa Bleu Parking Lot
- G. Ordinance Amending the Number of Liquor Licenses
- H. Special Event & Daily Liquor Permit Request – The Chubby Bullfrog Oktoberfest
- I. Ordinance Issuing a Zoning Variance to Reduce the Side Yard Setback at 1399 Karen Drive
- J. Ordinance Issuing a Zoning Variance to Reduce the Side Yard Setback at 1407 Karen Drive

Trustee Wilbrandt asked that item E be removed and placed under New Business.

Trustee Kembitzky asked that Items I & J be removed for further discussion under Ordinances & Resolutions.

Trustee Price asked that Item F be removed and placed under New Business..

**MOTION:** Moved by Trustee Kembitzky and seconded by Trustee Price to approve the Consent Agenda as amended. Upon roll call, motion was approved.

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

**NAYS:** None

**ABSENT:** Trustee Pflanz

**X. RESOLUTIONS & ORDINANCES:**

- A. Resolution Approving the Proposed Term Sheet Dated August 31, 2015 for the Redevelopment of Spring Hill Mall**

Trustee Price said that the revised site plan, which has been approved by both municipalities (Carpentersville and West Dundee), shows the entire theater relocated wholly into the corporate limits of West Dundee. He said based on the site plan revision, the municipal numbers should have been adjusted, but were not. He said that the reallocation of \$200,000 is appropriate and justifiable.

Trustee Price said that Rouse and Carpentersville were agreeable to a reduction in the interest rate from 5.5% to 5%, which is based on the proviso in the resolution, the Village of West Dundee will benefit from.

**MOTION:** Moved by Trustee Price and seconded by Trustee Yuscka to move to Repeal Resolution No.2015-10 Approving the Term Sheet Dated August 3, 2015 for the Redevelopment of Spring Hill Mall Shopping Center and Adopt a Resolution Approving the Amended Term Sheet Dated August 31, 2015. Upon roll call motion was approved.

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

**NAYS:** None

**ABSENT:** Trustee Pflanz

**D.. Ordinance Approving a Sales Tax Sharing Agreement between the Village of West Dundee and Spring Hill Mall LLC**

Trustee Kembitzky said this is specifically the Sales Tax Rebate/Sharing Agreement as initially outlined and conceptually agreed to within the Term Sheet.

She said the Sales Tax Rebate Agreement includes the amended maximum contribution by the Village of West Dundee at \$7.6-million exclusive of interest. She added that any note issued to pay incremental sales taxes shall bear the interest rate of 5% which is a reduction from the initial Term Sheet approval of 5.5%.

**MOTION:** Moved by Trustee Kembitzky and seconded by Trustee Price to approve an Ordinance Approving the Sales Tax Sharing Agreement dated August 31, 2015 between the Village of West Dundee and Spring Hill Mall LLC. Upon roll call, motion was approved.

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

**NAYS:** None

**ABSENT:** Trustee Pflanz

**I. Ordinance Issuing a Zoning Variance to Reduce the Side Yard Setback at 1399 Karen Dr.**

Trustee Kembitzky asked that this item be removed from the Consent Agenda, because she would like to have a discussion and see the drawings.

Tom Drake from Drake Homes said he had the approval from the Home Owners Association and said that a variation was being sought in order to construct a single-family, one story residence on the subject property. As proposed, he said the principal structure has one side yard setback of 6.75' and the other at 6.95', totaling 13.7'. Mr. Drake said that although the setback totals do not meet the 20-foot standard of the R-1 District, that the proposed house is sited in a manner that would separate it adequately from neighboring houses.

It was also noted that the Planning and Zoning Commission voted unanimously to recommend approval of the variance.

**MOTION:** Moved by Trustee Kembitzky and seconded by Trustee Price to approve an Ordinance Issuing a Zoning Variation to Reduce the Total Linear Feet of Side Yard Setbacks to Less than the Twenty Feet (20) required by the R-1 Zoning District for 1399 Karen Drive. Upon roll call, motion was approved.

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

**NAYS:** None

**J. Ordinance Issuing a Zoning Variance to Reduce the Side Yard Setback at 1407 Karen Dr.**

Mr. Drake, of the Drake Group said that the Planning and Zoning Commission voted 6-1 to recommend approval of the variation to reduce the total linear feet of the side yard setback to less than twenty (20) feet as required by the R-1 Zoning District for 1407 Karen Drive. He said it was strongly supported by the HOA.

Mr. Drake said he asking for a zoning variation in order to construct a two story detached single-family house with an attached three car garage on the property. He explained to the Board that the proposed house is 62' wide. He said that on its 80' wide lot, it would have one side yard setback of 8' and one at 10' for a total of 18'. He further explained that although the 18' of total yard setback would not meet the 20' required by the R-1 District, the proposed house would be oriented in a manner that sufficient separation from neighboring houses would be provided.

**MOTION:** Moved by Trustee Kembitzky and seconded by Trustee Price to approve an Ordinance Issuing a Zoning Variation to Reduce the Total Linear Feet of the Side Yard Setbacks to Less than the Twenty Feet (20') required by the R-1 Zoning District for 1407 Karen Drive. Upon roll call, motion was approved.

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

**NAYS:** None

**XI. NEW BUSINESS:**

**A. Temporary Use Permit – Operation of a Haunted House at 999 W. Main Street**

Trustee Price brought this item for discussion explaining that if approved for a temporary use, a haunted house could operate in the rear section of the former Target store over extended weekends during the month of October. He said the Village's Chief Building Official and Fire Prevention Officer have completed a thorough plan review to ensure a safe, code-compliant physical environment for this indoor entertainment attraction.

Mr. Stephen Kristoff, operator of the Haunted House was present at the meeting and answered questions from the Board, including a correction to the name.

**MOTION:** Moved by Trustee Price and seconded by Trustee Pflanz to approve a Temporary Use to Permit Operation of a Haunted House during October 2015 at 999 West Main Street subject to the following conditions:

1. Successful Final Inspection by Village Fire and Building Departments
2. Proof of State of Illinois Amusement License
3. Receipt of Village Certificate of Occupancy and Business License
4. Establishment of and Adherence to Agreed-to Hours of Operation
5. The Presence of West Dundee Police as specifically required and provided at private expense. Upon roll call motion was approved

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

**NAYS:** None

**B. Authorization to Purchase Replacement Wood Chipper**

Trustee Yuscka explained that an amount of \$135,000 was approved in the FY 2015/2016 Budget for capital vehicle and equipment replacements for the Public Works Department. He said that \$55,000 was allocated to the purchase of a replacement wood chipper and with the Village's National Joint Powers Alliance Membership Discount (\$8406.00) and the appraised trade-in value of our existing 1997 wood chipper (\$12,000), the Village can acquire the new wood chipper at a cost of \$42,495.00.

**MOTION:** Moved by Trustee Yuscka and seconded by Trustee Pflanz to authorize Public Works to purchase a new Vermeer Model BC1500 wood chipper from Vermeer Midwest of Aurora, IL through National Joint Powers Alliance Contract #070313-VRM at a cost of \$42,495.00, utilizing the appraised \$12,000 trade-in value of the Village's existing 1997 Morbark Model 2100D wood chipper. Upon roll call motion was approved.

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

**NAYS:** None

**C. Authorization to Purchase Replacement All Terrain Vehicle with Snow Removal Equipment**

Trustee Yuscka said the aging ATV is underperforming and the light-duty plow system is incapable of removing snow accumulation in excess of approximately one inch. He also said that the plow system on the existing ATV doesn't have enough weight and down-force to remove snow down to the pavement. The proposed ATV will have a heavy duty plow blade, salt spreading capability and will also provide a better solution than individuals operating snow blowers exclusively.

Trustee Price questioned the damage which can be caused by the use of salt on the bricks.

Director Babcock would he would look at alternatives, which are less caustic to pavement bricks.

**MOTION:** Moved by Trustee Yuscka and seconded by Trustee Kembitzky to authorize Public Works to purchase a 2015 Polaris Sportsman 570 EPS all terrain vehicle and on-board snow removal equipment from Woodstock Power Sports of Woodstock, IL at a combined cost of \$8,917.78. Upon roll call, motion was approved.

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

**NAYS:** None

**D. Authorization to Purchase Dig Trailer**

Trustee Yuscka said that Public Works is requesting authorization to purchase a dig trailer for safer and more efficient response to underground utility emergencies within the Village of West Dundee. He said the current truck bed mounted box only stores a very limited amount of general equipment, repair clamps and fittings necessary to conduct utility repairs, which often results in redundant trips back to the Public Works facility to retrieve needed supplies.

Director Babcock said the dig trailer is a relatively inexpensive remedy to all of these problems that would likely pay for itself against one good workman's compensation incident.

**MOTION:** Moved by Trustee Yuscka and seconded by Trustee Price to authorize Public Works to purchase a 2015 United 8.5 x16' Tool Crib dig trailer from Rondo Enterprises, Inc. of Sycamore, IL at a cost of \$7,972.23. Upon roll call, motion was approved.

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

**E. Recommendation to Award Contract and Approve CRS – Fifth Street Booster Station Modifications**

Trustee Wilbrandt asked that this item be removed from the consent agenda and be discussed under New Business.

Director Babcock said that the proposals ranged from \$51,775 to \$126,175 with the low proposal being provided by Independent Mechanical Industries, Inc. of Chicago, IL. He said that Baxter & Woodman has analyzed the proposals and has determined that Independent Mechanical Industries is the lowest responsible and responsive bidder.

Director Babcock said that Baxter & Woodman will provide functional and technical oversight of the Project to ensure that the contractor performs all contractual work in strict accordance with the specifications. He said not having the specific expertise to fill this need with current staff, Public Works supports this recommendation.

**MOTION:** Moved by Trustee Wilbrandt and seconded by Trustee Hanley to approve a contract with Independent Mechanical Industries, Inc. to complete the Fifth Street Booster State Modifications Project at a cost of \$51,775.00 and move to approve construction related services with Baxter & Woodman Consulting Engineers for functional and technical oversight of the project at a cost not to exceed \$9,600.00. Upon roll call, motion was approved.

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

**F. Authorization To Conduct Contractual Crack Filling and Seal Coating – North Parking Lot and Spa Bleu Parking Lot**

Trustee Price asked that this item be removed from the Consent Agenda and placed under New Business.

Trustee Price asked that a non coal tar based sealant be used as the other sealants have human health and environmental issues.

**MOTION:** Moved by Trustee Price and seconded by Trustee Yuscka to authorize contractual crack filling and seal coating services for the North Parking Lot and Spa Bleu Parking Lot through a contractor to be identified by Public Works in an amount not to exceed \$5000 and that a non-coal tar sealant be used. Upon roll call, motion was approved.

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

**XII. MISCELLANEOUS:**

Trustee Hanley inquired if the Village has an emergency plan for Heritage Fest in light lawsuit at a festival in another town earlier this summer when the main tent collapsed.

Manager Cavallaro said that the Village has had an emergency plan for the last four (4) years and will provide a copy of this year's plan to the Board.

Trustee Hanley asked that the \$3000 donation not come from Heritage Fest but from another source such as Community Development which is a more appropriate funding source.

Manager Cavallaro said he would look into it and get back to the Board.

Trustee Hanley commented on the 6' variance for fences and said he is not comfortable with the \$250 fee to go before Planning & Zoning for the variance.

Director Scott said fence recommendations and standards will be before the Board next month at the September 14, 2015 meeting.

Trustee Hanley asked a blurb be put in the Newslist letting people know that if it is not their fence, they can't paint it.

**XIII. ADJOURNMENT:**

**MOTION:** Moved by Trustee Hanley and seconded by Trustee Yuscka to adjourn the Regular Board Meeting. Motion was unanimous by voice vote.

The Regular Board meeting adjourned at 8:40 pm.

**ATTEST:**

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Barbara Traver  
Village Clerk

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Christopher Nelson  
Village President