

The regular meeting of the Sleepy Hollow Corporate Authorities was called to order at 7:30 p.m. In attendance were President Pickett, Trustees Ander, Finney, Getz, Grom, Wind, and Ziemba, Police Chief Montalbano, Finance Director Volkening, Village Attorney Schuster, Village Engineer Weiss and Clerk Olson.

President Pickett explained the rules for speaking under the public comments section of the meeting.

WIND MOVED WITH A SECOND FROM GROM TO CHANGE THE AGENDA TO ALLOW MONA AUER TO DISCUSS THE PLEASURE ROAD SIGNS AFTER THE PRESIDENT'S REPORT. MOTION PASSED WITH ZIEMBA VOTING NAY.

MINUTES:

1. ZIEMBA MOVED WITH A SECOND FROM ANDER TO APPROVE THE REGULAR MEETING MINUTES OF AUGUST 16, 2004. On page 1, under the ZBA paragraphs, "Board" should be changed to ZBA to clarify; on page 1 under minutes, page "1" should be inserted; on page 3, #1 under Old Business, modify that "West Dundee will only pay for work that would benefit their Village." MOTION PASSED WITH ZIEMBA ABSTAINING.

PRESIDENT:

1. President Pickett, Attorney Schuster, Engineer Heinz and Public Works reviewed pending projects. The Village will use East Dundee's televising equipment in the sanitary sewer line from the apartments to KinderCare. The water system projects for 2004 and 2005 were also discussed. A letter has not yet been sent to residents concerning the cancellation of the project in the Hemlock area due to non-cooperation from two residents.
2. We received notices of permit renewals in connection with the Clean Air Act for two Elgin companies. Also, the Village of Gilberts has sent Sleepy Hollow notices of public hearings for proposed housing developments.
3. NIPC's 2030 report may be viewed on their website. The Village will also receive a copy of the report.
4. The Mayors of DuKane Valley Council are considering the formation of a local council of government (COG) for the Fox Valley area and a task force will review this idea. President Pickett explained the purpose and limits of a COG.
5. The Metropolitan Mayors Caucus will be invoicing all villages to obtain funding. The annual cost to Sleepy Hollow will be about \$90. President Pickett noted some of the advantages of being part of this organization.

Resident Mona Auer presented a drawing of the proposed Pleasure Driveway temporary signs for Sleepy Hollow Road. These temporary signs will be made by the Sign Depot with funds contributed by residents. Permanent bronze signs will be prepared when grant funds are received from the State. The Police Chief noted that unless signs conform to the Illinois Dept. of Transportation sign standards, they are not enforceable signs. These signs are intended to mainly advise drivers of the road designation and fines. The Board changed the sign wording to "commercial vehicles restricted" and "minimum fine \$150". ANDER MOVED WITH A SECOND FROM ZIEMBA TO APPROVE THE SIGN WITH THE CHANGES AS DISCUSSED. MOTION PASSED.

CLERK:

1. A former police officer has not made full restitution to the village for his training costs per the agreement he signed. The Board directed the Village Attorney to send a final letter and then file a lawsuit if the balance is not paid in full immediately.
2. ZIEMBA MOVED WITH A SECOND FROM GETZ TO APPROVE RANDY'S FALL FESTIVAL DURING THE MONTH OF OCTOBER. We have received a certificate of insurance for the carnival rides. MOTION PASSED.

PLAN COMMISSION:

No report.

ZONING COMMISSION:

1. Chairman Neil has given drafts to Attorney Schuster for ordinances setting residential maximum building heights and amending the zoning regulations regarding play structures. The PUD ordinance is revised and ready for public hearing. The Zoning board will meet next week to review all three documents and make any changes before finalizing and setting the public hearing, which will be scheduled for mid-October. There may be two hearings scheduled for these three matters.
2. Attorney Schuster stated that an applicant cannot appeal the village board's decision on a ZBA variance matter. The Board discussed the status of the skateboard ramp on Hilltop. It was felt that this case is still under administrative review and the homeowners are not required to remove the structure at this time pending any changes to village zoning. Noise problems should be addressed to the police department.

ZBA:

No report.

ATTORNEY:

1. GROM MOVED WITH A SECOND FROM ZIEMBA TO APPROVE ORDINANCE NO. 2004-23 ENTITLED "AN ORDINANCE VARYING THE REQUIREMENTS OF THE REGULATIONS IN THE B-2 BUSINESS DISTRICT REGARDING BUILDING HEIGHT FOR CERTAIN PROPERTY LOCATED ON STATE ROUTE 72 IN THE VILLAGE (1365 LLC PARCEL). Trustee Ander noted he would not vote in favor of this because he did not feel the applicant showed a hardship for this variance. AYE: GROM, ZIEMBA, GETZ, FINNEY, WIND. NAY: ANDER. MOTION PASSED.

ENGINEER:

1. Engineer Eric Weiss was present on behalf of Heinz Engineers. Four bids were received for the 2004 street program. WIND MOVED WITH A SECOND FROM ANDER TO AWARD CALLAGHAN PAVING THE CONTRACT FOR THE 2004 STREET PROGRAM BASED ON THEIR LOW BID OF \$170,423.35 AND THAT THE VILLAGE PRESIDENT AND CLERK BE AUTHORIZED TO EXECUTE THE CONTRACT DOCUMENTS AND ALL OTHER MFT FORMS REQUIRED DURING THE COURSE OF THIS PROJECT, SUBJECT TO IDOT'S REVIEW AND APPROVAL. Although only \$160,000 was budgeted, this bid amount is included in the Village's final appropriations. AYE: WIND, ANDER, FINNEY, GETZ, GROM, ZIEMBA. MOTION PASSED.
2. The 2004 water system improvements for Van Tassel were discussed and whether to install "b-boxes" at all homes not on the Village system, in case they hook up at a later date. This would be at the Village's expense, but would cost less if done during this project, than at a future date. After this project, those residents will pay a hydrant fee. A letter should be sent to all affected residents detailing the upcoming project. The 17 residents not on Village water should be called to determine their interest in hooking up to the system. The Engineer should ensure that the 2" pipe from the b-box is sufficient for the six residents already hooked up. ANDER MOVED WITH A SECOND FROM WIND TO AUTHORIZE THE ENGINEERS TO PUT THE PROJECT OUT TO BID, ALONG WITH AN ALTERNATE BID PACKAGE TO INCLUDE THE B-BOXES FOR 17 HOMES. AYE: ANDER, WIND, FINNEY, GETZ, GROM, ZIEMBA. MOTION PASSED. Trustee Grom questioned several blanks places on the IEPA construction permit application that the engineers should review and complete. ANDER MOVED WITH A SECOND FROM GETZ TO AUTHORIZE THE SIGNING OF THE OF THIS PERMIT APPLICATION WHEN THE BLANKS ARE COMPLETED. MOTION PASSED WITH GROM VOTING NAY.

DIRECTOR OF FINANCE:

1. ZIEMBA MOVED WITH A SECOND FROM GETZ TO APPROVE THE ACCOUNTS PAYABLE OF SEPTEMBER 7, 2004 IN THE AMOUNT OF \$92,711.75. AYE: ZIEMBA, GETZ, ANDER, FINNEY, GROM, WIND. MOTION PASSED.

COMMENTS FROM THE PUBLIC:

There were no comments from the public.

PARKS, ROADS & STREETS:

1. Our engineers reviewed the curb on Willow Lane and spoke with West Dundee. We have been advised that our cost would be more than double what they originally advised us and the contractors may not be able to work in our Village since their bonding is for work in West Dundee. We have not received further communication from West Dundee.
2. We received the crack sealing bid from Behm. The Board discussed the roads in need. Art Sunderlage will be asked his opinion of the roads to be crack sealed and the board will be advised. WIND MOVED WITH A SECOND FROM ANDER TO APPROVE THE CRACK SEALING BID FROM BEHM PAVEMENT OF \$.45/SQ. FT., NOT TO EXCEED \$30,000. AYE: WIND, ANDER, FINNEY, GETZ, GROM, ZIEMBA. MOTION PASSED.

FINANCE:

1. The Finance Committee reviewed the audit report at a meeting last week. Current revenues and expenses are up from last year but we have a net gain of about \$9,000.

WATER & SEWER:

No report.

POLICE & PUBLIC SAFETY:

1. The Illinois State Police may discontinue police training due to state cut-backs. They will review the program in six months to determine whether it will continue.
2. The Police Dept. received a letter of appreciation from a resident who was the victim of a theft through a fraudulent check.
3. The monthly activity report was submitted and there were no accidents for the month.

Green Communities: (1) We have received an estimate from Anderson & Associates to review the driveway bridge for about \$1,000. We are waiting for a quote from Jacobs & Associates. (2) At the request of the IEPA, the demonstration project plan was submitted to the IEPA idea bank to be considered for future grant/fine funds.

PUBLIC BUILDINGS & ENVIRONMENTAL:

No report.

BUILDING & ZONING ENFORCEMENT:

1. A resident on Pimlico is unable to build an addition to his home with the 35' set back for the road designated stub adjacent to his property. The stub on Pimlico Pkwy could be vacated the same as the recent stubs on Hilltop and Beau Brummel, or the purpose could be changed through a court order, which would revert the set back to the standard 15', allowing the resident to build the addition. ZIEMBA MOVED WITH A SECOND FROM GETZ TO APPROACH THE RESIDENT ABOUT PAYING THE FEES TO CHANGE THE DESIGNATION IN COURT. MOTION PASSED WITH FINNEY VOTING NAY.

2. We will need a building inspector throughout the Spring Hill Meadows construction. Joe Kruse will be asked about taking on this task.

OLD BUSINESS:

1. Jelkes/Sleepy Creek. We received a breakdown from Kane County on the watershed project between Sleepy Hollow, West Dundee, and Dundee Township for cost sharing purposes. Sleepy Hollow's average share percentage of the project is 39%. The County will pay \$20,000 as its share of the \$60,000 project and is willing to front the additional \$40,000 for the project and allow the entities to reimburse them next fiscal year. The Board expressed some concern that the study is already outdated and could impact the effectiveness of future work on the project. The Board would like to contribute only 1/3 to this project. It was suggested this money could be taken from the Green Communities budget for next year, but no final decision was made on where the money would be added in next year's budget. President Pickett will discuss our contribution with Kane County.
2. Developer transition fees were discussed. This would be a flat fee assessed on all new construction to help close the gap of costs until property taxes are received, which may not be received for 18 months after occupation. It was noted that single lots do not pay impact fees if they paid the fees when the property was originally subdivided, which most did. The Board agreed with the concept of transition fees, but would like to discuss further.
3. Affordable housing. President Pickett attended a meeting with the Housing Development Authority that only explained the background of the Act, but gave no direction on meeting the requirements. He will be attending an all day seminar through the Metropolitan Mayors' Caucus later this month that may be more beneficial. The Board again discussed ideas for meeting the Act's requirements.

NEW BUSINESS:

1. ANDER MOVED WITH A SECOND FROM WIND TO APPROVE RESOLUTION NO. 331 ENTITLED "A RESOLUTION ADOPTING THE NATIONAL INCIDENT MANAGEMENT SYSTEM."
MOTION PASSED.

GETZ MOVED WITH A SECOND FROM WIND TO ADJOURN TO EXECUTIVE SESSIONS AT 10:45 P.M. FOR THE PURPOSE OF DISCUSSING LITIGATION PURSUANT TO SECTION 2(C)(11) OF THE OPEN MEETINGS ACT. MOTION PASSED.

The regular meeting resumed at 11:25 p.m.

ANDER MOVED WITH A SECOND FROM GETZ TO ADJOURN THE MEETING AT 11:25 P.M.
MOTION PASSED.

Respectfully submitted,



Norine Olson
Village Clerk

Released 11-21-05

EXECUTIVE MEETING MINUTES

SEPTEMBER 7, 2004

The executive session of the Sleepy Hollow Board of Trustees was convened at 10:45 p.m. for the purpose of discussing litigation pursuant to §2(c)(11) of the Open Meetings Act. In attendance were President Pickett; Trustees Ander, Getz, Grom, Finney, Wind, and Ziemba; Village Attorney Schuster; and Clerk Olson.

1. Elgin jurisdiction boundary agreement. The City of Elgin wishes to pursue retail development west of Randall Road, which is in violation of the current boundary agreement between the two municipalities. Elgin has indicated that the current boundary agreement is invalid and unenforceable and after review of case law, our Village Attorney feels the odds are against Sleepy Hollow should we litigate this in court. At best, we could delay the developments. Elgin has proposed the two towns enter into a new jurisdiction boundary agreement and has offered to pay Sleepy Hollow 10% of the sales revenue received from a proposed auto mall for ten years, not to exceed \$60,000 per year. The Village hired a financial planner, Strategic Planning Associates, to conduct a financial impact study to Elgin for all commercial development along Randall and they have submitted their findings which indicate Elgin could see \$2,500,000 per year in sales tax revenue. The Board agreed to present a counter-proposal to Elgin for a flat \$100,000 per year based on all development, not just the alleged auto mall. The Board does not want to include any requests concerning sewer capacity or water issues in this proposal.

2. Pancor Development, who owns the Elgin commercial development at Randall and the tollway, has indicated an interest in purchasing several acres of the Bright property (property west of Sleepy Hollow Road/Boncosky) to expand his development. The Bright property is unincorporated, but in Sleepy Hollow's FPA. Elgin has offered to annex the appropriate property for Pancor's development and disconnect if and when Sleepy Hollow is able to incorporate the property into its village limits. The Board does not wish to include this matter in the boundary agreement negotiations with Elgin.

WIND MOVED WITH A SECOND FROM GETZ TO ADJOURN THE EXECUTIVE SESSION AT 11:25 P.M. MOTION PASSED BY VOICE VOTE.

Respectfully submitted,

Norine Olson

Norine Olson
Village Clerk