

**VILLAGE OF WAUCONDA**  
**COMMITTEE OF THE WHOLE MEETING**  
**SEPTEMBER 8, 2009**  
**MINUTES**

**1. CALL TO ORDER**

Mayor Knigge called the Committee of the Whole Meeting to order on Tuesday, September 8, 2009, at 7:00 p.m. at the Village Hall.

**2. ROLL CALL**

On roll call by Tracee Keagle, the following Trustees were:

Present: Trustees Murphy, Knight, Mayo, Barbini and Wahl

Absent: Trustee Lochmayer

Also present were Village Administrator Dan Quick, Public Works Director Dave Geary, Public Works Administrative Assistant Tracy Fessler, Village Attorney Rudy Magna, Director of Building & Zoning Bill Metes, Village Engineer Bob Devery, Wauconda Township Highway Commissioner Joe Munson, Wauconda Township Supervisor Glen Swanson, Tom Weber, Dave Bunge, Mr. & Mrs. Reardon, Cathy Scott, and the Press.

**3. ITEMS FOR DISCUSSION**

**A. Request from Owner Dave Bunge to Change Zoning of Property Located at 108-110 N. Main St. from Commercial Recreational (CR) to Central Business (CB)**

Director Metes told the Board that Dave Bunge has purchased the property at 108-110 N. Main Street. The property is zoned Commercial Recreation (CR) and Mr. Bunge would like to have it changed to Central Business (CB) to allow for a more diverse use of the property. A petition has been filed through zoning. There was a unanimous vote from the Zoning Board to send a favorable recommendation to the Village Board to go ahead with the change. Trustee Barbini wanted to know if the change was compatible with the surrounding zoning. Director Metes said it fits right in. Trustees Mayo and Wahl and Mayor Knigge commented on the good improvements Mr. Bunge has made on the property.

**B. Zoning Code Revisions**

Director Metes brought forward the ordinance changes as a result of the Building and Zoning Committee Meeting. There was a general agreement by the Village Board, but there were some minor changes that have been successfully processed through the Zoning Board of Appeals.

**C. Academic Advancement (Tuition Reimbursement Request) for Jackie Soccorso**

Discussed in Closed Session.

**D. Proposed Ordinance Declaring Certain Activity (Including Debris in Roads) as a Public Nuisance**

**E. Proposed Ordinance Providing for Abatement of Nuisances**

Directory Geary stated that items D and E could be discussed together. He explained that during a Public Works Committee Meeting they considered amending ordinances to prohibit unsafe practices. The changes would allow Public Works to prohibit certain activities and enforce them if necessary. One of the changes would not allow residents to push snow from driveways into the street after the street has been plowed. If their driveway is on an intersection, residents cannot have high piles of snow at the end of their driveway which would block visibility in the intersection. The changes would also allow Public Works to prohibit debris from lawn landscaping to be dumped into storm water drains. Public Works would like the Board to consider approving these changes so they can be enforced. Discussion continued regarding the amount of fines, and the amount of time given for compliance.

**F. Garland Road Bike Path Update**

Mayor Knigge wanted to clarify that this was not a public hearing. Mayor Knigge wanted an update from Village Engineer Devery, and Engineer Devery provided a written report on this project.

Engineer Devery explained that this project was initiated in 2005 to establish a safe route for bikes and pedestrians connecting the north and south portions of the Village. A committee was formed consisting of the Village of Wauconda, Wauconda Township and the Wauconda Park District. Engineer Devery gave a lengthy history of this committee and the challenges of getting financing, resident cooperation, possible legal issues and getting it done in a timely manner. He explained the CMAQ or Congestion Mitigation and Air Quality Improvement Program. He explained the changes in the proposed plan to widen the road and add the bike lanes.

Attorney Magna explained the easement for roadway purposes. Most of the homes are owned to the center of the road. There should be a plan to address the possible lack of right-of-way. Properties have been identified where easements are needed. Those residents have been contacted. The records from the 1800s about easements for roadway purposes are unclear. The definition of "roadway purposes" includes the ability to widen the road. The State Statute provides that "roadway purposes" also includes the use of the roadway by cyclists. Attorney Magna said the main idea is that the road is going to be widened and once widened you can mark off the bicycle lane. There are no documents that show the laying out of the width of the right-of-way, but there are very obvious signs of the right-of-way that have been in use for over fifteen years. The paved area, shoulder, ditching and drainage that have been/is maintained by the Village or Township are all clearly part of the right-of-way. What is needed is an ultimate determination of the width of the right-of-way. No document is available to show that it is 33 feet on one side and 33 feet on the other side. The improvements that

are there and that have been maintained by the public body are considered adverse possession regardless of where the center line of the adjacent property goes. That is where the 66 feet comes from. Attorney Magna added that declaratory judgment is decided by the court. He went on to say that emotional attachment to trees, mailbox placement or property can motivate people to be contentious. In those instances residents could challenge the project and the Village needs to be aware that this is possible. It is not unusual for these instances to arise and you have to operate under the assumption that there will be opposition. There are gaps in the factual history that may have an impact on the project. It takes time.

Engineer Devery wanted to clarify that the Village has a CMAQ grant for \$575K. The criteria for using the grant are set by IDOT when using federal funds. There are two designs to consider. Originally there was to be a single off-road bike path 8 to 10 feet wide with two lanes on the path. The newer idea is to widen the road by 5 feet on each side with a lane on each side delineated by an edge stripe along the road similar to how the County has done it. Each year that the project waits to start, the price of the project goes up by about 9%. The project needs to be started soon to get the most out of the grant. The Village continues to try to find other grants and funding for this very important safety issue. Some of the money will come out of the Motor Fuel Tax.

Director Geary added that the additional costs will be 50/50 between the Village and Township. It is not just a Village project. Trustee Barbini wanted to know if there was an expiration date on the grant. Engineer Devery explained that there is no expiration date but that the Village has to request extensions and has to show progress that it is moving forward with the project. Trustee Barbini was concerned about the possible litigation and wished the numbers for cost were clearer. Attorney Magna said it would all depend on the number of plaintiffs and how aggressive they are. It will drive up costs and delay the project. Trustee Barbini wanted to know if the next step was to go to the residents that live on the road. Attorney Magna explained that it would be best to get a voluntary easement but because of eminent domain and the fact that this is a legitimate, purposeful project, one way or another, the project will have the right-of-way and it is just a matter of how much it will cost.

Mayor Knigge stated that, in a timely manner, the Village must decide what to do. Administrator Quick said that the Village/Township will send out a letter to those residents that are involved to explain what is going on. Mayor Knigge added that there should be a public hearing. Supervisor Swanson said that he is ready to have a public meeting. Administrator Quick suggested showing the residents exactly what is going on to be sure they are aware of the changes in the plan so they completely understand to what they are agreeing. Staff will put a package together of what will be sent to the residents. The outcome of the update showed that more information is needed to give the Board a clearer picture.

**G. Lake Michigan Water Update**

Administrator Quick explained that he and Director Geary have been serving on a committee with the purpose of the possibility of allocating Lake Michigan water to the area in the future. This is an expensive project. Administrator Quick described putting on a 50 to 75 year “hat” and think of the future. Right now we have a good water system but in the not-so-far future, this needs to be investigated for our water needs. A visual was shown of a very long pipeline sending water from Lake Michigan to Wauconda and the other communities involved in the project. The water table experts who study future growth expectations and water usage are saying the Village should be concerned about mining more water than we will have available.

Dave Geary gave a history of the Lake Michigan feasibility study that cost \$8K. Then, at a cost of \$25K, the group hired Applied Technology to prepare the Village water allocation request. Plans have been submitted to the Department of Natural Resources. By the end of the year, the Village will have an idea if the Village and the other individual communities involved can get the allocation. The next thing that was done was an agency formation. The Board authorized a \$5K expense to work with a law firm to develop a draft governance of what this agency would look like. The Village has modeled the draft to be similar to CLCJAWA. The eight communities that are involved so far are working together on this. The Village legal staff will look at this and a recommendation will be brought to the Board. The step after that will be to get Board approval for a Preliminary Engineering and Route Study for fine tuning costs. Within the next year, the committee will be coming back to the Board with the recommendation based on if the Village received the allocation to ask for this \$50K study to find out all of the specifics.

Trustee Barbini wanted to know the source of the \$50K. Director Geary said that there will be a small amount of money left from the series A and B bonds. The payoff bonds and interest was already budgeted so there is a balance that could be used. Discussion continued regarding costs and funding, the Department of Natural Resources, the timeline, the final design and other studies.

**H. Well #10, Balancing Change Order**

Engineer Devery has applied for a reimbursement request to pay back the advancement that Wauconda Task Group has funded to the EPA. A balancing change order is needed to close out the contract.

**I. Recommendation to Award Bid for Phase III of the 2008 Road Bond Referendum Project (Patch, Overlay & Repair of Curbed Streets)**

Engineer Devery explained that there were six bidders. Peter Baker and Sons was the low bidder. Two alternate bids were awarded as well. The first is for the resurfacing of the Park District parking lot. The Village committed \$40K as a condition for putting an easement through the Park District. If the Park Board approves, the \$40K comes out of SSA #13. The second item is some drainage

improvements along Lakeshore Blvd. to add some curbs and a storm sewer to prevent flooding at some of the residences. This will connect to the existing Village storm system.

**J. Other Business**

Joe Munson made an announcement that there will be a military helicopter, a VIP honor guard and a speech by General Morrow at the WHS football game in remembrance for 9/11.

**4. CLOSED SESSION MATTER(S):**

**A. The appointment, employment, compensation, discipline, performance or dismissal of specific employees of this public body (5 ILCS 12/02 (c) (1))**

**5. ADJOURNMENT**

Meeting went into Closed Session at 8:54 p.m. and adjourned at 9:49 p.m.

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Tracee Keagle