

**MINUTES OF THE REGULAR MEETING
OF THE GURNEE VILLAGE BOARD**

**GURNEE VILLAGE HALL
JANUARY 23, 2012**

Call to Order

Mayor Kovarik called the meeting to order at 7:31 p.m.

Other Officials in Attendance

Patrick Muetz, Village Administrator; David Ziegler, Assistant Village Administrator/Community Development Director; Bryan Winter, Village Attorney; Erik Jensen, Management Analyst; Diane Lembesis, Finance Director; Tom Rigwood, Director of Public Works; Fred Friedl, Fire Chief; Kevin Woodside, Chief Police

Roll Call

PRESENT: 4- Morris, Schwarz, Ross, Balmes
ABSENT: 2- Park, Garner

Pledge of Allegiance

Mayor Kovarik led the Pledge of Allegiance.

A. PUBLIC COMMENT

None.

B. APPROVAL OF CONSENT AGENDA

It was moved by Trustee Schwarz, seconded by Trustee Balmes to approve the Consent Agenda as presented with the removal of item #2 for further discussion.

Roll call,

AYE: 4- Morris, Schwarz, Ross, Balmes
NAY: 0- None
ABSENT: 2- Park, Garner
Motion Carried.

C. CONSENT AGENDA / OMNIBUS VOTE

The Village Administrator read the consent agenda for an omnibus vote as follows:

1. Approval of minutes from the January 9, 2012 meeting.

ITEM REMOVED
2. Approval of a Res. 2012 -02 authorizing the Village Administrator to approve a contract with the lowest cost electricity provider as obtained through the Northern Illinois Municipal Electric Cooperative (NIMEC).
3. Approval Ord. 2012 – 02 accepting the public improvements for the Chelsey Crossing Subdivision.
4. Approval of reduction in letter of credit for Chelsey Crossing Subdivision to \$137,973.00 as recommended by the Village Engineer.
5. Approval of Finance Assistant I Erica Well's request to participate in the Village's tuition assistance program in pursuit of her Master of Public Administration Degree from Keller Graduate School of Management.
6. Approval of Payroll for period ending January 14, 2012 in the amount of \$677,059.17.
7. Approval of Payroll Transfer Journal for period ending January 14, 2012, in the amount of \$669,518.29.
8. Approval of Bills for the period ending January 23, 2012 in the amount of \$268,323.46.

It was moved by Trustee Balmes, seconded by Trustee Ross to approve the Consent Agenda for an omnibus vote as read.

Roll call,

AYE: 4- Morris, Schwarz, Ross, Balmes
NAY: 0- None
ABSENT: 2- Park, Garner
Motion Carried.

Discussion of item #2

Trustee Morris said soon the Village will have an informational referendum coming up on the ballot regarding bulk purchasing of electricity for residents and the Village already is participating in a cooperative through NIMEC.

Mr. Muetz that this is correct.

Trustee Morris asked how similar the two are.

Mr. Muetz said they are similar in several ways and briefly explained. He stated that the State of Illinois deregulated electricity for certain types of organizations including municipalities in 2006 and since then, the Village has been going out with other communities to get reduced rates.

Trustee Morris asked if when we educate the residents about electric cooperatives, we will include the fact that the Village is already part of a cooperative for electricity.

Mr. Muetz said yes, that will be included when we educate residents.

It was moved by Trustee Morris, seconded by Trustee Schwarz to approve of a Res. 2012 -02 authorizing the Village Administrator to approve a contract with the lowest cost electricity provider as obtained through the Northern Illinois Municipal Electric Cooperative (NIMEC).

Roll call,

AYE: 4- Morris, Schwarz, Ross, Balmes

NAY: 0- None

ABSENT: 2- Park, Garner

Motion Carried.

D. PETITIONS AND COMMUNICATIONS

1. Presentation of Gurnee Police Department Purple Heart Awards to:

- Crime Prevention Technician Tom Agos
- Sergeant Jim Lange
- Office Matt Baumann
- Officer Brian Jacobson
- Officer Scott Kotrba

Chief Woodside and Mayor Kovarik presented the Purple Heart Awards.

E. REPORTS

Mayor Kovarik said that there is only one short topic that can easily be moved to another Committee of the Whole meeting on the agenda for the January 30th Committee of the Whole meeting and asked the Trustees if they would like to cancel the meeting.

It was moved by Trustee Balmes, seconded by Trustee Schwarz to cancel the Committee of the Whole meeting for January 30, 2012.

Voice Vote: Motion Carried.

F. OLD BUSINESS

None.

G. NEW BUSINESS

1. Approval of Ord. 2012 -03 granting a minor amendment to the Woodside Park Planned Unit Development, pursuant to the Gurnee Zoning Ordinance, related to an increase in Floor Area Ratio for property located at 980 Danielson Court.

Mr. Muetz said each Board member should have received a memo regarding this minor amendment. He said this resident is requesting approval to for an addition to the garage area. He said the characteristics of the home would not change from street view.

Trustee Morris asked if they have a building permit.

Mr. Ziegler said that they may have an application on file but this action has to happen first before the permit is issued.

It was moved by Trustee Schwarz, seconded by Trustee Morris to approve of Ord. 2012 -03 granting a minor amendment to the Woodside

Park Planned Unit Development, pursuant to the Gurnee Zoning Ordinance, related to an increase in Floor Area Ratio for property located at 980 Danielson Court.

Roll call,

AYE: 4- Morris, Schwarz, Ross, Balmes

NAY: 0- None

ABSENT: 2- Park, Garner

Motion Carried.

2. Approval of Ord. 2012 -04 providing relief to the Village of Gurnee Building Code as it relates to the property at 6401 Grand Avenue – Menards.

Mr. Ziegler said Menards is currently going through a renovation and expansion. He said when the original permit was issued in 1993, there was an issue with lot line separation. He said when PetSmart was built adjacent to Menard's, this error was found and the Village took steps to prevent the potential spread of fire from building to building.

Trustee Morris asked if it was possible that this was just a typo.

Mr. Ziegler said that it is not a typo because it was duplicated from code to code.

Trustee Morris asked if the inspectors simply did not notice the error.

Mr. Ziegler said that was not because, at the time, the entire property had one owner and with simultaneous permits being issued, no one noticed that the non-conformity existed.

It was moved by Trustee Morris, seconded by Trustee Schwarz to approve of Ord. 2012 -04 providing relief to the Village of Gurnee Building Code as it relates to the property at 6401 Grand Avenue – Menards.

Roll call,

AYE: 4- Morris, Schwarz, Ross, Balmes

NAY: 0- None

ABSENT: 2- Park, Garner

Motion Carried.

3. Approval of Ord. 2012 -05 granting a Special Use Permit pursuant to the Gurnee Zoning Ordinance relating to outdoor storage at 4012 Morrison Drive.

Mr. Muetz said Midwest Exchange has requested a Special Use Permit for outdoor storage of raw plastic material. The Plan Commission unanimously passed the SUP with the following six conditions:

1. That the outdoor storage area will be enclosed and fully screened with a 10 foot tall chain link fence with slats located 10 feet inside the property lines, attached hereto as Exhibit B;
2. That the height of materials in the outdoor storage area shall not exceed the height of the fence, which is 10 feet;
3. That the outdoor storage be limited to the area as illustrated on the site plan provided on January 17, 2012, attached hereto as Exhibit C;
4. That prior to installation, the landscape plan shall be reviewed by the Village Forester and that no more than 25% of the trees installed on the subject property be the same species;
5. That the materials stored in the outdoor storage space be restricted to clean plastic material only; and
6. That the dumpster be enclosed in the fenced area.

Trustee Morris asked how the Village can enforce the conditions of

the Special Use Permit should a complaint arise.

Mr. Ziegler said first a Village representative will visit the site and remind them what the Ordinance states. If then they don't comply citations will be issued. Finally, the Village can take them to court and they could face fines up to \$750 per day for failure to comply

Trustee Morris said he doesn't see the teeth to enforce compliance.

Mr. Winter said we can take them to court, and they will be forced to comply or they will be in contempt of court.

Trustee Morris said that takes months.

Mr. Winter said Village staff has taken steps to ensure the conditions are enforced.

Mayor Kovarik stated that we have due process that we must follow.

Mr. Winter said that staff is examining the possibility of bringing more of these cases into administrative adjudication to speed up the process.

Trustee Morris said that would be good.

It was moved by Trustee Balmes, seconded by Trustee Morris to approve of Ord. 2012 -05 granting a Special Use Permit pursuant to the Gurnee Zoning Ordinance relating to outdoor storage at 4012 Morrison Drive.

Roll call,

AYE: 4- Morris, Schwarz, Ross, Balmes

NAY: 0- None

ABSENT: 2- Park, Garner

Motion Carried.

4. Approval of a request for a 60-day extension to the Special Use Permit for Theresa's Home Care, LLC located at 6455 Cunningham Court.

Mr. Muetz said originally this request was approved at the January 24, 2010 Regular Meeting. He said the preplan was received in November and the Village is currently going through the plans. He said the petitioners are requesting more time.

Trustee Morris asked for an update on the permit process.

Mr. Ziegler said the State permit is contingent on the building permit and the infrastructure must be in place before they will issue a permit. He said in September the petitioners came to the Village with substantially different plans that did not include an elevator. He said now they are doing a partial remodel consistent with the original SUP but will have to come back for a permit to continue work on the 2nd floor or 2nd phase.

Mayor Kovarik reminded the petitioners that they have operated this business under the radar for some time now and stressed to them that they cannot continue to operate under non-compliance. She further reminded them that they must follow through with the requirements in the Special Use Permit.

It was moved by Trustee Morris, seconded by Trustee Schwarz to approve of a request for a 60-day extension to the Special Use Permit for Theresa's Home Care, LLC located at 6455 Cunningham Court.

Roll call,

AYE: 4- Morris, Schwarz, Ross, Balmes

NAY: 0- None

ABSENT: 2- Park, Garner

Motion Carried.

H. PUBLIC COMMENT

None.

Closing Comments

None.

Adjournment

It was moved by Trustee Balmes, seconded by Trustee Ross to adjourn the meeting.

Voice Vote: ALL AYE: Motion Carried.

Mayor Kovarik adjourned the meeting at 8:14 p.m.

**Andrew Harris,
Village Clerk**