



MINUTES

Village Board Meeting
Tuesday, September 18, 2018

Cary Village Hall
655 Village Hall Drive
Cary, IL 60013

Mark Kownick, Mayor

I. Call to Order

This meeting was called to order at 6:00 p.m. by Mayor Kownick.

II. Roll Call

Present: Mayor Kownick and Trustees Covelli, Weinhammer, Betz, Kraus, McAlpine and Cosler

Absent: None

Others present included Village Administrator Rife, Community Development Director Simmons, Police Chief Finlon, Public Works Director Morimoto, Management Analyst Sage, Village Attorney Uhler and members of the audience per the sign-in sheet.

Mayor Kownick entertained a motion to allow Trustee Covelli to participate via audio conference.

MOTION: Trustee McAlpine

SECOND: Trustee Cosler

The Voice Vote noted all ayes and the motion carried.

III. Pledge of Allegiance

Mayor Kownick led in the recitation of the Pledge of Allegiance.

IV. Open Forum

Scott Coffey stated he does not agree with the decision by the Village Board to approve an engineering agreement for the eastern gateway regional lift station. Mr. Coffey stated he believes the ones who benefit from this project are owners of land for sale nearby who will see an increase in selling price.

There being no further comments from the public, Mayor Kownick closed Open Forum at 6:11 p.m.

V. Mayor's Report

Mayor Kownick recognized Village Administrator Jake Rife on his 10-year employment anniversary.

Mayor Kownick proclaimed September 23-29, 2018 as Rail Safety Week.

Mayor Kownick proclaimed October, 2018 as Community Planning Month.

Mayor Kownick stated the Cary Main Street Fest was a great success and thanked the Chamber of Commerce for their hard work.

VI. Trustee Reports

Trustee Betz thanked the Chamber of Commerce for their work in putting on a successful Cary Main Street Fest.

VII. Consent Agenda

1. Consider for Approval the Warrant Dated September 18, 2018
2. Consider for Approval Minutes of the September 4, 2018 Village Board Meeting
3. Consider for Approval Minutes of the September 4, 2018 Committee of the Whole Meeting
4. Consider for Approval the Temporary Closure of First Street from Pearl Street to Three Oaks Road for Cary Grove High School Homecoming Parade on September 22, 2018
5. Consider for Approval an Ordinance Setting the Water and Sewer Connection Fee for the Cary Senior Living Project (O18-09-06)

Motion: Trustee McAlpine moved, seconded by Trustee Weinhammer, to approve Consent Agenda Items #1 – #5.

Ayes: Weinhammer, Betz, Kraus, McAlpine, Cosler, Covelli

Nays: None

Abstain: Kraus

Motion Carried

VIII. Items for Separate Action

1. Consider for Approval an Ordinance Accepting a Warranty Deed for the Transfer of Property from Lafarge Aggregates/Meyer Material to the Village of Cary

Mayor Kownick entertained an amended motion to Approve an Ordinance Accepting a Warranty Deed for the Transfer of Property from Lafarge Aggregates/Meyer Material to the Village of Cary, Excluding the Reservation of the Right to Access Mineral Materials Which are Located More than 200 feet Below the Surface of the Property on the Condition that the Access to these Materials Occur from a Location Other than the Surface of the Property, and as amended, striking "The Petitioner Shall Provide Periodic Mowing of the Property in Accordance with the Maintenance Plan During the Maintenance Period to Ensure Acceptable Growth of Native Materials."

Motion: Trustee McAlpine moved, seconded by Trustee Betz to approve an ordinance accepting a warranty deed for the transfer of property from Lafarge Aggregates/Meyer Material to the Village of Cary, excluding the reservation of the right to access mineral minerals which are located more than 200 feet below the surface of the property on the condition that the access to these materials occur from a location other than the surface of the property, and as amended, striking "The petitioner shall provide periodic mowing of the property in accordance with the maintenance plan during the maintenance period to ensure acceptable growth of native materials."

Discussion

Director Simmons provided background on the proposed ordinance. Director Simmons stated the Warranty Deed provided to the Village contains two (2) reservations requested by Lafarge/Meyer Material. Director Simmons stated staff recommends striking Recommendation 1, the right to access mineral materials below the surface in the future.

Randi Willie of Lafarge/Meyer Material, provided background on the property.

Mr. Coffey stated once the Village accepts the deed the property will come off the tax rolls and asked what can be done to mitigate this loss of revenue.

Lafarge/Meyer Material Attorney Thomas Zanck stated the Village of Cary and Meyer Material negotiated a well planned 2008 agreement which included the foresight to require conditions that included a park, sewer and water extensions and areas for commercial property that will be financially beneficial to the Village in the future.

Administrator Rife stated staff met with Mr. Chally on September 7th to address concerns he had about his property, which is adjacent to the park area. Director Morimoto reviewed the concerns and summarized the responses and/or resolutions for each concern.

Trustee Weinhammer expressed concern about accepting the deed since she did not have much time to review the email which was forwarded to the trustees shortly prior to the Village Board meeting that referenced inspections. Administrator Rife stated the final inspection information sent to the Trustees had been finalized that afternoon and it was forwarded as soon as possible after it was received by the Village.

Trustee Cosler asked Attorney Uhler about the Village's ability to restrict Lafarge/Meyer's mining rights. Attorney Uhler stated that the Village can restrict Lafarge/Meyer's ability to mine the site unless the Board voted to accept the deed with Reservation 1 as proposed by Lafarge/Meyer. Attorney Zanck stated Reservation 1 gives Lafarge/Meyer ownership of the minerals on the property, however, it does not give Lafarge/Meyer the right to mine it without going through proper Village channels.

Trustee Cosler asked about the park's maintenance plan. Director Simmons stated once the Village takes ownership of the property it will be responsible for the maintenance.

Trustee Weinhammer asked if Lafarge/Meyer's subcontractor has had any issues when mowing the native areas. Bryan Wilson, McGinty Brothers, stated prairie mowing is done at an elevated height, approximately 6-8", and they have had no issues with rocks or other items that might create difficulty in mowing.

Mayor Kownick entertained a motion to continue this item at a future meeting.

Motion: Trustee Cosler moved, seconded by Trustee Kraus to continue this item at a future meeting.

Ayes: Betz, McAlpine, Covelli, Cosler, Weinhammer, Kraus

Nays: None

Abstain: None

Motion Carried

IX. Administrator's Report

Administrator Rife stated petition packets are available for the spring 2019 election at Village Hall during normal business hours, 8:30 a.m. – 5:00 p.m.

X. Department Head Reports

None.

XI. Future Agenda Items and Discussion by Village Board

None.

XII. Adjourn

There being no further items to discuss, a MOTION was made to adjourn the meeting at 7:50 p.m.

MOTION: Trustee McAlpine

SECOND: Trustee Cosler

The Voice Vote noted all ayes and the motion carried.

Respectfully Submitted,



Susan Greene, Deputy Village Clerk