

<p>Village President P. Sean Michels</p> <p>Village Clerk Cynthia Galbreath</p> <p>Village Administrator Brent M. Eichelberger</p>	 <p>10 S. Municipal Drive Sugar Grove, Illinois 60554 Phone: 630-466-4507 Fax: 630-466-4521</p>	<p>Village Trustees</p> <p>Robert Bohler Kevin Geary Mari Johnson Rick Montalto David Paluch Thomas Renk</p>
--	---	--

Agenda
September 18, 2012
Regular Board Meeting
6:00 P.M.

1. Call to Order
2. Pledge of Allegiance
3. Roll Call
4. Public Hearing:
 - a. None
5. Appointments and Presentations
 - a. None
6. Public Comment on Items Scheduled for Action
7. Consent Agenda
 - a. Approval: Minutes for September 04, 2012 Meeting
 - b. Approval: Vouchers
 - c. Approval: Treasurer's Report
 - d. Approval: Waiver of Consecutive Processing of Preliminary and Final Plans – American Heartland Bank
 - e. Resolution: Authorizing an Additional Authorized Investment Vehicle – Institutional Investment Trust
 - f. Ordinance: Declaring Surplus Property
8. General Business
 - a. Resolution: Approving a Tolling Agreement with the Hannaford Farm Home Owners Association
 - g. Ordinance: Regarding Video Gaming Manufactures, Distributers, Licenses Technicians and Licensed Terminal Handlers
 - b. Discussion: Video Gaming Advisory Referendum
9. New Business
 - a. None
10. Reports
 - a. Staff Reports
 - b. Trustee Reports
 - c. Presidents Report
11. Public Comments
12. Airport Report
13. Closed Session: Land Acquisition, Personnel, Litigation
14. Adjournment

The consent agenda is made up of items that have been previously discussed, non-controversial, or routine in subject manner and are voted on as a 'package'. However, by simple request any member of the Board may remove an item from the consent agenda to have it voted upon separately.

*Items that are marked as * STAR – indicate that the item is Subject to Attorney Review*

<p>Village President P. Sean Michels</p> <p>Village Clerk Cynthia Galbreath</p> <p>Village Administrator Brent M. Eichelberger</p>	 <p>10 S. Municipal Drive Sugar Grove, Illinois 60554 Phone: 630-466-4507 Fax: 630-466-4521</p>	<p>Village Trustees</p> <p>Robert Bohler Kevin Geary Mari Johnson Rick Montalto David Paluch Thomas Renk</p>
--	---	--

September 18, 2012
Committee of the Whole
6:30 p.m.

1. Call to Order
2. Roll Call
3. Public Comment
4. Discussion: Declaring Parcel at East End of Calkins as Surplus Property
5. Closed Session: Land Acquisition, Personnel, Litigation
6. Adjournment

Members of the public wishing to address the Board shall adhere to the following rules and procedures:

1. Complete the public comment sign-in sheet prior to the start of the meeting.
2. The Village President will call members of the public to the podium at the appropriate time.
3. Upon reaching the podium, the speaker should clearly state his or her name and address.
4. Individual comment is limited to three (3) minutes. The Village President will notify the speaker when time has expired.
5. Persons addressing the Board shall refrain from commenting about the private activities, lifestyles, or beliefs of others, including Village employees and elected officials, which are unrelated to the business of the Village Board. Also, speakers should refrain from comments or conduct that is uncivil, rude, vulgar, profane, or otherwise disruptive. Any person engaging in such conduct shall be requested to leave the meeting.
6. The aforementioned rules pertaining to public comment may be waived by the Village President, or by a majority of a quorum of the Village Board.
7. Except during the time allotted for public discussion and comment, no person, other than a member of the Board, shall address that body, except with the consent of two (2) of the members present.

**VILLAGE OF SUGAR GROVE
BOARD REPORT**

TO: VILLAGE PRESIDENT & BOARD OF TRUSTEES
FROM: BRENT M. EICHELBERGER, VILLAGE ADMINISTRATOR
SUBJECT: HANNAFORD FARM HOA TOLLING AGREEMENT
AGENDA: 9/18/2012 REGULAR BOARD MEETING
DATE: SEPTEMBER 14, 2012

ISSUE

Should the Village enter into a Tolling Agreement with the Hannaford Farm HOA to preserve HOA rights in regard to processing of the developer's Letter of Credit.

DISCUSSION

This item was discussed at the September 4, 2012 COTW meeting, where the Board directed staff to place it on the Regular Meeting Agenda for consideration.

The original developer of the Hannaford Farm subdivision filed a Letter of Credit (LOC) with the Village to guarantee the completion of the public improvements. When the developer failed to complete the public improvements the Village called the LOC. The issuing bank refused to honor the LOC. The Village is currently suing the issuing bank, successor bank and the FDIC over the refusal.

The Hannaford Farm HOA believes it has the right to take action against the Village regarding the Village's processing of the LOC. The HOA is not interested in taking action against the Village at this time, but they are concerned their rights may expire subject to a statute of limitations. In order to preserve their rights through June 30, 2015, the HOA has proposed the attached Tolling Agreement.

The Village does not believe that the HOA has a valid claim against the Village. However, we do recognize that they could take action and that the Village would incur expense in defending it. The Tolling Agreement gives the HOA the option of deferring any action they may be considering, and therefore deferring any cost of defense that the Village may incur.

The goal for both parties is that the LOC be honored through the pending lawsuit the Village has against the FDIC, MB Financial and Benchmark Bank, making any action the HOA is considering against the Village moot.

COST

The cost of attorney review of this item is estimated at less than \$100 and will be charged to account #01-55-6301 GF Community Development Legal Services.

RECOMMENDATION

That the Board approve Resolution 20120918S authorizing a Tolling Agreement between the Village and Hannaford Farm HOA.

RESOLUTION NO. 20120918A

**RESOLUTION OF AUTHORIZATION TO ENTER INTO AGREEMENT
WITH THE HANNAFORD FARM HOME OWNERS ASSOCIATION**

BE IT RESOLVED, by the Board of Trustees of the Village of Sugar Grove, Kane County, Illinois as follows:

WHEREAS, the Home Owners Association of Hannaford Farm has requested that the Village of Sugar Grove enter into a Tolling Agreement for the purposes of extending the limitation period; and

WHEREAS, the Village of Sugar Grove Board has reviewed the agreement, attached as Exhibit A, and determined that it is in the best interest of the Village to protect the interest of the residents by extending certain statutory rights as requested by the Hannaford Farm HOA.

NOW, THEREFORE, BE IT RESOLVED by the President and Board of Trustees of the Village of Sugar Grove, as follows:

1. That the Village President is hereby authorized to sign a Tolling Agreement with the Hannaford Farm Home Owners Association.

PASSED AND APPROVED by the President and Board of Trustees of the Village of Sugar Grove, Kane County, Illinois, on this 18th day of September, 2012.

P. Sean Michels, President of the Board of Trustees
of the Village of Sugar Grove, Kane County,
Illinois

	Aye	Nay	Absent
Trustee Bohler	_____	_____	_____
Trustee Paluch	_____	_____	_____
Trustee Johnson	_____	_____	_____
Trustee Montalto	_____	_____	_____
Trustee Renk	_____	_____	_____
Trustee Geary	_____	_____	_____

ATTEST: _____
Cynthia L. Galbreath,
Clerk, Village of Sugar Grove



**VILLAGE OF SUGAR GROVE
KANE COUNTY, ILLINOIS**

Ordinance No. 20120918A

**An Ordinance regarding Video Gaming Manufacturers, Distributers, Licensed
Technicians and Licensed terminal handles pursuant to
230 ILCS 40/25 for the Village of Sugar Grove,
Kane County, Illinois**

Adopted by the
Board of Trustees and President
of the Village of Sugar Grove
this 18th day of September, 2012.

Published in Pamphlet Form
by authority of the Board of Trustees
of the Village of Sugar Grove, Kane County,
Illinois, this 18th day of September, 2012.

ORDINANCE No. 20120918A

An Ordinance regarding Video Gaming Manufacturers, Distributers, Licensed Technicians and Licensed terminal handlers pursuant to 230 ILCS 40/25 for the Village of Sugar Grove, Kane County, Illinois

BE IT ORDAINED by the President and Board of Trustees of the Village of Sugar Grove, Kane County, Illinois, as follows;

WHEREAS, the Village of Sugar Grove is not a home rule municipality within Article VII, Section 6A of the Illinois Constitution and, pursuant to the powers granted to it under 65 ILCS 5/1-1 *et seq.*; and,

WHEREAS, the Village wishes to amend Section 5-2-2-10(A)(3) of the Village of Sugar Grove Code of Ordinances,

NOW THEREFORE BE IT ORDAINED by the President and Board of Trustees of the Village of Sugar Grove, Kane County, Illinois, as follows;

SECTION ONE: AMENDMENT

The Village Code of Ordinances Section 5-2-2-10(A)(3) is hereby amended to read as follows:

5-2-2-10: GAMBLING:

A.

3. Operates, keeps, owns, uses, purchases, exhibits, rents, sells, bargains for the sale or lease of, manufactures or distributes any gambling device in the Village, except that purchasing, selling, keeping, repairing, leasing, distributing or retrieving any video gaming terminal as an authorized Manufacturer, Distributor, Licensed Technician or Licensed terminal handler, as those terms are defined in 230 ILCS 40/25 shall not be a violation of this Section as long as the actual use of said machines for video gaming occurs outside the jurisdiction of the Village; or

SECTION TWO: GENERAL PROVISIONS

REPEALER: All ordinances or portions thereof in conflict with this ordinance are hereby repealed.

SEVERABILITY: Should any provision of this Ordinance be declared invalid by a court of competent jurisdiction, the remaining provisions will remain in full force and effect the same as if the invalid provision had not been a part of this Ordinance.

EFFECTIVE DATE: This Ordinance shall be in full force and effect on and after its approval, passage and publication in pamphlet form as provided by law.

PASSED AND APPROVED by the President and Board of Trustees of the Village of Sugar Grove, Kane County, Illinois, this 18th day of September, 2012.

P. Sean Michels,
President of the Board of Trustees
of the Village of Sugar Grove, Kane
County, Illinois

ATTEST: _____
Cynthia L. Galbreath
Clerk, Village of Sugar Grove

	Aye	Nay	Absent	Abstain
Trustee Mari Johnson	___	___	___	___
Trustee Thomas Renk	___	___	___	___
Trustee Rick Montalto	___	___	___	___
Trustee Robert E. Bohler	___	___	___	___
Trustee David Paluch	___	___	___	___
Trustee Kevin M. Geary	___	___	___	___
President P. Sean Michels	___	___	___	___

**VILLAGE OF SUGAR GROVE
BOARD REPORT**

TO: VILLAGE PRESIDENT & BOARD OF TRUSTEES
FROM: CINDY GALBREATH, VILLAGE CLERK
SUBJECT: ORDINANCE: REGARDING VIDEO GAMING MANUFACTURERS,
DISTRIBUTERS, LICENSED TECHNICIANS AND LICENSED
TERMINAL HANDLERS
AGENDA: SEPTEMBER 21, 2012 REGULAR BOARD MEETING
DATE: AUGUST 31, 2012

ISSUE

Should the Village of Sugar Grove allow video gaming Manufactures, Distributers, Technicians and Handlers to operate in the Village.

DISCUSSION

At the September 4, 2012 Board meeting an ordinance opting out of video gaming was adopted. This ordinance contained a clause that would prohibit businesses to manufacture, distribute or to be licensed technicians and handlers in Sugar Grove. It is believed that the intent was only to prohibit gaming and not to disallow this type of business to operate in the Village.

Therefore an ordinance was prepared that would amend this ordinance to allow Video Gaming Manufacturers, Distributers, Licensed Technicians, and Licensed Terminal Handlers within the Village. The section to be amended is as follows (amendment is in bold):

5-2-2-10: GAMBLING: A.3.

Operates, keeps, owns, uses, purchases, exhibits, rents, sells, bargains for the sale or lease of, manufactures or distributes any gambling device in the Village, **except that purchasing, selling, keeping, repairing, leasing, distributing or retrieving any video gaming terminal as an authorized Manufacturer, Distributor, Licensed Technician or Licensed Terminal Handler, as those terms are defined in 230 ILCS 40/25 shall not be a violation of this Section as long as the actual use of said machines for video gaming occurs outside the jurisdiction of the Village; or**

Should a referendum prohibiting video gaming be passed, it would have no effect on businesses as referenced above. A referendum only affects the act of actual video gaming.

COSTS

The cost to adopt this ordinance includes attorney preparation and review as well as code updating and is estimated to be approximately \$250.00. These expenditures are budgeted in 01 50 6208, Legal Services and 01 57 6309 Other Professional Services.

RECOMMENDATION

That the Village Board Adopts An Ordinance Regarding Video Gaming Manufacturers, Distributers, Licensed Technicians and Licensed terminal handlers pursuant to 230 ILCS 40/25 for the Village of Sugar Grove, Kane County, Illinois.

**VILLAGE OF SUGAR GROVE
BOARD REPORT**

TO: VILLAGE PRESIDENT & BOARD OF TRUSTEES
FROM: CYNTHIA L. GALBREATH, VILLAGE CLERK
SUBJECT: DISCUSSION: VIDEO GAMING REFERENDUM
AGENDA: SEPTEMBER 18, 2012 COMMITTEE OF THE WHOLE
DATE: SEPTEMBER 5, 2012

ISSUE

Should the Village/Board consider placing a non-binding question regarding Video Gaming on the ballot at the April 9, 2013 Consolidation Election.

DISCUSSION

At the September 4, 2012 meeting the Board directed staff to research the process to place a referendum on the April 9, 2013 ballot on whether Video Gaming should be allowed. The Video Gaming Act clearly states that a binding question for Video Gaming must be placed on the ballot by the public. Should the Board call for a referendum, it would be an advisory/non-binding, referendum. While Board members indicated they would abide by the decision of the voters in a non-binding referendum, it should be noted that in no way is any Board from now, in to perpetuity, bound by a non-binding referendum or the actions of a prior Board in response to a non-binding referendum. Should a binding question pass it cannot be overridden by this Board or future Board's.

The Gaming Act is very specific regarding the petition submittal procedures and the wording of a binding referendum. The section that refers to a referendum in the Video Gaming Act reads as follows:

(230 ILCS 40/70) Sec. 70. Referendum.

Upon the filing in the office of the clerk, at least 90 days before an election in any municipality or county, as the case may be, of a petition directed to such clerk, containing the signatures of not less than 25% of the legal voters of that municipality or county, the clerk shall certify such proposition to the proper election officials, who shall submit the proposition at such election to the voters of such municipality or county. The proposition shall be in the following form:

Shall video gaming be prohibited in -----?

YES
NO

If a majority of the voters voting upon such last mentioned proposition in any municipality or county vote "YES", such video gaming shall be prohibited in such municipality or county. If a majority of the voters vote "NO", then video gaming shall be allowed. The petition mentioned in this Section shall be a public document and shall be subject to inspection by the public. (Source: P.A. 96-34, eff. 7-13-09.)

**10 ILCS 5/3-1.3 of the Election Code states that the percentage shall be applied to the number of voters who are registered on the date registration closed before the preceding regular election.*

The following outlines the deadlines for ballot placement of a referendum:

Petition Submittal

January 7, 2013 is the last day for the public to file a petition requesting placement of a referendum for submission of a public question. Referendum petitions are filed with the Local Election Official (the Village Clerk). After receipt of proper petitions an ordinance or resolution would be prepared for the Village Board to adopt.

Ordinance / Resolution Adoption

January 22, 2013 is the last date for adoption of the resolution/ordinance for either a non-binding or binding referendum.

Ballot Certification

January 31, 2013 is the last date an ordinance/ resolution must then be certified by the Clerk and submitted to the County Clerk.

The Board will not know for sure if there will be a binding referendum until proper petitions are filed, or the deadline passes without a petition. If there is a public filed petition for a binding referendum, a Village initiated advisory referendum becomes moot.

It is recommended that the Village prepare two ordinance/resolutions. One for a non-binding referendum and one for a binding referendum for consideration/adoption at the January 22, 2013 Board meeting. Preparing for an either or situation will allow the Village to be prepared to move forward with the placement of only one referendum, or no referendum, on the ballot.

Additionally, although the clerk is the Local Election Official, no advice on petition wording etc. can be given to anyone wanting to place a binding referendum on the ballot. The only assistance the clerk would provide would be submittal dates (as noted

above) and where to obtain information from the county and state election authorities or from an attorney.

The 2013 Calendar (draft attached) has not yet been formally adopted. However, it will be proposed that as the first Tuesday is a holiday the meetings for January be adjusted by one week. This would make the first meeting on January 8 and the second on January 22. With the last date to submit a petition for referendum being January 7 and the last day to adopt an ordinance/resolutions January 22nd, these dates coordinate with submittals for a referendum. The Board may want to consider placing this item on the COTW agenda at the expected January 8 for discussion as the status of any petition will be known.

COST

There is no cost for discussion. If a referendum was to be placed on the ballot there will be a cost. All questions submitted must be translated into Spanish by a certified translation company, the cost of which must be borne by the submitting municipality. This cost is approximately \$35.00.

RECOMMENDATION

That the Board discuss the possibility of placing a referendum on the April 9, 2013 Consolidation Election Ballot regarding Video Gaming.

**VILLAGE OF SUGAR GROVE
BOARD REPORT**

TO: VILLAGE PRESIDENT & BOARD OF TRUSTEES
FROM: BRENT M. EICHELBERGER, VILLAGE ADMINISTRATOR
SUBJECT: DECLARING PARCEL AT EAST END OF CALKINS DRIVE AS SURPLUS PROPERTY
AGENDA: SEPTEMBER 18, 2012 COMMITTEE OF THE WHOLE
DATE: SEPTEMBER 14, 2012

ISSUE

Should the Village declare the Village owned parcel at the east end of Calkins Drive as surplus property.

DISCUSSION

The Village owns Calkins Drive ROW from the existing pavement ending east of Grove Street, continuing east to Main Street. The area is partially turf grass and partially paved. Most people believe the property is part of the Community Center, but it is in fact Village ROW. The ROW is split into two parcels, marked as 'A' (.14 acres) and 'B' on the attached exhibit.

The Village has been approached by a nearby property owner requesting that the Village transfer land at the east end of Calkins to them. The resident currently voluntarily does landscape maintenance of the area and has stated that they would like to plant additional trees/shrubs.

Staff has not field-confirmed the exact area the resident is interested in and how it compares to parcel A. It is believed that the parcels lines on the exhibit are reasonably accurate.

The Village previously transferred ownership of the parcels immediately north and south of parcel A to the Community House (CH). The Village has had discussions in the past with the CH regarding parcel B as the CH has expressed interest in acquiring it. If the Board is interested in transferring ownership of parcel A, staff recommends that the CH be contacted to determine if they have any interest.

In addition to the typical conditions that the Village has put on prior land transfers, if the Village transfers ownership of parcel A, staff recommends that, pending field verification

of lot lines, that a condition allowing the Village to utilize the parcel for snow removal be included, as Calkins is a dead end.

COST

Legal and engineering costs of \$500 - \$2,000 can be anticipated if the Village pursues transfer of parcel A (or B). At the Boards determination, these costs could be the responsibility of the property recipient as a condition of receiving the property.

RECOMMENDATION

That the Board determine whether or not the Village should pursue the transfer of Calkins Drive ROW.

**VILLAGE OF SUGAR GROVE
BOARD REPORT**

TO: VILLAGE PRESIDENT & BOARD OF TRUSTEES
FROM: RICH YOUNG, COMMUNITY DEVELOPMENT DIRECTOR
MIKE FERENCAK, VILLAGE PLANNER
SUBJECT: AMERICAN HEARTLAND RESUBDIVISION
APPROVAL: WAIVER OF CONSECUTIVE PROCESSING OF
PRELIMINARY AND FINAL PUDS
AGENDA: SEPTEMBER 18, 2012 REGULAR VILLAGE BOARD MEETING
DATE: SEPTEMBER 13, 2012

ISSUE

Should the Village Board consider a request to waive the consecutive processing of Preliminary and Final Planned Unit Development (PUD) approvals for a bank proposed at the southwest corner of State Route 47 and Wheeler Road.

DISCUSSION

The applicant, American Heartland Bancshares Inc., has generally completed their submittal for the upcoming American Heartland Resubdivision which would include the construction of a bank on one lot.

The applicant submitted a letter (attached) requesting the Village Board exempt the American Heartland project from the consecutive processing requirement in Zoning Ordinance Section 11-11-6-C-2-b and instead allow for a simultaneous approval of the Preliminary PUD for the American Heartland Resubdivision with a Final PUD approval of Lot 1 of American Heartland Resubdivision (the proposed bank site). The primary reason for the request is that it would be a single lot development surrounded by roads and existing development on all sides.

Zoning Ordinance Section 11-11-6-C-2-b requires: "Preliminary and final plans must be filed and processed consecutively, and not simultaneously, unless the Village Board specifically exempts a petitioner from this requirement."

Staff is supportive of the request to process Lot 1 final approvals with the overall development approval for American Heartland Resubdivision.

COSTS

The only cost involved for this item is staff time.

RECOMMENDATION

That the Board approves a waiver of consecutive processing of Preliminary and Final PUDs, thereby allowing simultaneous processing.

WHITE & EKKER, P.C.

263 MAIN STREET
SUGAR GROVE, IL 60554
(630) 466-1600
(630) 466-9972 Fax

August 24, 2012

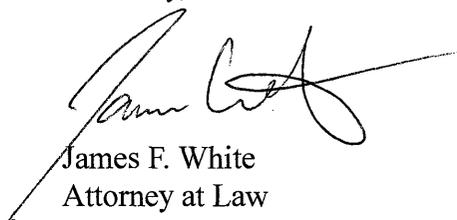
Mr. Michael P. Ferencak
Planner, Community Development Department
Village of Sugar Grove
601 Heartland Drive
Sugar Grove, Il 60554

Re: American Heartland Resubdivision

Dear Mr. Ferencak:

This will confirm that American Heartland Bancshares, Inc., is seeking concurrent Preliminary and Final PUD/Plat/Plan approval on Lots 71 & 72 in Sugar Grove Office and Industrial Center.

Sincerely,



James F. White
Attorney at Law

JFW/rak

Cc: P. Clark
R. Young

**VILLAGE OF SUGAR GROVE
BOARD REPORT**

TO: VILLAGE PRESIDENT & BOARD OF TRUSTEES
FROM: JUSTIN VANVOOREN, FINANCE DIRECTOR
SUBJECT: APPROVAL: ILLINOIS TRUST DECLARATION OF TRUST
AGENDA: SEPTEMBER 18, 2012 REGULAR BOARD MEETING
DATE: SEPTEMBER 5, 2012

ISSUE

Shall the Village Board approve participation in the Illinois Trust (IIIT).

DISCUSSION

The Village Board last discussed participation in the Illinois Trust at the September 4, 2012 Committee of the Whole meeting. Village Staff investigated ways to further diversify its portfolio and considered additional opportunities for investment. Staff has identified the Illinois Trust as an opportunity that is governed by a Board of managers and finance officers of Illinois local governments.

The Illinois Institutional Investors Trust ("IIIT" or the "Trust") is a diversified, open-end, actively managed investment trust designed to address the short-term cash investment needs of investors, including school districts, municipalities and their political subdivisions and agencies. IIIT offers Illinois municipalities the ability to invest funds short-term at a competitive variable rate through its money market fund, similar to the Illinois Funds and Illinois Metropolitan Investment (IMET) Convenience Fund. In addition, IIIT investors have access to fixed rate investment products (certificates of deposit, commercial paper, U.S. Agency and U.S. Treasury securities) through the investment advisor of the Trust.

The attached resolution authorizes staff to execute the attached Illinois Trust Declaration of Trust, which will allow the Village to open and maintain an account with IIIT.

COST

IIIT is compensated as a percentage of the average net assets of the entire fund, resulting in a net rate paid out to all fund participants. There is no direct fee paid by the Village.

RECOMMENDATION

That the Village Board approve A Resolution Approving and Authorizing Execution of the Declaration of Trust of the Illinois Trust.

RESOLUTION NO. 20120918F2

**A RESOLUTION APPROVING AND AUTHORIZING
EXECUTION OF THE DECLARATION OF TRUST OF THE ILLINOIS TRUST
(FORMERLY KNOWN AS THE ILLINOIS INSTITUTIONAL INVESTORS TRUST)**

BE IT RESOLVED by the President and Board of Trustees of the Village of Sugar Grove, Kane County, Illinois, as follows;

WHEREAS, the Village of Sugar Grove is not a home rule municipality within Article VII, Section 6A of the Illinois Constitution and, pursuant to the powers granted to it under 65 ILCS 5/1-1 et seq.; and,

WHEREAS, the Village of Sugar Grove (the "Village"), desires to participate in the joint investment of certain of its funds in accordance with the Constitution and laws of the State of Illinois (the "State");

WHEREAS, Section 10 of Article VII of the Constitution of the State provides that the State shall encourage intergovernmental cooperation and use its technical and financial resources to assist intergovernmental activities among its units of local government;

WHEREAS, the Intergovernmental Cooperation Act, as amended (the "*Cooperation Act*"), provides a statutory framework that supplements the constitutional grant of intergovernmental cooperation powers found in said Section 10 of Article VII;

WHEREAS, Section 3 of the Cooperation Act provides that "[a]ny power or powers, privileges, functions, or authority exercised or which may be exercised by a public agency of [the] State may be exercised, combined, transferred, and enjoyed jointly with any other public agency of [the] State ... except where specifically and expressly prohibited by law";

WHEREAS, Section 5 of the Cooperation Act, provides that any one or more public agencies may contract with any one or more other public agencies to perform any governmental service, activity or undertaking which any of the public agencies entering into the contract is authorized by law to perform, *provided* that such contract shall be authorized by the governing body of each party of the contract;

WHEREAS, such contract shall set forth fully the purposes, powers, rights, objectives and responsibilities of the contracting parties;

WHEREAS, Section 1-1-5 of the Illinois Municipal Code, as amended (the "*Municipal Code*"), provides among other things, that the corporate authorities of each municipality may exercise jointly, with one or more other municipal corporations or governmental subdivisions or districts, all of the powers set forth in the Municipal Code;

WHEREAS, Section 3.1-35-50 of the Municipal Code provides, among other things, that each municipal treasurer is permitted to join with other municipal treasurers or municipalities for the purpose of investing the municipal funds of which the treasurer has custody;

WHEREAS, the President and Board of Trustees of the Village has been presented with and reviewed the Declaration of Trust dated October 18, 2002 (the "Declaration of Trust"); and

WHEREAS, the Declaration of Trust creates a common law trust (the "Trust") to provide an instrumentality and agency through which public agencies organized under the laws of the State of Illinois may jointly act, agree, and cooperate in accordance with the laws of the State of Illinois in the performance of their responsibilities to invest available funds so as to enhance their investment opportunities pursuant to an investment program conducted in accordance with the laws of the State of Illinois, from time to time in effect, governing the investment of the funds of public agencies; and

WHEREAS, the Village does hereby find that by entering into the Declaration of Trust and becoming a Participant (as such term is defined in Section 1.4 of the Declaration of Trust) in the Trust, it shall be better able to perform its responsibility to invest its funds in accordance with the laws of the State of Illinois; and

WHEREAS, the Trust's assets can only be invested in instruments authorized by the Public Funds Investment Act, as amended;

WHEREAS, no public agency, shall become a participant (a "*Participant*") in the Trust unless and until such public agency, including the Village, has adopted and authorized the Declaration of Trust; and

WHEREAS, the Participants anticipate that other municipal treasurers, official custodians of municipal funds, public agencies and intergovernmental entities composed solely of participating municipalities may wish from time to time to become Participants; and

WHEREAS, the Village does hereby find and declare that it is in the best interest of the residents of the Village that the Village enter into the Declaration of Trust, become a Participant of the Trust, and use the Trust's services from time to time;

NOW THEREFORE BE IT RESOLVED by the President and Board of Trustees of the Village of Sugar Grove, Kane County, Illinois, as follows:

SECTION ONE: POLICY APPROVAL

1. The recitals set forth above are adopted and incorporated herein as the material and significant findings of the President and the Board of Trustees as if fully stated herein.
2. The Declaration of Trust of the Illinois Trust is attached hereto and by this reference incorporated herein and made a part hereof. The terms and conditions of the Declaration of Trust are hereby approved, and the Agency is hereby authorized to become a

Participant in the Trust. The Village Treasurer and Village Administrator are authorized to execute said Declaration of Trust and enter into the Intergovernmental Agreement.

SECTION TWO: GENERAL PROVISIONS

SEVERABILITY: Should any provision of this resolution be declared invalid by a court of competent jurisdiction, the remaining provisions will remain in full force and effect the same as if the invalid provision had not been a part of this resolution.

EFFECTIVE DATE: This resolution shall be in full force and effect on and after its approval and passage.

PASSED AND APPROVED by the President and Board of Trustees of the Village of Sugar Grove, Kane County, Illinois on this 18th day of September, 2012.

P. Sean Michels, President of the Board
of Trustees of the Village of Sugar Grove,
Kane County, Illinois

ATTEST: _____
Cynthia Galbreath, Village Clerk,
Village of Sugar Grove

	Aye	Nay	Absent	Abstain
Trustee Robert Bohler	_____	_____	_____	_____
Trustee Kevin Geary	_____	_____	_____	_____
Trustee Rick Montalto	_____	_____	_____	_____
Trustee Mari Johnson	_____	_____	_____	_____
Trustee Thomas Renk	_____	_____	_____	_____
Trustee David Paluch	_____	_____	_____	_____

**VILLAGE OF SUGAR GROVE
BOARD REPORT**

TO: VILLAGE PRESIDENT & BOARD OF TRUSTEES
FROM: JUSTIN VANVOOREN, FINANCE DIRECTOR
SUBJECT: MONTHLY TREASURER'S REPORT
AGENDA: SEPTEMBER 18, 2012 REGULAR BOARD MEETING
DATE: SEPTEMBER 12, 2012

ISSUE

Should the Village Board approve the August 2012 monthly Treasurer's report.

DISCUSSION

The Summarized Revenue & Expense Reports are attached (pages 1 – 7). At August 31, 2012 we are through 4 months of the year (33.3%).

The General Fund revenues and expenditures are at 46.6% and 29.5%, respectively. The main reason for the revenues being higher than budgeted is the timing of receipt of property taxes. The main reason for the expenditures being lower than budgeted is many expenditures are attributable to the prior fiscal year, for which journal entries have already been made. The following expenditures have budget or actual amounts over \$5,000 and are higher than budget by 10% or more:

		<u>Budget</u>	<u>Actual</u>	<u>% Spent</u>	
01-51-6209	Uniform Allowance	14,000	8,418	60.2%	A
01-51-6301	Legal services	54,800	38,729	70.7%	B
01-51-6309	Other professional svc	9,750	8,479	87.0%	C
01-53-6609	Roadway maint sup	11,000	5,149	46.9%	D
01-54-6406	Repair, maint svc- bldg	14,000	14,255	101.8%	E
01-55-6309	Other professional svc	17,800	16,182	83.9%	F
01-56-6307	I.S. services	5,182	5,137	99.2%	G

- A Pol – This is due the timing of the purchase of bullet proof vests, which were a budgeted expenditure.
- B Pol – This is due to the timing of negotiations that took place with the Sergeants. This account is expected to be over budget.
- C Pol – This is due to the update of the Law Enforcement Manual.
- D Str – This is due to the timing of roadway maintenance throughout the year. This account is not expected to be over budget.

- E BM – This is related to carpet replacement costs. This expenditure was anticipated to take place last fiscal year, but was delayed until after April 30. Therefore, this account is expected to be over budget since it was not budgeted for in fiscal year 2012 – 2013.
- F CD – This is due to payment for the special event traffic study.
- G Fin – This is due the timing of payment for the Village’s financial software maintenance agreement.

Please note engineering invoices are paid approximately 2 months after services are provided. Thus, engineering services accounts in the General Fund, Infrastructure Fund, and Waterworks and Sewerage Fund will reflect a 2 month lag.

The General Capital Projects Fund revenues are at 6.3% and expenditures are at 19.7%. The revenues are low due to the timing of receipt of reimbursements the Mallard Point/Rolling Oaks project. The expenditures are low due to the timing of payments for the Mallard Point/Rolling Oaks project.

The Industrial TIF #1 Fund expenditures are at 100.0%. There are minor expenditures that were not been budgeted for this fiscal year.

The Industrial TIF #2 Fund expenditures are at 36.2%.

The Infrastructure Capital Projects Fund revenues are at 9.1% and expenditures are 5.8%. The revenues are low due to the timing of receipt of reimbursements for the various projects scheduled. The expenditures are low due to expenditures being attributable to the prior fiscal year, for which journal entries have already been made.

The Debt Service Fund revenues are at 29.5% and the expenditures are at 17.0%. The expenditures are low due to the timing of debt payments throughout the year.

The Waterworks and Sewerage Fund operating revenues and operating expenses are at 39.2% and 34.3%, respectively. The capital revenues and expenses are at 33.7% and 11.6%, respectively. The main reason for the expenses being high is the timing of debt payments throughout the year. The following expenses have budget or actual amounts over \$5,000 and are higher than budget by 10% or more:

		<u>Budget</u>	<u>Actual</u>	<u>% Spent</u>	
50-50-6307	I.S. Services	7,370	5,691	77.3%	H
50-50-8002	Debt – Principal	496,908	325,345	65.5%	I
50-50-8003	Debt – Interest	203,929	121,736	59.7%	J
50-59-6407	Repair, maint serv-veh	6,000	6,356	105.9%	K
50-60-6311	IEPA Water Sampling	10,000	6,185	61.9%	L

- H Adm – This is due to the timing of payment for the Village’s financial software maintenance agreement.

- I Adm – This is high due to the timing of debt payments throughout the year and will not exceed budget.
- J Adm – this is high due to the timing of debt payments throughout the year and will not exceed budget.
- K PW – This is due to the major repair of two trucks. This account will continue to be monitored.
- L Water Ops. – This is due to the timing of water sampling program. This is a budgeted item.

The Refuse Fund revenues and expenses are at 33.3% and 25.4%, respectively. The expenses are below expectations due to the timing of payments being made to Waste Management.

Staff projected and included 0 residential and 6 commercial, and 325 miscellaneous permits in the fiscal year 2012 – 2013 budget approved by the Village Board, which we will track throughout the fiscal year and report on. As of September 13, 2012, 0 of the residential, 0 of the commercial, and 137 of the miscellaneous permits have been issued. The following accounts will be included in each Treasurer’s Report to reflect the revenues from building activity:

	<u>Budget</u>	<u>Actual</u>	<u>% Earned</u>
01-00-3310 Building Permits	38,100	11,528	30.3%
01-00-3320 Cert of Occupancy Fees	600	0	0.0%
01-00-3330 Plan Review Fees	1,920	158	8.3%
01-00-3340 Reinspection Fees	1,215	480	39.6%
01-00-3350 Transition Fees	0	0	0.0%
01-00-3740 Zoning and Filing Fees	5,500	4,850	88.2%
01-00-3760 Review and Dev. Fees	106,600	33,405	31.4%
30-00-3850 Improvement Donations	0	0	0.0%
30-00-3851 Emerg Warn Device Fee	0	0	0.0%
30-00-3852 Life Safety-Police	0	0	0.0%
30-00-3853 Life Safety-Streets	0	0	0.0%
30-00-3856 Commercial Fee	0	0	0.0%
35-00-3854 Traffic Pre-emption Donate	0	0	0.0%
35-00-3855 Road Impact Fee	0	0	0.0%
50-00-3310 Meter Reinspections	960	80	8.4%
50-00-3670 Meter Sales	8,850	142	1.6%
50-01-3651 Water Tap-On Fees	17,403	0	0.0%
50-01-3652 Sewer Tap-On Fees	0	0	0.0%
50-01-3791 Fire Suppr Tap-On Fee	17,403	0	0.0%

COST

There are no direct costs associated with the monthly Treasurer’s report.

RECOMMENDATION

That the Board approve the August 2012 monthly Treasurer's reports.



VILLAGE OF SUGAR GROVE

ORDINANCE NO. 20120918

AN ORDINANCE DECLARING SURPLUS PROPERTY

PASSED BY THE PRESIDENT AND BOARD OF TRUSTEES
OF THE VILLAGE OF SUGAR GROVE, KANE COUNTY, ILLINOIS
THIS 18TH DAY OF SEPTEMBER, 2012.

PUBLISHED IN PAMPHLET FORM BY AUTHORITY
OF THE PRESIDENT AND BOARD OF TRUSTEES
OF THE VILLAGE OF SUGAR GROVE, KANE COUNTY, ILLINOIS
ILLINOIS, THIS 18TH DAY OF SEPTEMBER, 2012.

ORDINANCE NO. 20120918
AN ORDINANCE DECLARING SURPLUS PROPERTY

BE IT ORDAINED by the President and Board of Trustees of the Village of Sugar Grove, Kane County, Illinois, as follows:

WHEREAS, the Village of Sugar Grove is not a home rule municipality within Article VII, Section 6A of the Illinois Constitution and, pursuant to the powers granted to it under 65 ILCS 5/1-1 *et seq.*; and,

NOW, THEREFORE, BE IT ORDAINED by the President and Board of Trustees of the Village of Sugar Grove, Kane County, Illinois, as follows:

SECTION ONE:

That the corporate authorities find that it is no longer necessary or useful to, or for the best interests of the Village of Sugar Grove that the following items be retained by the Village. The following is hereby declared surplus personal property of the Village of Sugar Grove.

Serial Number	Description
11F6G81	Dell Optiplex GX520
13F6G81	Dell Optiplex GX520
41F6G81	Dell Optiplex GX520
70F6G81	Dell Optiplex GX520
71F6G81	Dell Optiplex GX520
3XV5F21	Power Edge 2600
FQSDN31	Dell Optilplex 270
2ZD6G81	Dell Optiplex GX520
CNGY419829	HP 4300TN Hyundai L90D 19" Monitor
CN57AT0385	HP ScanJet 8200
CN4C6T0459	HP ScanJet 8200 APC Personal Powercell APC Personal Powercell Fargo Pesona C11 Printer
MY255D3128	HP PSC 750 Printer
1VM3V61	Dell PowerEdge 2600 NetGear Mini Print Server

The corporate authorities of the Village of Sugar Grove hereby authorize the sale of the aforementioned personal property. The aforementioned personal property may be advertised for sale or may be donated to a not for profit agency. In the event that any such items are not sold they may be sold by public auction or other means without advertising the sale.

SECTION TWO: EFFECTIVE DATE

This ordinance shall be in full force and effect from and after its passage, approval and publication in pamphlet form as provided by law.

PASSED AND APPROVED by the President and Board of Trustees of the Village of Sugar Grove, Kane County, Illinois this 21st day of February, 2012.

P. Sean Michels,
President of the Board of Trustees
of the Village of Sugar Grove, Kane
County, Illinois

ATTEST: _____
Cynthia L. Galbreath,
Clerk, Village of Sugar Grove

	Aye	Nay	Absent	Abstain
Trustee Mari Johnson	___	___	___	___
Trustee Thomas Renk	___	___	___	___
Trustee Rick Montalto	___	___	___	___
Trustee Robert E. Bohler	___	___	___	___
Trustee David Paluch	___	___	___	___
Trustee Kevin M. Geary	___	___	___	___

**VILLAGE OF SUGAR GROVE
BOARD REPORT**

TO: VILLAGE PRESIDENT MICHELS & BOARD OF TRUSTEES
FROM: CYNTHIA L. GALBREATH, VILLAGE CLERK
SUBJECT: ORDINANCE DECLARING SURPLUS
AGENDA: SEPTEMBER 19, 2012 CONSENT AGENDA
DATE: SEPTEMBER 11, 2012

ISSUE

Should the Village surplus equipment that is no longer being utilized.

DISCUSSION

State Statute requires that all personal property owned by the Village that is to be replaced, has outlived its useful life or is no longer necessary to conduct Village business be declared surplus prior to disposal. At this time staff is requesting that computers and computer equipment be declared as surplus. The items to be declared are listed on the attached Ordinance.

The equipment is either outdated and/or no longer works. Staff considered recommending selling some of the items on e-bay or by others means. However due to the age of the equipment or functionality of the equipment the total worth is approximately \$20.00 and therefore the recommendation is to dispose of the equipment. The data has been erased and hard drives have been removed to insure that privacy protection laws are adhered to.

COSTS

There are no associated costs.

RECOMMENDATION

That the Village Board adopts Ordinance 20120918A, An Ordinance Authorizing the Disposal of Surplus Property.