

<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>
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Agenda
January 22, 2013
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
 - b. Presentation: Certificates of Appreciation
 - c. Appointment: Emergency Telephone System Board (ETSB)
6. Public Comment on Items Scheduled for Action
7. Consent Agenda
 - a. Approval: Minutes of the January 08, 2013 Meeting
 - b. Approval: Vouchers
 - c. Approval: Treasurer's Report
 - d. Ordinance: Regulating Vehicle Seizure and Impounding of Vehicles
8. General Business
 - a. Discussion: Windsor West Park Landscaping
 - b. Discussion: Refunding 2006A Bonds
 - c. Discussion: Age Based Residential Land Uses
9. New Business
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

Committee of the Whole Meeting
Cancelled

*The consent agenda is made up of items that have been previously discussed, non-controversial, or routine in subject matter 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*

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: RICHARD YOUNG, COMMUNITY DEVELOPMENT DIRECTOR
SUBJECT: DISCUSSION: AGE BASED RESIDENTIAL LAND USES
AGENDA: JANUARY 22, 2013 REGULAR VILLAGE BOARD MEETING
DATE: JANUARY 18, 2013

ISSUE

Should the Board develop a policy regarding the placement of Age Based Housing within the Village.

DISCUSSION

Home builders, developers and property owners continue to contact the Village about both the un-finished developments such as Hannaford Farm, Settlers Ridge and Meadowridge Villas, along with other undeveloped sites, inquiring as to what the Village would envision happening on these sites. Staff has continued to report back to those inquiring that the Village Board would like to focus on those areas that already have developed lots, taking into account what type of housing would best fit with the homes that have already been developed.

It's the desire of some of these developers, homebuilders and property owners to bring senior housing to the Village. Meadowridge Villas and Prairie Glen are already approved with age based housing. Other possible developments that have been reviewed and/or are being considered include the Hampstead Court Assisted Living Facility, which was near final approval until the developer put it on hold; and the Galena Boulevard Senior Apartments which are in a pre-application stage of discussion. While the project was eventually withdrawn, Board members will recall the Tadian proposal for a large active adult mixed housing development.

As you know, age based housing can take on many different forms. The following are some of the different types that are being developed in the Chicagoland area today:

- Age Targeted Detached Single Family Homes
- Age Targeted Attached Single Family Homes
- Age Restricted Detached Single Family Homes

- Age Restricted Attached Single Family Homes
- Age Restricted Condominiums
- Age Restricted Apartments
- Assisted Living Facilities
- Congregate Care Facilities
- Nursing Homes
- Alzheimer's Care Centers

The types of housing noted above are sometimes, but not always, part of a Retirement Community or Active Adult Community. There are Continuing Care Communities and other facilities that may be free standing or developed as a part of an office-park type campus.

As the Staff receives these calls regarding age based housing, it would be helpful for us to best reflect the desire of the Village Board with regards to these types of residential land uses.

Over the next few meetings, Staff would like to refresh the Board on the current age-based housing in the Village and present information about the different types of age based housing being proposed or suggested for Sugar Grove, along with information on those that are being developed in the Chicagoland area. During the discussion we will ask that you consider which types are appropriate for Sugar Grove and where these types of units should be placed within the Village.

COSTS

There is no direct cost associated with this item.

RECOMMENDATION

That the Board confirm a desire to discuss age based housing and the approach presented.



Appreciation and Recognition

of Outstanding Community Service

Sugar Grove Community

Whereas, the willingness of those who give assistance to charities and social services is a significant factor in enhancing the quality of life in our community; and,

Whereas, the Village of Sugar Grove is proud to be home to Between Friends Food Pantry, which plays an important role in enhancing lives in our community; and

Whereas, Between Friends depends on the support of the local businesses, organizations, and residents to further its mission; and

Whereas, the Village of Sugar Grove would like to recognize each and every resident, organization, and business for their donations of time, funds, and supplies to Between Friends Food Pantry.

Now, therefore, I, President P. Sean Michels and the Board of Trustees of the e Village of Sugar Grove do hereby wish to extend our appreciation to Between Two Friends and to all who donated time, funds, and supplies to Between Friends Food Pantry.

Dated this 22nd, day of January 2013.

President, P. Sean Michels

Trustee, Robert E. Bohler

Trustee, Mari Johnson

Trustee David Paluch

Trustee, Kevin M. Geary

Trustee, Rick Montalto

Trustee, Thomas Renk

*Attest: _____
Village Clerk, Cynthia L. Galbreath*



*Appreciation and Recognition
of Outstanding Community Service*

Engineering Enterprises, Inc.

Whereas, the willingness of those who give assistance to charities and social services is a significant factor in enhancing the quality of life in our community; and,

Whereas, the Village of Sugar Grove is proud to be home to Between Friends Food Pantry, which plays an important role in enhancing lives in our community; and

Whereas, Between Friends depends on the support of the local businesses, organization, and residents to further its mission; and

Whereas, the Village of Sugar Grove would like to recognize Engineering Enterprises, Inc. for their continuing support of and for their donation of building space for Between Friends Food Pantry.

Now, therefore, I, President P. Sean Michels and the Board of Trustees of the Village of Sugar Grove do hereby wish to extend our appreciation of Engineering Enterprises, Inc.

Dated this 22nd, day of January 2013.

President, P. Sean Michels

Trustee, Robert E. Bohler

Trustee, Mari Johnson

Trustee David Paluch

Trustee, Kevin M. Geary

Trustee, Rick Montalto

Trustee, Thomas Renk

*Attest: _____
Village Clerk, Cynthia L. Galbreath*



*Appreciation and Recognition
of Outstanding Community Service*

Jewel-Osco

Whereas, the willingness of those who give assistance to charities and social services is a significant factor in enhancing the quality of life in our community; and,

Whereas, the Village of Sugar Grove is proud to be home to Between Friends Food Pantry, which plays an important role in enhancing lives in our community; and

Whereas, Between Friends depends on the support of the local businesses, organizations and residents to further its mission; and

Whereas, the Village of Sugar Grove would like to recognize the support of our local Jewel-Osco for supporting the pantry's effort to insure that holiday meals were provided to the pantry.

Now, therefore, I, President P. Sean Michels and the Board of Trustees of the Village of Sugar Grove do hereby wish to extend our appreciation of the Sugar Grove Jewel-Osco Management and Employees for their efforts in assisting Between Friends to provide holiday meals.

Dated this 22nd, day of January 2013.

President, P. Sean Michels

Trustee, Robert E. Bohler

Trustee, Mari Johnson

Trustee David Paluch

Trustee, Kevin M. Geary

Trustee, Rick Montalto

Trustee, Thomas Renk

*Attest: _____
Village Clerk, Cynthia L. Galbreath*

**VILLAGE OF SUGAR GROVE
BOARD REPORT**

TO: VILLAGE PRESIDENT & BOARD OF TRUSTEES
FROM: CINDY GALBREATH, VILLAGE CLERK
SUBJECT: PROCLAMATIONS: RECOGNIZING COMMUNITY SERVICE
AGENDA: JANUARY 22, 2013 BOARD MEETING
DATE: FRIDAY, JANUARY 18, 2013

ISSUE

Should the Village of Sugar Grove recognize the outstanding community service performed for the benefit of Between Friends Food Pantry.

DISCUSSION

At the January 8, 2013 Board meeting the remarkable support of residents, businesses, and organizations of Between Friends Food Pantry was mentioned by the pantry's director, Melisa Taylor. President Michels requested proclamations be prepared on behalf of the Board in recognition of the outstanding volunteering spirit of the pantry volunteers, the donors, the businesses and the organizations.

In addition to the countless number of volunteers and those that donate funds, toys, and supplies there are three large donors that immediately come to mind. Engineering Enterprises, Inc. for the donation of space, giving the Pantry a "home", Jewel Food Stores for assistance in raising funds and donating supplies for holiday meals and Walgreens for donating immunizations for food pantry clients.

As I began to work on these proclamations it quickly became apparent that it was a daunting task and I felt fear that I might somehow forget someone, something, or someplace. However, I reminded myself that many who volunteer and/or donate prefer to remain anonymous or to just stay in the background and that volunteering comes from the heart, not the need to be recognized. That being said, as the Village Clerk and on behalf of the Village, we sincerely hope that all of you who volunteer and/or donate know your efforts are sincerely appreciated.

COSTS

There are no costs.

RECOMMENDATION

That the Village Board Proclaim their:

1. Appreciation of the Outstanding Community Service performed by residents, businesses and organizations.
2. Appreciation of the Outstanding Community Service performed by Engineering Enterprises, Inc.
3. Appreciation of Outstanding Community Service performed by the Sugar Grove Jewel-Osco.
4. Appreciation of Outstanding Community Service performed by the Sugar Grove Walgreens.



*Appreciation and Recognition
of Outstanding Community Service*

Walgreens

Whereas, the willingness of those who give assistance to charities and social services is a significant factor in enhancing the quality of life in our community; and,

Whereas, the Village of Sugar Grove is proud to be home to Between Friends Food Pantry, which plays an important role in enhancing lives in our community; and

Whereas, Between Friends depends on the support of the local businesses, organizations, and residents to further its mission; and

Whereas, the Village of Sugar Grove would like to recognize our local Walgreens for supporting Between Friends with its donation of immunizations.

Now, therefore, I, President P. Sean Michels and the Board of Trustees of the Village of Sugar Grove do hereby wish to extend our appreciation of the Sugar Grove Walgreens.

Dated this 22nd, day of January 2013.

President, P. Sean Michels

Trustee, Robert E. Bohler

Trustee, Mari Johnson

Trustee David Paluch

Trustee, Kevin M. Geary

Trustee, Rick Montalto

Trustee, Thomas Renk

*Attest: _____
Village Clerk, Cynthia L. Galbreath*

**VILLAGE OF SUGAR GROVE
BOARD REPORT**

TO: VILLAGE PRESIDENT & BOARD OF TRUSTEES
FROM: CINDY GALBREATH, VILLAGE CLERK
SUBJECT: APPOINTMENT: EMERGENCY TELEPHONE SYSTEM BOARD (ETSB)
AGENDA: JANUARY 22 REGULAR BOARD MEETING
DATE: FRIDAY, JANUARY 18, 2013

ISSUE

Should the Village of Sugar Grove make an appointment to the Emergency Telephone System Board (ETSB).

DISCUSSION

An appointment to serve as the Village's representative on the ETSB is needed. Typically the Chief of Police has been appointed to serve as the Village's representative. However, it is expected that in 2013 a Full-time Police Chief will be hired to replace Interim Police Chief, Ron Moser. Due to the impending change of staff, Chief Moser suggested to President Michels that he consider appointing Sergeant Tom Barna. This recommendation was made as Sergeant Barna would then have knowledge of the ETSB that he can share with the newly appointed Chief to help move the department into the future.

President Michels concurs with Chief Moser's suggestion to appoint Sergeant Barna as it would be in the best interest of the Village at this time. Should the Board desire to appoint the Chief of Police in the future this can be done at any time. This appointment is authorized by Village Code 1-8-6-C, which states that the mode of appointment is by President, subject to the advice and consent of the Board.

COSTS

There are no costs.

RECOMMENDATION

That the Village Board by consensus confirm the appointment of Sergeant Tom Barna as the Village of Sugar Grove representative to the Emergency Telephone System Board and direct Clerk Galbreath to notify the ETSB of the appointment.



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

Ordinance No. 20130122A

**An Ordinance Regulating
the Seizure and Impoundment of Vehicles
in compliance with 625 ILCS 5/11-208.7
for the Village of Sugar Grove,
Kane County, Illinois**

Adopted by the
Board of Trustees and President
of the Village of Sugar Grove
this 22nd day of January, 2013.

Published in Pamphlet Form
by authority of the Board of Trustees
of the Village of Sugar Grove, Kane County,
Illinois, this 22nd day of January, 2013.

ORDINANCE NO. 20130122A

**An Ordinance Regulating the Seizure and Impoundment of Vehicles in compliance with
625 ILCS 5/11-208.7
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 5-7-11 of the Village of Sugar Grove Code of Ordinances to regulate the seizure and impoundment of vehicles in compliance with 625 ILCS 5/11-208.7;

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 to Section 5-7-11

The Village Code of Ordinances Section 5-7-11 is hereby amended to read as follows:

5-7-11: SEIZURE AND IMPOUNDMENT OF VEHICLES AND ADMINISTRATIVE PENALTY

A. *Violations authorizing seizure.* Except as provided in subsection G, a motor vehicle, operated with the permission, express or implied, of the owner of record, that is used in connection with the violations set forth in A (1)-(7) below, shall be subject to seizure and impoundment by the village, and the owner of record of said vehicle shall be liable to the village for an administrative penalty in the amount of five hundred dollars (\$500.00), which shall be in addition to any towing and storage fees charged by the towing firm as provided herein. The administrative penalty shall be assessed to cover costs associated with the investigation, arrest and detention of an offender, or the removal, impoundment, storage, and release of the vehicle. It shall not be necessary for criminal charges to be filed, prosecuted, and/or proven in order to demonstrate that one or more of the following violations has/have been committed:

(1) A violation of:

- a. Driving with suspended or revoked license, 625 ILCS 5/6-303, except that vehicle shall not be subjected to seizure or impoundment if the suspension is for an unpaid citation (parking or moving) or due to failure to comply with emission testing.
- b. Driving under the influence of alcohol, drugs, any intoxicating compound or a combination of alcohol, drugs, or any intoxicating compound, 625 ILCS 5/11-501(a).
- c. When a motor vehicle is operated by a person against whom a warrant has been issued by a Circuit Court in Illinois, failing to answer charges that the driver violated (A)(1)(a) or (A)(1)(b) of the above or for a violation of 625 ILCS 5/6-101.
- d. Fleeing or attempting to elude a police officer, third or subsequent offense 625 ILCS 5/11-204(c).
- e. Aggravated fleeing or attempting to elude a police officer, 625 ILCS 5/11-204.1.
- f. Leaving the scene, after involvement in a motor vehicle accident involving death or personal injury, 625 ILCS 5/11-401.
- g. Reckless driving or reckless driving causing bodily harm to a child or school crossing guard, 625 ILCS 5/11-503 (a), (b), (b-1),(c) and (d).
- h. Aggravated reckless driving, 625 ILCS 5/11-503(c)
- i. Reckless driving causing great bodily harm or permanent disability or disfigurement to a child or a school crossing guard, 625 ILCS 5/11-503(d)
- j. Street racing, second or subsequent offense; pursuant to 625 ILCS 5/11-506.
- k. Aggravated street racing, 625 ILCS 5/11-506(d)(3)
- l. Illegal transportation of alcohol/driver, 625 ILCS 5/11-502(a).

(2) A violation of:

- a. Unlawful use of weapons, 720 ILCS 5/24-1.
- b. Unlawful use or possession of weapons by felons or persons in the custody of the Department of Corrections facilities 720 ILCS 5/24-1.1.
- c. Aggravated discharge of a firearm, 720 ILCS 5/24-1.2.
- d. Aggravated discharge of a machine gun or a firearm equipped with a device designed or used for silencing the report of a firearm 720 ILCS 5/24-1.2-5.

- e. Reckless discharge of a firearm, 720 ILCS 5/24-1.5.
- f. Aggravated unlawful use of a weapon, 720 ILCS 5/24-1.6.
- g. Unlawful Possession of firearms and firearm ammunition, 720 ILCS 5/24-3.1.
- h. Unlawful sale or delivery of a firearm

(3) A violation of:

- a. Indecent solicitation of a child, 720 ILCS 5/11-6;
- b. Aggravated assault, 720 ILCS 5/12-2;
- c. Aggravated Battery, 720 ILCS 5/12-3.05;
- d. Theft, 720 ILCS 5/16-1
- e. Theft of lost or mislaid property, 720 ILCS 5/16-2
- f. Theft of labor or services or use of property, 720 ILCS 5/16-3;
- g. Theft from coin operated machine, 720 ILCS 5/16-5;
- h. Tampering with communication services; theft of communication services, 720 ILCS 5/16-18;
- i. Retail Theft, 720 ILCS 5/16-25;
- j. Robbery, 720 ILCS 5/18-1;
- k. Armed Robbery, 720 ILCS 5/18-2;
- l. Burglary, 720 ILCS 5/19-1;
- m. Residential Burglary, 720 ILCS 5/19-3;
- n. Arson, 720 ILCS 5/20-1;
- o. Aggravated Arson, 720 ILCS 5/20-1;
- p. Possession of Explosives or Explosive or Incendiary devices, 720 ILCS 5/20-2;
- q. Criminal damage to property; 720 ILCS 5/21-1;
- r. Mob Action, 720 ILCS 5/25-1.

(4) The operation or use of a motor vehicle:

- a. In the commission of, or in the attempt to commit, a violation of the Cannabis control Act, 720 ILCS 550/1 *et seq.*;
- b. In the commission of, or in the attempt to commit, a violation of the Illinois Controlled Substance Act, 720 ILCS 570/100, *et seq.*; or
- c. While soliciting, possessing, or attempting to solicit or possess cannabis or a controlled substance, as defined by the Cannabis Control Act 720 ILCS 550/1 *et seq.*, or the Illinois Controlled Substance Act, 720 ILCS 570/100 *et seq.*

- (5) A violation of:
 - a. Prostitution, 720 ILCS 5/11-14
 - b. Solicitation of a sexual act, 720 ILCS 5/11-14.1
 - c. Promoting prostitution, 720 ILCS 5/11-14.3
 - d. Promoting juvenile prostitution, 720 ILCS 5/11-14.4
 - e. Patronizing a prostitute, 720 ILCS 5/11-18
 - f. Patronizing a juvenile prostitute 720 ILCS 5/11-18.1
- (6) The motor vehicle is otherwise subject to seizure and impoundment pursuant to 720 ILCS 5/36-1; or
- (7) A violation of 625 ILCS 5/6-10 (Drivers must have licenses or permits), except where the violation is for a license which has been expired for twelve (12) months or less, or for a license which is invalid because of curfew (as in the case of a graduated license).

B. *Imposition of Administrative Penalty.* The following shall apply to the administrative penalty imposed for costs pursuant to subsection A:

- (1) All administrative penalties and towing and storage charges shall be imposed on the registered owner of the motor vehicle or the agent of that owner.
- (2) The fees shall be in addition to
 - a. any other penalties that may be assessed by a court of law for the underlying violation; and
 - b. any towing or storage fees or both, charged by the towing company.
- (3) The administrative penalty shall be collected by the towing firm and paid to the Village within 10 days of payment being received by the towing firm.
- (4) The towing or storage fees, or both, shall be collected by and paid to the towing firm that tows and stores the impounded vehicles.
- (5) The towing firm shall keep detailed records regarding vehicles towed hereunder, rates charged, fees and penalties paid, and amounts received. Said records shall be available for inspection by the police department upon two (2) days request by the police department.

C. *Notice.* Whenever a police officer has probable cause to believe that a vehicle is subject to seizure and impoundment pursuant to this section, the police officer shall

provide for the towing of the vehicle to a facility authorized by the village. Before or at the time the vehicle is towed, the police officer shall notify any person identifying himself as the owner of the vehicle or any person who is found to be in control of the vehicle at the time of the alleged violation, of the fact of the seizure and of the vehicle and of owner's right to request an administrative hearing, as provided for in Subsection (D). Said vehicle shall be impounded pending the completion of the administrative hearing, unless the owner of the vehicle posts with the village a cash bond in the amount of \$500.00 and pays the towing and storage charges.

D. *Preliminary and Full Hearing.* The Police Chief shall designate from time to time a person within the police department as a preliminary hearing officer. Within 24 hours of any vehicle being seized and impounded pursuant to this section, if requested by any owner of record, lessee, or any lienholder of record, the police department shall conduct a preliminary hearing at which time said owner of record, lessee, or any lienholder of record may present any evidence said person desires which would demonstrate a defense to said seizure and impoundment. If the police department determines that said evidence supports such a defense, the police department may release said vehicle without further process. If the police department determines that said evidence does not support such a defense, then the police department shall deny said preliminary hearing and proceed as outlined in the remainder of this section.

Within ten days after a vehicle is seized and impounded pursuant to this section, the village shall notify by certified mail, return receipt requested, the owner of record, lessee, and any lienholder of record at the address which the interested party is registered with the Secretary of State, of the date, time, and location of the administrative hearing that will be conducted pursuant to this section. The initial administrative hearing shall be scheduled for not more than 45 days after the date the above notice is mailed. Notice by certified mail need not be given when the owner of record of the motor vehicle, any lessee and any lien holder of record have been personally served with notice, in written form, of the time, date and location of the hearing. The owner of record, any lessee, and any lienholder of record shall appear at a plea hearing and enter a plea of guilty or not guilty. If a plea of guilty is entered, the case will be disposed of at that time. If the owner of record, any lessee or any lienholder or record pleads not guilty, a final hearing shall be scheduled and held, unless continued by order of the hearing officer, no later than 45 days after the initial administrative hearing. All interested persons shall be given a reasonable opportunity to be heard at the hearing. At any time prior to the hearing date, the hearing officer may, at the request of either party, direct witnesses to appear and give testimony at the hearing. The formal rules of evidence will not apply at the hearing, and hearsay evidence shall be admissible only if it is the type commonly relied upon by reasonably-prudent persons in the conduct of their affairs. After the hearing, the hearing officers shall issue a written decision either

sustaining or overruling the vehicle impoundment. If the hearing officer determines by a preponderance of evidence that the vehicle was used in connection with a violation set forth in this section, the hearing officer shall enter an order finding the owner of record of the vehicle civilly liable to the village for an administrative penalty in an amount not to exceed five hundred dollars (\$500.00) and requiring the vehicle to continue to be impounded until the owner pays the administrative penalty to the village (or to the towing firm) plus fees to the towing firm for the towing and storage of the vehicle. If the owner of record, any lessee and any lienholder of record fails to appear at the hearing, the hearing officer shall enter a default order in favor of the village. If the hearing officer finds that no such violation occurred, the hearing officer shall order the immediate return of the owner's vehicle or cash bond without fees.

E. *Administrative penalty.* If an administrative penalty is imposed pursuant to this section, such penalty shall constitute a debt due and owing to the village. If a cash bond has been posted pursuant to this section, the bond shall be applied to the penalty. Unless stayed by a court of competent jurisdiction, any fine, penalty, or administrative fee imposed under this section which remains unpaid in whole or in part after the expiration of the deadline for seeking judicial review under the Administrative Review Law may be enforced in the same manner as a judgment entered by a court of competent jurisdiction. Except as provided otherwise in this section, a vehicle shall continue to be impounded until the penalty is paid to the village and any applicable towing and storage fees are paid to the towing firm, in which case possession of the vehicle shall be given to the person who is legally entitled to possess the vehicle or the vehicle is sold or otherwise disposed of to satisfy a judgment to enforce a lien as provided by law. If the vehicle is not retrieved within 35 days after an administrative hearing officer issues a written decision, the vehicle shall be deemed abandoned and shall be disposed of in the manner provided by law for the disposition of abandoned vehicles, as set forth in Article II, Chapter 4 of the Illinois Vehicle Code.

F. *Vehicle possession.*

- (1) Except as otherwise specifically provided by law, no owner, lien holder, or other person shall be legally entitled to take possession of a vehicle impounded under this section until the administrative penalty and fees applicable under this section have been paid. However, whenever a person with a lien of record against an impounded vehicle has commenced foreclosure proceedings, possession of the vehicle shall be given to that person if he or she agrees in writing to refund to the village the amount of the net proceeds of any foreclosure sale, less any amounts required to pay

all lien holders of record, not to exceed the administrative penalty, plus the applicable fees.

- (2) For purposes of this section, the "owner of record" of a vehicle is the record title holder as registered with the secretary of state, State of Illinois.

G. *General regulations.*

- (1) This section shall not replace or otherwise abrogate any existing state or federal laws or village ordinance pertaining to vehicle seizure and impoundment, and these penalties shall be in addition to any penalties that may be assessed by a court for any criminal charges.
- (2) This section shall not apply if the vehicle used in the violation was stolen at that time and the theft was reported to the appropriate police authorities within 24 hours after the theft was discovered.
- (3) Fees for towing and storage of a vehicle under this section shall be those approved by the chief of police for all towers authorized to tow for the police department.

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 22nd day of January 2013.

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 & BOARD OF TRUSTEES
FROM: RONALD A. MOSER, CHIEF OF POLICE
SUBJECT: AMENDMENT OF ORDINANCE REGULATING THE SEIZURE AND
IMPOUNDMENT OF VEHICLES IN COMPLIANCE WITH 625 ILCS 5/11-
208.7
AGENDA: JANUARY 22, 2013 BOARD MEETING
DATE: JANUARY 17, 2013

ISSUE

Should the Village/Board consider revising the ordinance regulating the seizure and impoundment of vehicles.

DISCUSSION

Section 5-7-11 of the Village of Sugar Grove Code of Ordinances currently allows for seizure and impoundment of vehicles. The Police Administration recommended that the ordinance be revised at the January 8, 2013 Board Meeting. At that time, the recommended amended ordinance was discussed by the Village Board. The Board gave direction to proceed with bringing forward an amended ordinance. The amended ordinance complies with changes made by the State of Illinois regarding the State Statute that governs vehicle impounds.

COST

The cost for the monthly administrative hearings is anticipated to be \$290.00 per month (\$3,480 annual) for legal services. This includes one hour at \$145 per hour for the Village Attorney and one hour at the same amount for the Administrative Hearing Officer. This will be budgeted to the Legal Services Fund, Account #01-51-6301.

Additionally, an annual amount of \$545.00 is budgeted for certified mailings (100 tows x \$5.45). This mailing cost will be budgeted to the Postage Fund, Account #01-51-6501. Therefore, the total estimated cost is \$4,025.00 (\$3,480 + \$545.00).

RECOMMENDATION

That the Board approve an ordinance, ordinance 20130122A, regulating the seizure and impound of vehicles in compliance with 625 ILCS 5/11-208.7 for the Village of Sugar Grove, Kane County, Illinois, subject to attorney review.

VILLAGE OF SUGAR GROVE, KANE COUNTY, ILLINOIS

General Obligation Bonds (ARS), Series 2013
(Outstanding S&P A+) For Refunding Series 2006A
1-8-13 Used Bernardi Yields of 1-3-13

Debt Service Comparison

Date	Total P+I	Existing D/S	Net New D/S	Old Net D/S	Savings
12/15/2013	215,527.47	389,767.50	605,294.97	616,630.00	11,335.03
12/15/2014	210,047.50	390,187.50	600,235.00	617,050.00	16,815.00
12/15/2015	599,522.50	-	599,522.50	621,862.50	22,340.00
12/15/2016	605,347.50	-	605,347.50	625,865.00	20,517.50
12/15/2017	600,472.50	-	600,472.50	629,057.50	28,585.00
12/15/2018	605,247.50	-	605,247.50	631,440.00	26,192.50
12/15/2019	609,322.50	-	609,322.50	633,012.50	23,690.00
12/15/2020	612,697.50	-	612,697.50	638,775.00	26,077.50
12/15/2021	620,372.50	-	620,372.50	643,525.00	23,152.50
12/15/2022	617,172.50	-	617,172.50	647,262.50	30,090.00
12/15/2023	618,180.00	-	618,180.00	649,987.50	31,807.50
12/15/2024	628,200.00	-	628,200.00	651,412.50	23,212.50
12/15/2025	637,140.00	-	637,140.00	676,812.50	39,672.50
Total	\$7,179,249.97	\$779,955.00	\$7,959,204.97	\$8,282,692.50	\$323,487.53

PV Analysis Summary (Net to Net)

Gross PV Debt Service Savings	271,499.78
Net PV Cashflow Savings @ 2.477%(AIC)	271,499.78
Contingency or Rounding Amount	809.63
Net Present Value Benefit	\$272,309.41
Net PV Benefit / \$5,575,000 Refunded Principal	4.884%
Net PV Benefit / \$5,575,000 Refunding Principal	4.884%

Refunding Bond Information

Refunding Dated Date	3/01/2013
Refunding Delivery Date	3/01/2013

RatingsDirect®

Summary:

Sugar Grove Village, Illinois; General Obligation

Primary Credit Analyst:

Lin Johnson III, Chicago (1) 312-233-7029; lin_johnson_iii@standardandpoors.com

Secondary Contact:

Kathryn Clayton, Chicago (1) 312-233-7023; kathryn_clayton@standardandpoors.com

Table Of Contents

Rationale

Outlook

Related Criteria And Research

Summary:

Sugar Grove Village, Illinois; General Obligation

Credit Profile

Sugar Grove Vill GO

Long Term Rating

A+/Stable

Affirmed

Rationale

Standard & Poor's Ratings Services affirmed its 'A+' long-term rating and underlying rating (SPUR) on Sugar Grove, Ill.'s general obligation (GO) bonds. The outlook is stable.

The ratings reflect our assessment of the village's:

- Participation in the diverse Chicago metropolitan area economy, particularly in the western suburbs;
- Very strong income and market value per capita indicators; and
- Very strong general fund balances paired with good financial management practices.

In our view, the village's moderately high overall net debt burden as a percentage of market value, financial pressures related to cyclical revenue streams, and elevated debt service carrying charges partly temper the preceding credit factors.

The village's series 2006A, 2008A, 2008B, and 2009 bonds are alternate revenue source bonds. Securing the series 2006A bonds is the village's pledge to pay debt service from its share of state income tax receipts, sales and utility tax revenues, impact fees, and other revenues. The village's pledge to pay debt service from revenues of its waterworks and sewerage system secure the series 2008A bonds. The village's pledge to pay debt service from motor fuel tax revenues secures the 2008B bonds. The village's pledge to pay debt service from its share of state income tax receipts and sales and utility tax revenues secured the series 2009 bonds. In addition, the village could levy an unlimited tax on all taxable property to pay debt service if pledged revenues are insufficient for each of the bond issues. Abatement of the debt service levy may only occur to the extent that funds to pay debt service are on deposit.

Sugar Grove serves an estimated population of 8,997 in Kane County and is located about 50 miles west of downtown Chicago and a few miles west of the City of Aurora (AA+/Stable GO debt rating). Residents have access to a wide variety of employment opportunities throughout the Chicago metropolitan area economy, particularly in Naperville (AAA/Stable GO debt rating), Aurora, and other western suburbs. Residents also can access downtown Chicago via commuter rail stations in nearby communities. The unemployment rate in Kane County was 9.0% as of April 2012, which was above the state's 8.7% and the nation's 8.1% rates. Income levels in the village are very strong, in our opinion, with median household effective buying income at 152% and 158% of state and national levels, respectively.

Despite recent declines in equalized assessed valuation (AV), we still consider the village's property tax base very strong. The village's property tax base consists primarily of residential (88%) and commercial (8%) properties. The village's AV has decreased by an annual average of 3.8% since levy year 2008 to \$292.1 million in levy year 2011.

Management attributes the decreased AV to declining home property values, but expects the housing market in the village to continue its recovery. Total estimated market value in levy year 2011 was \$876.3 million, or \$97,403 per capita, which we consider very strong.

In our view, the village's general fund balance is very strong. The village is subject to a levy cap equal to the lesser of 5% or the rate of inflation, excluding new construction. The village posted a \$6,000 general fund surplus after a \$280,000 transfer for street maintenance to the infrastructure capital project fund in fiscal year 2011, which boosted the unreserved general fund balance to \$1.4 million, or 39.7% of expenditures, which we consider very strong. The largest component of the revenue stream consists of utility, sales, telecommunication, and income taxes, accounting for 50% of the village's general fund revenues for fiscal year 2011. The other main source of general fund revenue is property taxes (34%). Management attributed the general fund surplus to higher-than-expected state use taxes, reimbursement by developers, and fee revenues and various cost-containment measures. Management indicates that the village adopted a general fund budget with an \$11,000 surplus for fiscal year 2012 and expects to produce a \$7,300 general fund surplus after a net transfer of about \$105,000. Officials attribute the projected surplus in fiscal year 2012 to lower-than-budgeted employees' health insurance costs. The village has budgeted a \$10,000 surplus for its general fund for fiscal year 2013.

Standard & Poor's changed its Financial Management Assessment (FMA) score of the village's management practices to "strong" from "good" under its FMA methodology due to the village's adoption of formal debt management and other policies. An FMA of "strong" indicates practices are strong, well embedded, and likely sustainable. The village has formalized a debt management policy, which caps GO debt outstanding at 8.625% of equalized AV. Also, management continues to use historical data trends for revenue and expenditure assumptions during the village's annual budgeting process. The village adopted a formal fund balance policy of maintaining general fund balance at 25% of expenditures, and the village continues to meet this fund balance goal.

We consider the village's overall net debt burden, excluding debt supported by water and sewerage revenues, to be high on a per capita basis, at \$6,772, and moderately high as a percent of market value, at 7.0%. Debt services carrying charges were 24.2% of total government funds expenditures minus total governmental funds capital outlays in fiscal year 2011, which we consider elevated. Amortization is, in our view, rapid, with about 73% of debt retired within 10 years and 100% within 20 years. Management indicates that the village has no additional debt plans in the immediate future.

The village participates in the Illinois Municipal Retirement Fund (IMRF) and Police Pension Fund. The village paid the full annual pension cost of \$123,751 to its IMRF plan for fiscal year 2011. The IMRF plan is 96.08% funded and has an unfunded actuarial accrued liability of \$97,546 as of Dec. 31, 2010. Also, the village contributed 100.12% of the annual pension cost of \$217,223 to the police pension plan for fiscal year 2011. The village's police pension fund is 51.37% funded with an unfunded actuarial accrued liability of \$1,759,535. The village also contributes to an other postemployment benefit (OPEB) plan, which is funded on a pay-as-you-go basis. Retirees pay the full premium to the OPEB plan. Most recently, in 2011, the village contributed \$14,714. As of the most recent valuation date, April 30, 2010, the village's unfunded actuarial accrued liability was \$313,119. The combined pension and OPEB contributions represented 5.7% of total governmental fund expenditures for fiscal year 2011.

Outlook

The stable outlook reflects our anticipation that the village will maintain very strong reserve levels, despite challenges related to the recent residential slowdown. If the village continues to maintain its very strong financial position and reduces its overall net debt burden and debt service carrying charges, we could raise the ratings. In addition, we believe the village's participation in the diverse Chicago metropolitan area economy further supports the stable outlook.

Related Criteria And Research

- USPF Criteria: GO Debt, Oct. 12, 2006
- USPF Criteria: Key General Obligation Ratio Credit Ranges – Analysis Vs. Reality, April 2, 2008

Ratings Detail (As Of July 10, 2012)

Sugar Grove Vill GO (AGM)		
<i>Unenhanced Rating</i>	A+(SPUR)/Stable	Affirmed

Sugar Grove Vill GO

<i>Unenhanced Rating</i>	A+(SPUR)/Stable	Affirmed
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Many issues are enhanced by bond insurance.

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McGRAW-HILL

**VILLAGE OF SUGAR GROVE
BOARD REPORT**

TO: VILLAGE PRESIDENT & BOARD OF TRUSTEES
FROM: JUSTIN VANVOOREN, FINANCE DIRECTOR
SUBJECT: DISCUSSION: REFUNDING OF GENERAL OBLIGATION ALTERNATE REVENUE SOURCE, SERIES 2006A
AGENDA: JANUARY 22, 2013 REGULAR BOARD MEETING
DATE: JANUARY 18, 2013

ISSUE

Shall the Board discuss refunding the General Obligation Alternate Revenue Source Bonds, Series 2006A.

DISCUSSION

Speer Financial has received a proposal from an underwriter to refund a portion of the 2006A General Obligation Alternate Revenue Source Bonds issued on June 28, 2006. The Village's debt administration policies adopted in July 2011 state, "The Village will consider the refunding of outstanding debt when at least a 3% present value savings can be obtained for an advance refunding and at least a 2% present value savings can be obtained for a current refunding, as long as it is beneficial to the Village."

An advance refunding is when new debt is issued to refinance existing debt (old debt) before the date the outstanding debt becomes due or callable. Proceeds of the advance refunding debt (new debt) are deposited in escrow with a fiduciary and used to redeem the underlying bonds (old debt) at their maturity or call date, to pay interest on the bonds being refunded (old debt), or to pay interest on the advance refunding bonds (new debt). The Series 2006A Bonds are callable on December 15, 2014. The Village would do an advance refunding where we issue the 2013 Bonds on March 5, 2013, place the proceeds in an escrow account, and the 2006A Bonds would be called and paid off in December 2014.

The attached report from Speer shows current savings of over \$323,000 (3.9%) and present value savings of over \$272,000 (3.3%). Staff feels it is the right time to consider the refunding because rates have been very good and have started to increase slightly over the past month. The actual savings will be determined on the day of issuance.

The Village will need to have a bond rating call with a rating agency in order to complete the sale of this bond. The Village's rating of A+/Stable was affirmed on July 10, 2012 by Standard & Poor's as shown in the attached Rating Summary.

COST

The Village has not incurred any costs to date. The cost to issue the refunding bonds of approximately \$45,000 will be taken out of the proceeds of the 2013 Bonds. The Village will not incur any costs unless these bonds are issued.

RECOMMENDATION

That the Board discuss refunding the General Obligation Alternate Revenue Source Bonds, Series 2006A.

**VILLAGE OF SUGAR GROVE
BOARD REPORT**

TO: VILLAGE PRESIDENT & BOARD OF TRUSTEES
FROM: JUSTIN VANVOOREN, FINANCE DIRECTOR
SUBJECT: MONTHLY TREASURER'S REPORT
AGENDA: JANUARY 22, 2013 REGULAR BOARD MEETING
DATE: JANUARY 14, 2013

ISSUE

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

DISCUSSION

The Summarized Revenue & Expense Reports are attached (pages 1 – 8). At December 31, 2012 we are through 8 months of the year (66.7%).

The General Fund revenues and expenditures are at 83.5% and 60.5%, respectively. The main reason revenues are higher than budgeted is due to the timing of receipt of property taxes. In addition, state income tax is expected to be higher than budgeted by \$84,000 while the telecommunications tax is expected to be lower than budgeted by \$20,000. 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>	
01-51-6102	Overtime	58,927	57,572	97.7%	A
01-51-6104	Salaries- Part-time	54,983	45,996	83.7%	B
01-51-6209	Uniform Allowance	14,000	12,953	92.6%	C
01-51-6301	Legal services	54,800	51,040	93.2%	D
01-51-6309	Other professional svc	9,750	55,203	566.1%	E
01-51-6500	General Equipment	2,000	5,952	297.5%	F
01-51-6603	Specialized Supplies	4,975	5,297	106.4%	G
01-53-6405	Repair, Maint Svc.-ROW	30,524	30,908	101.2%	H
01-53-6603	Specialized Supplies	5,500	4,512	82.1%	I
01-53-6609	Roadway Maint sup	11,000	12,512	113.7%	J
01-53-6617	Vehicle Maint. Supplies	10,000	8,443	84.5%	K
01-54-6406	Repair, Maint Svc- bldg	14,000	18,167	129.7%	L
01-55-6301	Legal Services	52,000	41,893	80.6%	M
01-55-6309	Other professional svc	17,800	22,100	124.1%	N

01-56-6302	Audit Services	10,600	10,617	100.1%	O
01-56-6307	I.S. services	5,182	5,137	99.2%	P

- A Pol – This is due to officers out on disability, as well as training for staff. This cost is expected to level off as the Village has added 5 part-time officers to the Police Department.
- B Pol – This is due the 4 part-time officers added to the Police Department. It is expected for this item to be over budget.
- C Pol – This is due the timing of uniform allowances and the purchase of bullet proof vests. These were budgeted expenditures and this account is not expected to be over budget.
- D Pol – This is due to the timing of negotiations that took place with the Sergeants. This account is expected to be over budget.
- E Pol – This is related to contractual costs of temporary personnel.
- F Pol – This is due to the purchase of an in-car video system. This is not a budgeted item however the Village will be offsetting this expense with funds from DUI funds.
- G Pol – This is due to the purchase of additional supplies required for the new departmental training. This account will continue to be monitored.
- H Str – This is due to 2 street light replacements which were damaged by vehicles.
- I Str – This is due to the seasonal purchase of mosquito control chemicals which was a budgeted item.
- J Str – This is due to the timing of roadway maintenance throughout the year. This account will continue to be monitored.
- K Str – This is due to hydraulic repairs of the Village’s bucket truck. This account will continue to be monitored.
- L 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.
- M CD – This is due to legal costs associated with development some of which will be reimbursed. This account will continue to be monitored.
- N CD – This is due to payment for the special event traffic study. The Village is the recipient of a Kane County Grant to help offset the cost associated with the traffic study.
- O Fin – This is due to the timing of payments which coincide with the filing of the audit.
- P 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 Capital Projects Fund, and Waterworks and Sewerage Fund will reflect a 2 month lag.

The General Capital Projects Fund revenues are at 111.9% and expenditures are at 77.7%. The revenues and expenditures are high due to the receipt of funds from Kane

County and payment of vendors associated with the Mallard Point and Rolling Oaks drainage 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 48.9%.

The Infrastructure Capital Projects Fund revenues are at 20.5% and expenditures are 26.1%. The revenues are low due to the timing of receipt of reimbursements for the various projects scheduled. The expenditures are low due to projects not being billed or not starting yet this fiscal year.

The Debt Service Fund revenues are at 70.8% and the expenditures are at 100.0%. The expenditures are high due to the timing of debt payments throughout the year.

The Waterworks and Sewerage Fund operating revenues and operating expenses are at 74.5% and 57.6%, respectively. The capital revenues and expenses are at 69.6% and 49.1%, respectively. The operating revenue is high due to the higher usage during the drought this summer. The capital expenses are low due to projects not being billed or not starting yet this fiscal 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>	
50-50-6302	Audit Services	10,600	10,617	100.1%	Q
50-50-6307	I.S. Services	7,370	6,192	84.1%	R
50-50-8003	Debt – Interest	203,929	170,696	83.7%	S
50-59-6313	Scada Services	8,000	9,439	117.9%	T
50-59-6407	Repair, Maint Svc.-Veh	6,000	11,138	185.6%	U

- Q W&S Adm – This is due to the timing of payments which coincide with the filing of the audit.
- R W&S Adm – This is due to the installation and monthly hosting of iConnect (for online utility billing). This was not a budgeted item, but was discussed with the Board prior to installation. The account will be over budget for the year.
- S W&S Adm – This is due to the timing of payments for debt. Payments are budgeted; this account is not expected to be over budget.
- T PW – This is due to equipment replacement at Well 8, this was not a budgeted item and this account will continue to incurs expenses associated with Scada Services.
- U PW – This is due to multiple unforeseen repairs of the Villages’ fleet. This account will continue to be monitored.

The Refuse Fund revenues and expenses are at 66.6% and 58.7%, 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 January 14 2013, 4 of the residential, 3 of the commercial, and 200 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	27,538	72.3%
01-00-3320 Cert of Occupancy Fees	600	800	133.3%
01-00-3330 Plan Review Fees	1,920	1,162	60.6%
01-00-3340 Reinspection Fees	1,215	800	65.9%
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	74,387	69.8%
30-00-3850 Improvement Donations	0	1,700	100.0%
30-00-3851 Emerg Warn Device Fee	0	0	0.0%
30-00-3852 Life Safety-Police	0	913	100.0%
30-00-3853 Life Safety-Streets	0	913	100.0%
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	13,980	100.0%
50-00-3310 Meter Reinspections	960	160	16.7%
50-00-3670 Meter Sales	8,850	5,800	65.6%
50-01-3651 Water Tap-On Fees	17,403	18,831	108.2%
50-01-3652 Sewer Tap-On Fees	0	3,691	100.0%
50-01-3791 Fire Suppr Tap-On Fee	17,403	5,801	33.4%

COST

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

RECOMMENDATION

That the Board approve the December 2012 monthly Treasurer’s reports

**VILLAGE OF SUGAR GROVE
BOARD REPORT**

TO: VILLAGE PRESIDENT & BOARD OF TRUSTEES
FROM: RICH YOUNG, COMMUNITY DEVELOPMENT DIRECTOR
MIKE FERENCAK, VILLAGE PLANNER
SUBJECT: DISCUSSION: PROPOSED CHANGES TO APPROVED WINDSOR
WEST LANDSCAPE PLAN
AGENDA: JANUARY 22, 2012 REGULAR MEETING
DATE: JANUARY 18, 2013

ISSUE

Should the Village allow the proposed changes to the Board approved Windsor West Landscape Plan.

DISCUSSION

The Windsor West development was approved by PUD Ordinance 2003-0401 and the Final Plat and Plans were approved by Resolution 2003-0819B. The Final Landscape Plan was a condition to that Resolution and includes conventional plantings (trees, shrubs, grass) and prairie plantings in various common areas. The central common area (Lot 185, "Hampstead Park") was primarily designed to be an active park space (as opposed to a passive natural area). All common areas are owned and maintained by the Homeowners' Association (HOA).

In 2009, the HOA proposed transferring ownership of Lot 185 to the Sugar Grove Park District (Park District). The primary reason the HOA wanted to transfer Lot 185 was to avoid long term maintenance and liability costs. Before the transfer could take place, the HOA needed prior Village approval due to a requirement in the Declarations for the subdivision. The Park District required that the HOA pay a "transfer fee" to the Park District to bring the site up to Park District standards before the Park District would take ownership. In addition, the HOA and Park District wanted to reconfigure the prairie planting locations to relocate them away from the nearby homes to a more central part of the lot which was originally designed for active use.

In response to that request, the Village approved Resolution 20090616CD1 (attached) allowing the transfer of Lot 185 to the Park District subject to certain conditions. The Resolution found that the planned landscaping, including the relocation of the prairie plantings, was an incidental field change. Staff received a Landscape Plan dated May 4, 2010 which was consistent with the agreed-to changes. The existing prairie plantings were removed by the HOA in the summer of 2010. However the replacement prairie plantings were never installed. Staff pursued their installation with the HOA, but efforts were unsuccessful. The HOA also did not transfer the property, nor pay the Park District the "transfer fee".

The HOA Board has changed hands several times over the last few years and hired a new property manager in 2011. In the early part of 2012, staff communicated the history of the site with the property manager. The new property manager agreed to install the prairie plantings per the May 4, 2010 plan.

By mid-2012, the property manager had more discussions with the HOA Board and they decided they did not want to transfer Lot 185 to the Park District since they did not have the ability to pay the “transfer fee”.

Further, some of the HOA Board members, the property manager, and their attorney met with staff on October 1, 2012 and requested that the HOA not be required to add the never-installed prairie plantings that were required as replacements for those removed in 2010. At this meeting staff stated that a letter from the HOA board which confirmed that most Windsor West residents do not want prairie plantings on Lot 185 would need to be presented to the Village Board for review if they wanted to pursue this request.

Staff received a letter from the Windsor West Community Association (the HOA) on December 21, 2012 which states a majority of those responding to the survey wanted to leave Lot 185 as is (with turf grass only).

At this time, the Village Attorney is currently researching whether the appropriate documents are in place to continue to ensure the Village maintains a right to acquire Lot 185 in the future if it remains in the HOA’s ownership.

The following items are attached for your information:

1. December 21, 2012 HOA letter with attached Landscape Plan dated January 28, 2009
2. Resolution Approving the Transfer of Lot 185 (Resolution 20090616CD1)
3. June 16, 2009 Staff Report to Village Board
4. April 7, 2009 Staff Report to Committee of the Whole

Please note that the Landscape Plan attached to the HOA letter is a 2009 plan showing how the prairie plantings were intended to change from being around the outer edge of Lot 185 (labeled EXISTING) to the central part of Lot 185 (labeled PROPOSED). The PROPOSED is a simplified version of the May 4, 2010 approved plan (not attached). The entire Lot 185 is turf grass at this time. The prairie plantings were never installed.

While staff still supports the plan to relocate the prairie plantings as agreed to in 2009, we also support the evolving Village policy that has recently allowed HOA’s self-determination regarding the interior common space. Under this policy, the HOA would be allowed to amend the landscaping of Lot 185 to their liking as long as any and all other regulations, such as stormwater management, are met.

Whether or not the HOA wants to persue transfer of lot 185 to the Park District, and whether or not the Park District is willing to accept it and under what conditions, is an issue between the HOA

and Park District. The conditions of the 2009 Resolution authorizing the transfer regarding Village option and easements stand.

COST

There are no costs associated with this item at this time.

RECOMMENDATION

That the Committee of the Whole confirm the policy of HOA self-determination of interior common area landscaping (that the entire Lot 185 be left in its current state, covered in turf grass), and direct staff to place approval on an upcoming agenda, if formal approval is required.

WINDSOR WEST COMMUNITY ASSOCIATION

c/o Associating Partners, Inc.
25W560 Geneva Road, #16
Carol Stream, IL 60188

December 21, 2012

Village Board
Village of Sugar Grove
10 Municipal Drive
Sugar Grove, Illinois 60554

RE: Landscape Plan – Hampstead Park
Windsor West Community Association

Dear Trustees:

The Board of Directors of the Windsor West Community Association is requesting approval of a change to the landscaping plan for the Association.

The existing plan for Hampstead Park (Lot 185) shows Upland Prairie covering approximately 1/3 of the south end of the center of the lot. The Board of Directors solicited input from the 247 Association members regarding their preference for leaving the park as is, with grass, or removing the grass and installing the upland prairie, per plan.

Sixty one homeowners responded. Sixty indicated they wanted to leave the park “as is” with grass. They expressed concern about experience with rodents living in the prairie grasses as well as interest in the open space being available for children to play. Some of the comments:

“Taking 1/3 of the open space for prairie grass would make the park much less usable for kids that want to fly a kite, play football, soccer, or baseball, etc. in the park”

“Prairie grass is extremely unattractive and attracts bugs and critters”

“Prairie grasses have their place in Bliss Woods, but not in the community parks”

“Our family prefers the open space and the grass”

In addition to the preference of the homeowners to keep the grass, the Association operates on a very limited budget. It does not have the money to remove the grass and install upland prairie. This would require a special assessment to the homeowners for something they do not want.

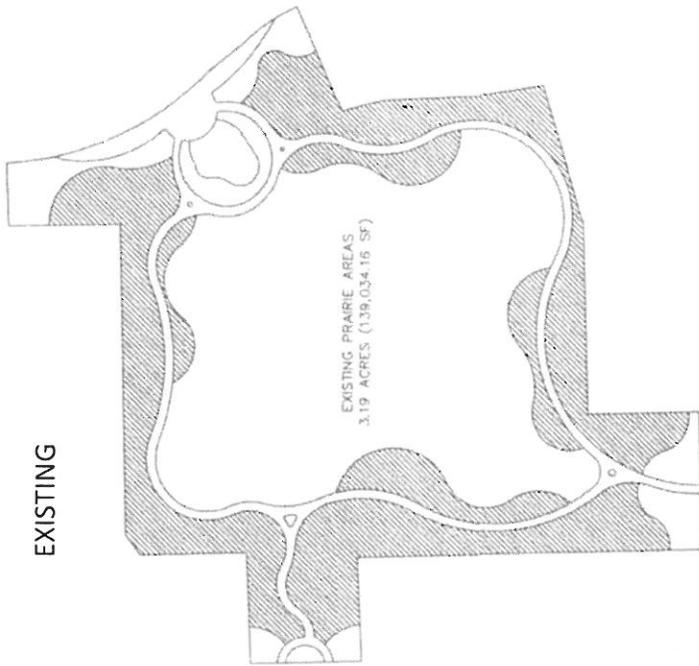
The Board of Directors appreciates your consideration and asks that you approve the landscaping plan for Lot 185 in the Windsor West Community Association as it currently exists.

If you have any questions, please contact our Association Manager, Linda Wischnowski, at 630-653-7782 X7004 or linda@associationpartnersinc.com. Please let her know if you need additional information.

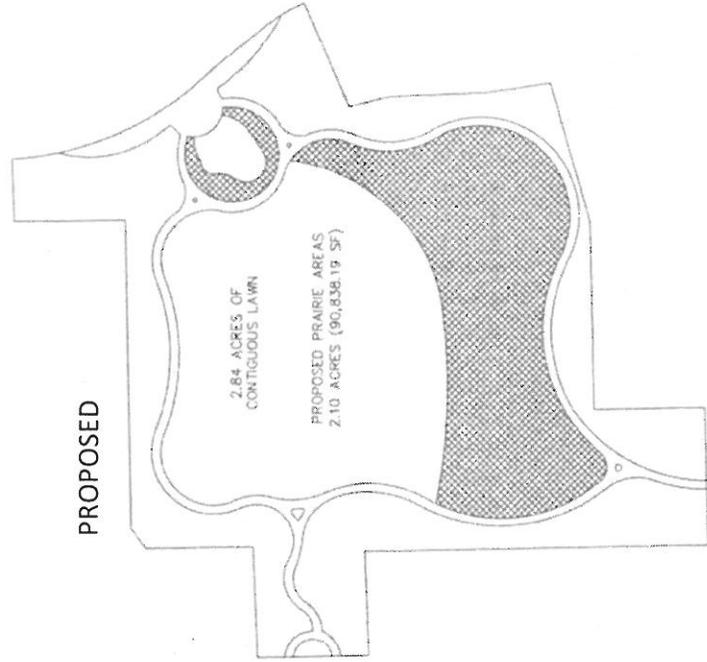
Sincerely,

Board of Directors
Windsor West Community Association

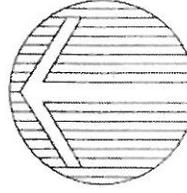
EXISTING



PROPOSED



NORTH



HAMPSTEAD PARK

WINDSOR WEST HOA
SUGAR GROVE, IL

107189-00-WINW

ECOLOGIST: Amber Address

01/28/2009

PROPOSED PRAIRIE AREAS

EXISTING – 3.19 ACRES

PROPOSED – 2.10 ACRES



Pizzo & Associates, Ltd.
ECOLOGISTS AND LANDSCAPE ARCHITECTS

CORPORATE OFFICE
10779 Pine Wood Island, IL 60531
P. 815.495.2200 F. 815.498.4406

MICHIGAN OFFICE:
19918 School & Road Three Oaks, MI 49128
P. 269.756.3607

www.pizzo.info

Please Note: No Trees Will Be Removed.



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

Resolution NO. 20090616CD1

**A Resolution approving the transfer of Lot 185
from the Windsor West Community Association
to the Sugar Grove Park District (subject to continuing conditions)
for the Village of Sugar Grove,
Kane County, Illinois**

Adopted by the
Board of Trustees and President
of the Village of Sugar Grove
this 16th day of June, 2009.

Published in Pamphlet Form
by authority of the Board of Trustees
of the Village of Sugar Grove, Kane County,
Illinois, this 16th day of June, 2009.

RESOLUTION NO. 20090616CD1

**A Resolution approving the transfer of Lot 185
from the Windsor West Community Association
to the Sugar Grove Park District (subject to continuing conditions)
for the Village of Sugar Grove,
Kane County, Illinois**

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 Windsor West Community Association has requested that the Village approve the transfer of a certain lot (185) in its subdivision to the Sugar Grove Park District; and,

WHEREAS, the Village is (subject to restrictions) willing to approve said transfer and also finds that the proposed landscaping by the Park District for said site is an incidental field change pursuant to the approved P.U.D. for said Subdivision,

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: TRANSFER OF LOT 185 OF WINDSOR WEST SUBDIVISION

Demand is hereby made to the Windsor West Community Association pursuant to Section 2.15 of the Windsor West Amended and Restated Declaration of Easements, Covenants, Conditions and Restrictions for the Windsor West Community Association as follows:

That the property legally described on Exhibit A hereto (attached and incorporated by reference) be transferred to the Sugar Grove Park District subject to the following restrictions being added to said Exhibit A property (by deed restriction or separate easement provision):

Restrictions:

- 1) The Village of Sugar Grove shall have a permanent no-cost option to acquire said Lot 185 upon written notice from the Village of Sugar Grove to the Sugar Grove Park District; and,
- 2) A blanket easement shall be granted to the Village of Sugar Grove over the entirety of said lot 185 for purposes of utility improvements and work, storm water maintenance (should the Village choose to do maintenance at its option), landscaping maintenance (should the Village choose to do maintenance at its option), Village staff and public access, and such other and further uses as deemed appropriate at the time such easement rights are exercised by the Village.

Said deed and restrictions shall be prepared by the Windsor West Community Association. The language of said deed and restrictions shall be approved (prior to execution and transfer by the Windsor West Community Association) by the Village Attorney. Windsor West Community Association shall further provide evidence of title to the Village for its review and approval.

SECTION TWO: GENERAL PROVISIONS

REPEALER: All resolutions or portions thereof in conflict with this resolution are hereby repealed.

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, 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 16th day of June, 2009.

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



ATTEST: Cynthia L. Welsch
 Cynthia L. Welsch
 Clerk, Village of Sugar Grove

	Aye	Nay	Absent	Abstain
Trustee Mari Johnson	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Trustee Thomas Renk	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Trustee Rick Montalto	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Trustee Robert E. Bohler	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Trustee Melisa Taylor	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Trustee Kevin M. Geary	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

EXHIBIT A

LOT 185, IN WINDSOR WEST UNIT 1, BEING A SUBDIVISION OF THAT PART OF THE NORTHWEST ¼ OF SECTION 16, TOWNSHIP 38 NORTH, RANGE 7 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT RECORDED OCTOBER 29, 2003 AS DOCUMENT NUMBER 2003K192456, IN SUGAR GROVE, KANE COUNTY, ILLINOIS.