

**July 16, 2019
Board Meeting
Village of Sugar Grove
6:00 PM**

President Michels opened the meeting at 6:00 PM and asked that Trustee Lendi lead the Pledge. The roll was then called.

Present: President Michels, Trustee Lendi, Trustee Herron, Trustee Montalto, Trustee Walter, Trustee Konen and Trustee Koch

Quorum Established.

Also Present:

Administrator Eichelberger, Clerk Galbreath, Chief of Police Rollins, Public Works Director Speciale, Community Development Director Magdziarz, Attorney Julien, Streets and Properties Supervisor Payton, and Senior Management Analyst Murphy.

PUBLIC HEARINGS

None.

APPOINTMENTS AND PRESENTATIONS

None.

PUBLIC COMMENTS

President Michels read the agenda items and the called for comments on those items on the agenda.

At this time Mr. Morelli requested that the Board amend the minutes of the July 2 meeting as he felt that the information presented in the minutes was misleading and gave a false impression to the Press and Public regarding the Crown project. He further stated that he felt one audience member was given more attention than another on the Crown Project. He stated that 450 people showed up to oppose Crown and that therefore the minutes are giving a false impression of the public opinion on Crown.

Another audience addressed the Board concerning the 2019 sidewalk program. She presented information on the ADA and compliance with the ADA. She further stated that she herself had not understood nor had even thought about being able to access buildings, events, room etc. until she had a need due to a degenerative disease. She asked that the Board consider her needs and those of others and move forward as quickly as possible in updating all crosswalks and sidewalks to comply with ADA. It shall be noted that the speaker gave her name however due to the noise in the room from the audience it was not heard by the clerk. However, it is noted that she lives in Mallard Point and has no ADA ramps on her street.

Joe Wolf stated that his comments at the July 2 meeting were not about Crown simply about encouraging development to come. He stated he wants the Village to control development and not another Municipality. He apologized to the Trustees if his

comments were taken wrong and stated that he is not responsible for what the paper prints.

Another Audience member stated that the Crown Development would not be good for the Village, it would bring bad air, trucks and that the people have spoken and are not in favor of it. He asked for updates on the timing of when Crown would be back. President Michels stated there is no scheduled public meetings, nor indications from Crown that they are bringing back a project. Currently they are meeting individually with Board members to try to determine if a project is feasible.

Hearing no further comments President Michels closed this portion of the agenda.

CONSENT AGENDA

- a. Approval: Minutes of the July 2, 2019 Meeting
- b. Approval: Vouchers
- c. Approval: Treasurer's Report
- d. Resolution: Authorizing a Settlement Agreement for Land Acquisition - STAR
- e. Resolution: Review and Release of Closed Session Minutes

Trustee Herron **moved to Approve the Consent Agenda as presented.** Trustee Montalto seconded the motion. President Michels then called for a roll call vote.

AYE:	Konen	NAY:	None	ABSENT:	None
	Herron				
	Walter				
	Lendi				
	Koch				
	Montalto				

Motion Carried.

GENERAL BUSINESS

None.

DISCUSSION ITEMS

2019 Sidewalk Program

President Michels thanked staff for a great memo that includes good information.

Director Speciale stated that the requests for sidewalk repairs have been increasing including a request to improve ADA access in the Mallard Point subdivision. Common defects include trip hazards, spalling, settling and tree root conflicts. Staff completes inspections of sidewalks as requests are received and also completes an inspection of the entire Village every 3 years. The Village is divided into 3 sections based on a geographic area and an inspection is completed on a rotating basis based in these areas.

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Commercial and school zones are inspected annually. The Village currently budgets \$10,000 annually for sidewalk work including offering a 50/50 Cost Sharing Program with a maximum participation level of \$2,500 and General Repairs for \$7,500. The Village currently employs replacement of sidewalks and trip hazard mitigation (shaving the sidewalk) utilizing the funds provided.

In 2014 the Federal Government instituted revised ADA Compliance guidelines that the State adopted. The adoption by the State tied the release of Federal Funds to having met certain requirements of the new standard. The Village was required to inventory all ADA ramps within the Village that did not meet the new standard. This was completed in 2018 and almost none of our ADA ramps are in compliance with the exception of those replaced as part of the MFT / Road Program since 2016. With all the changes in ADA requirements and the increased calls for repairs, Staff decided it was time to revisit the Sidewalk Program and put together preliminary costs based on the last 3 years of inspections and the ADA ramp inventory.

Staff presented a breakdown of those costs by subdivision:

<u>SUBDIVISION:</u>	<u>SIDEWALKS:</u>	<u>ADA RAMPS</u>
East Side of Town / Chelsea Meadows - \$162,040:	\$114,840	\$47,200
West Side of Town - \$144,875:	\$87,275	\$57,600
Mallard Pointe / Rolling Oaks - \$48,302:	\$21,677	\$26,625
Black Walnut / Windstone - \$196,598:	\$86,998	\$109,600
Walnut Woods - \$10,065:	\$10,065	-
Meadowridge Villas - \$23,510:	\$4,310	\$19,200
Bliss Woods - \$59,500:	\$11,500	\$48,000
Windsor Pointe - \$68,938:	\$12,938	\$56,000
Windsor West - \$59,188:	\$7,188	\$52,000
Settler's Ridge - \$1,150:	\$1,150	-
Prairie Glen - \$0	-	-

These costs are only preliminary and may fluctuate as field conditions change. The costs are limited to the repair of existing sidewalks. There are areas of the Village that do not have sidewalks on either one or both sides of the street.

The Village is mandated to make ADA compliant sidewalk repairs in conjunction with most road repair projects. The Village is also required to maintain a sidewalk inventory and have a plan to address deficiencies. There is not a firm date by which all ADA repairs must be made. At this time the highest priority remains within available funding is to address known trip hazards.

Current law allows the Village to make sidewalk repairs/installation in a geographic area and charge the cost to the property owners through a Special Assessment. The Village has not used this option in the past.

The East Side, West Side and Black Walnut / Windstone have the sidewalks in the worst condition. However, all subdivisions need repairs. The Village has recently completed trip

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hazard mitigation in Mallard Point and sections of Chelsea Meadows along with repairs in various location throughout the Village. The ADA Ramps in Walnut Woods were completed with 2019 MFT / Road Program.

For 2019 staff is recommending that trip hazards remain a top priority with any remaining funds used to address ADA ramp concerns in Mallard Point.

Trustee Montalto stated that although ADA was updated in 1991, the Mallard Point Subdivision had its infrastructure in before that time. He gave some history on the subdivision in order to bring all up to date as to why Mallard Point crosswalks are not all ADA compliant.

Trustee Lendi asked if there was a way that the Village could pinpoint the areas that have a higher need for the Village to put in ADA compliant crosswalks. Trustee Koch asked that the Village set as a goal a time to be totally compliant.

President Michels asked that anyone who knows of an area that needs attention to please contact Public Works.

The Board discussed the sidewalk program and approved it to move forward as presented for 2019. How to address achieving total compliance will be discussed at budget time.

Open Burning Regulations

Chief Rollins presented to the Board information on Open Burning regulations of the Village, Kane County and other communities as previously requested. He also noted that most homeowners' associations do not permit burning of landscape material in their subdivisions as a part of their covenants.

A number of residents have contacted various village departments and Board members requesting changes be made to the open burning regulations. Residents have raised concerns for their health and safety and expressed concerns with the risks associated with permitting open burning of landscape material. These residents are looking for relief and ask that the Village Board consider amending the Open Burning Ordinance. Concerns include:

- Smoke that drifts onto their property and enters their homes via air intakes, open windows and doors.
- Inability to leave their windows open, go to work or run an errand for the day, as upon return they come home to a house that smells and some filled with smoke from someone down the block burning.
- Having to dry clean their clothing hiring services to rid the smell from their furniture and belongings caused by the leaf burning of their neighbors.
- Feeling trapped in their home as they have health issues and go outside to enjoy their own property during the time neighbors burn these types of materials.

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Some residents however, have spoken in favor of keeping the Open Burning Ordinance as is. Typically, these residents have stated that the cost of bagging leaves and the labor involved would be to excessive. Residents have also requested that the Village consider a leaf pickup program.

The following options are suggested for discussion:

1. No Change to the Ordinance.
2. Minor changes to the Ordinance:
 - a. Permit burning however require the material to be placed in a contained built ring or fire pit not to exceed a certain diameter. This would help the concerns of the fire spreading.
 - b. Require that a fully functioning water hose is within 10 feet of the open burning with the hose line charged.
 - c. Require that a responsible person is outside any structure within 25 feet of the open burning at all times and must be manned (physically present outside at all times within 25 feet) by a person 18 years of age and older who can put the fire out.
 - d. Restrict hours.
 - e. A combination of or all of the above
3. Eliminate Open Burning.
4. Eliminate Open Burning but allow small contained recreational fires.
5. Place an advisory referendum question on a future ballot asking if Open Burning should be banned in the Village. Should this option be considered the Board should keep in mind:
 - a. The next election will be in the spring of 2020 and while an advisory referendum is not binding the Board should decide that they will abide by it
 - b. Some residents that are also governed by an HOA may not understand that this decision cannot override their HOA covenants.
 - c. That although some HOA governed residents may like open burning and could vote to retain it even though are governed by their HOA covenants.

The Board discussed the information presented and the requests from persons who would prefer that open burning remain in place and those that would prefer open burning to be banned. The Board decided that in response the code should be amended to:

- a. Permit burning however require the material to be placed in a contained built ring or fire pit not to exceed a certain diameter. This would help the concerns of the fire spreading.
- b. Require that a fully functioning water hose is within 10 feet of the open

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burning with the hose line charged.

- c. Require that a responsible person is outside any structure within 25 feet of the open burning at all times and must be manned (physically present outside at all times within 25 feet) by a person 18 years of age and older who can put the fire out.
- d. Not allowed on a weather inversion or high ozone day.
- e. Restrict hours from 10 am to 3 pm

The Board also asked that the fines for violating be strictly enforced. They directed staff to prepare an ordinance amending code and present it for adoption.

Kane County Bike Sharing Memorandum of Understanding (MOU)

Director of Public Works Speciale present a Memorandum of Understanding (MOU) with Kane County Division of Transportation (KDOT). KDOT has started to work with municipalities, non-profits, park districts, forest preserves, and private companies to develop a countywide bike sharing system. They have made substantial progress to stay on schedule for anticipated launch of the system in August 2020.

The next step in this process is to collect signed MOU's from any interested parties that wish to participate in the program. These MOU's are not legally or financially binding whatsoever, but simply state that the Village is potentially interested in participating. The main purpose in signing these MOU's is that only participants that sign the MOU before the deadline will be able to view and provide comments on the Request for Proposal (RFP) for a bike sharing company that KDOT will be releasing in September 2019. However, those who do not sign the MOU are still encouraged to take part in the program. Conversely, signing of the MOU does not require you to take part in the program. The MOU is attached.

KDOT would like all MOU's be signed by August 23, 2019. Participants that sign and return the MOU by this date will be able to submit comments on the RFP until August 30, 2019.

The Board reviewed the information presented and agreed that a bike sharing MOU with the County is a great idea. Trustee Konen asked if the bike were to be available in the winter as it seemed dangerous and could be unsightly. Director Speciale stated when it came time to start the program the Board would have input at that time.

REPORTS

President Michels thanked Senior Management Analyst Murphy for a great job on getting information out on cooling center in Kane County.

Public Works Director Speciale stated that the Hanks Road Bridge would be repaired. The work should begin in August and be completed by October.

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Trustee Montalto gave an over view of Groovin' in the Grove. Trustee Herron put out a call for Corn Boil volunteers Trustee Koch stated that parade for Corn Boil on Friday July 26 kicks off at 5pm.

President Michels stated a good EDC meeting was held and there seems to be faith in the return of a good economy.

AIRPORT REPORT

Mr. Wolf stated that he understands that the City of Aurora will be looking into Kendall County's request to expand Metra Services. He urged the Board to continue to attend RTA meetings..

PUBLIC COMMENTS

An audience member asked that the Village educate people about blocking sidewalks with cars, toys, basketball hoops, skateboard ramps and the need to keep these to allow for pedestrians to use them. Please enforce the rules and issue tickets if needed.

The Board was thanked for Groovin' in the Grove, it is a great small town even. Trustee Montalto stated that all the taxing bodies have worked together to on this project and all should be thanked.

Mr. Morelli asked why secret meetings were being held, and about Village owned property that Crown gave them. He asked what was going on with the McCue property. He asked if everyone would get a buffer from the Crown Property and not just the McCue property. He asked that donate the forest in the SE area to the Kane County Forest Preserve. He also stated that some FOIA's have gone unanswered and that he has contacted the Attorney General. He further stated he was glad that Crown withdrew, it shows good faith.

ADJOURNMENT

Motion adjourn at 7:00 p.m. by Trustee Montalto, second by Trustee Herron.