

REGULAR BOARD MEETING MINUTES
VILLAGE OF TWIN LAKES
August 15, 2005 - 7:12 P.M. - 8:51 P.M. - VILLAGE HALL

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* *Unapproved Minutes Subject To Board Approval**

Meeting called to order by President Skinner. Pledge of Allegiance. Roll Call: Bower, Connolly, Griffin, Karow, Moran, Stoen, Skinner present. Attorney Rod Carter, Village Administrator David Cox, Police Chief Robert O'Hallen and Clerk/Treasurer Kathleen Richardson also in attendance.

Approve minutes of July 18, 2005 Village Board Meeting - not finalized.

MOTION BY STOEN, MORAN, CARRIED, TO APPROVE THE FOLLOWING VOUCHERS (list read by Administrator): General Checking (including General Fund, Earmarked, and Lake Rehab): #14293-14414; Sewer Checking (including Sewer Utility, Sewer Depreciation, Sewer Replacement, Sewer Hook-up): #207616-207654; Payroll Related Checking and State and Federal Tax Wires: #10135-10248 and #911212-911217. Total expenses: \$ 680,372.68. Escrow Disbursement: #2099; Tax Account: #2673-2674.

TREASURER'S REPORT - Motion by Connolly, Moran, carried, to approve the treasurer's report as read by Clerk/Treasurer Richardson. General Fund Checking: \$ 288,775.71; State Pool: \$ 827,999.83; Payroll Checking: \$ 1,609.99 for a total balance as of July 31, 2005 of \$ 1,118,385.53.

PUBLIC COMMENTS AND QUESTIONS - agenda items only

Linda Dohse, 242 Mueller Avenue, told the board members they were elected members of the lake protection district and wondered how shortening the no wake times was protecting the lake. Dohse believed adding a half hour of boating time would further harm our lakes.

Bill Hass, 110 Cobblestone Court, stated per the book "Courtesy Code and Respect for Other People", a courtesy code sticker was developed. "Education and courtesy can do more than regulation". Hass asked the board to consider all the people who use the lakes not just the people who care about weeds.

Jeff Gresenz, 715 Roosevelt Road, spoke with regard to the shoreland zoning and taking out the word "stream" throughout the document. Per the DNR, Bassett Creek would be part of a navigable stream. Gresenz urged the board to handle the shoreland zoning issue once and for all. Also, the slow, no wake issue presentation was not given in whole. Gresenz had previously given the board material to review regarding slow, no wake.

Ed Vardon, 910 Shore Drive, believed a siren could be sounded to alert boaters to "slow, no wake" from Memorial Day to Labor Day.

Pam Becker, 232 W. Park Drive, questioned the motion to approve the Hickory Point Lease and the insurance issues. Cox stated there was a new lease that talks about a resolution to the various insurance and public access issues. This lease provides for public access, and coverage would fall into insurance that the Village currently carries. Becker stated the lake committee was moving towards creating a policy that is consistent around the lakes. Hickory Point has enough frontage so a separate pier can be placed there. Carter stated the Village could not get a private insurance company to insure for public access. Becker was questioning about the Village having coverage for public access on the other parcels around the lakes, where there are piers and associations that use public land. Carter stated there was insurance on the other public parcels at the present time and would be addressed on a case by case basis with individual agreements. Becker stated there was suppose to be a master lease that governs all of this.

Betty Loranger, 2403 Anna Avenue, believed it would be a better idea to put the "slow, no wake" issue up for referendum and let the people of the Village decide the issue.

Mary Wolaver, 2639 E. Lake Shore Drive, spoke with regard to the Shoreland Overlay Protection Ordinance. One of the aspects of the ordinance is tree cutting. Wolaver stated her neighbor cut down between 20 to 30 trees over the past weekend. She believed the Village should pass the Shoreland Protection Ordinance and protect our lakes by preserving our trees because they do hold the shoreline. Pictures of the downed trees were passed out to the board.

OMNIBUS AGENDA - read by Attorney Carter as listed on the agenda. MOTION BY KAROW, MORAN, CARRIED, TO APPROVE THE ITEMS AS READ.

- A. Approve Operator's Licenses for the following individuals subject to schooling and Police Department review in accordance with Village Code: Ashley Easterwood (New License, Twin Lakes Liquor), Andrea Herdeg-Melcher (New License Independent), Michelle Millard (New License, Mad Dan's), Nicole Pstragowski (New License, Independent), Rachel Rohde (New License, Fitzwoody's), Melissa Yanke (New License, Independent).
- B. Approve the issuance of an Amusement Establishment License to Edward Vardon for a business located at 200 E. Main Street.

- C. Resolution # R2005-8-1, A Resolution to Accept the Public Improvements in the Arrowhead South Addition #3.
- D. Authorize the Issuance of Additional Annual Pier, Raft and Buoy Permits Conditioned upon Compliance with Village Code and State Statute Including Final Approval from the DNR for Items over 150 Feet from Shore.
- E. Implement a Procedure by Which All Property Owners Within 200 Feet of a Fire Department Training Burn Be Notified by the Village of the Anticipated Date and Time of the Training Burn.

TRUSTEE SHARON BOWER - ADMINISTRATION, FINANCE, JUDICIARY, LICENSING

MOTION BY BOWER, CONNOLLY, CARRIED, TO APPROVE AN AMENDMENT TO THE AGREEMENT BETWEEN THE VILLAGE AND THE TWIN LAKES VOLUNTEER FIRE DEPARTMENT AND RESCUE SQUAD FOR FIRE SERVICES TO ADD A CLAUSE PROVIDING THAT THE VILLAGE WILL INSURE THE PERSONAL AND REAL PROPERTY OF THE FIRE DEPARTMENT OWNED BY THE DEPARTMENT. (STOEN ABSTAINED.)

Cox explained in conversation with our insurance company that unless the Village had an explicit agreement with the Fire Department and the Rescue Squad requiring the Village to insure Fire Department/Rescue Squad owned property, our insurance company would not provide coverage. The Village has always provided insurance to the Fire Department and Rescue Squad through its corporate rates. Other coverage they receive is worker's compensation, insurance for accidents and damages to fire trucks and insurance for the buildings and contents thereof. To continue that into the future, these two modifications agreements to the Fire Department and Rescue Squad need to be adopted. In the Fire Services Agreement, it calls out should the Fire Department dissolve in the future as an entity, the Village would be allowed to acquire all of their assets for the purpose of providing fire protection in the Village. The Village has a financial interest in it.

MOTION BY SKINNER, BOWER, CARRIED, TO APPROVE AN AMENDMENT TO THE AGREEMENT BETWEEN THE VILLAGE AND THE TWIN LAKES VOLUNTEER FIRE DEPARTMENT AND RESCUE SQUAD FOR RESCUE SERVICES TO ADD A CLAUSE PROVIDING THAT THE VILLAGE WILL INSURE THE PERSONAL AND REAL PROPERTY OF THE FIRE DEPARTMENT OWNED BY THE SQUAD. (STOEN ABSTAINED.)

The Court Report is available at the Village Clerk's Office for review.

TRUSTEE TOM CONNOLLY - STREETS AND ROADS, EQUIPMENT, STREETLIGHTS, WEEDS, LAKE PLANNING AND PROTECTION

Nothing to report.

TRUSTEE DEAN GRIFFIN - CEMETERY, SANITATION, RECYCLING, SENIORS

Nothing to report.

TRUSTEE AARON KAROW - BUILDING AND ZONING - PLAN COMMISSION, PUBLIC BUILDINGS

MOTION BY KAROW, CONNOLLY, CARRIED, TO APPROVE RESOLUTION # R2005-8-2, A RESOLUTION TO APPROVE THE FINAL PLAT FOR ARROWHEAD SOUTH ADDITION #4 WITH THE TWO CONTINGENCIES THAT ARE LISTED ON THE RESOLUTION.

MOTION BY KAROW, STOEN, CARRIED, TO OPEN THE PUBLIC HEARING ON THE PROPOSED SHORELAND PROTECTION OVERLAY ZONING DISTRICT.

Pam Becker, 232 W. Park Drive, stated the channels at Bay View and Lakeview should be included as these channels are navigable waterways. Skinner stated these channels would be included. Becker suggested added language pertaining to the buffer areas stated this should be very specific.

Linda Dohse, 242 Mueller Avenue, was curious as to how these laws govern the people that live on the lower end of Lake Elizabeth in Illinois. Cox stated this would not pertain to the Illinois residents as laws do not cross state lines.

Betty Loranger, 2403 Anna Avenue, asked the location of the Lakeview Channel. At this point, if there were bushes growing into the lake, they could not be removed. If you go to the Lakeview Channel and look at the small inlet, that whole section is growing into the lake which will cut off that small channel some time in the future. Skinner stated it applies to new construction only. On current structures, only 30 percent could be removed. (Bob Livingston inaudible.) Skinner asked Loranger if what she was trying to say was she did not want it to become overgrown where it will block the channel. Loranger wanted to make sure that if they removed some of those shrubs, they were not doing something wrong.

Marcia Giacalone, 420 South Lake Avenue, stated confusion over the wording. It says you can only maintain 30 percent of the shoreline. The other 70 percent of your property was to obscure the houses, the cars and everything else. Giacalone has

a piece of property that's 20 feet deep before the road. Skinner stated it would not affect Giacalone because the property has already been cleared. Giacalone stated the Village was worried about all the sediment in the lake. Have they considered the storm sewers. Skinner stated that was all part of the big picture the Board is working on.

Trustee Stoen asked Judy Jooss about their last committee meeting and wanted to know if the suggested changes were approved by unanimous decision. Jooss stated it was unanimous by those who were present. The suggested changes to this were based on the list of recommendations that were given to the Board in March or April.

MOTION BY SKINNER, STOEN, CARRIED, TO CLOSE THE PUBLIC HEARING.

Karow asked the board members if there were any proposed changes they would like to make to Ordinance 2005-8-1. Karow felt in Ordinance 17.38.070 (B), that the word "channel" be added between navigable lake or stream in keeping with uniformity. Skinner was concerned with existing homes that are close to the water and the ability to rebuild if the homes burned down. He wondered if something could be added as a backdrop for an existing home that's 20 feet off the water with that footprint. Cox stated if the Board chose to leave this Ordinance as it exists today, a home twelve feet off the water would not be able to rebuild in the same place. The rest of the Zoning Code says you must be 25 feet from the rear yard and the lake side would be interpreted as the rear yard. The intent of the Zoning Code is to outlay what the intent of the legislative body is for its community in terms of bulk of property, light and air between properties, separations between properties in terms of fire separation and the like. The intent is that some day you hope to get there by not giving people carte blanche to keep what they have today. If you're going through an insurance rebuild, you need to be compliant with today's codes. Cox stated if someone wanted to build in the same footprint after a fire, they would have to go the board of appeals and show to them that there is no practical use of their property without that variance. If you have to put maintenance money into a structure beyond more than 50 percent of its value, you must come into compliance with the Code. Karow asked if it was just understood throughout the rest of the Code that any variances would go in front of the Appeals Board. Carter stated anyone who is aggrieved by the decision of the Building Inspector can go before the Board of Appeals.

Skinner asked for a consensus on requiring a permit for cutting of trees within 15 feet. Karow stated no permit is required, and it should be taken into consideration with the certified or licensed arborist. Cox stated looking at 17.38.070(F)(5), except within 15 feet of the ordinary high water mark, these provisions shall not apply to the removal of dead, diseased or dying trees or to silvicultural thinning upon the recommendations of a certified or licensed arborist. This work may be allowed within 15 feet upon receipt of a permit from the Village. Griffin liked the idea of a permit because there's a loophole there. They can go ahead and cut down the tree and go to an arborist and make it legal. Skinner stated the question is, do we want a permit to add more paperwork for our Building Inspector or not? Bower did not believe a permit was necessary. Connolly did not believe it would be a big deal to come in and get a permit either way. Stoen agreed with Connolly.

Connolly questioned why the word "stream" was included. Jooss stated the streams are in there because the streams feed into the lakes and the vegetation on the banks of the streams protects erosion of those stream banks. That erosion would then be carried into the lakes. Jooss stated the water bodies were all mapped. Skinner asked how many streams there were going into Lake Elizabeth? Jooss stated there's one through Diedrich's farm, one through Esch's, the one that was stream and turns into a ditch coming down Esch. Skinner stated the DNR did not classify that as a stream. Jooss explained it starts out as a stream and it was a stream that was removed from its banks and put into a ditch. This is in Lake Elizabeth Manor Subdivision. There are small streams on the other side of the lake. There's one where Wunderlich's property was. The stream at Mad Dan's which starts out as a stream, becomes a ditch and then joins another stream. (Livingston - inaudible.) Livingston stated it was important to protect erosion, so the word "stream" should be left in. Karow stated the Building Inspector does a great job of providing erosion control plans for building projects. Voting on the issued of the stream went as follows: STOEN-YES; CONNOLLY-NO; KAROW-YES; BOWER-YES; GRIFFIN-YES, MORAN-YES; SKINNER-NO. Stream stays in.

Karow stated there was one more adjustment. Section 17.38.020 (A) - The last sentence "When an accessory building is defined elsewhere in this Code as part of the main building or is substantially attached thereto, the yard requirements of the main building shall be applied to the accessory building." Karow wondered if a deck was an accessory building or an accessory structure. Cox read from the Code Book. Building means any structure used, designed or intended for the protection, shelter, enclosure or support of persons, animals or property. When a building is divided into separate parts by unpierced walls extending from the ground up, each part shall be deemed a separate building. Notwithstanding the use of the word "support", building means a building. Accessory building means a building or portion of the building subordinate to the main building and used for a purpose customarily incidental to the permitted use of the main building or the use of the premises. When accessory structure is part of the main building or is substantially attached thereto, the side yard and rear

yard requirements of the main building shall be applied to the accessory building. Karow was concerned with the small lots, if someone were to build a house, the primary structure could be built to the setback line, but not necessarily the deck. He would like the wording to be, "decks are not considered part of the primary structure". Judy Jooss was concerned that structures that start out as decks or patios, then become a screen room, then a glassed-in room and then a full fledged additional room. Karow felt any deck should follow guidelines for accessory structures in shore yards. Skinner replied the setback was 25 feet for the primary structure only. Cox stated an accessory structure could be closer. Skinner stated the wording could be, "a deck is not considered part of the primary structure". Karow added, "decks should follow rules set forth for unattached accessory structure in the shore yard". Cox read from the Ordinance book, "with the exception of decks, when an accessory's building, as defined elsewhere in the code, is part of a main building or substantially attached thereto, the yard requirements of the main building shall be applied to the accessory building". MOTION BY STOEN, KAROW, CARRIED, TO APPROVE ORDINANCE 2005-8-1, AN ORDINANCE TO CREATE CHAPTER 17.38 OF THE TWIN LAKES CODE OF ORDINANCES PERTAINING TO SHORELAND PROTECTION OVERLAY DISTRICT WITH THE CHANGES AS SET FORTH. (CONNOLLY-ABSTAINED.) Karow asked if the moratorium is lifted now. Cox stated tomorrow morning, the moratorium would come off automatically (Tuesday, 8/16/05). Karow stated for point of clarity, there were three projects that were not considered under the moratorium, which consists of the Laurins, Lewis', and Hughes.

MOTION BY KAROW, MORAN, CARRIED, TO OPEN A PUBLIC HEARING ON THE PROPOSED NEW ZONING MAP FOR THE VILLAGE OF TWIN LAKES.

Jim Hughes, 3101 E. Lake Shore Drive, wanted to know if the lakes are zoned a recreational facility. Cox stated the lakes are properties of the state and cannot be zoned. Zoning is a land use issue.

Jeff Gresenz, 715 Roosevelt Road, thanked staff for all their efforts in putting together and updating the zoning map.

MOTION BY CONNOLLY, KAROW, CARRIED, TO CLOSE THE PUBLIC HEARING.

MOTION BY KAROW, GRIFFIN, CARRIED, TO APPROVE ORDINANCE # 2005-8-2, AN ORDINANCE TO AMEND SECTION 17.16.010 OF THE TWIN LAKES CODE OF ORDINANCES PERTAINING TO DESIGNATION OF ZONING DISTRICTS. Karow explained this was merely an update of the title and the date of the map currently being used.

The next meeting of the Plan Commission is scheduled for Wednesday, August 24th beginning at 7:00 p.m.

Building Permits: 29 ; Valuation: \$ 583,983.00; Fees Collected: \$ 3,729.00.

TRUSTEE MICHAEL MORAN - SEWER, HEALTH AND ENVIRONMENT, YOUTH, LIBRARY

The monthly sewer report is available at the Village Clerk's Office for review.

TRUSTEE DARREL STOEN - POLICE, FIRE, LAKE CONTROL, PARKS & BEACHES

MOTION BY STOEN, CONNOLLY, TO APPROVE A LEASE FOR VILLAGE-OWNED LAKE FRONT PROPERTY IN THE HICKORY POINT SUBDIVISION TO THE HICKORY POINT HOMEOWNERS ASSOCIATION. Discussion - Cox stated Attorney Carter and himself met with representatives from Hickory Point. One of the more significant issues was related to the lease amount and how that would get worked out. There was the issue related to public access and insurance. Because of the configuration of the property, there's a method by which a public access pier could be attached to the public right-of-way at that location and not be the responsibility of the Association that would be leasing the Village's privately owned property. The Association would provide the pier, but the Village would be responsible for maintaining and insuring the use thereof. There is a way to provide both the boat slips and the intended insurance with that lease as well as public access to the waterway at that location. The Village has approved 18 lease spaces here. If the association doesn't fill them all, the Association would be obligated to make those available to the public. The lease amount would be \$300 per boat slip and \$5,400 for the lease annually, up three percent each year. In ten years (the life of this agreement), the amount collected would be \$61,905. Cox believed there could be approximately \$30,000 in site preparation costs. Carter stated the theme of the lease is consistent with other Village leases in effect. They were trying to find a mix between the public access issue and renting pier space. The Village is attempting to do the same with Indian Point as well.

Skinner asked where the funds would come from for the initial costs. Cox replied the Village could use the accumulated surplus or could use earmarked Village development funds. The Village would not be borrowing any money. Skinner asked if there would be any interest calculated in that figure. Cox replied under the calculation where the Village is leasing a clean and clear harbor, no interest was calculated into that. The return on that investment would be coming in the \$5,400 for the lease annually. It would be a gain of \$30,000 in ten years with rent. Skinner asked about the map of the channel and what

was the potential fencing for. Cox explained the intent there is to prevent vehicular access to the site in those areas to prevent damage to the piers in the winter time when those areas get traversed by individuals heading out with ice shacks. Carter stated the concern that was voiced by the Association that if the Village was going to fix this up and put up piers, the Village does not want the piers to be ruined. Griffin asked if fishing would be allowed. Skinner stated on the public pier, fishing would be allowed. He also stated there was a possibility of a second public pier. Moran would like the public pier to be moved to space eleven. Skinner agreed. Cox stated there were two issues: space eleven was not the Village's property; and, the Association cannot get insurance for this property if public access is allowed. The current location is road right-of-way. Cox stated the question is whether or not the number of boats shown there can be done. A marina permit would have to be drawn and the answer from the DNR would have to stand whatever that may be. All of this is contingent on getting the proper licensing and permitting. Cox stated this would be a 10-year term beginning January 1, 2006. Karow asked if the DNR comes back and says only 12 boats are allowed there. Is this agreement even doable then? Cox stated we would be talking about a reduction in the overall rate based on the formula of \$300 per slip. Karow asked before the Village entered into an agreement, wouldn't it be prudent to get the DNR to let us know what can be done here. Cox believed the Village would attempt to know the answer to the marina permit before the dredging took place. Karow asked what the time frame was to get the agreement signed. Cox stated dredging probably would not occur until next year. Stoen recommended approving this contingent on whether this number of boat slips can be accommodated there. Carter stated if the DNR came back and said you can only have 12 boat slips, but if these boats are willing to pay whatever the rate is under the lease, that's a different story. The duty would be on Hickory Point to come back to us to reopen lease negotiations. Karow stated according to the memo, the Hickory Point Association is in agreement with the \$300 per slip. Cox agreed. Karow asked if the Board was looking to give direction for the final draft copy of the agreement. Carter stated, that was true.

Pam Becker, 232 W. Park Drive, stated there should be a date certain in the contract by which the Association members have to notify the Village in writing what spaces are going to be occupied by the members of that Association accompanied with their checks. Skinner stated the lease makes the Association take care of filling those slips. If the Association does not fill up the slips, they need to pay the difference. Carter stated conditions were set forth on page four, paragraph nine of the lease. AMENDED MOTION BY STOEN, MORAN, CARRIED, TO APPROVE THE LEASE AGREEMENT CONTINGENT ON THE DNR'S RESPONSE TO THE NUMBER OF BOAT SLIPS.

Stoen explained this ordinance changes to the Slow, No Wake time frame from 8:00 p.m. or sunset, whichever comes first to 8:30 p.m. or sunset, whichever comes first. MOTION BY SKINNER, CONNOLLY, ORDINANCE # 2005-8-3, AN ORDINANCE TO AMEND SECTION 8.36.050 OF THE TWIN LAKES CODE OF ORDINANCES PERTAINING TO BOATING AND WATER CODE AND ADDITIONAL TRAFFIC RULES. (GRIFFIN AND STOEN-NAYED). MOTION CARRIED (5-2). Ordinance to take effect on January 1, 2006.

The Police and Water Patrol Reports are available at the Village Clerk's Office for review.

Stoen thanked everyone for attending the meeting and assisting the trustees with Village business.

VILLAGE PRESIDENT HOWARD SKINNER

Nothing to report.

COMMENTS FROM THE FLOOR

Marcia Giacalone, 420 S. Lake Avenue, thanked Chief O'Hallen regarding the National Night Out. It was very informative and very well done. O'Hallen stated he really shouldn't get the thanks, that quite a few people were involved, especially the actor, Lee Redlin, who volunteered to be tased. All officers have been tased while going through the training. O'Hallen thanked everyone who came out and everybody who participated.

Jeff Gresenz, 715 Roosevelt Road, asked what the status of the multi use trail. Cox stated the contracts are ready to go and being administered by the Town of Randall. R. W. Miller will be doing the work. The project should be finished before the onset of winter so the vegetation can establish. The Park Commission is looking at doing some volunteer items again and will keep you abreast of those. Skinner stated for the snowmobilers, they will be putting in the proper signage.

Ed Vardon, 910 Shore Drive, asked when the committees were working on the Smart Growth, did the Village ever get \$10,000 from the State. Cox stated it was substantially more than \$10,000. The plan and closeout documents have been approved. Now the Village waits for the massive bureaucracy to turn out its check for approximately \$26,000.

Motion by Connolly, Moran, carried, to adjourn at 8:51 p.m.

SIGNED COPY AVAILABLE AT THE VILLAGE HALL

Kathleen Richardson, CMC
Clerk/Treasurer

DISTRIBUTION (30)
Original- Vault
All- Trustees/Pres (7)
Building Inspector
Public Works

Library Bulletin Board
Administrator
Clerk/Treasurer
Sewer Department

Hall Bulletin Board
Engineer
Lake Rehab
Public Distribution

Post Office Bulletin Board
Attorney
Police Department
Deignan & Associates

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