



## **Village of Trout Valley Board Meeting Minutes**

**February 8, 2021**

A regular meeting of the Board of Trustees of the Village of Trout Valley, Illinois, was held on February 8, 2021 via Zoom. Notice of the meeting and the agenda were posted at two prominent places in the Village of Trout Valley.

President Robert Baker called the meeting to order at 7:01 p.m. Trustees present: Robert Antrim, Walter Graf, David Hall, David Peterson, Kristin Purtill and Ann Somers. Also present were, Clerk Tonia Gonzalez, Comptroller Rick Haning and Counsel James Kelly from Matuszewich & Kelly, LLP. Treasurer Laurie Almeraz joined later.

President Baker requested the following motion, which was proposed by Trustee Hall and seconded by Trustee Purtill:

***“The December 7, 2020 meeting minutes be approved”***

Voting Aye: Trustees Antrim, Graf, Hall, Peterson, Purtill, and Somers

Voting Nay: None. Motion carried.

President Baker requested the following motion, which was proposed by Trustee Somers and seconded by Trustee Graf:

***“The January 19, 2021 Special meeting minutes be approved”***

Voting Aye: Trustees Antrim, Graf, Hall, Peterson, Purtill, and Somers

Voting Nay: None. Motion carried.

### **3.0 Public Participation**

Cary Park District Representative, Phil Stanko informed the Board that the Cary Park District programs are constantly adapting to Covid19 protocols. Preschool is back online & normal operations are expected in the Fall. The Aquatic facility at Cary Grove Park should start with site engineering in March. Discussions held regarding the connection of Cary bike trails. Rotary Club is working to construct a picnic shelter at Rotary Park.

### **4.0 Old Business**

#### **4.1 Annual Financial Filings**

Comptroller Haning provided an update on the Annual Financial Filings. The 8/31/20 financial statement is used as a basis for filing the annual reports. The Grant Accountability & Transparency Act (GATA) statements were filed 11/01/20. State considers MFT funds as a grant. Treasurers Report was filed 12/26/20 and the Annual Financial Statement/Report was filed 01/25/21. Starting in 2021, the Village will be required to have financial statements audited due to the requirements of the bond offering.

#### **4.2 Bond Offering Update**

Comptroller Haning reported the current bond schedule was revised. The bond amount will be \$500k for a term of 12 years and hopefully a 3% interest rate.

#### **4.3 Local Cure Update**

Trustee Peterson purchased items for the lodge to facilitate Village Zoom meetings. The Village obtained a grant of \$22.2k from the State of Illinois for this purchase. He hopes to have installation ready for the April board meeting. Trustee Peterson was thanked by the Board for his work on this project, especially given the time constraints to complete the project.

#### **4.4 Repair & Maintenance of Asphalt Paving on Turkey Run & Turkey Hill**

Trustee Hall reported cracks on Turkey Run & Turkey Hill roads and have gotten worse over the last year. Trustee Graf will report this to the Roads Committee and President Baker will inform the TVA.

#### **4.5 Control of Stormwater Runoff from River/Willet to Marryat**

Discussion held regarding continued stormwater & debris runoff at Wnek residence on Marryat Road. Current focus is on the larger stormwater project near the fen. Will work with TVA to look at this and other smaller stormwater projects around the Village at a later date.

#### **4.6 Deer in Trout Valley**

Trustee Hall reviewed his recommendations for the control of the large deer population in Trout Valley. He had recent sightings of 14 deer in one herd. Recommendations are to 1) Notify residents that it is against the law to feed the deer and 2) Form a committee to provide further recommendations and guidance on means to control the deer. President Baker will contact MCCD for recommendations.

#### **4.7 Cary Village Hall**

Counsel Kelly researched and confirmed the Old Village Hall was owned by a developer of Trout Valley and transferred to the Village of Cary. The property is subject to all of Trout Valley deed restrictions. Counsel Kelly will research potential to enforce deed restrictions.

#### **4.8 Trout Valley Flag**

President Baker suggested a common theme for the Trout Valley flag, such as the Trout that is used on the current Village letterhead.

#### **4.9 April 6, 2021 Consolidated Elections**

Clerk Gonzalez informed the Board of four candidates on the ballot for three Village Trustee positions. All residents are encouraged to vote.

### **5.0 New Business**

#### **5.1 Village Takeover of Private Roads**

Discussions held regarding the dedication of some Trout Valley roads from the TVA to the Village. This would enable the Village the use of MFT funds (public roads). President Baker felt the request needs to be initiated by the TVA.

#### **5.2 Pre-Meeting Distribution of Documents**

Discussions held regarding the timing/distribution of meeting documents and availability of documents to residents. Trustee Peterson requested availability of documents to residents prior to the meeting. Counsel Kelly expressed potential issues in distribution of meeting minutes prior to board approval. Clerk Gonzalez to request all handouts be received by Friday prior to a Monday board meeting and the agenda will be sent to board members at the same time it is sent to the TVA for publication. Trustee Peterson to work with Clerk Gonzalez regarding a policy for document availability.

#### **5.3 Access to Meeting Videos**

Trustee Peterson confirmed the availability of Zoom video recorded Village Board meetings. Discussions held regarding zoom meeting recordings and the local records act (requirements for retention of video meetings). President Baker will provide a meeting video retention policy for the April meeting.

#### **5.4 Forestry Board's Flagpole**

A flagpole will be installed at the corner of Country Commons and Turkey Run (near small barn). Current owner agreed on the location and TVA wants it installed on their right-of-way. Discussions held regarding need of written agreement for flagpole installation. A survey map will be reviewed to determine property line for installation.

#### **5.5 Speed Hump in the New Trout Valley Road**

Trustee Hall reviewed a handout outlining the use of speed humps vs. speed bumps on roads and discussions followed. He requested the TVA install a speed table (3" rise then flat for 12-15') when replacement of the Trout Valley Road is completed. He feels speed bumps are not controlling the speed of traffic on Trout Valley roads. President Baker recommended H.R. Green (roads consultant) be contacted, for an opinion.

President Baker requested the following motion, which was proposed by Trustee Hall and seconded by Trustee Purtill:

***"Request the TVA put a speed table in the new paving of Trout Valley road, in consultation with engineering consultant firm"***

Voting Aye: Trustees Antrim, Graf, Hall and Purtill.

Voting Nay: Trustees Peterson and Somers. Motion carried.

#### **5.6 Chicago Metropolitan Agency for Planning (CMAP)**

Village of Cary and Algonquin are working with CMAP to prepare development plans for former mining areas. Areas include Fox Bluff (Cary-Algonquin Rd. up to Hoffman Park) and Fox Bluff (On border of Cold Springs Road). Counsel Kelly will research if Trout Valley can be included in the discussions.

#### **5.7 Transfer Stamp Tax**

Discussions held regarding potential addition of a transfer stamp tax when buying or selling a home in Trout Valley. Board felt no additional taxation needed at this time.

#### **5.8 Renewal of IGA with County for Permitting and Inspection Services**

Discussions held regarding hiring a private building inspector for the issuing of building permits vs. continuing to utilize the County building inspectors. The Village would retain 50% of the permit fee.

#### **5.9 Hiring of Private Building Inspector**

President Baker to talk with potential private building inspectors. A private building inspector would work with Trout Valley to ensure enforcement of building codes.

### **6.0 Reports, as appropriate**

#### **6.1 Financial Report**

Comptroller Haning reviewed State Revenue, which was up 11% YTD over budget vs. 2019, partially due to the increase of State Receipts of Income Tax. Local Use Tax (includes Cannabis Use Tax) was up 20% vs. 2019 and up 10% over budget. MFT continues to trend downwards and is down 11% vs last year. Do not anticipate increases until people are traveling/driving again. In a review of Cash Receipts and Disbursements, Franchise fees are 5% below budget. County Road & Bridge is at \$60.8k, which includes a \$9k grant for 2021. Disbursements are tracking nicely and many are related to enhancements to the Lodge. Total Designated Funds are on budget. Net Cash receipts are \$38-\$39k vs. \$36k Budget. In a review of the Balance Sheet, the Current Balance is \$315k vs. \$317k in the prior year. A \$33k credit will appear in the February/March 2021 financials.

President Baker requested the following motion, which was proposed by Trustee Somers and seconded by Trustee Graf:

***“Approve the December, 2020 – January, 2021 Disbursements for the Village of Trout Valley”***

Voting Aye: Trustees Antrim, Graf, Hall, Peterson, Purtil and Somers

Voting Nay: None. Motion carried.

Discussions held regarding TVA request for payment of invoice received for emergency road work in 2020. Due to late receipt of invoice, funding evaporated at the end of the fiscal year. Funding would need to be taken out of stormwater project. TVA to perform due diligence prior to requesting additional funding.

**6.2 Security Report**

Security reports from McHenry County Sheriff and NW Suburban Patrol were reviewed. Vandalism was reported at the Lodge in late November. Reviewed proposal from NW Suburban Patrol for 2021 and Comptroller Haning requested a new contract be provided. Counsel Kelly recommended a one-page addendum with an opt out clause be added.

**6.3 Intergovernmental Report**

Trustee Somers reported limited activity for Intergovernmental activities. Metropolitan Mayors Caucus will be held via Zoom on 2/9/21 and a Covid19 town hall meeting will be on 2/29/21 @ 7 p.m on Zoom.

**6.4 Forestry Board Report**

Winter pruning was done last week by Davey Trees. The Jens Jensen celebration will be celebrated on Thursday, 4/22 via Zoom and will include a 50-year Earth Day celebration.

**6.5 Fen Restoration Report**

Fen volunteers have been cleaning up the Fen and burning branches. The burns are in accordance with the McHenry County regulations and the Village has an open burn permit for the Fen area from the Illinois EPA. Wildflower seeds have been spread in various area throughout Trout Valley.

**6.6 Roads Report**

At the January 19<sup>th</sup> Special Village Board meeting, the Village Board agreed to fund the 2021 TVA Road Project at 20% of total project cost up to \$65k and to fund the repair of 800' of Trout Valley Road and to include this in the Stormwater Project. Counsel Kelly expressed concerns and warning the Board not to utilize public funds to pay for paving of a private road. He felt the Village can pay to repair the strip of road impacted by the broken pipe and a bid by Lima was received for this project. Discussions held regarding the percentage the Village could potentially contribute towards the TVA roads project. Counsel Kelly stated that the bond issue can only be used for a public purpose, otherwise bond holders could seek to return bond funding. He warned the Village Trustees of potentially breaching a fiduciary duty, if they move forward with the funding agreed to at the January 19<sup>th</sup> Village Board meeting. President Baker requested the legal opinion be on record advising Village Board not to utilize public funds to repair a private road. Trustees would not be covered by insurance and could be held personally responsible.

Trustee Peterson presented spreadsheets outlining the H.R. Green estimates on the TVA Roads Project with an estimated total cost of \$359k. Trout Valley Road was included in the bid for the TVA Roads project to ensure the best pricing was received. The bid was combined with the Village of Cary road repairs to take advantage of volume discounts. Discussions held regarding impact to TVA Roads project if the Village did not pay to repair Trout Valley Road in its entirety. President Baker & Trustee Peterson recommended the issue be tabled until the April Village Board meeting. Trustee Peterson to discuss with H.R. Green the integrity of Trout Valley Road after they cut a swatch. President Baker will circulate Counsel Kelly's opinion. Comptroller Haning requested an executed contract for H.R. Green and discussed the potential need for a change in the appropriations ordinance.

**6.7 Other**

Comptroller Haning reported the Village is required to be audited beginning FY 2021, due to the bond offering. Recommended an auditor be hired to start with FY 2020, to establish a baseline. He will report to the Board with a cost proposal.

Discussions held regarding Village support of the Trout Valley Scholarship in 2021. Due to bond commitments and lack of participation, the scholarship will be suspended.

President Baker requested the following motion, which was proposed by Trustee Peterson and seconded by Trustee Hall.

**“The Village of Trout Valley Scholarship be placed on a one-year hiatus for 2021”**

Voting Aye: Trustees Antrim, Graf, Hall, Peterson, Purtill and Somers

Voting Nay: None. Motion carried.

### **7.0 Presidents Report**

None

### **8.0 Adjournment**

There being no additional regular business to come before the Board, President Baker requested a motion to adjourn, which was proposed at 10:51 p.m. by Trustee Graf and seconded by Trustee Peterson.

Voting Aye: Trustees Antrim, Graf, Hall, Peterson, Purtill and Somers

Voting Nay: None. Motion carried.

Respectfully submitted,

Tonia Gonzalez

Village Clerk