

**COMMITTEE OF THE WHOLE
AUGUST 15, 2023
VILLAGE BOARD ROOM
2200 HARNISH DRIVE, ALGONQUIN
7:45 P.M.**

Trustee Glogowski – Chairperson
Trustee Dianis
Trustee Smith
Trustee Brehmer
Trustee Auger
Trustee Spella
President Sosine

AGENDA

- 1. Roll Call – Establish a Quorum**
- 2. Public Comment** – Audience Participation
(Persons wishing to address the Committee must register with the Chairperson prior to roll call.)
- 3. Community Development**
- 4. General Administration**
 - A. Consider Amending Chapter 33, Liquor Control and Liquor Licensing, of the Algonquin Municipal Code by Increasing Certain Licenses by One
 - B. Consider an Ordinance Abating a Portion of Taxes Levied to Pay Principal and Interest on Certain General Bonds, Series 2013
- 5. Public Works & Safety**
 - A. Consider an Ordinance Prohibiting the Use of Groundwater as Potable Water Supply Under the Area Surrounding 609 S. Main Street
- 6. Executive Session** (if needed)
- 7. Other Business**
- 8. Adjournment**



VILLAGE OF ALGONQUIN
MEMORANDUM

DATE: August 9, 2023

TO: Village Board

FROM: Michelle Weber

SUBJECT: Liquor Code Amendment

In accordance with an ordinance passed in 2013 limiting the number of allowable liquor licenses in all classes to the number of licenses issued at that time, the attached proposed ordinance amending the number of available Class A-1 liquor licenses.

On August 8, 2023, Pickle Haus, LLC located at 1621 S Randall Road, Algonquin, a new sports facility and restaurant, requested a Class C liquor license, which will allow the retail sale of alcoholic liquor for consumption on premise as well as in sealed cartons, bottles, casks, flasks, barrels, cases or other containers, for consumption off the premises.

Staff recommends increasing the number of available Class C liquor licenses by one at this time and earmark the license for Pickle Haus, LLC leaving no available liquor licenses.

Attachment

ORDINANCE NO. 2023 - O - _____

**An Ordinance Amending Chapter 33, Liquor Control
and Liquor Licensing, of the Algonquin Municipal Code**

WHEREAS, the Village of Algonquin, McHenry and Kane Counties, Illinois, is a home rule municipality as contemplated under Article VII, Section 6, of the Constitution of the State of Illinois, and the passage of this Ordinance constitutes an exercise of the Village’s home rule powers and functions as granted in the Constitution of the State of Illinois.

NOW, THEREFORE, BE IT ORDAINED by the President and Board of Trustees of the VILLAGE OF ALGONQUIN, McHenry and Kane Counties, Illinois, as follows:

SECTION 1: Section 33.07-B, Paragraph 10 Number of Licenses Issued, of the Algonquin Municipal Code shall be amended as follows:

10. Four Class C licenses at any one time.

SECTION 2: If any section, paragraph, subdivision, clause, sentence or provision of this Ordinance shall be adjudged by any Court of competent jurisdiction to be invalid, such judgment shall not affect, impair, invalidate or nullify the remainder thereof, which remainder shall remain and continue in full force and effect.

SECTION 3: All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

SECTION 4: This Ordinance shall be in full force and effect September 5, 2023, approval and publication in pamphlet form (which publication is hereby authorized) as provided by law.

Voting Aye:
Voting Nay:
Abstain:
Absent:

APPROVED:

(SEAL)

Village President, Debby Sosine

ATTEST: _____
Village Clerk, Fred Martin

Passed: _____
Approved: _____
Published: _____



VILLAGE OF ALGONQUIN
GENERAL SERVICES ADMINISTRATION

- M E M O R A N D U M -

DATE: August 10, 2023

TO: Tim Schloneger, Village Manager

FROM: Michael Kumbera, Deputy Village Manager/Chief Financial Officer

SUBJECT: *Abatement of 2023 Pledged Taxes: Bond Series 2013*

The Village ordinance that was approved in relation to Bond Series 2013 (Wastewater Treatment Facility expansion) require that Kane and McHenry County Clerks to annually levy taxes to provide funds for payment of the principal and interest. The 2023 tax levy for this bond series is \$856,976.00.

The Village has historically abated property taxes for our General Obligation Bond Series. As a condition to abate the debt service in the tax levy, the Village is required to have funds on deposit sufficient to pay the principal and interest on the bonds when due.

Attached to this memorandum is a statement from the Treasurer certifying that sufficient funds are on deposit to pay the required principal and interest amounts.

Recommendation: Staff recommends approval of the tax abatement ordinance for Bond Series 2013. Staff will be available in advance of and at the Committee of the Whole meeting to answer any questions.

C: Amanda Lichtenberger, Deputy Chief Financial Officer

ORDINANCE NUMBER 2023 -O-

ORDINANCE abating a portion of taxes heretofore levied to pay principal of and interest on certain General Obligation Refunding Bonds, Series 2013, of the Village of Algonquin, McHenry and Kane Counties, Illinois.

* * *

WHEREAS, Division 6 of Article VII of the 1970 Constitution of the State of Illinois (the “**Constitution**”) provides that the Village of Algonquin, McHenry and Kane Counties, Illinois (the “**Village**”), is a home rule unit, and, as such, the Village is authorized to issue its full faith and credit obligations without first submitting the question of issuing such obligations to referendum approval; and

WHEREAS, pursuant to the provisions of the Constitution, the Village is a home rule unit and may exercise any power and perform any function pertaining to its government and affairs including, but not limited to, the power to tax and to incur debt; and

WHEREAS, the President and Board of Trustees (the “**Village Board**”) of the Village of Algonquin, McHenry and Kane Counties, Illinois (the “**Village**”), by an ordinance adopted on the 3rd day of December 2013 (the “**Ordinance**”), did provide for the issue of \$7,645,000 General Obligation Refunding Bonds, Series 2013 (the “**Bonds**”), of the Village and the levy of a direct annual tax sufficient to pay principal and interest on the Bonds; and

WHEREAS, on the 18th day of December 2013, a duly certified copy of the Ordinance, executed by the Village officials in accordance therewith, for the Bonds, was filed in the offices of the County Clerks of The Counties of McHenry and Kane, Illinois (the “**County Clerks**”); and

NOW, THEREFORE, Be It Ordained by the President and Board of Trustees of the Village of Algonquin, McHenry and Kane Counties, Illinois, as follows:

The Taxes heretofore levied in the Ordinance for the Bonds for 2023 shall be abated as follows:

Year	Amount Levied	Amount to be Abated	Remainder of Tax to be Extended
2023	\$856,976.00	\$856,976.00	\$0.00

Forthwith upon the adoption of this ordinance, the Village Clerk shall file a certified copy hereof with each of the County Clerks, and it shall be the duty of the County Clerks for the year 2023, to abate the taxes heretofore levied in and for the year 2023 for the Bonds and as shown hereinabove in Section 1 hereof.

This ordinance shall be in full force and effect forthwith upon its adoption.

Voting Aye:

Voting Nay:

Abstain:

Absent:

Debby Sosine, Village President

(Seal)

ATTEST: _____
Fred Martin, Village Clerk

PASSED:

APPROVED:

PUBLISHED:

STATE OF ILLINOIS)
) **SS**
COUNTY OF KANE)
COUNTY OF McHENRY)

RECEIPT OF VILLAGE TREASURER

I, the undersigned, do hereby certify that I am the duly qualified and acting Village Treasurer of the Village of Algonquin, McHenry and Kane Counties, Illinois (the “**Village**”), and as such Village Treasurer, I do further certify as follows:

As of the date hereof, the Village has at my direction irrevocably deposited funds to secure required debt service in connection with the abated 2023 tax levy with Illinois Metropolitan Investment Fund to be used exclusively on behalf of the Village for the payment of principal and interest of the General Obligation Refunding Bonds, Series 2013.

The Village has all powers necessary under the applicable statutes, regulations and rulings and the governing body of the Village has taken all action necessary to authorize such action.

IN WITNESS WHEREOF, I hereunto affix my signature and the seal of the Village, this 10th day of August, 2023.

VILLAGE OF ALGONQUIN
McHenry and Kane Counties, Illinois

By 
Village Treasurer

(VILLAGE SEAL)



VILLAGE OF ALGONQUIN
PUBLIC WORKS DEPARTMENT

– M E M O R A N D U M –

DATE: August 15, 2023

TO: Tim Schloneger, Village Manager
Committee of the Whole

FROM: Nadim Badran, Director of Public Works

SUBJECT: Recommendation to Adopt an Ordinance Prohibiting the Use of
Groundwater as a Potable Water Supply Under a Former
Industrial Use

The property owners located at 609 S. Main Street are currently going through a site remediation and mitigation effort to address a leaking underground storage tank. The former gas station's underground tanks have been leaking and have released the petroleum-based fuel into the surrounding the soils. The owners of the site have been working with Green Wave Consulting, LLC., and the Illinois Environmental Protection Agency to establish the remediation plan. As part of their corrective action plan, the IEPA has requested the Village Adopt the draft ordinance attached to this memo prohibiting the use of groundwater as a potable water supply under the area surrounding 609 S. Main Street.

The Village currently has an ordinance prohibiting the use of private wells wherever a watermain is available for connection. This ordinance will be specific to the site shown in the attached map. All of the structures in this area are within the proximity of water mains and would not be allowed to install a private well based on existing regulations. This language needs to be adopted solely to ensure continued remediation of the site. The Village's aquifers are not located near this site and will not be impacted by the leaking underground tank.

In order to ensure compliance with the IEPA, and to continue to support the remediation of the site, staff recommends that this ordinance be approved at the next Village Board meeting.

ORDINANCE NUMBER _____

AN ORDINANCE PROHIBITING THE USE OF GROUNDWATER AS A POTABLE WATER SUPPLY BY THE INSTALLATION OR USE OF POTABLE WATER SUPPLY WELLS OR BY ANY OTHER METHOD WITHIN THE VILLAGE OF ALGONQUIN

WHEREAS, the Village of Algonquin, McHenry and Kane Counties, is a home rule municipality as contemplated under Article VII, Section 6, of the Constitution of the State of Illinois, and the passage of this Ordinance constitutes an exercise of the Village's home rule powers and functions as granted in the Constitution of the State of Illinois.

WHEREAS, certain properties in the Village of Algonquin, McHenry and Kane Counties, Illinois have been used over a period of time for commercial/industrial purposes; and

WHEREAS, because of said use, concentrations of certain chemical constituents in the groundwater beneath the said property may exceed Class I groundwater quality standards for potable resource groundwater as set forth in 35 Illinois Administrative Code 620 or Tier 1 remediation objectives as set forth in 35 Illinois Administrative Code 742; and

WHEREAS, the Village of Algonquin desires to limit potential threats to human health from groundwater contamination while facilitating the redevelopment and productive use of properties that are the source of said chemical constituents;

NOW, THEREFORE, BE IT ORDAINED by the President and Board of Trustees of the Village of Algonquin, McHenry and Kane Counties, Illinois:

SECTION ONE: Use of groundwater as a potable water supply prohibited. The use or attempt to use as a potable water supply groundwater from within the area depicted on Exhibit A, attached hereto and made a part hereof, by the installation or drilling of wells or by any other method is hereby prohibited. This prohibition expressly includes the Village of Algonquin.

SECTION TWO: Penalties. Any person violating the provisions of this ordinance shall be subject to a fine of up to \$1,000 for each violation and be responsible for the Village's cost of prosecution, including reasonable attorney fees. Each day that a potable water supply exists from within said restriction area shall be considered a separate violation.

SECTION THREE: Definitions.

"Person" is any individual, partnership, co-partnership, firm, company, limited liability company, corporation, association, joint stock company, trust, estate, political subdivision, or any other legal entity, or their legal representatives, agents or assigns.

"Potable water" is any water used for human or domestic consumption, including, but not limited to, water used for drinking, bathing, swimming, washing dishes, or preparing foods.

SECTION FOUR: Severability. If any section, paragraph, subdivision, clause, sentence or provision of this Ordinance shall be adjudged by any Court of competent jurisdiction to be invalid, such judgement shall not affect, impair, invalidate or nullify the remainder thereof, which remainder shall remain and continue in full force and effect.

SECTION FIVE: Repealer. All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

SECTION SIX: Effective date. This ordinance shall be in full force and effect upon its passage, approval and publication in pamphlet form (which publication is hereby authorized) as provided by law.

Voting Aye:

Voting Nay:

Abstain:

Absent:

APPROVED:

(SEAL)

Village President, Debby Sosine

ATTEST: _____
Village Clerk, Fred Martin

By: _____
Deputy Clerk, Michelle Weber

Passed: _____

Approved: _____

Published: _____



May 19, 2023

Attn: Fred Martin, Village Clerk
Village of Algonquin
2200 Harnish Drive
Algonquin, Illinois 60102

Re: AZ SPE, LLC
609 South Main Street, Algonquin, IL 60102
IEPA Proposed Groundwater Ordinance

Dear Mr. Martin,

On behalf of AZ SPE, LLC, Green Wave Consulting, LLC (GWC) respectfully requests an ordinance prohibiting the use of groundwater as a potable water supply. GWC is currently contracted with AZ SPE, LLC of Alsip, Illinois to mitigate a petroleum release from the underground storage tanks at 609 South Main Street in Algonquin. The Illinois Environmental Protection Agency (IEPA) requires AZ SPE, LLC to properly address soil and groundwater contamination at the site in accordance with the Illinois Pollution Control Board regulations.

GWC has recently received approval of a Corrective Action Plan from the IEPA which proposed a limited-area groundwater ordinance to address groundwater contamination for the site. The proposed area for the groundwater ordinance area consists of portions of South Main Street, Division Street, La Fox River Drive, and the following parcel index numbers:

19-34-152-003	19-34-152-004	19-34-155-007
19-34-155-010	19-34-155-008	19-34-155-001
19-34-155-002	19-34-155-003	19-34-155-004
19-34-155-005	19-34-155-006	

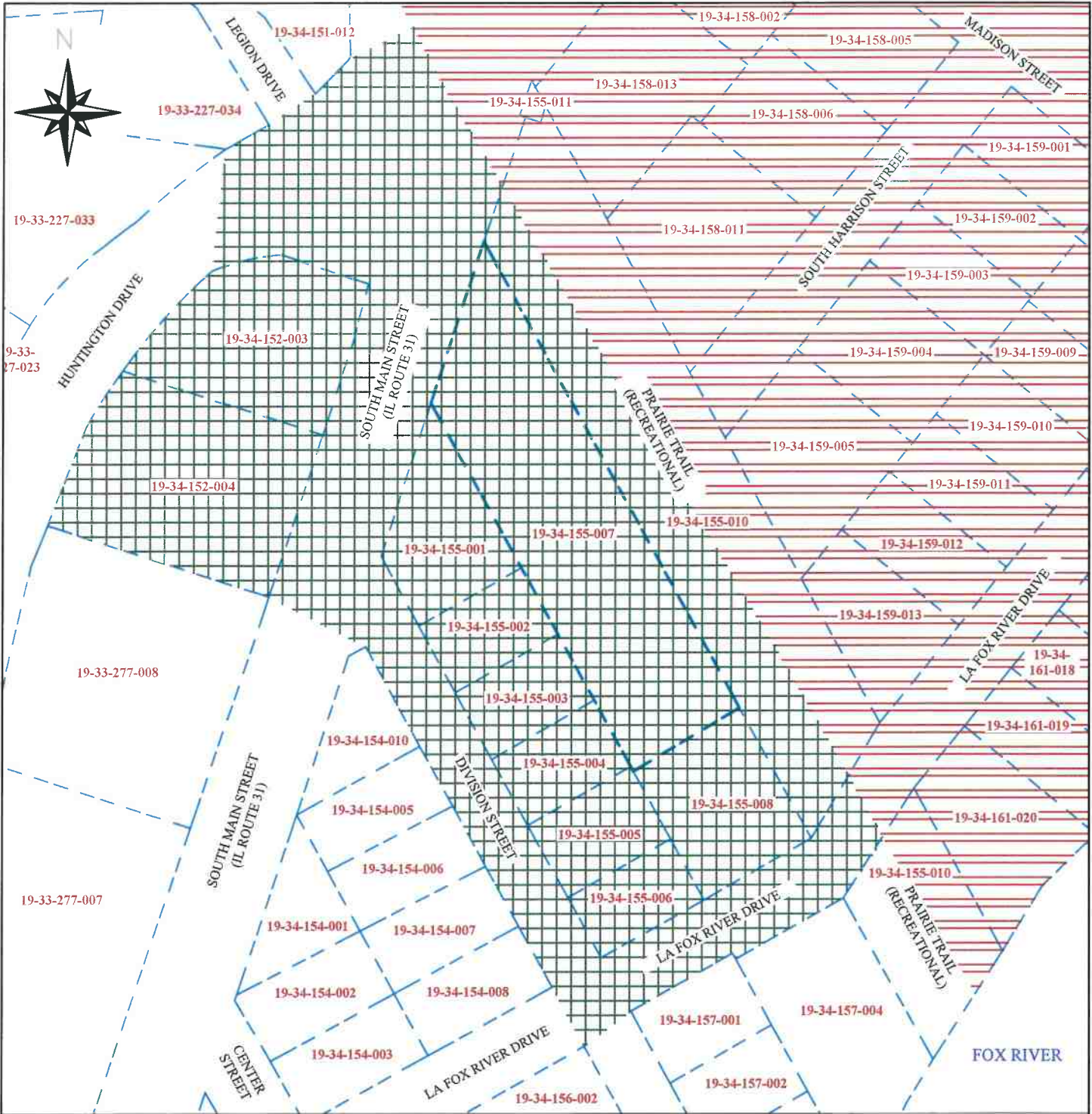
Please refer to the attached documents for a site map depicting the proposed groundwater ordinance. In order for AZ SPE, LLC to obtain a No Further Remediation letter from the IEPA, AZ SPE, LLC needs to address the groundwater ingestion pathway. The proposed area for the limited groundwater ordinance depicts the maximum extent of potential groundwater contamination migration based upon IEPA sanctioned modeling equations.

Groundwater ordinances have been proven to be a reliable method of remediating environmental contamination by protecting human health and the environment. A limited-area groundwater ordinance would prohibit the installation of potable wells in the proposed area. It is GWC opinion that the installation of a potable well in the rights-of-way of South Main Street, Division Street, and La Fox River Drive in the City of Algonquin would be impractical due to traffic patterns on said streets. The attached documents also contain a draft copy of an Illinois Environmental Protection Agency model document of the requested groundwater ordinance.






Thank you for your attention to this matter. If you have any questions, please feel free to contact me at 217-726-7569 ext. 240 or by email at benc@greenwavecon.com.

Sincerely,

Ben Collette
Environmental Scientist
Green Wave Consulting, LLC



LEGEND

-  PROJECT PROPERTY LINE
-  PROPERTY LINE
-  PROPERTY INDEX NUMBER
-  AREA OF EXISTING GROUNDWATER USE RESTRICTION ORDINANCE (ORDINANCE NO. 2013-0-62)
-  AREA OF PROPOSED GROUNDWATER USE RESTRICTION ORDINANCE



1" = 120'

 <p>GREEN WAVE CONSULTING, LLC 4440 ASH GROVE DRIVE, Suite A Springfield, IL 62711 (217-726-7569)</p>	<p>GROUNDWATER ORDINANCE AREA MAP</p>		<p>PREPARED WOLFE</p>	<p>DATE 08/2022</p>
	<p>SUBJECT SITE ADDRESS: 609 SOUTH MAIN STREET ALGONQUIN, ILLINOIS 60102</p>		<p>DRAWN WOLFE</p>	<p>DATE 08/2022</p>
<p>INCIDENT NO. 950960</p>	<p>FILE NAME AZ SPE ALGONQUIN - SAF</p>	<p>APPROVED WIENHOFF</p>	<p>DATE 08/2022</p>	<p>PROJECT NO. 354</p>
			<p>EXHIBIT NO. A</p>	

EXHIBIT B
“GROUNDWATER ORDINANCE AREA”

That area bound by the following:

All o the following particularly described parcels, together with all of the public street rights of way of South Main Street, Division Street, and La Fox River Drive extending their entire widths adjoining the below described subject premises as depicted on Exhibit A.

These properties are particularly described as:

<i>PIN</i>	<i>Address</i>
19-34-152-004	1 Huntington Drive
19-34-152-003	620 South Main Street
19-34-155-001	132 Division Street
19-34-155-002	126 Division Street
19-34-155-003	120 Division Street
19-34-155-004	114 Division Street
19-34-155-005	108 Division Street
19-34-155-006	102 Division Street
19-34-155-007	609 South Main Street
19-34-155-008	604 La Fox River Drive
19-34-155-010	N/A