

## October 25, 2005 Regular Board Meeting

### **October 25, 2005 Regular Board Meeting Minutes**

Meeting called to order at the Village of Hainesville Council Chambers by Mayor Ted Mueller at 7:02 p.m.

Commander Mike Robinson led the pledge of allegiance to the flag.

Mayor Ted Mueller stated on the radio today they announced that the 2,000th Marine has been killed in Iraq. Ted is asking for a moment of silence in the remembrance for the 2, 000 Brave Marines and Army guys that have paid this price.

Clerk Kathy Metzler took roll call. The following Officials were present: Mayor Ted Mueller, Trustees Walkington, Genender, Bonds, Trustee Stiliz II and Gottsacker

Also present were: Village Clerk Kathy Metzler, Treasurer Kelly Hensley, Deputy Clerk Debbie Zwicker, Public Works Supervisor Jeff Gately, EMA Coordinator Mark Gottsacker, Police Commander Mike Robinson and Village Attorney Adam Simon

Absent: Trustee Stiliz III and Building Official Russ Kraly

#### **Establishment of quorum**

Mayor Mueller stated we will be going into executive session to discussion personnel.

#### **Agenda Approval**

Trustee Walkington motioned to approve the agenda; seconded by Trustee Genender.

Roll Call:

Ayes: Trustees Walkington, Genender, Bonds, Stiliz II and Gottsacker

Absent: Trustee Stiliz III

Motion carried.

#### **Public discussion and/or comments from the floor:**

**Michael Russell, 66 W. Big Horn Drive, Hainesville, IL 60073** – asked about the driving situation with Cranberry Lake North Subdivision. He is looking for the village to accept the land so we can start enforcing parking issues? Mayor Mueller stated the village has not accepted the public improvements for Cranberry Lake North due to legal issues. The Developer is refusing to comply with what is required of them. Our attorney has touched base with them again and until the developer provides us with the proper deed and a maintenance bond we cannot accept it. As soon as we accept it, we will enforce the parking ordinance. Mayor Mueller stated we did request permission to enforce the parking regulation and the developer did give us that permission, but the developer got mad at us and withdrew in writing. Discussion took place.

**Christine Pietranek, 559 N. Triumph Court, Hainesville, IL 60073** – asked if the village is asking for anything different with the deed and the maintenance bond with this piece of property, Cranberry Lake North vs. Cranberry Lake South. Mayor Mueller stated that RHMG approved the punch list in May, which means five months is already behind you guys, if only Deer Point would comply.

Attorney Adam Simon explained the risk is in the event that any of the public improvements that the developer constructed fails or needs repair in the first year there are two places in the development agreement that requires them to have a maintenance bond to guarantee that the work gets done and is paid for. If the village accepts the improvements without that maintenance bond, instead of having the developer pay for the insurance that he owes us, everyone in the village will lose some money due to the village would be responsible for that. So the question is should the entire village suffer or should the developer pay for what is legally required under the contract. Discussion took place.

Trustee Stiliz II stated that we are not asking for anything different and doesn't understand why Deer Points Homes won't provide the paper work and be done. Trustee Walkington told Christine to call the developer. Discussion took place.

**Scott Bernard, 99 W. Big Horn Drive, Hainesville, IL 60073** – had a question of the rights of the renters. What we can do and not do with the actions of renters which are upsetting the other homeowners.

Attorney Simon stated that is up to your association. Scott asked about the rules and regulations for Hainesville. Attorney Simon stated the code is on-line. Trustee Stiliz II stated to Scott in answer to your question regarding the homeowners renting and problems with renters call your association and police department and talk to them about what you want to incorporate in your home owners association to take care of these problems.

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### **Omnibus Vote Agenda**

A Motion to Approve the September 2005 Financial Statements

Trustee Stiliz II motioned to approve the Omnibus Vote Agenda as presented; seconded by Trustee Bonds.

Roll Call:

Ayes: Trustees Walkington, Genender, Bonds, Stiliz II and Gottsacker

Absent: Trustee Stiliz III

Motion carried.

### **Reports and Communications from Mayor and other Officers:**

#### **Mayors Report**

Mayor Ted Mueller reported a few months back he had given a draft copy of the comprehensive plan to the Trustees, Kathy and Kelly for review and comments. Today Ted received comments from Kathy and Kelly, which he combined with his comments and presumes the Board will trust our revisions the three of us have made. Mayor Mueller will turn this over to Al Maiden in a few days. Kathy and Kelly did a terrific job tagging the updates and comments on the plan.

Committee reports are required to produce minutes. Jeff Gately did a terrific job on minutes for public works, a very professional job!

Mayor Mueller stated that Debbie Zwicker is looking for website information on two trustees, please see Kathy Metzler and she will take a picture. Please get your information to Debbie as soon as possible.

#### **Clerks Report**

Clerk Kathy Metzler is looking for newsletter articles to be turned in to her by Wednesday, November 9th.

This is Red Ribbon Week at the schools, which is a National Drug Prevention Awareness Week. The Lake County Health Department and Community Health Center offered a Tobacco Free Gardens program to celebrate those who have chosen to be tobacco free and to honor those whose lives have been touched by a tobacco related disease. In honor of this week thru the program, Jeff Gately and Bob Irvine will be planting tomorrow 100 red tulip bulbs by our Village Hall sign. This program was offered to schools, churches, village halls, park districts and libraries. We will receive a sign "Plant a Promise" to show our support.

Next Board Meeting, November 8th, we will have a Public Hearing at 6:30 p.m. Gene Wright is asking for the Special Use for the purpose of a dog kennel right next to the mobile station at 16 W. Belvidere Road.

The Mayor and Trustees were given a report explaining Debbie Zwickers first year attending institute and Kathy Metzler attending academy.

#### **Treasurer Report**

Treasurer Kelly Hensley reported on two items tonight:

Corporate/Police

Kelly stated there is a memo in your packets with the history. Attorney Adam Simon prepared a revision of what was in your packets which Kelly handed out tonight. Adam stated what we are asking you to do tonight is adopt an estimate of tax levy for the sole purpose to see if we need to have a Truth and Taxation Public Hearing. A hearing to explain the reasons why the tax levy may have gone up more than 5% from the previous year. We do need to have a public hearing due to the fact that the village maybe increasing the police levy to comply with the referendum that was passed three years ago. Trustee Stiliz II stated you are providing us with a spread sheet that shows what we might raise the taxes to but doing this tonight doesn't raise the taxes. Adam stated this spreadsheet is potential, and a public hearing is required by state law, a notice is required anytime local government increases their tax levy from one year to the next by more than 5%, then they have to have a public hearing.

Discussion took place.

Trustee Stiliz II stated we are not passing any tax levy tonight

#### **Special Service Area**

The village levies \$10. per household in the Cranberry Lake Area and Kelly is looking for direction from the Board do we keep it at \$10?

Discussion took place. Trustee Genender would like to keep it at \$10.

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Trustee Genender motioned to keep the Special Service Area at \$10; seconded by Trustee Bonds. Trustee Walkington stated this can be changed every tax year which it can. Mayor Mueller stated what he is hoping to do is to try to go out to referendum this spring if the Board is in favor of this. This would take the load off the Cranberry Lake residents West of Hainesville road. The East residents of Hainesville Road are not paying for the Cranberry Lake maintenance and this would spread it over the village.

Discussion took place.

Roll Call:

Ayes: Trustees Walkington, Genender, Bonds and Gottsacker

Nays: Trustee Stiliz II

Absent: Trustee Stiliz III

Motion carried to keep at \$10.

### **Police**

Police Commander Mike Robinson had nothing to report.

### **Building Official**

Building Official Russ Kraly was not present.

### **Public Works Supervisor**

Public Works Supervisor Jeff Gately wanted to commended everyone for Make a Difference Day and the removal of a lot of Buckthorn out of there! Pam Genender and Wally Stiliz II deserve a vote of thanks.

Bob Irvine is back in town and they are starting to get caught up with some projects. We are getting the rest of the stop signs striped; Deer Point will be done by Monday or Tuesday of next week. It needs to be warmer out side.

Jeff stated he has one or two more mowings and then he will put fertilizer down for the winter in the next couple of weeks.

Sunday is the Hayride for Halloween. There are signs posted and it is on our website. Also, bring a non perishable food to donate to the food pantry.

Jeff is looking for a consensus. There is a list of 36 parkway trees that need to be replaced. To speed up the process Jeff would like to call three local places to have it done. Mayor Mueller stated there is a question if it can be done this Fall or in the Spring. Trustee Stiliz II stated we would go over the \$10,000. limit. Mayor Mueller stated to go over the \$10,000. limit we would have to update our ordinance, the state does allow \$20,000.

Mayor Mueller asked for a consensus from the Board. Attorney Simon could prepare a simple ordinance that we could pass at the first meeting of next month and then Jeff could go out and start getting quotes, we could poll the Board and then ratify it. Attorney Simon stated State law provides up to \$20,000 but the village has an ordinance to \$10,000. If the Board wants to change this ordinance to the \$20,000 you could.

Trustee Bonds inquired to what type of trees would be planted. Discussion took place.

Mayor Mueller asked for a consensus regarding updating our ordinance to \$20,000. Trustees Walkington, Genender and Stiliz II all said No and Trustee Bonds said Yes. Trustee Gottsacker was not in the consensus.

Discussion took place.

Jeff stated he will put it together and put it in paper

### **EMA Coordinator**

EMA Coordinator Mark Gottsacker stated that EMA and Public Safety on Sunday will get together with the police department to assist in helping the kids to get along safely for Halloween.

### **Attorney**

Attorney Adam Simon has nothing to report.

### **Reports of Standing Committees:**

**Finance** – Trustee Walkington had nothing to report at this time.

**Public Safety** – Trustee Gottsacker had nothing to report at this time.

**Grant Procurement**– Trustee Genender commended Debbie Zwicker for an excellent job done on her grant committee minutes. Kathy Metzler had a great idea to ask Round Lake Area Park District to match up to \$500. for a beautification program.

We are also looking into the Five Star Grant Program, the Illinois Habitat Fund and talked briefly about the Bike Path again. This was a good Meeting.

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Village Hall Landscaping – Trustee Bonds stated she and the mayor are going to be working on a sketch. We did get three proposals from three different landscapers two of which gave us plans of where they suggest where to put trees and shrubs. We will use the two to come up with our own plan and then go out to bid.

**Public Works/Public Property/Open Spaces** – Trustee Stiliz II stated Pam did a great job with the Buckthorn. He thought it would be a real disaster. A lot of people in the village did get involved and see the problem of the Buckthorn on the West side and the Buckthorn is probably greater on the East Side

He will have a few proposals on the next agenda for Buckthorn Removal, he reduced this to a program by cutting Cranberry Lake into thirds. There are pictures of the plants on the Trustees credenza.

At the Public Works meeting we spoke about projects for the next 12 months. One is painting the water tower, adding another pump for back up for the lift station in Deer Point on Lisk Drive and the other looping the water main for the village hall down to North Avenue.

Discussion took place regarding the looping of the water main for the village hall. This will be discussed at the next board meeting regarding engineering prices.

### **Business**

#### **Marine Week Proclamation**

Mayor Mueller introduced the following Marines Ken Grosvenor, Gunnery Sergeant Adamson and Sergeant Mendosa and asked them to come forward. Mayor Ted Mueller read the proclamation. Trustee Stiliz II motioned to approve the Marine Proclamation; seconded by Trustee Genender.

Roll Call:

Ayes: Trustees Walkington, Genender, Bonds, Stiliz II and Gottsacker

Absent: Trustee Stiliz II

Motion carried.

Mayor Mueller presented the Proclamation to the Marines.

#### **Approval for the Bid opening Snow Removal Contract Minutes**

Trustee Genender motioned to approve the Minutes from October 17th; seconded by Trustee Bonds.

Roll Call:

Ayes: Trustees Walkington, Genender, Bonds, Stiliz II and Gottsacker

Absent: Trustee Stiliz III

All in favor, motion carried.

The mayor stated again, Jeff did a good job on the minutes.

Award Snow Removal Contract and Approve the Ordinance

Trustee Genender motioned to approve the Ordinance awarding a contract for snow plowing services; seconded by Trustee Bonds.

Trustee Stiliz II asked if this includes Phase 4. Mayor Mueller stated that the drawings were submitted to the bidders as an option, when this is turned over we will then plow. Trustee Genender complimented Dave Schultz for snowplowing and stated he does an excellent job. Trustee Bonds inquired if Dave has the bus stop corners; she has a lot of children at her bus stop.

Roll Call:

Ayes: Trustees Walkington, Genender, Bonds, Stiliz II and Gottsacker

Absent: Trustee Stiliz III

Motion carried.

Ordinance # 05-10-57

#### **SWALCO Per Ton Payment Intergovernmental Agreement – Peter Adrian**

Mayor Mueller stated that this would bring additional funds to the village.

Trustee Genender left the Council Chambers at 8:10 p.m.

Peter Adrian explained the Intergovernmental Agreement.

Trustee Genender entered the Council Chambers at 8:12 p.m.

Trustee Bonds motioned to approve the Intergovernmental Agreement; seconded by Trustee Walkington.

Roll Call:

Ayes: Trustees Walkington, Genender, Bonds, Stiliz II and Gottsacker

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Absent: Trustee Stiliz III

Motion carried.

Mayor Mueller stated that tomorrow at 10:00 a.m. the 7-11 Citgo is participating in a program with SWALCO to recycle at gas stations. This is a two-year pilot program using a 5 ft. plastic pop bottle to put cans and bottles into.

### **Approval of 2005 Street Resurfacing Invoice**

Trustee Walkington motioned to approve paying Peter Baker payment in the amount of \$95,670.49 for the work completed which is 90% of the invoice amount. We are holding back the 10%; seconded by Trustee Genender.

Trustee Stiliz II asked if the numbers are correct on page 2 of the invoice. The letter says this is 98% of the invoice amount. Discussion took place.

Trustee Walkington amends the motion to pay 90% of completed work to date; seconded by Trustee Bonds.

Roll Call:

Ayes: Trustees Walkington, Genender, Bonds, Stiliz II and Gottsacker

Absent: Trustee Stiliz III

Motion carried.

The mayor will call Smith Engineering in the morning.

### **Resolution Approving the Estimated Aggregate Tax Levy for Tax Year 2005**

Treasurer Kelly Hensley is asking for approval. If this is passed tonight we will have to set a date to have a public hearing in November. Attorney Simon stated the requirements that we have to go thru.

Discussion took place.

Trustee Walkington motioned to approve the Resolution approving the Estimated Aggregate Tax Levy for tax year 2005; seconded by Trustee Bonds.

Roll Call:

Ayes: Trustees Walkington, Genender, Bonds, Stiliz II and Gottsacker

Absent: Trustee Stiliz III

Motion carried.

Resolution # 05-R10-22

### **Illinois Municipal League Risk Management Assoc. – Village Insurance**

Treasurer Kelly Hensley stated the village belongs to the Illinois Municipal League Risk Management Association and received the renewal information on October 18th regarding our annual contract. If the Board approves this by November 18th we would receive a 2% discount.

Kelly is asking for a consensus or motion to approve to pay to save 2%.

Trustee Stiliz II motioned to allow Kelly to pay \$14,698.04; seconded by Trustee Genender.

Roll Call:

Ayes: Trustees Walkington, Genender, Bonds, Stiliz II and Gottsacker

Absent: Trustee Stiliz III

All in favor, motion carried.

Trustee Stiliz II motioned for the Trustees, Attorney and Mayor to go into Executive Session to discuss personnel; seconded by Trustee Genender.

Roll Call:

Ayes: Trustees Walkington, Genender, Bonds, Stiliz II and Gottsacker

Absent: Trustee Stiliz III

Motion carried.

The Regular Board Meeting ended at 8:33 p.m. to break for ten minutes, then enter into Executive Session.

The Regular Board Meeting entered back in at 9:17 p.m.

### **To Vote on once out from Executive Session:**

Mayor Mueller stated in Executive session we discussed the potential payment of comp time and comp time in great depths. The agreement that the Trustees are proposing is that the agreement that was written for both Kathy and Kelly be modified to state that under the terms they agree to exhaust as many of their comp time hours that they have accrued by the end of 2005. From the

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date of the agreement they are not to attempt to accrue any more comp time. At the end of December they will be paid for the balance of their time based on their projected hourly rate. It is also the consensus of the Board that after the first of the year that Kathy and Kelly will be strictly salaried and do their job within the time they have been working. There will be no more comp time. Kathy will be salaried at 31 hours a week and Kelly will be at 28 hours a week. Trustee Stiliz II motioned to amend to say there will be no more comp time as of date of signature; seconded by Trustee Walkington.

Roll Call:

Ayes: Trustees Walkington, Genender, Bonds, Stiliz II and Gottsacker

Absent: Trustee Stiliz III

Motion carried.

Trustee Walkington motioned to adjourn the October 25, 2005 Regular Board Meeting; seconded the motion by Trustee Bonds.

All in favor say aye, motion carried.

**The October 25, 2005 Regular Board Meeting adjourned at 9:20 p.m.**

Kathy Metzler, RMC, CMC  
Village Clerk