

## February 28, 2006 Meeting Minutes

### **February 28th, 2006 Regular Board Meeting Minutes**

Meeting called to order at the Village of Hainesville Council Chambers by Mayor Ted Mueller at 7:00 p.m.

Commander Burch led the pledge of allegiance to the flag.

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

Also present were: Village Clerk Kathy Metzler, Treasurer Kelly Hensley, Deputy Clerk Debbie Zwicker, Building Official Russ Kraly, Public Works Supervisor Jeff Gately, EMA Coordinator Mark Gottsacker, Police Commander Dan Burch and Village Attorney Adam Simon

### **Establishment of quorum**

Mayor Mueller asked to amend the agenda, we will be replacing #6, 7 and 8 under J. with an Ordinance Approving the Second Amendments to certain Recapture Agreements between the Village and Deer Point Homes Development Corp. We have already approved the development agreement and this is a formal procedure that is necessary.

Mayor Mueller stated when we get to item 9 under J, after the Board has discussed the item, the floor will be opened for public discussion.

### **Agenda Approval**

Trustee Bonds motioned to approve the agenda as amended; seconded by Trustee Walkington. Trustee Stilz II would like J9 taken off the agenda because he doesn't have a written offer for the purchase of the village hall. How can I vote without a written offer?

Mayor Ted Mueller stated we have an offer that was amended by Attorney Derke Price and myself and the proposal was going to vote allowing our attorney to prepare a formal agreement that will then be brought before the Board for final approval.

Trustee Stilz II would like to motion to remove item J9 because we have no information; seconded by Trustee Stilz III.

Mayor Mueller stated we have a verbal offer on the village hall by Dr. Beyers.

Mayor Mueller stated we have a motion and a second for approval of the agenda as the mayor amended it.

### **Roll Call:**

Ayes: Trustees Walkington, Stilz III, Genender, Bonds, Stilz II and Gottsacker

Motion carried.

Now we have a motion to remove item J9 from the agenda. It has been moved and seconded. Any discussion? Trustee Walkington asked if we take it off, what are we doing? Mayor Mueller stated it would die. The last time we discussed this the Board didn't want to waive the permit fees or the sewer and water tap on fees. We went back with that offer and Dr. Beyers rejected it.

Trustee Stilz III stated this is executive session information, why are we going over this now? Attorney Adam Simon stated that the open meetings act is not mandatory, it is permissive, you are allowed to go into executive session to discuss sale of public property. It is not required. So it is the prerogative of the Board to decide whether to discuss it in open or closed session.

Trustee Stilz II stated we don't have any information to make a decision. Mayor Mueller stated we have a price offer, a due diligence period and we know what he is going to construct on the site which complies with our building and zoning ordinance and it is a verbal offer. What the mayor is asking for is the Board to allow our attorney to compile a contract that we can review and sign. If the Board feels we should take this off the agenda, then lets take it off.

We have a motion and a second.

### **Roll Call:**

Ayes: Trustees Stilz III, Genender, Stilz II and Gottsacker

Nays: Trustees Walkington and Bonds

Motion carried, it is off the agenda.

For the Record Mayor Mueller stated the sign will come down tomorrow and we will start interviewing realtors. Dr. Beyers will back off of this agreement. He no longer wants to do this piddle negotiating.

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

**Laura Shields, 327 Katherine Drive, Hainesville, IL 60030** - would like to address the issue

## February 28, 2006 Meeting Minutes

regarding the sale of the old village hall. Laura stated she has been a real estate paralegal for almost 20 years with commercial and residential. The real estate market is a buyers market right now, so thinking everyone is going to come running to Hainesville to purchase this property, they won't. Laura stated she is assuming that we have gotten how much this is worth from more than one person. In Forbes Magazine there are reports that the real estate market is likely to take a 20% drop in value. She has lived here for 12 years and Route 120 has improved, the older buildings have been taken away, lets put our best face forward in selling the old village hall.

Mayor Mueller thanked Laura.

**Georgeann Duberstein, 82 Tall Oak Drive, Hainesville, IL 60073** – asked if public discussion would be allowed after the School Board Presentation. The Mayor said he would allow it. Georgeann also asked if there is a way that J9 could be reworded so that it could be addressed. The mayor stated the Board voted it off.

**Laura Shields, 327 Katherine Drive, Hainesville, IL 60030** – asked why don't you want to authorize the dentist to make a written offer? Trustee Stiliz II would like a written offer. We have two written appraisals either one of which is much higher. Mayor Mueller stated these are not official appraisals. Discussion took place.

Mayor Mueller will go to our attorney and request to have Dr. Beyers to do a formal offer. Since it is taken off the agenda, the mayor will negotiate a formal offer and will bring it back to the Board for approval or rejection.

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

#### **Mayors Report**

Mayor Ted Mueller reported he received the comprehensive plan and will distribute them to everyone. Our attorney will set up a timetable with Kathy to have a public hearing, which is part of the process to approve the comprehensive plan.

Last week the mayor attended a breakfast meeting for the Round Lake Schools. The Round Lake Schools were in deep trouble. Today, five school districts have contacted our Round Lake School District to ask for help.

Yesterday, the mayor attended the Lake County Transportation Department for the official grand opening of their transportation management center. This center will be monitoring all the stoplights in Lake County in an attempt to keep traffic moving. This was a 6.8 million-dollar project and Senator Mark Kirk, who was there, was able to get 3.6 million dollars of government funding.

Mayor Ila Bauer of Round Lake Park is in the hospital. We don't know how serious her illness is, but it sounds serious, please say your prayers. She has a few tumors and surgery is risky.

#### **Clerks Report**

Clerk Kathy Metzler is working on the newsletter and if you have anything please get it to Kathy as soon as possible.

#### **Treasurer Report**

Treasurer Kelly Hensley stated her item to discuss is under business.

#### **Police**

Police Commander Dan Burch asked at what point would you like the demonstration. Mayor Mueller stated right now. Trustee Stiliz II stated that "this is totally inappropriate. I don't think sitting here in the middle of the Village Hall watching someone get shot with the taser gun is really what we are here for. Not to mention the fact whether we like it or not even though we pay 40% of the cost of the Round Lake Park Police protection we have no say how it is spent." Mayor Mueller stated to Commander Burch to continue with his demonstration.

### **7:16 p.m. Trustee Stiliz II left the Council Chambers.**

Commander Dan Burch showed a brief video on how the taser gun is used in police situations. Commander Burch then demonstrated on Commander Mike Robinson applying a short shock showing how it immediately incapacitates and how he immediately recovers. Trustee Stiliz III asked if a taser gun kills someone, who would the liability fall on, the village and the police department? Attorney Simon stated that there have been cases to address whether or not to use tasers, is it a violation of the 8th amendment, which is under excessive force. The cases have

## February 28, 2006 Meeting Minutes

generally come under not being excessive force assuming that the taser is used in good judgment and that the police have the proper training and paperwork is in order.

### **7:37 p.m. Trustee Stiliz II entered back into the Council Chambers.**

Trustee Genender asked what the website is, Commander Burch stated taser.com. Attorney Simon stated that there is legislative pending whether tasers should be allowed at all, whether in citizens or police hands. Discussion took place.

### **Building Official**

Building Official Russ Kraly had nothing to report.

### **Public Works Supervisor**

Public Works Supervisor Jeff Gately will report under Business.

### **EMA Coordinator**

EMA Coordinator Mark Gottsacker had nothing to report.

### **Attorney**

Attorney Adam Simon had nothing to report.

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

**Finance** – Trustee Walkington had nothing to report.

**Public Safety** – Trustee Gottsacker had nothing to report.

**Grant Procurement** – Trustee Genender had nothing new.

**Village Hall Landscaping** – Trustee Bonds reported that she and the mayor met with Al Maiden and Dan Godzicki from Rolf Campbell and Associations this last Saturday. We put together a landscaping design, we have a beautiful building and we need to get it landscaped. We would like to go out to bid mid March. We should have the design back in about a week, have the trustees to tell us what they think and then go out to bid and go from there.

**Public Works/Public Property/Open Spaces** – Trustee Stiliz II reported that Jeff Gately did a lot of hard work on the Tree Replacement Program for 2006. This will go into the paper. Trustee Bonds asked if she could get a copy of this bid proposal. Trustee Stiliz II said he would get her a copy.

### **Business**

#### **Round Lake Area Queens**

Angela Meeks apologized that the Queens couldn't be present tonight. They are planning the pageant and looking for a donation. The girls would be happy to attend any functions that the Village is having. Angela was hoping to see some Board Members present at the next pageant. Mayor Mueller stated we have contributed \$100. in the past.

Trustee Gottsacker motioned to contribute \$100. to the Round Lake Area Pageant; seconded by Trustee Bonds.

Trustee Stiliz III asked if it is legal to donate taxpayer's money for donations. Attorney Simon said if the use of the money can be characterized as advancing some public service, in this case like promoting tourism, the village is authorized to spend money to enhance its economic vitality and tourism, then it can be done.

### **Roll Call:**

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

Motion carried.

It was suggested to put the applications on the website and to have them available at the village hall.

#### **Round Lake Community School District #116/Referendum Question – Dennis Stonewall**

Mayor Mueller turned the floor over to Dennis Stonewall. Mr. Stonewall gave the history of the Round Lake Schools and discussed why we need to go out to referendum. Discussion took place.

Mayor Mueller thanked Dennis Stonewall.

### **Public Works Truck**

Public Works Supervisor Jeff Gately stated we can purchase a truck through the state joint bid program and save close to \$10,000. A truck is needed for village duties. Jeff went to Victor and drove the Ford and to Rockenbock to drive the Chevy and the Chevy drove better. The issue is the truck would have to be ordered by March 10th to take advantage of the program. Once we send the purchase order in, the truck will be ready by May or June. The truck can maybe sit on the lot till August. Jeff may get an early opt out on his truck, but has his lease on his truck until

## February 28, 2006 Meeting Minutes

October. Jeff is looking for the approval from the village to send the purchase order for the Chevy. He needs approval by March 10th, which will be applied for the fiscal year 2007. Trustee Stiliz II stated the old truck is leased until October and we will be paying for two trucks for two months? Will this truck be parked here every night? Jeff said he would take the truck home every night because it won't fit in the building. Trustee Genender asked if it is a village truck, why couldn't it sit in the parking lot here. Trustee Stiliz II asked if the truck would fit in Jeff's home garage and it won't? If the truck goes home with Jeff and he gets called out in the middle of the night, he can just hop in the truck and go versus having to drive to the village and pick up the truck. Trustee Genender stated when villages get called out they drive to work. Jeff stated if you want it to sit here, that is fine, we are talking about one mile. Trustee Stiliz II asked how long it would last, Gary and Jeff both stated ten to twelve years. Jeff stated with the light bar on the truck, it might not fit in the garage. Russ Kraly stated that the light bar is needed for safety. Trustee Bonds asked if the insurance would be cheaper if it was garage kept? Jeff wasn't sure. Mayor Mueller asked for a vote.

Trustee Stiliz II motioned to authorize Jeff to purchase the truck that he described in his memo dated 2-28-06 re: public works truck; seconded by Trustee Gottsacker.

### **Roll Call:**

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

Motion carried.

Treasurer Kelly Hensley will issue a Purchase Order for the Truck.

### **Prairieview School Project**

Mayor Mueller stated the School has finally authorized to transfer the bill of sale to us. Attorney Adam Simon explained.

Trustee Gottsacker motioned to approve the acceptance of the Bill of Sale; seconded by Trustee Genender.

Roll Call:

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

Motion carried.

### **Utility Billing Upgrade**

Treasurer Kelly Hensley covered this at the previous meeting. Kelly stated you have the letter from LaVerne Ohlwine, President with Decision Systems who put together a proposal. The second page is the breakdown of the Utility Billing System Investment.

Utility Billing System for \$4500., Automatic Reading System for \$1500., Programming to accommodate your existing bills and late notices for \$850. to 1000., Export customer and meter data to MicroSoft Word and Excel for \$750. and the cost to convert from our old DOS System to our upgraded Windows system would be \$1500. which is the same figure given to you in past packet.

Trustee Stiliz II asked if we have all the correct hardware for this to work. Kelly stated she checked with Mark Gottsacker, and yes, we do.

Trustee Stiliz III motioned to approve the contract and authorize the mayor to execute and the clerk to attest the agreement; seconded by Trustee Stiliz II.

### **Roll Call:**

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

Motion carried.

Approve an Ordinance Approving Second Amendments to certain Recapture Agreements between the Village and Deer Point Homes Development Corp.

Mayor Mueller stated by approving this motion we cover items 6,7 and 8 under J.

Trustee Genender motioned to approve the ordinance; seconded by Trustee Stiliz III.

Trustee Stiliz II asked have they agreed to this? Attorney Simon stated they are signed.

### **Roll Call:**

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

Motion carried.

Ordinance # 06-02-62

Trustee Stiliz III motioned to go into Executive Session for discussion in regards to the village hall. Trustee Stiliz III has Kenneth Eichelberger from JC Forney Realty that could clarify any questions.

## February 28, 2006 Meeting Minutes

The mayor stated you need two motions. One to go into Executive Session and than another motion to allow Ken to come into Executive Session.

Trustee Stiliz III motioned to go into Executive Session; seconded by Trustee Genender.

**Roll Call:**

Ayes: Trustees Stiliz III, Genender and Stiliz II

Nays: Trustees Walkington, Bonds and Gottsacker

Mayor Ted Mueller breaks the tie and votes no.

Motion denied

Trustee Stiliz III asked for the record " why can't we go into executive session?" to clarify what we are doing with the sale of the village hall as we did have some people out here wondering what we were going to do.

Mayor Mueller stated we don't need to discuss this any further. Mayor Mueller will follow through and asked Dr. Beyers to make an offer. We have rejected executive session. There is no further need to do that until the mayor brings an offer back.

Trustee Stiliz III stated for the record " I am the only one who actually brought a professional with a professional opinion on the value and the market itself and the job market conditions and Trustee Stiliz III would like to hear them" just for the record.

Mayor Mueller stated if you want to do this in open session that is fine.

Trustee Walkington said we voted not to put this on in open session and we are not going into executive session. We had a chance.

Trustee Stiliz III asked how to make a motion to go into a special meeting at another date. Mayor Mueller stated you may call a special meeting, the procedure is any three trustees can call a special meeting, this must be done through the clerk and be posted properly.

Trustee Walkington motioned to adjourn the February 28, 2006 Regular Board Meeting; seconded by Trustee Stiliz III.

All in favor say aye, motion carried.

**The February 28, 2006 Regular Board Meeting adjourned at 8:57 p.m.**

Kathy Metzler, RMC, CMC  
Village Clerk