

June 13, 2006 Regular Board Meeting Minutes

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

Officer Nies 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, Stilz II and Gottsacker

Also present were: Village Clerk Kathy Metzler, Deputy Clerk Debbie Zwicker, Building Official Russ Kraly, Public Works Supervisor Jeff Gately, EMA Coordinator Mark Gottsacker, Police Officer Joe Segreti and Village Attorney Jeff Jurgens

Absent: Trustee Bonds and Treasurer Kelly Hensley

Establishment of quorum

Mayor Mueller stated we would be going into executive session to discuss personnel and litigation.

Agenda Approval

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

Roll Call:

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

Absent: Trustee Bonds

Motion carried.

Public discussion and/or comments from the floor:

Georgeann Duberstein, 82 Tall Oak Drive, Hainesville, IL 60073 – asked about the status of the buckthorn removal. There are piles of buckthorn on the path and would like to know what is happening. Trustee Stilz II stated that the person with Great Lakes Soil Erosion Control had a family emergency and was called out of town. There was a Soil Erosion truck out there yesterday but by the time Trustee Stilz II got out there it was gone. No money has been paid out. If it is not finished then we will have to look into having Jeff Gately rent a chipper and back charging her. Mayor Mueller stated we should be patient until her family crisis is over.

James Tiffany, 513 Deer Crossing, Hainesville, IL 60030 - asked what the status of the old village hall is. The Mayor said it is still on the market. Jim asked if the water tower was going to have some rehab work done. The Mayor stated that this was turned over to RHMG to prepare the appropriate papers to go out to

James Tiffany Discussion Continued

bid. Jim asked about the washing machine that has been sitting on White Tail for a while. The Mayor stated this is a special pick-up, if it is not picked up in the next couple of days call the office. Jim stated that he called CenCom regarding a coyote running around wild. CenCom referred him to call Lake County Animal Control who can't do anything. Mayor Mueller stated that you couldn't do anything about the coyotes. Leave them alone and don't feed them. Officer Nies stated if the coyote is an immediate threat call 911, if he is just passing by, there is nothing we can do.

Frank Lesnick, 409 Deer Crossing, Hainesville, IL 60030 – stated that on May 30th, at 5:00 p.m. just after the bad storm that we had. Frank saw a squad car with his lights on going from Deer Lake to Deer Crossing, turns left and loses control of the squad car, gets it back into control and flies thru the water. What was so important that he couldn't slow down around the corner, and there were children around. What about the safety of the children. Why was he speeding? Mayor Mueller stated he would follow thru and check the police reports.

Vick Sidelnyk, 74 W. Tall Oak Drive, Hainesville, IL 60073 – regarding the encroachment we have one month to make the changes and not really clear on the changes. There are 20 properties with the encroachment of the weeds, our time limit is very short. We were told use it but don't build on it five years ago, no one said anything about what we have done. Mayor Mueller stated that you will have to correct this by June 30th which is the deadline. The Mayor and Attorney Price are going to have a meeting with the Tall Oak residents to cover all of this. Trustee Stilz II stated that he had this discussion with Vick regarding the encroachment. Pull out

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your plat and it will show you where your north property line is. Discussion took place. The Mayor stated he would like to meet with the residents and Derke and move forward.

Georgeann Duberstein, 82 Tall Oak Drive, Hainesville, IL 60073 – asked if this meeting would be for all the people on the North side. The Mayor stated everyone is invited. Georgeann did state that neighbors aren't talking over this issue. Mayor Mueller apologized and stated lets all get together and talk.

Barbara Jersy, 120 Tall Oak Drive, Hainesville, IL 60073 – does this meeting take precedence over the current letter that states we have a June 30th deadline? This meeting supplements the letter. We will set up a meeting as soon as possible. This will be a posted public meeting.

Omnibus Vote Agenda

1. A Motion to Approve the May 9th, 2006 Public Hearing Minutes
2. A Motion to Approve the May 23rd, 2006 Regular Board Meeting Minutes
3. A Motion to Approve the Bills Payable for June 2006

Trustee Stiliz II motioned to approve the omnibus vote agenda as presented; seconded by Trustee Stiliz III.

Roll Call:

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

Absent: Trustee Bonds

Motion carried.

Reports and Communications from Mayor and other Officers:

Mayors Report

The Route 120 Corridor Planning had their open house here at the Village and over 120 people attended. There was overflow parking next store due to the amount of people that attended.

Besides the residents and many officials that attended Congresswomen Melissa Bean;

Representative Ed Sullivan and Kathy Rigs were also in attendance.

Mayor Mueller toured the recycling center and landfill on Route 83 in Grayslake. 92½% of the recycling items that come in actually get recycled. If you want a tour contact the Mayor or Kathy Metzler.

We are members of SWALCO and working diligently on the budget; the income isn't keeping up with the expenses so they are making budget cuts and one is they will no longer provide corn cobs for the latex paint.

Clerks Report

Clerk Kathy Metzler stated she is wrapping up the newsletter if you have any last minute articles; please email the article to me.

Just a reminder at the next Board meeting on June 27th at 6:30 p.m. we have a public hearing for a special use permit for two drive through facilities and a commercial building. Plans are in the Clerks office for review.

Treasurer Report

Treasurer Kelly Hensley was not present, her mother-in-law is very ill.

Police

Police Officer Nies had nothing to report.

Building Official

Building Official Russ Kraly stated you have my report.

Public Works Supervisor

Public Works Supervisor Jeff Gately stated his item to discuss is under business.

EMA Coordinator

EMA Coordinator Mark Gottsacker stated the weather has been mild but still early in the season for thunderstorms and/or tornados. If there is one sited in the area and you hear the siren going off, go down to your basement.

Attorney

Attorney Jeff Jurgens had nothing to report.

Reports of Standing Committees:

Finance – Trustee Walkington had nothing to report.

Public Safety – Trustee Gottsacker had nothing to report.

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Grant Procurement – Trustee Genender had nothing to report.

Village Hall Landscaping – Trustee Bonds was not present. However, the Mayor reported that he and Dan from Rolf Campbell did a walk through. There are a number of issues that the landscaper has to correct. The Mayor did fax a letter to the landscaper on these issues.

Public Works/Public Property/Open Spaces – Trustee Stiliz II stated they mowed half of the property on the South side on Route 134 and they mowed half of the property on the North side of Route 134. I haven't seen them since. Mayor Mueller stated they will be reminded. Their attorney did send a fax to the Mayor after they received his certified letter indicating that they would be getting it done, but not the time frame given. But they will get it done.

Also, there is a tree missing that should be next to Trustee Stiliz II house. Jeff Gately did state that they are aware of it. Jeff received a listing from them regarding what trees are where and he will do a walk through to make sure they are all there. Trustee Stiliz II stated there are two dead trees on Centennial Drive, were they suppose to be replaced. Jeff will check into it.

Trustee Stiliz II spoke to Marcia McCutchan last week regarding the water tower and wanted the issues to us by Friday so it could be included in the budget. However, she is out of town and didn't get it done. Trustee Stiliz II will call her on Monday.

Business

An Ordinance Approving Prevailing Wage Rates to be Paid to Laborers, Mechanics and Other Workers Performing Construction of Public Works for the Village of Hainesville

Clerk Metzler reported this is a yearly requirement, which is mandated by the State of Illinois. This ordinance has the rate of wages if anyone does public works in the village. If this weren't passed, the Village would be liable.

Trustee Stiliz II motioned to approve the Prevailing Wage Ordinance; seconded by Trustee Stiliz III.

Roll Call:

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

Absent: Trustee Bonds

Motion carried.

Ordinance #06-06-67

DUI Ordinance Discussion

Mayor Mueller directed this discussion over to Trustee Genender. Trustee Genender stated that many villages have an ordinance if you are arrested for a DUI your vehicle is impounded and you have to pay to get it back. The Mayor spoke to Chief Filenko and he is opposed to this. In front of you, you have a memo from the Chief to the Mayor with information and a faxed memo from Stephanie Posey from Ancel Glink in Chicago. The Chief feels he doesn't want to use the police as revenue for the village, and besides, there are not that many cases that the vehicles would be impounded.

Trustee Genender asked how many DUI's has Round Lake Park/Hainesville Police had and how many for each town? With the towing company is there a contract when you tow a vehicle?

Officer Nies stated for the record he can't speak for the Chief. The police use A Towing for the DUI's in both towns. Trustee Genender would like information from other towns. What do the towns do with this money? What is the money spent on, what does the money go for? Mayor Mueller stated the money obtained due to towing the car would go to the police. If you read the memo from Stephanie Posey it does state, "that the State's Attorney of the county in which the violation occurs must prosecute all violations, unless written permission is given to the municipal attorney". Is this something the village really wants to get into? Discussion took place.

Attorney Jeff Jurgens said we have two different things to check into one is the way to prosecute, which the memo addresses. Trustee Stiliz II stated this doesn't have anything to do with the Chief of Police. He works for us why are we asking him about his input? Discussion took place. Mayor Mueller asked do we want to pursue the DUI Ordinance. Trustee Stiliz II pursue it, Genender wants more information from other towns and Trustee Stiliz III wants more information. The Mayor will seek information from the surrounding areas. Trustee Stiliz II asked can we have a copy of a draft DUI ordinance that the attorneys use? Mayor Mueller stated yes, we will get a copy of that and he will look into what other villages do. We will put this on the agenda to look at not to be voted on just for discussion.

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Attorney Jeff Jurgens asked for clarification this should include both impounding fees and prosecuting? Trustee Genender replied we need more information on what other towns do and also on what the money goes towards and a tow contract.

Smoking Ordinance Discussion

Mayor Mueller asked if we should have the attorney pursue an ordinance that prohibits smoking within a certain distance from a municipal building. It was suggested that the Village of Hainesville look into this. We do have no smoking inside the village hall. Do we want to have our attorney pursue an ordinance that prohibits smoking within so many feet of our building? The Village of Lindenhurst has enacted such an ordinance. Do you want the attorney to do an ordinance and we can vote on one at the next meeting? Trustee Genender would like more information from other towns. The Mayor stated that the eating establishments prohibit smoking at this time. Trustee Stiliz II stated restricting what we do outside in the open air isn't appropriate. Enough is enough. The Mayor stated this isn't on the agenda because he wanted it, he feels this is a waste of time. There was a request for this smoking ordinance discussion to be placed on the agenda. "The Mayor and Trustee Stiliz II agree", this is a waste of time. The consensus was Trustees Walkington, Gottsacker, Stiliz III, Stiliz II all agreed to do nothing on this issue. Trustee Genender asked for this issue to be deferred. Trustee Genender wants a resident survey to be done.

An Ordinance Authorizing the Village to Enter into Agreements with Commercial Property Owners to Regulate Traffic

This has come up due to the residents at Union Square have been parking in the fire lane. We have put up no parking signs in the fire lane. We need an ordinance to allow us to enter into an agreement, for example Union Square, to enforce this ordinance and issue tickets. In your packet is the ordinance and a blank agreement to regulating traffic. Also, Jerry Dietz has included a completed one, which we could enter into with Union Square.

Trustee Walkington motioned to approve the ordinance; seconded by Trustee Gottsacker. Trustee Stiliz II asked why the Board is authorizing the Mayor, to enter into this agreement. If we have agreements why don't they come in front of the Board and we can vote on them and there won't be a problem. Why not say the board is authorized into the agreement. Attorney Jeff Jurgens stated your are referring to section "2" page 2, typically the Board authorizes the Mayor as the designated agent to sign off. Mayor Mueller stated that the Board is authorizing the Mayor to enter into the agreement on behalf of the Board. This is a standard ordinance. Discussion took place. The Board asked for the section to be changed to authorizing the Mayor to enter into the agreement with Union Square only. An Ordinance will have to be passed by the Board each time. Trustee Walkington stated that this ordinance should go into every developer agreement. Trustee Walkington asked that when this new copy is executed could you please put a copy in our mailboxes.

Trustee Stiliz II motioned to approve as amended; seconded by Trustee Stiliz III.

Roll Call:

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

Absent: Trustee Bonds

Motion carried.

Ordinance #06-06-68

Intergovernmental Agreement Among the Village of Fox Lake, the Village of Hainesville and the County of Lake

A portion of our sewage goes into Fox Lake Treatment Plant. We are required to enter into this agreement with Fox Lake.

Trustee Walkington motioned to approve the intergovernmental agreement; seconded by Trustee Stiliz II.

Roll Call:

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

Absent: Trustee Bonds

Motion carried.

Street Resurfacing

Public Works Supervisor Jeff Gately and Chip Parrott with RHMG walked the streets for review. Chip has submitted a report, which you all have a copy of. Jeff stated that what we were doing to

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the streets before as grinded them down and resurfacing wasn't necessarily a bad thing to do, but it may not have been necessary to do this early on. Chip recommends that we start a maintenance program and they will go thru the whole village and find the bad spots and use some of the MFT money to fix the streets that need repair and to crack seal, patch and remove and replace defective curbing as need.

Trustee Walkington asked if this has been pinpointed or will be. Jeff stated that we have pinpointed that the streets are bad, but next we will go through and say this has to be taken care of etc. The consensus was Trustees Walkington, Genender, Stiliz III, Stiliz II and Gottsacker all agreed to go forward.

Trustee Genender motioned to go into executive session to discuss personnel issues and probable litigation; seconded by Trustee Walkington.

Roll Call:

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

Absent: Trustee Bonds

Motion carried.

The Regular Board Meeting ended at 8:18 p.m. to break for a few minutes, and then entered into Executive Session.

The Regular Board Meeting entered back in at 9:04 p.m.

Trustee Stiliz III motioned to reconvene; seconded by Trustee Stiliz II.

Roll Call:

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

Absent: Trustee Bonds

To Vote on once out from Executive Session:

Approval of May 9th, 2006 Executive Session Minutes to be approved but not released

Trustee Stiliz III motioned to approve the May 9th Executive Session Minutes to be approved but not released; seconded by Trustee Walkington.

Roll Call:

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

Absent: Trustee Bonds

Motion carried.

Trustee Stiliz II motioned to adjourn the June 13th, 2006 Regular Board Meeting; seconded by Trustee Walkington.

All in favor say aye, motion carried.

The June 13th, 2006 Regular Board Meeting adjourned at 9:05 p.m.

Kathy Metzler, RMC, CMC

Village Clerk