

May 22, 2007 Meeting Minutes

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

Clerk Kathy Metzler took roll call. The following Officials were present: Mayor Ted Mueller, Trustees Walkington, Barrett, Bonds, Tiffany and Gottsacker

Also present were: Village Clerk Kathy Metzler, Treasurer Kelly Hensley, Public Works Supervisor Jeff Gately, EMA Coordinator Mark Gottsacker, Village Attorney Derke Price and Attorney Keri-Lynn Krafthefer

Absent: Trustee Stilz III and Building Official Russ Kraly

Establishment of quorum

Agenda Approval

Trustee Bonds would like to add to the agenda discussion on the Ordinance pertaining to animals running loose in the Village Subdivisions. Mayor Mueller stated that will be item 3 under Business. Attorney Price stated you won't conduct any business on this, you can report on it under Standing Committees Reports. Mayor Mueller stated this will be for discussion but not for action.

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

Roll Call:

Ayes: Trustees Walkington, Barrett, Bonds, Tiffany and Gottsacker

Absent: Trustee Stilz III

Motion carried.

Mayor Mueller stated we have two attorneys here tonight. He introduced Kerri-Lyn Krafthefer with Ancel Glink.

Public discussion and/or comments from the floor:

Jim DeNemie, 120 Tall Oak Drive, Hainesville, IL 60073 – Jim handed out information to the Mayor and Board regarding the abatement of the buckthorn, hoping to kick start this project again. Mayor Mueller stated this has been kick started and he will cover this in his mayors report

Trustee Bonds left the Council Chamber at 7:04 p.m. and returned at 7:05 p.m.

Douglas Williams, 154 Tall Oak Drive, Hainesville, IL 60073 – regarding the buckthorn issue at a previous meeting it was discussed regarding the litigation and the \$48,000. Can that \$48,000 be transferred from the general fund to the SSA? Mayor Mueller stated we are in litigation and right now we are determining if the money was really misspent.

Douglas stated that he jogs back there and it is getting overgrown. Could we get a group together as a community and clean this area up. Mayor Mueller thought that would be an excellent idea. Attorney Price suggested that you ask local Boy Scout and Girl Scout troops so they can get merit badges and they would be a good source of labor.

Douglas also stated that Lake County was out analyzing the Lake and they are looking at seven lakes.

Mayor Mueller stated this was the Health Department. Douglas stated they said it was very clean, not made for fishing but good for aquatic life. They give it an A but if this is considered a natural resource there are grants available.

Omnibus Vote Agenda

1. A Motion to Approve the May 8th, 2007 Regular Board Meeting Minutes

2. A Motion to Approve the May Bills Payable

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

Roll Call:

Ayes: Trustees Walkington, Barrett, Bonds, Tiffany and Gottsacker

Absent: Trustee Stilz III

Motion carried.

Reports and Communications from Mayor and other Officers:

Mayors Report

Mayor Mueller stated he has reorganized the Standing Committees and they are as follows: Trustee Bonds will chair the finance committee with Trustee Tiffany at her side. They will also be responsible for grants.

Trustee Walkington will chair public works with Trustee Barrett, Jeff Gately and Terry Grom also on the Committee.

Trustee Gottsacker will continue to do Public Safety with Trustee Stilz III who couldn't be here tonight, he is stuck in traffic.

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Trustee Gottsacker will still be the EMA Coordinator.

Georgeann Duberstein asked when the meetings would be. Mayor Mueller stated Clerk Metzler will be posting the meetings. The committee chairmen will establish their committee meeting dates and times. Regarding the wetlands, Mayor Mueller contacted Integrated Lakes Management. They did all the work when Deer Point had the Lake. They were

Mayors Report Continued:

paid the questionable funds. Mayor Mueller asked them to set up a maintenance program for the entire village, which includes all the wetlands and combine it all into one package.

Within the next month or so, Mayor Mueller would like to have a town hall meeting and present this proposal to the residents to get their input. His suggestion would be to eliminate the SSA1 that affects those that live in Cranberry Lake and come up with a SSA which includes everyone. The proposal from Integrated Lakes Management is a three year program but Mayor Mueller asked for a five year program at the request of Trustee Walkington. There aren't any firm numbers. According to the SSA the Village of Hainesville can levy up to \$50,000. a year to cover the cost of maintaining just the Lake which would be about \$90 per year per household. Right now we are levying \$10. which leaves us short.

The numbers Integrated Lakes Management gave us are preliminary. The first year everyone in Hainesville could pay \$80 then \$70 the second year and then down to the \$50.'s in the third year. Once we get everything cleaned up then it will drop down. Hopefully by the next board meeting we will be able to set the town hall meeting date and then follow with a public hearing.

Jim DeNomie asked are we bidding this and are there other companies? Mayor Mueller stated there are other companies that we could look at. If we have to go out to bid, then we will.

Trustee Bonds asked what the Cranberry Lake Homeowners are currently paying per year for the up keep of Cranberry Lake? Mayor Mueller stated \$10. a year. Trustee Bonds just wanted to clarify that you want to charge about \$80. for all the residents. Mayor Mueller stated we have always known that \$10. was not sufficient.

Barb Jersey requested the figures of how much was spent and how much is in the account. Mayor Mueller stated the money was not ill spent. Discussion took place.

Clerks Report

Clerk Kathy Metzler had nothing to report.

Treasurer Report

Treasurer Kelly Hensley stated she handed out the April Financials which are not for approval. We hold off until the audit is done. Kelly has received an email regarding the RFP to work on. It will take her time to get it together.

Building Official

Building Official Russ Kraly was not present.

Public Works Supervisor

Public Works Supervisor Jeff Gately reported that the village is all fertilized.

In the next couple of weeks Jeff will be working on the entrances. Putting new mulch down and do general maintenance work from now on.

EMA Coordinator

EMA Coordinator Mark Gottsacker had nothing to report.

Attorney

Attorney Derke Price stated that Trustee Stolz III is caught in traffic and contacted Attorney Price seeing if he could participate electronically in the meeting. The open meetings act was amended recently to require that we adopt an ordinance to permit electronic participation which is over the phone. Attorney Price spoke to the mayor and would like to have a consensus of the Board to have permission to prepare the ordinance. The consensus was Trustees Walkington, Barrett, Gottsacker stated yes, Trustee Bonds stated no, she is against it. Trustee Tiffany had a question regarding using a cell phone, if you get lost in traffic and if the signal is dropped; do we have to keep contacting him back? Attorney Price stated yes, you would have to try to reestablish the call. (Trustee Tiffany never gave his consensus.) Discussion took place regarding the use of a cell phone. Mayor Mueller stated that we would have Attorney Price draft the ordinance for us to review.

Reports of Standing Committees:

Finance – Trustee Bonds stated nothing for Finance.

Public Works – Trustee Walkington had nothing to report.

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Public Safety – Trustee Gottsacker had nothing to report.

Third Annual HainesvilleFest – Trustee Tiffany has been making phone calls. We have confirmed four participants to part take in HainesvilleFest. We are trying to give everyone that participated last year the opportunity to come back again this year. Full Slab has contacted us for a food vendor. Jim has more leads to follow-up on. Trustee Tiffany emailed Chief Filenko on May 7th about participating with a canine demo, handouts, police vehicles and McGruff. Trustee Tiffany is waiting for a response from Chief Filenko. Russ from Ram Rental will supply two canopy tents, duck pond game, jumper bouncer, dunk tank and table chairs, all completely free of charge. We thank them for their donation for the past two years and this year. Letters will be mailed to businesses for continued donations. Trustee Tiffany contacted Round Lake Beach and Round Lake Villages for donations. Mayor Gentes would like to participate. If you would like to volunteer please contact Jim Tiffany or call the Village. All the information is on the website. Last Saturday Trustee Tiffany attended the newly elected officials meeting in Crystal Lake. Found out there was a lot of information that he wasn't aware of. Really enjoyed learning what he did. Mayor Mueller stated Trustee Tiffany gave an excellent report.

Mayor Mueller has been in contact with Great Lakes for the Navy Band to play at the fest. Trustee Barrett added that he has contact with a local blues band thru his sons baseball team. One of the parents has the band and has expressed interest in the Fest. Mayor Mueller added they are asking the "Ride for Kids" motorcycle guys to display their bikes. Trustee Tiffany stated the HainesvilleFest is September 15th starting at 11:00 a.m.

Trustee Stiliz III entered into the Council Chambers at 7:26 p.m.

Trustee Bonds wanted to discuss the cat ordinance. There is a situation in the Settlement area where several cats having been running loose for the last three to four years. She knows who the owner is and a letter has been sent to the owners by the Mayor on May 12th. However, their cats are still running loose. Trustee Bonds has two letters from Mrs. Wendy Jarvis, 600 N. White Lane from last year and this year. She has two children with special needs that can't play in their sandbox because the cats use that as a litter box. The cats have been in Trustee Bonds and the neighbor's garage. Trustee Bonds read a letter from Wendy Jarvis (which is attached for the record). Trustee Bonds stated that one of the cats is pregnant again for the 7th or 8th time in the past three years and the cats don't have any shots. Trustee Bonds stated her question to the Board and Mayor is we have an ordinance regarding them running loose. Are we going to enforce this ordinance; do we call the police and if we do will they enforce this? This has been an issue for the past two years and don't want to tell Wendy we are working on this. We need to help this woman and the rest of the community.

Attorney Price stated the police are vested with the power and the duty to enforce every ordinance that the village has on the books. It is a matter of making it a police priority. Mayor Mueller stated that once you call the police to come out the cat could be gone by them. Attorney Price stated the police have to have good evidence of violation of the ordinance for them to issue the citations. Discussion took place. Mayor Mueller stated the resident should call the police and the police should come out and determine there is a violation and issue the citation. Attorney Price added you could add things to the ordinance like having an animal control officer, have a relationship with a shelter where we pick up strays and impound them and charge a fee to get them released, you could do that. Mayor Mueller stated we have a community service officer that can write these tickets. Trustee Bonds would like to see if the cats are running loose that we can call the police department. She is an animal lover and doesn't want to see the cats put to sleep. Mayor Mueller recommended that you keep calling the police.

Business

T-Mobil Cell Site Proposal

Attorney Price explained that the proposal that T-Mobile has for its cell tower. T-Mobile is suggesting there is a risk that they may be bought out. They don't want to duplicate rental for the same tower. They don't want to pay for two antennas for the same system. So the risk that they are suggesting to you is that they may get bought out in the future and if they do it is unlikely to renew your tower, but they are willing to commit to a longer term and a lower rate right now. Most of the communities that T-Mobile has made this presentation that Ancel Glink has worked with have said no to that. Ancel Glink has made the recommendation to maintain the current lease at the current rates and if they get bought out and they don't want to renew, that is the risk. Stick with what you have.

Attorney Price stated if you don't want to amend the agreement then vote no and if they want to amend the agreement for a longer term and a smaller rate then vote yes. Discussion took place.

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Trustee Walkington motioned to approve the T-Mobile proposal to amend the agreement; seconded by Trustee Stilz III.

Roll Call:

Ayes:

Nays: Trustees Walkington, Stilz III, Barrett, Bonds, Tiffany and Gottsacker

Motion is defeated.

Attorney Price will advise Attorney Adam Simon to contact T-Mobil.

AT&T's Lightspeed

There was not a representative from AT&T. However, Comcast had a representative present. Attorney Price stated project Lightspeed is AT&T's proposal to come forward and provide the service to parts of the community without a universal guarantee.

The representative from Comcast will present to you why they think it isn't in the Villages best interest to go forward with AT&T. After you consider what they both have said, you have two motions which would be to authorize Ancel Glink to go ahead with putting the language on the building permits so that work can commence subject to the finalized agreement to negotiate a final franchise agreement with AT&T for this project. That final agreement gives you some control where the box goes, not a lot, but some. Discussion took place.

Frank Deuel with Comcast thanked the Mayor and Board. Frank stated that Comcast is very passionate about this subject. He left reading materials for the Mayor and Board for their review. The majority of this is not produced by Comcast this is just a copulation of articles from independent sources and think you will find this interesting to this subject.

Frank stated we compete everyday with all three of our product lines; cable TV, local telephone service and high speed internet service. We offer all of our services 100% to all of your residents. We do so under an ordinance and a franchise which guarantees that we do that and have penalties and fines if we don't do what we promise to do. What AT&T is proposing is that they don't provide guarantees and they will not sign a franchise. AT&T states their service is different and a new technology. It is very similar to our technology. Comcast if interested in fair competition. Discussion took place.

Trustee Walkington motioned that no building permits are issued until such time that we approve a franchise agreement with AT&T which will include such things as precise locations of the boxes; seconded by Trustee Bonds.

Roll Call:

Ayes: Trustees Walkington, Stilz III, Barrett, Bonds, Tiffany and Gottsacker

Motion carried.

Attorney Price stated we will try to bring this back at the next meeting.

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

All in favor say aye, motion carried.

The Regular Board Meeting ended at 8:13 p.m. to break for a few minutes, then enter into Executive Session.

The Regular Board Meeting entered back in at 9:43 p.m.

Trustee Walkington motioned to reconvene into regular session; seconded by Trustee Barrett.

All in favor say aye, motion carried.

Trustee Bonds motioned to adjourn the May 22, 2007 Regular Board Meeting; seconded by Trustee Gottsacker.

All in favor say aye, motion carried.

The May 22, 2007 Regular Board Meeting adjourned at 9:44 p.m.

Kathy Metzler, RMC, CMC
Village Clerk