

August 28, 2007 Meeting Minutes

August 28, 2007 Regular Board Meeting Minutes

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

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

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

Absent: Trustees Walkington, Stilz III and Building Official Russ Kraly

Establishment of quorum

Agenda Approval

Trustee Gottsacker motioned to approve the agenda; seconded by Trustee Bonds.

Roll Call:

Ayes: Trustees Barrett, Bonds, Tiffany and Gottsacker

Absent: Trustees Walkington and Stilz III

Motion carried.

Public discussion and/or comments from the floor:

Pam Genender, 124 Holiday Lane, Hainesville, IL 60073 – read in the newspaper and the minutes regarding the police department. How do you justify that you can start your own police department. Mayor Mueller stated we haven't started it yet. We are reviewing the options. We are in the process of heavy discussion and currently we don't know which way to go. Attorney Price stated that this is not for public discussion due to this could be a litigation issue.

Steve Serres, 553 Deer Crossing, Hainesville, IL 60030 – stated he would like to install solar panels and is that allowable? Mayor Mueller stated to submit a sketch and engineering calculations to Building Official Russ Kraly for review. Also Steve discussed the backyard water drainage and wanted to know the Villages position. Mayor Mueller stated that he read an article regarding rain gardens and our engineers also suggest rain gardens, only if they don't interfere with the natural drainage.

Jim DeNemie, 120 Tall Oak Drive, Hainesville, IL 60073 – stated a few meetings ago he submitted pictures for the vandalism and asked what the status is. Public Works Jeff Gately stated he did check the trees out and there was several trees that looked like they were chopped with an axe, not a chain saw, just on the west side. This is a police issue and Mayor Mueller stated to call the police. Jim DeNemie stated that there were more fisherman on the lake. Mayor Mueller stated that the lake is a public lake. Attorney Price stated that they have to use public access to get to the lake. Trustee Tiffany stated his parents have property in Michigan and there are no motors allowed, gas or electric. Could we prepare an ordinance to not allow any motors on the lake? We could do that. Mayor Mueller stated we will find out how Grayslake did and we will do it the same way.

George Duberstein, 82 Tall Oak Drive, Hainesville, IL 60073 – we probably can't do anything to the people on the lake, but can we get the people for trampling to get to the lake in the protected wetlands. Mayor Mueller stated we could enact an ordinance prohibiting any activity on the lake. If you see a boat out there then you would have to call the police.

Barbara Jersey, 120 Tall Oak Drive, Hainesville, IL 60073 – asked is there public access to that Lake? Mayor Mueller stated there is no defined public access to it. Barbara asked if the residents around the Lake can be on that Lake. Attorney Price stated other than by the protected wetlands, you aren't allowed to trample the wetlands to get to the lake either. If walking thru is harming them that is hard to prove but if you are dragging a trailer or boat that would show damage to the wetlands. The lake does intersect public right of way. They can walk in the public right of way but if they are in your yard that is trespassing. Mayor Mueller stated this is a police issue. Barbara asked which police do you call? Mayor Mueller stated Round Lake Park/Hainesville police at 847-270-9111. Barbara also questioned why we are in litigation so much. Any time there are questions regarding financials, everything is in litigation. Mayor Mueller stated this is very frustrating; we are in way too much litigation.

Omnibus Vote Agenda

1. A Motion to Approve the August 14th, 2007 Regular Board Meeting Minutes
2. A Motion to Approve the August 2007 Bills Payable

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

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Roll Call:

Ayes: Trustees Barrett, Bonds, Tiffany and Gottsacker

Absent: Trustees Walkington and Stilz III

Motion carried.

Reports and Communications from Mayor and other Officers:

Mayors Report

Mayor Ted Mueller stated that SWALCO will be having a compost sale in October. The composts are plastic and will be sold for \$40. He doesn't have the exact date, if you are interested you can call SWALCO.

An article in the newspaper notes that the governor chopped various projects that were submitted to him. One that he didn't chop is our Bike Path. It is one of the projects for an \$85,000 matching grant. We can thank Representative Sandy Cole and Senator Michael Bond. They asked for the mayors wish list and the bike path made it.

Clerks Report

Clerk Kathy Metzler had nothing to report.

Treasurer Report

Treasurer Kelly Hensley had nothing to report.

Police Department

Police Officer Randy Reuter had nothing to report.

Building Official

Building Official Russ Kraly was not present.

Public Works Supervisor

Public Works Supervisor Jeff Gately reported he found out this afternoon that we will have our preconstruction meeting for the MFT Street Program this Thursday 9:00 a.m. We will have a schedule when everything will be started and wrapped up. They are marking areas now. We will walk thru so we will make sure they have everything that needs to be done.

Also, Jeff was on vacation for ten days and is getting caught up on the mowing.

EMA Coordinator

EMA Coordinator Mark Gottsacker stated the Illinois State Emergency Management conference is next week Tuesday and Wednesday. We will be down for there for further training and certification.

Attorney

Attorney Derke Price had nothing to report.

Village Engineer

Village Engineer Marcia McCutchan was not present.

Reports of Standing Committees:

Finance – Trustee Bonds had nothing to report.

Public Works – Trustee Walkington was not present.

Public Safety – Trustee Gottsacker stated that they are working on the stop light at Allegany and Route 120.

Third Annual Hainesville Fest – Trustee Tiffany reported he has received more donations/certificates and they are as follows: 500 free ice cream cones certificates from Taste Freeze, ATC Wegge Ltd. donated two \$25 passes to Regal Cinemas, Curves from Grayslake has donated one free month membership and Starbucks in Hainesville donated four 1 lb bags of coffee. T-shirts have been ordered with the verbiage added “celebrating 160 years” for our Village. Signs will be up soon for the festival.

Wetlands – Trustee Walkington was not present but the mayor stated the wetlands committee has submitted a proposed bid packet to our attorneys who are in the process of reviewing it.

Business

A Resolution Accepting Public Improvements for Cranberry Lake Phase IV

Trustee Gottsacker motioned to pass the resolution accepting public improvements for Cranberry Lake Phase IV; seconded by Trustee Barrett.

Roll Call:

Ayes: Trustees Barrett, Bonds, Tiffany and Gottsacker

Absent: Trustees Walkington and Stilz III

Motion carried.

Resolution # R07-08-36

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A Resolution Accepting Public Improvements for Union Square

Jack Weber with Ryland Homes was present for any questions. Treasurer Kelly Hensley stated that everything has been paid and up to date.

Trustee Barrett motioned to accept the public improvements for Union Square; seconded by Trustee Gottsacker.

Roll Call:

Ayes: Trustees Barrett, Bonds, Tiffany and Gottsacker

Absent: Trustees Walkington and Stilz III

Motion carried.

Resolution #R07-08-37

AT&T Light Speed Permit Approval

Mayor Mueller stated they have applied for a permit to put the first light speed installation in. Attorney Price stated this is on the agenda mostly as a courtesy to the village to let them know that AT&T is coming. The state passed a law that gives them the right to install AT&T light speed and they don't have to serve everybody. They are here and ready to start in Hainesville.

Trustee Barrett motioned to approve the building permit; seconded by Trustee Gottsacker

Trustee Tiffany asked with looking at the drawing and the size of the equipment they are large. Do the residents that have property at these places have they been notified. Mayor Mueller stated they don't have to be notified. They are in public right AT&T Light Speed Permit Approval

of way or easements. Trustee Tiffany stated if you look at the map you are pointing north and Belvidere Road is a east and west road. Mayor Mueller stated you are correct. Discussion took place.

Roll Call:

Ayes: Trustees Barrett, Bonds, Gottsacker and Mayor Mueller

Abstain: Trustee Tiffany

Absent: Trustees Walkington and Stilz III

Motion carried.

Approval for Diemer Plumbing Invoices – Well House #3

Mayor Mueller stated we are asking for approval of the two invoices for \$38,665.78 and \$14,651.24 for a total of \$53,317.02 for repairing well house #3. There was a leak 14 feet down under the well house on the inside. Resident Wally Stilz II asked how that happened. Mayor Mueller stated that one of the fittings separated, we think it was one of the elbows, they severed it and rerouted it. Wally Stilz II stated it should not have come apart like that. The mayor agreed. Wally Stilz II asked if it was a design flaw or a construction flaw? The mayor stated we are doing that analysis. Wally Stilz II stated it sounds like if it was an elbow that it was a water hammer.

Trustee Barrett motioned to approve payment of both invoices; seconded by Trustee Gottsacker.

Roll Call:

Ayes: Trustees Barrett, Bonds, Tiffany and Gottsacker

Absent: Trustees Walkington and Stilz III

Motion carried.

A Resolution Approving a Highway Authority Agreement Relating to 3 West Belvidere Road

Mayor Mueller stated that at the old house that a tank was found under the road that had been abandoned but had not be pumped. There were other tanks found on the property. The property is cleaned up but there is some residual contamination under the street. The owner would like to sell the property and the developer of the Firestone site would like to purchase the property, but they need an IEPA sign off on the site. This requires to either clean it up or do a highway authority agreement. Mayor Mueller spoke with the IEPA in Springfield and the contamination is there when the tank was removed it leaked a little bit, but it is minimal. Attorney Price stated the highway agreement doesn't let the owner of the property off the hook, what it does is it allows everyone to move forward. They have cleaned up their site and part of the plume of the contamination went under the villages road. As long as it stays a road it doesn't pose any health or safety risks to anyone. We are agreeing that we will keep this a road. In the typical resurfacing project, we don't get down to where the plume is we are not exposing anyone. In the agreement we've stated if however, our best educated guess based on science and data is wrong and it is closer to the surface and A Resolution Approving a Highway Authority Agreement Relating to 3 West Belvidere Road continued: we have to deal with this contaminated soil then they on the hook for up to a certain capped amount to reimburse the village for any additional costs that we might have. The owners estimate costs are for \$1,000

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to \$2,000. We have in the agreement for over \$6,000. It allows everyone to move forward and the village promises to keep the street a street.

Trustee Gottsacker motioned to authorize the mayor to sign the highway authority agreement; seconded by Trustee Barrett.

Roll Call:

Ayes: Trustees Barrett, Bonds, Tiffany and Gottsacker

Absent: Trustees Walkington and Stiliz III

Motion carried.

Resolution #R07-08-38

Trustee Barrett motioned to go into executive session for the purpose of pending litigation; seconded by Trustee Gottsacker.

Roll Call:

Ayes: Trustees Barrett, Bonds, Tiffany and Gottsacker

Absent: Trustees Walkington and Stiliz III

Motion carried.

The Regular Board Meeting ended at 7:42 p.m. and then entered into Executive Session.

Trustee Barrett motioned to enter back into the Regular Board Meeting; seconded by Trustee Tiffany.

All in favor say aye, motion carried.

The Regular Board Meeting reconvened at 8:09 p.m.

There was no action taken in Executive Session.

Trustee Gottsacker motioned to adjourn the August 28th, 2007 Regular Board Meeting; seconded by Trustee Bonds.

All in favor say aye, motion carried.

The August 28, 2007 Regular Board Meeting adjourned at 8:09 p.m.

Respectfully submitted,

Kathy Metzler, RMC, CMC

Village Clerk