

September 11, 2007 Meeting Minutes

September 11th, 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 Jeff Gately led the pledge of allegiance to the flag.

Mayor Mueller asked for everyone to stay standing for a moment of silence.

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

Also present were: Village Clerk Kathy Metzler, Treasurer Kelly Hensley, Building Official Russ Kraly, Public Works Supervisor Jeff Gately, EMA Coordinator Mark Gottsacker and Village Attorney Jeff Jurgens

Establishment of quorum

Agenda Approval

Trustee Walkington motioned to approve the agenda as presented; seconded by Trustee Stilz.

Roll Call:

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

Motion carried.

Mayor Mueller will be asking for a motion to go into executive session to discuss probable litigation.

When we go into executive session the mayor asked that the Trustees, Attorney and Clerk join him immediately in the conference room and that the residents do not approach the Board until we come out of executive session.

Public discussion and/or comments from the floor:

James DeNemie, Tall Oak Drive, Hainesville, IL 60073 – invited everyone to the Fall County Festival and Craft Show on September 22nd and 23rd behind the Round Lake Post Office and Sports Center.

Laura Shields, Katherine Drive, Hainesville, IL 60030 – regarding the proposal for Cranberry Lake she feels this should just be let go and be natural. Laura feels that you should take care of either all of the wetlands or none of the wetlands.

Laura understands that the village is looking into IMRF which is a benefit for the employees for the village. Laura heard that there was a petition regarding this and thinks it is really sad that people are so obsessed with the wetlands and care nothing about the people that work for us.

Wally Stilz II, Tall Oak Drive, Hainesville, IL 60073 – asked what is going on with the pump station.

Mayor Mueller reported he is discussing this with our attorneys. There was a leak possibly due to a construction defect. At this time we haven't taken any action.

Since we are talking about the wetlands and we don't have the \$50,000 dollars that was suppose to be given to us. You have a wetland committee that you told them that they would have \$20,000 from the general fund to bridge this issue until the lawsuit is resolved. Wally Stilz II would like to know what is that money? Mayor Mueller stated that there is money in the village treasury that came from the SSA that you were levied but not that amount.

John Sober, N. Caribou Drive, Hainesville, IL 60030 – asked who maintained Cranberry Lake before the development went in and the Village signed the agreement to take care of it? Mayor Mueller stated it was owned by the developer. John asked who's responsibility was it before Deer Point owned it. Grayslake Gelatin were the owners. John asked if they took any action like you are proposing now? Mayor Mueller stated no. Deer Point put the path in. John stated he shares the opinion of the lady who spoke earlier. If you are going to treat one body of stagnant water in town one way, you need to treat them all the same way. John said that he is paying high taxes now and to propose this when his children have to ride their bike on the highway to get to the commercial area because you can't put in a bike path, to worry about cattails on the lake seems to be a little frivolous.

George Duberstein, Tall Oak Drive, Hainesville, IL 60073 – stated he wasn't going to say anything because Gary is going to report on the wetlands later on. George wanted to make one thing clear. There was a permit issued by the corp of engineers that was given to the developer. They could not develop this land and build all the houses in Cranberry Lake unless certain maintenance was agreed to by the developer and anyone who took over the responsibility for Cranberry Lake. The Mayor agreed. This is mandated by the corp of engineers. The only part that is mandated is Cranberry Lake. We should look at the other wetlands at a later date. We are looking at right now at what is mandated.

John Sober, N. Caribou Drive, Hainesville, IL 60030 – stated it was his understanding that the corp of engineers agreement was with the Developer of that area of the subdivision. Are the people living in the

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community and directly impacted by Cranberry Lake are they the ones that should be in charge of maintaining it? Mayor Mueller stated that Cranberry Lake was set up as a special service area with an amount to be levied to acquire the funds necessary to maintain it. This levied allowed for levying \$20,000 to \$50,000 a year to maintain the lake. While the developer still had the lake the village was only levying \$10 a household which netted \$5,000. The SSA does not include anyone east of Hainesville Road. Everyone west of Hainesville Road is subject to that levy.

Wally Stilz II, Tall Oak Drive, Hainesville, IL 60073 – wanted to clarify that everyone who bought a house in Cranberry Lake, when they closed they had to pay anywhere from \$125 to \$175 per unit to the developer and in turn was to give that money to the village. That came up to \$50,000 which we don't have. The village was to tax anywhere between \$20,000 to \$50,000 a year on those houses. It is the responsibility of the 564 units in Cranberry Lake to take care of Cranberry Lake and the associated wetlands for the benefit of all the people in this village and anyone else who wants to walk that path.

Sally Rothbart, Holiday Lane, Hainesville, IL 60073 – stated when she bought in 1999 she paid \$225 for this SSA which she wasn't told about until she got to the closing table and they demanded a check. We did not know in advance.

Mayor Mueller stated that that money is now in dispute.

Barbara Jersey, Tall Oak Drive, Hainesville, IL 60073 – Thank you for clearing the air on this. There are people who are completely uninformed about what we are talking about here.

Trustee Walkington asked if we could discuss this matter now since this has all been brought up.

Mayor Mueller stated he will first ask for a motion to approve the Omnibus.

Omnibus Vote Agenda

1. A Motion to Approve the August 28th, 2007 Regular Board Meeting Minutes
2. A Motion to Approve the September Bills Payable

Trustee Walkington motioned to approve the omnibus vote agenda as presented; seconded by Trustee Barrett.

Roll Call:

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

Motion carried.

Mayor Mueller moved item J under business.

Item 1 is the Cranberry Lake Woodland and Wetland 5-year Restoration Project.

Trustee Bonds made a motion that the Board vote on this as to whether or not we will proceed with this bid proposal; seconded by Trustee Barrett.

Mayor Mueller asked for discussion.

Trustee Walkington stated if there is a roll call for the Board to vote on whether to send out a bid packet or not, his vote is nay.

Trustee Stilz III stated this is a big decision and thinks we should discuss this, look it over, come back, fine tune and then vote from there. To look at it really quick and to go ahead and vote, I don't think we should be doing that.

Trustee Barrett stated if we are going to do a remediation and maintenance program for Cranberry Lake this seems to be a really big dividing line for Hainesville Road. We have wetlands on the other side of Hainesville Road that need some attention also. Maybe we should look at how we are going to take care of all of our wetlands instead of focusing on Cranberry Lake all the time. Trustee Stilz III stated this is another reason why we shouldn't vote yes or no today.

Trustee Bonds stated she doesn't have a problem with taking care of Cranberry Lake at all. When Wally Stilz II was a trustee, he suggested that we include all of the wetlands in our community, as far as Cranberry Lake as well. That is why we need to look at all of Hainesville and not just Cranberry Lake. You can't expect the tax payers of our community to pay just for the upkeep and maintenance of Cranberry Lake, we need to include everything.

Georgeann Duberstein, Tall Oak Drive, Hainesville, IL 60073 – wanted to remind the trustees that the directive from the Mayor was to deal with Cranberry Lake only now. We talked about taking care of all the wetlands and putting an SSA together for the whole village. It was directed to us to hold off on the part of Hainesville until this project was underway. Then we will look in to see if we need an SSA for the whole village. Trustee Walkington stated there is only a mandate right now that we take care of Cranberry Lake. The only people that seem interested are the Cranberry Lake people. If you want to do the other side of the

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village that is fine, then do an ordinance. As this committee stands, the only project that we are mandated to do is Cranberry Lake. This is the project that is going forward.

Wally Stilz II, Tall Oak Drive, Hainesville, IL 60073 – stated the reason the corp of engineers allowed any of this development to take place was that someone would have to stand up and take care of the lake. That was done by putting the burden on who bought the houses over here.

George Duberstein, Tall Oak Drive, Hainesville, IL 60073 – you people asked why should the whole village pay for Cranberry Lake, they aren't.

Laura Shields, Katherine Drive, Hainesville, IL 60030 – stated that it is a big allergy pit. What is the process of giving it back to the association? Mayor Mueller stated there isn't a Cranberry Lake Association. Cranberry Lake consists of two town home associations plus single family homes which do not have an association.

Barbara Jersey, Tall Oak Drive, Hainesville, IL 60073 – stated to Debbie that she would like to have that discussion with her because you say the entire village shouldn't be responsible to pay taxes for the upkeep of Cranberry Lake. That hasn't been established. Also, half the community has already paid taxes for over six years and have nothing to show for it. We have to hold someone accountable for the mandate. Mayor Mueller stated there is a motion on the floor as to not to proceed with this proposal at this time. Trustee Walkington said there is no vote on this. This wasn't the intention to get permission to put out a bid package. This was to inform the people of the village of what this committee has come up with. This is a five year plan. If you are telling me that I've wasted my time the last two and a half months to get this package together, then I've wasted my time getting elected. This has to go forward!

Discussion took place.

Trustee Walkington left the council chamber at 7:38 p.m.

Trustee Gottsacker stated that as far as Cranberry Lake goes, someone is mandated to take care of Cranberry Lake. We need to take care of the entire village but if this is mandated now, then this is what we have in front of us.

Trustee Walkington entered the council chamber at 7:39 p.m.

Discussion took place.

Mayor Mueller wanted to clarify a few items. The east side of the road is not part of an SSA. There are three ways to handle that. One is to combine the wetlands on the east side and the west side into a single SSA. A tax levy is out of the question, which will be voted down, and the other is to establish a separate SSA for the east side. The process to establish an SSA is simple, you hold a public hearing, the Board votes on the SSA, and a certain percentage of the residents that object to the SSA need to file a petition and submit it to the board and that can defeat it. Attorney Jurgens added that the Board would have to come up with a cost study.

Mayor Mueller is calling the question. If you vote yes, the project is temporary shelved, if you vote no, the packet can go out for bid.

Ayes: Trustee Bonds

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

Motion was defeated. You can proceed with going out to bid.

Reports and Communications from Mayor and other Officers:

Mayors Report

Mayor Ted Mueller had nothing to report.

Clerks Report

Clerk Kathy Metzler had nothing to report.

Treasurer Report

Treasurer Kelly Hensley had nothing to report.

Building Official

Building Official Russ Kraly stated you have my report.

Public Works Supervisor

Public Works Supervisor Jeff Gately stated replacement parkway trees are going to be planted the last week of September or the first week of October.

EMA Coordinator

EMA Coordinator Mark Gottsacker had nothing to report.

Attorney

Attorney Jeff Jurgens stated we did review the bid packet and made a few suggestions.

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Clerk Metzler did ask if she could report.

Clerk Kathy Metzler wanted to report that we did hire the replacement for Sally Rothbart. Mayor Mueller, Clerk Metzler and Treasurer Hensley all interviewed the applicants. Sally is moving to Texas in November and we will miss her. We did hire a Hainesville Resident, Roseann Stark, she lives on Brittany Lane and she started last week Friday and Saturday. Sally will train Roseann until November. Mayor Mueller stated she is already picking up the job; she will do a great job. Trustee Stiliz III said I am sure she will do a great job, but in Executive Session we all agreed that you would forward the information on the final picks. Mayor Mueller stated that he wrote a memo to all trustees. Mayor Mueller had Clerk Metzler put a post out to the other villages and that not one village in all the surrounding communities have trustees get involved in the selection of employees.

Reports of Standing Committees:

Finance – Trustee Bonds had nothing to report.

Public Works – Trustee Walkington had nothing to report.

Public Safety – Trustee Gottsacker had nothing to report.

Third Annual HainesvilleFest – Trustee Tiffany reported that they were able to get another donation from Outback Steak House for the raffle. Jim took flyers for distribution at many businesses. We have made a no parking signs to be put up on Patriot and Haines Drive for the festival. Jeff and Jim will be placing those on Friday. Trustee Barrett asked where the people will be parking. Trustee Tiffany stated they can't park on Haines for safety issues, according to Commander Mike. Trustee Barrett asked about parking at Avon Township parking lot. It might be a solution for you to look at off site parking instead of shutting down some streets. Lynn Tiffany stated that we've had three or four committee meetings and there have been a handful of people at these meetings. There have been four people, the office staff plus Jeff and some trustees that have helped out. Let people park where they are going to park. Trustee Stiliz III stated that Lynn does not have the right to speak, public discussion is over. Mayor Mueller stated that if the chair allows the person to speak, the person may speak.

Wetlands Committee – Trustee Walkington had no report. Mayor Mueller stated he would like to form a wetland committee to handle the east side of Hainesville Road. Trustee Walkington stated no he wouldn't chair it.

Trustee Bonds stated that Trustee Tiffany wasn't finished with the Hainesville Fest report. Trustee Tiffany stated they marked the spaces at the park, everyone has been notified where they will be at. We have some time slots that need to be filled and would like to see some Trustees fill some of the slots if you can, Jim would greatly appreciate it. Grayslake School honor society kids have signed up along with residents to help out. Clerk Metzler volunteered Roseann to make some phone calls for the volunteers as to their time and place. Jim would like to use the dunk tank even if the weather is cold. Trustee Barrett said he will work with the generators as he did last year. Trustee Stiliz III asked about the budget. Mayor Mueller and Trustee Tiffany stated we are under budget.

Trustee Walkington stated he will respond differently to the question that the mayor asked him. There already is a wetland committee, can't see making a east and a west side committee. He will be happy to continue under the wetland committee and the people from the east side are more than happy to attend the meetings and see what we can do.

Trustee Barrett motioned to go into executive session to discuss probable litigation; seconded by Trustee Walkington.

Roll Call:

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

Motion carried.

The Regular Board Meeting ended at 8:10 p.m. to enter into Executive Session.

Trustee Barrett motioned to enter into the Regular Board Meeting at 8:50 p.m.; seconded by Trustee Stiliz III.

There was no action taken in Executive Session.

Trustee Walkington motioned to adjourn the September 11th, 2007 Regular Board Meeting; seconded by Trustee Barrett.

All in favor say aye, motion carried.

The September 11th, 2007 Regular Board Meeting adjourned at 8:50 p.m.

Respectfully submitted,

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Kathy Metzler, RMC, CMC
Village Clerk