

October 23, 2007 Meeting Minutes

October 23rd, 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. 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 Walkington, Stilz, Barrett, Bonds and Tiffany

Also present were: Village Clerk Kathy Metzler, Public Works Supervisor Jeff Gately, EMA Coordinator Mark Gottsacker and Village Attorney Scott Puma

Absent: Trustee Gottsacker, Treasurer Kelly Hensley and Building Official Russ Kraly

Establishment of quorum

Agenda Approval

Trustee Barrett motioned to approve the agenda; seconded by Trustee Stilz.

Roll Call:

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

Absent: Trustee Gottsacker

Motion carried.

There was no public discussion.

Omnibus Vote Agenda

1. A Motion to Approve the October 9th, 2007 Regular Board Meeting Minutes

2. A Motion to Approve the October 2007 Bills Payable

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

Roll Call:

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

Absent: Trustee Gottsacker

Motion carried.

Reports and Communications from Mayor and other Officers:

Mayors Report

Mayor Ted Mueller reported that he, Jim Tiffany, Kevin Barrett, Mark Gottsacker and Kathy Metzler all attended the 94th IML conference in Chicago Thursday thru Sunday. Mayor Mueller stated he attended a couple of seminars which really stood out. The motor fuel tax nuts and bolts indicating what we could spend our motor fuel tax money on and what we couldn't. A copy was given to Treasurer Hensley. Also, a session on design review ordinances. One of the key seminars was the Illinois Sunshine Laws and the Freedom of Information Act. Complying with these two laws are very critical particularly emailing. Any emailing becomes public information. Another seminar which we need to look into was administrative adjudication. Attorney Puma explained there is an open question whether a home rule or non home rule municipality can engage in administrative adjudication. You can send property maintenance cases that would normally go to court to an administrative adjudicator who has the power of law to require people to clean up their property more efficiently. In a number of attorney surveys, Attorney Puma stated it has been very productive. Mayor Mueller stated we need to look into this. Right now we can't use the police department to issue a ticket if someone's lawn is too high. We would like to be able to issue a citation and it can be taken to court and we would be able to charge a fine. The police can handle traffic and parking violations, but code violations should be done thru the administrative adjudication process. Mayor Mueller has had three residents complain about the trick or treat hours stating it is too long which is 1 p.m. to 5 p.m. We will have to look into this next year.

Clerks Report

Clerk Kathy Metzler stated she also attended the IML Conference and attended numerous classes for the clerks session and they were very interesting and informative.

Clerk Metzler is starting to work on the Census 2010 paperwork. A lot of close work this year and next, which we will be very busy.

Mayor Mueller asked Trustees Barrett and Tiffany to report on the conference. Trustee Barrett stated he attended several seminars and one that he enjoyed was a company which would bring retail to under served and under developed areas. There are several Illinois agencies that will allow us to list and post our

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undeveloped and under utilized properties on their website. Another seminar which was at the top of his list was the cable and internet broad band access for citizens throughout Illinois. Trustee Tiffany attended a lot of the meetings also and tagged along with the mayor, our trustees and clerk. Trustee Tiffany found this very informative and he also attended the motor fuel tax seminar which he felt was very interesting; we could possibly use that money for our sidewalks. Mayor Mueller stated regarding the sunshine laws and FOIA we in Hainesville are complying one hundred percent.

Treasurer Report

Treasurer Kelly Hensley was not present.

Police

Police were not present.

Building Official

Building Official Russ Kraly was not present.

Public Works Supervisor

Public Works Supervisor Jeff Gately reported that Kramer Tree was out today and did all the merit applications and they are done.

EMA Coordinator

EMA Coordinator Mark Gottsacker was not present.

Attorney

Attorney Scott Puma stated it is a pleasure to be back here. Attorney Puma stated he has conflicts on other nights and Jeff Jurgens was out of town and Derke Price was summoned to another meeting. Attorney Puma stated he is familiar with everything on the agenda. There is no report from Jeff or Derke.

Village Engineer

Marcia McCutchan stated they have submitted to Lake County Storm Water Management Commission a watershed management board application for grant funds. That was due October 17th, for work on detention ponds for inlet and outlet structures to remove debris and vegetation that obstructs the in and out flow of those reservoirs. The grant funds are matching funds.

The MFT project; we have confirmed with the contractor that late this week they will be doing the minor restoration items that are left and then crack sealing is scheduled for next week. Next week we will be going thru and making a punch list with Jeff.

Trustee Tiffany stated the curbs haven't been backfilled in. How soon will that backfill take place? Marcia and Jeff both stated that is the restoration, this week.

Reports of Standing Committees:

Finance – Trustee Bonds had nothing to report.

Public Works – Trustee Walkington had nothing to report.

Public Safety – Trustee Gottsacker was not present.

Annual HainesvilleFest – Trustee Tiffany stated he was thinking about changing the date of the fest earlier in September or end of August which is up for discussion. He has an idea of bringing in some carnival rides for next year. Trustee Tiffany spoke to the park district which stated they don't have a problem we would just have to increase our insurance. The amount of rides brought in would have to be what is deemed safe and add to our festival. The layout was great with this past fest and Jim didn't have any complaints, he had heard a lot of compliments.

Wetlands – Trustee Walkington stated his is under business.

Business

Cranberry Lake Woodland/Wetlands 5-Year Restoration Contractor Bid Award

Mayor Mueller stated this is to award the bid to the contractor that has been selected. You have a copy of the contractor bid review and the committee recommendations. Mayor Mueller stated that the procedure is to ask for a motion then get into discussion.

Trustee Walkington motioned to accept the committees' recommendation to award the bid to Native Restoration Services; seconded by Trustee Stilz.

Trustee Tiffany asked about the substantial difference in cost, is everything the same? Trustee Walkington stated there was a walk thru and they all know what to expect. They work with the Army Corp of Engineers. There are two fellows who are really interested. Mayor Mueller spoke to them also and said if he was on the committee he would have picked them also. The committee made an excellent recommendation.

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Trustee Tiffany asked about start procedures and on going, is this a monthly on going to do work in there? Trustee Walkington stated the first phase has to be done in March. There are deadlines and they have agreed to it and the final day is the final day. Public Works Supervisor stated that the buckthorn can only be removed from late November till the winter season. There are dates and deadlines set. We hold 30% of the money until we are 95% satisfied. Jeff feels that they will do a nice job. Mayor Mueller stated the committee did check the references and they were all favorable.

Mayor Mueller stated we are approving Plan A.

Roll Call:

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

Absent: Trustee Gottsacker

Motion Carried

Illinois Municipal League Risk Management Association

Mayor Mueller stated Treasurer Hensley is looking for a motion to approve the renewal of the insurance with the IMLRMA and would like to take advantage of the 2% discount. If approved tonight she can write the check with the 2% discount.

Trustee Walkington motioned to authorize Kelly to write the check; seconded by Trustee Stilz.

Roll Call:

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

Absent: Trustee Gottsacker

Motion carried. Kelly can now write the check.

Cranberry Lake SSA

Mayor Mueller stated that in the past we have been levying \$10 a year and as a result we have about \$10,000 in the SSA account. Our ordinance requires that we levy \$20,000 a year up to \$50,000. At \$20,000 a year with 553 total units it comes to \$36.17 at \$50,000 it comes to \$90.42 so this is some numbers for you to think about. The committee is requesting a levy of \$40. Trustee Bonds stated that is a low figure and it should be \$50 or \$60 a year to cover expenses. Trustee Walkington stated the committee came up with the \$40 that gave us \$20,000 that eventually, after all the clean up, we won't need \$20,000 a year. The ordinance that we have now sets a minimum of \$20,000. Trustee Walkington stated the \$40 is more than fair for the next year. It will be very close to what we have planned for the 5-year project. Mayor Mueller asked when our first payout will be because we won't see this money until the first tax installment is due. The first payout will be in the spring. Trustee Barrett was in agreement with the \$50 because the first year it will be \$45,582 and we only have \$10,000 in the account. That will leave us a little negative. Trustee Walkington stated what we have in the budget plus the SSA is what we figured on and we are holding 30% until we are satisfied with the work they are doing. This is for the future, not what we are doing now. The SSA is for 2008 and 2009. Trustee Tiffany stated our first year payout is 30% off of that would be the first payoff? Trustee Walkington stated yes, about \$32,000. Trustee Barrett would like to see a little bigger cushion. Trustee Walkington stated there is no sense in taking more money than you need.

Trustee Stilz motion to approve the \$40; seconded by Trustee Walkington.

Roll Call:

Ayes: Trustees Walkington, Stilz, and Tiffany

Absent: Trustee Gottsacker

Nay: Trustees Barrett and Bonds

Attorney Puma stated that the mayor needs to vote. Mayor Mueller stated he is leaning towards \$50 himself. Trustee Walkington stated we need a simple majority. Attorney Puma stated it is a tax levy, and not sure if it has to be a majority of the people present or requires a vote of four. He needs to check the statute.

Attorney Puma and Clerk Metzler left the council chamber at 7:30 p.m. Clerk Metzler returned at 7:35 p.m. and Attorney Puma returned at 7:36 p.m.

Attorney Puma stated that the mayor votes on three occasions; on the result of a tie, when one half of the trustees elected voted in favor of an ordinance, resolution or motion even though there isn't a tie or when a vote greater than majority is required by statute or local ordinance to adopt an ordinance or resolution or motion. When one half of the trustees elected have voted in favor of an ordinance, resolution or motion even though there is no tie. The statute provides that the mayor may vote in that instance. It doesn't say the mayor shall vote so the mayor could choose not to vote and then there would be a question as to what would occur and then it would be open to challenge. "I would submit that no one would challenge that

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result, but you never know.” So Attorney Puma stated his opinion is that the mayor may vote on this issue based on the statue.

Trustee Stilz asked should he vote on this issue, Attorney Puma stated he may vote. Trustee Stilz stated the people have spoken with a majority so there is no need. Mayor Mueller stated if he doesn't vote it could be challenged. Trustee Walkington stated we could wait for Mark Gottsacker and he votes yes, then his vote doesn't count either.

Discussion took place.

Mayor Mueller stated he votes nay. We have a tie. Mayor Mueller feels it should be \$50 also.

Trustee Walkington wanted to know why we should be charging \$50. and Trustee Bonds stated to cover any additional expenses should there be. \$50 a year isn't that much money.

Discussion took place.

Trustee Tiffany asked what funds will the first payment come out of? Trustee Walkington stated that when you voted on a budget there is \$35,000 available for this wetland restoration which we can use, plus what is in the SSA.

Trustee Bonds motioned to compromise to \$45; seconded by Trustee Barrett.

Trustee Tiffany stated he wants to be sure that we won't fall into a deficit in that fund for this.

Roll call:

Ayes: Trustees Stilz, Barrett, Bonds and Tiffany

Absent: Trustee Gottsacker

Nay: Trustees Walkington

Motion carried.

Trustee Walkington was upset with the mayor that he voted against the \$40 and left the council chambers at 7:45 p.m.

Trustee Walkington returned into the council chambers at 7:46 p.m. Trustee Walkington entered back in upset stating “you gave me this committee because you didn't want anything to do with it and then you vote against me”!

Rough Draft of Tax Levy 2007-2008

Mayor Mueller stated Treasure Hensley has included a proposed resolution which we don't have to vote on this tonight. Treasure Hensley would like comments or suggestions so she can fine tune it and place it on the agenda for the next board meeting. Mayor Mueller asked if there were any questions for Kelly? The total tax levy is \$614,748.

Direct Deposit

Mayor Mueller stated a number of employees have asked that Treasurer Hensley look into direct deposit. There is a one time fee of \$950 and a yearly fee of \$175 and we wouldn't have to touch our checks. This would apply to everyone.

Trustee Bonds motioned to authorize Kelly to follow thru and go to direct deposit; seconded by Trustee Barrett.

Trustee Barrett asked what the check writing costs are right now or is that a question for Kelly? Trustee Barrett stated most companies prefer this. Mayor Mueller stated the costs aren't high; we only have a few employees.

Roll Call:

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

Absent: Trustee Gottsacker

Motion carried.

AT&T Project Lightspeed Cabinets - Landscaping

Mayor Mueller stated the question is do we want to require landscaping around the AT&T cabinets or not. Attorney Puma stated this deals with the cabinets that are in the right-of-way of the county. If they are in the villages' right-of-way you can do what you want. Village Engineer Marcia McCutchan stated once AT&T applies the Village has 45 days to make comment. If you don't make comment, then it is approved as submitted. Mayor Mueller stated we did receive one application for a building permit, but the permit hasn't been awarded because Trustee Tiffany found an error in the drawings. They are suppose to resubmit the drawings. Village Engineer McCutchan stated we need to keep an eye on the clock when you receive them and then go out on a case by case basis and determine whether or not landscaping is appropriate. Mayor Mueller stated we will follow thru with AT&T and find out where the correct drawings are. Lake County DOT has to respond to the three that are in county right-of-way. If we have received information

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from the county on those specific ones, we need to respond to those, if we haven't then we need to request specifics. Mayor Mueller stated we only received one and Marcia said the county has received a couple of applications so if we don't have those we need to find out more about them. Mayor Mueller stated out of the four locations two are in the county right-of-way, one is in the state right-of-way and the other is on commercial property.

Discussion took place.

Marcia said you need to contact the author of the letter from Lake County DOT and request specific information.

We don't have to take action tonight. Mayor Mueller will take pictures of the locations and have them available at the next board meeting.

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

Roll Call:

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

Absent: Trustee Gottsacker

Motion carried.

Mayor Mueller asked that residents don't approach the Board members or the Attorney until after executive session.

The Regular Board Meeting ended at 7:49 p.m. and entered into Executive Session.

Trustee Stilz motioned to enter back into the Regular Board Meeting at 8:11 p.m.; seconded by Trustee Walkington.

Roll Call:

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

Absent: Trustee Gottsacker

No action was taken in Executive Session.

Trustee Walkington motioned to adjourn the October 23rd, 2007 Regular Board Meeting; seconded by Trustee Stilz.

All in favor say aye, motion carried.

The October 23rd, 2007 Regular Board Meeting adjourned at 8:12 p.m.

Respectfully submitted,

Kathy Metzler, RMC, CMC
Village Clerk