

December 11, 2007 Meeting Minutes

December 11, 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. 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, Stilz, 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 Jeff Jurgens

Absent: Building Official Russ Kraly

Establishment of quorum

Agenda Approval

Mayor Mueller would like to remove under business item # 2; Presentation by Irma Rodriguez and possible action on IMRF. Irma is tied up and unable to make the meeting tonight so this will be tabled until the first meeting in January.

Trustee Stilz would like to make another motion to remove under business item # 13, police vehicles.

Trustee Stilz would like more information. Mayor Mueller stated this is to discuss the subject. Trustee Stilz asked if we are going to take action, he would like to remove this. Attorney Jurgens stated we have a motion for both items to be removed but we don't have a second. If this dies, then we will have to proceed from there. Trustee Bonds stated item #13 states approval, can we just have it for discussion only, Trustee Stilz stated we just can't take out the word approval, Mayor Mueller stated you can modify it to read discussion only. Trustee Bonds agrees with Trustee Stilz. Trustee Stilz said discussion only and Trustee Bonds said we do need to approve this we are running out of time. Trustee Stilz stated discussion only or remove it totally.

It was decided to vote on the removal of each item separately.

Trustee Gottsacker motioned to approve the agenda with the removal of item #2; seconded by Trustee Bonds.

Roll Call:

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

Motion carried.

Trustee Stilz motioned to make item #13 under business for discussion only, no ability for any kind of approval.

There was no second.

The agenda has been approved as amended removing item #2 and item #13 still stays on the agenda.

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

Roll Call:

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

Nays: Trustee Stilz

Motion carried.

Public Works Supervisor Jeff Gately left the council chambers at 7:20 p.m.

Public discussion and/or comments from the floor:

Mayor Mueller stated that public discussion is limited to three minutes.

Georgeann Duberstein, 82 Tall Oak Drive, Hainesville, IL 60073 – made a request that the time the agenda is placed on the website, that a sign be put out at the curb of the village hall announcing the forth coming meeting, which should read Tuesday 7:00 p.m. If there is a special meeting you can get one of the Velcro sign that states the different day and time. To have just a little note on the door and to expect to have 3500 people know to look at the door to know about the meeting is not practical. So I think it would be helpful to have a sign at the curb. Mayor Mueller stated if the Board doesn't object, he would like to authorize Jeff Gately to go to sign central and order the sign. Mayor Mueller stated this is a great idea.

George Duberstein, 82 Tall Oak Drive, Hainesville, IL 60073 – the Village appears to be on a rapid path with its own police department. George commends the Mayor and Board for having the Lake County Sheriffs department come to do a presentation to explain an alternative to this drastic action. George feels that the Mayor and Board don't have any idea what the true cost and liabilities and relative inflexibility of such an option.

Mayor Mueller stated that George's time was up and he thanked him for this comments and also stated he asked the Sheriffs Department to be here tonight so we can all hear the options.

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Wally Stilz II, 166 W. Tall Oak Drive, Hainesville, IL 60073 - if you are considering other alternatives then why is there an ordinance on the agenda amending the village code regarding the police department. What does that mean. Attorney Jurgens stated there already is an ordinance on the books for Hainesville to have its own police force, this clarifies and amending that ordinance will allow Hainesville to proceed if it does decide to go with its own police force.

Wally stated if you haven't all made up your mind then why are you so adamant to make sure you are able to approve purchasing two police cars from Round Lake Beach, Kevin! Trustee Barrett stated it is the dollar. They are available and if we decided to go ahead with it we have the equipment.

Wally asked where will be police department be, Mayor Mueller stated the old village hall. Wally stated you just killed \$500,000 worth of equity. What will the cost be to revamp it, we all have to pay for this. Mayor Mueller stated he has the figures in his office, which he will hand out after the meeting. Attorney Jurgens stated your time is up.

Suzanne Sawusch, 70 E. Big Horn Drive, Hainesville, IL 60030 – stated she is looking for a little guidance regarding the snow removal and keeping your side walks clear. Suzanne feels it is a public hazard particularly for children at the bus stop. She has a neighbor who doesn't clear the sidewalks and there are thirty kids at the bus stop, which go there twice a day. Suzanne stated she has cleared the sidewalk for the last eight winters. What can be done about this? Suzanne stated she can't keep her garbage can in front of her garage; someone should have to clear their walk. Mayor Mueller stated this is an excellent question. We have discussed this over the years with our Attorney. Some communities have an ordinance to clean your sidewalk, our Attorneys have advised us against that due to the potential liability. Some residents that live on corners do clear the walks at the bus stops and my hats off to them. We do not have an ordinance. Attorney Jurgens stated this is a new issue for him, he will look at this again, he doesn't doubt that this would create some liability problem. Attorney Jurgens isn't sure how the village would enforce trying to make every resident shovel their sidewalk, and some residents physically can't do that. Trustee Barrett stated the corner she is talking about there are a bunch of kids on the corner. Suzanne spoke to the bus company; the school, the police department and the Village and no one is able to help me. Mayor Mueller stated he will have our attorneys look into this.

Pam Genender, 124 Holiday Lane, Hainesville, IL 60073- asked how do you justify starting up your own police department? What are the ramifications of starting up your own police department? What is the cost of starting your own police department? Thank you!

Barbara Jersey, 120 Tall Oak Drive, Hainesville, IL 60073 – is concerned about item #13 approval of acquiring two police vehicles from Round Lake Beach. It sounds to her that you have already made your decision. You haven't given your constituents any numbers at all. Since you are not prepared nor any of your Trustees in your panel have prepared to provide us anything on how this will affect us financially. What do you suggest that we as citizens of your village do in order to find out how this is going to financially impact this? Mayor Mueller stated after tonight's meeting we will have a cost study available that you may obtain. The Sheriff has some numbers for us that he will explain tonight that we can review. Barbara asked are your citizens going to have any voice in what your decision is going to be regarding this matter. Mayor Mueller stated you can give input to your respective Trustees. There will not be a town hall meeting. We all have e-mail addresses and you may contact us and give us your opinion and they will be looked at.

Doug Williams, 154 Tall Oak Drive, Hainesville, IL 60073 – how can you think that we are going to sit here and allow you to make this decision which impacts us. Doug said he asked the Mayor three months ago if he would bring this to the community. Your response Mayor was I am not going to share every decision with the community that I make. Doug feels this is not a small decision; this could force people into foreclosures. This is not why we elected

Doug Williams Public Discussion Continued:

you guys to have this type of governance. You guys better really think about these decisions closely they will impact everyone sitting here. Mayor Mueller clarified that there is no final decision being made tonight. There will be a potential approval to acquire the police cars, whether we do it or not remains to be seen! We do need to approve some direction for the Board. Doug stated you should have included the public in these options four months ago, not last minute things. Trustee Bonds stated four months ago we weren't sure where we were at with this police situation. That is why we were going into executive session. Doug said you should have told us what was going on in executive session. Mayor Mueller stated no final decision would be made tonight.

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Jeff Martin, 328 Fawn, Hainesville, IL 60030 - stated we just move up here last September and we love it here, however our taxes are going up \$500 and we weren't expecting that. Jeff received his assessment and property values are going down and taxes going up. Jeff will be putting a for sale sign up in the spring. I don't normally attend the meetings, but this has me concerned. Trustee Bonds asked Jeff what brought you to the meeting tonight? He received a flyer, and Trustee Bonds asked if it was in your mailbox and he said yes it was!

Lynn Tiffany, 513 N. Deer Crossing Court, Hainesville, IL 60030 – stated correct me if I am wrong, but a few years ago there was a police referendum, which was approved. The only way our taxes can be increased, if everyone isn't aware, is for it to go thru a referendum, am I correct? Mayor Mueller stated yes. Before everyone gets all uptight and sending letters in peoples mailboxes maybe you should look into that kind of stuff before you start uprooting the whole community. The signs that are going to be outside of the building, who is going to pay for that, is that our tax dollars? Trustee Bonds stated yes!

Kim Smetters, 393 N. Tower Drive, Hainesville, IL 60030 - Kim would like to thank Georgeann and Doug for informing us of this meeting. It is important to know when these meetings are going to come, the signs are important, and Kim stated as a tax payer she would be willing to pay that so she will know what is going on in her community. My question is why did Hainesville get rid of the last police department that we had when you were not Mayor? Mayor Mueller stated he was a trustee at that time and we had a part time police department, it wasn't a 24-hour service. George Filenko was the chief for Hainesville and Bruce Johnson was the Chief for Round Lake Park and under Mayor Soto they decided that the two villages would enter into an intergovernmental agreement which allowed Hainesville to have 24 hour service. Kim wanted to know why are we terminating our contract with Round Lake Park? Mayor Mueller stated that they invoiced us for \$411,000 for services that they claim we owed. This is over and above the monthly invoices that we did receive and paid, which is in litigation right now. The intergovernmental agreement has been terminated. Kim humbly asked the Board and the Mayor to please not jump the gun and look into all options.

Ellen Stiltz, 111 Celebration Court, Hainesville, IL 60073 – stated you said you haven't made a decision yet then why are you looking to employee a chief of police to form a police department? Mayor Mueller stated he has not interviewed or hired a chief. We are just taking applications. No one has made a decision to have a police department, which the residents should have a say in! This is the United States of American it is not Moscow!! Trustee Walkington stated what if something can't be negotiated with the county or another Village then what do you want to do.

Frank Lesnak, 409 Deer Crossing, Hainesville, IL 60030 - stated the Sheriffs department is here to give you a presentation, when will a decision be made? Mayor Mueller stated that February 10th was his goal for our own police department.

Dan Meyers, 215 N. Lisk Drive, Hainesville, IL 60030 - stated now he knows why he hasn't been to a Board Meeting. This is a bunch of bull crap as a resident here in Hainesville Dan is paying for this. All these people here demand to be part of this decision. This isn't your decision! Dan wants to be part of this decision; he wants to know what he is paying for. Dan is working 12 hours a day six days a week just so he can put food on the table. Last year his taxes went up \$250 a year, and now are paying over \$7,000. This is a bunch of bull crap.

Mayor Mueller stated the purpose of the public discussion is to allow you folks to address the Board and we will listen.

Jim DeNemie, 120 Tall Oak Drive, Hainesville, IL 60073 – directed a question to our attorney, will this decision have to go to referendum? Attorney Jurgens stated no. The decision to create a police force is something that the Board will decide. The municipal code does not require a referendum on this.

Pam Genender, 124 Holiday Lane, Hainesville, IL 60073 - asked did we not have 24-hour coverage or service? Mayor Mueller stated not 24-hour coverage when we had our own police department in the past. Pam asked what does that mean, does that mean coverage, service or patrol? Trustee Bonds stated we had nothing, Pam Genender stated excuse me this is my minute! Mayor Mueller stated we had a daytime police department and at night went to CenCom.

Georgeann Duberstein, 82 Tall Oak Drive, Hainesville, IL 60073 – because you have the right to make this decision whether we have our own police department or not does not mean that it is the right thing to do. Maybe you should have more input and taking more notice on what the residents desire.

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Jerry Daley, 366 E. Big Horn Drive, Hainesville, IL 60030 - if the Board decides to establish their own police department and the contract is up on February 10th, do you think it is viable to establish our own force in a two month period of time? Mayor Mueller said he thought we could. Jerry asked what your alternatives are. Mayor Mueller stated we will not be without police service.

Omnibus Vote Agenda

1. A Motion to Approve the November 13th, 2007 Regular Board Meeting Minutes
2. A Motion to Approve the December 2007 Bills Payable
3. A Motion to Approve the October 2007 Financials

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

Roll Call:

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

Motion carried.

Reports and Communications from Mayor and other Officers:

Mayors Report

Mayor Mueller stated he heard from Sandy Cole and our grant for the bike path is still in the works.

Clerks Report

Clerk Kathy Metzler reported that January 1st, 2008 Illinois will be the 22nd state that will be smoke free. Letters will go out to the businesses reminding them. There will be no smoking 15 feet from doorways, entrances windows etc.

Treasurer Report

Treasurer Kelly Hensley stated her items are under business.

Police

The Police were not present.

Building Official

Building Official Russ Kraly was not present.

Public Works Supervisor

Public Works Supervisor Jeff Gately was called out on an emergency call.

EMA Coordinator

EMA Coordinator Mark Gottsacker stated Georgeann asked for information regarding public safety for the newsletter, which he did provide.

Attorney

Attorney Jeff Jurgens stated his items are under business.

Village Engineer

Village Engineer Marcia McCutchan had nothing to report.

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.

Wetlands – Trustee Walkington stated hopefully there will be a meeting Thursday to sign the contract if everything falls in order.

Business

Sheriff Mark C. Curran, Jr.

Mayor Mueller introduced Sheriff Mark C. Curran, Jr. thanked the Mayor and Trustees for inviting them. Sheriff Curran explained just what the county could do for the Village of Hainesville and their department staffing.

Trustee Barrett asked if the Lake County Sheriff makes an arrest and they have to transport this person to Waukegan, which will take that officer out of our village, what will happen. A district car will transport the person and this car will stay here in the Village.

Mayor Mueller stated that the Trustees have the letter from the Sheriff regarding the cost for a three-year plan covering either 8-½ hours, 16 hours or 24-hour coverage. If any resident would like a copy of this you can get a copy after the meeting.

There were several questions by the residents directed to Sheriff Curran.

Mayor Mueller stated that he has a numerology sheet comparing the police budgets with the County, the Hainesville Police Budget, Round Lake Heights Police Budget and Chief Larson's Budget. Trustee

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Barrett and Mayor Mueller sat down and we went thru the three budgets that we have and established a proposed police budget. Trustee Barrett is quite knowledgeable in this area. You are all welcome to this comparison sheet. Overall, on a three-year average, if we went with the County it would come relatively close to what we think we could do it ourselves.

Mayor Mueller explained that the fact that the Board is going to vote on an ordinance establishing our own police department doesn't mean that we are going to do it. Same as the vehicles from Round Lake Beach doesn't mean we are going to do that. It just allows us to do it if we go ahead. We have leaned a lot tonight. The Sheriff has given us a terrific insight into their capabilities. Mayor Mueller stated he doesn't make these decisions himself, the Board votes on them. We will review this and we are going to carefully consider everything.

Trustee Tiffany stated that with Round Lake Park Police Department were very friendly with our community, would you be friendly? Sheriff Curran stated we would have the same relationship. Mayor Mueller asked that they would develop a relationship with the kids so they will not be afraid. Mayor Mueller thanked the Sheriff.

Mayor Mueller stated yes, we listen to you and no we aren't going to jump into anything. Thanks for your comments.

Audit – George Ogorek

Treasurer Hensley introduced George Ogorek from Ogorek and Associates who performed our audit for the Village this year. George Ogorek presented the audit to the Mayor and the Board of Trustees. Kelly thanked George!

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

Roll Call:

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

Motion carried.

Annual Treasurer's Report Fiscal Year Ending 2007

Treasurer Hensley stated now that the audit has been passed she is able to carry the figures into the Annual Treasurer's Report. This is a snapshot for the fiscal year 2007 of revenue summary, expenditures and summary compensation. This is a requirement and she is looking for passage and then she can publish this in the paper.

Trustee Barrett motioned to approve the Annual Treasurer's Report so it can be certified and published in the paper; seconded by Trustee Gottsacker.

Roll Call:

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

Motion carried.

Tax Levy Ordinance for the Fiscal year Beginning May 1st, 2007 and Ending April 30th, 2008

Trustee Walkington motioned to pass the Tax Levy Ordinance for the Fiscal year beginning May 1st, 2007 and ending April 30th, 2008; seconded by Trustee Barrett.

Trustee Stilz motion to reduce this amount. There are some items that are way over appropriated for that are unnecessary. Attorney Jurgens said there is a motion on the floor already and this is the discussion now.

Trustee Stilz stated there are items that are over budgeted for. Treasurer Hensley stated the figures you are looking at are the figures from what you already passed back in July. These are the same figures in this ordinance, you have to show the break down of it and show generally where the levy monies are going into the corporate and the police. This is just another form of the appropriation ordinance adding tax levy dollars. Discussion took place.

Roll Call:

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

Nays: Trustee Stilz

Motion carried.

Ordinance # 07-12-89

For the record Trustee Stilz stated he wanted to make sure that everyone listened to the people that spoke up tonight. Trustee Barrett stated the biggest tax entity on our tax bill is the school districts not the Village of Hainesville. The Village receives 7% of the total tax bill.

An Ordinance Establishing Regular Meeting Dates, Standing Committee Meeting Dates and Emergency Management Agency Meeting Dates for 2008

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Trustee Stilz motioned to approve the ordinance; seconded by Trustee Walkington.

Roll Call:

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

Motion carried.

Ordinance # 07-12-90

Clerk Metzler stated this is to keep her legal for the meetings. Clerk Metzler publishes the meeting dates in the paper yearly so everyone has a listing of the dates ahead of time, which is on the website, which is out in our foyer.

Cranberry Lake Special Service Area #1 SSA Levy

Mayor Mueller stated at the previous Board Meeting the levy amount was voted at \$45.

Trustee Stilz motioned to go back to \$40 instead of \$45; seconded by Trustee Walkington for discussion.

Discussion took place.

Roll Call:

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

Nays: Trustee Bonds

Motion carried.

Changed to \$40.

Veolia Contract Amendment

Mayor Mueller stated we have been negotiating and the big issue is, Veolia would like to add a fuel surcharge to our contract. This contract expires at the end of the month. We have asked Veolia to allow an additional extension and they are willing to give us a three-month extension with an increase from \$16.60 to \$17.60 per unit per month. .

David Wall asked if there were any questions. Trustee Barrett asked how do you figure the fuel surcharge. David Wall explained the fuel surcharge. Discussion took place.

Attorney Jurgens stated he looked at this contract and they have some revisions to the fuel surcharge also, we would like to protect the Village.

Trustee Stilz motioned to approve to extend the contract to allow us to enter an extension with Veolia for three months, if in two to three weeks we cannot come to a full agreement we will go out to bid; seconded by Trustee Barrett.

Attorney Jurgens recommends we have a little more time to negotiate.

Roll Call:

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

Motion carried.

Mayor Mueller stated we will be in touch with you Dave.

Release Tire Investors, LLC Performance Bond

Mayor Mueller has the request from Tire Investors to release their performance bond on the self-storage project.

Trustee Walkington made the motion to release tire investors; seconded by Trustee Stilz.

Attorney Jurgens stated there aren't any permits or work being done. They constructed a drive exist off of the property and we gave them 90 days. We need to make sure this is complied with. Village Engineer Marcia McCutchan stated they typically review these, but didn't realize that they made a request; she would have to review this. Attorney Jurgens stated that if you are going to release this it should be based on legal and engineering review. Trustee Walkington stated he sat in a meeting in August and September with Jim Marriott and Bill Olsen and they were mad that they weren't pushing dirt that day. We pushed a couple of meetings and a special meeting thru to appease both of them and now they are now saying they might not be able to do this. Trustee Walkington is not in favor of releasing the bond. Discussion took place.

Roll Call:

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

Motion failed.

Watermain Looping – Award Contract

Mayor Mueller stated you have the letter from RHMG and the low bidder was \$48,513. RHMG has reviewed everything and it appears in order.

Trustee Walkington motioned to award the contract; seconded by Trustee Stilz.

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Trustee Tiffany asked if we would have a problem with subcontractors like we had with the streets and sidewalks. Village Engineer Marcia McCutchan stated no Berger will do the work. She stated there would be a delay in the restoration because of the time of year that we are awarding the contract.

Roll Call:

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

Motion carried.

Village Engineer

Trustee Walkington stated that over the last public works meetings we have gone into in-depth discussion and the Public Works Committee recommends that the services of RHMG will no longer be retained.

Trustee Stilz stated he looked at the minutes for the past seven months and there was no discussion in the meeting minutes for Public Works that there was a problem with RHMG.

Trustee Walkington did discuss some of their concerns regarding Well House #3 that it wasn't built the way it was designed. Marcia McCutchan stated that RHMG designed the Well House #3 but they were not in the field observing it because we were not hired by the Village to provide that service. Discussion took place.

Marcia did say for the Record we did donate to the Village the construction administration services during the contract because that also was not included in our contract but we did provide those services for \$30,000 value that was donated to the Village. Trustee Stilz suggested that we put this on the agenda for the next meeting to give Village Engineer Marcia McCutchan the opportunity to plead their case. Trustee Walkington stated we could table this until the next meeting.

Marcia suggested the other option would be to meet at the Public Works Committee level first before coming before the Board so she can hear what the issues are because she was not aware of this either.

There is a meeting tomorrow night at 6:30, but it was decided to have a Public Works Committee meeting a week from tomorrow at 6:30 p.m.

An Ordinance Amending Village Code Regarding Police Department

Trustee Walkington motioned to pass the ordinance; seconded by Trustee Barrett.

Discussion took place.

Roll Call:

Ayes: Trustees Walkington, Barrett, Bonds and Gottsacker

Nays: Trustees Stilz and Tiffany

Motion carried.

Ordinance # 07-12-91

Approval of Acquiring of Two Police Vehicles from Round Lake Beach

Mayor Mueller stated that Round Lake Beach has two vehicles that are pretty much outfitted with equipment. We can acquire these as equipped for \$4500 each or acquire them striped and they will give them to us. Trustee Barrett hasn't road tested the vehicles due to the weather. Trustee Barrett suggested that if we acquire these vehicles, we get them stripped and put our own equipment in them. The quote for new equipment was \$7500. Round Lake Beach has agreed to let us have these cars inspected by a mechanic. Discussion took place.

Trustee Stilz makes a motion not to go anywhere near these police vehicles until we have more options; seconded by Trustee Gottsacker. If you vote yes, we are not taking the cars, if you vote no, proceed with attempting to acquire them.

Roll Call:

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

Motion carried not to acquire the police cars.

Trustee Stilz motioned to adjourn the December 11th, 2007 Regular Board Meeting; seconded by Trustee Gottsacker.

All in favor say aye, motion carried.

Mayor Mueller thanked everyone for coming. Also, in view of the late hour, these copies will be available tomorrow.

The December 11, 2007 Regular Board Meeting adjourned at 9:24 p.m.

Respectfully submitted,

Kathy Metzler, RMC, CMC
Village Clerk

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