

## April 22, 2008 Regular Board Meeting Minutes

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

Mayor Mueller stated that Trustee Mark Gottsacker had a mild heart attack and is at home recuperating, so he will not be present tonight.

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, Building Official Russ Kraly, Public Works Supervisor Jeff Gately, Village Engineer Marcia McCutchan and Village Attorney Jeff Jurgens

Absent: Trustee Gottsacker and Treasurer Kelly Hensley

### **Establishment of quorum**

### **Agenda Approval**

Myor Mueller stated he will be asking for a motion to go into executive session to approve but not release the executive session minutes for February 12th, 2008 and April 8th, 2008, and to discuss probable litigation and personnel.

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

Roll Call:

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

Nays: Trustee Stilz

Absent: Trustee Gottsacker

Motion carried.

### **Public discussion and/or comments from the floor:**

**George Duberstein, 82 Tall Oak Drive, Hainesville, IL 60073** – some residents might have a lot of grass left over from last year. The Land Sand and Gravel on Route 173 west of Antioch will take this for a \$1.00 a bag or \$10.75 a square yard.

Also, Mr. Duberstein asked if the FOIA charges could be waived when they request a copy of the budget.

Mayor Mueller stated he would waive the fees.

**Douglas Williams, 154 Tall Oak Drive, Hainesville, IL 60073** – directed the following questions to Trustee Bonds. Regarding an article in the Herald with a village that discussed their budget at a committee of the whole meeting. Are you Trustee Bonds, who is in charge of the finance committee, are you happy with the process and how it includes the committee, if not how would you improve it. Trustee Bonds stated since she has been on the Board we have never had a committee of the whole meeting. Trustee Bonds is not opposed to a committee of the whole meeting. Other Villages hold those COW meetings after the regular village board meeting for discussion only. Trustee Bonds feels the community should be able to discuss things with the Board. We are looking into this and she has discussed this with the mayor. She would prefer to have two village board meetings and if necessary have a committee of the whole after the village board meeting. Mr. Williams appreciates Trustee Bonds support. Trustee Bonds stated she is disappointed in the websites out there and hearing that Cranberry Lake wants to secede from the village. Mr. Williams stated that wasn't him and that we need more communication. Mayor Mueller stated if you read the papers we are not the only village being faced with this subject, Waukegan also is.

Mayor Mueller stated the 2nd meeting in May is a town hall meeting. No formal agenda. This is your committee of the whole.

**Georgeann Duberstein, 82 Tall Oak Drive, Hainesville, IL 60073** – suggested that with a committee of the whole meeting to have it before the board meeting or the other option is after each agenda is discussed by the board the residents have a chance to discuss that also and then the Board vote on it. Trustee Bonds stated that no other village allows residents to comment once business items are discussed. Also, no committee of the whole is ever discussed prior to a board meeting. Ms. Duberstein stated that Buffalo Grove allows the Trustees to organize their meeting however they want. Trustee Bonds stated she would check into it. Attorney Jurgens stated that the Board can set up their meetings however they want, but is not familiar with any community doing it that way.

Mayor Mueller stated that Clerk Metzler did a post to other communities on how they handle COW meetings which we have on file.

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### **Omnibus Vote Agenda**

1. A Motion to Approve the April 8th, 2008 Regular Board Meeting Minutes
2. A Motion to Approve the April 2008 Bills Payable

Trustee Stilz asked for item #531 on the bills payable to be taken off till he gets more information.

Trustee Bonds stated why are you taking this bill off? Trustee Stilz stated no one knows what this bill is for. Trustee Bonds stated the bill for Trustee Stilz III for legal services for March 08 and then the \$900 bill that we paid last month for your services also.

Trustee Stilz motioned to approve the omnibus vote agenda with item #531 tabled till he gets more information to verify we should be paying for it; seconded by Trustee Walkington.

Trustee Tiffany asked Attorney Jurgens when we can get the description of the item #531 issue. Attorney Jurgens stated the Village has it. Clerk Metzler stated Kelly Hensley has it, this just came up and Kelly isn't here. Mayor Mueller asked for more information on this item and Trustee Stilz stated on the \$900 bill also.

Roll Call:

Ayes: Trustees Walkington, Stilz, Barrett and Tiffany

Nays: Trustee Bonds

Absent: Trustee Gottsacker

Motion carried.

Trustee Stilz asked for Trustee Bonds to be removed for disorderly conduct. Mayor Mueller stated that motion is not in order right now.

### **Items removed from the Omnibus Agenda:**

On the bills payable, item #521 Ance Glink bill for \$142.50 Trustee Stilz III legal services for March 08.

Trustee Walkington motioned to approve the omnibus vote agenda as amended; seconded by Trustee Stilz.

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 Mueller reported that he received 550 CFL light bulbs courtesy of Mayor Daily. They will be given out to adults at the police open house, town hall meeting and the remainder turned over to Trustee Tiffany for the fest.

The project on Route 134 is springing back to life. They are looking at still having the fancy car wash and maybe a little Italian pizza restaurant. We will see more action when the clients are firmed up.

Clerks Report

Clerk Kathy Metzler reported that three quarters of the business license renewals are completed.

#### **Treasurer Report**

Treasurer Kelly Hensley was not present.

#### **Police**

Chief Roth reported that as of Sunday we have police officers on the streets 24 hours a day. All three cars are fit for duty. All officers are trained at CenCom for booking procedures. The Village law firm has approved the general orders and operational procedures. Our department is a member of the Lake County Major crash/task force and Officer Roy McCommons is part of this task force. The department will follow the Chicago Kelly System work schedule with six days on and two days off. Part time staff will supplement the full time staff. The police officers are on the streets responding to all calls with the Sheriff. If the sheriff wants us to handle it totally then we do. Later this week residents and business owners will receive a postcard with the update that as of May 9th 12:01 a.m. Hainesville Police Department will be in full force.

Chief has applied for a grant with the Illinois Justice Authority for cameras in the squad cars. Hopefully we will receive three new cameras. Chief also applied for a grant for computers in the cars. Regarding the police bicycle program, a department has donated a police bike to this department which is in good shape. In the next two weeks you will see the bike officers out. Chief reported how he would delegate responsibilities in his department.

Own records package is working out very well. We are right on schedule with May 9th we will take over all policing. Mayor Mueller complimented the Chief for putting together a first class police department in

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record time. Mayor Mueller wanted to thank all of the supporting communities for their help. The Mayor thanked Trustee Barrett for all his work on the police cars and Jeff Gately; they have all done an outstanding job. This is a Police Department we all will be proud of!!

### **Building Official**

Building Official Russ Kraly reported we have a new business in town, Big Kahuna Scuba shop over by the State Farm Building on Route 120.

### **Public Works Supervisor**

Public Works Supervisor Jeff Gately reported that yesterday he fertilized throughout the village. Still waiting to receive the new head for the street light on Hainesville Road and Big Horn. Please be patient this has been on order since the last meeting.

Mayor Mueller thanked Grower Equipment for the fertilizer spreader that they donated. This hopper holds 400 lbs. of fertilizer. The rest of this week Jeff will be getting out and start the spring clean up and will work on getting the wetlands cleaned up. In another week he will start cutting grass.

Jeff is working with Trustee Bonds who has been getting different quotes for the entrance mulch.

### **EMA Coordinator**

EMA Coordinator Mark Gottsacker was not present. Trustee Barrett reported that EMA received Go Kits that are in the vehicles. At their last meeting they also reviewed the latest on tornado and storm stats. One correction from the previous meeting is that the siren tests are the 1st Tuesday of every month at 10:00 a.m. not the 3rd Tuesday.

### **Attorney**

Attorney Jurgens stated at the last meeting Bill Olsen and Jim Marriott asked for help on several items to help them develop the corner property. The Board had the attitude that they weren't willing to go as far as what they were asking for, but there was some interest in helping them out. Attorney Jurgens reviewed what we might offer them and has a call into them to meet regarding this. If any Trustee has any feedback, we can talk about it.

### **Village Engineer**

Village Engineer Marcia McCutchan passed out her monthly report. She has a pay request under business and the other item is the MFT resurfacing and maintenance project. We have been working with Jeff on identifying some additional areas because the scope of this has grown with the winter season. We are waiting for prices and will recommend how to go forward.

### **Reports of Standing Committees:**

**Finance** – Trustee Bonds stated her report is under business.

**Hainesville Fest** – Trustee Tiffany reported he has received half a dozen certificates. Jim has dropped off 18 to 20 letters to surrounding businesses. Regarding food vendors, we are going to try not to have the same food items from each vendor.

**Public Works** – Trustee Walkington had nothing to report.

**Public Safety** – Trustee Gottsacker was not present.

Wetlands – Trustee Walkington will get a hold of Dave and see if they can have a walk thru on Thursday.

Procedure Ordinances & Resolutions – Trustee Stilz stated we are voting on these under business.

### **Business**

#### **An Ordinance Repealing Ordinances 97-09-03 and 02-04-13 Providing for the Regulation of Dogs, Cats and other Animals**

Trustee Bonds stated we are repealing the original ordinance from 1997. There was a request made under fur bearing animals to remove ferret and hedgehog. Trustee Bonds also went thru the ordinance and she increased the charges. Trustees have a copy of the new charges and Trustee Bonds read the new fees out loud.

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

Trustee Stilz asked how you will govern this. Trustee Bonds stated call 911 and report it to our police department and they can be charged with cruelty to animals. Attorney Jurgens stated officers write a ticket and the court will decide. Trustee Tiffany asked if we are in the average ball park of fees with other villages. Trustee Bonds stated she did check with the surrounding villages for their fees.

Trustee Tiffany stated while walking the bike path on Washington Street after the snow has melted there is a home that has tossed dog feces over the fence. Chief Roth stated that the Lake County Highway Department is responsible for maintaining that area and they reported that today. This is an ordinance violation.

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### Roll Call:

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

Absent: Trustee Gottsacker

Ordinance # 08-04-94

### **A Resolution Establishing Procedures for Requesting Legal Services of the Village Attorney**

Trustee Barrett motioned to approve the resolution establishing procedures for requesting legal services of the Village Attorney; seconded by Trustee Tiffany.

Trustee Stilz stated that the Mayor stated he wasn't in favor of this then why are we being billed for this.

Mayor Mueller stated the billing isn't related to this ordinance. Attorney Jurgens stated they had several requests for all three ordinances and resolutions for the village hoping to enact some procedures to bring more civility to the Village Board Meeting. This is in response to the general concern of the tone of the meetings and that business is getting done. Mayor Mueller stated these were generated by Ancel Glink to set up a more formal procedure. Attorney Jurgens stated this resolution is the result of our office wanting to do what the Board directs us to do but not knowing how the Board wants to act with individual Trustee requests. For example, if a Trustee calls our office for opinions or research practices this has to go through the Mayor. Trustee Barrett stated if he had a request for legal questions he has always gone through the Mayor.

### Roll Call:

Ayes: Trustees Walkington, Barrett, Bonds and Tiffany

Nays: Trustee Stilz

Absent: Trustee Gottsacker

All in favor, motion carried.

Ordinance # R08-04-41

### **A Resolution Establishing Procedures for the Requests of Village Trustees for Information from Village Officers, Employees and Independent Contractors**

Attorney Jurgens explained this sets forth a procedure for requesting legal information from the village, sets up a process so there is a smooth flow. It provides that within four days of receiving the request the Mayor shall reply to the Trustee in writing. Mayor Mueller stated this is to avoid unnecessary interruptions on a day to day basis for the staff.

Trustee Stilz motioned to approve the resolution establishing procedures for the requests of Village Trustees for Information from Village Officers, employees and independent contractors; seconded by Trustee Walkington

Trustee Stilz asked if these requests can be in email form, and yes they can.

### Roll Call:

Ayes: Trustees Walkington, Barrett, Bonds and Tiffany

Nays: Trustee Stilz

Absent: Trustee Gottsacker

Motion carried.

Resolution # R08-04-42

### **An Ordinance Amending Chapter 2.08, as amended, Establishing Certain Meeting Procedures**

Trustee Stilz motioned to approve the ordinance amending chapter 2.08, as amended, establishing certain meeting procedures; seconded by Trustee Walkington.

Trustee Stilz questioned if the Open Meetings Act covers how long you can talk. Attorney Jurgens stated the Board doesn't have to allow public discussion. Trustee Stilz was questioning the Open Meetings Act. Trustee Stilz stated to Attorney Jurgens that he has spoken to him about this in the past. Discussion took place.

Trustee Walkington stated we can eliminate public discussion. Trustee Tiffany stated we don't want to have people talking until the next morning, we have to control it and five minutes is a lot of time. Mayor Mueller stated this ordinance was on the agenda for well over a month and it was assigned to a committee that you volunteered to chair. This committee never met and was assumed that this was acceptable.

### Roll Call:

Ayes: Trustees Walkington, Barrett, Bonds and Tiffany

Nays: Trustee Stilz

Absent: Trustee Gottsacker

Motion carried.

Ordinance #08-04-95

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### **Berger Excavating Pay Request No. 1**

Village Engineer Marcia McCutchan stated pay request #1 is for the work completed to date for the Village Hall watermain extension project. We have reviewed the pay request and all the paper work is in order and recommend that the village pay it in the amount of \$39,900.

Trustee Stilz motioned to approve pay request no. 1 in the amount of \$39,900; seconded by Trustee Walkington.

Trustee Bonds stated we lost a lot of wild grass that we planted there. Mayor Mueller stated they will replace all of that before the second payment.

Roll Call:

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

Absent: Trustee Gottsacker

Motion carried.

Trustee Bonds motioned to go into executive session to review executive session minutes for February 12th, 2008 and April 8th, 2008, and also to discuss probable litigation and personnel; seconded by Trustee Walkington.

Roll Call:

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

Absent: Trustee Gottsacker

All in favor, motion carried.

The Regular Board Meeting ended at 8:19 p.m. and entered into Executive Session.

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

Roll Call:

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

Absent: Trustee Gottsacker

Motion carried.

### **To Vote on once out from Executive Session:**

Trustee Stilz motioned to approve but not release the February 12th, 2008 and April 8th, 2008 executive session minutes; seconded by Trustee Walkington.

Roll Call:

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

Absent: Trustee Gottsacker

Motion carried.

Trustee Bonds stated it is raise time and she recommends that Kathy Metzler, Kelly Hensley, Debbie Zwicker, Paul Rateike all receive a 3% increase. Roseann Stark, Deputy Clerk and Jeff Gately, Public Works both receive a 5% increase. Megan Metzler, our cleaning girl makes \$65. a week cleaning, we will make it \$70 a week, as the last cleaning lady was paid. Jon Caniff and Russ Kraly will stay the same. Trustee Stilz motion to approve Trustee Bonds recommendations; seconded by Trustee Walkington.

Roll Call:

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

Absent: Trustee Gottsacker

Motion carried.

Trustee Bonds motioned to adjourn the April 22nd, 2008 Regular Board Meeting; seconded by Trustee Walkington.

All in favor say aye, motion carried.

**The April 22nd, 2008 Regular Board Meeting adjourned at 8:52 p.m.**

Respectfully submitted,

Kathy Metzler, RMC, CMC  
Village Clerk