

July 22, 2008 Regular Board Meeting Minutes

July 22nd, 2008 Regular Board Meeting Minutes
Revised 8/12/08

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.

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, Village Engineer Marcia McCutchan and Village Attorney Jeff Jurgens

Absent: Building Official Russ Kraly

Establishment of quorum

Agenda Approval

Mayor Mueller stated that we will not be going into executive session until the end of the board meeting. So he is asking to remove item F.

Trustee Walkington motioned to approve the Agenda less item F; seconded by Trustee Gottsacker.

Roll Call:

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

Nays: Trustee Stilz

Motion carried.

Public discussion and/or comments from the floor:

Jim DeNomie, Hainesville, IL 60073 – addressed the Board with his concerns regarding the abandoned homes and their health hazards in the Village. Jim stated he is speaking at the request of his neighbors regarding 160 Clover Court. Mayor Mueller stated our attorney has already been advised of Clover Court and is looking into this. We are aware of this and their water has been shut off.

Georgeann Duberstein, Hainesville, IL 60073 – wanted to speak regarding the IMRF issue. Georgeann stated this is not about money or if the employees deserve a retirement or disability plan. Her objection is the loss of control over the financial health of the Village and the loss of flexibility because once you are in the IMRF you can't get out. Georgeann read a letter regarding IMRF which was not submitted for the minutes. Georgeann also discussed the comparison sheet that Mayor Mueller had as a handout sheet which showed the comparison of IMRF and the Nationwide 457 plan. Georgeann feels from the FOIA request she made requesting information that the alternatives could be \$10,000 to \$20,000 less for the first year than what the IMRF is requiring of us for 2008. Georgeann is requesting that the Trustees address this question after the presentations since she will not be able to speak after the presentations. What is the compelling reason to give the Village control of their finances over to the IMRF? Mayor Mueller explained regarding the handout; the Mayor was showing the difference in the village outlay between the two plans. Our population sign shows 3,444 from our special census which was before the Village was built out. We are now built out and have projected our population today as around 4,200 people. If the village rezones any property and it goes residential we could reach 5,000 people then we are required to join IMRF.

George Duberstein, Hainesville, IL 60073 – stated on the agenda is an ordinance electing to participate in the IMRF. He asked if the attorneys put this together. Attorney Jurgens stated this ordinance was put together by IMRF which did not cost the Village anything. Mayor Mueller did state that the attorneys reviewed the ordinance. George expressed that depending on the amount, even if it was small, it seems a little presumptuous to draft an ordinance when we haven't made a decision to which plan the Board is going to take. What if the Board goes with one of the alternative plans? Attorney Jurgens stated this is a very simple and short ordinance. George asked why don't we have an ordinance for the alternative plans. Mayor Mueller stated if the ordinance is defeated then we will consider the alternative. George wanted to remind the board that 77% of the voting residents voted against this, even though this was an advisory question. George stated this is a representative government and basically once you are elected you can do what you think is best for the village. It doesn't mean the residents should not pay attention to what is going on. If you go with IMRF there should be a reasonable and rational reason for doing so.

Sue Lesnak, Hainesville, IL 60030 – stated the employees can also buy back and those figures aren't included on your hand out sheet. Think about what you are doing here.

Wally Stilz, Hainesville, IL 60073 – stated to the Mayor that you said there are 4,200 people in this village and if you decided to rezone something it could go over 5,000 residents. Mayor you are aware that we have a sewer service agreement with the County Board. The County Board limits the number of residential

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P.E. and you can't change that without their approval. Mayor Mueller stated these are issues that we would address at that time, if it happened. Village Engineer Marcia McCutchan stated there is an agreement in place with the County which at this time does limit your residential. Mayor Mueller stated that agreement can be changed. Marcia stated you can't predict at this time, some communities have been able to be changed but there were some required commercial components to do that. Attorney Jurgens asked if we could trade with neighboring communities. Marcia said you would have to take all of this to the County Board.

Sue Lesnak, Hainesville, IL 60030 – has a concern at the end of Patriot Drive. The police have been out there numerous times. People are limited with their parking at Avon Ball field so they are parking at the north end on Patriot Drive. Can we get “no parking” signs so there will not be this parking issue. Sue called the township and they said it is a police matter which should be brought up to the Board. They are blocking fire hydrants and mailboxes. Mayor Mueller stated we can restrict parking there. If people are within 15 ft. of a fire hydrant, they will get a ticket. It is not about the ticket, it is about the safety and it is really tight there Sue stated. Jeff Gately asked if there is a fire lane there? Mayor Mueller stated he will have the police look at it.

Omnibus Vote Agenda

1. A Motion to Approve the July 8th, 2008 Public Hearing for Proposed Appropriation Ordinance Meeting Minutes
2. A Motion to Approve the July 8th, 2008 Regular Board Meeting Minutes
3. A Motion to Approve the July 2008 Bills Payable

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

Roll Call:

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

Abstain: Trustee Stilz

Motion carried.

Reports and Communications from Mayor and other Officers:

Mayors Report

Mayor Mueller reported that the Village Hall site is a popular site for a car wash. The Relay for Life had a car wash last Sunday and another one is scheduled for this Saturday. We have a good traffic pattern here.

Clerks Report

Clerk Kathy Metzler had nothing to report.

Treasurer Report

Treasurer Kelly Hensley stated from the last meeting to now she filed with the County Clerks office the appropriation ordinance and the estimate of revenue.

On your Payables Report that you approved tonight, under Semec Contracting she listed the wrong location, it should be Misty Hill Lane and Brittany. It has been changed in the final reports.

Police

Chief Ron Roth is still working with Condell on the AED. Once approved thru Condell the Chief will set up training with Round Lake Fire Department. We will have one AED in a squad car 24 hours a day.

Since July 8th there have been 114 calls for service from found dogs to domestic violence.

We are still getting complaints about stop signs. If you have one in your neighborhood and people aren't stopping please call 847-270-9111. We will monitor that stop sign.

The Chief has been working with another police department on a speeding program. The program allows residents to call police regarding speeding on their street. The police department will loan out a handheld battery operated radar gun. The resident can monitor the speed and if they are speeding they would write down the license plate number on a sheet with the time and date and then the police will follow-up and give them a warning. The Chief has a police department that will be donating two battery operated radar guns to the Village of Hainesville.

We have a lot of garage doors that are left open at night. The midnight shift officers are calling the residents even if it is 2 or 3 in the morning. The Chief is getting a lot of compliments on this.

Chief read a letter from three resident teens thanking the police department for their hard work. They also brought in chocolate chip cookies.

Chief Roth purchased a bicycle rack for one of the cars so the officer can be more mobile. One of the part-time officers is having surgery which is why there is not a lot of bike patrolling right now.

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In the last week there has been a lot of “ding dong ditch” going on. If your dogs are barking it is for a reason. If something is happening and it is an emergency call 911 if it is a non-emergency then call 847-270-9111.

Building Official

Building Official Russ Kraly was not present.

Public Works Supervisor

Public Works Supervisor Jeff Gately stated yesterday National Power Rod started doing the televising and the cleaning of the sanitary system. They will be here a good three to four more weeks. They did start in Cranberry Lake North working their way back to the lift station and then work back to the lift station in Cranberry Lake. When they are all done we will have the CD's which we will be able to review and if we have problems, we will be able to address it now.

The Street patching has been completed. There are a few little issues that he will talk to Village Engineer Marcia McCutchan about. However, we do have another sink hole that we will have to address in the next few days.

New speed limit signs have been installed on all the original signs and we added about eight more signs.

EMA Coordinator

EMA Coordinator Mark Gottsacker had nothing to report.

Attorney

Attorney Jeff Jurgens stated the contract for the Clowning Around Entertainment Services for Hainesville Fest has been approved by that company and will be sent to the Village or himself. We made some revisions to the contract and they agreed.

Village Engineer

Village Engineer Marcia McCutchan reported you have their monthly report in your packet. The MFT street resurfacing and those repairs have been completed since the report was done.

Reports of Standing Committees:

Finance – Trustee Bonds reported under the bills payable report for Semec Contractors, we received an invoice for \$4,150 for the street light pole to be replaced. Trustee Bonds checked with Treasurer Hensley and it has been submitted to our insurance company and we will get reimbursed on that.

Hainesville Fest – Trustee Tiffany has reserved the tables, chairs, canopy's and popcorn machine from Ram Rental.

We still need volunteers and you can sign up at the Village Hall or contact Trustee Tiffany thru our website. We have quite a few donated items for the raffles.

Hainesville Fest volunteer meeting will be this Thursday, July 24th, 2008 at 7:00 p.m.

Public Works – Trustee Walkington had nothing to report.

Public Safety – Trustee Gottsacker had nothing to report.

Wetlands – Trustee Walkington spoke with Dave today and he is making small progresses. Dave states he will get it done. .

Business

Berger Excavating Pay Request No. 2

Trustee Bonds reviewed the landscaping plans and looked at everything. The only thing is the wild grass was affected by the looping of the watermain, however it looks like it is starting to come back up. Nothing else was damaged. Marcia McCutchan stated there is a mistake in their invoice. The original contract amount is correct on the invoice. But our prior pay request we only paid them, because of retainage, \$39,900 as opposed to the number that they show.

Trustee Tiffany motioned to approve the final payout of \$8,613 as amended; seconded by Trustee Gottsacker.

Roll Call:

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

Motion carried.

Employee Benefit Plan

Irma Rodriguez with IMRF

Irma Rodrigues with IMRF introduced herself and spoke regarding the retirement, death and disability program. There were questions asked by the Trustees to Irma.

Craig Birk – Nationwide Retirement Solutions

Craig Birk with Nationwide Retirement Solutions also introduced himself and spoke about the different plans that they could offer to the village. There were questions asked by the Trustees to Craig.

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Jeff Gately left the Council Chambers at 8:15 p.m.

David Conrad with Prairie Benefits Network did not show up tonight. He was going to offer the figures on a disability plan.

The Mayor and Board thanked both Irma and Craig for coming tonight.

An Ordinance Election participation in the Illinois Municipal Retirement Fund

Mayor Mueller asked for a motion to pass an ordinance electing participation in the Illinois Municipal Retirement Fund. If a motion is made and passed we will automatically join. If the motion fails then we will look at other options. Trustee Stilz asked if this fails, will this come up again. Mayor Mueller stated that if this fails tonight it will stay failed.

Trustee Stilz motioned to pass an ordinance electing to participate in the Illinois Municipal Retirement Fund; seconded by Trustee Walkington.

Discussion from the Trustees follows:

Trustee Walkington had nothing to discuss.

Trustee Stilz stated that Georgeann brought up a good point regarding control. 77% of the voters that voted did vote against this. We are elected to follow what the people want us to do, to a certain extent. We should take into consideration what the voters are thinking. Before the vote the Mayor sent a letter pumping up this fund and everyone received it and you still had 77% against it. How could you possible vote yes? Everyone seems very confused on the IMRF. Don't worry about the population being 5,000; it is not going to happen.

Trustee Barrett stated his thoughts are he is looking at the quality of the investment tool for the employees for long term longevity. So we aren't continually hiring and rehiring which the cost is expensive of hiring officers and good clerical people and public works. Nationwide's numbers weren't doing that well. To allow people to self direct their investments is fine, but with the IMRF out there now, their track record is averaging better than 81/2%, and they are doing better than most self direct plans. Trustee Barrett is looking for the quality of the tool that we can give our employees to keep them happy, we do lose some control but those management costs for other plans aren't as good of a quality tool.

Trustee Bonds agreed with Trustee Barrett we are looking at quality especially with our police department. We have to move forward and get disability for these the police officers. What would happen if one of our police officers right now got injured on the job?

Trustee Tiffany stated with no disrespect with what you said but with the 77% of the people that voted; close to 400 people voted no and close to 100 people voted yes and our village being about 4,000 people now, 1,500 people didn't care or thought we were doing a good job. We, being obligated to make decisions on behalf of the Village for the best interest of the Village is hard for us up here. We are doing what we can and what we think is best and we are trying to look at the outcome and foreseeable future. Trustee Tiffany wanted to say that just because people did say no for the majority of the voting public does not really concern a hard decision. Trustee Stilz stated to put that in the minutes. It doesn't concern the people that didn't vote because they don't really care, they think we are doing a good job. Trustee Tiffany is concerned about what is going on and he does have a feeling for what people want and what they don't want. He does have a concern for our police.

Jeff Gately returned at 8:35 p.m.

Trustee Gottsacker stated he wants to make sure we have something right for the village whether it is IMRF or Nationwide. He is not sure if we will ever go over 5,000 and be forced to join. Trustee Gottsacker isn't sure if we can come up with something else; he hasn't seen anything that compares all the apples across the board. Unless you want to take a plunge with IMRF knowing that we will never be able to get out of it.

But at the same time IMRF does an excellent job on managing the funds and taking care of those that are in it. They seem to have a set fee that doesn't waiver whereas the 457 their fee may go up or down depending on the amount that they are funding. Trustee Gottsacker hasn't made up his mind yet. Those are his thoughts.

Chief Roth stated he wouldn't be a good Chief or a good boss, if he didn't fight for his people. When he went thru the process of applying for this position he explained that even though this would be a small police department we would have to have IMRF. Chief's biggest fear is that his full time officers would be disabled or unable to return back to work. They have to have some type of retirement. We are putting these people on the streets 24 hours a day 7 days a week and they are not top paid police officers in this County and their benefits are below what most police departments have. The Chief has experience with IMRF years ago when he was a member. Chief spoke with one of two police chiefs in this County that currently have IMRF. One town is Riverwoods and the other is Bannockburn. Originally Bannockburn

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had the 457 plan for their officers and an insurance policy for disability, but is very happy now that they are with IMRF. Bannockburn Chief explained that IMRF give a 50% disability for police officers. The downstate police pension for a community over 5,000 their disability is 65% for police officers. Out of all the police departments in this County there is only one department that doesn't have a pension plan and that is Round Lake Heights. Riverwoods and Bannockburn has IMRF and the rest of the police departments in this County have a state pension with the exception of the sheriffs' office, they are under IMRF similar to a downstate pension.

Trustee Stilz asked the Chief that you stated you would need IMRF for you and your people if you were to start this department. Who did you say that to because you definitely didn't say that to me or the board? Mayor Mueller stated you haven't been here long enough to hear it. Chief Roth stated when he went thru the interviewing process sir, you were not there. Chief Roth stated to everyone but Trustee Stilz because he was not present during the interviewing process.

Trustee Stilz asked if anyone besides the Village Board is allowed to speak. Attorney Jurgens stated whoever the Mayor wishes to call on. Mayor Mueller stated they could have spoke during public discussion.

Mayor Mueller asked who wanted to speak and Georgeann Duberstein asked to speak. Georgeann made a few comments regarding IMRF.

Roll Call:

Ayes: Trustees Walkington, Barrett and Bonds

Nays: Trustees Stilz and Tiffany

Abstain: Trustee Gottsacker

Discussion took place whether Mayor Mueller should vote.

Mayor Mueller stated for the record that as an elected official he elects not to participate in IMRF.

Attorney Jurgens stated since it is a requirement for four votes of the corporate authorities to pass. Jeff would take the mayors vote but this would be contingent upon the attorneys review. The Mayor voted yes.

Attorney Jurgens stated he will report back to the Mayor tomorrow. Trustee Stilz stated to please have the documentation regarding this issue on whether or not he is allowed to vote and would like that in their mailbox. Attorney Jurgens stated he will pass it onto the Mayor and the Board. Trustee Stilz stated if his vote doesn't count, then like Ted said earlier then we will go onto finding another pension plan; we are done with this. Mayor Mueller stated if Jeff determines my vote doesn't count, he will no longer push IMRF.

A memo dated July 23rd, 2008 from Attorney Jeff Jurgens with Ancel, Glink et al. stated that the Mayor was entitled to vote on the ordinance and the Mayors vote counted and the measure was approved. The Mayor may legally sign the ordinance. (Attorney Jurgens asked for this to be reflected in the minutes).

Trustee Barrett motioned to go into executive session to discussion probable litigation and personnel; seconded by Trustee Walkington.

All in favor say aye, motion carried.

The Regular Board Meeting recessed at 8:45 p.m. to enter into Executive Session.

Trustee Bonds motioned to enter back into the Regular Board Meeting at 9:25 p.m.; seconded by Trustee Stilz.

All in favor say aye, motion carried.

There was no action taken in Executive Session.

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

All in favor say aye, motion carried.

The July 22nd, 2008 Regular Board Meeting adjourned at 9:25 p.m.

Respectfully submitted,

Kathy Metzler, RMC, CMC
Village Clerk