

## September 23, 2008 Regular Board Meeting Minutes

### **September 23, 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.

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

Also present were: Chief Ron Roth, Village Clerk Kathy Metzler, Deputy Clerk Roseann Stark, Treasurer Kelly Hensley, Building Official Russ Kraly, Public Works Supervisor Jeff Gately, Village Engineer Marcia McCutchan and Village Attorney Julie Tappendorf

Absent: Trustee Stilz

### **Establishment of quorum**

#### **Agenda Approval**

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

Roll Call:

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

Absent: Trustee Stilz

Motion carried.

Mayor Mueller welcomed former Mayor Linda Soto who was seated in the audience.

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

**Linda Soto, 307 Buck Drive, Hainesville, IL 60030** – stated that she understands the intentions of the Board and the Mayor regarding the repealing of the DUI Impoundment Ordinance, however, there is some confusion among the residents and would like clarification on what happens during a DUI arrest. Attorney Julie Tappendorf stated the ordinance passed a few years ago provided impoundment and the seizing of the vehicles for a DUI arrest. The only way to get the automobile returned was to go thru a due process hearing. That is a seizure of the vehicle which is different in the case your are talking about. If a person is arrested and found impaired with or without this ordinance the car would be towed and held for twelve hours and couldn't retrieve the car until they could drive. For a safety issue that will still be the policy of the Village and Police Department. That is not affected by the repeal of this ordinance. Linda asked how many DUI's have we had and the Chief stated we have had five complaints of suspected DUI drivers and none were actually DUI's, three got thru our jurisdiction and two of them we stopped and there weren't impaired, so actually we have zero since we took over. Chief researched for the 2007 status when Hainesville contracted with Round Lake Park and we had anywhere from ten to fifteen.

**Doug Williams, 154 Tall Oak Drive, Hainesville, IL 60073** – stated the house on 138 Tall Oak Drive was a fraudulent sale and the attorney was indicted for mortgage fraud. The owner owes \$8,000 in back taxes and since there is an owner, the County can't do anything so they referred them back to the Village. Mayor Mueller stated that the Village can't get involved.

Trustee Stilz entered the Council Chambers at 7:07 p.m.

The property is vacant, there was a pipe that broke and the water has been turned off and the house is in foreclosure and the grounds are being maintained. The health department won't get involved. Our hands are tied by the legal process. Mayor Mueller also stated the house on Clover Court has been cleaned up now which was the same situation.

**Wally Stilz, 166 Tall Oak Drive, Hainesville, IL 60073** – stated that the ordinance you are going to discuss tonight dealt mainly with people who were driving on a revoked license for DUI's and for reckless driving. Not for people driving under the influence but have already had their license revoked. This is to improve the safety of the citizens of the town not to make money. This is a misrepresentation of the truth.

#### **Omnibus Vote Agenda**

1. A Motion to Approve the September 9, 2008 Regular Board Meeting Minutes

2. A Motion to Approve the September 2008 Bills Payable

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

Roll Call:

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

Nays: Trustee Stilz

Motion carried.

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### **Reports and Communications from Mayor and other Officers:**

#### **Mayors Report**

Mayor Ted Mueller stated he attended a preconstruction meeting yesterday regarding the bike path which will start at Union Square and stop at the guard rail by the wetlands. They will start Monday, October 6th and this project will be completed Friday, October 24th, 2008. The bridge over the wetland is being engineering as we speak and tentatively scheduled for next July. The Mayor doesn't have any figures yet. Lake County DOT is handling the engineering and the permitting. When he receives the preliminary numbers he will announce them. The contractor to complete the path is Lenny Hoffman Excavating at \$73,047. We received a grant from Sandy Cole for \$85,000 and will have \$12,000 left to carry over for the bridge portion of the project. Trustee Stilz asked if this bike path is fiscally smart. Why move forward without any costs. This is poor planning if we don't know the costs. Mayor Mueller stated yes, this is fiscally smart and this is a safety issue. This issue was discussed at meetings that Trustee Stilz did not attend. This project has been in the works for about two years.

#### **Clerks Report**

Clerk Kathy Metzler had nothing to report.

#### **Treasurer Report**

Treasurer Kelly Hensley has been working with the auditor George via phone and he will be in the office Thursday to do final adjustments so Kelly can get April Financials out to the board.

Mayor Mueller introduced Roseann Stark, Deputy Clerk who is in training for the board meetings and she is doing a great job!

#### **Police**

Chief Ron Roth reported the status of calls since September 9th. The Officers have been trained on lock downs for schools and two Officers have attended FBI training.

Chief Roth handed out to the Mayor and the Board of Trustees Halloween bags for Trick or Treating for the children in the Village which has crime prevention tips for parents and children.

Chief Roth also handed out a copy of the Hainesville Police Courtesy Card that they will leave at a residency if they have a broken item or their garage door is open or mailbox down etc. This will be placed on the door of the home.

The Chief introduced Cory Conner from 263 Deer Lake and his girlfriend who were attending the meeting because they are going to college and doing government research.

#### **Building Official**

Building Official Russ Kraly stated he issued our first occupancy permit to the new professional building on Route 120. Mayor Mueller spoke to the developer and they are holding off on the second building till the economy is a little better. Trustee Stilz asked if the recapture fees were taken care of and they were.

#### **Public Works Supervisor**

Public Works Supervisor Jeff Gately has been in contact with landscapers to get quotes to replace parkway trees that have died over the summer. This will be on the next agenda.

#### **EMA Coordinator**

EMA Coordinator Mark Gottsacker deferred his report over to Trustee Barrett. Trustee Barrett reported that he and Jeff Gately attended the IEMA Conference. They attended many classes and will receive credit hours. Some of the classes were terrorist response for public safety, Red Cross training on the AED and weather classes.

Jeff Gately stated IEMA for the State of Illinois is looking at creating a mutual link with public works. Public Works and EMA go hand in hand. Overall it was a very good conference.

#### **Attorney**

Attorney Julie Tappendorf had nothing to report.

#### **Village Engineer**

Village Engineer Marcia McCutchan stated you have their monthly report. Item 11 the storm sewer inlet repair they had an inspector from RHMG go with Jeff to inspect several of the reported storm sewer inlets where sink holes have developed. We are developing the cost estimate and quantities and identifying contractors that can do this. This will continue to be a recurring incident and we will prepare procedures for identifying these as they come up.

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

**Finance** – Trustee Bonds had nothing to report.

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**Hainesville Fest** – Mayor Mueller stated this was one of the best Hainesville Fest events ever and thanked Trustee Tiffany. Trustee Tiffany stated their budget was \$7,500 and they didn't receive all the donations they had expected. They raised \$1,500 for the raffles and games, which was \$500 more than last year. The Village received \$1,400 in donations from businesses. We spent \$4,461 which was a little more than last year. Trustee Tiffany stated some vendors thought we should consider charging them for a space.

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

**Public Safety** – Trustee Gottsacker had nothing to report.

**Wetlands** – Trustee Walkington reported he spoke to Larry and Dave regarding the Cranberry Lake clean up. By the middle of this week they will get back in on the west side and finish up the chipping and as far north as they could go, it was pretty wet.

### **Business**

#### **Approval of Proposal for 2008 – 2009 & 2009 – 2010 Winter Snow & Ice Removal**

Mayor Mueller stated that Dave Schultz has been the low bidder for many years and does a great job. Trustee Walkington motioned to waive the bid process and accept Dave's proposal; seconded by Barrett. There was a suggestion that we go out to bid and it was discussed that Dave has always been the low bidder. Our total for last year was between \$70,000 and \$80,000. Discussion also took place regarding the salt shortage and the storage of salt. Dave Schultz can store the salt for us which would help the Village out. We would like to extend this contract for two more years.

Roll Call:

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

Nays: Trustee Stilz

Motion carried.

#### **Leasing space at Grower's for Public Works**

Trustee Walkington stated the police have been using more space in the public works building than originally thought. Trustee Walkington is recommending that we rent a 1200 sq. ft. heated building behind Growers strip mall on a month to month lease for \$750. a month so Jeff can store his equipment.

Trustee Stilz motioned to approve the leasing of the space on a month to month basis for \$750. a month; seconded by Trustee Walkington.

Roll Call:

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

Motion carried.

#### **Special Connection Ordinance – Discussion Only**

Village Engineer Marcia McCutchan explained the Special Connection Ordinance table Deer Point Recapture Settlement Calculation Method and Proposed Calculation Method and discussed how much do we want to recoup back from Deer Point.

Jeff Gately left the Council Chambers at 8:05 p.m. and returned at 8:07 p.m.

Discussion took place. The consensus was that we adopt the ordinance at the next meeting and adjust the chart to calculate by individual agreement. Trustee Stilz added it will not be equal to or less than our current fees? Attorney Tappendorf stated to have language in here that the fees are limited to benefited properties within the village if the Village were to determine that it wanted to allow someone outside of the Village to connect that they would have to do that by agreement? That would be fine. This will be on the next agenda.

#### **Purchase of New Police Car**

Mayor Mueller announced that we have an anonymous donation of \$5,000 towards a new police car. Chief Roth stated that he was offered this donation and if we purchased a new police car this would be in his 2009 budget. Payments won't affect the budget for this year. We also have all the equipment for the new car.

Trustee Barrett motioned to accept the donation and purchase the police car; seconded by Trustee Tiffany. Trustee Stilz asked for copies of the check for the donation to verify that we get the \$5,000. Mayor Mueller stated this person wants to remain anonymous and we should honor that. The donation would be given to Chief Roth who would turn the check over to Treasurer Hensley and this would remain confidential. Treasurer Hensley will put a copy of the check with the information blacked out and the account number information also blacked out in the Trustees mailbox.

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Attorney Tappendorf stated this is common with governmental bodies', park districts etc. and if they want to remain anonymous they can and they get the tax benefits. If we accept the donation then we have to honor the privacy with the conditions of the donation. We can track the funds there will be evidence

Roll Call:

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

Nays: Trustee Stilz

Motion carried.

Trustee Stilz asked for copies of something showing that this went in and to go out of your way to highlight this for us.

### **Repeal DUI Impoundment Ordinance #06-09-73**

Trustee Bonds left the Council Chambers at 8:22 p.m. and returned at 8:23 p.m.

Trustee Stilz motioned to not approve this ordinance; seconded by Trustee Barrett.

Trustee Stilz asked Trustees Bonds and Gottsacker their views on why they are repealing this ordinance when they originally voted yes on the original ordinance.

Trustee Gottsacker stated under further thought this is not the direction we need to go with this particular ordinance and as explained by the Attorney we have laws in place.

Trustee Bonds stated she went through minutes from the two meetings that this was discussed. She did have questions about the liability of impounding the cars and we do not have an area for keeping these cars in a secured area and fines not paid and we would be responsible for getting rid of the car which takes time, money and we have the car.

Discussion took place

Mayor Mueller stated if you vote yes, that will keep the Ordinance and reject the one on the agenda.

Roll Call:

Ayes: Trustee Stilz

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

Motion failed.

Trustee Stilz motioned to table the issue. There was not a second to the motion.

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

Discussion took place.

Roll Call:

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

Nays: Trustee Stilz

Motion carried.

Ordinance #08-09-103

Trustee Stilz motioned to go into executive session to discuss personnel; seconded by Trustee Walkington

Roll Call:

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

Motion carried.

The Regular Board Meeting recessed 8:38 p.m. to enter into Executive Session.

Trustee Barrett motioned to enter back into the Regular Board Meeting at 8:58 p.m.; seconded by Trustee Stilz.

Roll Call:

All in favor say aye, motion carried.

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

Trustee Stilz motioned to approve the policy manual addendum dated September 19th as amended adding the word mandatory; seconded by Trustee Barrett.

Roll Call:

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

Motion carried.

Trustee Barrett motioned to adjourn the September 23rd, 2008 Regular Board Meeting; seconded by Trustee Stilz.

All in favor say aye, motion carried.

**The September 23rd, 2008 Regular Board Meeting adjourned at 8:59 p.m.**

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Respectfully submitted,

Kathy Metzler, RMC, CMC  
Village Clerk