

April 14th, 2009 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 McCommons led the pledge of allegiance to the flag.

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

Also present were: Chief Roy McCommons, 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 Walkington

Establishment of quorum

Agenda Approval

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

Roll Call:

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

Absent: Trustee Walkington

Motion carried.

The Mayor congratulated the winners of the election. He also wanted the winners to get in touch with Kathy Metzler or Roseann Stark to see how they would like their name to appear on their nameplates.

Public discussion and/or comments from the floor:

Jim DeNomie, 120 Tall Oak Drive, Hainesville, IL 60073 – thanked the Mayor for stopping the burning in the Preserve. However, we've been complaining about infringement into the Preserve for about 3 years. We have one area that was "party central". Many trees were chopped down, an extension of a backyard and a fire pit were all done before the abatement program came along. Pictures were taken. The party room is gone; thanks to the police department. However, the backyard extension along the trail has been expanded nearly 30 feet into the Preserve. There is a trampoline set up, a cap from a pickup truck, a cord of firewood, and a fire pit; it is getting worse. The third was turned into a dump and a burn pit with plywood, pallet remains and a lawn jockey. It's embarrassing and a mess. A Hainesville officer was able to stop the burning but a dump truck full of evergreen tree boughs and trunks were still allowed to be unloaded. The people are still burning. The Mayor stated that Hainesville has a burning ordinance but Round Lake Park does not. The burning issue that occurred a few weeks ago was coming from Round Lake Park and we have no jurisdiction. Mr. DeNomie stated that they are on the path. The Mayor said that if that is the case then we have jurisdiction. Mr. DeNomie stated we need enforcement with repercussions and wants this taken care of while this administration is still here. The Mayor stated that he has been meeting with Linda Soto and will give her a complete heads up on this. If anything needs immediate attention, don't hesitate to call the police. Mr. DeNomie stated that the police did a great job of stopping the burning but the materials for future burning were still allowed to be dumped on that site. The Mayor stated that if the people are caught they can be arrested. He can also send Jeff Gately out to pick it up. The Mayor asked Attorney Julie Tappendorf to review this with Attorney Price. The Mayor and Attorney Price have walked the area and the encroachment between the property line and the path is serious and all was suppose to be corrected. The Mayor apologized but he didn't know it.

Mr. DeNomie wanted to know how the newly increased SSA contribution will be handled. The Mayor stated it will go into a separate account to be used just for that. The money can not be used elsewhere.

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Trustee Tiffany asked if there is something we can do to increase a fine in the general area. The Mayor asked Julie if we would have to pass an ordinance. She stated there should be an ordinance in place that prohibits the dumping and the fines usually are set so that they gradually increase depending on the severity. It's up to the police department to enforce, which they are doing, and then in writing the ticket they would go through the village prosecution. We can take a look at what the fines are set at. If they are too low to serve as a deterrent, then we can bring an ordinance back to increase the fine. Sometimes increasing the fine can act as a deterrent.

Sue Lesnak, 409 Deer Crossing, Hainesville, IL 60030 – received a letter from Attorney Julie Tappendorf on behalf of the village in regards to a flower bed that her husband had built in the back of their property to beautify their property. The letter said the bed is in a watershed area in the swale of the natural flow of their property from the north and south. This was a complaint from their next door neighbor. They moved it because they had 14 days or be fined \$1000 a day for every day we failed to remove the bed. The rule is that you cannot build within 10 to 20 feet of anything that would impair the natural flow of drain water. She stated that the village engineer took the pictures but the pictures were cropped to show that our next door neighbor built a compost area within 4 feet of the same area which was causing the natural erosion in their back yard. She wanted to know the reason why this neighbor's property wasn't written up and made to remove these things. After, he also built a shed in his yard which is only 8 ½ feet from the exact same area and he improved it and raised 3 ½ feet, yet there is nothing being done. She wanted an answer as to why the Village spent money for the attorney and engineer instead of having Russ Kraly knock on her door and explain the reason, without taking action against the next door neighbor. Mayor Mueller knows about the shed because those were his pictures and stated that they were not cropped. Mrs. Lesnak stated that she is not complaining about her neighbor but if the Village is taking action against her then they should take action against everyone. She also went to see all her neighbors and even Trustee Tiffany has something covering this area. Mrs. Lesnak stated that this is the fourth letter that this Village Board has sent to her. It seems to her that every time she and her husband disagree with something that is done in this Village we get a letter. There is a huge liability because this is an arbitrary and capricious against us personally. The Mayor stated that it was not intended to be personally against the Lesnaks. We received a complaint and we followed through. He will instruct the Village engineer and Jeff Gately to go up and down that street and review every unit in that swale and the Village will issue instructions to every one of them to comply. Mrs. Lesnak asked if they will have to remove their sheds when they shouldn't have been built in the first place. The Mayor said that if they are in the wrong place then they will have to be moved. She would like the village to send the same letter she received and pay for the engineer and attorney. It was a waste of money when all that had to be done was to have Russ Kraly come to them. She felt that nothing would be done because nothing was done about painting the entrances to the subdivision and didn't find out about the parking on Patriot Drive, will it truly be followed through. The Mayor said it would be followed through, it will be in the minutes and he will talk to Mayor Soto. Mrs. Lesnak didn't feel that the new board should take this on. She said it was personal against her and her husband. She also didn't appreciate her husband being approached by the Mayor in Walgreen's asking them why they had a Linda Soto sign in preference to a sign for you and why they wouldn't vote for you after you sent this letter. The Mayor stated he did not approach her husband in Walgreens it was to say hi to him. Mr. Frank Lesnak brought up the subject of the letter. Trustee Bonds stated that what is done is done. Mrs. Lesnak did not agree.

Frank Lesnak, 409 Deer Crossing, Hainesville, IL 60030 – The Mayor stated that he did not bring up the subject and Frank agreed, however, the Mayor did make the comment regarding the Linda Soto sign. The Mayor stated that he said just because you have her sign up he'd like Frank's vote. Frank agreed to the comment.

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Trustee Stilz asked if the Mayor could look into why there is a guy with a snow plow sitting in his yard all winter long. Trustee Stilz talked to the officer and he said that the guy has special permission to park his snow plow. Trustee Stilz asked if we had given him permission. The mayor didn't know of it. Chief McCommons stated that the resident did have permission to park his vehicle on the street but nothing about parking a snow plow. Trustee Stilz stated that the vehicle has the snow plow attached. Chief McCommons said that if the snow plow is attached to the vehicle then the vehicle is still allowed to park out in the street. The Chief stated that the resident does have an overnight parking permit. They went through the channels to get one. Trustee Stilz asked if that included snow plows. The Chief said that if it's attached to the vehicle. Trustee Stilz stated that we should look into whether snow plows should be parked in front of people's houses. The Mayor stated that he would have the Chief look into it tomorrow because when an overnight parking permit is issued it doesn't necessarily include a snow plow.

Linda Soto, Mayor Elect, 307 Buck Drive, Hainesville, IL 60030 – had a question regarding this issue of the drainage that the Lesnak's have brought up. They also mentioned other properties. She doesn't know what the complaint is all about or what it's from but she questioned Mayor Mueller, Russ, Jeff and the Engineer, is this something that we really need the Engineer to go out or is this something that Russ can walk the properties. Usually Russ would walk the properties first. Mrs. Soto asked if we were having drainage problems in that area. Is that the complaint? Mayor Mueller stated that if we were to go through the entire Village we would find that there are many of those, people have done it innocently. The question is do we want to do it. We have been addressing them based on complaints and when a structure is in a neighboring yard and the storm water backs up into the neighbors yard then we'll look at it. We have not gone out and done a complete study of the Village. It could be done. Mrs. Soto stated that was not her question. She asked that because there was a complaint and then the Lesnak's mentioned other properties that should be looked at so she wanted to know if there are water problems or what is going on there before we start sending engineers out. The Mayor stated that if it's not creating a water problem we usually don't hear about it. Mrs. Soto stated that she would usually have Russ look at it first and if he feels that there is a problem then we bring in the Engineer. Russ Kraly stated that with a shed we ask for a plat of survey and everyone has a 5 or 10 foot easement across the back of their house. So we tell them they can go up to that easement line and cannot go over it. Mrs. Soto stated that was her point is this something that Russ can verify that those sheds were placed properly and do we really need to take up the Engineers time and be billing. The Mayor stated that in this particular case it involves storm water it was necessary to have the engineer look at it. Mrs. Soto wants to get these people an answer regarding the other properties that they are mentioning as efficiently as possible without spending any more money. Russ Kraly stated that we can go back to the houses that are there and see if everything got built accordingly. Mayor Ted asked the Lesnak's if they moved their flower bed. The Lesnak's stated that it has been moved. Mayor stated that if their neighbor's have a compost they will have to move that too.

Trustee Tiffany wanted to address the Lesnak's statement but Mrs. Tiffany already spoke with the Lesnaks. Trustee Tiffany stated that it was unintentional. The kids playset is there so he put some woodchips. If there's a problem, he will take care of it also.

Omnibus Vote Agenda

1. A Motion to Approve the March 10th, 2009 Regular Board Meeting Minutes
2. A Motion to Approve the April Bills Payable
3. A Motion to Approve the March 2009 Financials

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

Roll Call:

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

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Absent: Trustee Walkington
Motion carried.

Reports and Communications from Mayor and other Officers:

Mayors Report

Mayor Mueller stated that earlier he congratulated all the successful candidates. They should contact Kathy or Roseann and indicate how they want their nameplate and badges to read.

His real estate taxes will be reduced next year. When he became Mayor he lost his senior freeze because his Mayor's income put him slightly over the line but he will get it back. His real estate assessment will roll back to 2002. He thanked Linda Soto.

At the May 12, 2009 swearing in Judge Mary Schostok will do the swearing in. After the swearing in there will be a slight business meeting that Linda will chair and then we'll have a whipped cream cake from Lovin Oven.

Clerks Report

Clerk Kathy Metzler stated that her and Roseann are still working on business license renewals. We have 35 out of 55 businesses which expire April 30th, 2009.

Mayor Mueller and Clerk Metzler met with Otis of the US Census regarding getting the word out to the residents that they are going to be doing the census.

Mayor Mueller, Chief McCommons, Bryanna, Jeff Gately and Clerk Metzler went through a 45 minute training session on April 2, 2009 with Connect CTY, which is the emergency notification by phone. Hopefully we will be doing a test call in about 2 weeks. Connect CTY has everybody's addresses and numbers. She will publish a Press Release when this will be done so if you do not get the test call then you'll need to sign up. We are hoping that we have everyone in the Village.

Treasurer Report

Treasurer Kelly Hensley received a notice last week and she put a memo in everyone's box regarding the tax levy. The tax rates were established and she signed off on it. Today she got the actual certificate so the 2008 tax rate on your next tax bills which are starting to be mailed out this Friday will be .677. You can use that to calculate out what your assessed value is. Multiply that with your assessed value and you can find out the total portion that is coming back to our Village. Kelly also stated that she slowed down on the budget and appropriation ordinance because of the timing with the new board coming in. That will have to get addressed immediately. We legally have until the end of July to have it passed so we do have time. We can make this a high task priority.

Police

Chief Roy McCommons stated that on March 22nd Officer Kelly made a traffic stop at Brittany and Tower Roads. During his investigation he was able to charge the driver and a passenger with several felony charges; possession and intent to deliver over 126 grams of cannabis and possession of over 2 grams of black tar heroin or opium, awaiting the results. We have been in contact and are working with Lake County MEG in reference to this. Officer Kelly did a good job and the Chief wanted to commend him publicly.

Chief also wanted to bring to the Board's attention two equipment items that are not named in the department's budget but there are funds available for them in this year's budget. Earlier this year we received a matching grant for bullet proof vests for up to \$5700 which is a \$2850 split between us and the grant. Most of the officers have been sized and as the vests are getting ordered the price will be \$4000 so that our cost of that split would be \$2000. Also, the camera playback on one of the VCR in-squad cameras is very poor and the monitor has currently stopped working. He is looking into getting a new in-squad camera system which is

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about \$4200. We will continue to apply for in-car grants. We have been turned down twice; once in 2008 and once in 2009. When they do grant them in the state there are only 16 that are usually awarded. The VHS cameras in the other 2 marked cars are currently working.

In happier news, the police department received a donation of a \$700 police bike from B & G Cycle in Round Lake Beach. This takes the department up to 3 bicycles we can use this summer within the Village and in the parks.

The department stats since March 10th are; 44 case reports, wrote 34 warnings, 8 ordinance tickets, 29 traffic tickets, 8 non-traffic tickets and handled 215 calls of service. Trustee Stilz asked that out of 215 calls of service how many were traffic stops and if they were broken down. The Chief stated that he can get the break down.

Building Official

Building Official Russ Kraly stated you have my report.

Public Works Supervisor

Public Works Supervisor Jeff Gately stated that the winter clean up has been completed. He thanked the residents for their patience. The big mountain of stuff over at the old village hall is all the stuff that would have ended up going into the storm sewers if we had not done anything. There is a semi load that we are looking at getting hauled out.

We also had a fish kill in the pond behind Walgreen's in Misty Hill. What happened is that with the shallow pond, the heavy ice and the heavy snow cover it doesn't allow the sunshine to get to the bottom of the pond. This robs the plants of oxygen so the fish die. The crew that helped and Jeff got a total of 15 bags of fish that had to be disposed. There are fish that are still alive. Some residents who saw the dead fish called because they were concerned that the pond was poisoned. This was not the case. Jeff called the health department and everything is fine.

Jeff Gately stated that today he mailed a grant through IEPA that is specifically designed for lakes. Being that we have Cranberry Lake, Jeff met with Native Restoration and with the help of the Lake Management Unit of the Lake County Health Department, a package was put together to try and harvest some of the cattails. Not all of them but a good portion of them because on one side of the Lake is where the endangered species of plants are embedded so we want to leave those alone. It's a non-matching grant so it's free money up to \$40,000. The total cost of the project that we are trying to submit came in at \$31,000.

Jeff also stated that he has the fertilizer ordered. It should be delivered hopefully in the next couple of weeks so he can put it down before the dandelions start popping up.

Trustee Tiffany asked when the seeds for Cranberry Lake will be planted. Jeff stated that it has been done.

EMA Coordinator

Trustee Barrett presented EMA Coordinator Mark Gottsacker and the Police Department with a plaque from the Pediatric Brain Tumor Association for the Ride for Kids. EMA Coordinator Mark Gottsacker stated that Trustee Barrett does a lot of background work for the Ride for Kids. Trustee Gottsacker thanked Trustee Barrett.

Attorney

Attorney Julie Tappendorf had nothing to report.

Village Engineer

Village Engineer Marcia McCutchan will save her report for the agenda item.

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Reports of Standing Committees:

Finance – Trustee Bonds had nothing to report.

Public Works – Trustee Walkington was absent.

Public Safety – Trustee Gottsacker had nothing to report

Wetlands – Trustee Walkington was absent.

Hainesville Fest – Trustee Tiffany stated that the Fest planning has started. Permits for the park use have been filled out. He has some returning individuals from past fests. A band has been booked. He also stated that if anyone wants to help with the Fest to let him or the Village office staff know.

Business

An Ordinance Consenting to the City of Highwood as an Additional member of the Solid Waste Agency of Lake County, Illinois with no late fees.

Mayor Mueller stated that we are members of SWALCO. It is essentially that a government entity and all the existing members must pass an ordinance allowing a community to become a member.

Trustee Barrett motioned to pass the Ordinance; seconded by Trustee Gottsacker.

Roll Call:

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

Absent: Trustee Walkington

Motion Carried

Ordinance # 09-04-108

Proposal for Engineering Services

Village Engineer Marcia McCutchan prepared a spreadsheet summarizing the process, the projects and potential grant amounts. The money for water and sewer projects is being funneled through IEPA State Revolving Loan Fund. They will be awarded 25% principal forgiveness for those that qualify and are submitted and everything is done in time and funding remains they will get 25% grant and the remaining 75% will be zero interest loans for 20 years. She wanted the village to see the potential grant amount for the projects is \$220,000 and the total amount that would be expended over the life of the remaining loan and the fact that it is zero interest. It also shows the annual loan payment.

The item that is on the agenda is on the spreadsheet under the Design Fee Proposal. That is for all the documentation that's required in order to get the project ranked and scored priority-wise. We submitted the pre-application at the end of March. As we prioritize these projects, these are all projects that the Village will need to do at some point in time. So the effort put into the design is not wasted even if you don't get the stimulus funds. However, she stated that communities, who have taken the effort to do the design work, have been successful in obtaining the funds. There needs to be a planning report for the three water projects and then a facility plan report for the two sewer projects. There are also environmental sign-offs that are required for all the project locations which we are in the process of submitting. Once the IEPA gets those projects and facility plans then they score and rank all the projects and they proportion the funding based on that. Marcia stated that the Village has two chances to get funding. However, the proposal on tonight's agenda is to do the planning, documentation and the environmental sign offs, and the actual loan application in order to get everything in front of IEAP so that the Village can be committed to the funding. The Mayor asked if the Board is approving the design fee proposal. Marcia stated that the design fee proposal was approved at the last Board Meeting and this is for the last item – the IEPA SRF documentation/planning.

Trustee Stilz motioned to approve the proposal for engineering services; seconded by Trustee Barrett

Roll Call:

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

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Absent: Trustee Walkington
Motion carried.

Trustee Stiliz motioned to adjourn the Regular Board Meeting; seconded by Trustee Barrett.
All in favor say aye, motion carried.

The April 14th, 2009 Regular Board Meeting adjourned at 7:50 p.m.

Respectfully submitted,

Kathy Metzler, RMC, CMC
Village Clerk