

September 22nd, 2009 Regular Board Meeting Minutes

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Meeting called to order at the Village of Hainesville Council Chambers by Mayor Linda Soto at 7:02 p.m. Chief Heidecke led the pledge of allegiance to the flag.

Clerk Kathy Metzler took roll call. The following Officials were present: Mayor Linda Soto, Trustees Walkington, Daley, Duberstein, Tiffany and Derenoski

Mayor Soto stated that Trustee Barrett was running late.

Also present were: Chief Fred Heidecke, Village Clerk Kathy Metzler and Treasurer Kelly Hensley

Absent: Building Official Russ Kraly, Public Works Superintendent Jeff Gately, Deputy Clerk Roseann Stark, Village Attorney Scott Puma and Village Engineer Greg Gruen

Establishment of quorum

Agenda Approval

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

Roll Call:

Ayes: Trustees Walkington, Daley, Duberstein, Tiffany and Derenoski

Absent: Trustee Barrett

Motion carried.

Public comments:

Tim Dozier, 584 Emerson Lane, Hainesville, IL 60030 – wanted to thank Trustee Tiffany for mowing the lawn on the foreclosed property next to his house; and for using his own equipment and gas.

Trustee Tiffany received a call from Tim regarding the property; it was an eyesore and a safety issue. Out of frustration he went there himself to take care of it. Mayor Soto stated that it is an ongoing problem with quite a few residents. Jeff Gately went home sick today but she believes that it is one of the addresses they were talking about earlier today. She thanked Jim for his efforts and asked if he had made Jeff aware that he was there already. Trustee Tiffany stated that he did not speak with Jeff. Mayor Soto asked to get a Public Action form written up because it is a problem that is growing rampantly in the Village. The Village is having a hard time holding the banks responsible for the properties because they are overloaded with foreclosed properties that they are not getting around to cutting and mowing the grass. She stated that we may be doing it more but want to hold them financially responsible for reimbursement.

Trustee Tiffany stated that being a foreclosure, we have to investigate who the responsible party is, it is still an ordinance violation. Can we go to the property and hold it as an ordinance violation and at that time place it as such to the holder of the lien or mortgage? Mayor Soto stated that Ancel Glink is reviewing what additional steps we can take because the problem has become rampant. Since she has taken office the number has increased, however, the good news is that a few have been sold. There is the issue that until we know that it is foreclosed, if it's an abandoned property and still in the homeowner's name, we are trespassing by going on their property. This is a legal issue that has to be explored further.

Discussion took place regarding pursuing a mortgage company or a bank and placing a lien against the house. We are lucky if we recover the full lien or it gets cut down to a percentage. It also depends on where we fall on the list of liens against the property when it goes to court. Many villages are trying to write new ordinances or find new laws to try to do something to control this better.

Trustee Barrett entered the Council Chambers at 7:08 p.m.

Mayor Soto stated the property on Emerson isn't on the list of foreclosures and that we are keeping an eye on this property and we will continue to monitor it and see that it is mowed. We will also need more people mowing if we take it upon ourselves to mow the private properties as well as the Village open spaces.

Trustee Daley stated that if there is property that appears to be abandoned and not taken care of please let the Village Hall know. Mayor Soto stated that we are aware of this property. Trustee Tiffany stated that their frustration was that this was addressed in July and now it is two months later. He felt it was better that it be done quickly. Mayor Soto stated that these issues need to be communicated to the staff and herself. This way we know who is going on what property, what the status of that property is, and that we have the legal right to go onto that property.

Tim Dozier also thanked the Mayor for taking care of the standing water problems in the yard on their block.

Omnibus Vote Agenda

1. A Motion to Approve the September 8th, 2009 Regular Board Meeting Minutes
2. A Motion to Approve the September 2009 Bills Payable

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

Roll Call:

Ayes: Trustees Walkington, Daley, Barrett, Duberstein, Tiffany and Derenoski

Motion carried.

Mayors Announcements

Mayor Linda Soto reported that the assessor's office mailed out the tax assessment. She was shocked that looking at her assessment and talking to other residents, they were told that we would see it finally start to go down a bit this year. The Mayor's went down 2.2%, which is pathetic. She has not found anyone's who went down further than that. Trustee Barrett stated his went down 2.4%. She is shocked to hear that people have had their assessments go up. Many residents, as well as the Mayor and Trustees, are upset. The Mayor will hand deliver a letter to the Assessor's office from the Mayor's office and the Village of Hainesville stating that she believes the Village of Hainesville and its entirety needs to be re-evaluated and re-assessed for the record. She encouraged any resident to take their own measures to file their objections. There are a series of meetings and workshops taking place in Lake County on this issue. There are a few real estate reps living in our community that are affiliated with Baird and Warner. Debbie Bacci, lives in the townhomes. She use to own a single family home in Misty Hill and Kelly Anderson lives in the Sanctuary part of Deer Point. Their office is on Peterson Road by Grand Appliance. They are going to have a workshop meeting next week as well as tomorrow night. If a resident knows a real estate agent, call them and ask for comps comparing your house to similar homes. That will be the beginning of what you will use to file your complaint to have your value re-assessed. Depending on other information that she finds or that the Assessor's tells the Mayor we may even end up holding our own workshop in the next week or so here at the Village.

Trustee Daley stated that there is a 30 day window to respond. Trustee Duberstein stated that she was at the meeting that the Citizens Action Project held last night at the Barn in Prairie Crossing and the County Assessor was there. He stated that you should be able to find some comps on the County's website. Trustee Duberstein suggested looking at the Lake County Assessor's website as well as the Citizens Action Project website. They lay out step by step what you need to do to get comps. Their website is www.citizensactionproject.org. They were the ones that were responsible for changing the format from the little card that said nothing to this letter, which gives more information.

Trustee Walkington added that this assessment is under the old Assessor Dishman. The new Assessor does not take office until January. Trustee Duberstein stated that they recommend to start with the Assessor if you think there's a problem before you go to the Board of Review.

Mayor Soto noted that a majority of the officials will be attending the Illinois Municipal League conference later this week. They will be downtown learning about running our Village better and about new laws and grants.

Police Chief Announcements

Chief Fred Heidecke stated that the Board approved one full-time position for a police officer. He is working with other department members in establishing guidelines for a streamlined background investigation process. He is developing an ad for posting on the Web as well as the newspapers. The Chief along with other members of the department are conducting reviews of the employment applications that they have received.

Jeff Gately has taken receipt of the additional new squad car as well as the two in-car video camera systems and is working on the installations.

Chief Heidecke contacted Captain Pat Walker of the Greater Round Lake Area Fire Protection District. He has agreed to install mapping programs in all the squad car computers free of charge.

On September 12th Chief Heidecke conducted the first ever staff meeting with the part-time police officers. Mayor Soto was present for a portion of the meeting. It was well-received by the part-time employees. He conveyed expectations to the officers and they reciprocated by accepting many tasks not typically delegated to them in the past. He feels this is a more efficient utilization of the many skills we already possess in house.

Chief Heidecke reported on two felony arrests. One was for Aggravated Criminal Sexual Abuse which occurred in Hainesville on September 14. The other arrest was for Unlawful Possession of a Controlled Substance. This occurred at Walgreens on September 19th. Both of these arrests were handled by Officer Kozanecke. The Chief wanted to acknowledge the good job that Officer Kozanecke and other members of the department have been doing recently.

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Standing Committees Announcements

Trustee Barrett reported that Public Safety and EMA went to Springfield. Kevin, Jeff, Mark and Eric Gottsacker picked up both their advanced and basic weather spotting certifications again.

Trustee Barrett stated that with the Public Information Officer there is a lot going on with instantaneous communication through Twitter, Facebook and Youtube. He will be setting up a Twitter and Facebook account for the Village.

Trustee Duberstein requested an old way; she would like a list of ten important things that a family needs to know to plan in case of an emergency to put on their refrigerator. There are people that don't have computers. She would like it in the newsletter also. Mayor Soto asked Trustee Barrett to have Public Safety put something like that together and recommend a kit that people should always have in their home. Trustee Barrett stated that there are commercial kits available and lists to construct the kits yourself. Trustee Barrett will get a list and an article together.

Committee of the Whole Meeting

How to read the Financials – Treasurer Kelly Hensley discussed how to read the Financial Statements. Kelly used the April, 2009 Financial Statements. The Financial Statement contains the Bills Payable by Department Order, Bill Payable report in Vendor Order, Trial Balance, Monthly Balance Sheet, Revenue Report and the Expenditure Report.

Trustee Tiffany stated that we are losing money on permits because individuals in this Village do their basements without getting a permit. What ramifications do we have to correct this situation in lieu of Russ saying that when they do go to sell the house they will get a fine. Mayor Soto stated that they will be fined plus they have to reimburse the cost of the permit plus the fine. That happened when the Mayor bought her house; the person that sold it to her had to pay the village a fine plus the permit fee. Trustee Tiffany asked if the Village can legally go into a home to see the permit. The Mayor stated only if they are caught bringing the supplies in. We have no authority to go in and say we are going to look at the house.

Trustee Duberstein added the permit should be displayed in the window. A house near her has people working on it because the pipes broke. They have a huge dumpster because they are repairing drywall, carpeting and working on lighting fixtures which does not require a permit. The Mayor stated that the Village had six calls regarding the property that Georgeann mentioned. They applied for two permits to build a deck and patio.

Trustee Duberstein asked if the yard waste monies get paid to Veolia. Kelly stated at this point to not charge an additional fee to the residents so we kept the price of the stickers that Veolia charge us now the same as what we're charging residents; so it is a wash.

Trustee Daley questioned if the purpose right now was to ask questions on format and understand how to read the financials. Mayor Soto stated that is the case. Trustee Daley asked that if anyone has individual questions they should call Kelly or should we leave it open like this. Treasurer Hensley stated that these questions are probably on the minds of other Trustees.

Treasurer Hensley continued with her discussion of the financials and concluded that if anyone has any questions to please call her.

Cranberry Lake Special Service Area – Cranberry Lake Access

Mayor Soto reported that Cranberry Lake was developed with an SSA. The intent of the SSA turned out differently for many reasons and unfortunately funds were not left the way they thought they would be to restore Cranberry Lake. The question is whether the Village wants to keep an SSA going because the restoration has been extended to other wetlands and open spaces. They are not as complex or sensitive as Cranberry Lake. Do we want to charge one portion of town an SSA when the others are not paying? Mayor Soto understands from the attorney that when the Village does the levy in December we do not have to levy the full amount. We can reduce it or let it stand at zero this year. The SSA would still remain as a line item on the tax bill but we can let it stay at zero. That way if in the future we needed it to be brought back or expand it through the Village we could do that. She does not want to pursue that at this time. The Mayor feels that our open spaces, wetlands and Cranberry Lake is what Hainesville is. Cranberry Lake is Hainesville's jewel. The Mayor asked the Board what they want to do with the SSA. Should it be lowered to zero?

Trustee Daley asked how much the SSA brings in per year. Trustee Walkington stated that this year it is approximately \$22,000. He added that when we started the Cranberry Lake restoration there was \$7,000 in the SSA and when the Wetland Committee was created he appropriated \$35,000 and budgeted \$30,000 and the next year we raised it to \$40,000 and put \$35,000 in the budget but we raised the SSA. Before the Village got the SSA money we were spending what was budgeted to keep the project going. He asked how

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much farther do you want to go with keeping the SSA he doesn't have a problem either way. Trustee Walkington stated that even when this is under control there will have to be some money there.

Trustee Daley stated that the question is do we budget or tax part of the village? Trustee Walkington stated that we could probably budget \$25,000 and take care of the whole Village rather than have an SSA. The Mayor agrees.

Trustee Duberstein added that she appreciates the suggestion of combining everything so that the whole Village is covered. However, there is direction from the U.S. Army Corp of Engineers that says that money must be set aside in perpetuity for maintenance of Cranberry Lake. There is nothing in the ordinance that this would apply to the other wetlands or open space. She agrees that the Village should budget money to take care of all the wetlands. There is an ordinance now that states how much has to be set aside, between \$20,000 and \$50,000, that is what the direction in the SSA is. She suggests that some ordinance should state that the Village is required to put \$10,000 a year aside in reserve to maintain Cranberry Lake. That is the direction that is mandated by the U.S. Army Corp of Engineers. We would not need \$10,000 every year; some years would be more and some less.

Mayor Soto stated that items 2: Cranberry Lake Special Service Area and item 3: Cranberry Lake Access of the agenda blend together. In looking at the reports from the Army Corp and input from Lake County Board, Health Department and the Forest Preserve, the difference between Cranberry Lake and the rest of the other wetlands is that Cranberry Lake is a very pristine, protected area and should remain protected. The Village will need to classify this under an ordinance as it is a Village Nature Preserve. The Mayor agrees that there is a separate amount of money allotted for maintaining that Preserve. The question has been raised about fishing and boating on Cranberry Lake. We've been told that the only thing we should allow there is for people to view nature. Ice fishing should not be allowed and it is the Mayor's understanding that there is really no good fishing. The Village will not look to prevent fishing in the other ponds. The Mayor sees the Village creating an ordinance, with Ancel Glink, declaring Cranberry Lake as a Nature Preserve and then signs would be put up with the rules.

Trustee Daley asked if the Army Corp of Engineers still hold authority over Cranberry Lake because it is Village property. Trustee Duberstein stated that it is not the water it is the wetlands and the woodlands around the water.

Discussion took place regarding the history of who would do the maintenance of Cranberry Lake. Trustee Daley asked if the Army Corp of Engineers requires an amount or percentage aside per year. Trustee Duberstein stated that the ordinance that created the SSA says between \$20,000 and \$50,000. The Army Corp does not set a specific amount. Mayor Soto stated that we do not know though if the Army Corp dictated that amount. Discussion took place. Trustee Duberstein stated that you can't build anything in the woodlands and wetlands. Trustee Daley asked that if the Village wants to grant access with a boat, canoe or kayak can the Village do that. Trustee Duberstein stated that they would have to fly over from the path to the water because the woodlands and wetlands can't be trampled that is what is protected. The Mayor stated that the Army Corp and Storm Water Management can prevent us from doing that. Trustee Daley asked again if we could seek approval, like the Bike Path, to offer a pathway to the Lake. Trustee Duberstein stated that no, we could not build it. The Mayor added that we could seek approval but we probably wouldn't get approval. Trustee Daley asked if we are violating Army Corp of Engineer expectations by allowing Clarke to take their boat out there and walking through to spray cattails. George Duberstein answered that no because there are prohibitions except for authorized maintenance and restoration. Ted Mueller stated that there was a pier that ran to Cranberry Lake off of Hainesville Road at one time when Grayslake Gelatin owned it.

The Mayor stated that she would defer this question about a pier to Village Engineer Greg Gruen, because he has a lot of answers to this. She is not opposed to doing this but doesn't think we will be allowed to. Rules have changed since Grayslake Gelatin owned the property. Now that it is owned by the Village, anything we would have to permit for would go through Army Corp and SMC; we could ask the question. Trustee Daley added that he would appreciate that because he would not want the Village's jewel not to be used by the Village residents if used appropriately. The Mayor agreed.

Trustee Duberstein was in a meeting with Ken Glick with the Forest Preserve the other day and he suggested that we should plan community events to include the residents in the clean up, gathering seeds and sowing them, taking a nature walk that would be organized as educational. We could get Scouts to put in Purple Marten Houses. Those kinds of things would involve the Village residents but not in terms of boating and fishing. Mayor Soto stated that her question to Ken Glick is other Forest Preserves have marsh lands that have a boardwalk so you can walk out and see some of the special species and wild life. Why

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can't they do it there? Trustee Duberstein stated she doesn't think they are considered protected wetlands by the Army Corp of Engineers. Trustee Walkington added that the Volo bog is just as important as Cranberry Lake. If Ken Glick is so interested in protecting Cranberry Lake, they had a chance to take it over, now he wants to tell us how we can run it. Trustee Walkington stated he is in no way in favor of that at all. They had their chance and refused it. Discussion took place regarding the protection of Cranberry Lake. Mayor Soto stated the main ones we have to go through first to get directions are the ones that do have a say so. She suggested starting with the Army Corp of Engineers and SMC through our Engineer Greg Gruen. She will talk to Greg tomorrow and get answers on that.

Mayor Soto discussed the SSA again. Should the Board set a dollar amount or go to zero. Native Restoration's five year plan is included in the packets. Mayor Soto noted that Trustee Walkington mentioned that he has no problem with levying nothing this year and that is where the Mayor is going. She added that they should see where the audit brings them and where the numbers fall out next year and if they fall the way the Mayor thinks they are we don't need an SSA. Trustee Walkington asked that even if they went to zero in a budget couldn't we allot a number from the Village to go into the SSA. Mayor Soto stated we would put it toward maintenance of Cranberry Lake.

Trustee Duberstein stated that we could make the SSA zero but if we are going to change the ordinance she would like to indicate that if the SSA were ever to be refunded that it be for the whole Village or not at all; that it not be allowed to be only on half of the Village.

Mayor Soto stated that they will take the current SSA, because it will have to be revised or repealed in some fashion, she will have Ancel Glink look at it from that aspect. Is there any other aspect the Trustees would like to see it looked at from? Trustee Barrett likes Trustee Duberstein's idea that if we have the SSA, it includes all the wetlands in the Village because there are wetlands on the East side that could use attention. Nominally \$5 or \$10 to improve the quality of the wetlands throughout the community per household is not exorbitant. Trustee Walkington stated that the SSA for Cranberry Lake does not have anything to do with the rest of the residents. Mayor Soto added that if now or 5 years from now we wanted to create an SSA for the rest of the town for maintenance of the other wetlands there is a process we have to go through with a hearing and a mailing. It is a letter that has to go to everyone involved and they have the right to petition against it. If 51% are against it, then it won't pass. Mayor Soto is not in favor of doing that at this time particularly with the economy the way it is. She would like to see where the audit numbers come out and doesn't think the Village needs the SSA for the ongoing maintenance. We should pursue grants and work with the Department of Natural Resources. The one thing with Cranberry Lake is to let it be open to the public; anyone can walk the path and enjoy the preserve. Legally, we have to allow that if you want to pursue a grant.

Mayor Soto will be calling Greg Gruen about the possibility of building a boardwalk or pier or what any obstacles would be. She will also talk to the Village Attorney regarding the SSA ordinance and what would be changed or repealed if we levy zero this year on the SSA. She will come back to the Board with that information at the October 13th Board meeting. Trustee Duberstein asked that she be included in the talks since she is the Chairman of this Committee; she wants to be involved in these discussions.

Trustee Daley asked about the Native Restoration SSA 5 Year Plan, whoever put it together keeps adding year 2 to remainder etc; they keep carrying figures over. Does anyone have any idea what each year would cost us? It is very unclear.

Trustee Duberstein explained that what each year is, is where it says total contract for that year. Trustee Daley asked if year 2 we would be paying \$8,300. Trustee Duberstein stated that they are taking out things that are adjusted that we aren't going or didn't do in that year, such as the logs and the burn. We are not doing the burn until next year so the burn will be forwarded again. Mayor Soto asked if in year 2 we had \$6,990 left from the proposed \$8,375. Trustee Duberstein stated that what Kelly has done rather than using the Village \$30,000 that was budgeted and just letting it go at that she has used that money from the Village to offset the SSA as a loan that she is forcing the SSA to pay back. It is Trustee Duberstein's understanding, from being on the committee with Trustee Walkington; this is not what the original plan was. Trustee Walkington agreed that what was budgeted was to be used whether it was SSA money or not. Trustee Duberstein stated that she has talked to Kelly about this several times and explained to her what Gary wanted and she keeps doing it this way. Trustee Walkington stated that he didn't think it was ever discussed how it would be paid. The original plan, when the committee was put together, he appropriated \$35,000 and budgeted \$30,000. It was not a loan; it was money put into the wetland committee project to start it. Mayor Soto added that it was never to be paid back into the general fund. Trustee Duberstein stated that if you look at year one, the cost for the contract was \$45,000, the SSA paid \$14,300 and the remainder

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was \$31,000, which means that Gary's part of the budget took care of \$30,000. Therefore, there was only \$1,258.50 that didn't get accounted for. Trustee Walkington added that the next year in appropriation and budget he put money in again because the money for the SSA wouldn't be collected until July. He never said that was a loan either but we also put in another \$30,000 for maintenance for the whole Village. Trustee Daley asked if the SSA agreement indicates what the money would be used for. Trustee Duberstein stated that it is for Cranberry Lake. Mayor Soto stated that for the record "the SSA does not owe money to the General Fund". Trustee Walkington agreed. Trustee Duberstein added that the numbers were irrelevant. Mayor Soto stated that a new report will need to be done.

Public Comments

David Criz, 567 Triumph Court, Hainesville, IL 60073 – stated regarding access to Cranberry Lake along the South end of the trails there are access points from the corners at Tall Oak and Hainesville and between the houses on the West end. There are gently sloping wooded chip paths down to the trail. Along his end by Cranberry Lakes Townhomes there is no direct access to the trail. There are a few points along the retention ponds where we can easily have access but most is a steeper embankment. He enters the path at the end of Triumph Court but it requires crawling down through the wildflowers that are growing; there are no real steps. Also, the gazebo which is also a steep embankment is mostly woods. Mayor Soto noted that the gazebo is the townhouse property. David added that there is no access along that side and he was wondering if that could be solved and included in any improvements that are made. Trustee Duberstein stated that it can be addressed with Engineer Greg Gruen. The problem is that we are not to do any construction and it would take construction to put in steps. She stated that there was talk about doing something along Cranberry North side because of the erosion. Mayor Soto asked if they could do timbers or paver bricks. Trustee Duberstein stated that is considered construction. The other issue is whether Jeff can do it or how we can do this because then we get into construction and prevailing wage. If there is a way to work around that, then there is a chance. David asked if it could be handled as a volunteer project. Mayor Soto stated that they would start with Greg to see what the options are.

Trustee Walkington motioned to adjourn the September 22nd, 2009 Regular Board Meeting; seconded by Trustee Daley.

All in favor say aye, motion carried.

The September 22nd, 2009 Regular Board Meeting adjourned at 8:40 p.m.

Respectfully submitted,

Kathy Metzler, RMC, CMC
Village Clerk