

**VILLAGE OF CHERRY VALLEY, IL
ORDINANCE COMMITTEE MINUTES
MONDAY DECEMBER 2, 2013**

Chairman Nancy Belt called the Ordinance Committee meeting to order at 6:30 PM. A Roll Call was taken:

NANCY BELT	PRESENT
SALLY HOLLEMBEAK	PRESENT
GARY MAITLAND	PRESENT

Others present: President Jim E. Claeysen, Trustees Stephen Appell, JoAnn Hudson and David Schroeder, Attorney Jim Stevens, Interim Chief of Police Mike Neville and Clerk Dana Ward.

ADOPT THE AGENDA: Nancy Belt entertained a motion to adopt the amended Agenda. The Minutes for approval are for November 5, 2013. Gary Maitland so moved and Sally Hollembeak seconded. All “Aye”; none opposed. Motion carried by voice vote.

PUBLIC COMMENT: None.

UNFINISHED BUSINESS:

BOARD COMMENTS BY: Trustee JoAnn Hudson. JoAnn Hudson is concerned that there are ordinances and state statutes that are not being followed or enforced. Trustee Hudson requested that her questions be entered into the record and would like a response to her questions, in the future, after review of said questions. (See Attachment A and Attachment B). Nancy Belt recommended that the Committee give this topic some thought and that the Committee ponder Trustee Hudson’s questions and consider this for discussion at the January Ordinance meeting.

President Jim E. Claeysen asked for copies of the documentations/emails that support the statement that he “waived fees” for the developer.

Attorney Stevens noted that he may have notarized the documents; this does not mean he represented a client and the Village at the same time.

President Jim E. Claeysen asked that, in the future, when there is “Board Comments By” on the agenda, the topic of discussion be disclosed prior to the meeting, so that all can be informed. Trustee Hudson responded that she had placed a request to Chairman Nancy Belt to speak and briefed her on the topic. Nancy Belt agreed that was true.

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NEW BUSINESS:

1. Discussion: AN ORDINANCE PROVIDING FOR THE ABATEMENT OF THE DIRECT ANNUAL TAX LEVIED FOR THE YEAR 2013 TO PAY PRINCIPAL OF AND INTEREST ON THE \$960,000.00 GENERAL OBLIGATION REFUNDING ALTERNATE BONDS (WATERWORKS SYSTEM ALTERNATE REVENUE SOURCE), SERIES 2012, OF THE VILLAGE OF CHERRY VALLEY, WINNEBAGO AND BOONE COUNTIES, ILLINOIS.

2. Discussion: AN ORDINANCE PROVIDING FOR THE ABATEMENT OF THE DIRECT ANNUAL TAX LEVIED FOR THE YEAR 2013 TO PAY PRINCIPAL OF AND INTEREST ON THE \$2,765,000 GENERAL OBLIGATION REFUNDING ALTERNATE BONDS (SALES TAX ALTERNATE REVENUE SOURCE), SERIES 2005B, OF THE VILLAGE OF CHERRY VALLEY, WINNEBAGO AND BOONE COUNTIES, ILLINOIS.

Nancy Belt entertained a motion to take both Ordinances, (stated above), to the Village Board December 3, 2013, waiving the rules for the first reading, second and final reading and for passage and approval. Sally Hollembeak so moved and Gary Maitland seconded. All "Aye"; none opposed. Motion carried by voice vote.

3. Valley Orchard - DNR. Nancy Belt asked David Schroeder to open discussion on the DNR program. David Schroeder noted that residents have asked about the permitting for hunting and trapping and referred the Committee to ordinances passed last spring; 2013-14, Hunting and Trapping and 2013-15 Discharge of Weapons, passed May 7, 2013. Attorney Jim Stevens stated that these ordinances should be reviewed annually. After much discussion, Chairman Belt asked that the Committee review these ordinances at the January meeting.

4. Section 2-68 Addressing Meetings. Nancy Belt received a request from President Jim E. Claeysen asking that the Committee review this topic. Discussion ensued regarding the possibility of changing the ordinance in regards to addressing meetings and limiting a speaker time. Chairman Belt presented a document from the Open Meetings Act pertaining to public comment. Suggestions were made, i.e., limiting speaking time, sign-up to speak before Board and Committee meetings and topics must relate to agenda topic discussions. This item will be kept on the January agenda for further discussion.

5. R-1- Zoning/Church Services. Nancy Belt stated that a resident had contacted her regarding a number of cars parking on Cutty Sark. A resident is having gatherings during the week and it has caused some challenges for areas residents. Chief Larry Neville will investigate this week and will report his findings to the Committee.

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PRESIDENT'S REPORT: None.

ADJOURNMENT: Nancy Belt entertained a motion to adjourn 7:29PM. Sally Hollembeak moved to adjourn and Gary Maitland seconded. All "Aye"; none opposed. Motion carried by voice vote.

Respectfully submitted by Dana Ward Village Clerk.
Minutes reviewed by Chairman Nancy Belt on December 10, 2013.

**AGENDA
VILLAGE OF CHERRY VALLEY, IL
ORDINANCE COMMITTEE
MONDAY, DECEMBER 2, 2013
6:30 PM**

CHAIRMAN: Nancy Belt

MEMBERS: Sally Hollembeak
Gary Maitland

ROLL CALL:

ADOPT THE AGENDA:

APPROVE THE MINUTES: November 4, 2013.

PUBLIC COMMENT:

UNFINISHED BUSINESS:

BOARD COMMENTS BY: Trustee JoAnn Hudson.

NEW BUSINESS:

6. Discussion: AN ORDINANCE PROVIDING FOR THE ABATEMENT OF THE DIRECT ANNUAL TAX LEVIED FOR THE YEAR 2013 TO PAY PRINCIPAL OF AND INTEREST ON THE \$960,000.00 GENERAL OBLIGATION REFUNDING ALTERNATE BONDS (WATERWORKS SYSTEM ALTERNATE REVENUE SOURCE), SERIES 2012, OF THE VILLAGE OF CHERRY VALLEY, WINNEBAGO AND BOONE COUNTIES, ILLINOIS.
7. Discussion: AN ORDINANCE PROVIDING FOR THE ABATEMENT OF THE DIRECT ANNUAL TAX LEVIED FOR THE YEAR 2013 TO PAY PRINCIPAL OF AND INTEREST ON THE \$2,765,000 GENERAL OBLIGATION REFUNDING ALTERNATE BONDS (SALES TAX ALTERNATE REVENUE SOURCE), SERIES 2005B, OF THE VILLAGE OF CHERRY VALLEY, WINNEBAGO AND BOONE COUNTIES, ILLINOIS.
8. Valley Orchard - DNR.
9. Section 2-68 Addressing Meetings.
10. R-1- Zoning/Church Services.

PRESIDENT'S REPORT:

ADJOURNMENT:

NLB 11/27/13

ATTACHMENT A

Submitted by Trustee JoAnn Hudson

Agenda Item

“BOARD COMMENTS BY: Trustee JoAnn Hudson”

On September 11, 2012, I questioned our Village Attorney fees for the Solar Farm request for rezoning, as stated in the Minutes of the Finance Committee.

I was told, quoting those Minutes, that it was hard to discern which account should be charged. Mayor Clayessen made a request this be clarified. Karen Melloch, our treasurer, was requested to confer with our village attorney Jim Stevens on this coding of those fees.

My request was never answered.

However...it appears, August 2012, one month prior to my question, all attorneys fees appear to have been coded, and an invoice for the recouping of those fees, had been already sent to the Developer, Florian Guski.

We have an Ordinance.. Sec. 50-76 Developer Project Review Fees, that requests we get a retainer from Developers for our potential fees. That was not done. Why was this Ordinance not enforced?

Upon questioning this procedure, I was told the retainers had been waived by either the Village Administrator or the Village President.

There is a State Statute 65ILCS 5/3.1-35-5, Functions and Duties of Certain Municipal Officers, that states.. The Mayor or President of a municipality shall take care that Ordinances are faithfully executed”.

Should not the waiving of an Ordinance Sec. 50-76, be voted on by the Board of Trustees?

Also, how does this get past our Budget Director Ordinance, 22013-1 when it pertains to paying fees with Village funds and not collecting on an accounts receivable?

ATTACHMENT B

Submitted by Trustee JoAnn Hudson

Agenda Item

“BOARD COMMENTS BY: Trustee JoAnn Hudson”

On January 3, 2012, in the Minutes of the Ordinance Committee, there was a discussion of our Ordinance Sec. 2-236 “Disclosure of Conflicts of Interests”.

These minutes state., Attorney Jim Stevens said, that he has no legal affiliation with Three Hammer in regards to Mr. Guski’s proposed Solar Farm and he also states that he has not represented CV 180 LLC in the past, nor has plans to in the future.

My questions:

#1. If that statement be the case, why then on Oct 18, 2011 prior to the Jan 3, 2012 claim in the Minutes, was one of the first fees from Atty Stevens, to be charged to the Village, regarding the solar farm, a fee for a phone conference with Merle Hammack, of Three Hammer Construction, regarding said solar farm? (is that not discussing the solar farm with Three Hammer Construction?)

#2...Per public records filed in Boone County, “Trust in Deed—Warranty”, document, #2012R02343, on Jan 12, 2012, there were legal transactions being executed to move CV 180 LLC into Chicago Title Land and Trust Company. On Mar 6, 2012... these documents were then notarized by Atty James E Stevens. This was apparently as the solar farm presentations were on going in the Village of Cherry Valley. These documents were also apparently Notarized by Atty Stevens prior to the March 21, 2012 Public Open House, of said solar farm on property listed as CV180 LLC. Also a “Special Use Permit” was filed on Feb. 2, 2012 for CV 180 LLC.. And on Jan 25. 2012, a detailed, billed, study was presented to the Village by Attorney Stevens on this zoning special use, request. All dates are after filing for this Trust in Deed—Warranty. My question, is how does an appointed Village Attorney uphold our Ordinance Sec. 2-233 “Duties in Litigation”, as fees are billed and collected by Attorney Stevens, from the Village, for one on one conferences, with developers for CV 180 LLC, that has had retainers per our Ordinance waived, and knowingly be working with, and be aware that, and notarizing for, said Developer Florian Guski, documents moving CV 180 LLC property, into a trust?

How can one attorney represent two clients on the same piece or property? Is this acceptable?