

VILLAGE OF CHERRY VALLEY, IL
MINUTES FOR THE
VILLAGE BOARD OF TRUSTEES MEETING
TUESDAY, FEBRUARY 18, 2014

THE VILLAGE BOARD OF TRUSTEES OF CHERRY VALLEY, ILLINOIS, WINNEBAGO AND BOONE COUNTIES, CONVENED IN REGULAR SESSION ON THE 18th DAY OF FEBRUARY, 2014.

PRESIDENT JIM E. CLAEYSSSEN CALLED THE MEETING TO ORDER AT 7:00PM AND LED THE PLEDGE OF ALLEGIANCE.

A Roll Call was taken by Village Clerk, Dana Ward.

STEPHEN APPELL	PRESENT	JOANN HUDSON	PRESENT
NANCY BELT	PRESENT	GARY MAITLAND	ABSENT
SALLY HOLLEMBEAK	PRESENT	DAVID SCHROEDER	PRESENT

Also present: President Jim E. Claeysen, Village Administrator Jim Wise, Treasurer Karen Melloch, Public Works Director Chuck Freeman, Attorney Jim Stevens, Interim Chief of Police Larry "Mike" Neville, Dennis McMullen, C.E.S. and Village Clerk Dana Ward.

President Jim E. Claeysen entertained a motion to adopt amended agenda. President Claeysen noted that under CITIZEN'S VOICE, delete 2.) *Bill Hecht*. Mr. Hecht is not present this evening. Also, he would like to make an addition under PRESIDENT'S REPORT, add 4.) *OMA Request for Review - Letter*. David Schroeder moved to adopt the agenda and Nancy Belt seconded. All "Aye"; none opposed. Motion carried by majority vote.

President Jim E. Claeysen entertained a motion to approve the Minutes for February 4, 2014. David Schroeder moved to approve the Minutes for February 4, 2014 and Stephen Appell seconded. All "Aye"; none opposed. Motion carried by majority vote.

CITIZENS VOICE:

1. Jim Aamodt - Opening of Gymnastics Academy. Mr. Aamodt is not present.

TREASURER'S REPORT. No report.

PRESIDENT'S REPORT: JIM E. CLAEYSSSEN.

1. Release of Memorandum: President Jim E. Claeysen entertained a motion to release the Memorandum. David Schroeder moved to release the Memorandum from Barrick Switzer Long Balsey and Van Evera dated January 31, 2014 Village of Cherry Valley - Budget Director and Unofficial Attorney General Opinion I-98-003. Sally Hollembeak seconded. A Roll Call vote was taken:

STEPHEN APPELL	AYE	JOANN HUDSON	AYE
NANCY BELT	AYE	GARY MAITLAND	ABSENT
SALLY HOLLEMBEAK	AYE	DAVID SCHROEDER	AYE

Motion passes by majority vote.

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PRESIDENT'S REPORT: JIM E. CLAEYSSEN. (Continued).

2. Release of Memorandum: President Jim E. Claeysen entertained a motion to release the Memorandum. David Schroeder moved to release the Memorandum from Barrick Switzer Long Balsey and Van Evera dated February 3, 2014 Village of Cherry Valley - Questions regarding Committee Appointments. Sally Hollembeak seconded. A Roll Call vote was taken:

STEPHEN APPELL	AYE	JOANN HUDSON	AYE
NANCY BELT	ABSTAIN	GARY MAITLAND	ABSENT
SALLY HOLLEMBEAK	AYE	DAVID SCHROEDER	AYE

The vote is 4-AYE, 1-ABSTAIN and 1-ABSENT. Motion passes by majority vote.

3. Corrections needed to October 1, 2013 and November 19, 2013: President Jim E. Claeysen entertained a motion to correct the minutes accordingly. David Schroeder moved to correct these minutes: In the October 1, 2013 minutes, during the swearing in of new officers, paragraph one, it should have read after a full-time Police Officer, add *“(who was hired by Board Action at the September 3, 2013 Village Board Meeting)”* and in the November 19, 2013 under Item I in the Finance Report, after the motion was seconded by Sally Hollembeak the minutes should read *“it is noted that Gary Maitland and Nancy Belt left the Board Table at 7:25PM (Reason - both village trustees receive or can receive health benefits from the village since they are retired village employees). Then the Roll Call vote was taken and Gary Maitland and Nancy Belt returned to the Board Table at 7:27PM.”* Nancy Belt seconded. All “Aye”; none opposed. Motion carried by majority vote.
4. OMA Request for Review - Letter. President Jim E. Claeysen read the following:

“Last week I received a letter from the Illinois Attorney General’s Office responding to an OMA Request for Review-2013 PAC 27072. The Public Access Counselor is addressing a concern that on October 8, 2013 the Finance Committee violated the OMA by improperly closing a portion of the October 8, 2013 Finance Committee Meeting to the public pursuant to Section 2 (c) 11 of the OMA.

The P.A.C. concludes that the Finance Committee violated the OMA by improperly closing a portion of the October 8, 2013 Finance Committee meeting to the public. Also, the P.A.C. concludes that the Board violated section 2 and 2.02 of OMA by holding a meeting on October 8, 2013 for which proper notice was not given. He cautions the Board that any gathering of at least a majority of a quorum of its membership during which public business if the Village is discussed constitutes a meeting for which notice must be given in accordance with the requirements of the ACT.

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PRESIDENT’S REPORT: JIM E. CLAEYSSEN. (Continued).

On tonight’s agenda are motions to release the closed session minutes and verbatim recordings concerning possible litigation, as well as additional discussions occurring while a majority of a quorum of the Board was present. This method of releasing this information to the public was discussed today with the Public Access Counselor; he does not have a problem with the procedure the Village is using, he just wants them released.” Discussion ensued regarding the validity of holding meetings next week. President Claeysen will advise the members by Friday regarding meetings for the week of February 24, 2014.

ATTORNEY’S REPORT: JAMES STEVENS. No report.

ENGINEER’S REPORT: DENNIS McMULLEN, C.E.S. No report.

EX-OFFICIO’S REPORTS:

STEPHEN APPELL - PLANNING AND ZONING COMMISSION. No report.

DAVID SCHROEDER - RECREATION BOARD: David Schroeder stated the next meeting will be March 5, 2014 at 7:00PM. There is a skate night event scheduled for March 8, 2014 at the Carlson Ice Arena, sponsored by the Cherry Valley Men’s Club. Local schools have been notified, including St. Rita’s.

ORDINANCE REPORT BY TRUSTEE: NANCY BELT.

1. Nancy Belt moved that the Village Board waive the rules on the first reading of “An Ordinance Authorizing the Village of Cherry Valley to Dispose of Personal Property” Exhibit A. Sally Hollembeak seconded. All “Aye”; none opposed. Motion carried by majority vote.

2. Nancy Belt moved that the Village Board consider this the second and final reading of “An Ordinance Authorizing the Village of Cherry Valley to Dispose of Personal Property” Exhibit A. Sally Hollembeak seconded. All “Aye”; none opposed. Motion carried by majority vote.

3. Nancy Belt moved that the Village Board pass and approve:

ORDINANCE 2014-01.

“AN ORDINANCE AUTHORIZING THE VILLAGE OF CHERRY VALLEY TO DISPOSE OF
PERSONAL PROPERTY” EXHIBIT A.

Sally Hollembeak seconded. A Roll Call vote was taken:

STEPHEN APPELL	AYE	JOANN HUDSON	AYE
NANCY BELT	AYE	GARY MAITLAND	ABSENT
SALLY HOLLEMBEAK	AYE	DAVID SCHROEDER	AYE

Motion passes by majority vote.

Nancy Belt stated that ORDINANCE passes.

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FINANCE REPORT BY TRUSTEE: GARY MAITLAND. Mr. Maitland is absent this evening therefore Trustee Stephen Appell is reporting.

1. Stephen Appell moved that the Village Board authorize the payment of all bills reviewed and approved by the Finance Committee and the Budget Director on February 17, 2014 in the amount of \$155,695.09. JoAnn Hudson seconded. A Roll Call vote was taken:

STEPHEN APPELL	AYE	JOANN HUDSON	AYE
NANCY BELT	AYE	GARY MAITLAND	ABSENT
SALLY HOLLEMBEAK	AYE	DAVID SCHROEDER	AYE

Motion passes by majority vote.

2. Stephen Appell moved that the Village Board release Executive Session minutes. (Resolution 2014-05, Releasing Executive Session Minutes). JoAnn Hudson seconded. A discussion ensued regarding the Executive Sessions Minutes from the Finance Committee meeting October 8, 2013. Sally Hollembeak requested a copy of the minutes for review.

President Jim E. Claeysen entertained a motion to recess. Sally Hollembeak moved to recess at 7:23PM. The Clerk is instructed to prepare copies of the minutes in question for the members. Stephen Appell seconded. All "Aye"; none opposed. Motion carried by majority vote.

President Jim E. Claeysen entertained a motion to reconvene the Village Board meeting. Nancy Belt moved to reconvene the Village Board meeting at 7:29PM. Stephen Appell seconded. A Roll Call was taken:

STEPHEN APPELL	PRESENT	JOANN HUDSON	PRESENT
NANCY BELT	PRESENT	GARY MAITLAND	ABSENT
SALLY HOLLEMBEAK	PRESENT	DAVID SCHROEDER	PRESENT

The Clerk distributed a copy of the Executive Session minutes of the Finance Committee meeting October 8, 2013 for member review. There is a motion and a second on the table. President Claeysen called for the vote: A Roll Call vote was taken:

STEPHEN APPELL	AYE	JOANN HUDSON	AYE
NANCY BELT	AYE	GARY MAITLAND	ABSENT
SALLY HOLLEMBEAK	ABSTAIN	DAVID SCHROEDER	AYE

The vote is 4-AYE, 1-ABSTAIN and 1-ABSENT. Motion passes by majority vote.

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FINANCE REPORT BY TRUSTEE: (Continued).

3. Stephen Appell moved that the Village Board release Executive Session Audio recording, as amended at the Board meeting February 18, 2014. The Clerk is instructed to correct the draft of this resolution, changing the wording from “destruction of” to “release of” in the title, section one and section three, with the date noted, October 8, 2013. (Resolution 2014-06, Releasing Executive Session Audio recording). David Schroeder seconded. A Roll Call vote was taken:

STEPHEN APPELL	AYE	JOANN HUDSON	AYE
NANCY BELT	AYE	GARY MAITLAND	ABSENT
SALLY HOLLEMBEAK	ABSTAIN	DAVID SCHROEDER	AYE

Motion passes by majority vote.

Stephen Appell stated that FINANCE passes.

PUBLIC SAFETY REPORT BY TRUSTEE: SALLY HOLLEMBEAK. No report.

PUBLIC WORKS REPORT BY TRUSTEE: DAVID SCHROEDER.

1. David Schroeder moved that the Village Board waive the rules for the bidding in regards to the mosquito control contract. President Claeysen noted that this is a unique vendor and exceeds the dollar amount in regards to bidding procedures. Sally Hollembeak seconded. All “Aye”; none opposed. Motion carried by majority vote.

2. David Schroeder moved that the Village Board approve a three (3) year contract with Clarke Environmental for mosquito control pending to attorney approval. The prices for this three year contract are as follows: 2014 \$32,557.64, 2015 \$33,222.00 and 2016 \$33,900.00. Sally Hollembeak seconded.

A Roll Call vote was taken:

STEPHEN APPELL	AYE	JOANN HUDSON	AYE
NANCY BELT	AYE	GARY MAITLAND	ABSENT
SALLY HOLLEMBEAK	AYE	DAVID SCHROEDER	AYE

Motion passes by majority vote.

3. David Schroeder moved that the Village Board approve the Engineering Services Contract with C.E.S. for Swanson Park Street Improvement Project (DCEO Grant), in an amount not to exceed \$7,000.00 Line Item 5095 Public Works. This contract has been reviewed by the Village Attorney Jim Stevens and he recommended execution of this contract. Nancy Belt seconded. A Roll Call vote was taken:

STEPHEN APPELL	AYE	JOANN HUDSON	AYE
NANCY BELT	AYE	GARY MAITLAND	ABSENT
SALLY HOLLEMBEAK	AYE	DAVID SCHROEDER	AYE

Motion passes by majority vote.

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PUBLIC WORKS REPORT BY TRUSTEE: DAVID SCHROEDER. (Continued).

4. David Schroeder moved that the Village Board approve an order for securing more treated salt for snow events for 2013-2014, up to \$20,000.00 from Line Item 5135 Streets. Sally Hollembeak seconded. A Roll Call vote was taken:

STEPHEN APPELL	AYE	JOANN HUDSON	AYE
NANCY BELT	AYE	GARY MAITLAND	ABSENT
SALLY HOLLEMBEAK	AYE	DAVID SCHROEDER	AYE

Motion passes by majority vote.

David Schroeder stated that PUBLIC WORKS passes.

PLANNING AND DEVELOPMENT REPORT BY TRUSTEE: STEPHEN APPELL. No report.

PERSONNEL REPORT BY TRUSTEE: JOANN HUDSON.

BOARD COMMENTS: None.

ADJOURNMENT: Seeing there is no other business, President Jim E. Claeysen entertained a motion to adjourn. Sally Hollembeak moved to adjourn at 7:47PM and Stephen Appell seconded. All "Aye"; none opposed. Motion carried by majority vote.

Recorded by Village Clerk Dana Ward.

Minutes approved by President Jim E. Claeysen on February 22, 2014.

**AGENDA
VILLAGE OF CHERRY VALLEY, IL
VILLAGE BOARD OF TRUSTEES MEETING
TUESDAY, FEBRUARY 18, 2014
7:00 PM**

CALL THE MEETING TO ORDER: PRESIDENT JIM E. CLAEYSSEN

PLEDGE OF ALLEGIANCE:

ROLL CALL TAKEN BY: VILLAGE CLERK, DANA WARD

VILLAGE TRUSTEES: STEPHEN APPELL JOANN HUDSON
 NANCY BELT GARY MAITLAND
 SALLY HOLLEMBEAK DAVID SCHROEDER

ADOPTION OF THE AGENDA:

APPROVAL OF THE BOARD MINUTES: February 4, 2014.

CITIZENS VOICE:

1. Jim Aamodt - Opening of Gymnastics Academy.
2. Wilbert Hecht: Public Safety and Damage to Village Property.

TREASURER'S REPORT:

PRESIDENT'S REPORT: JIM E. CLAEYSSEN.

1. Motion to release the memorandum titled Village of Cherry Valley - Budget Director and Unofficial Attorney General Opinion 1-98-003.
2. Motion to release the memorandum titled Village of Cherry Valley - Questions regarding Committee Appointments.
3. Corrections Needed to October 1, 2013 and November 19, 2013 Board Minutes.

ATTORNEY'S REPORT: JAMES STEVENS.

ENGINEER'S REPORT: DENNIS McMULLEN, C.E.S.

EX-OFFICIO'S REPORTS:

STEPHEN APPELL - PLANNING AND ZONING COMMISSION.

DAVE SCHROEDER - RECREATION BOARD.

ORDINANCE REPORT BY TRUSTEE: NANCY BELT.

1. Motion to waive the rules on the first reading of "An Ordinance Authorizing the Village of Cherry Valley to Dispose of Personal Property." Ordinance 2014- 1.
2. Motion to consider this the second and final reading of "An Ordinance Authorizing the Village of Cherry Valley to Dispose of Personal Property." Ordinance 2014-1.
3. Motion to pass and approve Ordinance 2014- 1. An Ordinance Authorizing the Village of Cherry Valley to Dispose of Personal Property"

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FINANCE REPORT BY TRUSTEE: GARY MAITLAND.

1. Motion to authorize the payment of all bills reviewed and approved by the Finance Committee and the Budget Director on February 17, 2014.
2. Motion to release Executive Session minutes. (Resolution 2014-05, Releasing Executive Session Minutes).
3. Motion to release Executive Session Audio recording. (Resolution 2014-06, Releasing Executive Session Audio recording).

PUBLIC SAFETY REPORT BY TRUSTEE: SALLY HOLLEMBEAK.

PUBLIC WORKS REPORT BY TRUSTEE: DAVID SCHROEDER.

1. Motion to approve a 3 year contract with Clarke Environmental for mosquito control.
2. Motion to approve Engineering Services Contract with C.E.S. for Swanson Park Street Improvement Project (DCEO Grant).
3. Motion to approve an order for securing more treated salt for snow events.

PLANNING AND DEVELOPMENT REPORT BY TRUSTEE: STEPHEN APPELL.

PERSONNEL REPORT BY TRUSTEE: JOANN HUDSON.

BOARD COMMENTS:

ADJOURNMENT:

JEC 2/13/14