

**VILLAGE OF CHERRY VALLEY, IL
MINUTES FOR THE
“SPECIAL” VILLAGE BOARD OF TRUSTEES MEETING
TUESDAY, FEBRUARY 25, 2014**

THE VILLAGE BOARD OF TRUSTEES OF CHERRY VALLEY, ILLINOIS, WINNEBAGO AND BOONE COUNTIES, CONVENED IN REGULAR SESSION ON THE 25th DAY OF FEBRUARY, 2014.

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

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

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| 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, Attorney Jim Stevens, Interim Chief of Police Larry “Mike” Neville, Kevin Bunge C.E.S. and Village Clerk Dana Ward.

President Jim E. Claeysen entertained a motion to adopt the agenda. Sally Hollembeak moved to adopt the agenda and David Schroeder seconded. All “Aye”; none opposed. Motion carried by majority vote.

APPROVAL OF BOARD MINUTES: There are no minutes to be approved this evening.

CITIZENS VOICE: None.

TREASURER’S REPORT. No report.

PRESIDENT’S REPORT: JIM E. CLAEYSSEN.

1. Discussion on possible restructuring of Standing Committees, review any ordinances which may need to be amended and discuss action plans. President Jim E. Claeysen prepared copies of ordinances pulled from Municode and presented to them to the trustees. These will be reviewed by the Board; the village will be looking at amending several sections. (Section 2-33, Section 2-68, Section 2-511 and Section 50-185) at our next Ordinance Committee Meeting.

Section 2-33 under (c) Committees, “all standing committees and special committees shall be composed of a minimum of three members including the chairperson, unless the board of trustees directs otherwise”. President Claeysen noted that this section needs to be amended because of the Determination Letter received from the Attorney General’s office in regards to the definition of “majority of a quorum”. President Claeysen stated that he feels that this section, 2-33 (c), needs to be amended. President Claeysen stated that he feels that this should be a maximum of three members, including the chairman.

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PRESIDENT’S REPORT: (Continued).

There should be a separate subsection dealing with the special committees, such as the Planning and Zoning Commission and the Recreation Board.

Discussion turned to the Attorney General’s office, Public Access Counselors definition of “majority of quorum”. Attorney Stevens has spoken to attorneys with Ancel and Glink; they may take this to the Illinois Municipal League and ask that they file an appeal regarding the Attorney General’s, Public Access Counsel’s opinion regarding the number of members for a standing committee. The only way to get clarification is to appeal.

President Claeysen resumed discussion of Section 2-33 under item (c) - Committees. The Board discussed their recommendation for changes to this section. Section (c) refers to special and advisory committees and these will need to be defined. A new Section (f) would need to define special committees. This ordinance is referred to the Ordinance Committee.

Under Section 2-68, Addressing Meetings, President Claeysen noted that Trustee Belt is working on revising this section and is under review for the Ordinance meeting Monday night.

Under Section 2-511, Reimbursement to planning commission, zoning board of appeals and recreational board members. Attorney Stevens commented that language needs to be changed. Zoning Board of Appeals was changed to Planning and Zoning Commission. Municode has not been updated yet to reflect this change.

Under Section 50-185: Planning and Development Committee: Membership. President Claeysen noted that there are a few changes that need to be made. Strike *“and the village president”* and add *“with the advice and consent of the majority vote of the Board of Trustees”*. This language coincides with other updated Ordinances. JoAnn Hudson asked that the committee clarify “sight plans, documents and articles” and asked about the state statute. This will be discussed further at Ordinance next month.

Nancy Belt informed President Claeysen and the Board that all of these sections are under review, for updating the ordinances, at the ORDINANCE meeting on Monday February 3, 2014. Discussion will continue at that time. Stephen Appell would also like the committee to look at Section 2-71 regarding member reimbursement. The committee will also be looking at restructuring all committees. President Claeysen would like to keep the chairmen in the same position as they are presently and would like members input for their consideration for membership to the standing committees.

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PRESIDENT’S REPORT: (Continued).

2. Status update on review of Architectural Firms for the new Public Works Garage. David Schroeder informed the Board that the two finalist have made their presentations to the Public Works Garage Subcommittee. These two firms will do a PowerPoint presentation to the Board next week: Hagney Architects LLC (with FGM Architects) and the Larson and Darby Group are the finalists.

3. President Jim E. Claeysen noted that the information from Beggin Tipp and Lamb, certified public accountants, regarding the annual audit has been received. All members have received a copy of the proposal. President Claeysen entertained a motion to hire Beggin Tipp Lamm, LLC. Karen Melloch stated that this is a budgeted item and will come out of three different line items: Administration, Water and Police Pension. Sally Hollembeak moved that the Village Board approve the contract for Beggin Tipp and Lamb, LLC, for the Village’s Fiscal Year 2013-2014 audit at a cost of \$10,000.00. Nancy Belt seconded. A Roll call vote was taken:

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

Motion carried by majority vote.

4. President Jim E. Claeysen entertained a motion to approve Resolution Number 2014-07 Releasing Executive Session Minutes from the December 4, 2012, Special Personnel committee meeting. Nancy Belt moved to approve Resolution 2013-07 Releasing Executive Session Minutes from the December 4, 2012 Special Personnel Committee meeting. David Schroeder seconded.

JoAnn Hudson questioned why these minutes are being released. President Claeysen stated that these are being released under a directive from the Attorney General’s office, in a letter dated February 18, 2014, PAC number 22966, by Assistant Attorney General, Public Access Counsel, (PAC), Christopher R. Boggs. A determination has been made by Mr. Boggs that the Personnel Committee violated Section 2(c)11 under the Open Meetings Act, by failing to report the basis for its findings, that an action was eminent or probably in the minutes of the closed meeting. JoAnn Hudson stated these minutes were reviewed by the chairman only, not the committee. The minutes do not mention anything about a phone conversation or the other party’s side of the story. She stated she felt these were “one sided and slanted” and requested that the committee review these minutes and amend them to reflect this information. Nancy Belt stated that the village cannot have a personnel committee by definition of a quorum; therefore, these minutes are being addressed at this Board meeting.

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PRESIDENT’S REPORT: (Continued).

After much discussion, it is decided by the Board to hold the approval of releasing these minutes until all avenues have been explored. Attorney Stevens will ask for a directive from the Attorney General’s office. He asked the Trustees to supply any questions they may have, so that he may pose these questions to the Attorney General office for a directive on how to proceed.

Therefore, David Schroeder has withdrawn his second on the motion and Nancy Belt has withdrawn her motion to release the Executive Session minutes for the Special Personnel Committee meeting of December 4, 2012. This item will be up for consideration at an upcoming meeting, pursuant to the response from the Attorney General’s office.

5. President Jim E. Claeysen entertained a motion to approve Resolution Number 2014-07 Releasing Executive Session Audio from the December 4, 2012 Special Personnel Committee Meeting. President Jim E. Claeysen entertained a motion to approve Resolution Number 2014-07 Releasing Executive Session Audio recordings from the December 4, 2012 Special Personnel Committee Meeting. Nancy Belt moved to approve Resolution 2013-07 Releasing Executive Session Audio recordings from the December 4, 2012 Special Personnel Committee meeting. JoAnn Hudson seconded. A Roll Call vote was taken:

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

President Claeysen voted “AYE”, therefore the vote passes in a vote of four “AYE”, two “ABSTAIN” and one “ABSENT”.

Motion carried by majority vote.

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: No report.

ORDINANCE REPORT BY TRUSTEE: NANCY BELT. No report.

FINANCE REPORT BY TRUSTEE: GARY MAITLAND. No report.

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

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PUBLIC WORKS REPORT BY TRUSTEE: DAVID SCHROEDER. No report.

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

PERSONNEL REPORT BY TRUSTEE: JOANN HUDSON. No report.

BOARD COMMENTS: None.

ADJOURNMENT: President Jim E. Claeysen entertained a motion to adjourn. Sally Hollembeak moved to adjourn at 7:55PM and Nancy Belt seconded. All “Aye”; none opposed. Motion carried by voice vote.

Recorded by Village Clerk Dana Ward.

Minutes approved by President Jim E. Claeysen on March 9, 2014.

**AGENDA
VILLAGE OF CHERRY VALLEY, IL
"SPECIAL" VILLAGE BOARD OF TRUSTEES MEETING
TUESDAY, FEBRUARY 25, 2014
7:00 PM**

CALL THE MEETING TO ORDER: PRESIDENT JIM E. CLAEYSSEN

PLEDGE OF ALLEGIANCE:

ROLL CALL TAKEN BY: VILLAGE CLERK, DANA WARD

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

ADOPTION OF THE AGENDA:

APPROVAL OF THE BOARD MINUTES:

CITIZENS VOICE:

TREASURER'S REPORT:

PRESIDENT'S REPORT: JIM E. CLAEYSSEN.

1. Discussion on possible restructuring of Standing Committees, review any ordinances which may need to be amended and discuss action plans.
2. Status update on review of Architectural Firms for the new Public Works Garage.
3. Motion to hire Beggin Tipp Lamm LLC for the Village's Fiscal Year 2013-2014 Audit at a cost of \$10,000.00.
4. Motion to approve Resolution Number 2014-07 Releasing Executive Session Minutes from the December 4, 2012 Special Personnel Committee Meeting.
5. Motion to approve Resolution Number 2014-08 Releasing Executive Session Audio from the December 4, 2012 Special Personnel Committee Meeting.

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.

FINANCE REPORT BY TRUSTEE: GARY MAITLAND.

PUBLIC SAFETY REPORT BY TRUSTEE: SALLY HOLLEMBEAK.

PUBLIC WORKS REPORT BY TRUSTEE: DAVID SCHROEDER.

PLANNING AND DEVELOPMENT REPORT BY TRUSTEE: STEPHEN APPELL.

PERSONNEL REPORT BY TRUSTEE: JOANN HUDSON.

BOARD COMMENTS:

ADJOURNMENT: JEC 2/20/14

