

VILLAGE OF CHERRY VALLEY, IL
VILLAGE BOARD OF TRUSTEES MEETING
TUESDAY, OCTOBER 4, 2016

THE VILLAGE BOARD OF TRUSTEES OF CHERRY VALLEY, ILLINOIS, WINNEBAGO AND BOONE COUNTIES, CONVENED IN SESSION ON THE 4TH DAY OF OCTOBER, 2016.

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

A roll call was taken by Recorder Barb Neville:

STEPHEN APPELL	(VIA PHONE)	SALLY HOLLEMBEAK	PRESENT
NANCY BELT	PRESENT	GARY MAITLAND	PRESENT
JEFF FUSTIN	PRESENT	DAVID SCHROEDER	PRESENT

Also present: Treasurer Karen Melloch, Chief of Police Larry Neville, Attorney Jim Stevens, Attorney Darron Burke, Public Works Director Chuck Freeman and Recorder Barb Neville.

ADOPT THE AGENDA: Trustee Schroeder moved that the Board meeting agenda be approved. Trustee Hollembeak seconded. A roll call vote was taken:

STEPHEN APPELL	(AYE VIA PHONE)	SALLY HOLLEMBEAK	AYE
NANCY BELT	AYE	GARY MAITLAND	AYE
JEFF FUSTIN	AYE	DAVID SCHROEDER	AYE

Motion carried by vote of 6-0. (Since Trustee Appell is attending this meeting via phone all votes will be a roll call vote).

APPROVAL OF THE BOARD MINUTES: September 20, 2016.

Trustee Schroeder moved to approve the minutes for September 20, 2016. Trustee Hollembeak seconded. A roll call vote was taken:

STEPHEN APPELL	AYE	SALLY HOLLEMBEAK	AYE
NANCY BELT	AYE	GARY MAITLAND	AYE
JEFF FUSTIN	AYE	DAVID SCHROEDER	AYE

Motion carried by vote of 6-0.

PUBLIC COMMENT: Mr. Bernie Budzynski, 155 Rivers Edge Drive, Cherry Valley, Illinois.

Mr. Budzynski spoke about a flooding problem that has arisen in the condos located in the Rivers Edge Area (Newburg Village). He has lived there since 2003 with no problems. Now due to neighbors changing the topography of the land there is not enough drainage to take care of the water that is coming through the area. Attorney Jim Stevens noted he has been out to the area and drainage is a problem. President Jim E. Claeysen will share with the Village Board the letter sent by Mr. Budzynski, along with some pictures of the flooded area.

TREASURER'S REPORT:

Trustee Maitland moved that the September 2016 Treasurer's Report, which was presented by Treasurer Karen Melloch, be placed on file. Trustee Schroeder seconded. A roll call vote was taken:

STEPHEN APPELL	AYE	SALLY HOLLEMBEAK	AYE
NANCY BELT	AYE	GARY MAITLAND	AYE
JEFF FUSTIN	AYE	DAVID SCHROEDER	AYE

Motion carried by vote of 6-0.

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PRESIDENT’S REPORT: JIM E. CLAEYSSEN:

1. Trustee Hollembeak moved that the Village Board approve a Liquor License (Class A, E, G, K and L) and a Video Gaming License for the Valley Mill Pub and Grill, 201 East State Street, Cherry Valley, Illinois. The license holder is Wild Dreams, Inc. (Renee Edinger Bar Management & Tim Galvin Owner). Trustee Belt seconded. A roll call vote was taken:

STEPHEN APPELL	AYE	SALLY HOLLEMBEAK	AYE
NANCY BELT	AYE	GARY MAITLAND	AYE
JEFF FUSTIN	AYE	DAVID SCHROEDER	AYE

Motion carried by vote of 6-0.

2. Trustee Schroeder moved that the Village Board approve a ten-year lease with Mr. Tim Galvin, Harvard, Illinois for a portion of village property just west of 201 East State Street, Cherry Valley, Illinois. Trustee Hollembeak seconded. A roll call vote was taken:

STEPHEN APPELL	AYE	SALLY HOLLEMBEAK	AYE
NANCY BELT	AYE	GARY MAITLAND	AYE
JEFF FUSTIN	AYE	DAVID SCHROEDER	AYE

Motion carried by vote of 6-0.

ATTORNEY’S REPORT: JIM STEVENS : No Report

President Jim E. Claeysen suggested the flooding issue noted by Mr. Budzynski earlier this evening be moved to the Committee of the Whole Meeting for further discussion.

ENGINEER’S REPORT: DENNIS MCMULLEN, C.E.S.: No Report

EX-OFFICO’S REPORTS:

STEPHEN APPELL - PLANNING AND ZONING COMMISSION: Chairman Appell noted there will be a Committee meeting in October. Agenda item: Zoning Request from R1 to CN for 213 Genoa Street.

DAVE SCHROEDER - RECREATION BOARD -

Trustee Schroeder reported the next Recreation Board meeting will be held tomorrow night at Village Hall. Discussion will take place regarding upcoming fall and winter events. He noted everyone is welcomed to attend.

ORDINANCE REPORT BY TRUSTEE: NANCY BELT

1. Trustee Belt moved that the Village Board waive the rules and consider this the second and final reading of an “Ordinance Amending the Code of Ordinances for the Village of Cherry Valley, Illinois Chapter 18, Animals, Article II, Dogs and Cats, Section 18-43; Dogs to Be Secured in Fenced Area or by Leash.” Trustee Hollembeak seconded. A roll call vote was taken:

STEPHEN APPELL	AYE	SALLY HOLLEMBEAK	AYE
NANCY BELT	AYE	GARY MAITLAND	AYE
JEFF FUSTIN	AYE	DAVID SCHROEDER	AYE

Motion carried by vote of 6-0.

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2. Trustee Belt moved that the Motion that the Village Board pass and approve **Ordinance 2016-36**; “An Ordinance Amending the Code of Ordinances for the Village of Cherry Valley, Illinois Chapter 18, Animals, Article II, Dogs and Cats, Section 18-43; Dogs to Be Secured in Fenced Area or by Leash.” Trustee Hollembeak seconded. A roll call vote was taken:

STEPHEN APPELL	AYE	SALLY HOLLEMBEAK	AYE
NANCY BELT	AYE	GARY MAITLAND	AYE
JEFF FUSTIN	AYE	DAVID SCHROEDER	AYE

Motion carried by vote of 6-0.

3. Trustee Belt moved that the Village Board waive the rules and consider this the second and final reading of an “Ordinance Amending the Code of Ordinances for the Village of Cherry Valley, Illinois Chapter 2, Administration, Article III, Officers and Employees, Division 1, Generally, Sections 2-119(d) and 2-120(d).” Trustee Hollembeak seconded. A roll call vote was taken:

STEPHEN APPELL	NAY	SALLY HOLLEMBEAK	AYE
NANCY BELT	AYE	GARY MAITLAND	AYE
JEFF FUSTIN	AYE	DAVID SCHROEDER	NAY

Motion carried by vote of 4-2.

4. Trustee Belt moved that the Village Board pass and approve **Ordinance 2016-37**; “An Ordinance Amending the Code of Ordinances for the Village of Cherry Valley, Illinois Chapter 2, Administration, Article III, Officers and Employees, Division 1, Generally, Sections 2-119(d) and 2-120(d).” Trustee Hollembeak seconded. A roll call vote was taken:

STEPHEN APPELL	NAY	SALLY HOLLEMBEAK	AYE
NANCY BELT	AYE	GARY MAITLAND	AYE
JEFF FUSTIN	AYE	DAVID SCHROEDER	NAY

Motion carried by vote of 4-2.

5. Trustee Belt moved that the Village Board waive the rules and consider this the second and final reading of an “An Ordinance of the Village of Cherry Valley, Illinois, Repealing Ordinance 2018-28 and 2016-29 previously adopted by the Village of Cherry Valley and listed below.

Ordinance #2016-28: “An Ordinance Granting a Special Use Permit under Section 82-54 as required by Section 82-482(3)(g)(a) of the Code of Ordinances for the Village of Cherry Valley, Illinois to Allow for the Construction of a Wireless Tower Facility (8707 East State Street, Rockford, Illinois).

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Ordinance #2016-29: Ordinance Granting a Variance to the Code of Ordinances for the Village of Cherry Valley, Illinois, Under Chapter 82, Section 82-55 to Section 82-482(3)(h)(a), which requires Towers Must Be Set Back a Distance Equal so that if the Tower and One-Half (1/2) of the Length of any Portion of the Tower Base Laid on the Ground from the Tower Base in any Direction That No Part of the Tower Extends Beyond the Zoning Lot Boundaries. This Variance is for the Easterly and Southerly Boundaries of the Zoning Lot (8707 East State Street, Rockford, Illinois).
Trustee Hollembeak seconded. A roll call vote was taken:

STEPHEN APPELL	AYE	SALLY HOLLEMBEAK	AYE
NANCY BELT	NAY	GARY MAITLAND	NAY
JEFF FUSTIN	AYE	DAVID SCHROEDER	NAY
PRESIDENT CLAEYSSEN	AYE		

Motion carried by vote of 4-3.

6. Trustee Belt moved that the Village Board pass and approve **Ordinance 2016-38**; “An Ordinance of the Village of Cherry Valley, Illinois, Repealing Ordinance 2016-28 and 2016-29 previously adopted by the Village of Cherry Valley and listed below.

Ordinance #2016-28: “An Ordinance Granting a Special Use Permit under Section 82-54 as required by Section 82-482(3)(g)(a) of the Code of Ordinances for the Village of Cherry Valley, Illinois to Allow for the Construction of a Wireless Tower Facility (8707 East State Street, Rockford, Illinois).

Ordinance #2016-29: Ordinance Granting a Variance to the Code of Ordinances for the Village of Cherry Valley, Illinois, Under Chapter 82, Section 82-55 to Section 82-482(3)(h)(a), which requires Towers Must Be Set Back a Distance Equal so that if the Tower and One-Half (1/2) of the Length of any Portion of the Tower Base Laid on the Ground from the Tower Base in any Direction That No Part of the Tower Extends Beyond the Zoning Lot Boundaries. This Variance is for the Easterly and Southerly Boundaries of the Zoning Lot (8707 East State Street, Rockford, Illinois). Trustee Hollembeak seconded. Trustee Appell commented that the Village Board and our legal team put a lot of discussion, research and cost into developing this new cell tower ordinance and we should not allow a variance regarding the setback limits. The applicant should comply with the new ordinance. Trustee Fustin agreed. President Jim E. Claeysen commented that our Planning and Zoning Commission reviewed this variance and approved it unanimously. A roll vote was taken:

STEPHEN APPELL	AYE	SALLY HOLLEMBEAK	AYE
NANCY BELT	NAY	GARY MAITLAND	NAY
JEFF FUSTIN	AYE	DAVID SCHROEDER	NAY
PRESIDENT CLAEYSSEN	NAY		

Motion failed by vote of 4-3.

Trustee Belt stated **ORDINANCE** passes.

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FINANCE REPORT BY TRUSTEE: GARY MAITLAND - No Report

PUBLIC SAFETY REPORT BY TRUSTEE JEFF FUSTIN - No Report

PUBLIC WORKS REPORT BY TRUSTEE DAVID SCHROEDER

1. Trustee Schroeder moved that the Village Board approve the purchase of seven (7) Princeton Sentry Ginkgo trees from J. Carlson Growers Inc. at a cost not to exceed \$7,500.00 from line item 5390 Capital Improvements. Trustee Fustin seconded. A roll call vote was taken:

STEPHEN APPELL AYE
NANCY BELT AYE
JEFF FUSTIN AYE

SALLY HOLLEMBEAK AYE
GARY MAITLAND AYE
DAVID SCHROEDER AYE

Motion carried by vote of 6-0.

Trustee Appell needed to leave the meeting. He signed off at 7:47 p.m.

2. Trustee Schroeder moved that the Village Board hire Bill's Touch of Paint to clean and stain Village Hall Entry Ways, Pillars and supports at a cost of \$1,765.00 from line item 5120 Buildings and Grounds. Trustee Hollembeak seconded. *President Jim E. Claeysen clarified this is a clear stain and the cedar color is not changing.* A roll call vote was taken:

STEPHEN APPELL ABSENT
NANCY BELT AYE
JEFF FUSTIN AYE

SALLY HOLLEMBEAK AYE
GARY MAITLAND AYE
DAVID SCHROEDER AYE

Motion carried by vote of 5-0.

Chairman Schroeder noted **PUBLIC WORKS** passes.

PLANNING AND DEVELOPMENT REPORT BY TRUSTEE: STEPHEN APPELL - No Report.

PERSONNEL REPORT BY TRUSTEE: SALLY HOLLEMBEAK

1. Trustee Hollembeak moved that the Village Board authorize Public Works Director Chuck Freeman to advertise for a full-time Maintenance Worker I for the Public Works Department. Trustee Belt seconded. A roll call vote was taken:

STEPHEN APPELL ABSENT
NANCY BELT AYE
JEFF FUSTIN AYE

SALLY HOLLEMBEAK AYE
GARY MAITLAND AYE
DAVID SCHROEDER AYE

Motion carried by vote of 5-0.

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2. Trustee Hollembeak moved that the Village Board authorize Public Works Director Chuck Freeman to hire Colin Trollop as a part-time seasonal employee, at \$10.00 per hour for up to 250 hours, with a start date of October 5, 2016 to help support seasonal operations. Trustee Belt seconded. A roll call vote was taken:

STEPHEN APPELL ABSENT

SALLY HOLLEMBEAK AYE

NANCY BELT AYE

GARY MAITLAND AYE

JEFF FUSTIN AYE

DAVID SCHROEDER AYE

Motion carried by vote of 5-0.

Chairman Hollembeak stated **PERSONNEL** passes.

BOARD COMMENTS: None.

ADJOURNMENT

Trustee Hollembeak moved that the meeting be adjourned at 7:55 p.m. Trustee Belt seconded. All "Aye;" none opposed. Motion approved by voice vote.

Recorded by Recorder Barb Neville.

Minutes reviewed by President Jim E. Claeysen on October 17, 2016.

**AGENDA
VILLAGE OF CHERRY VALLEY, IL
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7:00 PM**

CALL THE MEETING TO ORDER: PRESIDENT JIM E. CLAEYSSEN

PLEDGE OF ALLEGIANCE:

ROLL CALL TAKEN BY: RECORDER BARB NEVILLE

VILLAGE TRUSTEES: STEPHEN APPELL SALLY HOLLEMBEAK
 NANCY BELT GARY MAITLAND
 JEFF FUSTIN DAVID SCHROEDER

ADOPTION OF THE AGENDA:

APPROVAL OF THE BOARD MINUTES: September 20, 2016.

PUBLIC COMMENT:

TREASURER'S REPORT: September 2016 Report by Treasurer Karen Melloch.

PRESIDENT'S REPORT: JIM E. CLAEYSSEN

1. Motion that the Village Board approve a Liquor License (Class A, E, G, K and L) and a Video Gaming License for the Valley Mill Pub and Grill, 201 East State Street, Cherry Valley Illinois.
2. Motion that the Village Board approve a ten year lease with Mr. Tim Galvin, Harvard, Illinois for a portion of village property just west of 201 East State Street, Cherry Valley, Illinois.

ATTORNEY'S REPORT: DARRON BURKE

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.

7. Motion that the Village Board waive the rules and consider this the second and final reading of an "Ordinance Amending the Code of Ordinances for the Village of Cherry Valley, Illinois Chapter 18, Animals, Article II, Dogs and Cats, Section 18-43; Dogs to Be Secured in Fenced Area or by Leash."
8. Motion that the Village Board pass and approve **Ordinance 2016-36**; "An Ordinance Amending the Code of Ordinances for the Village of Cherry Valley, Illinois Chapter 18, Animals, Article II, Dogs and Cats, Section 18-43; Dogs to Be Secured in Fenced Area or by Leash."
9. Motion that the Village Board waive the rules and consider this the second and final reading of an "Ordinance Amending the Code of Ordinances for the Village of Cherry Valley, Illinois Chapter 2, Administration, Article III, Officers and Employees, Division 1, Generally, Sections 2-119(d) and 2-120(d)."

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ORDINANCE (Cont.)

10. Motion that the Village Board pass and approve **Ordinance 2016-37**; “An Ordinance Amending the Code of Ordinances for the Village of Cherry Valley, Illinois Chapter 2, Administration, Article III, Officers and Employees, Division 1, Generally, Sections 2-119(d) and 2-120(d).”
11. Motion that the Village Board waive the rules and consider this the second and final reading of an “An Ordinance of the Village of Cherry Valley, Illinois, Repealing Ordinance 2018-28 and 2016-29 previously adopted by the Village of Cherry Valley.”
12. Motion that the Village Board pass and approve **Ordinance 2016-38**; “An Ordinance of the Village of Cherry Valley, Illinois, Repealing Ordinance 2018-28 and 2016-29 previously adopted by the Village of Cherry Valley.”

FINANCE REPORT BY TRUSTEE: GARY MAITLAND.

PUBLIC SAFETY REPORT BY TRUSTEE: JEFF FUSTIN.

PUBLIC WORKS REPORT BY TRUSTEE: DAVID SCHROEDER.

1. Village Board Discussion and Possible Village Board action regarding a motion that the Village Board purchase new landscaping materials for the Downtown Streetscape Project.
2. Motion that the Village Board hire Bill’s Touch of Paint to clean and stain Village Hall Entry Ways, Pillars and Supports at a cost of \$1,765.00 from line item 5120 Buildings and Grounds.

PLANNING AND DEVELOPMENT REPORT BY TRUSTEE: STEPHEN APPELL.

PERSONNEL REPORT BY TRUSTEE: SALLY HOLLEMBEAK.

1. Motion that the Village Board authorize Public Works Director Chuck Freeman to advertise for a Full-Time Maintenance Worker I for the Public Works Department.
2. Motion that the Village Board authorize Public Works Director Chuck Freeman to hire Colin Trollop as a Part-Time Seasonal Employee, at \$10.00 per hour for up to 250 hours, with a start date of October 5, 2016 to help support seasonal operations.

BOARD COMMENTS:

ADJOURNMENT:

JEC (9-29-16)