

VILLAGE OF CHERRY VALLEY, IL  
VILLAGE BOARD OF TRUSTEES MEETING  
TUESDAY, SEPTEMBER 20, 2016

THE VILLAGE BOARD OF TRUSTEES OF CHERRY VALLEY, ILLINOIS, WINNEBAGO AND BOONE COUNTIES, CONVENEED IN SESSION ON THE 20TH DAY OF SEPTEMBER, 2016. PRESIDENT JIM E. CLAEYSSSEN 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	PRESENT	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 Roxanne Sosnowski, Chuck Freeman, Detective Mike Rach and Recorder Barb Neville. Also Kristi Witthuhn is present; new hire before the Village Board tonight as the new Administrative Assistant for the Police Department.

**ADOPT THE AGENDA:** President Jim E. Claeysen noted #2 Village Board Discussion and possible Village Board action to purchase new landscaping materials for the Downtown Streetscape Project is deleted under Public Works Report. Also, Item #1 under Personnel Report the spelling of the new hire (for the Police Department) Administrative Assistant is spelled wrong. It should be spelled as Witthuhn. President Jim E. Claeysen entertained a motion to adopt the amended meeting agenda. Trusted Schroeder moved that the Board Meeting amended Agenda be approved. Trustee Appell seconded. All "Aye;" none opposed. Motion approved by voice vote.

**APPROVAL OF THE CORRECTED BOARD MINUTES:** September 6, 2016. President Jim E. Claeysen entertained a motion to approve the Village Board Minutes for September 6, 2016 with the following corrections: Roll Call: Jeff Fustin present and spelling correction on page #6; public body. Trustee Schroeder moved to approve the corrected minutes for September 6, 2016. Trustee Fustin seconded. All "Aye"; none opposed. Motion approved by voice vote.

**PUBLIC COMMENT:** None

**TREASURER'S REPORT:** No Report

**PRESIDENT'S REPORT: JIM E. CLAEYSSSEN:** No Report

**ATTORNEY'S REPORT: ROXANNE SOSNOWSKI:** No Report

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

**EX-OFFICIO'S REPORTS:**

**STEPHEN APPELL - PLANNING AND ZONING COMMISSION:** No Report

**DAVE SCHROEDER - RECREATION BOARD -**

Trustee Schroeder reported that the Youth Fishing Tournament (ages 6-14) was held Saturday with beautiful weather and 27 kids (ages 6-14) participating. Second, the street dance held Saturday night from 3:00-7:00PM and was well attended. The next Recreation Board meeting will be held: Wednesday, October 5, 2016 at 7:00PM.

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**ORDINANCE REPORT BY TRUSTEE: NANCY BELT**

1. Trustee Belt moved that the Village Board consider this the second and final reading of “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). Trustee Hollembeak seconded. Ayes: Trustees Belt, Fustin, Hollembeak, Maitland & Schroeder. Nay: Trustee Appell. Motion approved by voice vote of 5-1.
2. Trustee Belt moved that the Village Board pass and approve **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). 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	AYE

Motion approved by a vote of 5-1.

3. Trustee Belt moved that the Village Board consider this the second and final reading of “An 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. Ayes: Trustees Belt, Fustin, Hollembeak, Maitland & Schroeder. Nay: Trustee Appell. Motion approved by voice vote of 5-1.
4. Trustee Belt moved that the Village Board pass and approve **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	NAY	SALLY HOLLEMBEAK	AYE
NANCY BELT	AYE	GARY MAITLAND	AYE
JEFF FUSTIN	NAY	DAVID SCHROEDER	AYE

Motion approved by a vote of 4-2.

5. Trustee Belt moved that the Village Board waive the rules and consider this the second and

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final reading of “An Ordinance Authorizing the Village of Cherry Valley, Illinois to Dispose of Personal Property”. 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 approved by a vote of 6-0.

6. Trustee Belt moved that the Village Board pass and approve Ordinance #2016-30; An Ordinance Authorizing the Village of Cherry Valley, Illinois to Dispose of Personal Property”. 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 approved by a vote of 6-0.

7. Trustee Belt moved that the Village Board consider this the first reading of “An Ordinance Repealing Chapter 2, “Administration”, Article II, Board of Trustees, Division 2, “Meetings”, Section 2-71 “Trustee Reimbursement” of the Code of Ordinances of the Village of Cherry Valley, Illinois effective as of May 1, 2019. Trustee Hollembeak seconded. All “Aye;” none opposed. Motion approved by voice vote.
8. Trustee Belt moved that the Village Board consider this the first reading of “An Ordinance Revising Chapter 2, “ADMINISTRATION”, Article II Board of Trustees, Division 1, “GENERALLY”, Section 2-32 “COMPENSATION” of the Code of Ordinances of the Village of Cherry Valley, Illinois”. Sec. 2-32.-Compensation (a) **Effective May 1, 2019**, the salary of all trustees or their successors in office, shall be **\$200.00 for each official Board Meeting and \$50.00 per official committee meeting**. Trustee Hollembeak seconded. All “Aye;” none opposed. Motion approved by voice vote.
9. Trustee Belt moved that the Village Board consider this the first reading of “An Ordinance Amending the Code of Ordinances for the Village of Cherry Valley, Illinois, Chapter 2, Administration, Article II, Board of Trustees, Section 2-33, Committees”. Trustee Schroeder seconded. All “Aye;” none opposed. Motion approved by voice vote.

President Jim E. Claeysen moved to a seat in the audience at 8:06 PM. Trustee Belt (Ordinance Committee Chairperson) presented the next Agenda item:

10. Trustee Belt moved that the Village Board consider this the first reading of “An Ordinance revising Chapter 2, “Administration”, Article III, Officers and Employees, Division 2, “President”, Section 2-144 “Compensation” of the Code of Ordinances for the Village of Cherry Valley, Illinois. Trustee Fustin seconded. All “Aye;” none opposed. Motion approved by voice vote.

President Jim E. Claeysen returned to chair the Village Board Meeting at 8:12 PM.

11. Trustee Belt moved that the Village Board consider this the first reading of “An Ordinance

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Amending the Code of Ordinances for the Village of Cherry Valley, Illinois Chapter 26, Businesses, Article III, Peddlers, Itinerant Merchants and Solicitors, Division 2, Licenses, Section 26-111, Requirements; Application Procedure; Standards for Issuance". (Language Change: Farmers Market produce vendors \$25.00 license fee for 30 days).  
Trustee Hollembeak seconded. All "Aye;" none opposed. Motion approved by voice vote.

Trustee Belt stated **ORDINANCE** passes.

**FINANCE REPORT BY TRUSTEE: GARY MAITLAND**

1. Chairman Maitland moved that the Village Board authorize the payment of bills reviewed by the Budget Director of September 12, 2016 and reviewed and approved by the Finance Committee on September 13, 2016 in an amount of \$383,007.67. Trustee Fustin 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 approved by a vote of 6-0.

2. Chairman Maitland moved that the Village Board authorize the payment of additional bills reviewed by the Budget Director and reviewed and approved by the Finance Committee Members present on September 20, 2016 in the amount of \$27,341.46. Trustee Appell 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 approved by a vote of 6-0.

Chairman Maitland stated **FINANCE** passes.

**PUBLIC SAFETY REPORT BY TRUSTEE JEFF FUSTIN**

1. Chairman Fustin moved that the Village Board approve Detective Michael Rach to attend the 2016 Illinois Homicide Investigators Association (ILHIA) Conference in Itasca, Illinois from October 10, 2016 - October 12, 2016. This is a budgeted item with \$195.00 from line item 5195P (training), \$376.91 from 5200P (travel) and \$50.00 from line item 5240P (gas and oil) for a total cost of \$621.91. Trustee Appell 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 approved by a vote of 6-0.

Chairman Fustin stated **PUBLIC SAFETY** passes

**PUBLIC WORKS REPORT BY TRUSTEE DAVID SCHROEDER**

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1. Chairman Schroeder moved that the Village Board approve Public Works Supervisor Steve Strasser to attend the IPSI (Illinois Public Service Institute) from October 2 - October 7, 2016 in Effingham, Illinois at a cost of \$629.40 from line item 5200 Public Works and \$100.00 from line item 5195 Public Works for a total cost of \$729.40. Trustee Appell 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 approved by a vote of 6-0.

Chairman Schroeder noted **PUBLIC WORKS** passes.

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

**PERSONNEL REPORT BY TRUSTEE: SALLY HOLLEMBEAK.**

1. Chairman Hollembeak moved that the Village Board hire Kristie Witthuhn as the Administrative Assistant for the Cherry Valley Police Department at an hourly rate of \$14.00, with an effective date of September 19, 2016. 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 approved by a vote of 6-0.

Chairman Hollembeak stated **PERSONNEL** passes.

**EXECUTIVE SESSION:** President Jim E. Claeysen entertained a motion to go into Executive Session for the following items:

- 5 ILCS 2 (c)(1) The appointment, employment, compensation, discipline, performance, or dismissal of specific employees of the public body or legal counsel for the public body, including hearing testimony on a complaint lodged against an employee of the public body or against legal counsel for the public body to determine its validity (Police).
- 5 ILCS 2 (c) (6) The setting of a price for sale or lease of property owned by the public body.

(5 ILCS 120/2)(c)(21) (Discussion of Executive Session Minutes) Discussion of minutes

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of meetings lawfully closed under this Act, whether for purposes of approval by the body of the minutes or semi-annual review of the minutes as mandated by Section 2.06. (Review Executive Session Minutes).

Trustee Appell moved that the Village Board go into Executive Session at 8:30 PM. 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 approved by vote of 6-0.

**RECONVENE TO OPEN SESSION**

Trustee Hollembeak moved that the Village Board return to Open Session at 9:32 PM. 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 approved by vote of 6-0.

1. Trustee Hollembeak moved that the Village Board acknowledge that the Executive Session Minutes from the following Committee and dates be held closed at this time since the need for confidentiality still exists as to all or part of these minutes, and instruct the Village Deputy Clerk to prepare a Resolution for holding said minutes. Seconded by Trustee Appell. All "Aye;" none opposed. Motion approved by voice vote.

December 1, 2015	Part 1
December 15, 2015	
January 19, 2016	
February 2, 2016	
February 15, 2016	Part 1
March 1, 2016	Parts 1, 2 & 3
March 14, 2016	
April 5, 2016	Part 1
April 12, 2016	Part 2
May 3, 2016	
May 17, 2016	
June 21, 2016	Part 1

2. Trustee Hollembeak moved that the Village Board acknowledge that the Executive

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Session Minutes from the following committees and dates be released, and instruct the Village Deputy Clerk to prepare a Resolution for releasing said minutes. Trustee Appell seconded. All “Aye;” none opposed. Motion approved by voice vote.

December 1, 2015	Part 2
February 16, 2016	Part 2
March 1, 2016	Part 4
April 5, 2016	Part 2
June 21, 2016	Part 2

**BOARD COMMENTS:** None.

**ADJOURNMENT**

Trustee Hollembeak moved that the meeting be adjourned. 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 2, 2016.

**AGENDA  
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**CALL THE MEETING TO ORDER: PRESIDENT JIM E. CLAEYSSEN**

**PLEDGE OF ALLEGIANCE:**

**ROLL CALL TAKEN BY: RECORDER BARB NEVILLE**

<b>VILLAGE TRUSTEES:</b>	<b>STEPHEN APPELL</b>	<b>SALLY HOLLEMBEAK</b>
	<b>NANCY BELT</b>	<b>GARY MAITLAND</b>
	<b>JEFF FUSTIN</b>	<b>DAVID SCHROEDER</b>

**ADOPTION OF THE AGENDA:**

**APPROVAL OF THE BOARD MINUTES: September 6, 2016.**

**PUBLIC COMMENT:**

**TREASURER'S REPORT:**

**PRESIDENT'S REPORT: JIM E. CLAEYSSEN**

**ATTORNEY'S REPORT: ROXANNE SOSNOWSKI**

**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.**

12. Motion that the Village Board consider this the second and final reading of "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).
13. Motion that the Village Board pass and approve 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).
14. Motion that the Village Board consider this the second and final reading of "An 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).

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**ORDINANCE REPORT (CONT.)**

15. Motion that the Village Board pass and approve 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).
16. Motion that the Village Board waive the rules and consider this the second and final reading of "An Ordinance Authorizing the Village of Cherry Valley, Illinois to Dispose of Personal Property".
17. Motion that the Village Board pass and approve Ordinance #2016-30; An Ordinance Authorizing the Village of Cherry Valley, Illinois to Dispose of Personal Property".
18. Motion that the Village Board consider this the first reading of "An Ordinance Repealing Chapter 2, "Administration", Article II, Board of Trustees, Division 2, "Meetings", Section 2-71 "Trustee Reimbursement" of the Code of Ordinances of the Village of Cherry Valley, Illinois.
19. Motion that the Village Board consider this the first reading of "An Ordinance Revising Chapter 2, "ADMINISTRATION", Article II Board of Trustees, Division 1, "GENERALLY", Section 2-32 "COMPENSATION" of the Code of Ordinances of the Village of Cherry Valley, Illinois".
20. Motion that the Village Board consider this the first reading of "An Ordinance Amending the Code of Ordinances for the Village of Cherry Valley, Illinois, Chapter 2, Administration, Article II, Board of Trustees, Section 2-33, Committees".
21. Motion that the Village Board consider this the first reading of "An Ordinance revising Chapter 2, "Administration", Article III, Officers and Employees, Division 2, "President", Section 2-144 "Compensation" of the Code of Ordinances for the Village of Cherry Valley, Illinois.
22. Motion that the Village Board consider this the first reading of "An Ordinance Amending the Code of Ordinances for the Village of Cherry Valley, Illinois Chapter 26, Businesses, Article III, Peddlers, Itinerant Merchants and Solicitors, Division 2, Licenses, Section 26-111, Requirements; Application Procedure; Standards for Issuance".

**FINANCE REPORT BY TRUSTEE: GARY MAITLAND.**

1. Motion that the Village Board authorize the payment of bills reviewed by the Budget Director on September 12, 2016 and reviewed and approved by the Finance Committee on September 13, 2016 in an amount of \$383,007.67.
2. Motion that the Village Board authorize the payment of additional bills reviewed by the Budget Director and reviewed and approved by the Finance Committee Members present on September 20, 2016.

**PUBLIC SAFETY REPORT BY TRUSTEE: JEFF FUSTIN.**

1. Motion that the Village Board approve Detective Michael Rach to attend the 2016 Illinois Homicide Investigators Association (ILHIA) Conference in Itasca, Illinois from October 10, 2016 - October 12, 2016. This is a budgeted item with \$195.00 from line item 5195P (training), \$376.91 from 5200P (travel) and \$50.00 from line item 5240P (gas and oil) for a total cost of \$621.91.

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**PUBLIC WORKS REPORT BY TRUSTEE: DAVID SCHROEDER.**

1. Motion that the Village Board approve Public Works Supervisor Steve Strasser to attend the IPSI (Illinois Public Service Institute) from October 2 - October 7, 2016 in Effingham, Illinois at a cost of \$629.40 from line item 5200 Public Works and \$100.00 from line item 5195 Public Works for a total cost of \$729.40.
2. Village Board discussion and possible Village Board action to purchase new landscaping materials for the Downtown Streetscape Project.

**PLANNING AND DEVELOPMENT REPORT BY TRUSTEE: STEPHEN APPELL.**

**PERSONNEL REPORT BY TRUSTEE: SALLY HOLLEMBEAK.**

1. Motion that the Village Board hire Kristie Hutthuhn as the Administrative Assistant for the Cherry Valley Police Department at an hourly rate of \$14.00, with an effective date of September 19, 2016.

**EXECUTIVE SESSION:**

**5 ILCS 2 (c)(1)** The appointment, employment, compensation, discipline, performance, or dismissal of specific employees of the public body or legal counsel for the public body, including hearing testimony on a complaint lodged against an employee of the public body or against legal counsel for the public body to determine its validity (Police).

**5 ILCS 2 (c) (6)** The setting of a price for sale or lease of property owned by the public body.

**(5 ILCS 120/2)(c)(21)** (Discussion of Executive Session Minutes) Discussion of minutes of meetings lawfully closed under this Act, whether for purposes of approval by the body of the minutes or semi-annual review of the minutes as mandated by Section 2.06. (Review Executive Session Minutes).

**RECONVENE TO OPEN SESSION:**

1. Motion that the Village Board acknowledge that the Executive Session Minutes from the following committees and dates be held closed at this time since the need for confidentiality still exists as to all or part of these minutes, and instruct the Village Deputy Clerk to prepare a Resolution for holding said minutes (To be noted in the minutes).
2. Motion that the Village Board acknowledge that the Executive Session Minutes from the following committees and dates be released, and instruct the Village Deputy Clerk to prepare a Resolution for releasing said minutes (To be noted in the minutes).

**BOARD COMMENTS:**

**ADJOURNMENT:**

**JEC (9-15-16)**