

Village of Hinckley Regular Board Meeting for September 8, 2009

President Godhardt called the regular meeting of the Village Board to order at 8:10 p.m. The meeting was delayed due to the late arrival of two Trustees.

Roll call showed President Godhardt and Trustees: Bob Albright, Steve Warner, Dave Maroo and Nancy Nelson all present. Trustee Todd Prellberg arrived late. Trustee Lee Luker was not present. This established a quorum.

Other persons in attendance included: Dawn Grivetti, Village Clerk, Jeffrey Lewis, Village Attorney, and Kevin Bomstad, Village Engineer, Engineering Enterprises, Inc. (EEI).

The Pledge of Allegiance was recited.

MINUTES FROM PREVIOUS MEETING

The minutes for the August 17, 2009 Village Board meeting were presented for approval. Trustee Maroo made a motion to approve the minutes as presented; seconded by Trustee Nelson.

Motion carried by voice vote.

APPROVAL OF BILLS

A total of all bills was presented to the Board. It was noted only a portion of the bills from the General Fund and Road and Bridge Fund are recommended for payment for lack of funds. Trustee Warner made a motion to approve paying the recommended bills as presented with the exception of the payments to: ComEd Master Account # 02790-75151, EEI, and ICCI; seconded by Trustee Maroo.

Motion carried by voice vote.

TOTAL OF ALL BILLS RECOMMENDED FOR PAYMENT

General Fund	\$	9418.73
Police Fund		4202.13
Parks and Recreation Fund		151.00
Garbage Fund		10,841.04
Water and Sewer Fund		6,184.91
Road and Bridge Fund		<u>8,000.00</u>
Total:	\$	38,797.81

TOTAL OF ALL DEVELOPER ESCROW BILLS

[No Report Presented]

ATTORNEY'S REPORT

Attorney Lewis reported he has been working on the IEPA loan application with the engineers. He presented two drafts of the Water Rate Ordinance for approval tonight. There is no requirement or recommendation to change the Water Use Ordinance.

The Village received a subpoena for documents for Benchmark Bank vs. Vanguard Homes, LLC.

Attorney Lewis met with Benchmark Bank regarding Royal Estates Subdivision. The bank wants the Village to reduce the Letter of Credit (LOC) to \$ 600,000. They are under pressure from federal auditors to reduce several letters of credit. The Village engineer estimates Benchmark Bank did more than what the Village requested of them in improvements to the subdivision; however they do not recommend a reduction of the LOC. Most of the recent repairs were not to items listed on the LOC. After further discussion, Trustee Maroo made a motion to leave the LOC as it stands; seconded by Trustee Warner.

Motion carried by voice vote.

Trustee Warner made a motion to explore taking over the subdivision free and clear. There was no second.

[Trustee Prellberg arrived at 8:38 p.m.]

COMMENTS FROM PERSONS PRESENT

Richard Stewart, Indiana, Illinois, Iowa Foundation for Fair Contracting, Countryside, IL, spoke regarding Waupun, Wisconsin based Municipal Well & Pump's bid for the construction of Water Well No. 5. Mr. Stewart presented two reports from the IL Dept. of Labor, Prevailing Wage Dept. of company violations of the Prevailing Wage Act. He also presented a copy of the Employment of Illinois Workers on Public Works Act which promotes the utilization of Illinois laborers on public works projects when Illinois unemployment exceeds 5%. He further presented a report from the Federal Bureau of Labor Statistics estimating Illinois unemployment for the month of July 2009 to be 10.4%. Based on these findings, the FFC asks that Municipal Well & Pump not be awarded the contract for construction of Water Well No. 5.

Trustee Maroo asked Mr. Stewart the size of the contracts for which Municipal Well & Pump were sited for violations. Mr. Stewart had no further information.

Raymond Lynch, Sr., 11242 Pritchard Rd., Hinckley, spoke on behalf of Local Union 150 and union rights.

Raymond Lynch, Jr., 11242 Pritchard Rd., Hinckley, also spoke on behalf of the union and union rights. He has been unemployed for several months and is concerned about the union getting local bids.

Mark Szula, Business Rep., Local Union 150, Rockford, IL, stated numerous union members in the audience have been out of work for several months. He is concerned the Village will award bids to a company outside of the state of Illinois. He stated 27 members of the Local Union 150 live in Hinckley. He encouraged the Board to look at who they will be helping when awarding the project bids.

Mike Carlson, Shabbona, stated he is a member of the union. He has been off work since June. He volunteers with the Hinckley Fire Dept. and with the fireworks. He stated it is in the Village's best interest to have a local company do the work.

Larry Trybull, 431 Prairie View Ln, stated he is a well driller; he is concerned the Village is letting him down if they award the bid to a company from Wisconsin.

COMMITTEE REPORTS

Streets and Alleys, Lee Luker – Trustee Maroo made a motion to approve the Christmas decorations contract with Christmas Décor Systems, a Division of HAP Industries, Inc., in the amount of \$1,995.00 for a period of three years (2009, 2010, and 2011); seconded by Trustee Nelson.

Motion carried by voice vote.

The Committee further recommends Trustee Prellberg represent the Village on all Safe Routes to School projects.

Trustee Maroo reported the Hinckley Business Association has 10 of 16 banners committed for local businesses for the downtown decorative light poles.

Trustee Maroo reported the Committee recommends posting a “No Parking” sign in the north portion of the alleyway of the east-west alleyway between the 100 block of N. May St. and N. Sycamore St. They further recommend moving the “No Outlet” sign closer to the entrance to the north portion of that alley. The Committee will further review the distinction of the alleyway and adjacent private property.

Building and Grounds, Lee Luker – Trustee Luker was not present.

Finance, Dave Maroo – Trustee Maroo reported the Committee recommends not responding to the auditor’s management letter.

The Committee further recommends the Village work with First MidState, Inc. for the engineer’s loan for the Water Works Improvement Project. This \$ 250,000 loan would be for ten years and carries a penalty for early re-payment. The Village will have to use IEPA funds as working capital while making consistent payments on the loan. Trustee Maroo made a motion for the Village to work with First MidState, Inc. for the engineer’s loan and to authorize President Godhardt to execute such loan; seconded by Trustee Albright.

Motion carried by voice vote.

Trustee Maroo asked that the Finance Committee be assigned the task of finding replacement software for the Village’s current accounting software. President Godhardt agreed. A Finance Committee meeting has been scheduled for Wednesday, September 30, 2009 at 6:30 p.m. at Village Hall.

Economic Development, Dave Maroo – Trustee Maroo reported on the Public Hearing for the proposed Zoning Map and Text Amendments to the Zoning Ordinance held on August 20, 2009. A packet was presented including the proposed zoning map, text amendments and findings of fact. The Planning Commission’s recommendation is to approve the proposed zoning map and text amendments. Trustee Maroo made a motion to approve the Village of Hinckley, DeKalb County, Illinois Official Zoning Map as the official zoning map of the Village with instructions for Attorney Lewis to write an ordinance indicating such; seconded by Trustee Warner.

Motion carried by voice vote.

Water and Sewer, Steve Warner – Trustee Warner had nothing to report.

Parks and Equipment, Todd Prellberg - Trustee Prellberg had nothing to report.

Personnel, Todd Prellberg – Trustee Prellberg had nothing to report.

TABLED ISSUES

1. Royal Estates Subdivision, Unit 8
Previously reported in Attorney's Report. Trustee Maroo added Benchmark Bank did an acceptable job on the Village's requested improvements.

PRESIDENT'S REPORT

1. Water Rate Ordinance 09-11
Two drafts were presented; Attorney Lewis indicated capital improvement funds cannot be used for operation and maintenance. Trustee Warner made a motion to pass the Capital Itemized version of the Water Rate Ordinance as presented; seconded by Trustee Maroo.
Motion carried 5-0.

At this time, it was brought to the attention of the Village Board and Attorney that a member of the audience was recording the meeting. The recording device was confiscated.

2. Water Use Ordinance 09-
There was no need to change the Water Use Ordinance at this time.
3. Zoning Map Ordinance 09-
Previously discussed in Committee Reports.
4. Award of Well No. 5 Contract (contingent upon receipt of funding)
Well No. 5 bid packets were distributed. Trustee Prellberg asked Mr. Bomstad if the issues Mr. Stewart brought up previously are common. Mr. Bomstad replied none of his projects have ever been fined. He added his firm called references; all commented workmanship on projects was good. They gave no indication EEI should not recommend the project be awarded to the lowest bidding company which is Municipal Well & Pump. Trustee Prellberg asked if Layne-Western Co., Inc. had any violations against them. Mr. Stewart replied, in his investigation, only Municipal Well & Pump was in violation of the Prevailing Wage Act. Further discussion centered on local, in-state bidders vs. out-of-state bidders when using IEPA funds; current high in-state unemployment; and the cost difference between the two bids.

Attorney Lewis advised the Board that the competitive bid process usually requires the Village to accept the lowest responsible bidder. The Board needs to evaluate the bids and the bidders, but they need to consider the recommendation of EEI as well. In this case, Mr. Stewart presented the Board with information showing that the State of Illinois has a statute in place that establishes a policy of favoring "local contractors" under certain economic conditions. Mr. Stewart also provided statistics showing that unemployment is high enough to "trigger" that statute and allow the Board to give preference to a local contractor in order to impact local employment. Under current

circumstances, based on the information from Mr. Stewart, Mr. Lewis felt the Board could consider either Municipal Well & Pump or Layne-Western Co.

Trustee Warner made a motion to award the Well No. 5 contract to Layne-Western Co., Inc. in the amount of \$ 460,325.00 contingent upon receipt of funding; seconded by Trustee Nelson.

Motion carried 5-0.

5. Award of Wells No. 3 & 5 Water Treatment Facility (contingent upon receipt of funding)
Wells No. 3 & 5 Water Treatment Facility bid packets were distributed. Mr. Bomstad stated EEI recommends awarding the bid to R.C. Wegman Construction Co. Trustee Warner made a motion to award the Wells No. 3 & 5 Water Treatment Facility contract to R. C. Wegman Construction Co. contingent upon receipt of funding; seconded by Trustee Maroo.

Motion carried 5-0.

6. Engineering Construction Services Agreement
Trustee Maroo made a motion to direct President Godhardt to sign the Engineering Construction Services Agreement for the Water Works Improvement Project with Engineering Enterprises, Inc., contingent upon receipt of funding; seconded by Trustee Nelson.

Motion carried 5-0.

CLERK'S REPORT

Clerk Grivetti asked for clarification of the payment of the recommended invoice from the Road & Bridge Fund. The Board recommended paying \$ 4,000.00 to the DeKalb County Treasurer.

Clerk Grivetti reported on the money received and the transfers for approval.

MONEY RECEIVED SINCE AUGUST 17, 2009

Utility Tax (State)	\$	4,861.86
State Use Tax		1,841.82
Yard Waste Sticker Fees		192.70
Permit #09-63 (SW Roofing/roof)		100.00
Permit #09-64 (Stein/fence)		100.00
Over-draft repayment (Bellafiore)		62.00
ComEd Over-payment		7.87
Scrap Iron Sale		<u>119.21</u>
Total:	\$	7,285.46

TRANSFERS FOR APPROVAL

To Payroll Fund from:		
General Fund	\$	14,942.99
Police Fund		15,803.93
Water and Sewer Fund		4,420.05
Road and Bridge Fund		<u>3,703.43</u>
Total:	\$	38,870.40

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To Garbage Fund from:	
Water & Sewer Fund	\$ 34,573.71
(garbage fees/July billing)	

Trustee Maroo made a motion to approve the Transfers; seconded by Trustee Albright.

Motion carried by voice vote.

Clerk Grivetti further reported on an upcoming seminar entitled: "Complying with FOIA: Changes to the Freedom of Information Act," sponsored by Metro West Council of Government. Registration is due September 25, 2009.

DISCUSSION

President Godhardt has sent a letter to DeKalb County Planning and Zoning Department on behalf of the Village of Hinckley recommending the County not approve a variance request for James Crest, 15303 U.S. Rte 30, Hinckley, IL. Trustee Maroo will also attend the hearing.

Trustee Prellberg made a motion to donate \$ 200.00 to the Halloween Fest.

Motion carried by voice vote.

Trustee Warner suggested instructing EEI to speak to Layne-Western Co., Inc. regarding post contract value engineering.

The Sprinkler Ban Ordinance has been tabled.

ADJOURNMENT

Trustee Albright made a motion to adjourn the meeting at 9:55 p.m.; seconded by Trustee Nelson. Adjournment was approved unanimously.

There will be a Delinquent Water Bill Hearing Monday, September 21, 2009 at 7:00 p.m. at Village Hall.

The next regular meeting of the Hinckley Village Board will be Monday, September 21, 2009 at 7:30 p.m. at Village Hall.

Dan P. Godhardt, Village President

Dawn R. Grivetti, Village Clerk