

Village of Hinckley Board Meeting for September 15, 2008

President Joe Diedrich called the meeting to order at 7:30 p.m.

Roll call showed Trustees: Dan Godhardt, Lee Luker and George Hubert Jr. all present. This established a quorum.

Other persons in attendance included: Joe Moore, Public Works Supervisor, Dale Youngers, Waste Water Treatment Plant Supervisor, Rob Judd, Chairman, Planning Commission, Anna Kurtzman, International Codes Consultants and Inspections (ICCI), Inc, Kevin Bomstad, Engineering Enterprises, Inc. and Mr. Tim Lunn, Redbud Properties, LLC.

The Pledge of Allegiance was recited.

The minutes for the September 2, 2008 Village Board meeting were presented for approval. Trustee Luker made a motion to approve the minutes as presented; seconded by Trustee Hubert.

Motion carried 3-0.

The bills were presented for approval of payment. Trustee Hubert made a motion to approve paying the bills as presented; seconded by Trustee Godhardt.

Motion carried 3-0.

TOTAL OF ALL BILLS

General Fund	\$	11,440.22
Police Fund		3,473.19
Parks and Recreation Fund		383.35
Garbage Fund		10,427.72
Water and Sewer Fund		27,519.96
Road and Bridge Fund		1,070.28
Payroll Fund		<u>12,573.37</u>
Total:	\$	66,888.09

TOTAL OF ALL DEVELOPER ESCROW BILLS

Land Partners, LLC		9,771.75
General (Joint) Escrow Account		53,030.83
Royal Estates Subdivision, Unit 8		12,844.54
Weslan Corporate Center		<u>123.18</u>
Total:	\$	75,770.30

TREASURER'S REPORT:

The Monthly Treasurer's Report of August 2008 was not presented. Clerk Pro-tem Dawn Grivetti stated Treasurer Betty Schleifer was unable to complete the report as her home was flooded this passed weekend and is now uninhabitable.

COMMENTS FROM PERSONS PRESENT:

[There were approximately 50-60 residents present at the meeting. Most of them suffered damage due to the flood that occurred September 13 and 14, 2008.]

President Diedrich prefaced this section by stating the Village did all it could do to combat the flood this past weekend. He stated a 100 year flood for Hinckley would measure approximately 7.5 inches. However, the Village received 11.5 inches of rainfall by Saturday. He also stated he received several phone calls from residents already.

Mrs. Michelle Gilland, 120 Park Ct. stated she suffers constant flooding even with as little as one inch of rainfall. She stated the culvert that runs under the railroad does not drain properly. The water has not been going down. She stated there is standing water in her neighborhood all through the winter as well.

Trustee Luker asked if the flap is not working on the drain pipe. Mrs. Gilland stated it is not. Public Works Supervisor Joe Moore stated he has pictures of the drain. He has pulled cut wood out of the drain. He stated he was told by a resident the wood went through and jammed it up. When the water recedes he will pull out the remaining wood.

Trustee Hubert asked if an anti-vortex devise is installed on the culvert. Supervisor Moore replied, no.

Mrs. Gilland stated the water in her neighborhood started backing up at 5:00 p.m. Saturday, and no one did anything to help them. Trustee Hubert stated he thought the Village employees did everything they could. He stated the Village can address the culvert problem with the railroad.

Mrs. Gilland stated the Village could have put up barricades to stop the traffic from driving through the standing water in her neighborhood. Trustee Hubert stated the Village has three public works employees who have been on duty since early Saturday morning. Mrs. Gilland stated her neighbors could have used sand to fill sandbags themselves. Trustee Hubert again stated the Village will try to address the culvert issue with the railroad. Mrs. Gilland continued to state yards in her neighborhood do not drain all year long. President Diedrich stated the Village's website lists the Maintenance Department's phone number for residents to obtain sand and/or barricades. Mrs. Gilland stated better communication from the Village would be better. President Diedrich stated the Village will look into removing the standing water as well.

Mrs. Caroline Zbinden, 341 N. Garfield, stated this is the fifth time in sixteen years she has had sewage back up in her house. She stated she pumped sewage out of her house for 39 hours. She stated the Village has to do something to solve the sewage problem. Trustee Hubert asked if her neighbors had the same problem. Ms. Zbinden replied yes; sewage came up her basement drain.

[Trustee Prellberg arrived at 7:45 p.m.]

Mrs. Zbinden stated she had an engineer come in sixteen years ago to put a drain in the empty lot next to her home; however the neighbors behind her do not maintain their property to let the water properly flow through. President Diedrich stated the Village will see what we can do; and we will look into the lot behind her as well.

Village of Hinckley Board Minutes for September 15, 2008 continued

Mr. Rob Judd, 621 N. Sycamore St., stated he also pumped sewage out of his home for 39 hours using numerous pumps before eleven inches of rain fell. The sewage was coming up out of a sink in his basement that was 28 inches above the floor. Mr. Judd stated several people around Lake Louise had the same problem. Mr. Judd stated he had no problem with storm water, just the sewage back up. President Diedrich replied the Village may need to commission a study starting with the lift stations.

Mr. Willy Gilland 120 Park Ct., stated he has been trying to keep the water down in his neighborhood year round for twelve years. He is asking for help from the Village.

Mr. Brandon Galles, 342 N. Garfield, stated he also has an issue with the water that runs through his property. He stated there is a swale that runs through Garfield Park and along his property. It starts out approximately 40 feet wide and reduces in size to run within two feet of his property. Mr. Galles stated he would like the swale pushed back up into the park and away from his property. He would also like the Village to look into the 12 inch water main in the area.

Trustee Hubert stated he remembers speaking to the builder of 342 N. Garfield when the Village engineer warned the builder about the drainage around that lot. He stated the Village will speak to an engineer about the swale.

President Diedrich stated he also had storm water and sewage backed up in his home. He said the Village will get engineers to review the situation. He also stated the Village cannot do anything about the storm water; however the sewage issues will take some money to deal with.

Trustee Hubert asked the residents to sign their names to a list indicating what damage they incurred. One resident suggested the money spent on annual fireworks should be put toward a better use to solve the flooding problems. Trustee Prellberg replied the money use for fireworks is from private donations and not taxpayer money.

President Diedrich stated he will speak with a representative of Rep. Foster's office tomorrow. He also stated the Governor declared DeKalb County a disaster area. If you feel your home is uninhabitable, call the police or fire department for an inspection, then call the Red Cross. If the area is declared a federal disaster area, federal aid could help with sewer infrastructure.

A resident than asked if the Army Corp of Engineers will help clean the creek out. President Diedrich stated they can help, but the Village still has to get cooperation from the property owners around the creek.

A resident then asked what the Village is doing about infiltration in the sewer system. President Diedrich stated the Village will have to wait until the water goes down to inspect it. Mr. Moore added the Village has filmed 9,300 feet and no infiltration has been found. The resident then asked if there is a timeline for completing the televising of the Village. Mr. Moore replied it could take seven years to televise the entire Village.

A resident suggested the Village put together a procedure that includes a resident committee so they can help next time.

President Diedrich thanked the residents for coming to the meeting to express their concerns. He also informed them of the open Trustee seat available to any resident wanting to join the Board of Trustees.

[At this time, the Board took a five minute recess from 8:10 - 8:15 p.m.]

DEPARTMENT SUPERVISOR'S REPORTS:

Dale Youngers, Waste Water Treatment Plant Supervisor stated he had heard rumors that the Treatment Plant and/or lift stations were not working over the weekend. Mr. Youngers reported ALL PUMPS WERE RUNNING. Everything was working properly and doing all it could to keep up with the water. The Treatment Plant pumped 4,730,000 gallons of water over the weekend. Storm water back ups, foundation leaks and super-saturated ground are the main reasons for the resident's problems.

Mr. Youngers thanked the Maintenance Department, the Mayor, Trustee Prellberg and various citizens who helped him over the weekend. He stated we would have lost this town without their help.

Mr. Youngers also reported the lights at the lift stations DO NOT indicate a pump is not working. The lights only indicate the water level is high. A red light means it is full. Mr. Youngers stated he appreciates citizens who called regarding the lights. He received his first call at 3:30 a.m. Saturday morning.

Joe Moore, Public Works Supervisor reported Lake Louise came up well over what he has ever seen it before. He thanked Mr. Youngers for his help as well and everyone who helped to save the lift stations. Mr. Moore stated the water was 21 inches deep at the Village's electrical panel. No one has ever seen it come up this fast before.

Mr. Moore also reported a fallen tree near Little Rock Creek at S. Sycamore St. is on private property. The Village will have to contact the property owner to have the tree removed. President Diedrich suggested Mr. Moore move it out of the water way as soon as the water level goes down.

President Diedrich then thanked Niles Excavating for extra pumps and man hours.

[Mr. Youngers and Mr. Moore were excused.]

COMMITTEE REPORTS:

Todd Prellberg, Streets and Alleys – Trustee Prellberg had nothing to report. Trustee Luker asked if anything is going on with the railroad crossings. He asked Kevin Bomstad, EEI if there is anything to add to the Street Program regarding the railroad crossings. Mr. Bomstad replied a curb and gutter adjustment needed to be made to the contract with Curran Construction. Trustee Luker asked if anything needed to be done at E. Sandwich Rd. President Diedrich replied, no. Mr. Bomstad stated signage requirements were sent to Joe Moore for approval. The Village committed to pay for railroad liability insurance. Trustee Luker asked if the railroad company intends to install the crossings this fall. Trustee Prellberg replied, yes. Trustee Luker asked if the Village can do our work before. Mr. Bomstad stated the Village needs the liability insurance first.

Trustee Prellberg stated the Pioneer Park project completion date is set for October 31, 2008. Mr. Bomstad added a majority of the work will be done during the school's Columbus Day extended weekend.

Steve Warner, Water and Sewer – Trustee Warner was not present.

Dan Godhardt, Economic Development – Trustee Godhardt reported that the Planning Commission closed the public hearing for the zoning request for Weslan Corporate Center on September 10, 2008. A letter of recommendation from the Planning Commission was submitted to all Village Board members. Trustee Godhardt requested the item be tabled until the next Village Board meeting. He also stated he is willing to discuss aspects of the annexation agreement with the Annexation Negotiation Committee. President Diedrich told the Board the Village needs to let Attorney Lewis know if the Board wants him to work with Weslan's Attorney (Mr. Cordes) on the annexation agreement or not. Trustee Luker stated he was under the impression the Village Board wanted to work with a different attorney. Trustee Godhardt reminded the Board the Village already has an agreement presented by Weslan's attorney. Trustee Prellberg stated the Board decided to work with another attorney. The Annexation Negotiation Committee will consult with a third attorney.

Lee Luker, Building and Grounds – Trustee Luker stated he has nothing to report at this time.

George Hubert, Jr., Finance & Personnel Committees – Trustee Hubert reported the Personnel Committee meeting originally set for September 29 has been changed to Thursday, September 18, 2008 at 4:00 p.m. at Village Hall.

Parks and Recreation – There was nothing to report.

TABLED ISSUES

1. **Parks and Recreation Advisory Board Ordinance**
A revised copy of the Ordinance was presented to the Board. It was reported that current members of the Advisory Board said they would like to be compensated for attending meetings. Trustee Prellberg asked to see the responses of each member. The information was presented to him. Trustee Luker stated he would like to remove language in the document that associates the Advisory Board with the Planning Commission. He commented that it could always be changed later. Trustee Hubert stated Item 6 in the document should include the actual amount of compensation per meeting. It was decided the Advisory Board members would receive \$20.00 per meeting. Trustee Luker made a motion to accept the Parks and Recreation Advisory Board Ordinance as amended; seconded by Trustee Godhardt.
Motion carried 4-0.
2. **Disaster Mitigation Act Resolution**
A revised copy of the resolution adopting the DeKalb County All Hazards Mitigation Plan of January 2008 was distributed. Trustee Luker questioned the inclusion of Joseph Diedrich's name as the Village's appointed representative to the DeKalb County Hazards Mitigation Committee. He suggested replacing Mr. Diedrich's name with the title of Village President as the Village's representative. President Diedrich explained the County's original resolution has his name on it.

He suggested he could call the County to have that change made. Trustee Hubert made a motion to accept the resolution as amended; seconded by Trustee Godhardt.

Motion carried 4-0.

PRESIDENT'S REPORT:

1. Ehler's and Associates, Inc.

Clerk Pro-tem Grivetti explained she has been in contact with Mr. Brad Townsend regarding the Village's contract with Ehler's and Associates, Inc. She stated she copied communication to all members of the Board. Trustee Luker suggested Mr. Townsend contact Trustee Prellberg.

2. Local Government Strategies (LGS)

Trustee Prellberg suggested the Village draw up a resolution to solve the issue of the outstanding invoices. He asked the Board if the Village is willing to pay the invoices up front and seek reimbursement from the developers later. He stated Land Partners LLC did not pay the amount they said they would pay at the end of July 2008.

Trustee Luker asked if the Village accomplished what it set out to accomplish. He stated the Village hired Attorney Stewart Diamond to prevent this from happening. He asked if LGS and Ancel, Glink et al are associated with each other in any way. Trustee Godhardt responded they are totally separate. Trustee Luker stated he is in favor of the Village paying LGS 80% of their outstanding invoices. He would also like Attorney Diamond to appear before the Board to explain how this happened to the Village. Trustee Godhardt added the Board should insist on receiving digital copies of all the ordinances from LGS upon payment.

Planning Commission Chairman Rob Judd stated LGS took on the billing of the invoices to the developers to coordinate payments. They did not do their job to keep the escrow account balances at an acceptable level. He added that the Village does not need to be paying the bill. Trustee Luker stated the Village owes LGS 80% of their bill. Mr. Judd stated the Planning Commission set up the escrow agreements with the developers so that LGS would not have to be paid by the Village.

Mrs. Grivetti was instructed to separate the outstanding invoices by company and recalculate them at 80%. Trustee Prellberg asked that the matter be put on the agenda for the next Village Board meeting.

3. Royal Estates

President Diedrich informed Mr. Tim Lunn, Redbud Properties, LLC that he has not responded to messages sent by the Village. He explained to Mr. Lunn the issues the Village has with Royal Estates Subdivision, Unit 8 (as detailed in a certified letter) and the complaints from citizens regarding the same. President Diedrich stated he would like to know what Mr. Lunn intends to do about these issues.

Mr. Lunn responded by saying the project is on hold. He is in a financial crisis; the project has no funding. There is a lien on the property by the excavating company. He stated he will have to close all the streets. He also stated the off-site issues are not part of the Final Plan for the

development. Mr. Lunn said sidewalks cannot be put in on Mr. Hall's property at 270 Prairie St. because the Village has a decision to make regarding the intersection. According to Mr. Lunn, the Village needs to compromise with a grade pitch on the property south of Mr. Hall's.

Mr. Lunn stated he will not pay most of the bills charged to his escrow account. He has a \$35,000 bill for the Village for work he has done for the Village. President Diedrich asked what the bill was for; the Village has not received any statement of work performed for that amount of money.

Mr. Lunn stated he will close off the roads in the subdivision as he is tired of cleaning up after the neighboring residents. He stated he maintains the fences around his property every week. President Diedrich informed Mr. Lunn he will have to provide his own barricades.

President Diedrich asked about the fabric screening in the storm drains. Mr. Lunn replied it is required to be there by Village Ordinance.

President Diedrich stated the Village will have to access the bank line of credit to complete the infrastructure if Mr. Lunn does not complete it himself. Mr. Lunn replied he would be glad to talk to the Village about accessing the letter of credit. Trustee Luker reiterated Mr. Lunn's opinion to let the letter of credit take effect. Mr. Lunn replied he would love for the letter of credit to take effect.

There was some discussion about design issues between the Village, Redbud Properties and EEI.

Mr. Lunn stated there is no sanitary system installed, so lots cannot be sold and permits cannot be issued. He stated he would like to see all the work done by the end of this year. He also indicated he has spoke to most of the neighbors in the area; however, it is his opinion that most of the problems with the development are out of his hands. The bank will not let any more money become available to the project to meet contracts. He ended by saying he would encourage discussions with the bank to access the line of credit.

4. Planning Commission Recommendation Regarding Weslan Corp. Center
Previously discussed in Committee Reports

DISCUSSION

Trustee Luker asked if Betty Schleifer ordered a plaque for the flower stand at Pioneer Park. President Diedrich replied she was waiting for Trustee Luker's response to her suggestions. Trustee Luker stated the black outdoor plastic 5x7 plaque would suffice. It can be affixed to the flower stand.

Trustee Prellberg asked if the Village has a plan to clean up the Village Hall basement as it was flooded with 12 inches of storm water over the weekend. President Diedrich replied Ms. Schleifer will contact the Village's insurance company and the state archival office tomorrow.

Regarding the Delinquent Water Bill Hearing – President Diedrich reminded the Board that the property owner for account number 756 told the Village to shut off the water if the payment is not

Village of Hinckley Board Minutes for September 15, 2008 continued

received by September 19, 2008. There were also payments made to account numbers 146 and 450. Trustee Luker stated the Village Board does not know prior issues regarding delinquencies in order to make an educated decision to shut-off water service. He would like to know more information. Trustee Luker made a motion to shut off all other delinquent accounts; seconded by Trustee Hubert.

Motion carried 4-0.

CLERK PRO TEM'S REPORT:

Mrs. Grivetti presented the money received since September 2, 2008.

MONEY RECEIVED SINCE SEPTEMBER 2, 2008

Police Reports	\$	10.00
Permit #08-57 (Hubert, Jr./remodel)		125.00
Permit #08-59 (Hall/re-roof)		100.00
Motor Fuel Tax		3,987.12
Sales Tax		16,620.51
Police Fines		3,285.72
Squad Car Acquisition & Maintenance		<u>140.00</u>
Total:	\$	24,268.35

ADJOURNMENT

Trustee Luker made a motion to adjourn the meeting at 9:20 p.m., seconded by Trustee Hubert.

Motion carried 4-0.

The next regular meeting of the Hinckley Village Board will be October 6, 2008 at 7:30 p.m. at the Village Hall.

Joseph J. Diedrich, President

Dawn R. Grivetti, Clerk Pro-Tem