

Regular Meeting of the Village of Pecatonica  
Board of Trustees  
April 6, 2010 Village Hall

1. Call to Order: Village President Shawn Connors called the meeting to order at 7:00 p.m. on Tuesday, April 6, 2010 at the Village Hall.
2. Silent moment observed.
3. The Pledge to the American Flag was recited.
4. Roll Call was taken: All Trustees present: Elizabeth Doty, John Moyer, Kristina Tarbert, Steve Sager, Stephen Eytalis and Derek Howard.

Others Present: Village Clerk Ginger Binger, Village Treasurer Nola Markel, Police Chief Ron Gwaltney, Village Attorney Randy Wilt, Public Works Director Dan Barber and Village Engineer Tim Bronn.

5. A quorum was established.
6. Approval of meeting minutes: A motion was made and seconded to approve the minutes of March 16, 2010 as presented: Doty/Sager. A roll call vote was taken. All Trustees voted yes. Motion carried: Yes 6, No 0.

A motion was made and seconded to approve the minutes of March 29, 2010 as presented: Doty/Moyer. A roll call vote was taken. All Trustees voted yes. Motion carried: Yes 6, No 0.

7. Call to the Public: nothing added.
8. Additions/Corrections to Agenda: agenda amended.
9. Approval of Agenda: A motion was made and seconded to approve the agenda for April 6, 2010 as amended: Doty/Tarbert. A roll call vote was taken. All Trustees voted yes. Motion carried: Yes 6, No 0.

Agenda Items

- A. Village President's Items
  1. Arbor Day Proclamation
    - a. President Connors presented the Arbor Day Proclamation making April 30th as Arbor Day.
    - b. A motion was made and seconded to approve the Proclamation: Doty/Moyer. A roll call vote was taken. All Trustees voted yes. Motion carried: Yes 6, No 0.
  2. IML Lobby Day April 14, 2010
    - a. This item had previously been emailed to each Trustee.
    - b. President Connors reminded the Trustees that April 14 was the Illinois Municipal League's 2010 Springfield Legislative Day.

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- c. He encouraged the Trustees to attend to represent the Village of Pecatonica.
  - d. They were to contact him if interested.
3. Borrowing Funds from the W/S Accounts
- a. President Connors looked into the possibility of the General Fund borrowing funds from the Water and Sewer Operations Fund in order to pay the Village's outstanding bills.
  - b. Treasurer Markel checked with the Village Auditors to see if this was feasible and the Auditors explained that it can be done as long as the funds are paid back within the year.
  - c. A motion was made and seconded to borrow \$50,000 from the W/S Operations Fund to pay the outstanding General Fund bills: Tarbert/Doty. A roll call vote was taken. All Trustees voted yes. Motion carried: Yes 6, No 0.
4. Sjostrom Change Order #13: \$760
- a. A Change Order #13 from Sjostrom was presented in the amount of \$760 for Additional Insulation for the Garage at the WWTP.
  - b. This was additional insulation thickness to provide R33 in lieu of R26 and would completely fill the girt space reducing the possibility of condensation.
  - c. President Connors explained that this item had been previously discussed according to Trustee Moyer and Dan Barber and has already been submitted for payment and this was a matter of processing the request.
  - d. He further explained that Mr. Bronn took it that the two individuals said yes let's go ahead and do it, so Mr. Bronn went ahead and OK'd the people to do it but formal approval wasn't officially done.
  - e. Connors explained that this was submitted December 29 and it is now being presented to the Board for approval.
  - f. Connors read from the Contract Documents Division 1 – General Requirements, Section 01028 concerning Change Orders: "All change order related work shall be started and completed only after formal approval by the OWNER. Any work completed by the CONTRACTOR without formal approval shall not constitute work that the OWNER is required to pay for."
  - g. Mr. Bronn explained the sequence of events as he saw it.
  - h. A motion was made and seconded to authorize the change order: Moyer/Eytalis. A roll call vote was taken. All Trustees voted yes. Motion carried: Yes 6, No 0.

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B. New Business: No Items

C. Legal

Number Order changed per Attorney Wilt

4. Ordinance 2010-15: An Ordinance Annexing Certain Territory into the Village of Pecatonica, Illinois (Sumner Road/Grove Street Development-8 Acres)
  - a. A motion was made and seconded to approve Ordinance 2010-15 as presented: Doty/Eytalis. A roll call vote was taken. All Trustees voted yes. Motion carried: Yes 6, No 0.
  
5. Ordinance 2010-16: An Ordinance Amending the Zoning District of Certain Properties within the Village of Pecatonica, Winnebago County, Illinois.
  - a. A motion was made and seconded to approve Ordinance 2010-16 as presented: Doty/Eytalis. A roll call vote was taken. All Trustees voted yes. Motion carried: Yes 6, No 0.
  
1. Ordinance 2010-10: An Ordinance Approving a Redevelopment Plan and Project for the Sumner Road/Grove Street Redevelopment Project Area in the Village of Pecatonica, Illinois.
  - a. A motion was made and seconded to approve Ordinance 2010-10 as presented: Doty/Eytalis. A roll call vote was taken. All Trustees voted yes. Motion carried: Yes 6, No 0.
  
2. Ordinance 2010-11: An Ordinance Designating and Approving the Sumner Road/Grove Street Redevelopment Project Area
  - a. A motion was made and seconded to approve Ordinance 2010-11 as presented: Doty/Howard. A roll call vote was taken. All Trustees voted yes. Motion carried: Yes 6, No 0.
  
3. Ordinance 2010-12: An Ordinance Adopting Tax Increment Financing for the Village of Pecatonica, Illinois, TIF Redevelopment Project.
  - a. A motion was made and seconded to approve Ordinance 2010-12 as presented: Doty/Eytalis. A roll call vote was taken. All Trustees voted yes. Motion carried: Yes 6, No 0.
  
6. Ordinance 2010-17: An Ordinance Amending Article One: Administration, Chapter Two: Board of Trustees, Section 2: Meetings.
  - a. **A motion was made and seconded to approve Ordinance 2010-17 as presented: Tarbert/Doty.**
  - b. Discussed money savings, communication with the Attorney, timeliness, and committee work.
  - c. **A roll call vote was taken. Trustees Doty, Moyer, Tarbert, and Howard voted yes. Trustee Eytalis voted no and**

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**Trustee Sager abstained. Motion carried: Yes 4, No 1, Abstain 1.**

- d. A motion was made and seconded to begin the one meeting a month in June: Tarbert/Doty. A roll call vote was taken. Trustees Doty, Moyer, Tarbert, and Howard voted yes. Trustee Eytalis voted no and Trustee Sager abstained. Motion carried: Yes 4, No 1, Abstain 1.

**\*Added per April 20, 2010 Meeting Trustee Eytalis was strongly opposed to going to one meeting a month.**

7. First Reading of Ordinance 2010-19: An Ordinance Amending Article One of the Village Code and Establishing Policy with Regard to the Collection, Use, and Communication of Individual's Social Security Numbers.
  - a. Attorney Wilt explained that this Policy has been mandated by State Statute and needs to be in place by July 1, 2010.
  - b. This is informational at this time and will be voted on at the next Board meeting.
8. Ordinance 2010-20: An Ordinance Amending Ordinance 2009-6: An Ordinance Provided for the Appropriation of Funds for the Operation of the Village of Pecatonica in the County of Winnebago and State of Illinois for 2009 Fiscal Year Beginning May 1, 2009 and Ending April 30, 2010.
  - a. A motion was made and seconded to approve Ordinance 2010-20 as presented: Doty/Howard. A roll call vote was taken. All Trustees voted yes. Motion carried: Yes 6, No 0.
9. Ordinance 2010-2: An Ordinance Approving a Special Municipal Services Agreement with Bay Valley Foods, L.L.C., a Delaware Corporation.
  - a. This Ordinance would authorize President Connors to execute a Special Services Agreement with Bay Valley Foods and it approves the First Amendment to that agreement as well.
  - b. This matter has been before the Board in June 2009 and again in January 2010.
  - c. Attorney Wilt explained that an agreement has been reached with representatives of Bay Valley regarding the terms and conditions with the Special Services Agreement.
  - d. A motion was made and seconded to waive the rules: Doty/Howard. A roll call vote was taken. All Trustees voted yes. Motion carried: Yes 6, No 0.
  - e. Trustee Howard made a motion to approve Ordinance 2010-2. Motion died for lack of a second.

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- f. **A motion was made and seconded** to have Ordinance 2010-2 be considered as a First Reading for tonight's meeting and have the Public Works Committee research the rates and volumes and bring it before the Board for vote on April 20: Tarbert/Doty.
- g. The next Public Works Committee meeting is scheduled for April 22 which is after the April 20 meeting.
- h. Barber offered to answer any questions since he has been involved with this from its beginning.
- i. Attorney Wilt explained that the final negotiations involved Bay Valley contributing \$500,000 to the Village by paying \$50,000 up front to be deposited into the General Fund and the rest in payments of \$3750 a month for debt reduction of the New Wastewater Treatment Facility or to go towards the operating expenses of the New Facility.
- j. Trustee Tarberts main concern is the rates, if they were the ones set in 2004 or are they the current rates.
- k. The rates are the current ones set by the Village.
- l. Tarbert explained that having her question answered about the rates **she rescinds her motion and Doty rescinded her second.**
- m. A motion was made and seconded to approve Ordinance 2010-2 as presented: Tarbert/Doty. A roll call vote was taken. Trustees Doty, Moyer, Tarbert, Eytalis and Howard voted yes. Trustee Sager abstained. Motion carried: Yes 5, No 0, Abstain 1.

10. Easements with Bay Valley Foods

- a. Attorney Wilt gave a brief history of the storm and sanitary easements with Bay Valley Foods.
- b. A new easement has been negotiated and approved by both sides.
- c. A motion was made and seconded to approve the new Storm and Sanitary Sewer Easement between Bay Valley Foods and the Village: Doty/Tarbert. A roll call vote was taken. Trustees Doty, Moyer, Tarbert, Eytalis and Howard voted yes. Trustee Sager abstained. Motion carried: Yes 5, No 0, Abstain 1.
- d. A motion was made and seconded to authorize the Village President to execute a Quit Claim Deed releasing the old easement: Doty/Tarbert. A roll call vote was taken. Trustees Doty, Moyer, Tarbert, Eytalis and Howard voted yes. Trustee Sager abstained. Motion carried: Yes 5, No 0, Abstain 1.

D. Finance and Administration Committee

- 1. Next Meeting: May 11, 2010 at 7:00pm at the Village Hall.

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2. Ordinance 2010-21: An Ordinance Provided for the Appropriation of Funds for the Operation of the Village of Pecatonica in the County of Winnebago and State of Illinois for 2010 Fiscal Year Beginning May 1, 2010 and Ending April 30, 2011.
  - a. The Ordinance presented had the Ordinance number on it so it was corrected to read 2010-21.
  - b. A motion was made and seconded to approve Ordinance 2010-21: Tarbert/Moyer. A roll call vote was taken. All Trustees voted yes. Motion carried: Yes 6, No 0.
  
3. Health Insurance
  - a. Tarbert explained that the new Health Insurance plan that was approved at the last Board meeting called for a multiple option plan and each employee was to choose the plan in which they would like to participate in.
  - b. If the plan that requires the employee to pay part of the premium is chosen then a procedure will be implemented to take the premium out of their wages. The Treasurer needs to know by April 15 which plan is chosen so she can set up the payment plan.
  
- E. Planning Commission
  1. Next Meeting: April 14, 2010 at 7:00pm in the Village Hall.
  
- F. Public Safety Committee
  1. Next Meeting: May 3, 2010 at 6pm in the Village Hall.
  
- G. Public Works Committee
  1. Next Meeting: April 22, 2010 at 7pm in the Village Hall.
  
  2. Taylor Street Bridge
    - a. Tim Bronn gave an update on the Taylor Street Bridge: preliminary work has been completed, rules have changed since the bridge was built, and a lot of hydraulic work needs to be done up and down stream.
    - b. No more work has been performed for this bridge since there were no funds to fix it.
  
  3. 12<sup>th</sup> Street Reconstruction
    - a. Currently the first block of E. 12<sup>th</sup> street has been closed off due to the poor shape of the pavement.
    - b. Bronn reported that 12<sup>th</sup> street needs an extensive amount of work done to it mainly because of the water that is under the pavement which remains there all the time.
    - c. This street requires a significant drainage effort before the street gets rebuilt.

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- d. McMahon had done a cost analysis in August of 2001: \$344,434.38 and if we increase the cost to today's figures you would have to increase it by 33% which brings the cost up to \$458,097.72.
- 4. Chemical Scale for Well #2
  - a. A motion was made and seconded to authorize the purchase of a Digital Single Cylinder Scale not to exceed \$1600: Moyer/Sager. A roll call vote was taken. All Trustees voted yes. Motion carried: Yes 6, No 0.
  - b. Scale will be purchased from SES.
- 5. Deleted off of agenda
- 6. WWTP Paving Changes
  - a. Trustee Moyer explained that the Committee reviewed three options to the paving changes at the WWTP and are recommending option 2 & 3.
  - b. Option 2: costs are to remove all of the existing parking lot, re-grade, and install new 4" paving, (any undercutting, hauling off unsuitable material, and material testing is not included): \$60,374.77
  - c. Option 3: costs are to provide 4" of asphalt on all the areas on the plan (sheet C3R) that were originally shown to be gravel. These areas include; the drive south of the Headworks building that extends to the east of the Clarifiers, the area between the Headworks building and the Oxidation Ditches that extends to the north of Oxidation Ditch #1, and the small area to the north of the Pump Blower Building. Costs to provide an additional 12" of breaker rock under the area to the south of the Headworks Building that extends to the east of the Clarifiers in order to have suitable material for the asphalt. The other areas mentioned were previously undercut due to their proximity to the structures. Testing is not included. Total cost \$31,999.33.
  - d. Tim Bronn and Dan Barber explained why they went with option 2 & option 3.
  - d. A motion was made and seconded to accept Option 2 for \$60,374.77 and Option 3 for \$31,999.33 (change orders no. 17 & 18). A roll call vote was taken. All Trustees voted yes. Motion carried: Yes 6, No 0.
- 7. WWTP Sjostroms Pay Request #9-\$472,913.80
  - a. A motion was made and seconded to approve Pay Request #9 as presented: Moyer/Sager. A roll call vote was taken. All Trustees voted yes. Motion carried: Yes 6, No 0.

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8. WWTP Additional Undercut for the Dewatering Building
  - a. **A motion was made and seconded to authorize Change Order #23 for \$47,269.41: Moyer/Howard.**
  - b. Tim Bronn explained that this additional undercut for the dewatering building is because they reached an area where the bad soil condition was almost 15 feet.
  - c. He said it is very difficult to predict the soil conditions at the site. He said they did test holes and 60 feet away they went from 4 feet to 15 feet of bad materials.
  - d. President Connors explained that when this was discovered he was notified immediately as was Trustee Moyer and Tim Bronn.
  - e. The project has been stopped until this Change Order has been approved.
  - f. **A roll call vote was taken. All Trustees voted yes. Motion carried: Yes 6, No 0.**
  
9. WWTP Update
  - a. Tim Bronn gave the update on the progress of the plant: leak testing is being done to the tanks, clarifier should be passed this week, aeration diffusers have been installed in the digester, sign is up, garage interior work is done, and all UV equipment is in.
  - b. Bronn felt that the plant should be running in early August.
  - c. A plaque was discussed and information will be sought.
  
11. Appoint or Hire Contract Engineers
  - a. Trustee Moyer explained per the advice of Attorney Wilt the Village should make a determination of whether the Village Engineer is an appointed position or a hired position.
  - b. **A motion was made and seconded to set the Engineer position as a hired position: Moyer/Eytalis.**
  - c. Attorney Wilt explained that the Village Engineer can be an appointed official or be hired to work under a contract.
  - d. The Engineer position has been a hired position in years past.
  - e. The Committee felt that having the whole Board involved in the process of hiring an Engineering Firm would be best instead of just having the Village President appoint someone.
  - f. **A roll call vote was taken. All Trustees voted yes. Motion carried: Yes 6, No 0.**
  
10. Engineering Issues
  - a. Trustee Moyer stated that the Committee has finished with the Engineering Firms interviews.

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- b. **A motion was made and seconded that the Village enter into a contract as a hired position with MDES (Municipal Design and Environmental Services): Moyer/Tarbert.**
- c. Eytalis stated that upon receiving a letter from McMahon Associates that they wish to withdraw as Village Engineer he makes a motion to table this motion until the Public Works Committee can rehear the information on the other applicants.
- d. Discussed the motions on the floor, etc.
- e. Attorney Wilt explained that in order to make another motion the first motion and second has to be rescinded.
- f. Trustee Moyer stated that the Committee had narrowed the firms down to two: McMahon and MDES.
- g. There was discussion on the Engineering Firms that were interviewed.
- h. **A roll call vote was taken. Trustees Doty, Moyer, Tarbert, Sager and Howard voted yes. Trustee Eytalis voted no. Motion carried: Yes 5, No 1.**

**\*Added per April 20, 2010 Meeting: Trustee Eytalis strongly opposed contracting with MDES.**

H. Treasurer

1. Warrant Lists

Treasurer's General:	\$44,637.33
Treasurer's W/S/R:	\$60,262.91
Clerk's General:	\$0
Clerk's W/S/R:	\$6,249.93

- a. **A motion was made and seconded to approve the Warrant Lists omnibus: Doty/Tarbert.**
- b. Treasurer Markel explained that there is one correction on the Treasurer's General Warrant List: Void Check #32558 State Industrial Products and replace it with Check #32563 State Chemical. The amount of the check is to remain the same.
- c. **A roll call vote was taken. All Trustees voted yes. Motion carried: Yes 6, No 0.**

I. Clerk's Items

- 1. A reminder that Yard Waste pickup begins April 7.

Village President Connors stated that Trustee Sager is stepping down as Trustee effective after tonight's meeting. Connors expressed his gratitude for having Trustee Steve Sager on the Village Board. Trustee Sager's term has one year left; the seat expires April of 2011.

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The Village Board also expressed their gratitude for all the work that McMahon Associates has done for the Village.

A motion was made and seconded to adjourn the meeting at 8:17 p.m.  
Next Regular Village Board Meeting: April 20, 2010.

Respectfully Submitted,

Ginger Binger, Village Clerk  
Approved with Additions: April 20, 2010