

Regular Meeting of the Pecatonica Board of Trustees

Tuesday, September 20, 2016 at 5:30pm

Village Hall 405 Main St. Pecatonica, IL

1. **Call to Order:** Village President Dan Barber called the meeting to order at 5:30 PM on Tuesday, September 20, 2016 at the Village Hall.
2. **Silent moment observed**
3. **The Pledge to the American Flag was recited.**
4. **Roll call was taken.** Trustees Zach Foster, Tricia Metz, Bill Determan, Bill Smull (arrived at 6:02 p.m.), Steve Eytalis, and Paula Hachmeister were present.

Others Present: Village Clerk Gwenn Shirley, Attorney Doug Henry, Village Treasurer Nola Markel, Police Chief Bob Smith, Public Works Director Mark Rust and Anthony Fortin, Chastain & Associates

5. **A quorum was established.**
6. **Approval of Meeting Minutes:** A motion was made and seconded to approve the minutes for the Regular Board meeting held on August 16, 2016. Foster/Metz All Trustees present voted. Aye 5, Nay 0, Absent 1. Minutes approved.
7. **Call to the Public:** None
8. **Additions/Corrections to the Agenda: None**
9. **Approval of Agenda:** A motion was made and seconded to approve the agenda as presented. Foster/Determan All Trustees present voted. Aye 5, Nay 0, Absent 1. Motion approved

Agenda Items

A. **Village President's Items (President Barber)**

1. Presentation of 2015/2016 Audit by Sikich Certified Public Accountants & Advisors

Carla Paschal presented the information contained in the Audit.

Discussion

Village President Barber and Board members thanked Ms. Paschal for the presentation.

B. Unfinished Business – None

C. New Business –

1. Ordinance 2016-15 Authorizing the Establishment of a Tax Increment Financing Interested Parties Registry and adopting Registration Rules for the Registry –

A motion was made and seconded to waive the rules to approve Ordinance 2016-15. Foster/Metz

Discussion

Roll call vote was taken. All Trustees present voted. Yes 4, No 1, Absent. Motion approved.

A motion was made and seconded to approve Ordinance 2016-15. Foster/Metz

Discussion

Attorney Henry announced that the Eligibility Report and the Redevelopment Plan and Project are on file with the Village Clerk.

The motion was restated – Approve Ordinance 2016-15 and authorize Village President Barber to sign it.

Roll call vote was taken. All Trustees present voted. Yes 6, No 0, Absent. Motion approved.

2. Resolution 2016-9-20 Expressing an Official Intent Regarding the Negotiations of Redevelopment Agreements and the Reimbursement of Certain Expenditures in Connection with the Main Street Redevelopment Project Area -

A motion was made and seconded to approve Resolution 2016-9-20. Smull/Eytalis

Discussion

The motion was restated – Approve Resolution 2016-9-20 and authorize Village President Barber to sign.

Roll call vote was taken. All Trustees present voted. Yes 6, No 0, Absent 0. Motion approved

D. Legal (Attorney Doug Henry)

1. Attorney Henry apologized for his late arrival, as he did not catch the earlier start time.

2. Visu-Sewer Contract – Attorney Henry addressed the Visu-Sewer Contract with the Board. Attorney Henry reported the contract was signed by the contractor after the completion date under the contract of August 15, 2016 had passed and the contractor was in breach of contract when it executed the contract. Attorney Henry stated the contractor should have submitted a proposed change order with a new completion date when it returned the signed contract on or about August 22, 2016. Attorney Henry reported that the Jason Stoll has been working with the contractor to get it to commit to a more reasonable date other than the mid-November date the contractor has stated is its estimated date of completion.

In reviewing the contract, Attorney Henry has determined that the contractor is subject to liquidated damage penalties of \$475.00 per day for each day after the August 15, 2016 contract completion date. Attorney Henry reports that the total liquidated damages as of this date are over \$17,000.00 if the Village wishes to invoke that provision of the contract. Jason Stoll reported that the contractor is now committing to a start date of October 14, 2016 and that the job should be completed within 3-4 business days thereafter.

Attorney Henry presented the board with 4 options. The Village could deem the contractor in breach and terminate the contract, and award the second low bidder the contract. However, by the time the contract was circulated between the Village and the second low bidder and that contractor obtained the necessary bonds, the earliest it could began the work would be after the new date of October 14th committed to by Visu-Sewer .

Attorney Henry requested direction from the Board as to whether it wanted him to send the contractor a letter advising it that as of August 15th the contractor was incurring liquidated damages per the contract, or a letter advising that the Village will give the contractor an opportunity to submit a change order proposing a reasonable completion date and then apply the liquidated damages provision thereafter.

Attorney Henry discussed the following four (4) options with the Board.

1. Proceed with a letter advising the contractor that as of August 15, 2016 the contractor was subject to the liquidated damages provision of the contract of \$475.00 per day.

2. Provide written notification to the contractor that the Village deemed the contractor in breach and the contract was being terminated, and award the contract to the second low bidder.

3. Proceed with the current contract and waive the Village's rights as to liquidated damages.

4, Proceed with a letter advising the contractor of a new completion date and that after that date the contractor will begin to incur liquidated damages per the contract.

The Board decided to proceed with a combination of Options 1 and 4, and instructed Attorney Henry to send a letter to the contractor that as of August 15th it was subject to liquidated damages, invite the contractor to submit a change order proposing a reasonable amended completion date after which liquidated damages would apply and the Board would consider the request.

Mark Rust advised the Board that he received a call from the contractor today and that it was now committing to be in the Village the next day, September 21st, to begin prep work. Village President Barber asked Mr. Rust to call him if the contractor starts on September 21st so he can contact Attorney Henry.

Attorney Henry stated that it is not listed on the Agenda but the TIF Consultant asked that he announce at the meeting that the Main Street TIF Eligibility Report and Redevelopment Plan are on file with the Village Clerk as of today and they are there for public inspection. It was also stated that a notice will also be put on the web page stating this also.

E. Finance Committee (Liaison Foster)

1. Liaison Report – Nothing to report

F. Planning Commission/Zoning Board – Village President Barber stated that nothing scheduled at this time, but, the Attorney will be notifying the Clerk of getting a hold of them to get it scheduled. Village President Barber also stated that he will also be asking to look at multiple housing as it pertains to taking a single family home and making it into multiple housing when the area is Zoned single family residential. If it is zoned correctly this property would be taxed differently. Secondly, address home businesses.

G. Public Works (Liaison Smull)

1. Liaison Report – Nothing to Report
2. Engineer Report – Anthony Fortin provided the Board with handouts as to updating them on the work being completed.

Discussion

This will be put on hold until further clarification can be received from Jason Stoll.

H. Public Safety (Liaison Eytalis) –

1. Liaison Report – Nothing to Report
2. Mutual Aid Agreement – This should be the Indemnification Agreement and should be ready for October 6, 2016 meeting. The Mutual Aid Agreement we were not going to do.

I. Economic Development Committee (Chairman Determan)

1. Next Meeting: Monday, October 10, 2016 at 6:00 p.m.

Still waiting to hear back from ComEd. We had approval but it was for a parking lot lease and it should be recreational and those are terms that we cannot

accept.

2. Donation of proceeds from cans collected from the September 24, 2016 Street Dance to Economic Development Committee –

A motion was made and seconded that the proceeds from the cans collected at the September 24, 2016 Street Dance be donated to the Economic Development Committee. Smull/Foster

All Trustees present voted. Aye 6, No 0, Absent 0. Motion approved

J. Treasurer (Nola Markel)

1. Warrant Lists (attachment)

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|----------------------------|-------------|
| Treasurers General and W/S | \$4,733.99 |
| Clerks General and W/S | \$35,587.95 |

A motion was made and seconded to accept the Warrant list as presented Treasurers at \$4,733.99 and Clerks at \$35,587.95 Smull/Determan

Discussion

Roll call vote was taken. All Trustees present voted Yes 6, No 0, Absent 0. Motion approved.

K. Clerk's Items (Gwenn Shirley) –

Election packets are available for pickup and they can be circulated starting today.

Also Julie Sutton has started as the new Assistant.

L. Executive Session – Nothing

Meeting adjourned at 7:10 p.m. Smull/Eytalis

Next Village Board meeting: Tuesday, October 18, 2016 at 6:00 pm Village Hall