

**Village of Kirkland
Kirkland, Illinois 60146
Board of Trustees Regular Meeting
Monday, March 1, 2021**

OFFICIAL MINUTES

- I. **Call to Order** - President Block called the meeting to order at 7:00 P.M. and asked for a roll call.
- II. **Roll call** - Members answering present as follows: Trustee Michener, Trustee Ford, Trustee Chambers, Trustee DeVlieger and Trustee Ziegler. Trustee Fruit is absent.
- III. **Pledge of Allegiance** – President Block led everyone in the Pledge of Allegiance
- IV. **Comments from the Audience** – None
- V. **Approval of Minutes** - President Block asked for a motion to approve the Regular Board Meeting Minutes for Monday, February 1, 2021. Trustee DeVlieger made a motion to approve the Monday February 1, 2021 Regular Board Meeting Minutes with a 2nd by Trustee Ziegler. On a roll call vote Trustees Ford, Chambers, DeVlieger, Ziegler and Michener voted yes. Trustees Fruit is absent. Motion carried.
- VI. **Approval of Warrant** - President Block asked for a motion to approve the Warrant in the amount of \$59,462.10. Trustee Ziegler made a motion to approve the Warrant in the amount of \$59,462.10 with a 2nd by Trustee Ford. On a roll call vote Trustees Chambers, DeVlieger, Ziegler, Michener and Ford voted yes. Trustees Fruit is absent. Motion carried.

*** Trustee Fruit joined the meeting at 7:25 P.M. ***
- VII. **Reports** -
 1. **Police Report** – Chief Davenport gave the February 2021 Department Monthly Police Report -please see attached.
 2. **Public Works** – Dale Miller gave the February 2021 Village of Kirkland Public Works Report – please see attached.
 3. **Committee Report** –
 - a. *Police Committee* – Nothing to report
 - b. *Ordinance Committee* – Nothing to report
 - c. *Finance Committee* – Nothing to report
 - d. *Water & Sewer* – Nothing to report
 - e. *Streets, Alley & Parks Committee* – Nothing to report
 - f. *Economic Development Committee* – Nothing to report
- VIII. **Guest Speaker** – Mark Eddington from Kishwaukee Water Reclamation District. Mark gave a short presentation on the proposed Kishwaukee District Sewer project to partner with Genoa and Kingston that was brought to the Board a few weeks back. Mark fielded questions from the Trustees and Village Engineer Jeff relative to the project and its anticipated cost.

IX. Unfinished Business – None

X. New Business -

1. Discussion and Approval of Village of Kirkland Auditor per RFP (Request of Proposals) received in February 2021 - President Block gave an update on the four (4) RFP that we received back out of six (6) that went out. Bill Newkirk went over each RFP and his recommendation is Joe Martin at Brian Zabel & Associates P.C. With that, President Block asked for a motion for the approval of Village of Kirkland Auditor per RFP for Brian Zabel & Associates P.C. Trustee DeVliieger made a motion for the Approval of Village of Kirkland Auditor per RFP for Brian Zabel & Associates P.C. with a 2nd made by Trustee Chambers. On a roll call vote Trustees DeVliieger, Fruit, Ziegler, Michener, Ford, and Chambers voted yes. Motion carried.
2. Discussion of Village of Kirkland SCADA System for Water and Sewer Service - President Block stated that the discussion on the SCADA System was done during the Public Works report.
3. Discussion of KWRD related to Village Short-Term and Long-Term Needs – President Block gave an update on the Kishwaukee Reclamation District. The price of us hooking on with this is just not feasible currently. Our sewer plant is in the best shape that it has been in for some time. President Blocks recommendation is to wait and if we need to upgrade our current facility, we can reinvestigate this option later.
4. Approval of Three (3) Eotech Holographic Sights for Kirkland Police Department – President Block asked for a motion for the approval of three (3) Eotech Holographic Sights and one (1) Rifle for the Village of Kirkland Police Department. Trustee DeVliieger made a motion for the approval of three (3) Eotech Holographic Sights and one (1) Rifle for the Village of Kirkland Police Department not to exceed \$3650.00, with a 2nd made by Trustee Ford. On a roll call vote Trustees Michener, Ford, Chambers, DeVliieger, Fruit, and Ziegler voted yes. Motion carried.
5. Discussion of Actuals for FY2020/2021 Budget Year-to-Date and Department Preparation and Timeline for FY2021/202 Budget - President Block stated that the Budget has already been discussed needs to be on his desk by April 1, 2021.

XI. Executive Session - At 8:15 P.M., President Block asked for a motion to enter Executive Session for the purpose of Litigation [5 ILCS 120/2(c)(11)] and for the Review of Past Executive Session Meeting Minutes for Approval and Release [5 ILCS 120/2(c)(21)]. Trustee Ziegler made a motion to enter Executive Session for the purpose of Litigation [5 ILCS 120/2(c)(11)] and for the Review of Past Executive Session Meeting Minutes for Approval and Release [5 ILCS 120/2(c)(21)] with a 2nd by Trustee Michener. On a roll call vote Trustees Chambers, DeVliieger, Fruit, Ziegler, Michener and Ford voted yes. Motion carried.

XII. Return to Regular Session - At 8:26 P.M., President Block asked for Roll Call. Members answering present as follows: Trustee Michener, Trustee Ford, Trustee Chambers, Trustee DeVliieger, Trustee Fruit and Trustee Ziegler. President Block asked for a motion to approve the Executive Session Meeting Minutes as presented, with the edits for November 6, 2017, and Release the Minutes. Trustee DeVliieger made a motion for the approval of the Executive Session Meeting Minutes as presented, with the edits for November 6, 2017, and Release the Minutes with a 2nd made by Trustee Ziegler.

On a roll call vote Trustees Ford, Chambers, DeVlieger, Fruit, Ziegler and Michener voted yes. Motion carried.

President Block asked for a motion to Approve and Release all past Executive Session Meeting Minutes that were presented, ranging from June 19, 2017 thru November 2, 2020. Trustee DeVlieger made a motion to Approve and Release all past Executive Session Meeting Minutes that were presented, ranging from June 19, 2017 thru November 2, 2020, with a 2nd by Trustee Fruit. On a roll call vote Trustees Chambers, DeVlieger, Fruit, Ziegler, Michener and Ford voted yes. Motion carried.

President Block asked for a motion to approve the Destruction of the Audio Recordings that accrued more than 18 months ago. Trustee Ziegler made a motion to approve the Destruction of the Audio Recordings that accrued more than 18 months ago with a 2nd by Trustee Fruit. On a roll call vote Trustees DeVlieger, Fruit, Ziegler, Michener, Ford and Chambers voted yes. Motion carried.

- XIII. Adjournment** – At 8:30 P.M., President Block asked for a motion to adjourn. Trustee Chambers made a motion to adjourn with a 2nd by Trustee DeVlieger. On a voice call vote all in favor. Meeting adjourned.

Next Board of Trustees Regular Meeting will be Monday, April 5, 2021 at 7:00 P.M.



Carol Stiegman
Village Clerk



Ryan Block
Village President



Kirkland Police Department

511 West Main Street, P.O. Box 550

Phone: 815-522-3315

Fax: 815-522-9989

Chief Adam Davenport



3/1/2021

Village Board Meeting February 2021 Monthly Police Report

- 1.) The Kirkland Police handled twenty-nine (29) reportable calls for the months of February with over one hundred and fifty activities.
- 2.) Life Vac—initial purchase, purchase request, and results of request—goal to share on FB, liked by Village, School, and LifeVac as part of thank you for what they are doing for us.
- 3.) Department Issued Rifle and Optics purchase—see attached invoice
- 4.) Water treatment plant—update from LE side—case# 21-02-0050
- 5.) AED Batteries—request to purchase immediately—approx. \$175/each x2 plus some new replacement pads \$60/each x2
- 6.) Disposal of Monadnock 26" Expandable Baton Serial #198094
- 7.) Reported loss of duty issued Streamlight flashlight—house fire—lost while grabbing fire house and attempting to assist the fire department during a home/structure fire with total loss. Reported to fellow officer on scene that evening and attempted to locate the flashlight that evening and the following day with negative results.
- 8.) Radar Trailer/sign Grant—Trustee Ziegler and I are currently working on a 50/50 grant for some form of speed radar sign/trailer—more information to come!
- 9.) Internal Booking and Processing Fee
725 ILCS 5/110-7(b). (below)
(b) Upon depositing this sum and any bond fee authorized by law, the person shall be released from custody subject to the conditions of the bail bond.

And 65 ILCS 5/1-2-12.1.



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Municipal bond fees. A municipality may impose a fee up to \$20 for bail processing against any person arrested for violating a bailable municipal ordinance or a State or federal law.

(Source: P.A. 97-368, eff. 8-15-11.)

And....

*Ordinances are presumed constitutional, and the party challenging them has the burden to demonstrate a "clear constitutional violation."
Jackson, 2012 IL App (1st) 111044*

A fee is rationally related to this purpose if the amount charged bears some reasonable relationship to the actual costs it is intended to recoup. Jones, 223 Ill. 2d at 585. The fee need not represent the precise costs incurred by the cities.

Our City attorneys researched this as well and found nothing which definitively speaks to this either way. Following is the only case law example (Woodridge) that could be found and it

https://blogs.findlaw.com/seventh_circuit/2014/07/7th-circuit-cant-decide-if-jail-booking-fee-is-constitutional.html

<https://www.courtlistener.com/opinion/2708401/jerry-markadonatos-v-village-of-woodridge/>

The takeaway from the referenced Woodridge case above:

After 55 pages and four opinions, there was no majority in favor of either affirming or denying, meaning the District Court's decision to dismiss the case was automatically affirmed. In the end, Markadonatos wasn't the right plaintiff and didn't make the best arguments. As Judge Sykes observed, "Our fractured non-decision suggests that this case was a poor vehicle for resolving the constitutionality of a jail booking fee."

We finally told the attorney who challenged this that we are going to continue charging it and that his client owes the money as a legitimate fee, per city code.

Village of Kirkland Public Works Report for February 2021

Work Performed:

- Continued Snow and Ice Removal
- Continued Snow Pile Moving: clearing intersections and removing snow from Railroad ROWs.
- Pushed back snow piles along Old Hortense Rd., Pearl Street South, Kirkwood Subdivision, Hickory Ridge Subdivision, and Route 72 from Malta Rd. to Hickory Ridge Subdivision.
- Continued keeping Rt. 72 open from blowing and drifting snow during snow events from Hickory Ridge Subdivision to Pearl Street (1st. St.).
- Continual Truck and Tractor Maintenance before, during, and after snow events. Preparing equipment for snow removal and repairing damaged equipment during and after the event.
- Loading the salt barn with fresh deliveries.
- Clearing Storm Drain Inlets to allow for snow melt.
- Supplied manpower to move New Village Hall Furniture in and remove the old furniture.
- Continued Vehicle Equipment Fabrication Projects.
- Constructed an Ice Control Chip Temporary Hoop Storage and Block Building at the WWTP.
- Continued Chipping all gravel areas and alleys.
- Continued Water and Wastewater monitoring and maintenance.
- WWTP clean up and scrapping of old equipment has stalled due to continued snow and ice events and will resume as weather allows.
- Continued work compiling estimates of materials and man hours for this year's upcoming projects for budgetary reasons...The Budget.
- Continued work on security for our SCADA System.
- Public Works split up the Class 3 Barricades that we received from Dekalb Township with the Kirkland Fire Department. By providing the Fire Department with Class 3 Barricades the Public Works Department will no longer have to respond to babysitting down power lines during storms. The Fire Department can block off a road and be free to answer calls.
- Meetings with KWRD.

Public Works Notes:

- Please notice when driving around the Village that the severe cold and deep snow cover have caused alarming amounts of road surface heaving. We have some areas that have heaved as much as two inches. This is caused by the expansion and lifting of the road, base, and subsoil by the freezing of the material under the clear roadways. While these areas freeze deeply the adjacent areas in the ROW's have very little to no frost due to the thick snow blanket and lawn areas that insulate the ground. Public Works is hopeful that when the spring thaw occurs, and the road surfaces return to normal, that we are not subjected to a high number of broken watermains due to the ground movement.
- Public Works has added a new Weekend Snowplow operator to our Group and are happy to have him. We are currently trying to grow our roster to cover men that are off for various reasons. Growing our roster is hard since the hours we need them are very sporadic and usually

late at night during inclement weather. We also need people with good mechanical knowledge and skill and/or experience operating equipment and plowing snow. It is also hard to find people that are willing to put up with a certain amount of animosity from residents since they blame Public Works for snow in the end of their driveways and parking bans.

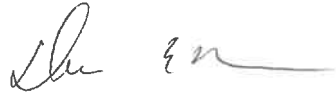
- Currently Public Works has been working on some equipment fabrication projects. These include the fabrication and installation of headache racks and warning lights in the back of the 2007 Ford F-350 and the 2017 GMC 3500 Water Service Truck. The Ford F-350 will also have the toolboxes reinstalled as well as two fuel nurse tanks...one for diesel and one for gasoline. The GMC Service Truck will be getting a rear bumper installed to protect the bed. The rear bumper will also have three receivers installed so that the trailer hitch can be used along with a vise and a pipe vise. In the future Public Works would like to install a portable engine driven air compressor and an engine driven welder/generator.
- The other Fabrication Projects that Public Works has been working on is the completion of the brackets for the new picnic tables. They will be ready to be set out this year in various locations throughout our parks. The men have also been completing the 10' quick attach snowplow blade for the backhoe or other future large snow mover.

Topics that should be discussed and addressed at a joint Committee Meeting:

- Rewording of the Snow Parking Signs and Ordinance. Our ordinance and signs currently state 2" of snow. Public Works addresses Snow and Ice build up many times that never reach 2". We address and begin clearing snow and ice anytime we deem the surface to be slick or the storm type might allow for snow or ice pack to build up. In these situations Public Works may begin plowing and salting far before the snow reaches 2" or even if the snow never reaches 2".
- No Overnight Parking Downtown in the commercial District at any time (This is in addition to the Snow Parking Ban: RT. 72 from 6th street to 4th St. except the homes on the south side of RT.72 across the street from the Kirkland Petro., 5th Street from Post Office Alley north to the Railroad Tracks, and 4th street from RT. 72 north to the railroad tracks. If the Village of Kirkland wishes Railroad alley to be plowed then it should be no overnight parking too....otherwise it is too time consuming to continue plowing between all the spaced out cars and it is only a matter of time until myself or one of my men hit a parked car while trying to plow around them. Public Works understands that some of the old buildings do not have off street parking and need to use Railroad Alley for parking...if this is necessary then Public Works is suspending any snow and Ice Removal Operations on the North side of Railroad Alley so as not to take a chance damaging a resident's car or truck.
- Addressing long term parking issues at Colonial Estates (possible construction of parking areas with numbered spots).
- Changing our damaged mailbox replacement policy. Not getting the Village's loaner mailboxes back is more expensive than just replacing the mailboxes hit in the spring of each year. The residents would get no choice and it would not matter what type of box and post were damaged....the new replacement would be as per USPS regulations...a simple 4x4 wolmanized post with a metal regulation box. Also how to address the majority of mailboxes in town that do not meet USPS code for construction and distance from paved surfaces.

This month was dedicated primarily to snow and ice removal activities and the maintenance and repair of associated equipment.

Thank You for your support,

A handwritten signature in black ink, appearing to read 'Dale Miller', written in a cursive style.

Dale Miller