

Village of Washburn

Mayor
David Humphrey

June 8, 2009
Monthly Board Meeting Agenda
7:00 P.M.

Board of Trustees
James Gebel
Larry Roop
Linda Silver
Bill Strauch
Nate Swanson
Larry Tomlinson

Village Clerk
Linda Gebel

Village Treasurer
Cheri Delap

Water/Sewer/Street Department
Mark Frerichs

Chief of Police
Craig Rutledge

- Call meeting to order and take roll
- Read, review, and approve May regular meeting minutes
- *Review and approve bills*
Acknowledge and recognize guest
 - Treasurer position – Cheri Delap asked to speak
 - Farmer's Market – Linda Gebel
- Committee Reports
 - Street – Mark's part-time helper for street/water/sewer, Vote if necessary
 - Water/Sewer –
 - Police – Sealed bids for 2002 police car, Vote on accepting/rejecting if necessary
 - Finance/Insurance –
 - Economic Development – Vote on approval and variance of plat for Mike Grebner
 - Library –
 - Park – AED purchase
 - TIF -
- Old business
- New business
 - Approve and vote on closure of Rt. 89 for Fall Festival
 - Approve and vote on who can sign checks
 - 2009 Prevailing Wage Resolution, approve and vote on
 - Discuss and vote on when to have review of Executive Session minutes to decide which ones can be released
 - Retention of legal counsel, vote (may have to have executive meeting before voting)
- Adjourn

**WASHBURN FESTIVAL INC.
WASHBURN, ILL. 61570**

May 11, 2009

**MAYOR &
TOWN BOARD MEMBERS:**

**THE FESTIVAL COMMITTEE HAS MET AND DECIDED ON
DATES FOR THE FESTIVAL CELEBRATION.
AUGUST 13-14-15 2009. THE COMMITTEE REQUEST
ROUTE 89 THROUGH WASHBURN BE CLOSED FROM
TUESDAY AUGUST 11, 2009 AT 12 P.M. TO SUNDAY
AUGUST 16, 2009 AT 12 P.M.**

THANKS FOR ALL THE SUPPORT.

WASHBURN FESTIVAL COMMITTEE.

**CONTACT
CHARLES L KENNEL
309-696-8076**

ERIC E. HASSELBERG
JEFFREY B. ROCK
CHARLES M. ROCK
GREGORY S. BELL
KARL B. KUPPLER
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SUITE 200
PEORIA, ILLINOIS 61614-5591

PHONE (309) 688-9400
FAX (309) 688-9430

SENDER'S E-MAIL
dschroeder@hrbkllaw.com

May 13, 2009

Mr. David L. Humphrey
508 N. Madison
Washburn, IL 61570

Re: Retention of Danny L. Schroeder and Hasselberg, Rock, Bell & Kuppler LLP

Dear Dave:

The Village President appoints legal counsel for the Village with the concurrence of a majority of the Trustees. Since you have recently been elected as the new Village President, it is timely that I present the enclosed proposed Resolution to that effect.

I have also taken the opportunity to both in the proposed Resolution and via the copies of this written correspondence which I am sending to the Trustees, to make them aware of the fact that I have provided legal representation to you and your company - separate and apart from my duties as legal counsel for the Village. Obviously, I do not believe that continuing to represent you and your company will in any way affect my abilities to impartially represent the Village. Now that this conflict has been disclosed, the Trustees have the power to "waive" it which they would do by approving the Resolution to retain me and my firm.

By courtesy copy of this letter and the proposed Resolution to each of the Village Trustees, I am informing them that I anticipate presenting the proposed resolution at our next monthly board meeting on **June 8, 2009** for passage. Please make sure this action item is placed on the agenda for that meeting.

If I can be of assistance in answering any questions that anyone may have regarding the proposed resolution, please feel free to contact me.



May 13, 2009
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Thank you for the opportunity to be of service to you.

Very truly yours,

Hasselberg, Rock Bell & Kuppler LLP



Danny L. Schroeder

DLS/mdm

Enclosures

cc: Village Board of Trustees (w/encl.)

VILLAGE OF WASHBURN

Resolution No. R-09-02

Retention of Legal Counsel

WHEREAS, the Citizens of the Village of Washburn have elected, David L. Humphrey as the new President of the Village Board of Trustees (the position more commonly and hereinafter referred to "Mayor"); and

WHEREAS, one of the duties of Mayor is to appoint corporation legal counsel for the Village; and

WHEREAS, the current corporation legal counsel for the Village, Danny L. Schroeder, has served the Village in such capacity for the past fifteen (15) years; and

WHEREAS, both the Mayor and Danny L. Schroeder hereby declare and disclose a potential conflict of interest in that Danny L. Schroeder and his law firm have also served as legal counsel to the Mayor, David L. Humphrey, both in his individual capacity as well as on behalf of the corporation(s) in which David L. Humphrey has held an ownership interest - currently as legal counsel to Central Illinois Consulting, Inc., an Illinois corporation; and

WHEREAS, the Mayor wishes to officially nominate and, with the board's concurrence, appoint Danny L. Schroeder as corporation legal counsel for the Village; and

WHEREAS, the Village Board of Trustees believes the appointment of corporation legal counsel for the Village must not be taken lightly and must be done with the adequate due diligence which is required.

WHEREAS, in order for the Village Board of Trustees to effectively waive any conflict of interest that may exist in order for Danny L. Schroeder to continue to serve as corporation legal counsel for the Village, the Village Board of Trustees must have received full disclosure of any conflict of interest and must be convinced that Danny L. Schroeder will be able to continue to loyally serve the Village of Washburn in his capacity as corporation legal counsel wholly free of any undue influence on the part of any other person or entity, including, but not necessarily limited to, the new Mayor, David L. Humphrey, and his company for whom Danny L. Schroeder and his firm intend to continue to provide concurrent and separate legal representation.

THEREFORE, BE IT RESOLVED, the Village Board of Trustees acknowledges receipt of the above disclosure of the conflict of interest and has taken such steps and performed such due diligence as deemed necessary to ensure the Board of Trustees collectively, and each of the Trustees individually, that the disclosure is complete and accurate; and

BE IT FURTHER RESOLVED, that the Village Board of Trustees has voted to waive the conflict of interest and to concur in the appointment of Danny L. Schroeder and his law firm of Hasselberg, Rock, Bell & Kuppler LLP as corporation counsel for the Village of Washburn, Illinois and to

continue to serve in such capacity at the will of the Mayor and with the concurrence of the Board of Trustees.

APPROVED and ADOPTED by the President and Board of Trustees of the Village of Washburn, Illinois this 8th day of June, 2009.

Ayes: _____

Nays: _____

Absent: _____

Abstain: _____

APPROVED:

David L. Humphrey
President of the Board of Trustees

ATTEST:

Linda Gebel, Village Clerk

CERTIFICATION

I, the undersigned, do hereby certify that I am the Clerk of the Village of Washburn, Woodford and Marshall Counties, Illinois, and that the foregoing is a true, complete and exact copy of Resolution R-09-02 enacted on June 8, 2009, and approved on the same date, as the same appears from the official records of the Village of Washburn, Illinois.

Village Clerk

ERIC E. HASSELBERG
JEFFREY B. ROCK
CHARLES M. ROCK
GREGORY S. BELL
KARL B. KUPPLER
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dschroeder@hrbkllaw.com

May 13, 2009

Mr. David L. Humphrey
508 N. Madison
Washburn, IL 61570

Re: 2009 Prevailing Wage Resolution

Dear Dave:

The Village Board is required during June of each year to pass a prevailing wage resolution or ordinance establishing prevailing wages to be paid with respect to public works on behalf of the Village.

I have already contacted the Illinois Department of Labor and will be obtaining the prevailing wages for Woodford and Marshall Counties which should be received shortly.

By courtesy copy of this letter and its enclosures to each of the Village Trustees, I am informing them that I anticipate presenting the proposed resolution at our next monthly board meeting on **June 8, 2009** for passage. Please make sure this action item is placed on the agenda for that meeting.

Subsequent to passage, I will take care of publishing the prevailing wage resolution in the Washburn Leader and also send certified copies to the Illinois Secretary of State's Office and the Illinois Department of Labor.

If I can be of assistance in answering any questions that anyone may have regarding the proposed resolution, please feel free to contact me.

May 13, 2009
Page 2

Thank you for the opportunity to be of service to you.

Very truly yours,

Hasselberg, Rock, Bell & Kuppler LLP



Danny L. Schroeder

DLS

Enclosure

cc: Village Board of Trustees (w/encl.)

dls\washburn\prevwage\humphrey.529

VILLAGE OF WASHBURN

Resolution No. R-09-03

PREVAILING WAGE RESOLUTION

WHEREAS, the State of Illinois has enacted "An Act regulating wages of laborers, mechanics and other workers employed in any public works by the State, county, city, or any public body, or any political subdivision or by any one under contract for public works," approved June 26, 1941, as amended (Illinois Compiled Statutes, Ch. 820, par. 395-1 *et seq.*); and

WHEREAS, the aforesaid Act requires that the Board of Trustees of the Village of Washburn investigate and ascertain the prevailing rate of wages as defined in said Act for laborers, mechanics and other workers in the locality of said Village of Washburn employed in performing construction of public works, for said Village of Washburn.

NOW THEREFORE, BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF WASHBURN:

SECTION 1: To the extent and as required by "An Act regulating wages of laborers, mechanics and other workers employed in any public works by State, county, city, or any public body or any political subdivision or by any one under contract for public works" approved June 26, 1941, as amended, the general prevailing rate of wages in this locality for laborers, mechanics and other workers engaged in construction of public works coming under the jurisdiction of the Village of Washburn is hereby ascertained to be the same as the prevailing rate of wages for construction work in Woodford and Marshall Counties area as determined by the Department of Labor of the State of Illinois as of June, 2009, a copy of that determination being attached hereto and incorporated herein by reference. As required by said Act, any and all revisions of the prevailing rate of wages by the Department of Labor and of the State of Illinois shall supersede the Department's May determination and apply to any and all public works construction undertaken by the Village of Washburn. The definition of any terms appearing in this Resolution which are also used in aforesaid Act shall be the same as in said Act.

SECTION 2: Nothing herein contained shall be construed to apply said general prevailing rate of wages as herein ascertained to any work or employment except public works construction of the Village of Washburn to the extent required by the aforesaid Act.

SECTION 3: The Village of Washburn Clerk shall publicly post or keep available for instruction by any interested party in the main office of the Village of Washburn this determination or any revisions of such prevailing rate of wage. A copy of this determination or of the current revised determination of prevailing rate of wages then in effect shall be attached to all contract specifications.

SECTION 4: The Village of Washburn Clerk shall mail a copy of this determination to any employer, and to any association of employers and to any person or association of employees who have filed their names and addresses, requesting copies of any determination stating the particular rates and the particular class of workers whose wages will be affected by such rates.

SECTION 5: The Village of Washburn Clerk shall promptly file a certified copy of the Resolution with both the Secretary of State Index Division and the Department of Labor of the State of Illinois.

SECTION 6: The Village of Washburn Clerk shall cause to be published in a newspaper of general circulation within the area a copy of this Resolution, and such publication shall constitute notice that the determination is effective and that this is the determination of this public body.

PASSED this 8th day of June, 2009.

APPROVED:

David Humphrey
President of the Board of Trustees

ATTEST:

Linda Gebel
Village of Washburn Clerk

VILLAGE OF WASHBURN
P. O. Box 292
Washburn, IL 61570

June 8, 2009

STATE OF ILLINOIS
COUNTY OF WOODFORD
COUNTY OF MARSHALL
VILLAGE OF WASHBURN

CERTIFICATE

To All Whom These Presents Shall Come, Greeting:

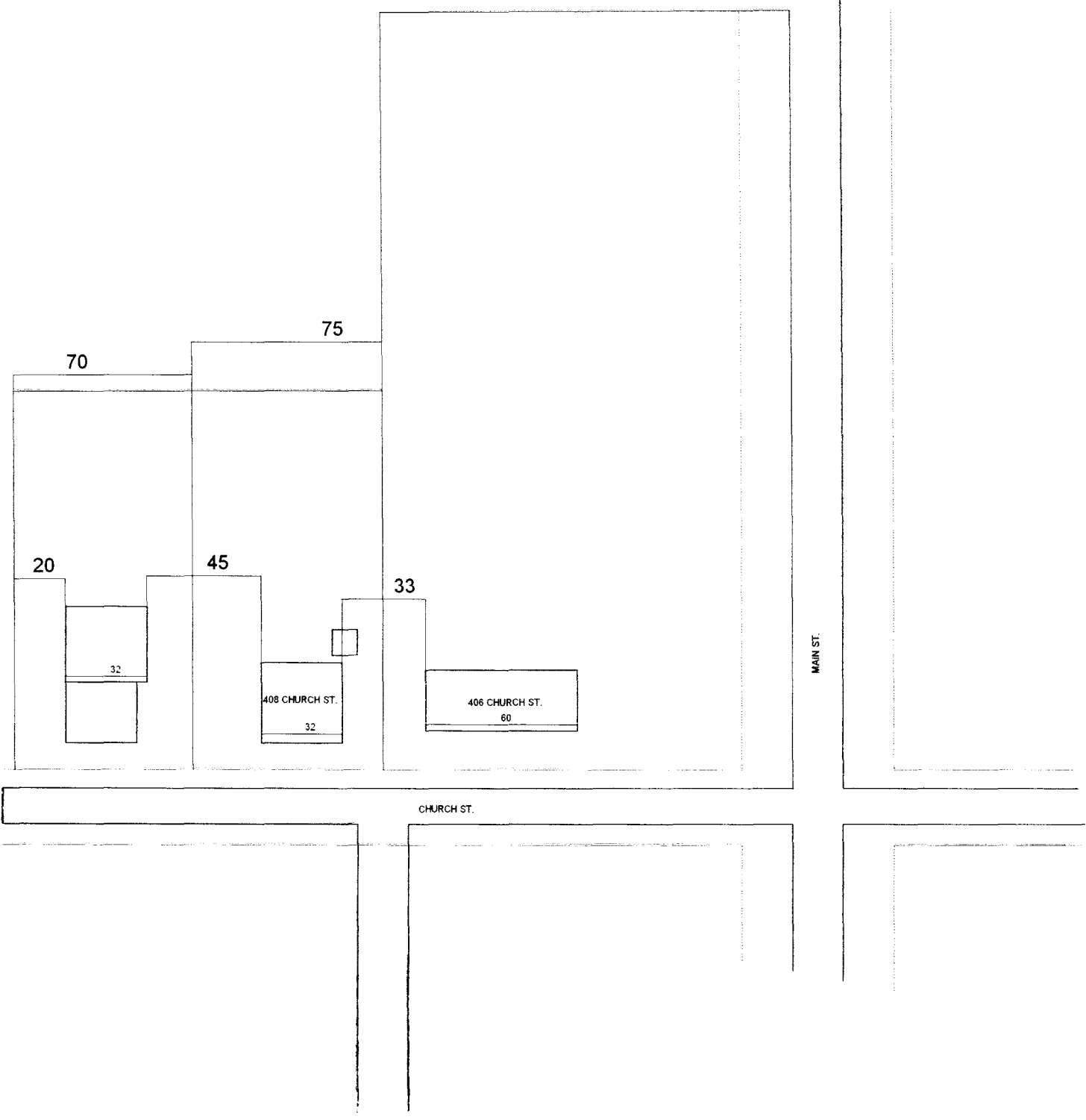
I, Linda Gebel, Village of Washburn Clerk
(Name of Certifying Official) (Title of Certifying Official)

do hereby certify that the attached is a true and correct copy of Ordinance/Resolution number

R-09-03 adopted by Village of Washburn on June 8, 2009.
(Name of Public Body) (Date of Adoption)

(SEAL)

(Signature of Official)



70

75

20

45

33

32

408 CHURCH ST.

32

406 CHURCH ST.

60

MAIN ST.

CHURCH ST.