

Regular Meeting of the Pecatonica Board of Trustees
Tuesday, August 15, 2017 at 6:30 pm
Village Hall 405 Main St. Pecatonica, IL

1. **Call to Order:** Village President Bill Smull called the meeting to order at 6:30 PM on Tuesday, August 15, 2017 at the Village Hall.
2. **Silent moment observed.**
3. **The Pledge to the American Flag was recited.**
4. **Roll call was taken.** Trustees Bill Determan, Marilyn Wilke, Tom Gipe, Jennifer Johnson and Paula Hachmeister were present. Trustee Tricia Metz was not present.

Others Present: Village Clerk Gwenn Shirley, Attorneys Doug Henry, Mandy DeWall, Manager, WIPFLi CPA and Consultants, Police Chief Bob Smith, Public Works Director Mark Rust and Engineer Jason Stoll.
5. **A quorum was established.**
6. **Additions/Corrections to the Agenda:** None
7. **Approval of Agenda:** A motion was made and seconded to approve the agenda as presented. Determan/Hachmeister All Trustees present voted. Aye 5, Nay 0, Absent 1. Agenda approved.
8. **Call to the Public:** Village President Smull reminded the speakers that signed up to speak that they are only allowed three minutes to speak.

Pastor Terry Theiss spoke on behalf the sump pump discharge issue on 11th & 12th Streets and stated that he believes that everyone was included on the emails that were communicated with the Attorney and Engineer just to keep everyone on the same page.

The concerns were outlined in the correspondence and I spoke with Mr. Rust today and he suggested a solution that would handle at least 90% of my concerns. The solution would be for the Village to install/maintain the lines that come from the other parties as they cross the property line on to the 1220 Main St. property then that would be the responsibility of the Village not the property owners. I am not sure if that is legal or if it makes sense. What I would suggest perhaps so that we can address this and move it forward is maybe a task force could be impaneled with a couple of individuals and we could bring some recommendations to the next committee of the whole meeting month. Attorney Henry stated that the best thing do would be for Pastor, Mr. Rust, Village President Smull and I to

sit down and hash it out. Quite frankly, we are either going to reach an agreement or not. If the concerns are the ones that were shared in the email then we should be able work through that. Rather than a task force it would be better if we would all sit down before the next committee of the whole. Mark will contact you to get it set up.

Scott Brockway spoke against the appointment of Jared Waugamon to the Planning and Zoning Commission.

Micah Chambers spoke in regards to sewer backup that he had at his house. They have going through this for about a month and the total damage is about \$2000.00 and they do not have the money to replace the items. I spoke to the adjustor and he said that he has tried to get in touch with the Village for about a week now. Village President Smull stated that we will look into and someone will be back in touch with him.

Jared Waugamon stated that he did apologize in regards to my outburst at the meeting. He stated that he was attacked verbally from two directions after I sat back down and again I do apologize. I hope that any statements made tonight don't affect any future positions for me with this Board and the Zoning Board. I wanted to come here tonight to inform the Board that I am selling some t-shirts and the profit of \$5.00 will donated back to the Village to ensure that the silent majority is being heard in this community. You have had people come here for weeks on end stating how you are poisoning the community and the rest the community is suffering by not being able to get some temporary relief. This year has been extraordinarily out of the realm for water this year. We have more water this year than ever. I will continue to help.

Agenda Items

A. Village President's Items (President Smull)

1. Appointment of Jared Waugamon to the Planning and Zoning Commission –

A motion was made and seconded to approve the appointment of Jared Waugamon to the Planning and Zoning Commission. Johnson/Gipe

Discussion

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

2. Approval of Andrea Small Request to have Sewer Fee Reduced –

Ms. Small stated that she was not aware of a temporary deduct meter and was not

sure what the difference was between that and a regular deduct meter. Also there is information on the website that we have to fill the pool with a water hose. I did not see anything listed about temporary meter the Trustee Metz had previously mentioned. It was previously mentioned about hardships and I provided all the backup showing that it did not go into the sewer and someone with a hardship did use the sewer. I have provided everything that was asked of me to show that the water did not go into the sewer. Village President Smull stated that we did put the meter together after the previous meeting. There is a meter that is connected to the outside of the house and it was assembled and found. Trustee Hachmeister asked Ms. Small if she had previously received an adjustment? Ms. Small stated that she did and it was due to a storm tearing the liner. Ms. Small stated that she should not be forced to have a deduct meter because I pay the sewer charge on the pool each spring. I water my flowers, fill the pool each spring and constantly fill it throughout the summer. There have only been two times that I have had to fill it from the bottom and it was due to storms.

Trustee Johnson stated that we have already given one credit and because of mother nature why do we have to continue to give credit. This is not the Village's responsibility.

Trustee Wilke asked if the deduct meter available or was this done after the last meeting? Public Works Director Rust stated that nothing existed prior they had to put something together.

Ms. Small again stated that she was not aware of a temporary deduct meter and had she known she would have called. I am still not sure what the difference is between issuing the credit now or not having the charge due to the deduct meter.

A motion was made and seconded to consider the credit of \$204.49 to Andrea Small for the sewer only. Wilke/Determan

Discussion

Roll call vote taken. All Trustees present voted. Yes 2, No 2, Abstain 1, Absent 1
Motion failed.

3. Approval of Changes to Weed Ordinance –

Village President Smull stated we have been working on this for a while and we all are aware of the changes. Trustee Hachmeister stated at the last meeting a ad hoc committee was being formed to look over this and they have not had a meeting. Police Chief Smith stated that it was his understanding that the

committee was to meet on other issues as they relate to some level to other aspects of the ordinances. Village President Smull states that the Chief is correct. We spent many months on this making the light changes that we did and we all felt that those changes needed to be made.

Trustee Hachmeister asked if this also dealt with the parkway and Chief Smith stated that the parkway is addressed in other ordinances but this could also be read to apply to the parkway also.

A motion was made and seconded to amend the Weed and Neglected Lawns Ordinance as proposed. Wilke/Johnson

Discussion

Roll call vote was taken. Yes 5, No 0, Absent 1. Motion passed

4. Discuss Changes to Ordinance 2013-11 An Ordinance Amending Article One: Administration, Adding Chapter Nine: Standing Committees –

Village President Smull wanted to clarify the Economic Development Committee so that there is no confusion on it. A couple weeks ago I had given permission to the advisors to make votes on the committee which I encourage to keep those good votes on that committee I think that they are addressing things and voting for things that are important. According to state statute once it gets to a dollar amount they cannot vote. If the Economic Development committee is voting on looking into building another parking lot, it's ok until you start approving funds.

Trustee Johnson for clarification purposes asked would the Village's 150 year celebration come under this committee. Village President Smull stated that it does.

Trustee Wilke stated that I don't see anything here about revenue growth or economic development. I don't see anything here about outreach for the Village of Pecatonica that it is our responsibility to seek out possibly new business, new sources of revenue. If that is not under Economic Development then where would that responsibility come? Village President Smull asked Trustee Wilke if she is proposing changes to the Ordinance? Trustee Wilke responded that she would like to see that as our number one purpose. Beatification and revitalization is wonderful but I don't see that as a path to revenue growth. Our focus needs to be little bit different. Village President Smull asked if Trustee Wilke would like to amend Section 2. C to read somewhat in there new development. Trustee Wilke stated that every week in the newspaper I read about new business coming to the surrounding communities and those communities are doing outreach which we are

not doing.

Discussion as to what committee does Economic Development fall under one section states that it falls under Committee of the Whole and another states its an operating committee. Attorney Henry clarified that we are lawfully operating under the Committee of the Whole structure.

Village President Smull stated that he does agree that the sole purpose should be redevelopment. The committee should be focused on economic development.

A motion was made and seconded that we clarify Section 1, Section 2. C and Section 3. Of Ordinance 2013-11. Wilke/Determan

Discussion

Motion rescinded. Wilke/Determan

Ordinance 2013-11 was referred back to the committee to come up with a definition as to what our Economic Committee should be doing for the Village of Pecatonica and will be further discussed at the September 19, 2017 meeting.

Trustee Determan stated that the Village does have a Comprehensive Plan and he has read it and it is an excellent plan for a plan but it is not a plan. It is a good starting point. It doesn't arrive at any conclusions. There is a lot of statistical analysis. It does not arrive at absolutely nothing for a plan. This could be used as a starting point and the committee can also review the Comprehensive Plan.

Village President Smull stated we should get it back to the committee to come up with a mission statement and get it reorganized and bring it back to the Board for revisions.

Village Attorney Henry stated that this is somewhat off topic, but since Trustee Determan raised the issue in regards to the comprehensive plans I would suggest that if anyone has some extra time on their hands or trouble sleeping to not only review the Village's plan but read other communities comprehensive plans in the area. I think that you will find that they are similar in the sense that it is a plan, but it's not a plan. Comprehensive plans are not plans. They are a start and to help you in a certain direction.

B. Unfinished Business – None

C. New Business –

1. Discuss/Approve Declaration of Emergency for Bay Valley Foods Storm Sewer Project –

Village President Smull stated that we have a proposal before us to use Motor Fuel Tax Funds for the Storm Sewer Project at Bay Valley Foods and Engineer Jason Stoll contacted Illinois Department of Transportation and there is an emergency situation that we can move under and move faster to get this done.

Engineer Stoll stated that he followed up with IDOT after the committee meeting and was informed that if it was an emergency situation we could bypass many of the rules and requirements in place for the use of MFT funds. The pipe is structurally compromised and it is causing backups in the Bay Valley Foods building. The Village Board could deem this as an emergency situation. With that you will be allowed to solicit your own bids for the work. I believe with the bids that we get we may still have to waive bid rules as part of a separate motion. We can put together a plan we can solicit bids on your behalf and bring them back to the Board you can vote to award the project without going through the regular IDOT process which could take 4- 6 weeks.

Village President Smull asked Engineer Stoll as to what does he think the time span would be? If it is approved tonight it is a pretty simple engineering project. We would need a couple of weeks to pull everything together. My goal would be to try to have the engineering plan put together so that we can review at committee and I can get it out on the street for bids and have it back at the September business meeting. It's an aggressive timeline but, based on the time of the year we don't have really that much of a choice.

Village President Smull asked Attorney Henry if he looked into the easement situation or do we have one? Attorney Henry stated that he has not been able to find one. The one that was referenced to at the last meeting was from 1977 and Gwenn forwarded some correspondence between the then Village Engineer and myself from back I think in 2004 which refreshed my recollection. I then remembered was that they added on to the building and in so doing encroached upon on sanitary sewer easement. At the time when I last left negotiations we were going back and forth in regards to a new sanitary sewer easement and at that time a storm water easement was added in there as such should this happen, let's have an easement for that. We could not come up with an agreement as to the wording

to that. In addition, they wanted us to quit claim our previous easement back to them so that they would have good title to the whole thing since now they had an improvement setting on it. When we left we had not done that. The documents that I received today would seem to indicate that former Mayor Connor may have gone ahead and gave them a quit claim. We may have lost some of the leverage we had. But, again when I last dealt with Bay Valley which I believe was in 2007 we had a new legal description for a new easement. That is what we need in addition to needing another new legal description. I think that we should just go to them and state that this is the legal description that we need, here is the easement that we are proposing as part of the fix you need to sign this over. I don't know if part of the Fehr-Graham's engineering quote includes preparation of the new legal description and Engineer Stoll, said "no", which I recommend that be done at the same time. They could be a little more difficult to deal with if we don't tie it in with this.

Village President Smull stated that the easement should be done before and we can start the process but we should not start work until the easement is settled. Attorney Henry stated that we are not legally entitled to start work in the area of their property. Trustee Hachmeister asked if there was any way that we could ask them help to pay for this since the water is coming from their property? Village President Smull answered "no" because it is a broken down pipe. Public Works Director Mark Rust stated that in addition to the easement that they pay for a manhole or the work leading from their building to the manhole is their responsibility and that all should be in writing up front. Village President Smull stated that at the meeting that they all sat in the manhole would have to be put in they were open to paying for the work and they would pay to connect all of their pipes to manhole not to our lines so that it is safely connected.

Attorney Henry stated that would be a separate agreement that needs to be put together and I will need to review the terms of that. Village President Smull stated he along with Jason and Mark will meet with him after the meeting to discuss.

Trustee Hachmeister asked if there was some way that some of the cost could be recouped? Village President Smull stated that we are not going to eat all of the cost but, those are our lines and they are failing. Village President Smull further added that if they moved our sanitary sewer line, where is the paper work? What was the legal stand point? They altered our flow of the sanitary. Village Attorney Henry stated his recollection is that they just built an improvement over the easement. We agreed to reconfigure it and I believe we did that but an easement was never given to us after the fact. It could never be agreed upon. Village President Smull stated that we should move forward with the resolution and emergency situation. But it should be put to them that we are not going to start construction until we are legally able to get on their property.

A motion was made and seconded to declare an emergency for the storm sewer project at Bay Valley Foods and to use our MFT funds to fund this project. Wilke/Johnson

Discussion

Roll call vote was taken. All Trustees present voted. Yes 5, No 0, Absent 1 Motion passed

A motion was made and seconded that the Village does not start any work until we see the legal easement, everything is legal and they sign the agreement before the construction starts. This would be the legal easement for everything. Johnson/Wilke

Engineer Stoll stated that there would be an additional cost of \$500 not to exceed \$1000 to prepare the legal descrip

(There was no action taken on this motion)

2. Approve Illinois Department of Transportation Resolution for use of Motor Fuel Tax Funds for the Bay Valley Foods Storm Sewer Replacement Project –

A motion was made and seconded to approve the Illinois Department of Transportation Resolution to use of Motor Fuel Tax Funds for the Bay Valley Foods Storm Sewer Project not to exceed \$60,000.00. Gipe/Johnson

Discussion

Roll call vote taken. All Trustees present voted. Yes 5, No 0, Absent 1 Motion passed

3. Update on Bay Valley Foods Storm Sewer Line Easement -

This was discussed under C.1

D. **Legal (Attorney Doug Henry) - None**

E. **Finance Committee (Liaison Determan)**

1. Liaison Report –

Mandy DeWall stated that the IRS denied the request to abate the penalty because we did not establish reasonable cause. They stated that we cannot delegate this to someone else it is your responsibility. We can protest further if we have any more additional information. The penalty was \$410.78 and it has been paid. They did not charge a penalty for the two late payments in the second quarter. This penalty was for the first quarter.

Trustee Determan stated that they did have a meeting a week ago on Monday to discuss the findings of the audit, the deficiencies and their recommendations. These are all based on last year fiscal year 2016/2017. Most of this has already been taken care of. One of the requests was an investment policy and it was found that in 2006 there was discussion but it was tabled. We are working on that right now to come up with a basic policy. Mandy stated that she got some examples from WIPFLi and those are being reviewed. This will be presented at the next Committee meeting.

Mandy stated that WINGIS had contacted us as to what our revenue is for the prior year.

F. **Planning Commission/Zoning Board** – Nothing scheduled yet.

G. **Public Works (Liaison Gipe)** –

The Public Works staff is out working around town on patching and getting ready for sealcoating. About a week ago I received a call from Mark about a water main break that they had to take care of. I was able to see some of our equipment put to use. We made some good purchases and the sealcoating is completed.

Engineer Stoll shared with the Trustees three grant opportunities –

Sanitary Sewer Lining Project- grant limit is \$500,000 and the deadline is December 15, 2017

Main Street Bike Path Extension Project – submission period is October 2, 2017 – December 1, 2017

Solar Energy Upgrades – there are a number of programs available with no specific submittal dates.

This will be discussed further at the committee of the whole meeting in September.

H. **Public Safety (Liaison Metz)** – Not present

1. Police Chief Smith stated that the new Dodge Durango will be in service on August 16, 2017.

I. Economic Development Committee (Chairman Hachmeister)

1. Next Meeting: Monday, September 11, 2017 at 6:00 p.m.
2. The work is done on the Osh Gosh sign. The work was done at the courtesy of a \$900 grant from PIA

J. Accounting Services

1. Warrant Lists (attachment) \$44,161.04

A motion was made and seconded to approve the Warrants for \$44,161.04 as presented. Determan/Wilke

Discussion

Roll call vote was taken. All Trustees present voted Yes 5, No 0, Absent 1.
Motion approved.

K. Clerk's Items (Gwenn Shirley) – None

L. Executive Session –

A motion was made and seconded to move into Executive Session for the purpose appointment, employment, compensation discipline, performance, or dismissal of specific employees including hearing testimony on a complaint lodged against an employee of the public body or against legal counsel for the public body to determine the validity.
5 ILCS 120/2(c)(1)

A motion was made and seconded to enter into executive session. Johnson/Determan

Roll call vote was taken. Yes 5, No 0, Absent 1.

Board entered into Executive Session at 7:54 p.m.

Board was called back to open session at 8:03 p.m.

No decisions were made.

Roll call was taken. Trustees Determan, Wilke, Gipe, Johnson and Hachmeister were present. Trustee Metz was absent

Others Present: Village President Smull, Village Clerk Gwenn Shirley, Mandy DeWall, Manager WIPFLi and Attorney Doug Henry

M. **Adjourn** – Meeting adjourned at 8:04 p.m.

Next Committee of the Whole meeting: Tuesday, September 7, 2017 at 6:30 p.m., Village Hall

Next Village Board meeting: Tuesday, September 19, 2017 at 6:30 p.m., Village Hall