

Village of Wapella
Regular Board Meeting
February 17, 2015
7:00 pm
Village Hall

1. Call Meeting to Order.

2. Roll Call. Present were Trustees Vernon Meadows, Rusty Karr, Suzanna Holland and Rosalie Summers. Absent was Trustee Shay Burke. Also present was President Rich Karr, Clerk Elizabeth Weikle and Attorney Steve Mahrt.

3. Motion to approve minutes from February 2, 2015. Rosalie Summers had a few corrections. The first was on the first page where it says "the water project fund is being charged a service fee of \$8.00 a month" should be \$10 a month. She then thought we should put the names of the liens we raised and lifted in the minutes. The Clerk explained that she did not say the names at the meeting which is why they are not in the minutes. She also was not sure if it was okay to announce the names at a meeting. Attorney Mahrt said they are recorded with the county, and a matter of public record. The Clerk asked if there was anything else. Rosalie Summers said that it needed to be remove not removal on the top of the third page. The vote is also missing from that same paragraph. The Clerk said she would fix the minutes. She told the Board that when they motioned to approve to motion with corrections. Rosalie Summers motioned to approve the minutes February 2, 2015 with corrections. Rusty Karr seconded.

Ayes: Vernon Meadows, Rusty Karr, Suzanna Holland and Rosalie Summers.

Nays: None.

Absent: Shay Burke.

Motion carried 4 to 0 with 1 absent.

4. Motion to approve all okayed bills. The Clerk said that the bill submitted list is different this time. The bills are broke down by there coding per the budget. Vernon Meadows motioned to pay all okayed bills. Rusty Karr seconded.

Ayes: Vernon Meadows, Rusty Karr, Suzanna Holland and Rosalie Summers.

Nays: None.

Absent: Shay Burke.

Motion carried 4 to 0 with 1 absent.

5. Motion to accept the resignation of Trustee Shay Burke. President Karr said there is a problem with Shay's resignation in that it is not notarized. So, we are going to accept it for what it is, an un-notarized resignation and set a date to have a hearing on whether she has abandoned her position or not. Attorney Mahrt said under the statue, you have the authority to determine whether a trustee has abandoned their position. President Karr said I think it is clear to everyone that she has abandoned it. Here is a piece of paper that we

can't be 100% sure has her signature on it, even though it looks like it. So, at the next meeting we will have a hearing and make a determination. Attorney Mahrt said we need to send her a certified notification of the hearing. Rusty Karr motioned to accept the un-notarized resignation of Trustee Shay Burke. Suzanna Holland seconded.

Ayes: Vernon Meadows, Rusty Karr, Suzanna Holland and Rosalie Summers.

Nays: None.

Absent: Shay Burke.

Motion carried 4 to 0 with 1 absent.

6. Motion to accept the appointment of a Trustee to Shay Burke's vacated seat. This item was skipped.

7. Department Reports.

A. Streets- Rusty Karr reported that the employees had been going to classes. They were going to safety, digging and spraying classes. He also reported that items had gone missing from the shed. One of the items was a grinder. The employees also reported things being moved and changed. Rusty Karr wanted the Board's opinion. President Karr wanted to know if we needed to change the locks. Rusty Karr did not know what to do. Rosalie Summers asked how many doors would need to be rekeyed. Rusty Karr said two. Rosalie Summers said she agreed with changing the locks. Rusty Karr said that brings up the question as to who gets a key. President Karr said to change the locks, we have had some employee turnover. Vernon Meadows thought Atlas Lock could just re-tumble the lock without completely changing them out. Willie Strange said it would be three locks. President Karr said so we are re-keying the locks. Rusty Karr said yes. Also, we had a misunderstanding over the paying for the classes. So, we are going to pay for them to take classes? The Clerk said yes. Rusty Karr said except for driving classes, we reimburse for the CDL? The Clerk said yes, as far as the CDL goes, we have always in the past made them get it first. We don't want to pay for them to fail. Normally, in the past, they would have me schedule their classes so, I would know what checks to write. Here lately, I don't know what they are taking. Rusty Karr then wanted to talk to the Board about unemployment while the work was slow here for the employees, could it be done. President Karr asked if we had been paying unemployment insurance? Rosalie Summers asked for part time employees or at will employees? The Clerk said yes. I can tell you for a fact yes they can. We have had it happen, a couple of them. President Karr said so we pay unemployment insurance. The Clerk said yes, we do. We prefer not to, because we have a high rate because we have had so many claims at one point. Our rate is at 8.5%, I want to say. President Karr said they have to be off two weeks continuously before it will start. Rusty Karr said I just wanted to talk about it. The Clerk said I just know the more that claim, the higher that rate goes and the more we are expected to pay.

B. Health & Safety- Suzanna Holland said that on March 7, they wanted to do the Rabies Clinic down at the shed. Vernon Meadows said that someone needs to be there. They needed to raise the doors periodically for large dogs. The Board agreed to have an employee there to take care of it. The time would be 1-3 pm on

Saturday. Willie Strange asked about renewing his spraying licenses. The Board agreed that he should renew the licenses. Willie Strange then asked if Rusty Stamp should get an applicator license or an operator license. The Board agreed to have him get an applicator license. Rusty Karr thought have them be at the same level. Willie Strange said in previous years, both employees had the same type of license. Rusty Karr said that the rubber under the doors has been getting bad. He discussed contacting Pinnacle Door or getting the pieces at Menards.

C. Water- None

D. Zoning-None

E. Finance-Rosalie Summers said that were un-cleared checks that were years old. She was unsure if the records don't jive between the Clerk and Treasurer or if they are hanging out there. President Karr said they are hanging out there. The Clerk said yes. The Ameren bill shows that we paid them, they just never cashed the checks. President Karr asked how old they were? Rosalie Summers said there was one from 2010. Attorney Mahrt said to see if the bank will still honor them. Rosalie Summers said see if we can stop payment on them. Attorney Mahrt said that she should contact them because they may charge to stop payment. Rosalie Summers said she would do that. Rusty Karr asked if the employees were getting a spent to date sheet. Rosalie Summers said no, she would work on that.

8. Public Comment, 3 minutes per person.

Ed Fleck- The Zoning Board of Appeals has not been paid. He then discussed the water department being in the red and how we should increase rates.

Jane Buraglio said that the auditor had reported that the water owes the general fund money which was paid back already. She then asked about the Ameren Easement and why we weren't doing anything with it since they were still processing easements. She then discussed the equity line payment being do and the CD needed to pay it has rolled over.

Willie Strange then asked about his raise and back pay for zoning officer.

9. New Business for Discussion and vote:

A. Water Project Fund balance and changes (both utility taxes to be deposited to it and minimum balance to avoid service fee). Rosalie Summers said that we had talked about resolution 10-2. She thought we needed to change the ordinance to say that all utility taxes should go into the water project fund. The Clerk thought the telecommunication (excise) tax was already wrapped up in an ordinance directing it to the park fund. Rosalie Summers thought they both ought to go into the water project fund since there was nothing going on in the park. President Karr said there is some upkeep on the park. Rosalie Summer thought it would be simpler with just two accounts water and general fund. President Karr said asked the attorney if the resolution was still valid beyond the life of the Board that passed it? The Clerk said it was written in 2010 if that helps you. Attorney Mahrt said a resolution is the sense of the Board at the time. It is not a permanent document but it is an indication of the Board's direction at that time and until this Board changes it. Then the person implementing the procedures needs to follow it, until it is changed. So, yes it does have some binding effect beyond on the time

of the Board but it can be changed by action of the current Board. Rosalie Summers said that it says all but she can't see where we made any changes and only one is going there. Attorney Mahrt said unless there is something in the minutes that indicates otherwise, then the accounts and finance chair should follow the resolution. The Clerk thought there was a motion to use the utility tax to pay the equity line. Jane Buraglio thought there was an ordinance for the equity line. Attorney Mahrt said that if there is an ordinance that directs the money to pay the loan, then that would take precedents. The Clerk said both taxes are listed in the budget which is an ordinance. Rosalie Summers wanted to look at the ordinances. Attorney Mahrt said to do some research and find the ordinances. The Clerk then discussed correcting the direct depositing of the utility tax and the process. The Board's first needs to decide what account is to go to since that old resolution says water fund and not water project fund. The Clerk said she would do more research on it. President Karr said and then the attorney can draft us an ordinance on it.

B. Board advised of FOIA requests and their nature. We should know what concerns the citizens. Rosalie Summers wanted to know what was being FOIA'd, so we could better serve the citizens. The Clerk said she could tell what they were, they were the same every month. Rusty Karr wanted to know if we could know that. Attorney Mahrt said there is a PAC opinion on that and the Clerk should be keeping a list of FOIAs (when they come in and when they are responded to). The Clerk said she had not been doing that but she had been keeping a filing systems of them. Rosalie Summers thought that some of the things were supposed to be on the website. The Clerk said that the only things that have to be on the website, and you have to have a full time employee maintaining that site, are minutes and agendas. I will admit I am behind on it. Attorney Mahrt asked if we have a full time person maintaining it. The Clerk said no. Attorney Mahrt said so it is just a courtesy at this point. Rosalie Summers said I volunteered to help with it. President Karr said we have a full time person, because we pay a company to do it. Attorney Mahrt said but you pay that company. It brings up more questions. Rusty Karr said we pay three different places. Attorney Mahrt said and they maintain it? The Clerk said yes but I still have to scan it, upload it and email it to them for them to put it up at their time frame. Rosalie Summers said that is a lot of work. She also said we did get rid of one of the bills. The Clerk said the third one was associated with previous web host. They expected to be notified in writing even though they knew they weren't maintaining our website. President Karr said then what do you want to do about FOIA? The Clerk said I can give a report right here at the meeting, give you a sheet like the bill submitted list. Rosalie Summers said okay. She asked if the FOIAs had to be on the website? Attorney Mahrt said no, just minutes and agendas. He suggested keeping a log. The Clerk said she could give a report right now. Rusty Karr said what is it? The Clerk said I get three requests every month. The first is for checkbook registers, bank statements, payroll records and deposits (water, general and park funds). The second request is for water billing register report and shut off list. The

third request I get is for the treasurer's report, the bill submitted list, copy of the bills with their coding, any monthly tax deposits I have made, any minutes that are approved at these meeting and anything that comes in that you pass at these meetings, like ordinances or resolutions. Rusty Karr asked who is requesting that? Jane Buraglio says I am because I am not getting a finance report. It has been 21 months since the Board has heard what is in the accounts and the only way to find out is to submit a FOIA and find out. Rosalie Summers asked if she got copies of these bills? Jane Buraglio said yes and I am paying for them. The Clerk said that is another thing, since we stopped putting them out on the website, I can now charge for them. They get the first 50 copies free and \$.15 for each additional copy. We are now getting money in for FOIA. Jane Buraglio said she had seen mistakes on coding and so forth. The Clerk said she could get them a list if they wanted.

C. Water Tower upgrade (or maintenance?) that was done should offset depreciation. Rosalie Summers said she was asked about it. She wondered if the work done would offset the depreciation. President Karr said that she should ask the auditor. Rosalie Summers said she would.

D. Status of all current lawsuit. Attorney Mahrt said the Billboard litigation, nothing new. The Federal lawsuit is set for case management by phone teleconference for next Tuesday.

E. Website Updating. President Karr said we already discussed this.

F. Abandoned Vehicle Compliance Hearing. Suzanna Holland said that Attorney Mahrt had been speaking to Mr. Greene about getting things moved. Attorney Mahrt said that he had spoke to Mr. Greene's attorney. Mr. Greene is willing to move unlicensed cars off the property over a period time. He wanted 18 months to do it. I suggested that, that was too long. I said we needed a shorter period and action during that period. He has not got back to me with regard to the time period but he did indicate he would be willing to move a vehicle off the property every so often. So, that needs to be discussed in greater detail. I am also concerned about the inoperable trucks that are there. I wanted to get some feedback from you on whether moving the cars is enough. What is it that you want done? Vernon Meadows said they need to be all gone, it is an eyesore. Suzanna Holland agreed. Attorney Mahrt said that the next step would be to provide notice and hold the hearing. I think was hearing set for this month but no notices went out. So, we need to provide notices. Suzanna Holland asked if he had a form letter we could use for that? Attorney Mahrt said he would email it to the clerk. Vernon Meadows asked about the cars over by the Millers? Suzanna Holland said that one I am working on and I also the one on Thomas Ct, I thought it had been taken care of but it is still there. If we are going forward with Greene, then we will get the letter out to them too. Vernon Meadows said the only thing the one by the Millers has done is... Suzanna Holland said rearrange. Vernon Meadows said moved them from the front to the back. Suzanna Holland said we will send them a letter at the

same time. The Clerk said there is one more name. Suzanna Holland said the Burks, we had forgotten them too. They need a letter too. I just wanted to get the Boards opinion on the Greene situation. President Karr said we need to be more aggressive. Suzanna Holland said there is no point in giving him more time.

G. Vote on whether to approve/release Executive Session minutes from July 22, 2014. President Karr said this is because it was incorrectly dated on the last agenda. The Clerk said you agreed to approve but not release them. Rusty Karr motioned to approve the content of Executive Session minutes from July 22, 2014. Suzanna Holland seconded.

Ayes: Vernon Meadows, Rusty Karr, Suzanna Holland and Rosalie Summers.

Nays: None.

Absent: Shay Burke.

Motion carried 4 to 0 with 1 absent.

Vernon Meadows asked about the trailer. Attorney Mahrt said a letter went out giving him 60 days. Vernon Meadows asked when it went out. Attorney Mahrt said right after that meeting at the beginning of February.

Suzanna Holland asked how much before the meeting do the inoperable vehicle letters have to go out. Attorney Mahrt said he would have to check but generally it is ten days. Rusty Karr then asked about cutting trees down on Village property. The Board discussed removing them but then replacing them. They also discussed how the roots would damage the drainage tiles. Willie Strange was concerned about damage to private property. The Clerk said that Rusty Karr does has a landscaping budget. Suzanna Holland said if they are dead they should be taken down. She would like to see them be replaced if they can be. Vernon Meadows said if they are dead take them down.

Rusty Karr then said they are waiting on taking out the footing and the driveway before they work on the sidewalk across the street.

10. Motion to adjourn. Vernon Meadows motioned to adjourn. Rusty Karr seconded. Meeting adjourned at 8:09 pm.

President Rich Karr _____