

**Village of Wapella
Regular Board Meeting
August 19, 2014
7:00 pm
Village Hall**

1. Call Meeting to Order.

2. Roll Call. Present were Trustees Vernon Meadows, Rusty Karr, Logan Redman and Suzanna Holland. Absent were Trustees Brad Karr and Shay Burke. Also present were President Rich Karr, Clerk Elizabeth Weikle and Attorney Heather Kimmons.

3. Motion to approve minutes from July 22, 2014. Vernon Meadows motioned to approve the minutes from July 22, 2014. Logan Redman seconded.

Ayes: Vernon Meadows, Rusty Karr, Logan Redman and Suzanna Holland.

Nays: None.

Absent: Brad Karr and Shay Burke.

Motion carried 4 to 0 with 2 absent.

4. Motion to approve all okayed bills. Suzanna Holland motioned to approved all okayed bills. Logan Redman seconded.

Ayes: Vernon Meadows, Rusty Karr, Logan Redman and Suzanna Holland.

Nays: None.

Absent: Brad Karr and Shay Burke.

Motion carried 4 to 0 with 2 absent.

5. Department Reports.

A. Streets- Rusty Karr said the light pole was approved, they are just waiting on payment. The old dump truck had no brakes, but we fixed that. They got the battery for the 3000 watt generator. The new mower should be here within two weeks. I am going to have Peck hook up a generator hookup for at the shed, in case the power goes out. The roads have been chipped. Vernon Meadows if there would be estimates on the generator. Rusty Karr said if we buy the hook up kit, it will be under \$500. If he does it, it will be over \$600. He recommended we buy the kit at around \$300 and he will charge around \$100 to install it. Rusty Karr then said he had cut the ditch at the Park across from the church. It would be volunteer money, so there will be no cost to the Village. He wanted the checks and water books left at the shed, so the employees weren't at the hall. Logan Redman asked about the project at the Park, he thought it was supposed to be discussed with Suzanna and Vernon. Rusty Karr said it is on the right of way, so it is my department. Several people spoke about their dislike of it. Rusty Karr pointed out that it is prepped and not finished yet. Vernon Meadows said his problem is that it was decided at the last meeting that he and Suzanna would look at the area and discuss it before anything was done. Therefore it needs to be

removed and grassed over. Logan Redman showed concerned that people would be parking on the trail. Rusty Karr said it was his department and he believed that the Trustees were behind him on the project last month. The Board thought there should be a separation between the trail and the gravel, so people wouldn't park on the trail.

B. Health & Safety- Attorney Kimmons had an update on the Greene property. She had been contacted by an attorney for Richard Greene. He wanted to know exactly what is needed to fix the place up. I need some specifics on that. Another thing that was raised was whether the Village was interested in taking the property. If you have specifics as to what needs to be fixed. Vernon Meadows said the north end of the building needs to be stabilized. It has a downspout that is eroding the mortar from the bricks. There is a hole in the front on the South side that cats are coming in and out of. Rusty Karr asked if there was anything we could do about tall weeds around town. Suzanna Holland said get me the addresses we will be sending out letters.

C. Water- Logan Redman said Billy Miller had a leak down at his shop. The backhoe had a bungee cord with a knot in it, holding it together. Next month, I should have something to move forward with on the grant process. We will also be moving the utility tax back into water per ordinance. Rusty Karr asked about cleaning out the sand filter. Logan Redman said he would talk to Clyde about it. Willie Strange said it needs to be all removed and it will have to be hired out.

D. Zoning- Willie Strange said FS wants a permit for propane tank storage. He also reported that Cale Price's paperwork was incomplete. He issued a permit for Greg Hale for demolition on his property.

E. Finance- None.

6. Public Comment, 3 minutes per person.

Eric Shangraw spoke about a proposal for a new contract with Area. It would include a rate freeze for the current year. We would need to decide before October 1, 2014.

Sharon Riddle said that the website had not been updated. She also complained about the service from Area Disposal.

Steve Stivers spoke about the damage done to his garage.

Terry Redman asked about the mowing of the right of way.

Heather Kimmons spoke about how we can not enforce our ordinance on the railroad for their right of way.

Dale Karr asked about the lawsuits.

Heather Kimmons said there is a settlement pending on the Billboard lawsuit. The Buraglio lawsuit, four of six claims have been dismissed.

7. New Business for Discussion and Vote:

A. For permit fees for projects started prior to receiving a permit. Vernon Meadows said we have people that start projects without a permit and he would like to charge them a fee. Attorney Kimmons said that could be done. She would take a look at the ordinance and see what could be done. She would send it out for them to look at.

B. To Adopt an Ordinance regulating noise in the Village of Wapella. Vernon Meadows asked if it could be worded that the doors had to remained closed. Attorney Kimmons thought this was something they could discuss later but should not be part of the noise ordinance. President Karr read the ordinance to the audience. Logan Redman motioned to approve the Noise Ordinance (see attached copy). Suzanna Holland seconded.

Ayes: Vernon Meadows, Rusty Karr, Logan Redman and Suzanna Holland.

Nays: None.

Absent: Brad Karr and Shay Burke.

Motion carried 4 to 0 with 2 absent.

C. Audit to be done by Feller & Kuester. Logan Redman motioned to hire Feller and Kuester to do our audit not to exceed \$5000. Rusty Karr seconded.

Ayes: Vernon Meadows, Rusty Karr, Logan Redman and Suzanna Holland.

Nays: None.

Absent: Brad Karr and Shay Burke.

Motion carried 4 to 0 with 2 absent.

8. Motion to adjourn. Vernon Meadows motioned to adjourn. Logan Redman seconded. Meeting adjourned at 8:09 pm.

President Rich Karr

A handwritten signature in black ink, appearing to be 'Rich Karr', is written over a horizontal line. The signature is stylized and cursive.

**THE VILLAGE OF WAPELLA
DeWITT COUNTY, ILLINOIS**

ORDINANCE
NUMBER 8-19-2014

**AN ORDINANCE REGULATING NOISE
IN THE VILLAGE OF WAPELLA**

RICHARD KARR, Village President
ELIZABETH WEIKLE, Village Clerk

SHAY BURKE
SUZANNA HOLLAND
RUSTY KARR
BRAD KARR
VERNON MEADOWS
LOGAN REDMAN

Village Board

Published in pamphlet form by authority of the Village President and Village Board of
the Village of Wapella on September 11, 2014

Ancel, Glink, Diamond, Bush, DiCianni & Krafthefer, P.C. – 207 West Jefferson, Suite
402 - Bloomington, Illinois 61701

ORDINANCE NO. 8-19-2014

**AN ORDINANCE REGULATING NOISE
IN THE VILLAGE OF WAPELLA**

WHEREAS, the Village of Wapella is an Illinois municipal corporation operating under the laws of the State of Illinois; and

WHEREAS, the Illinois Municipal Code, 65 ILCS 5/11-5-2, provides the corporate authorities of the Village may adopt ordinances to regulate noises, disturbances, trespasses, and disorderly assemblies in any public or private place; and

WHEREAS, the Village of Wapella has certain police powers to enact regulations for the health and safety of the residents of the Village; and

WHEREAS, the Municipal Code of Wapella contains Chapter 21, entitled Miscellaneous Offenses, and includes therein Section 21-108, entitled "Disorderly Conduct," which states that "It shall be unlawful for any person to be guilty of disorderly conduct or of any conduct tending toward a breach of the peace. *The causing or making of any unnecessary loud noise or shouting or yelling shall be considered disorderly conduct.*" (emphasis added).

WHEREAS, the corporate authorities have determined that noise is occasionally a concern within the Village and that additional regulations are necessary to address and regulate this problem; and,

WHEREAS, this ordinance is enacted to protect, preserve, and promote the health, welfare, peace and quiet of the residents of the Village through the

reduction, control, and prevention of loud and unnecessary noises, or any noise that unreasonably disturbs the comfort, repose, health, peace or safety of reasonable persons of ordinary sensitivity.

NOW THEREFORE BE IT ORDAINED by the President and the Board of Trustees of the Village of Wapella, DeWitt County, Illinois, as follows:

Section 1. Recitals. The foregoing recitals shall be and are hereby incorporated into and made a part of this Ordinance as if fully set forth in this Section 1.

Section 2. General. No person, group or gathering of persons, or business shall make or cause to be made any loud, disturbing or unnecessary sounds or noises such as may tend to annoy or disturb a person of ordinary sensibilities in or about any public street, alley, or park, or any private residence.

Section 3. Sound-Amplifying Equipment. The following regulations shall apply to the use of sound-amplifying equipment within the Village:

(a). The use of loud speakers or amplifiers connected with any radio, phonograph, microphone, or other device by which sounds are magnified and made heard over any public street or public place is permitted Sundays, Mondays, Tuesdays, Wednesdays, and Thursdays from 9:00 A.M. until 9:00 P.M.

(b) The use of loud speakers or amplifiers connected with any radio, phonograph, microphone, or other device by which sounds are magnified and made heard over any public street or public place is permitted Fridays and Saturdays from 9:00 A.M. until midnight.

(c) The only amplified sounds permitted under this section shall be music and/or human speech.

(d) It shall be unlawful for any person, persons, corporation or other business to use loud speakers or amplifiers connected with any radio, phonograph, microphone, or other device by which sounds are magnified and made heard over any public street or public place outside of the hours on the days specified hereinabove.

Section 5. Penalty. Any person, persons, corporation or other business which shall violate any of the provisions of this ordinance shall be fined not less than one hundred twenty-five dollars (\$125.00) for each violation, and each day on which a violation continues shall be considered to be a separate offense. The occupant of the property or residence, or the agent of the occupant, who shall permit another person to create a noise or conduct a noise as prohibited in this ordinance shall be deemed responsible for the noise or activity to the same extent as the person(s) creating the noise or conducting the activity and shall be subject to the same penalty. Any authorized peace officer may issue a citation for any violation of this ordinance. In addition, the Village may, at its discretion, seek any other remedy at law or in equity to restrain or enjoin violation of this ordinance.

Section 6. Severability. In the event a court of competent jurisdiction finds this

ordinance or any provision hereof to be invalid or unenforceable as applied, such finding shall not affect the validity of the remaining provisions of this ordinance and the application thereof to the greatest extent permitted by law.

Section 7. Repeal and Savings Clause. All ordinances or parts of ordinances in conflict herewith are hereby repealed; provided, however, that nothing herein contained shall affect any rights, actions, or causes of action which shall have accrued to the Village of Wapella prior to the effective date of this ordinance.

Section 8. Effective Date. This Ordinance shall be in full force and effect from and after its passage, approval and publication in pamphlet form as provided by law.

SO ORDAINED this 19th day of August, 2014, at the Village of Wapella, DeWitt County, State of Illinois

	YES	NO	ABSENT	PRESENT
BURKE			X	
HOLLAND	X			
B. KARR			X	
MEADOWS	X			
REDMAN	X			
R. KARR	X			
PRESIDENT *				
TOTAL	4	0	2	

*Only if/when permitted by statute

APPROVED by the Village President on August 19, 2014


 Richard A. Karr, Village President

J.

ATTEST:

Elizabeth N. Weikle
Elizabeth Weikle, Village Clerk

