

VILLAGE OF WAPELLA

Village Hall
312 Main Street – P. O. Box 148
Wapella, Illinois 61777

BOARD MEETING – MINUTES

August 18, 2015

Regular Meeting

7:00 pm

I. ROLL CALL – 7:00 pm

Name	Title	Status
Nancy Falk	Trustee	See below
John Goergen	Trustee	Present
Suzanna Holland	Trustee	Present
Mandy Huff	Trustee	Present
Rich Karr	President	Present
Rusty Karr	Trustee	Present
Rosalie Summers	Trustee	Present
Steve Mahrt	Village Attorney	Present
Kim Yearry	Clerk	Absent

Nancy Falk was delayed by weather and arrived late to the meeting.

II. APPROVAL OF MINUTES

1. Village Board – Regular Meeting – July 21, 2015

Result:	Approved
Moved:	John Goergen
Seconded:	Mandy Huff
Ayes:	John Goergen, Suzanna Holland, Mandy Huff, Rusty Karr, Rosalie Summers
Nays:	
Absent:	Nancy Falk

2. Village Board – Regular Meeting – August 4, 2015

Result:	Approved
Moved:	John Goergen
Seconded:	Rosalie Summers
Ayes:	John Goergen, Suzanna Holland, Mandy Huff, Rusty Karr, Rosalie Summers
Nays:	
Absent:	Nancy Falk

III. MOTION TO APPROVE UNPAID BILLS

Result:	Approved
Moved:	Rusty Karr
Seconded:	John Goergen
Ayes:	John Goergen, Suzanna Holland, Mandy Huff, Rusty Karr, Rosalie Summers
Nays:	
Absent:	Nancy Falk

IV. DEPARTMENT REPORTS

A. Streets

Rusty Karr indicated that they are cutting off the sides of the road. This process has been recommend by the engineer. They are also cutting ditches and installing culverts. They jetted approximately 6,000 feet, and some blockages were found and addressed. John asked when the oiling and chipping of the roads was going to occur. Rich indicated that this process is contracted out, so we are at the mercy of the contractor. Rusty said he hopes to begin around the first of next month.

B. Health and Safety

Suzanna Holland reported that Fryman Tree Service took down a dead tree in the park. They will be returning to remove more dead trees. Fryman performs this service free of charge for the village. Rusty asked if all trees were dying and Suzanna replied no. She indicated Evergreen needs to come in and do an analysis to see if there is any treatment available for the trees. Rusty asked if insect spraying falls under the Health and Safety Department or the Streets Department. This will be discussed later in the meeting.

C. Water

Nancy is delayed and is not currently available to give a water report.

D. Zoning

Willie Strange was present and had nothing to report.

E. Finance

Rosalie reported that, at the end of the fiscal year, all departments stayed within their budgets. The water tower loan has been paid off. She stated the General Fund began this new fiscal year with \$69,917.65, the Health/Safety/Park Fund started with \$49,653.01, Motor Fuel Fund with \$33,065.55, Water Fund \$57,285.30, and the Water Project Fund \$8,945.81.

V. CODIFICATION

Richard C. Frommeyer from American Legal Publishing Corporation spoke about the codification process. His company has been providing this service for 21 years, and the company has been in existence since 1934.

They would review our ordinances and check them against current state laws. They would then draft new ordinances as required. The company would also provide a legal/editorial research report which will outline the conflicts with our current ordinances. They also can provide samples/models of ordinances. After the drafted ordinances are complete, they may be reviewed by the village's attorney. It would take approximately 6 months to complete a draft of the ordinances, and then between 1 and 3 months to finish. They have the ability to post our completed ordinances on their website. The smallest town they have worked with had a population of 72 people. Once a year ordinances would be compared against state law and updated.

Rosalie asked if the initial fee would be \$6,400, and then if there is an additional annual fee to maintain the ordinances. Mr. Frommeyer explained that the \$6,400 is an estimate for approximately 330 pages of ordinances, but the contract for services would contain an increase/decrease clause to allow for either more pages or fewer pages. There would be an additional charge for \$19.00 per page for new ordinances after the codification. The cost to publish the ordinances on line on his company's website is included in the \$6,400 for the first year. Thereafter it would be \$450.00 per year to include the ordinances on his company's website. He also added that they can scan and OCR meeting minutes to host on their website.

Mr. Frommeyer explained that the village can spread the cost over two budget years, if desired, and that he would be willing to work with the village on a payment plan.

VI. PUBLIC COMMENT

Dale Karr stated that the trailer at the end of town has a lot of debris on the lot, he never got a permit, it was moved in illegally, and nothing is being done about it. He stated that it needs a permanent foundation, and that the owners has not attend any board meeting.

Vernon Meadows stated that perhaps there should be signs erected near the dumpsters on the north end of town that would outline what can and cannot be placed in the dumpsters. AREA can be contacted to determine what can and cannot go into the dumpsters.

Elizabeth Fleck stated she noticed village employees spraying for insects. She is concerned for their safety and wanted to insure they are taking proper precautions.

VII. NEW BUSINESS

A. Unpaid Railroad Invoice

Rosalie and Rusty discussed the unpaid portion of the railroad's bill for mowing the right of way. Rosalie will look up the balance and send the railroad representative a letter outlining a payment plan.

B. Buy Bulk Chemicals for Mosquito Sprayer

Rusty indicated that currently they are purchasing 2 gallon containers, which last a couple of weeks. He explained that it might be better to purchase 35 gallons at a time. As long as the chemicals don't freeze they won't go bad. The village is getting the chemicals cheaper than retail. There was discussion about who should pay for the chemicals, the Health and Safety Department or the Street Department. Suzanna indicated that she did not budget for the chemicals. It was decided to split the cost 50/50 between the two departments.

Rusty made a motion of purchase mosquito chemicals not to exceed \$900.

Result:	Approved
Moved:	Rusty Karr
Seconded:	Mandy Huff
Ayes:	Nancy Falk, John Goergen, Suzanna Holland, Mandy Huff, Rusty Karr, Rosalie Summers
Nays:	
Absent:	

C. New Tires for Backhoe

Nancy indicated that Owen Tires in Bloomington gave the village a government discount. They are Firestones and the cost (\$1,221.32) is slightly higher than Walker Tire (\$900.00) in Clinton, however the tires from Walker would be the same brand that just failed. The tires at Owen were also manufactured locally. The tires are on hold at Owen. There will be no charge for mounting.

Nancy Falk made a motion to purchase two tires for the backhoe from Owen Tires in Bloomington.

Result:	Approved
Moved:	Nancy Falk
Seconded:	Rusty Karr
Ayes:	Nancy Falk, John Goergen, Suzanna Holland, Mandy Huff, Rusty Karr, Rosalie Summers
Nays:	
Absent:	

D. Hire New Employee

Rusty stated that Willie Strange has been working 50 – 60 hours per week. He indicated that the village needs to have the option available to hire if necessary. There is a lot of work that needs completing before winter. Mandy asked if this would be an on-call employee, to which Rusty responded it would be whatever the current need would be. Suzanna stated that there is lots of work that needs to be completed in the park. John stated that the ad should indicated seasonal employee, so there is no misunderstanding. Rusty added that if one of the current employees is off or sick, that only leaves one employee on duty. Suzanna asked if the board could have input into the selection. New employees need to come before the board to be hired. Rusty stated that the current employees work well, but there needs to be a backup plan in place. Rusty stated that he would like to continue to offer the current employees at least 40 hours per week.

Rusty made a motion to begin the process of hiring another employee.

Result:	Approved
Moved:	Rusty Karr
Seconded:	Nancy Falk
Ayes:	Nancy Falk, John Goergen, Suzanna Holland, Mandy Huff, Rusty Karr, Rosalie Summers
Nays:	
Absent:	

E. Follow up on Inoperative Vehicles

Rich Karr stated that Mr. Greene has moved three vehicles off his lot, so he’s made some progress. Mr. Greene is very ill, cannot do the work himself, and cannot find someone to do the work for him. He has fired his lawyer. Suzanna indicated a consultation with our attorney is necessary, and that we need to continue to pursue the issue. The compliance hearing was supposed to be tonight. Rich Karr will email the village attorney. The compliance hearing is continued again.

F. Adopt Fiscal Year 2015-2016 Budget

Rosalie indicated that the Board has been meeting to work on the budget. All budget numbers are currently in, and the budget is less than it was last year. Rosalie asked that everyone double-check their figures.

Rusty made a motion to approve the 2015-2016 budget.

Result:	Approved
Moved:	Rusty Karr
Seconded:	John Goergen
Ayes:	Nancy Falk, John Goergen, Suzanna Holland, Mandy Huff, Rusty Karr, Rosalie Summers
Nays:	
Absent:	

G. Approve Funds to Work on Drainage District Tile

Rusty stated that there was a plug by the old trailer park property. The drain that runs by the alley has tree roots in it. The high estimate to repair drainage is \$5,000. He has been working with the district tile employees. The cost to jet 6,000 feet was \$900.00. The district paid half of the cost. Each entity is working on their own area. The portion the village will pay for is village drainage into the district tile.

Rusty made a motion to approve \$5,000 to work on drainage.

Result:	Approved
Moved:	Rusty Karr
Seconded:	Mandy Huff
Ayes:	Nancy Falk, John Goergen, Suzanna Holland, Mandy Huff, Rusty Karr, Rosalie Summers
Nays:	
Absent:	

H. Pay off New Truck

Rosalie stated there are two payments of approximately \$8,000 left on the new village truck. She is concerned that revenues will decrease in the next fiscal year as there is currently no budget for the state of Illinois and the current governor has made numerous cuts in the revenues the village receives. Rusty stated if we pay off the truck, the village will be debt free. Rosalie agreed. John questioned if we have the funds to pay it off. Rosalie responded affirmatively. Suzanna questioned the current balances of the village accounts. Rosalie stated we could make one payment now and see how it goes, and perhaps make the second payment early too, depending on how the state of Illinois budget finalizes. Mandy indicated we should make the December

payment now, and then see where we are at. Suzanna also thought that was a good idea. John said that debt is always bad, and if there are budget cuts for Wapella on the new Illinois budget, at least the truck will be paid off. Rich stated that if it is paid off, the village wouldn't have the \$8,000 in the bank if budget cuts occur. No CDs have been or will be used to make the payments.

Rosalie made a motion to make a truck payment within 30 days, and then discuss the second payment in December.

Result:	Approved
Moved:	Rosalie Summers
Seconded:	Rusty Karr
Ayes:	Nancy Falk, John Goergen, Suzanna Holland, Mandy Huff, Rusty Karr, Rosalie Summers
Nays:	
Absent:	

I. Debit Card to Pay Bills

Rich asked the clerk to explain the need for a debit card. She stated that some business do not take checks, i.e. Weebly, where the village website is designed, only takes Paypal and credit/debit cards. The village can buy postage online, but we need a credit/debit card. It was questioned if the request was for a credit card or a debit card. The clerk responded debit. Nancy indicated that you can used a debit card as a credit card. John asked who would be authorized to use the debit card. The clerk indicated the Board could appoint whomever they would like to be the authorized user(s).

Rusty Karr made a motion to acquire a debit card and authorize Kim Yearry and Rosalie Summers as the authorized users for office use.

Result:	Approved
Moved:	Rusty Karr
Seconded:	Nancy Falk
Ayes:	Nancy Falk, John Goergen, Suzanna Holland, Mandy Huff, Rusty Karr, Rosalie Summers
Nays:	
Absent:	

J. Water Billing Rates

Rich passed out the proposed ordinance written by the village attorney. It describes a proposed residential rate of \$10.50 for the first 2,000 gallons of water used. Over 2,000 gallons will be \$3.57 per 1,000 gallons. The proposed commercial rate is \$23.25 for the first 2,000 gallons of water, and \$8.60 per thousand gallons over the first 2,000 gallons.

Nancy stated that previous discussions had lead to the decision that businesses in Wapella would be charged \$23.25. Suzanna asked when that was decided. Nancy stated it was discussed and decided at the last meeting. Suzanna noted that the small businesses in town only use a minute amount of water, and she doesn't think it's right to charge them the higher rate. Nancy stated that we are still under what other villages charge for commercial rates. Suzanna stated she does not agree with the commercial rate for everyone. Nancy explained that it is a business expense that can be written off. Rich added that it is increasing \$14.00

per month. Suzanna asked if everyone agrees with the commercial rate for all businesses. Rich asked how will it be decided if they qualify as a business. Nancy noted that previously the commercial rate had been \$15.50. She went on to explain that everyone in town is going up 50%, so they raised it 50% on commercial. Suzanna stated she does not recall that conversation.

Rich asked if Vee's Beauty Shop, who was a hairdresser that works out of her home, would be charged the commercial rate. Nancy asked if it was a business. Rich replied it has a sign in front of the house. He also questioned Tom Brahme. Nancy indicated it was not determined by water usage. Rosalie stated Walnut Circle is zoned commercial. Nancy asked if Vee's house is zoned commercial or residential. Several replied it is a residence. Nancy explained that if it is a residence then no, she does not get charged the commercial rate. Rich asked for clarification, that anyone who is zoned residential will not get charged commercial rates. Nancy stated yes, zoned residential does not get a commercial rate.

Dale Karr stated that the businesses are already paying taxes, and the bars are also paying for a liquor license. Haycraft uses very little water. Rich mentioned that Haycrafts is not a good example as they have excellent revenue. Cade Bray doesn't make much. Suzanna added that Rick also doesn't use much water.

Rich stated that he believes our commercial rate is cheaper than Clinton's residential rate. Nancy agreed and added it's cheaper than a lot of residential rates.

Mark Miller stated there needs to be a clear definition of who gets the commercial rate. FS and Casey's, there is no question about their classification.

Rich added that Tom Brahme is a residence 8 months out of the year, and a business 4 months out of the year. Rosalie asked if the Board could bring this topic back next month so they can get clarification. Nancy indicated she would rather get it passed now and on the books as it keeps getting delayed. It's already been 3 or 4 months.

Vernon Meadows asked if it should be based on the gallons used. Rosalie stated some of the businesses don't even use 1,000 gallons. Willie Strange noted some residences use more than the businesses. Vernon mentioned Todd Rodgers, saying he probably uses a lot of water. Rich stated he didn't think Todd would be adverse to \$8.00. Rusty indicated the Board shouldn't speak about individual residents.

Nancy stated if it's zoned commercial, they will get the commercial rate, if it's residential, you get the residential rate.

Rich asked Willie Strange, as the zoning officer, for his input. Willie noted none of Thomas Court is zoned residential. Rosalie suggested that some of the zoning needs to be changed. Nancy stated that they are all houses on Thomas Court, so they would be charged residential. Willie stated Thomas Court needs to be re-zoned prior to the rate change. Nancy asked why was Thomas Court zoned commercial/ Willie stated it has been that way for years. Suzanna stated she'd like to get the attorney's view on the Thomas Court issue, and he's not in attendance today Nancy noted that he's the one that wrote the ordinance.

Rusty suggested that an average of water usage is taken annually, noting the commercial users will have a much higher usage. Mandy stated it should be passed the way it is written with the exception being Thomas Court, and Cale Price, then re-zone it next month.

Rich read from the ordinance and clarified "as used herein, commercial means non residential use" so that addresses Thomas Court. Nancy agreed, as Thomas Court is residential and not commercial.

Nancy Falk made a motion to pass the water ordinance so that the village has an opportunity to work on the water mains in the next year.

Result:	Approved
Moved:	Nancy Falk
Seconded:	Rusty Karr
Ayes:	Nancy Falk, John Goergen, Mandy Huff, Rusty Karr, Rosalie Summers
Nays:	Suzanna Holland (due to commercial rate)
Absent:	

K. Softball Diamond Fence Removal

Suzanna stated that the softball diamond in the park is no longer being used, and the fencing and backstop makes mowing more difficult. She has spoken with Derek Fryman, who is in charge of maintaining the ball diamonds. She proposes that village employees remove the fencing.

Result:	Approved
Moved:	John Goergen
Seconded:	Mandy Huff
Ayes:	Nancy Falk, John Goergen, Suzanna Holland, Mandy Huff, Rusty Karr, Rosalie Summers
Nays:	
Absent:	

Rusty asked about roofing the gazebo. Suzanna stated the village had received a quote over six months ago, and it's probably not valid any longer.

VIII. Executive Session

John made a motion to go into Executive Session as permitted by 5 ILCS 120/2(c).

Result:	Approved
Moved:	John Goergen
Seconded:	Nancy Falk
Ayes:	Nancy Falk, John Goergen, Suzanna Holland, Mandy Huff, Rusty Karr, Rosalie Summers
Nays:	
Absent:	

John Goergen made a motion to come out of Executive Session as permitted by 5 ILCS 120/2(c).

Result:	Approved
Moved:	John Goergen
Seconded:	Mandy Huff
Ayes:	Nancy Falk, John Goergen, Suzanna Holland, Mandy Huff, Rusty Karr, Rosalie Summers
Nays:	
Absent:	

IX. New Business Continued

A. Closed Session Minutes for Content and Release

Nancy Falk made a motion to release the minutes in orange.

Result:	Approved
Moved:	Nancy Falk
Seconded:	Rusty Karr
Ayes:	Nancy Falk, John Goergen, Suzanna Holland, Mandy Huff, Rusty Karr, Rosalie Summers
Nays:	
Absent:	

Suzanna Holland made a motion to approve July 22, 2014 Executive Session minutes for content.

Result:	Approved
Moved:	Suzanna Holland
Seconded:	Rosalie Summers
Ayes:	Nancy Falk, John Goergen, Suzanna Holland, Mandy Huff, Rusty Karr, Rosalie Summers
Nays:	
Absent:	

Rusty made a motion to approve the June 16, 2015 Executive Session minutes for content and release.

Result:	Approved
Moved:	Rusty Karr
Seconded:	Nancy Falk
Ayes:	Nancy Falk, John Goergen, Suzanna Holland, Mandy Huff, Rusty Karr, Rosalie Summers
Nays:	
Absent:	

B. Employee Discipline and Compensation

John Goergen made a motion to give Willie Strange a .75 cent an hour raise retroactive to last July 2015.

Result:	Approved
Moved:	John Goergen
Seconded:	Mandy Huff
Ayes:	Nancy Falk, John Goergen, Suzanna Holland, Mandy Huff, Rusty Karr, Rosalie Summers
Nays:	
Absent:	

Rich Karr recognized Mark Miller in the audience. Mark stated water rates are set by ordinance. In order to modify the ordinance you must have a new ordinance, which you did not have. You also need an effective date, which you do not have. Rich indicated he had the ordinance, and it had already been approved. Mark Miller stated there was motion and it was not stated in public record that it was an ordinance.

Rich asked the clerk to read back the motion for the water rates.

Nancy stated she doesn't know if she stated "ordinance."

John stated he didn't think she did.

Rosalie stated she may not have told the audience we had an ordinance, however we all have a copy.

Mark Miller stated it is not legal unless it is stated in the motion, that you are modifying an ordinance.

The clerk read "increase water billing rates at 50% except Thomas Court and Cale Price as outlined in the ordinance."

Rich stated he needed a new motion.

Several Board members repeated "as outlined in the ordinance."

Rich stated the effective date of the ordinance...

Nancy answered is going to be today.

Rich stated he thinks there is a spot in the ordinance for it.

Rich asked if it was correct.

Mark Miller replied with the exception of the definition of commercial on Thomas Court, was it to modify the existing ordinance. Mark continued that the ordinance is not legal as it stands right now as it is worded in the motion, unless the ordinance is specifically mentioned.

Rich replied the ordinance is specifically mentioned.

X. Motion to Adjourn

Rich asked for a motion to adjourn.

Nancy Falk made a motion to adjourn. John Goergen seconded.