

**Village of Wapella  
Regular Board Meeting Minutes  
December 16, 2014  
7:00 pm  
Village Hall**

1. Call Meeting to Order.

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

3. Motion to approve minutes from November 18, 2014. Rosalie Summers said she had a question about item C on the third page. It says that the abandoned vehicle motion was not seconded. President Karr said there never should have been a vote. The Clerk said that will stay part of the record, it is just that you voted on something that didn't have a second. Attorney Kimmons said so we will redo that vote tonight. Vernon Meadows motioned to approve the minutes from November 18, 2014. Suzanna Holland seconded. Ayes: Vernon Meadows, Suzanna Holland and Rosalie Summers.

Nays: None.

Absent: Rusty Karr and Shay Burke

Motion carried 3 to 0 with 2 absent.

4. Motion to approve all okayed bills. Vernon Meadows motioned to pay all okayed bills. Suzanna Holland seconded.

Ayes: Vernon Meadows, Suzanna Holland and Rosalie Summers.

Nays: None.

Absent: Rusty Karr and Shay Burke

Motion carried 3 to 0 with 2 absent.

5. Acceptance of Trustee Brad Karr's Resignation. Vernon Meadows motioned to accept Brad Karr's resignation. Suzanna Holland seconded.

Ayes: Vernon Meadows, Suzanna Holland and Rosalie Summers.

Nays: None.

Absent: Rusty Karr and Shay Burke

Motion carried 3 to 0 with 2 absent.

6. Department Reports.

A. Streets- None

B. Health & Safety- Suzanna Holland reported that she was in the process of transitioning the Community Center Rentals to Barb McKinney.

C. Water-None

D. Zoning-None

E. Finance- Rosalie Summers reported that the audit was completed and that the auditor would be here in January to explain the audit.

**7. Public Comment, 3 minutes per person.**

Joe Mikuleky from Farnsworth Group introduced himself and said call him for anything we need.

Ed Fleck encouraged the Board to listen to the recommendations of the ZBA on the permits they would be discussing.

**8. New Business for Discussion and Vote:**

A. To purchase a new computer for the Treasurer. Rosalie Summers said the computer doesn't warm up for about 20 minutes. The real issues is it is outdated since it is a Windows XP. It might be more susceptible to viruses. I have looked for a Windows 7. Office Depot has one. I plan to go back to them and discuss getting one. President Karr asked if she had a price in mind. Rosalie Summers said they were around \$500 but she thought she could get a better deal. President Karr advised her to give herself some wiggle room on the amount she puts in the motion. Rosalie Summers motioned to purchase a computer for the Treasurer not to exceed \$650.00. Vernon Meadows seconded.

Ayes: Vernon Meadows, Suzanna Holland and Rosalie Summers.

Nays: None.

Absent: Rusty Karr and Shay Burke

Motion carried 3 to 0 with 2 absent.

B. To pass the Tax Levy Appropriation Ordinance. President Karr said we went through the numbers last month. Vernon Meadows motioned to pass the Tax Levy Ordinance (attached to back of minutes). Rosalie Summers seconded.

Ayes: Vernon Meadows, Suzanna Holland and Rosalie Summers.

Nays: None.

Absent: Rusty Karr and Shay Burke

Presidential Vote- Rich Karr: Aye

Motion carried 4 to 0 with 2 absent.

C. Special Use permit for Cale Price. Willie Strange (Zoning Officer) spoke about the ZBA meeting held last week. Vicki Holland (ZBA Chair) spoke about the finding of facts and the seven points of consideration. There was no other action but denial. President Karr asked if Cale Price had been notified. Willie Strange said he had spoke with him. One of the biggest things he is unable to comply with is the age of the trailer. We also previously denied a trailer for similar reasons and they had to then put something that complied. It has been a town issue more than once. Vickie Holland said others have been made to comply so it is hard to make an exception. Vernon Meadows voted to deny the special use permit for Cale Price. Suzanna Holland seconded.

Ayes: Vernon Meadows, Suzanna Holland and Rosalie Summers.

Nays: None.

Absent: Rusty Karr and Shay Burke

Presidential Vote- Rich Karr: Aye  
Motion carried 4 to 0 with 2 absent.

The Board then discussed what would be the recourse for the denial of the special use permit. Attorney Kimmons said he could apply again with different concession. President Karr said but if we don't here from him in a reasonable amount of time, we will have to act. Attorney Kimmons said right now the ball is in his court.

D. Special Use permit for Evergreen FS. Vicki Holland said we denied on the same seven points. We also had several people come and voice there opinions and the opinions were not in favor. The ordinance states that the storage can't be within 650 feet of any residence and they planned to be less than 200 feet. Someone said it was around 60 feet of a residence. Several of the homeowners had not been contacted and were unhappy. Ed Fleck said they also had a variance request which we denied. Attorney Kimmons said that the variance was not the agenda so it will have to be handled next month. The Clerk said that according to our ordinance the ZBA makes the final decision on that, so we were not sure how to proceed. Attorney Kimmons said that could be possible, she would check into it. Vicki Holland said that she had also spoke to the State Fire Marshall, and they wanted to speak to the Evergreen FS. Willie Strange normally the procedure is to get the approval and then speak to the Marshall. Vicki Holland said they seemed to think differently. They said the property needed to be inspected before approval. Bob Eichleberger spoke on behalf of Evergreen FS. President Karr gave Eichelberger a copy of the finding of facts from the meeting. Vernon Meadows voted to deny the special use permit for Evergreen FS. Rosalie Summers seconded.

Ayes: Vernon Meadows, Suzanna Holland and Rosalie Summers.

Nays: None.

Absent: Rusty Karr and Shay Burke

Presidential Vote- Rich Karr: Aye

Motion carried 4 to 0 with 2 absent.

E. Drop box for Warner Library. President Karr said he had been contacted by Warner Public Library about putting a library drop box in Wapella. They would like to have it at the Village Hall. There are a few of these in surrounding communities. People can drop off their books there and pickup other books. The boxes don't add any liability for our insurance. They will maintain them. Rosalie Summers said it was on the front page on the Journal recently. You can put magazines in there. They don't require you to return the books. I think it is a good idea. President Karr said there is one in Hallsville. They also said there haven't been any vandalism reports yet. The library builds them. They just want permission to put it on the property. Vernon Meadows said to we have any idea where we will put it, I don't have any problem with it. President Karr said they are not anchored so, we could put it any where. Suzanna Holland said she thought they were on a pole. President Karr said they are but the pole is not anchored. The

Board discussed putting it next to the building but did not know how much land we had there. Vernon Meadows said what about over at the Firehouse. It is well lit there. Willie Strange said we have an empty lot across the alley too. Rosalie Summers thought Vernon Meadows' recommendation of the Firehouse was feasible. We just have to get permission from the firemen. President Karr said so I should go back to the library and tell them that we are interested, we need to find property to put it on. The audience suggested at the Community Center. Rosalie Summers thought Main Street was more centrally located. Rosalie Summers voted to accept the Library drop box. Vernon Meadows seconded.

Ayes: Vernon Meadows, Suzanna Holland and Rosalie Summers.

Nays: None.

Absent: Rusty Karr and Shay Burke

Motion carried 3 to 0 with 2 absent.

F. Mediacom Franchise. Attorney Kimmons said Mediacom contacted the Village, earlier this year, indicating it is interested in renewing the cable franchise with the Village. As such by law, we are required to make a finding as to whether you as a Village are pleased and satisfied with the current franchise or have serious objections or problems with it. So, this is more or less a formality. I will read a little bit here and then we will take public comment and members of the Board are welcome to join in the conversation. The Village of Wapella is conducting this public meeting as an opportunity for reviewing the performance for the Village's cable operator, Mediacom incorporated. Mediacom wished to continue to provide service to the Village after the expiration of its cable franchise which expires on January 15, 2017. This public meeting is being held in accordance with the Federal Cable Communications Policy Act of 1984 and its amendments the Cable Consumers Protection Competition Act of 1992 and the Telecommunications Act of 1996. All of which are referred to here as the Cable Act. The Cable Act requires that the Village of Wapella assess the performance of the cable operator as a part of the operator's request for franchise renewal. This evaluation is part of a process allowed under the Cable Act to determine Cable related community needs and interests prior to determining the future of the cable franchise. Once the evaluation is completed, the Village will negotiate a new cable franchise with Mediacom under informal franchise renewal under provisions 626 AI of the Cable Act. Again current cable franchise is scheduled to expire on January 17, 2017. This meeting is an opportunity to let the Village know your opinions on cable service and on access programming and it is now and how it should be in the future. We encourage your comments and ask that you share them with the Village at this time. Anyone that has any comment on cable service, present or future is welcome to speak at this point. Robin Morrow asked if this includes just the cable service or the internet service and phone service as well. Attorney Kimmons asked if Mediacom was just cable for us at this point. President Karr said cable and internet as well. Robin Morrow said she had them for phone and internet as well. Attorney Kimmons said it will include whatever the current franchise is. Is that the only provider for internet and phone here? Several audience members said no. Attorney Kimmons said then just the cable, I

believe then based upon that. Rosalie Summers said that would be what is buried in Wapella's ground then, the cable. Attorney Kimmons said yes. Rosalie Karr said we have until 2017? Attorney Kimmons said yes but they start 36 months in advance of the expiration. It can be a lengthy process. Dale Karr said can we put this out for bids so other companies can offer us a cheaper price. Attorney Kimmons said what we have to do is follow the state and federal laws. To answer your question simply, no, we have to go through several steps and if we find reason that the service has been objectionable and not served the needs of the Village, then we could talk with others. Vernon Meadows said so basically it is a yes. Attorney Kimmons said normally it is but this one of those formalities. President Karr said we could negotiate the price. Dale Karr said the only down side I see is whenever you have a storm or bad weather it is out. Several audience members disagreed with Dale's comment, they had no problems with their service. Attorney Kimmons said the next step after this is I will notify Mediacom that we have done our part and had the public hearing and they will get back to us with a proposal. We will have several months to negotiate that.

G. To proceed with the Abandoned Vehicle Compliance Hearing. President Karr said that there was no second at the last meeting and now we have an additional letter to be sent out. Vernon Meadows motioned to set the hearing for February 17, 2015 for the abandoned vehicles. Suzanna Holland seconded.

Ayes: Vernon Meadows, Suzanna Holland and Rosalie Summers.

Nays: None.

Absent: Rusty Karr and Shay Burke

Motion carried 3 to 0 with 2 absent.

H. Rodger Sprague and plan for rock in front of Park. This item was skipped.

#### 9. Executive Session.

A. Discussion of minutes of meetings lawfully closed under section 2 (c) (21).

B. The appointment, employment, compensation, discipline, performance, or dismissal of specific employees of the Village under Section 2 (c) 1. (gift card policy for employees)

Suzanna Holland motioned to go into Executive Session for the above reasons. Vernon Meadows seconded.

Ayes: Vernon Meadows, Suzanna Holland and Rosalie Summers.

Nays: None.

Absent: Rusty Karr and Shay Burke

Motion carried 3 to 0 with 2 absent.

Rosalie Summers motioned to leave Executive Session. Vernon Meadows seconded.

Ayes: Vernon Meadows, Suzanna Holland and Rosalie Summers.

Nays: None.

Absent: Rusty Karr and Shay Burke

Motion carried 3 to 0 with 2 absent.

**10. New Business for Discussion and Vote cont.:**

**A. Discussion and vote on approval and release of executive session minutes. Suzanna Holland motioned to approve the minutes from June 17, 2014. Rosalie Summers seconded.**

**Ayes: Vernon Meadows, Suzanna Holland and Rosalie Summers.**

**Nays: None.**

**Absent: Rusty Karr and Shay Burke**

**Motion carried 3 to 0 with 2 absent.**

**Rosalie Summers motioned to release the minutes from June 17, 2014. Suzanna Holland seconded.**

**Ayes: Vernon Meadows, Suzanna Holland and Rosalie Summers.**

**Nays: None.**

**Absent: Rusty Karr and Shay Burke**

**Motion carried 3 to 0 with 2 absent.**

**B. To change gift card policy for Holiday. Suzanna Holland motioned to give the current hourly employees a year end bonus, that will be \$100 after taxes, to be paid during this pay period. Vernon Meadows seconded.**

**Ayes: Vernon Meadows, Suzanna Holland and Rosalie Summers.**

**Nays: None.**

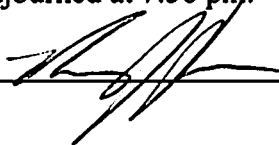
**Absent: Rusty Karr and Shay Burke**

**Motion carried 3 to 0 with 2 absent.**

**Attorney Kimmons announced this will be her last meeting as our attorney. Her replacement will be Steven Mahrt.**

**11. Motion to adjourn. Vernon Meadows motioned to adjourn. Rosalie Summers seconded. Meeting adjourned at 7:56 pm.**

**President Rich Karr**



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FILED

DEC 19 2014

*Debra Smith*  
County Clerk, DeWitt County

**Tax Levy Ordinance**

## Tax Levy Ordinance

FILED

DEC 19 2014

*Dana Smith*  
County Clerk, DeWitt Count.

WHEREAS, the Board of Trustees of the VILLAGE OF WAPELLA, in the County of Dewitt, State of Illinois, did on the 9<sup>th</sup> day of September, 2014, pass the Annual Appropriations Bill of said Village for the fiscal year beginning on the:

1st day of July, 2014 and ending on the 30th day of June, 2015, the amount which is ascertained to be the aggregate sum of \$ 671,800.00 which said appropriations bill was duly published on the 12<sup>th</sup> day of September, 2014.

NOW THEREFORE,

AN ORDINANCE FOR THE LEVY AND ASSESSMENT OF TAXES FOR THE CURRENT FISCAL YEAR

BE IT ORDAINED by the Village Board of Trustee of the VILLAGE OF WAPELLA, ILLINOIS:

Section 1. Let there be and it is hereby levied upon all the taxable Property within the corporate limits of said VILLAGE OF WAPELLA, ILLINOIS, subject to taxation for the year 2015, the total sum of \$ 49,000.00 for the following specific purposes mentioned in said appropriations bill and the respective sums as follows, to-wit:



**ITEMS OF APPROPRIATION**

**AMOUNT LEVIED**

A. General Corporate	\$ <u>11,700</u>
B. Police Protection	\$ <u>-0-</u>
C. Garbage	\$ <u>1,000</u>
D. Audit	\$ <u>5,000</u>
E. Insurance	\$ <u>18,500</u>
F. Street and Bridge	\$ <u>-0-</u>
G. Street Lighting	\$ <u>3,300</u>
H. ESDA	\$ <u>-0-</u>
I. Social Security	\$ <u>5,500</u>
J. Unemployment	\$ <u>4,000</u>

TOTAL: \$ 49,000

Section 2. The Clerk of said VILLAGE OF WAPELLA is hereby directed to file with County Clerk of said County a duly certified copy of this ordinance.

Section 3. This Ordinance shall be in full force and effect from and after its passage, approval and publication as provided by law.

Passed: December 16, 2014

Elizabeth N. Weible  
Village Clerk

Trustees	Yes	No
Vernon Meadows	X	
Rusty Karr	absent	
Shay Burke	absent	
Suzanna Holland	X	
Rosalie Summers	X	
Presidential vote, if needed	X	
Final Tally of Votes	4	0

Motion Carried Yes 4 No 0 Absent 2 Abstain 0

Approved: December 16, 2014

  
 Village President

ADOPTED by the VILLAGE OF WAPELLA on the 16<sup>th</sup> day of December, 2014.

PUBLISHED in pamphlet form by the authority of the Village Board of the Village of Wapella, Dewitt County, Illinois on this 19<sup>th</sup> day of December, 2014.

  
 Village Clerk

FILED

DEC 19 2014

*Rosa Smith*  
County Clerk, DeWitt County

STATE OF ILLINOIS    )  
                                  )  
                                  )       SS  
COUNTY OF DEWITT    )

I, Elizabeth N Weikle, certify that I am the duly elected and acting Municipal Clerk of the Village of Wapella, Dewitt County, Illinois.

I further certify that on the 16<sup>th</sup> day of December, 2014, the Village authorities of the Village of Wapella passed and approved an Ordinance entitled "Tax Levy Ordinance" which provided by its terms that it should be published in pamphlet form.

The pamphlet from of the Ordinance, including a cover sheet thereof was prepared and a copy of such Ordinance was posted in the Municipal Building, commencing on the 19<sup>th</sup> day of December, 2014, and continuing for at least ten (10) days thereafter. Copies of such Ordinance are also available for public inspection upon the request of the Municipal Clerk.

Dated this 17<sup>th</sup> day of December, 2014.

Elizabeth N. Weikle  
Village Clerk

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

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**ORDINANCE  
NUMBER 2014-12-16a**

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**AN ORDINANCE DENYING A SPECIAL USE PERMIT FOR THE PLACEMENT OF A  
RESIDENTIAL TRAILER ON A LOT IN THE GENERAL COMMERCIAL DISTRICT**

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**RICHARD KARR, Village President  
ELIZABETH WEIKLE, Village Clerk**

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

**Village Board**

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**Published in pamphlet form by authority of the Village President and Village Board of  
the Village of Wapella on December 19, 2014**

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

ORDINANCE NO. 2014-12-16a

**AN ORDINANCE DENYING A SPECIAL USE PERMIT FOR THE PLACEMENT OF A RESIDENTIAL TRAILER ON A LOT IN THE GENERAL COMMERCIAL DISTRICT**

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

WHEREAS, on or about July 22, 2014, an application for a special use permit to allow for the placement of a residential trailer on a lot in the General Commercial District was filed by Cale Price, for the property located at 601 N. Chestnut; and,

WHEREAS, a public hearing was noticed in the Clinton Journal and thereafter duly held by the Wapella Zoning Board of Appeals and Planning Commission on December 9, 2014; and

WHEREAS, the Wapella Zoning Board of Appeals and Planning Commission met on December 9, 2014, at which time it (*unanimously?*) voted to recommend the special use permit application be denied; and,

WHEREAS, Section IX (F) of the Zoning Ordinance permits the Village Board to approve special use permits pursuant to the standards set forth therein; and,

WHEREAS, the Corporate Authorities of the Village believe it is in the best interests of the Village to uphold the findings of the Zoning Board of Appeals and Planning Commission and to deny the special use permit application.

**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 are incorporated as substantive portions hereof as though fully set forth herein.

Section 2. Findings and Denial of Special Use Permit Application. The Village Board adopts the findings of fact of the Commission as set forth in the Commission's written Findings of Fact as attached hereto as Exhibit A and further finds that the application for the special use permit does not meet the standards set forth in Section IX (F) (4) (a)-(f) of the Village's Zoning Ordinance. The Village Board accordingly upholds the recommendation of the Zoning Board of Appeals and Planning Commission and denies the application for special use permit.

Section 3. Severability. In the event that any section, clause, provision, or part of this Ordinance shall be found and determined to be invalid by a court of competent jurisdiction, all valid parts that are severable from the invalid parts shall remain in full force and effect.

Section 4. 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, action, or causes of action which shall have accrued to the Village of Wapella prior to the effective date of this Ordinance.

Section 5. 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.

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

\*Only if/when permitted by statute

APPROVED by the Village President on December 17, 2014

  
 Richard R. Karr, Village President

ATTEST:

  
 Elizabeth Weikle, Village Clerk

VILLAGE OF WAPELLA  
PLANNING COMMMISION

FINDINGS OF FACT AND RECOMMENDATION  
REGARDING PROPOSED SPECIAL USE PERMIT

I. GENERAL INFORMATION

Petitioner's Name: Cale Price

Petitioner's Address: 601 N Chestnut St.

Address of Location of Subject Property: 601 N Chestnut St.

Description of Request: To put trailer on lot  
at 601 N. Chestnut.

Hearing Date: 12-9-2014

II. PROCEDURAL REQUIREMENTS

Date Filed with Zoning Official or Representative: 7-22-14

Is Filing Date 21 days or more before scheduled hearing date? yes

Notice:

NO

Was notice sent to all property owners within 250 feet in all directions of the Petitioner's property at least 10 days prior to hearing by certified mail, return receipt requested?

Mr Price had to notify by our ordinance neighbors within 250' in order to require signatures for paper work. Village published in paper. (Clinton Journal) 11-21-14  
NO

Were return receipts submitted to the Zoning Official or Representative at hearing date or earlier?



yes

Did the village publish notice of the time, place, and purpose of the public hearing in a newspaper of general circulation within the village at least 15 days but not more than 30 days in advance of hearing?

yes

Was notice posted on the property for a period of at least 15 days prior to hearing?

**Written Protest:**

NO

Was a written protest received?

NO

Was written protest signed and acknowledged by the owners of 20% of the the:

a) frontage proposed to be altered? Y  N

b) frontage immediately adjoining or across an alley from the property? Y  N

c) frontage directly opposite the frontage proposed to be altered?

d) Y  N

NO

Was the written protest served by the protester(s) on the petitioner?

NO

Was the written protest served by the protestor(s) on the attorney for the Petitioner (if any)?

NO

Was the written protest served by the protesters on the village attorney?.

**III. EVIDENCE OFFERED**

**DOCUMENTS OF RECORD:**

1. request for hearing
2. petition for special use permit
3. Certificate of Publication
4. Copy of Newspaper Classified & legals
5. Official list of property owners within 250'
6. Parcel Data Sheet
7. \_\_\_\_\_

**WITNESSES:**

1. Persons Other than Petitioner, to testify on behalf of Petitioner:

- a) \_\_\_\_\_
- b) \_\_\_\_\_ *None*
- c) \_\_\_\_\_

2. Persons Signing a Petition in Favor of Request: *See attached copy.*

- a) \_\_\_\_\_
- b) \_\_\_\_\_
- c) \_\_\_\_\_
- d) \_\_\_\_\_

3. Persons Objecting to the Request at Hearing:

- a) *Steve Hedrick*
- b) *Dale Karr*
- c) *Jane Buraglio*
- d) \_\_\_\_\_
- e) \_\_\_\_\_
- f) \_\_\_\_\_

4. Persons Filing a Written Objection or Signing a Petition Opposed to the Request:

- a) *Steve Hedrick (see attachment)*
- b) \_\_\_\_\_
- c) \_\_\_\_\_
- d) \_\_\_\_\_
- e) \_\_\_\_\_
- f) \_\_\_\_\_

**IV. FINDINGS OF FACT SUPPORTING RECOMMENDATION:**

**BOLD** supports approval of Special Use; Non-Bold supports denial of Special Use.

1. Will the establishment, maintenance or operation of the Special Use be detrimental to, or endanger, the public health, safety, morals, comfort or general welfare?

**Yes**                      **No**

2. Will the Special Use be injurious to the use and enjoyment of other property in the immediate vicinity for purposes already permitted?

**Yes**                      **No**

3. Will the Special Use substantially diminish and impair property values within the neighborhood?

Yes  No

4. Will the establishment of the Special Use impede the normal and orderly development and improvement of surrounding property for uses permitted in the district?

Yes  No

5. Have adequate utilities, access roads, drainage and necessary facilities been (or will be) provided for this Special Use?

Yes  No

6. Have adequate measures been taken (or will be taken) to provide ingress and egress designed so as to minimize traffic congestion in the public streets or roads?

Yes  No

7. Will the Special Use, in all other respects, conform to the applicable regulations of the district in which it is located?

Yes  No

**V. FINAL DETERMINATION AND RECOMMENDATION**

**The Village of Wapella Planning Commission recommends, based upon the petition, documentary evidence, testimony and other evidence received, that:**

- 1. The Special Use Application be  Approved  
 Approved with conditions  
 Denied

2. The approval of this petition is subject to the following conditions being met:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**VOTE OF THE COMMISSION**

Concurring with the Recommendation:

4 of 4

Vicki Holland, Jeff  
Finger, John Karr +  
Ed Fleck

Not Concurring:

None

Not Voting:

None

Absent:

None

**THE FOREGOING IS A COMPLETE AND ACCURATE RECORD OF  
THE FINDINGS AND DETERMINATIONS OF THE PLAN  
COMMISSION OF THE VILLAGE OF ~~FORSTH~~.**

Dated: 12-9-14

Wapella

Vicki Holland  
Chair, Planning Commission

Elizabeth N. Weir  
Village Clerk and Secretary to Commission

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

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**ORDINANCE  
NUMBER 2014-12-16b**

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**AN ORDINANCE DENYING A SPECIAL USE PERMIT FOR THE STORAGE OF  
PROPANE FUEL IN THE GENERAL INDUSTRIAL DISTRICT**

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**RICHARD KARR, Village President  
ELIZABETH WEIKLE, Village Clerk**

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

**Village Board**

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the Village of Wapella on December 19, 2014

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

ORDINANCE NO. 2014-12-166

**AN ORDINANCE DENYING A SPECIAL USE PERMIT FOR THE STORAGE OF PROPANE FUEL IN THE GENERAL INDUSTRIAL DISTRICT**

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

WHEREAS, on or about November 17, 2014, an application for a special use permit to allow for the storage of propane fuel in the General Industrial District was filed by Robert Eichelberger on behalf of Evergreen FS, Inc., for the property located at parcel #07-03-252-008 S3 T20 R2, GREENE, MARGARET, ESTATE, PLAT OF, LTS 2 & 3 (EX PT FOR RD) & VAC ALLEY, LYG BTW SD LTS (EX BEG INT S LN, N THIRD ST & W LN CHESTNUT ST, S120.,W159.59, N120, E159.49 TO POB); and,

WHEREAS, a public hearing was noticed in the Clinton Journal and thereafter duly held by the Wapella Zoning Board of Appeals and Planning Commission on December 9, 2014; and

WHEREAS, the Wapella Zoning Board of Appeals and Planning Commission met on December 9, 2014, at which time it (*unanimously?*) voted to recommend the special use application be denied; and,

WHEREAS, Section IX (F) of the Zoning Ordinance permits the Village Board to approve special use permits pursuant to the standards set forth therein; and,

WHEREAS, the Corporate Authorities of the Village believe it is in the best interests of the Village to uphold the findings of the Zoning Board of Appeals and Planning Commission and to deny the special use permit application.

**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 are incorporated as substantive portions hereof as though fully set forth herein.

Section 2. Findings and Denial of Special Use Permit Application. The Village Board adopts the findings of fact of the Commission as set forth in the Commission's written Findings of Fact as attached hereto as Exhibit A and further finds that the application for the special use permit does not meet the standards set forth in Section IX (F) (4) (a)-(f) of the Village's Zoning Ordinance. The Village Board accordingly upholds the recommendation of the Zoning Board of Appeals and Planning Commission and denies the application for special use permit.

Section 3. Severability. In the event that any section, clause, provision, or part of this Ordinance shall be found and determined to be invalid by a court of competent jurisdiction, all valid parts that are severable from the invalid parts shall remain in full force and effect.

Section 4. 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, action, or causes of action which shall have accrued to the Village of Wapella prior to the effective date of this Ordinance.

Section 5. 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.

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

\*Only if/when permitted by statute

APPROVED by the Village President on December 17, 2014

  
 Richard G. Karr, Village President

ATTEST:

  
 Elizabeth Weikle, Village Clerk



VILLAGE OF WAPELLA  
PLANNING COMMMISION

FINDINGS OF FACT AND RECOMMENDATION  
REGARDING PROPOSED SPECIAL USE PERMIT

I. GENERAL INFORMATION

Petitioner's Name: Evergreen FS, Inc

Petitioner's Address: 402 N. Hershey P.O. Box 1367  
Bloomington, IL 61702

Address of Location of Subject Property: 301 N. Chestnut

Description of Request: The installation and  
operation of a propane storage facility.  
To be located on the west side of  
North Chestnut.

Hearing Date: 12-9-14

II. PROCEDURAL REQUIREMENTS

Date Filed with Zoning Official or Representative: 11-13-14

Is Filing Date 21 days or more before scheduled hearing date? yes

Notice:

NO

Was notice sent to all property owners within 250 feet in all directions of the Petitioner's property at least 10 days prior to hearing by certified mail, return receipt requested?

NO

Were return receipts submitted to the Zoning Official or Representative at hearing date or earlier?

yes

Did the village publish notice of the time, place, and purpose of the public hearing in a newspaper of general circulation within the village at least 15 days but not more than 30 days in advance of hearing?

Published in Clinton Journal 11-21-14

yes

Was notice posted on the property for a period of at least 15 days prior to hearing?

**Written Protest:**

NO

Was a written protest received?

NO

Was written protest signed and acknowledged by the owners of 20% of the the:

a) frontage proposed to be altered? Y  N

b) frontage immediately adjoining or across an alley from the property? Y  N

c) frontage directly opposite the frontage proposed to be altered?

d) Y  N

NO

Was the written protest served by the protester(s) on the petitioner?

NO

Was the written protest served by the protestor(s) on the attorney for the Petitioner (if any)?

NO

Was the written protest served by the protesters on the village attorney?

**III. EVIDENCE OFFERED**

**DOCUMENTS OF RECORD:**

1. Request for hearing.
2. Petition for Special use permit.
3. Diagram for proposed site.
4. Certificate of publication
5. Copy of Newspaper Classified + legal
6. Property map as recorded by DeWitt County Court house
7. Official property owners list within 250'

**WITNESSES:**

1. Persons Other than Petitioner, to testify on behalf of Petitioner:

- a) Don Herring - representing F.S.
- b) \_\_\_\_\_
- c) \_\_\_\_\_

2. Persons Signing a Petition in Favor of Request:

- a) See attachments
- b) \_\_\_\_\_
- c) \_\_\_\_\_
- d) \_\_\_\_\_

3. Persons Objecting to the Request at Hearing:

- a) Bill Short
- b) Kayla Short
- c) Kathy Meadows
- d) Jane Buraglio
- e) Mark Miller
- f) Dale Karr

4. Persons Filing a Written Objection or Signing a Petition Opposed to the Request:

- a) Hattie Stone
- b) \_\_\_\_\_
- c) \_\_\_\_\_
- d) \_\_\_\_\_
- e) \_\_\_\_\_
- f) \_\_\_\_\_

**IV. FINDINGS OF FACT SUPPORTING RECOMMENDATION:**

**BOLD supports approval of Special Use; Non-Bold supports denial of Special Use.**

1. Will the establishment, maintenance or operation of the Special Use be detrimental to, or endanger, the public health, safety, morals, comfort or general welfare?

**Yes**

No

2. Will the Special Use be injurious to the use and enjoyment of other property in the immediate vicinity for purposes already permitted?

**Yes**

No

3. Will the Special Use substantially diminish and impair property values within the neighborhood?

Yes

No

4. Will the establishment of the Special Use impede the normal and orderly development and improvement of surrounding property for uses permitted in the district?

Yes

No

5. Have adequate utilities, access roads, drainage and necessary facilities been (or will be) provided for this Special Use?

Yes

No

6. Have adequate measures been taken (or will be taken) to provide ingress and egress designed so as to minimize traffic congestion in the public streets or roads?

Yes

No

7. Will the Special Use, in all other respects, conform to the applicable regulations of the district in which it is located?

Yes

No

**V. FINAL DETERMINATION AND RECOMMENDATION**

The Village of Wapella Planning Commission recommends, based upon the petition, documentary evidence, testimony and other evidence received, that:

1. The Special Use Application be

Approved

Approved with conditions

Denied

2. The approval of this petition is subject to the following conditions being met:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**VOTE OF THE COMMISSION**

Concurring with the Recommendation:

4 of 4

Vicki Holland

Jeff Finger

John Karr

Ed Fleck

Not Concurring:

None

Not Voting:

None

Absent:

None

THE FOREGOING IS A COMPLETE AND ACCURATE RECORD OF THE FINDINGS AND DETERMINATIONS OF THE PLAN COMMISSION OF THE VILLAGE OF ~~ESSEX~~ Wapella.

Dated: 12-9-14

Vicki Holland  
Chair, Planning Commission

Elizabeth N. Waller  
Village Clerk and Secretary to Commission