

## July 16, 2013

Meeting called to order by Mayor Skelton.

Roll Call: Present: Tibbs, R. Coon                      Absent: Blackstock, Smith, Nolan                      Lack of quorum announced

Mayor Skelton explained that due to the lack of quorum there could not be an official meeting held; however, anyone in attendance in the gallery was given the opportunity to speak if they so wished.

Dan & Michelle Skelton voiced their concerns over an ordinance violation that they had received where they were given a ten (10) day time frame for abatement. Michelle asked the proper procedure to get an extension granted due to their pre-planned trip which would deem it impossible for abatement within given time frame. Skelton and Tibbs encouraged Dan & Michelle to talk with Temporary Police Chief Melton. Clerk Coon explained that the board would have to grant such a request and asked if Michelle Skelton would like to be placed on the agenda to which Michelle replied, "yes". Clerk Coon so added subject to agenda.

Mayor Skelton recessed meeting at 7:05 pm to Thursday July 25, 2013 beginning at 7:00 pm.

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Mayor Skelton reconvened the meeting at 6:58 pm.

Roll Call: Present: Blackstock, Tibbs, Smith, R. Coon, Nolan                      Absent: None

Mayor Skelton paused the meeting for a moment of silence to be observed for those less fortunate and no longer with us.

Motion made by Smith, with second from R. Coon, to approve the June 17, 2013 board meeting minutes, as issued in print. Vote by voice: 5-0 Motion carried

Motion made by Nolan, with second by Smith, to approve the June 24, 2013 Police committee minutes meeting, as issued in print. Vote by voice: 5-0 Motion carried

Motion made by R. Coon, with second by Nolan, to approve the treasurer's report, subject to audit. Vote by voice: 5-0 Motion carried

Mayor Skelton appointed Laura Karker to the open board seat. Tibbs made motion, seconded by Nolan to accept the appointment of Laura Karker to the open board seat. Roll Call vote: Blackstock, Aye; Tibbs, Aye; Smith, Aye; R. Coon, Nay; Nolan, Aye Motion carried Clerk Coon swore Karker into sear. Karker took seat.

### Citizen Concerns:

-Garbage Collection: Citizen R. Lebron asked the board to consider finding a new garbage collection company due to the current one refusing to take all garbage that he had set out for collection. The board explained that they had nothing to do with which garbage company is chosen for pick-up of private citizen's garbage. Mr. Lebron was told of possible alternate companies to research.

-Fireworks: Citizen T. Cross addressed the board in questioning if there are any firework ordinances in town. Mr. Cross explained that on 7-4-13 he witnessed several individuals shooting off fireworks. Mr. Cross explained that several years past he was instructed, by the then police officer, if shooting off fireworks was against village ordinances and he should refrain from doing so or he would be cited. Mr. Cross explained his neutral opinion of the matter; however, wished to see the ordinance upheld fairly for everyone.

-Violation extension: No one from the Dan Skelton family was present. Therefore, R. Coon explained to the board the concerns that Michelle Skelton had voiced on July 16, 2013 at the regular board meeting in regards to their being out of town during the allotted ten (10) day abatement period. There was discussion

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about a possible extension being granted. Smith made a motion, seconded by Blackstock, to allow Dan & Michelle Skelton an extension of 20 days once they return to town from their trip. Vote by voice: 6-0 Motion carried.

Maintenance Personnel Report:

- Tool Chest: Conrad explained to the board the type of tool chest they are looking to buy for the garage and reminded the board of the amount that they had saved as a result of the scrap metal recycling they had done. R. Coon made a motion, seconded by Smith, to allow Conrad to purchase the tool chest that was described and presented by Conrad. Vote by voice: 6-0 Motion carried

MAYOR

-Standing Committee Chairman Assignments: Skelton stated that the assignments would stay the same with the exception of Karker taking the place as chairman over Streets & Alleys and replace R. Hancock on remaining two committees. Tibbs made motion, seconded by Smith, to accept the standing committee assignments as issued by Mayor Skelton. Roll Call vote: Blackstock, Nay; Karker, Aye; Tibbs, Aye; Smith, Nay; Coon, Nay; Nolan, Nay Motion Failed  
Blackstock made motion, seconded by Coon, to have the standing committee assignments be made by the board per the IML Handbook, page 149, last paragraph. Skelton explained the past practices of the village are where the Mayor has always appointed the committees. There was discussion concerning the issue at hand and about possible conflict of interests. Skelton stated the matter need be sent to committee meeting for further discussion or the ethics committee. Blackstock expressed her concerns with waiting and asked for the motion to be taken to vote immediately. It was also pointed out that the ethics board had no say over this matter. Roll call vote: Blackstock, Aye; Karker, Aye; Tibbs, Aye; Smith, Aye; Coon, Aye; Nolan, Aye Motion carried  
There was discussion about holding a committee meeting of the whole to make recommendations on the standing committee assignments, time and date to be set prior to the conclusion of this board meeting.

-Open meetings act violation: Skelton asked for explanation as to what occurred on June 28, 2013 when the village's structural engineer made visits to several residences in regards to dangerous/burnt buildings and was accompanied by three board members stating he knew nothing about the situation until he returned from a vacation. R. Coon questioned Skelton as to why he was not concerned about the situation upon his immediate return which should have caused him to come to R. Coon directly to find out what actually happened instead of bringing it to a board meeting. Skelton stated he was trying to gather further information from the lawyers. Skelton explained his recollection of the purpose for the building inspector coming to inspect one residence only and not several, or having three board members meeting at the same time with inspector which is what happened. Skelton referred to a conversation he had with Attorney Lindner stating that Lindner had told him that it was an illegal act and an open meetings act violation. Blackstock relayed a conversation that she had with Attorney Lindner regarding the same matter in which Attorney Lindner said this act did not void the (building inspector) report at all. Blackstock also said that Attorney Lindner had stated that he spoke to the Mason County State's Attorney who said he would not prosecute such a circumstance and that a judge would more than likely throw it out of his courtroom anyway. Skelton agreed that it would be a misdemeanor. There was further discussion about what Attorney Lindner had told Blackstock and Skelton. Blackstock explained a conversation she had with a concerned citizen who had called the Attorney General's office and what said citizen was told by the Attorney General's office. Blackstock explained to the board members, not present on June 28, 2013, what actually occurred on said date where the structural engineer was taken to particular locations of danger. Blackstock explained that there were no discussions pertaining to a course of action to be taken towards said locations. Blackstock then explained that after the structural engineer report was received and reviewed, letters were sent out accordingly. Also, that Skelton was aware of what had occurred (on June 28, 2013) and had read the report two days prior to the letters being sent and did not express any concern towards the issuance of stated letters. Blackstock expressed her concern over people trying to stop the village board from cleaning up the town which is "what needs done". The question of the legality in which the investigation was done was discussed. There was further discussion about Attorney Lindner and what he had expressed to Blackstock, Skelton and Officer Spickard.

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Burris then explained to the board the objective of the inspection and reminded the council that he had suggested at the June board to have the structural engineer inspect other buildings while he was in town as this is how it has been done in the past. There was further discussion about the legality of the investigation into the properties in question. Burris also pointed out that this type of inspection has been done in the past with several people escorting the engineer to properties around town. Burris cautioned the council about putting his employee in the middle of such disputes. Citizen concerns were voiced in regards to the discussions above and the fact that the things found during these inspections need to be taken care of no matter what. Due to the conflicting reports on discussions with Lindner, Clerk Coon was directed to have Lindner attend the August board meeting. There was citizen discussion regarding board members and/or the mayor talking with the attorney without anyone else present.

-Appointment of Police Chief: There was discussion about the number of applications that had been received for the open police positions. Mayor Skelton re-appointed Jerry Melton to be the temporary police chief until one can be hired. Tibbs made motion, with second from Karker, to reappoint Jerry Melton to the chief of police position until a permanent chief can be hired. Discussion: Melton was asked if he was willing to accept the position in a temporary status. Questions were asked regarding the need for a full-time versus part-time chief. The state law was explained. Roll call vote: Blackstock, Aye; Karker, Aye; Tibbs, Aye; Smith, Aye; R. Coon, Aye; Nolan, Aye; Motion carried.

#### CLERK

- Ordinance/Handbook Acknowledgement: Clerk Coon pointed out the paperwork that was included in the packets regarding the acknowledgement that each board member had read the employee handbook and their individual portion of the ordinance book and asked for the attached paperwork to be completed and handed back in for filing.

-Strategic/village vision: Smith asked the need for a decision as to how the “codification workbook” would be handled. This workbook is a packet of questions that will need to be answered during the codification process. Smith made a motion to have the committee of the whole be in charge of taking care of this workbook. Burris suggested that the heads of each department (i.e. police chief, water superintendent, etc.) be involved in the decision process. It was determined that there was no need for a motion on this topic, therefore; Clerk Coon will notify the board once the workbook is received for a committee meeting of the whole to be held. Smith then explained his purpose for the strategic/village vision: to set a list of goals for the village to try to obtain in the next 5- and 10-years. There was discussion about mapping that was done in the past. J. Canada informed the board that Casey’s Corporate was interested in purchasing the “Skelton property” to expand Casey’s as part of a diesel truck stop which could be a possible goal for the board to consider. Burris then pointed out that there was a list of goals set forth by the water & sewer committee in the past that should be reviewed.

-Code of Conduct: Nolan encouraged the board to look at the ordinance titled “Code of Conduct” specifically Item #3 which refers to respecting each other while acting in the capacity of a board member.

-5<sup>th</sup> & Main Street Project: Clerk Coon updated the board on the Route 136 project: IDOT hopes to start the project in the beginning weeks of August.

-Results of Chicken survey: Clerk Coon explained the process in which the surveys were handled and tallied. There were 74 total returns to said survey. The survey was not in favor of allowing chickens to be housed inside the village limits of San Jose. The main concerns were 1.) Who would regulate the health of the chickens and citizens? 2.) How the chickens would be maintained. Discussion about the animal control officer being in charge of said issue and would need proper training. There were discussions about possible homeowner disputes that could come of chicken ownership and other potential issues with said subject. Due to the results of the survey, it was pointed out that chickens could not be allowed at this time.

#### ENGINEER

-Title Search: Burris explained that he had thought it possible for a title search company to possibly be able to research and define the village limits discussion regarding the Dan Skelton property. Burris had spoken to Logan County Title Company who stated that if there wasn’t anything that the village could find out then it was doubtful if there was anything for them to find either.

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- 100 E. Race Street: Postponed to a committee meeting. Burriss asked for possible dates so that Mr. DeSplinter can be in attendance.
- 105 W. Walnut: Burriss referenced the report from the structural engineer. Burriss stated that possibly \$5000-\$10000 could be a ballpark figure on the demolishing buildings on this property per his neighbor. Burriss encouraged the board to proceed as needed. Blackstock asked for Burriss to have his neighbor come and give a better estimate for demolition. There is a question of asbestos in these buildings. Nolan to contact Lindner to proceed with condemning said property.
- Drainage ditch on D. Skelton property: Postponed to a committee meeting.
- Locust street extension: Burriss pointed out that the road is only 30' wide which would make it hard to extend through there, plus; previous boards have already taken action on this road and recommended to not maintain Locust Street, East of 1<sup>st</sup> Street, as a road. Burriss explained that this "street" is actually a right-of-way and does not line up on both sides of 1<sup>st</sup> Street. There was discussion about blocking of the roadway, permanent versus temporary blockage.
- Water main project: Burriss reported that the grant issue has been resolved and that the plan for the village was developed many years past.

**-COMMITTEE REPORTS-**

WATER & SEWER

- Albers & Coon reports: There was no discussion or questions regarding Albers report. It was pointed out the water loss percentage was down again.

Break was taken for the board to review all outstanding bills.

FINANCE

- Nolan made motion, with second from Smith, to pay all outstanding bills: discussion about the Verizon bill and why it is split between two funds. Vote by voice: 6-0 Motion carried
- Reiners Insurance: There was a discussion about if Reiners is a contractor or village employee. Treasurer Shelley requested that Mr. Reiners be responsible for using a time card and time clock to record his days of work. Blackstock is to contact Reiners in regards to this subject and ask him to start using a time card.
- Time worksheet for maintenance: Treasurer Shelley explained that the current worksheet being used by the maintenance is recording much more information than is needed. Shelley asked if the worksheet could be consolidated accordingly. After discussion it was decided to change the worksheets to include only three columns: General, Operation & Maintenance and Streets & Alleys.

ECONOMIC DEVELOPMENT:

- Postponed to August meeting

POLICE

- Monthly Report: The board reviewed the monthly meeting as submitted. Smith questioned if there had been any complaints lodged on 7-4-13 pertaining to fireworks. There was a discussion on the viewpoint of the village police officers pertaining to the use of fireworks on the 4<sup>th</sup> of July only. Final decision was to keep it all monitored so that the same rules will apply to all citizens of the village. Possible refining of the ordinance can be looked at in the future but must stay inside the state laws.
- Melton discussed a request that he had received from the youth of the village for a place where they can ride their bike and have jumps and things included in said place. There was discussion about the concerns of the youth of the village using anything available to jump their bikes in town without regard to property. There was discussion about the youth also walking in the roadways. Police were asked to monitor stated problems while Smith looks into the Pekin Park bicycle area and any possible insurance issues that could arise if a park of such a nature was constructed.

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-Police Committee meeting: Blackstock made a motion, seconded by Nolan, to accept the recommendations to allow the current two part-time police officers up to 30 hours per week until more officers could be hired, to include daytime hours of the police committee meeting. Vote by voice: 6-0 Motion Carried

-Results of Police Canvas: Board reviewed the results and comments to the canvas which showed that the respondents wish to continue with the current coverage of at least one full-time chief and two part-time officers.

-Ordinances: Spickard explained that the violations are typed up and ready to mail out but have not been at this time due to him being instructed to no longer take pictures. Spickard and Blackstock reported on discussions that were had with Attorney Lindner in regards to the taking of pictures. Attorney Lindner stated that pictures were the best way to prove the ordinance violation, therefore; an officer should be allowed to take pictures. Spickard pointed out that none of the pictures obtained were taken while on private property. Spickard asked the board for direction on how he should proceed with ordinance violations in lieu of the conversation with Lindner. The board reviewed the pictures that were taken by Officer Spickard. The process of warning/citation was explained by Spickard. There was a discussion about the issue with C. Thomas and his ordinance violation. Nolan to contact Lindner to verify the ordinance violation against C. Thomas is dismissed. R. Coon encouraged the board and all in attendance to work on their own personal property first and then help their neighbors where needed. R. Coon challenged the board to all work together with the citizens. There was discussion that this needed to start with the "top" (Mayor and board members). Burris pointed out that the board has to stand behind the officers and ordinances in order to enforce such. Spickard explained his stand that all warnings should be sent out or he would not send out any. Spickard explained curtilage. Smith made a motion, seconded by Karker, to send all ordinances currently written up and any found in the future. Vote by voice: 6-0 Motion carried

Motion made by Blackstock, seconded by Nolan that the Health chairman and/or Health committee be responsible to find and report ordinance violations, which shall then be turned over to the Village Clerk who will have the ordinance police officer review them for any legal issues, at such point the Village Clerk shall send warning letters through the mail. Upon completion of abatement period each violation shall be revisited by ordinance police officer and issue citations as needed also acquiring evidence as needed at this point. Citations may be hand delivered by ordinance officer or sent by certified mail. Furthermore, any board of trustee's member is allowed to find & report ordinance violations to Village Clerk for review by the Health Chairman and /or Health Committee and proceed as stated above in this motion. There was discussion for clarification of the above mentioned motion. Nolan added to the motion to try this for three months and then revisit issue to see how it is going. Roll call vote: Blackstock, Aye; Karker, Aye; Tibbs, Aye; Smith, Aye; Coon, Aye; Nolan, Aye Motion carried

Blackstock made motion, seconded by Nolan, At any point that a decision is made to direct a village employee, maintenance or police, by a single trustee, there will be a committee meeting called as soon as possible thereafter if the directive is not within their job description. Roll call vote: Blackstock, Aye; Karker, Aye; Tibbs, Aye; Smith, Aye; Coon, Aye; Nolan, Aye Motion carried

#### BUILDINGS & GROUNDS

-Bathroom refurbish: Nolan explained estimates that she had gathered. After discussion it was decided to allow the maintenance personnel to spruce up the bathrooms and the issue of the handicapped renovations was postponed.

-Ordinance #479 & #480 were sent to committee for review and discussion.

-Bee hive removal: Smith updated the board on the removal process.

-Old elevator shafts: There was discussion about the safety issues concerning the old elevator property. R. Coon is to contact the property owner to take care of this matter.

-Structural engineer report: Burris explained the additional charges that may come as a result of the inspections that were done. The board appointed a three person committee of Ralph Coon, TyLinda Blackstock and John Carey to meet with Rick Davis in regards to his property at 101 S. 4<sup>th</sup> Street and the burnt house on said property.

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STREETS & ALLEYS

-One-way alley: This issue was postponed to be discussed at a committee meeting

-MFT Work: Burris reported that the contractors will be in town to oil and chip the following week and asked that all homeowner's be called to refrain from parking along affected roadways during such time.

HEALTH

-Dumpsters at burn pile: Blackstock explained the complaints about the burn pile being open to the public. There was discussion about possibly placing a roll-off dumpster. R. Coon explained how Mason City does their town-wide clean up. Coon to follow up on the cost involved in Mason City's clean-up.

Smith made motion, 2<sup>nd</sup> by Coon to adjourn meeting. Meeting adjourned at 10:39 pm.

Recorded by Stacy Coon, Village Clerk