

November 11, 2013

Roll Call: Present: Karker, Tibbs, Smith, Coon, Nolan, Blackstock

Due to Mayor Skelton not being in attendance the meeting began with Nolan making a motion to place Blackstock in as temporary chairman for the meeting with a 2<sup>nd</sup> from Tibbs. Roll Call Vote: Karker: Aye, Tibbs: Aye, Smith: Aye, Coon: Aye, Nolan: Aye, Blackstock: Abstain Motion Carried

Meeting called to order at 7:01pm by Temporary Chairman Blackstock.

Blackstock offered a prayer.

A motion was made by Nolan and 2<sup>nd</sup> by Coon to approve the minutes from the October 21, 2013 board meeting with one noted correction made to page 2, bottom line which was found at the Police Committee Meeting on November 7, 2013 and changed from Nolan voting “nay” to “aye”. Viva Voce: 6-0 Motion carried

A motion was made by Coon and 2<sup>nd</sup> by Karker to approve the minutes from the November 7, 2013 police committee meeting. Viva Voce: 6-0 Motion carried

A motion was made by Smith and 2<sup>nd</sup> by Nolan to approve the treasurer’s report, subject to audit. Roll Call: Karker: Aye, Tibbs: Aye, Smith: Aye, Coon: Aye, Nolan: Aye, Blackstock: Aye Motion Carried

#### Citizen Concerns:

1. Mr. Mattingly was not in attendance to report on the property at 407 W. Walnut. Smith reported that Mattingly had indicated that he should be receiving the necessary paperwork in the mail to be taken to the attorney involved with the estate. Smith explained that he had advised Mattingly that due to the length of time involved with this situation, it was unclear how the Village Board would proceed. There was discussion pertaining to another extension and potential removal process started. Attorney Lindner was questioned on the matter. Lindner indicated that Mr. Mattingly was under no obligation to transfer the paperwork. Lindner explained the process of this type of situation to the board. Smith will encourage Mattingly to continue with the process as it has been started and continue to report weekly with updates. Nolan questioned the property portion of the address in question with concerns towards the garage on the property that was in bad need of repair and causing safety concerns. Smith is to gather further information and bring his report back to the December board meeting.
2. Clerk Coon explained why this matter was placed as a separate entry on the agenda. Citizen Joe McCormick respectfully requested that his ordinance violation citation that was issued on 10-10-13 be dropped and voted on as an individual ticket rather than placing all tickets written on that day together for a combined vote. J. McCormick explained his reasoning for asking for the ticket to be dropped due to review of audio recordings of previous meetings where this issue was discussed. Blackstock made a motion to drop the citation given to Joe McCormick, on 10-10-13, based on the sidewalk in question that was voted on to be removed at a prior meeting with 2<sup>nd</sup> from Nolan. Roll Call: Karker: Aye, Tibbs: Nay, Smith: Pass, Coon: Aye, Nolan: Aye, Blackstock: Aye Motion Carried
3. Citizen Karen Lebron was present and asked the board what was being done about the vandalism that was taking place in the village. Blackstock asked Lebron to explain what vandalism she was referring to. Lebron explained of a situation involving a cable TV dish. Chief Cupi explained that a police report would need to be filed and Officer Spickard agreed to take noted report.
4. Attorney Lindner was questioned in regards to the vote that had occurred last month pertaining to the above mentioned parking tickets issued on 10-10-13. Lindner explained the privilege allowed to board members to vote as they wish, however; if there is an ethical question then the board member may lay themselves open to possible repercussions due to the conflict. There was discussion about the difference between an abstention, a present or any other deviation of vote. Lindner explained that a pass or present vote goes with the majority but an “abstain” is a nil vote. Lindner also explained that all trustees must be called upon during roll call votes.

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-There was discussion with Lindner pertaining to the other parking tickets that were issued on 10-10-13 and the vote that took place during the October board meeting on said issue. Due to said vote failing both times in the October meeting, nothing further will be pursued on the subject. Clerk Coon was asked to obtain answers regarding the proper parliamentary (Robert's Rules) procedure for such an occasion as split votes and re-votes for future reference if it were to become necessary.

-Smith clarified with Lindner that an inner office camera system would be legal given that no audio would be included. Lindner agreed that this would be legal.

-Lindner reported that the paperwork to proceed with the demolition of 105 W. Walnut had been filed this past week and the publications for such will be forthcoming. Lindner indicated an approximate time table of 45 days until the first court appearance would take place.

-Agenda item #19 (recommendation from police committee meeting) was discussed. Lindner discussed the tow issue as he understood it. The code book and codification process was discussed as potentially clarifying some of the issues currently found in the Village Ordinance Code book. There was a discussion between Lindner and Chief Cupi in regards to the legalities of this matter. Chief Cupi reported that the tow service that was used has agreed to repay \$50.00 per vehicle towed (total \$100.00) to the village. Blackstock commended Chief Cupi for a job well done with integrity and expressed her opinion of the amount that should be repaid to the individuals involved. Coon made a motion to pay half of the tow bill back after the amount was adjusted to reflect the \$50.00 taken off from the tow company with 2<sup>nd</sup> from Nolan. Roll Call: Karker: Nay, Tibbs: Nay, Coon: Aye, Nolan: Aye, Blackstock: Nay, Smith: Nay. Motion Failed  
Lindner suggested that if the board were to choose to repay the tow bill incurred that there be an agreement that the individuals involved will sign a release of liability prior to receipt of the repayment. Tibbs made motion to pay the entire tow bill, minus the \$50.00 per vehicle towed, to each individual with 2<sup>nd</sup> from Karker. Roll Call: Karker: Aye, Tibbs: Aye, Smith: Aye, Coon: Nay, Nolan: Nay, Blackstock: Aye Motion carried. Attorney Linder is to write the release of liability. Chief Cupi was again complimented on a job well done.

-Agenda item #25 was discussed pertaining to the fine limits currently found in the Village of San Jose Ordinance book. Attorney Lindner explained the problems with the current fines being that there was no set limits but in fact that there were too many different ranges with too broad of a range. Lindner pointed out that the maximum for any fine range could only be seven hundred and fifty dollars (\$750.00) per state statute. Clerk Coon was instructed to gather a list of places in the existing ordinance book that would be affected by such a change.

-Attorney Lindner reviewed the new ordinance citation with the changes that were made per his request. Lindner asked for one more change be made before the citation could be sent to a professional printer for the quadruplet copied final citation to be made.

-Short break taken

#### Maintenance Report:

5. Maintenance time management sheets were reviewed by the board.

6. Maintenance Supervisor Conrad reported that all was going well. Lebron asked about the removal of the remainder of the tree that is in front of her residence at 213 W. Race Street. Conrad explained that he had spoken with the tree service but was unable to obtain a definite date for removal.

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Mayor- No matters discussed

Clerk:

7. Clerk Coon explained that the "CPAC" was Citizen's for a Positive Adolescent Choices group in Mason County associated with Illini Central High School and that the organization was asking for volunteers or monetary donations. Clerk Coon explained that previous boards have never been in favor of donating village tax payer monies. There was discussion about the subject matter including that no monetary donation would be given and no presentation would be sought at this time.

8. All trustees reviewed ordinance #484: Part-Time Police. Clerk Coon explained the need for such an ordinance. Nolan made a motion to accept Ordinance #484: "Part-Time Police" with 2<sup>nd</sup> from Smith. Roll Call: Karker: Aye, Tibbs: Aye, Smith: Aye, Coon: Aye, Nolan: Aye, Blackstock: Aye Motion Carried

9. There was discussion pertaining the village hall hours. Clerk Coon explained that there had not been much response to leaving village hall open until 5:00pm on Wednesdays therefore felt it was a waste of money to continue said practice. Clerk Coon explained that village hall would remain open into the afternoon hours on days with heavy traffic. Smith made motion to return the open hours at village hall back to 8:00am to noon with 2<sup>nd</sup> from Nolan. Viva Voce: 6-0 Motion carried

Engineer: Postponed to later in the meeting

-Committee Reports-

Water & Sewer:

12. The board reviewed the report submitted by Water Superintendent K. Albers. Albers not present to receive any questions. Nolan questioned Conrad on the condition of the equipment at the lagoon. Conrad reported that a blower was down at the lagoon but that repairs were being looked into. Nolan thanked Conrad and B. McCormick for coming into work, in the middle of the night when the electricity went out, to control and correct the sewer problems that had ensued.

13. The board reviewed the report submitted by Clerk Coon for the water billing and service. There were no questions for Clerk Coon. It was noted by Nolan that the water loss percentage looked to be staying steady.

Finance:

14. A Break was taken from 8:35pm until 8:51pm for the board to review all outstanding bills.

15. Smith made motion to pay all outstanding bills with 2<sup>nd</sup> from Nolan. Roll Call Vote: Karker: Aye, Tibbs: Aye, Smith: Aye, Coon: Aye, Nolan: Aye, Blackstock: Aye Motion Carried

16. Conrad explained the problem that occurred with the lift station located on south 1<sup>st</sup> street. Conrad reported that the wiring on the lift station had possibly been damaged by the farmer that harvested the field that was in close proximity to the lift station. Treasurer Shelley asked if the board wished for her to send a bill to said farmer for reimbursement of the \$230.00 repair charge that was incurred by the village. There was discussion pertaining to this matter. Treasurer Shelley was instructed to draft a letter asking for the reimbursement knowing that this event was not witnessed therefore the farmer would have no obligation to pay for the repairs.

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-Clerk Coon informed the board that a bill for \$80.00 has been sent to the tenant residing at 200 N. 1<sup>st</sup> street due to two broken water pit lids being replaced within thirty (30) days. It is believed that said lids were broken due to being driven over multiple times evident by tire tracks on the lids. Conrad was directed to place a post near said pit to deter from further damage.

17. Clerk Coon reviewed the insurance premium bill that had been received with the board. There was discussion on which payment option to choose. Tibbs made a motion to pay the insurance premium using option #2 which allows for half the premium to be paid now and the other half due by May 14, 2014 with 2<sup>nd</sup> from Karker. Roll Call Vote: Karker: Aye, Tibbs: Aye, Smith: Aye, Coon: Aye, Nolan: Aye, Blackstock: Aye Motion Carried

Economic Development:

18. Appointment of a new chairman for economic development was postponed to the December meeting due to Mayor Skelton not being in attendance.

Police:

19. This matter pertaining to the tow fee reimbursement was discussed earlier in the agenda.

20. Chief Cupi presented and reviewed her monthly report to the trustees. There were no questions or comments in regards to the report.

21. Chief Cupi reported that the on-board camera system has been installed in the Charger and that it is fully functioning. Cupi was able to get the installation done for \$300.00.

22. Chief Cupi explained that the maintenance personnel were slated to take the lockers to Doug McMorris for refurbishment as soon as he was back at his shop and available to complete the work.

23. Chief Cupi reported that the radar system is up and functioning fully. Cupi explained that the front cable had been purchased and installed by maintenance. Cupi reported that the rear cable that had been damaged also was able to be repaired and reinstalled by maintenance.

24. Chief Cupi respectfully requested that the board look over a proposal she had written in regards to entering into a mutual aid agreement with the Village of Emden. In this proposal it would allow for a contract to be entered into by both villages for police protection to be offered by San Jose and a monthly service fee would be paid by Emden. All aspects of this proposal were explained by Cupi to include sample contracts from other municipalities with similar agreements. There were questions and comments heard in regards to the number of patrol hours and incidents recorded in Emden. Cupi expressed her goal of a potential 3<sup>rd</sup> shift car to be implemented if this agreement were to be executed as well as other long term goals she would like to accomplish to help with the revenue brought into San Jose from the police department. Smith made a motion to allow Chief Cupi to pursue the possibility of entering into a contractual agreement with the Village of Emden for police protection with 2<sup>nd</sup> from Nolan. Roll Call Vote: Karker: Aye, Tibbs: Aye, Smith: Aye, Coon: Aye, Nolan: Aye, Blackstock: Aye Motion Carried

25. This agenda item was discussed earlier in the agenda.

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Buildings & Grounds:

26. Smith reviewed the quote he had obtained from Luke Christopher with the board. The number of cameras and their placement was discussed. Smith will try to obtain at least two more quotes before the December board meeting. Subject was postponed to the December board meeting.

Streets & Alleys:

27. Clerk Coon explained the problem with the cracked and broken concrete in front of the fire department and the fact that the concrete approach is inside the 33' of the village right-of-way therefore there is a question if the village should pay for the replacement. Clerk Coon explained that the fire department's trustee board had paid for the replacement of the first section of concrete approach. Karker will attend a Trustee meeting for the fire department and discuss the matter further. The trustees indicated that they would be willing to pay for this portion of the concrete approach and possibly split the cost of the third and final section of the concrete approach when the time comes that it is needed.

HEALTH: No report

OLD BUSINESS: None noted

NEW BUSINESS: None Noted

EXECUTIVE SESSION PER 5ILCS 120/2 (C) (1)(21): Motion made by Nolan and 2<sup>nd</sup> by Karker to enter into executive session per 5ILCS 120/2 (C) (1) (21) at 1010 pm.

Exited closed session at 1020 pm by motion from Nolan and 2<sup>nd</sup> from Blackstock.

Nolan made a motion to approve the closed session minutes dated 10-21-13 with 2<sup>nd</sup> from Tibbs. Viva Voce: 6-0 Motion carried

Nolan made motion to give Officer Spickard a promotion to Sargent with compensation to follow at a later time with 2<sup>nd</sup> from Coon. Viva Voce: 6-0 motion carried.

There was discussion about expending the Police patch contest to 12-11-13 and include the Illini Central Schools in the contest. Clerk Coon was asked to post the extension of the contest on Facebook and it was decided that the contest would remain open to village residents only age 18 and under and will run until 12-11-13 at 5:00 pm.

Meeting was adjourned at 10:26 pm by motion from Smith and 2<sup>nd</sup> from Karker. Viva Voce: 6-0 Meeting adjourned

Recorded by:  
Stacy Coon  
Village Clerk