

**MINUTES**  
**VILLAGE BOARD MEETING**  
**June 5, 2018**  
**7:30pm**

The Village Board meeting was called to order at 7:30pm with everyone reciting the Pledge of Allegiance. Trustees Becker, Yoch, Smallwood, Becherer, Rogers, and Elbe answered roll call.

**CLERK'S REPORT:** The Board received a copy. A motion was made by Trustee Becker which was seconded by Trustee Yoch to accept the minutes from the last board meeting that was held on May 15, 2018. Roll call was taken: Trustee Becker, aye; Trustee Yoch, aye; Trustee Smallwood, aye; Trustee Elbe, aye; Trustee Becherer, aye; Trustee Rogers, aye. Motion was granted.

**TREASURER'S REPORT:** No report.

**GOOD OF THE VILLAGE:** Mayor Klein reported that during the village clean up there were five televisions dropped off when Kevin Schwaegel was not present to inform them that there is a fee for him to dispose of them. Schwaegel has asked the Mayor for the village to pay him the fees for disposal of the televisions. Attorney Durso stated that it is to Schwaegel's advantage to be there and that there has not been an agreement between the village and Schwaegel for this service. Klein stated that Schwaegel does help minimize the amount that goes into the dumpsters which fill up quickly. Klein suggested that the village could pay him but stipulate that this would be a one-time payment. The trustees suggested not having Schwaegel there in the future. A motion was made by Trustee Yoch which was seconded by Trustee Smallwood to pay \$125.00 to Kevin Schwaegel as a one-time payment for disposing of televisions that were left by the dumpsters during the village clean-up. Roll call was taken: Trustee Yoch, aye; Trustee Smallwood, aye; Trustee Becker, aye; Trustee Becherer, aye; Trustee Rogers, aye; Trustee Elbe, aye. Motion was granted.

Mayor Klein asked the board if they wanted to approve a resolution for the Commercial Club to hold a parade at the Homecoming on July 28, 2018. Trustee Smallwood made a motion which was seconded by Trustee Rogers to adopt Resolution 2018-04 to allow the Commercial Club to hold a Homecoming Parade on July 28, 2018. Roll call was taken: Trustee Smallwood, aye; Trustee Rogers, aye; Trustee Becker, aye; Trustee Yoch, aye; Trustee Becherer, aye; Trustee Elbe, aye. Motion was granted.

Doug Gerold complained again about the music at Mikey's Pub. Gerold was told again by the board to call the police and follow through with a complaint when he has one. Mayor Klein told Gerold that the owner is working with him and that Gerold should give him time. Klein told him that he is

the only one who has complained over the years and to remember that he bought a home next to a business that was already established.

**POLICE CHIEF'S REPORT:** SIREN REPORT – Trustee Elbe reported that Chief Vielweber is still working with CenCom on the codes for the siren repairs. Elbe stated that he will be calling CenCom himself to check on the progress.

**ENGINEER'S REPORT:** CDBG – Engineer Saeger reported that the bid opening for the South Julia Street project will be June 19, 2018. Five companies have picked up bid applications.

ST. CLAIR COUNTY PARKS GRANT APPLICATION – Mayor Klein stated that the Parks Grant Commission has to train a new administrator. It may be July or August until there is a meeting scheduled. Klein stated that an application for the senior center flooring will be submitted.

MOBILE HOME REPLACEMENT – Engineer Saeger informed the board that there was a mobile home removed from 406 South Julia Street five months ago. The village Ordinance states that mobile homes must be replaced within six months. A six-month extension can be granted. Mary Ruetters spoke on behalf of the Kehrer family and informed the board that the Kehrers are trying to get a handicap accessible mobile home which will take longer than usual. Saeger stated that the building permit has been issued already. Trustee Smallwood made a motion which was seconded by Trustee Becherer to grant a six-month extension for mobile home placement at 406 South Julia Street. Roll call was taken: Trustee Smallwood, aye; Trustee Becherer, aye; Trustee Becker, aye; Trustee Yoch, aye; Trustee Rogers, aye; Trustee Elbe, aye. Motion was granted.

**HEALTH OFFICER'S REPORT:** No report.

**SAFETY COMMITTEE:** Mayor Klein reported that there will be a Safety Meeting scheduled for June 7, 2018 if needed.

**ZONING BOARD REPORT:** Zoning Administrator Scott Saeger reported that there is a Zoning Board hearing schedule for June 14, 2018 for a fence variance at 5769 Pebble Court. There are two hearings scheduled on June 18, 2018 for a sign height variance for Mueth's tavern, and a variance for wall height on a shed with a temporary use permit for the shed to be built before the home at 5513 Autumn Ash.

ZONING HEARING FOR HUNTERS POINT – Engineer Saeger reported that there was a Zoning Board hearing on May 10, 2018. The Zoning Board denied the preliminary plat, the special use permit for an assisted living center, and a zoning change request for a portion of the property to be annexed as SR-1 instead of Agricultural. Attorney Durso informed the board that for the special use permit and the preliminary plat a majority vote of the board would be needed. For the zoning change a 2/3rds majority vote would be needed to overrule the Zoning Board. The issue was opened for discussion. Rudy Diefenbach asked about the highlighted areas on the display map. Mayor Klein stated that those areas were parts of the construction phases. Kari Diefenbach read a letter stating her concerns of the traffic problems by the school and the Police Department. She stated that it would be a reckless decision to undermine the Zoning Board's ruling. She stated that a board is designed

to prevent one person making a foolish decision because of greed for tax money. She asked the board to make a decision for the good of the village. She asked that the board at least leave the back forty acres as agricultural. Mayor Klein responded that the board does have to do what is best for the whole village and not just portions of it. He stated that he has spoken to the school about the increased number of students. The school officials are not too concerned about the increased number of students. They are looking at adding on to the building. Klein stated that the water issues will be addressed as the construction starts. Local and State ordinances will be followed. Klein realizes that the traffic will be a problem and they are looking at solutions. Klein responded to another residents' question as to whether he would approve a new subdivision if it would be built behind his home. Klein replied that he would be okay with that because the town has to grow. Most of the residents would not be here if subdivisions had not been built. He stated that there are existing homes for sale but that exists in every town. Narelle Watson asked if the other subdivisions had as many as 143 homes. Klein responded that Sunset Meadows went in with only one entrance on Cortner Drive without any problems. Fieldstone had 120-130 homes. Watson is concerned because she lives at the end of Hickory Street and JoMar Drive and doesn't think that she will be able to get out of her driveway because of the increased traffic stopping at the stop signs. Klein stated that will need to be addressed if it happens. Mimi Moore showed a photograph of what she states is a drainage problem at the stub-out. Moore told Klein that she had not been contacted by anyone about this problem. Klein stated that he did not know who she was but if she had called him he would have returned her call. Her concern was that Rhutasel was the Engineer for the Suburban subdivision and will be the Engineer for this one also. Moore is concerned that the main road for the new subdivision will be JoMar and no plans have been made to upgrade the existing problems on JoMar. She is for development but not if the surrounding area is sacrificed. She wants guarantees of sidewalks going to the school. She doesn't want traffic coming from a nice subdivision with concrete streets going into a subdivision without sidewalks where kids are playing in the streets. She wants to know where all of the construction traffic will be going. Klein responded that he does contact people who want to talk to him. He informed her that he did go and look at the drainage at the stub-out and action was taken. The remaining water backup is due to the property owners to the south who have blocked the waterway. Nancy Rogers asked who is responsible to put in sidewalks when subdivisions are built. Klein stated that it is in the Ordinance that the developers should put in sidewalks. He stated that sometimes in the past it has been waved for other improvements. Klein stated that the village did receive a grant and put in sidewalks for Safe Routes to School. Klein stated that part of the problem is finding the money for the sidewalks. The board is trying to pass a budget that only has a surplus of \$2000.00. This is a small community without a lot of sales tax. Klein stated that he has been blamed many times for the grocery store closing. He has contacted many grocery stores to try to bring them to town but they all reply that the population is too low. If Smithton doesn't expand it won't get new businesses. Liz Croissant asked how the streets can be expanded around the school without going into yards. Klein responded that he has already stated that the traffic will be an issue and that it will need to be dealt with when it happens. Some streets can be made one-way or have parking on one side only. Croissant asked if the board had already made up their minds. Klein and Durso both denied that. Croissant stated that people want to move here because it is a small and safe town. Durso stated that he, Klein, and everyone on the board has the town's best interests at heart. Mike Woods asked what the time frame for the development is. Klein stated that 69 lots would be on the first half of the development over 7 years. Woods asked if there have been any traffic counts done. Engineer

Saeger responded that the counters that are presently up in town are from IDOT for maps that they publish. Woods stated that he set up a camera at his house between Cass Street and High Street for a 24-hour period during a school day. He stated that 674 cars came through the intersection during that 24-hour period. Jim Thrasher complained that Smithton doesn't need a new subdivision because it can't support a grocery store. Klein stated that the grocery store went out of business because of bad management. Thrasher stated that the subdivision should be tabled until the town can offer more. Klein stated that Thrasher has made complaints in the past about real estate signs in town when Thrasher is guilty of putting them up himself. Klein stated that the board has been doing their best for the town because they all think it is a nice community. Victor Croissant stated that Smithton is a small town and why should it be changed into a metropolis with burglars and people driving 90mph. He is opposed to any new development. Cindy Fink lives on Hickory near the corner of JoMar Street. Her complaint is that a lot of drivers turn into her Cul de Sac by mistake causing any loose rock from the street to come up into her yard. She is concerned that construction traffic may make this worse as well as making it dangerous for the kids who play in the streets. She would like to see the streets improved and drivers stopped by the police for failing to stop at the stop sign on Cletus Street and JoMar Street. Klein stated that he has informed the police to start giving tickets for violations. The Police Dept. has written twenty tickets in the last week and a half. Fink is concerned that a new subdivision will make the drainage problems in her subdivision worse. Klein that the new subdivision will drain in the opposite direction and should not make the drainage worse in her subdivision. Nancy Rogers asked if the village will pay half of sidewalk costs if the resident pays the other half. Klein confirmed that information but stated that the sidewalk would have to be connected to an existing sidewalk. Mimi Moore complained about the village spending \$2500.00 on trees for the park if the village is low on funds. She stated that it is shameful that the board voted to reimburse Kevin Schwaegel for disposal of the TV's without having proof that he had them. She stated that residents should have been informed that there was a fee for disposal of TV's. Trustee Elbe informed her that it was in the Annual Newsletter that there would be a fee for TV disposal. Klein informed her that the money for the trees comes from the gaming revenue. Attorney Durso informed the board that they have three issues to decide. He informed them that they could grant an issue with restrictions. Trustee Becherer would recommend that Phase One would have to access both JoMar Street and Press Road to avoid possible traffic issues at both areas. He also recommends limiting the lots to sixty-nine and then there must be a direct access to Highway 159. Klein stated that there must be turn lanes put in for the Highway 159 access. Trustee Becker stated that without bringing in new residents we will not be able to get new businesses.

Trustee Becherer made a motion which was seconded by Trustee Smallwood to overrule the decision of the Zoning Board and allow the zoning change from Agricultural to SR-1 for the requested portion of Hunters Point. Roll call was taken: Trustee Becherer, aye; Trustee Smallwood, aye; Trustee Becker, aye; Trustee Yoch, aye; Trustee Rogers, aye; Trustee Elbe, aye. Motion was granted.

Trustee Becherer made a motion which was seconded by Trustee Yoch to overrule the decision of the Zoning Board and to accept the preliminary plat for Hunters Point with the condition that Phase One will include access to JoMar Street and Press Road, and no more than 69 lots may be built without direct access to Highway 159 being available. Roll call was taken: Trustee Becherer, aye;

Trustee Yoch, aye; Trustee Becker, aye; Trustee Smallwood, aye; Trustee Rogers, aye; Trustee Elbe, aye. Motion was granted.

Trustee Yoch made a motion which was seconded by Trustee Becherer to overrule the decision of the Zoning Board and to approve the special use permit for an assisted living center with the condition that the site never be turned into a nursing home and that the condition be attached to the land deed and will be noted to any subsequent purchasers. Roll call was taken: Trustee Yoch, aye; Trustee Becherer, aye; Trustee Becker, aye; Trustee Smallwood, aye; Trustee Rogers, aye; Trustee Elbe, aye. Motion was granted.

**SUPERVISORS REPORT:** Supervisor Fults reported that the street crew has started upgrading the electrical outlets at the Park pavilions. They should have the project completed in the next week or two. The Commercial Club banners have been put up. Some of the poles do not have banners since Ameren would not allow it.

**ATTORNEY'S REPORT:** No report.

Trustee Yoch made a motion which was seconded by Trustee Smallwood to accept the officer's reports as given. The board was in favor. Motion was granted.

**COMMITTEE AS A WHOLE:** Mayor Klein reported that there was a Committee As a Whole Meeting on May 22, 2018. The items will be discussed under the individual committee reports.

TRASH QUOTE - The board discussed extending the Waste Management Contract for five years. The contract prices for year 1 starting January 1, 2019 will be \$9.90 regular/\$7.90 senior, year 2 will be \$9.90/\$7.90, year 3 will be \$10.10/\$8.10, year 4 will be \$10.30/\$8.30, year 5 will be \$10.30/\$8.50. Trustee Elbe made a motion which was seconded by Trustee Yoch to extend the Waste Management contract for 5 years. Trustee Elbe, aye; Trustee Yoch, aye; Trustee Becker, aye; Trustee Smallwood, aye; Trustee Becherer, aye; Trustee Rogers, aye. Motion was granted.

SAFTEY GLASS – Trustee Rogers made a motion which was seconded by Trustee Becker to approve a contract with Midwest Glass for installation of safety glass film on some windows and doors of Village Hall for the price of \$2,297.00. Roll call was taken: Trustee Rogers, aye; Trustee Becker, aye; Trustee Yoch, aye; Trustee Smallwood, aye; Trustee Becherer, aye; Trustee Elbe, aye. Motion was granted.

Mayor Klein would like to schedule a Committee As a Whole meeting for June 12, 2018. Agenda items will be a sidewalk on South Street, the surplus police car, the Park, and FOP.

**FINANCE & INSURANCE COMMITTEE:** BUDGET – Trustee Smallwood reviewed with the board the budget decisions that the board had discussed. Trustee Smallwood made a motion which was seconded by Trustee Rogers to approve the 2018/2019 Budget showing revenue at \$3,741,500.00, expenses at \$3,739,500.00, and a surplus of \$2000.00. Roll call was taken: Trustee Smallwood, aye; Trustee Rogers, aye; Trustee Becker, aye; Trustee Yoch, aye; Trustee Becherer, aye; Trustee Elbe, aye. Motion was granted.

**STREET & UTILITY COMMITTEE:** No report.

**POLICE COMMITTEE:** FOP – Trustee Elbe reported that the FOP are preparing their contract for the Police Committee to review before presenting it to the board.

**PARK & CEMETERY COMMITTEE:** GRAVE STONE REPAIRS – Trustee Becker reported that the grave stone repairs will be started this summer. There are 15 grave stones that need repairs.

PARK TREES – Trustee Becker reported that since the budget was passed there are six Gumball trees marked to be removed that will be replaced with new Maple trees.

**ORDINANCE COMMITTEE:** Mayor Klein informed the board that the State adopted “The Small Wireless Facilities Deployment Act” that was signed into law by the Governor on June 1, 2018. It mandates that villages must adopt fees into an Ordinance or provide a fee schedule within 2 months of June 1, 2018. Klein asked Trustee Yoch and Attorney Durso to review the document. There will be another law going into effect soon pertaining to the State cable franchise that will need action by the village. Frank Heiligenstein will share more information on this as it becomes available.

CODIFICATION UPDATE – Trustee Yoch would like this item on the agenda for the next Committee As a Whole meeting. The board discussed the need to start the review of changes.

ORDINANCE VIOLATIONS/BRUCE ANDERSON – No report.

ORDINANCE VIOLATIONS/BECKER & BERTELSMAN – No report.

SMITHTON LUMBER COMPANY SIGN – No report.

**ANNEXATION AND BUILDING COMMITTEE:** COMMUNITY GARDEN – Trustee Rogers reported that the community garden has lots available. The unused lots are not staked and can be mowed.

**BILLS AND PAYROLL:** Trustee Smallwood made a motion which was seconded by Trustee Rogers to pay the bills from May and payrolls from May 5, 2018 to May 18, 2018, and May 19, 2018 to June 1, 2018. Roll call was taken: Trustee Smallwood, aye; Trustee Rogers, aye; Trustee Becker, aye; Trustee Yoch, aye; Trustee Becherer, aye; Trustee Elbe, aye. Motion was granted.

**COMMUNICATIONS:** Mayor Klein shared a special events request from Mikey’s Pub requesting approval from the board for additional dates for bands to play on Sundays from 3:30pm to 7:30pm. The bands will play outside weather permitting. Attorney Durso stated that he believed that the ordinance that was passed referred only to special need or circumstances. Durso thinks that they are just trying to get around the ordinance. After discussion about the intent of the ordinance and the numerous dates on the request the board did not take any action. Trustee Smallwood stated that he had a conflict of interest and would not make a motion or vote. Klein will meet with Durso and discuss what to tell the owners.

Village Clerk Boeving shared with the board a request from the Smithton Public School to hold their softball, baseball and cross-country seasons at the Park. Trustee Yoch made a motion which was seconded by Trustee Becherer to approve the Smithton Public School to use the Park for softball, baseball, and cross-country seasons. Roll call was taken: Trustee Yoch, aye; Trustee Becherer, aye; Trustee Becker, aye; Trustee Smallwood, aye; Trustee Rogers, aye; Trustee Elbe, aye. Motion was granted.

Village Clerk Boeving informed the board the Mayor's Meeting is at the Argosy Casino in Alton on June 28, 2018. Anyone who wishes to attend should inform Boeving.

**UNFINISHED BUSINESS:** None.

**NEW BUSINESS:** None.

**GOOD OF THE VILLAGE:** Raquel Vice thanked the board and Supervisor Fults on behalf of the Chamber of Commerce for getting the banners put up in town. She stated that the Chamber of Commerce is always willing to work with the village.

Nancy Rogers asked the board when work would begin on the ditch on High Street. Engineer Saeger responded that the grant that was applied for may not be awarded until this fall. If awarded it would be next summer until work could begin. Rogers also asked what the village's options are when property owners block waterways. Mayor Klein responded that the village cannot go onto private property. Klein will be contacting the property owners to ask them to eliminate the problem.

**EXECUTIVE SESSION:** None

A motion was made by Trustee Yoch and seconded by Trustee Elbe to adjourn. All Board members were in favor. Motion was granted. Meeting adjourned at 9:40pm.