

VILLAGE OF SMITHTON
COMMITTEE AS A WHOLE
JUNE 12, 2018
7:00PM

Mayor Klein, Trustees Rogers, Becker, Smallwood, Becherer, Yoch and Elbe were present. Doug Gerold and Mike and Shirley Pilla attended the meeting also. The meeting was called to order at 7:12pm.

OUTSIDE MUSIC PERMIT – Mayor Klein reminded the board that the Pilla’s had requested additional dates for bands to play at Mikey’s Pub. Shirley told the board that her and her husband were under the impression that in order to add additional band dates all they had to do was turn in a request in writing. She said that they were told by Klein that there would be no fee or limits on the number of dates requested. Shirley told the board that they and the Legion have accommodated Doug Gerold’s complaints by building up the wall between the Pub and Gerold’s home and having the Friday and Saturday night bands play inside instead of outside. They are requesting outside bands on Sundays in the summer to draw new customers and try to build up their new business. The customers are coming and purchasing food and liquor. The Pilla’s hope that the Sunday customers will continue to come throughout the week and throughout the winter months. Klein asked if the bands have already been booked through September. Shirley replied yes and stated that June 17, 2018 would be the first additional date that was requested. Mike told the board that they bought the place with intentions to build a good reputation. He stated that they have met a lot of nice people and like the small town. They are slowly building the business. They have put in a lot of hard work to improve the building. Klein said that the ordinance states that the written request must be brought before the board at the Village Board meeting prior to the first date requested. Shirley stated that she did turn in the request prior to the meeting and had no idea that there would be a problem with the request. Trustee Yoch stated that the requesting party are supposed to appear at the meeting. Klein stated that he had informed the Pilla’s that they would not have to appear at the meeting. Klein stated that it is too late to take action now for the first requested date since the board cannot vote on it at this meeting. Gerold complained that the band comes early and starts warming up 2 hours before the scheduled start time. Yoch and Klein both stated that bands have to tune up before starting. Gerold stated that residents down the street can hear the music. Yoch stated that he cannot hear it any longer possibly because of the wall. Mike stated that he tells every band not to play too loud and has been telling them to turn it down if

needed. Mike stated that he has repeatedly tried to work with Gerold but he still gets nothing but complaints everytime he tries to improve the problem. Gerold states that the wall that the Pilla's put up still has gaps in it. Mike stated that the wall is insulated and is completed except for being painted. Shirley asked Gerold what he has done on his part to improve his situation such as getting new windows. Gerold stated that he did get new doors. Gerold then stated that the Pub went over the allowed band dates on Sunday so he called the police. Klein responded that Officer Emmerich spoke to Klein on Sunday and told him that it was only the seventh date so Klein informed him to let the band play. Shirley stated that they are requesting the additional dates from the board to try to comply with the ordinance. Klein said that Attorney Durso stated during the meeting that the ordinance referred to special event occasions. Trustee Becherer and Klein both disagreed on that interpretation. Gerold complained that the band that is booked to play this weekend is Superjam which is one of the bands that Gerold has filed a complaint about in the past. The board and the Pilla's stated that that was in the past and they are new owners who handle things differently. She stated that her and Mike have even invited Gerold over to listen to the music and have a beer. Gerold has continued to complain. Mike stated that he has a video of him showing Gerold that the decibel level was not too high at various areas. Yoch told Gerold that it is not possible to have a police officer present to make sure that the band doesn't play past the quitting time, but Gerold complained that they are starting too early when they warm up. Mike asked why Gerold doesn't complain about the picnic bands being loud but continues to complain about the Pub. Mike stated that other neighbors have told him that they do not have a problem with the music. Shirley stated again that they are nice people and are just trying to build up their business. Trustee Smallwood told the Pilla's that the ordinance was adopted because of the previous owners. He stated that the board cannot act on this weekend's band date without violating their own law. Mike stated that the ordinance could prevent any amplified music from being played anywhere. Smallwood stated that it would fall under disturbing the peace and a complaint could be filed. Mike stated that in a commercial zone there should be allowances made. Klein stated that could be looked into but for now there is nothing that could be done for this weekend. Klein suggested that the Pilla's fill out a new request for a lower number of dates. If there are no problems then a new request could be approved. Shirley asked how they could get approved if Gerold complains everytime a band plays. Trustee Elbe stated that if a police officer is called then he would listen to the officer's judgement on the complaint. Gerold complained about the board's interpretation of the ordinance stating that even though the Pub is in a business district the sound encroaches on an SR-1 district. Klein asked Gerold if he wants the place torn down and made into a parking lot. He told Gerold that he won't be happy unless that happens. Klein stated that the business needs to be supported. Shirley stated again that they need the Sunday bands to try to get a client base established. She asked Gerold again to come over to the Pub and try to enjoy it. Klein stated again that Gerold will not be happy no matter what the board or the Legion or the Pilla's do. Klein is tired of it and stated that he will recommend to the board that the ordinance be revised. He is tired of listening to Gerold whine every Tuesday night because he bought a house right next to a tavern. Gerold complained that

he wasn't called and informed about the meeting. Klein stated that the meeting agendas are always posted at Village Hall. Yoch asked Gerold if there is anything that the Pilla's can do to minimize Gerold's complaints. Yoch asked the Pilla's if they could have the band start their warm up within the 4 hour period. Mike stated that there have been times when he has just had background music on for customers eating outside and asked if Gerold had complaints about that. Gerold asked how far the speakers were from the wall. Klein stated that he did not want to hear one more word about the wall from Gerold. The issue of the wall is done. The Legion has spent \$1000.00 already that they couldn't afford and they will not spend anymore on it. Trustee Elbe stated that he agrees with Smallwood on the ordinance and would approve more dates if there are no complaints. He stated that the Pilla's have not had bands as often as Schmitty's did. Smallwood and Elbe agreed that the Pilla's have been trying to work with Gerold. Elbe also recommended that the Pilla's submit a new request for 2 additional dates to start with. The request must be submitted by 5:00pm on the 15th of June in order to be put on the agenda for next Tuesday's Board meeting. Mike asked about the board looking into the ordinance again. Klein stated that it would be in the future. The board told the Pilla's again to limit the request to 2 dates. Klein told Gerold again that he doesn't think that Gerold will be happy unless the business is closed down. Gerold asked if the band could limit their warm up time to one hour which would make a total of 5 hours. The Pilla's agreed that they could try to enforce this. Gerold asked again about making changes to the Legion building. The board told him to take it up with the Legion.

SOUTH STREET SIDEWALK – Mayor Klein informed the board that years ago there was weed killer sprayed next to the sidewalk in front of the school building on South Street. The weed killer caused erosion along the sidewalk. The school would like to pour concrete in the eroded section along the slope to prevent kids from tripping. Klein said that Engineer Saeger stated there would be no problem with the ADA. The district would be willing to contribute to extending the sidewalk to the street if the Village would assist with the project. Klein will ask Engineer Saeger to give an estimate on the concrete and labor costs by the next meeting. The board agreed to vote on it at the next board meeting.

Mayor Klein asked the board if any of them wanted to drive in the Homecoming Parade. Trustee Smallwood would like to drive a vehicle.

Mayor Klein stated that the registration is open for the IML conference in Chicago. Klein told the board that anyone wanting to attend should let the office know.

Mayor Klein informed the board that there will be a retirement party for Debi Boeving on August 26, 2018.

Mayor Klein informed the board that Mike Baldwin has sold his house. The buyers are interested in purchasing the adjoining property and shed also. Klein stated that he informed

the buyers about the illegal water and sewer tap to the shed. Klein told them that if they purchase the property and shed it would have to be annexed into the village and combined into one property. Trustee Becherer stated that the sewer and water runs from the shed to the house so that if they do not purchase the shed the village would shut off the water and sewer meaning that the buyers would have to pay a fee to re-tap the water and sewer. The board would like to find out for sure if that is the case and if so the water and sewer should be shut off now because the house would be using water illegally.

Mayor Klein asked the board if the board room door could be added to the list of windows and doors that will get safety film installed. The board agreed.

Mayor Klein informed the board that Randy Becker spoke to Klein again about removing three trees next to his house along Cass Street. The trees are in the right of way. Becker is willing to remove the trunks if the village could take down the trees and remove the limbs. Klein stated that per the ordinance that the board has to approve cutting down trees. Klein stated that one of the trees is pushing up the sidewalk. Trustee Becherer would like Supervisor Fults to take a look at the trees and see if he thinks that his crew would be able to cut them down.

SURPLUS PATROL CAR – Mayor Klein asked the board if they want him to put a notice in the Tribune to sell the car for a minimum of \$500.00 sealed bid. The board agreed to advertise in the Tribune starting on June 21, 2018 with bids accepted until 5:00pm June 28, 2018.

FOP – Trustee Elbe reported that the FOP will write up the contract and send it back for approval. Elbe would like it on the agenda for the next board meeting but it might not be ready by then.

PARK – Mayor Klein reported that there have been complaints of snakes at the lake in the park. Klein stated that he has been walking around the lake but has only seen one snake. He thinks that some of the sightings might be turtles sticking their heads out of the water. Klein also informed Trustee Becker that there is a 3-4 inch wide gap along the concrete pad by the dock. Klein asked if Becker would like metal plates to attach to the concrete or try to put coldpatch in the gaps. It is a tripping hazard. The board recommended coldpatch.

TREES – Trustee Becker has put in a call to the tree farm to see if they recommend planting the Maple trees now or waiting until fall. He has not heard back from them yet.

Trustee Becker would like the board to consider moving the rip-rap closer to the water level at the lake in the park and possibly adding a strip of aglime at the top of the rip-rap. It would improve things for people when fishing. The board discussed waiting until the new fishing docks are put in.

CODE BOOK UPDATE – Trustee Yoch brought the current ordinances, the recommended changes and the revised ordinance book for the board to review. Mayor Klein stated that Frank Heiligenstein had made changes in fees for various village charges. Yoch stated that the board will have to go over the old book line by line and compare it to the suggested changes. The board began the review process.

Trustee Elbe reported to the board that he checked on the siren repair progress. In the past work had been done on the sirens by Global Technologies. They came out last week and looked at the siren boxes for codes that are needed. They stated that the sirens are two tone systems but the county does not have the village listed as two tone. That would take a special call out. Cencom has not received the needed information from Century Siren. Elbe will keep checking on the progress.

Trustee Yoch informed the board that he has begun checking into the Small Wireless Facilities law. It states that Small Wireless Facilities cannot be put on poles without power and only on poles that are owned by the village. Companies could install their own poles in right of ways but not on easements owned by Ameren. They could be on village property easements in commercial or industrial areas. There is an ordinance that pertains to it. Mayor Klein will check with Attorney Durso to see if he has had a chance to look into it.

Meeting was adjourned at 9:47pm.