

MINUTES
VILLAGE BOARD MEETING
February 5, 2019
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 Yoch which was seconded by Trustee Becker to accept the minutes from the last board meeting that was held on January 15, 2019. The board was in favor. Motion was granted.

TREASURER'S REPORT: No report.

GOOD OF THE VILLAGE: Mayor Klein informed the board that he would like to appoint Officer Jason Neff as the new Police Chief, effective when Chief Vielweber retires in June 2019. Klein stated that there is a lot of necessary training that can be started now. Trustee Elbe made a motion which was seconded by Trustee Becherer to accept the appointment of Jason Neff as Chief of Police effective in June 2019 when Chief Vielweber retires. Roll call was taken: Trustee Elbe, aye; Trustee Becherer, aye; Trustee Becker, aye; Trustee Yoch, aye; Trustee Smallwood, aye; Trustee Rogers, aye. Motion was granted.

David Brennan asked the Mayor what the ordinance is regarding disturbances at Mueth's Tavern. He also had numerous complaints of littering and disturbances. Klein informed him that he needs to call the police and file a report as the incidents happen. Brennan complained about the illegal parking around the village but especially around Mueth's Tavern. Klein told Chief Vielweber to instruct his officers to cite illegally parked vehicles.

POLICE CHIEF'S REPORT: POLICE VEHICLES – Chief Vielweber reported that the police car purchased from Albers will be picked up on Wednesday. It is ready for service.

Chief Vielweber reported that three of the emergency sirens worked during the last test. The fourth one did not work due to a problem with the antenna. Vielweber is working with the company on the problem.

Mayor Klein asked Chief Vielweber the status on moving the camera at the Senior/Event Center parking lot. It needs to be relocated so that it will be able to view vehicles using the recycling bins. Vielweber stated that he is checking on getting a different company to move the camera.

ENGINEER'S REPORT: CDBG – Engineer Saeger reported that there will not be an application submitted this year. The item will be removed from the agenda.

ST. CLAIR COUNTY PARKS GRANT APPLICATION – Engineer Saeger shared the bid packet with the Mayor and the trustees. The bid will be advertised this week.

SAFE ROUTES TO SCHOOL – No update.

EAST/WEST GATEWAY GRANT APPLICATION - Engineer Saeger reported that the East/West Gateway Grant application is being prepared by Rhutasel and Associates. The application is due by February 14, 2019. There is an application fee which is a percentage of the requested funding amount. The fee is refundable if the grant is not approved. Trustee Becherer made a motion which was seconded by Trustee Smallwood to authorize the application fee for the East/West Gateway Grant, not to exceed \$2700.00. 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.

HEALTH OFFICER'S REPORT: No report.

SAFETY COMMITTEE: Mayor Klein reported that there is a Safety Committee Meeting scheduled for February 7, 2019, at 10:00am if needed.

ZONING BOARD REPORT: Engineer Saeger reported that there was a zoning hearing on January 17, 2019, to decide on a special use permit for self-storage at 13 S. Main Street. The zoning board did approve a special use permit for inside storage on buildings 2 through 5. They denied a special use permit for outside storage in the South lot. Mayor Klein stated that he has received calls from people on both sides of the issue. Klein stated that if a special use permit is denied, it can be reapplied for at anytime as long as state statutes and village ordinances are followed. The petitioners did follow the rules. Klein then opened the discussion to the audience. Dave Schneidewind stated that he was an attorney representing Mike Middendorf and Neal Trentman. He stated that there have been significant changes made in the plans for the property since the first proposal. The sheds will be retinned and painted to create a clean and uniform look for the buildings; a vinyl fence will be installed with stone accents to secure the property; there will be an electronic gate on the east side controlling entrance into the facility; the west side will be secured with new garage doors and a gate controlling entry into the sheds and lot; the front half of the parking lot will be black-topped, with the remainder being black-topped within five years; the building on the corner of Main Street and Stoerger Street will be developed into a retail space. The facility as a whole will grow the villages tax base, and retail space may increase the villages tax revenue. Overall these improvements will not only revitalize this corner but will accent the Village Hall and the Public Library. Schneidewind stated that there will be strict restrictions on allowable storage items with lists given to customers. There will be less traffic with this facility than when it was a Lumber Company. Storage facility customers do not use the facility daily. There may be more customers on the weekends when the school is not in session. The storage facility south of town have an average of 5 vehicles a day. When the Lumber Company was open there were 2 large deliveries daily with an average of 25 vehicles daily. The owners have agreed to install traffic bollards across from the exits on Julia Street, warning signs at the exits, and speed bumps inside the

storage facilities. Schneidewind referred to the school's concern and reference to the Environmental Protection Act that lists voluntary guidelines and criteria when planning a new school. He stated that none of the guidelines concern self-storage facilities, but those only apply to industrial facilities. Schneidewind stated that one of the restrictions that the zoning board placed on the storage facility was that the special use permit would expire with the sale of the property. The owners of Two Twins, LLC think that this would restrict the growth of the business and the ability to make the most of the property. They would like the board to consider making the special use permit run with the land. Jolene Pierpoint is the President of the School board at St. John the Baptist School. She stated that she feels that there are too many safety hazards with this type of business for it to be placed next to St. John's. She doesn't think it will be aesthetically pleasing in the middle of town. She spoke to many people who work in the school system and did not receive any positive responses when asked about a self-storage facility being placed next to a school. The reason is due to the unknown safety factor. She stated that no one will ever know what is being stored on the premises unless inspections are done. She stated that on average there are approximately thirteen hundred storage fires each year. Among the hazardous contents found have been propane, oxygen, acetane, gasoline, pesticides, ammonium nitrate, fireworks, animal hides which could cause anthrax, ether, and plastic tarps which could produce toxic smoke during a fire. There could be rodent and bug infestations, illegal dumping and traffic concerns. She stated that she doesn't think that legitimate safety concerns should be ignored just because they could happen. She feels as a parent and School Board President that she should do everything to ensure the safety of her son and all of the students at St. John's. She stated that as elected officials it is the responsibility of the Mayor and the trustees to take into consideration the safety considerations of a facility of this kind in a residential area. Chad Jennings asked Engineer Saeger if there could be any impact on the village receiving the Safe Routes to School grant if the special use permit is allowed. Saeger stated that he not aware of any review process in place that would affect the grant being awarded. Jennings asked the Mayor and the trustees of any lease arrangements between the Village and Two Twins, LLC. Klein responded that he has not spoken to the owners about a lease. The owners found out from the Lumber Company during the sale that the Village had been in negotiations for that piece of property in the past. The land had been considered for Village Hall expansion, space for a generator for Village Hall, and possible extra parking spaces which could have been used by the school also. The area referred to had been added to the proposal by Two Twins, LLC. Father Stan Konieczny asked since that lease proposal was only a possibility, then are any other parts of the proposal only a possibility. Klein stated that there was no agreement made and to his knowledge no other parts of the proposal are only a possibility. Schneidewind stated that there has been no agreement made with the village. Jerry Crosby asked why that would have been put in the proposal. Mike Middendorf replied that they were giving the option to lease it to the Village because they knew that the Village had spoken to the Lumber Company about the property. Middendorf stated that they had also been willing to lease it to the Church. Since the special use permit has been denied they do not have plans for that section of property and would be willing to lease it to anyone. Julie Crosby stated concern that there could be sex offenders using the facility and asked if there would be any background checks or screenings of tenants. Middendorf stated that none of the other storage facilities screen their tenants. There could be sex offenders anywhere in town and security should not be localized to the storage facility. He stated that illegal dumping is also a village wide concern and that they would not allow any at the facility. Ashley Peterson asked if there has been a zoning change to allow this type of facility. Klein explained that

the front of the property along Highway 159 is zoned B-2 and the back of the property is B-1. The reason for that is because there is no more room along the highway to put in anymore businesses due to the setbacks that are in place. The zoning will not be changed. The special use permit would allow a business to proceed. It is a legal request and covered under state statutes and Village Ordinance. Jennings asked Schneidewind if his clients were members of the Self-Storage Association. Schneidewind replied that he wasn't sure if they were but didn't think that it mattered if they were or not. Jennings stated that if they were members then they would be aware of the counter measure program which has been enacted nationally with regard to background checks, tenant identification, and placing requirements that would have to be met by all of their tenants. He stated that he would be more than happy to give the owners a list of those things that would ensure the safety of the school kids. He urged the board to review the list and make them a condition of approving the special use permit. Middendorf stated that there are no requirements that self-storage owners must belong to a group. Klein stated that there have been two zoning hearings already on this issue. He stated that the board knows what the concerns are. If they approve the zoning board recommendations, they will make any conditions that they feel are necessary. Jennings stated that pursuant to the Illinois Supreme Court they have every right to stay there all night and list every restriction that they want. Klein replied that the Village has an ordinance regarding that and that Jennings should not try to tell him his job. Jennings replied that Klein is violating his due process rights and he would be happy to sue the Village for doing so. Klein explained that there is an ordinance that states that there is a five-minute comment period. Jennings stated that he could pass the five minutes along to everyone in the room. Klein replied that he could but asked why Jennings is trying to antagonize him when he and the board are trying to do what is best for the Village. Jennings stated that they were elected to do what is best for the Village. Klein stated that he has a grandson that attends the school, so he is very concerned with the safety of the school and doesn't want to be accused of endangering their safety. Klein stated that he has been on the board for thirty-two years and has fought for everything that he thought was right. He has been trying to be fair to everyone in the room. He said that the Lumber Company has been there since he was a kid and that there have never been any complaints about the traffic or the dangers about what has been stored there, but now it's a big issue. He said that no matter what facility is put there, it will always have some danger to the children. Klein stated that he and the board are trying to do the job the best that they can, and they should be given some respect. Jennings replied that the board has every opportunity to address any potential safety threat or health concern or traffic issue. Klein stated that the board is concerned with that. Brennan stated that this board created the traffic concerns already when they changed the zoning. He is concerned that they will be stuck with things the way they are. He is glad that a cap had been placed on the special use permit that limits this type of business to the owners. He feels that the danger is already at an eight out of ten scale. He does agree that the traffic is not going to be a huge concern, probably less than the Lumber Company. But if the building in front is open to any retail space then the traffic will eventually increase. Brennan stated that when his business opens he will try to plan for traffic flow and safety. He will put trash cans all along his property so that kids will not walk in the congested traffic areas. He thinks that Two Twins, LLC will do a great job with the property and freshen it up, but just because something is better doesn't mean it should be done. Brennan asked if the trash in his truck doesn't concern the board. Klein stated that he and the board try very hard to do the best for the community for very little pay and don't like it when accusations are made against them. Klein apologized for getting upset. Nick Ruettgers stated that he thinks the

new owners are actually going to improve the safety of the property. They will be putting in a lot of safety features. He also stated that the Smithton Public School has forty acres south of town which is right across from the storage sheds. Phil Henning stated that he has looked at both plans that were proposed. He thinks that the new plans are a great improvement over what we have now. He stated that it is the best improvement he has seen in town for 17 years. He has worked in security for many years and the security will be greatly improved. He stated that there have been a lot of paint and materials stored at the Lumber Company for years. There will be more safety control over the property now. The fire department and the county can do safety inspections. Heather Jennings stated that she travels a lot for her job. She has never seen a storage facility in the middle of town. She stated that they are not saying that the new owners are not good businessmen, but they do not like the business in the middle of town. She handed in a petition signed by village residents stating that they do not want the business at this location. Rich Kehrer stated that he thinks the business should be given a chance. He trusts the Mayor to do what is right. The Police Station is across the street, people are coming in and out of Village Hall to keep an eye on things, and Father is across the street to call for help if needed. He thinks that it will be new and made up to look nice and that it should be allowed. Mike Middendorf Sr. commented on the petition that had been turned in. He asked if the residents who signed the petition were shown the pictures and were explained the circumstances of the proposal. He doesn't feel that the petition is a valid endeavor. Schneidewind stated that he formally objected to the petition because the circumstances of how the petition was presented could not be verified. Jennings stated that the information on the proposal is public record and the information contained in the petition was presented to people in the Village. Klein again apologized to Jennings for getting upset. He then asked the board to make a decision on the issue. Trustee Yoch asked the trustees if they had any stipulations that they wanted to discuss. Trustee Smallwood stated that he would like to eliminate ingress/egress from Julia Street. He understands the school's concerns on that issue and understands that it would be a hardship for the business. Yoch replied that that issue had been discussed at the zoning hearing and it was decided that there had to be egress from both sides of the buildings in case of fire. Yoch asked if the key pad entrance to the buildings could be placed only on the Main Street side so that it would be exit only on Julia Street. Middendorf replied that it could be set up that way. Yoch asked how high the gates are on the fence. Middendorf replied that the gates and the fence are 6 feet high. Trustee Rogers asked where the security cameras are located. Middendorf stated that there are cameras outside on Julia Street facing both directions, and cameras inside to view the inside of the storage sheds. The cameras inside are motion activated. Trustee Yoch made a motion which was seconded by Trustee Becherer to approve the recommendation of the zoning board to grant a special use permit for self-storage in buildings 2 through 5, with the condition that entrance to the buildings be from Main Street only with exit from the buildings on Julia Street only, and that the special use expires with the sale of the property by Two Twins, LLC. Roll call was taken: Trustee Yoch, aye; Trustee Becherer, aye; Trustee Becker, aye; Trustee Smallwood, nay; Trustee Rogers, aye; Trustee Elbe, aye. Motion was granted. Trustee Yoch made a second motion which was seconded by Trustee Becherer to accept the zoning board recommendation to deny outside storage on the south lot of the property. 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. Mayor Klein again apologized for his reaction earlier in the meeting.

Mayor Klein informed the board that there has been a request for an ordinance change regarding

B-1 district setbacks. Klein will schedule a Committee As a Whole meeting for February 12, 2019. This item will be on the agenda.

SUPERVISORS REPORT: Supervisor Fults reported that the new generator will be installed in the lift station on Klein Street.

ATTORNEY’S REPORT: No report.

Trustee Yoch made a motion which was seconded by Trustee Smallwood to accept the officer’s reports as given. All were in favor. Motion was granted.

COMMITTEE AS A WHOLE: Mayor Klein informed the board that there was a Committee As a Whole meeting on January 22, 2019 and January 29, 2019.

STREET LIGHT ON C STREET – Mayor Klein asked the board if they had a chance to look at the light poles on C Street regarding Ameren installing a light on one of the poles. Trustee Yoch made a motion which was seconded by Trustee Elbe to contact Ameren to see if they will install a light on an existing pole on C Street. Roll call was taken: Trustee Yoch, aye; Trustee Elbe, aye; Trustee Becker, aye; Trustee Smallwood, aye; Trustee Becherer, aye; Trustee Rogers, aye. Motion was granted.

Mayor Klein stated that the remaining items will be discussed under the Committee reports.

Trustee Yoch made a motion which was seconded by Trustee Smallwood to approve the minutes from the January 22, 2019 and January 29, 2019 Committee As a Whole meetings. 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.

FINANCE & INSURANCE COMMITTEE: IMRF EARLY RETIREMENT PROGRAM – No report.

BUDGET – Trustee Smallwood would like this item on the agenda for the next Committee As a Whole meeting.

STREET & UTILITY COMMITTEE: STREET DEPARTMENT PERSONNEL – The ad for the new Street Supervisor has been in the Freeburg Tribune last week and this week. The applications must be turned in by February 18, 2019.

LIFT STATION REPAIRS AND DIALERS – Trustee Becherer made a motion which was seconded by Trustee Yoch to purchase new dialers for the lift stations at Main and Franklin Streets and the Senior/Event Center for the amount of \$5065.00. 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.

POLICE COMMITTEE: CENCOM INVOICE – Trustee Elbe made a motion which was seconded by Trustee Becherer to pay the CENCOM invoice for \$13,270.58. Roll call was taken: Trustee Elbe, aye;

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

PARK & CEMETERY COMMITTEE: GRAVE STONE REPAIRS – No update.

PARK TREES & LAKE ROCK – Trustee Becker reported that he contacted the resident about the planned memorial tree. They will meet at the park when the weather clears to decide on a location.

ORDINANCE COMMITTEE: CODE BOOK UPDATE – Trustee Yoch reported that progress was made on the codification process at the last Committee As a Whole meeting. Trustee Yoch scheduled an Ordinance Committee meeting for February 6, 2019 and February 13, 2019 to work on the code book.

ORDINANCE VIOLATIONS/BRUCE ANDERSON – Mayor Klein reported that Anderson is still cleaning up the property but has a lot to do yet.

ANNEXATION AND BUILDING COMMITTEE: Trustee Rogers would like Village Hall Generator and Salt Storage Building on the agenda for the next Committee As a Whole meeting.

BILLS AND PAYROLL: Mayor Klein informed the board that the invoice from Hydro Services has high charges that he would like to clarify before paying. Trustee Smallwood made a motion which was seconded by Trustee Becherer to pay the payroll from January 12, 2018, to January 25, 2019, and the January bills except for the Hydro Services bill. 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.

COMMUNICATIONS: Clerk Parker informed the board that a resident sent in a letter and a signed petition complaining about the speed limit on High Street. They would like the speed limit lowered. Chief Vielweber stated that the street is not a through street and it seems to be a residential issue. Mayor Klein would like the item put on the agenda for the next Committee As a Whole meeting.

Clerk Parker informed the board that the February Mayor’s meeting will be in Columbia on February 28, 2019.

UNFINISHED BUSINESS: None.

NEW BUSINESS: None.

GOOD OF THE VILLAGE: Nancy Rogers complimented the Mayor and the trustees for the good job that they do. She stated that it takes everyone in the village to work together to keep the litter picked up in town.

Jim Mourey also complimented the Mayor and the board for the way that they conducted the meeting.

Phil Henning stated again that he thinks that the new facility will be an improvement.

David Brennan complained again to the board about them not taking his complaints seriously and not getting anything done about his concerns. He stated that the board talks about their democracy in action but their opinion is not the only one that matters. He stated that the board needs to finish some of the items that have been on the agenda for a long time. Trustee Becherer told him that they listen to everyone's opinion and then make a decision based on the whole village, not just the people addressing the board. Becherer told him that the board has been working on agenda items and that it takes time to accomplish them for the best of the village. Brennan voiced concern about the businesses that may come into the new property and that the buildings do not get inspected and could be unsafe. The board informed him that the fire department does do annual building inspections. Brennan stated that all of the problems came about because the board passed the zoning changes for the downtown area and now the board has an attitude and doesn't want to give people time to address them. Trustee Yoch told him that they have listened to him for 20-30 minutes. Klein told him again that they can't take action unless Brennan files a police report.

EXECUTIVE SESSION: None.

Trustee Yoch made a motion which was seconded by Trustee Elbe to adjourn. All were in favor. Motion was granted to adjourn at 9:36pm.