

MINUTES
VILLAGE BOARD MEETING
August 18, 2020
7:30pm

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

CLERK'S REPORT

The Board received a copy. A motion was made by Trustee Yoch which was seconded by Trustee Becherer to approve the minutes from the board meeting held on August 4, 2020. Roll call was taken: Trustee Yoch aye; Trustee Becherer, aye; Trustee Rogers, aye; Trustee Elbe, aye; Trustee Henning, aye; Trustee Mourey, aye. Motion was granted.

TREASURER'S REPORT - The board had a copy.

GOOD OF THE VILLAGE

MIKEY'S PUB OUTSIDE MUSIC PERMIT REQUEST

Mike Pilla requested additional music dates for Mikey's Pub for August 21,22,23,28,29 & 30, 2020. Chief Neff stated that there had been no complaints. Trustee Yoch made a motion which was seconded by Trustee Mourey to approve additional outside music dates August 21,22,23,28,29 & 30, 2020 for Mikey's Pub. Roll call was taken: Trustee Yoch, aye; Trustee Mourey, aye; Trustee Becherer, aye; Trustee Rogers, aye; Trustee Elbe, aye; Trustee Henning, aye. Motion was granted.

Village residents came to the meeting to express concerns about the recent flooded streets in the village. Mayor Smallwood informed them that they would be allowed five minutes to voice their concerns. The Board would then discuss the issues at the next Committee As a Whole meeting.

Luke Poston stated that he and his neighbors in Southwoods Subdivision are facing two issues with the recent high rainfall. The first issue that occurred was sewer back-up into the homes with some resulting damage to carpeting and other items. He was told when he called Engineer Saeger that two sewer pipes that had been open and exposed to the rainwater which allowed the flooding water to enter the pipes and back up the sewer system in the subdivision. The two pipes are now capped which should take care of that issue. Poston stated that he appreciated the quick action taken by the Village in response to that issue. He did ask if the sewer pipes could be excavated 3-4 feet deep to ensure that there is not any further damage to the pipes that could result in a repeat occurrence. The other issue that he wanted to bring to the Board is the water runoff that the subdivision deals with on Autumn Ash Road, Chestnut Ridge, and Alpine Place. The water is runoff from approximately 64 acres of farmland. He believes that the existing drainage system is

inadequate. The storm sewer or culvert that is in place is 52 inches wide. He stated that he does not claim to be an engineer but would like to work with the Village to help resolve the issue. He stated that there was 4 feet of water in some areas. He does understand that last week had a high rainfall amount in a short amount of time. This has happened twice in the past 23 months, so he feels that the existing system needs to be reevaluated. He did some research and discovered that the North Carolina Forest Service states that if a culvert needs to be over 48 inches in diameter, then there should be two in place. Poston also thinks that the retention pond is not adequate and is contributing to the issue. He and his neighbors are having to deal with a lot of issues and would like the Village to identify the problems and come up with a solution. He was informed that there was originally going to be a second phase of the subdivision which would have enlarged that storm drainage system. The second phase of the subdivision was never built though so the residents are having to deal with the existing system.

Charlie Fox voiced concerns over the drainage issues at Alpine Place. He has had two occurrences of water backup into his basement. He has had to reseed grass and pick up debris also. He has concerns about the information that the residents have been told, but is willing to wait to see if the issue is resolved. He stated that if it is not resolved he might hire an outside source to investigate the problems.

When asked for a time frame on when the Village might have some answers to the problems, Engineer Saeger hoped to have some answers by the next Board meeting. Saeger stated that in regard to the sewer laterals, a company has been engaged to do a smoke test to check the sewer system for cracks or breaks. New construction will be started in the near future in Southwoods which will connect to the existing sewer line so that there will not be a pipe at the surface.

POLICE CHIEF'S REPORT

Chief Neff reported that the PD did their annual firearms training, with all of the officers qualifying. Neff reported that the new PD vehicle is scheduled to be manufactured starting on September 4, 2020. The new cameras have been installed at the PD and are working well so far.

ENGINEER'S REPORT

MAIN STREET TURN LANE PROJECT

IDOT is reviewing the engineering agreement and the joint funding agreement for the project. Saeger was informed that it might be December until a response is given.

ORDINANCE VIOLATIONS

Engineer Saeger reported he is working with Attorney Durso on the violations.

ENERGY EFFICIENT UPGRADES AT WASTEWATER TREATMENT PLANT

Engineer Saeger reported that Ameren is expected to approve the incentive for the mixers at the treatment plant and a larger control cabinet so that in the future the blowers can be made more efficient also. Illinois Electric Works has submitted an updated bid for the project. Trustee Yoch made a motion which was seconded by Trustee Rogers to authorize Illinois Electric Works to install energy efficient upgrades at the wastewater treatment plant for \$30,872.00 and to submit an application for the incentive amount to Ameren. Roll call was taken: Trustee Yoch, aye;

Trustee Rogers, aye; Trustee Becherer, aye; Trustee Elbe, aye; Trustee Henning, aye; Trustee Mourey, aye. Motion was granted.

502 S. HICKORY SHED

Engineer Saeger is working with Attorney Durso on this item.

HEALTH OFFICER’S REPORT – No report.

SAFETY COMMITTEE

Mayor Smallwood reported that there is a Safety Committee Meeting scheduled for September 3, 2020, if needed.

ZONING BOARD REPORT

Zoning Administrator Saeger reported that there was a zoning hearing on August 10, 2020 to decide two variance requests. Both requests were approved by the zoning board. There are two hearings scheduled on September 9, 2020. At the August 10th hearing, the final plat for Deerfield Estates was approved with a contingency that improvements be made to the ditch and berm and that the residents of Southwoods be satisfied with the improvements. The zoning board also recommended an addendum be recorded with each deed stating that the owner of lot 1 would be responsible for repair and maintenance of the ditch for runoff water. The zoning board also recommended changing the property from being zoned agricultural to SR-1. Saeger stated that the developer of the property is Matt Patterson. Saeger stated that there were concerns voiced at the hearing by residents of Southwoods about water drainage coming from the planned subdivision coming into Southwoods. Saeger stated that he has viewed the grading that Patterson has done over the last few days to the ditch on the North property line of Deerfield Estates. Saeger thinks that this will transfer the water away to the West of Southwoods without any additional water coming into the adjacent backyards of Southwoods.

Clinton Collier is a resident of Southwoods and stated that he has not seen any improvements after the grading. He thinks that it needs to go farther East and be deeper.

Nick Geibel from Southwoods agrees that it needs to go further East. He stated that now the water and silt comes down the berm but doesn’t get to the ditch to be dispersed so the water runs through the yards and into the streets. He thinks that getting seed planted on the stripped property will help slow down the water. Geibel also wants to know how the deed will be enforced to ensure that the property owner maintains the ditch. Attorney Durso stated that the adjacent property owners will be in the position to enforce it. The flow of water cannot be artificially diverted from an owner’s property to other property. That would be illegal and could be enforced. Saeger stated that it could be considered an ordinance violation. Durso agreed. Collier stated that the excessive water in the streets is a health hazard. Pictures were passed to the Board of the high-water last week. Patterson showed pictures of the work that he did recently on the swale and the ditch line. He said that they shot grade with a laser to make sure that it pitches to the West and stays within the easement on his property. He stated that there is also a platted easement on the Southside of the adjacent properties. Patterson stated that he raised the elevation of the whole 5-acre parcel 2-3 feet with the excavation of the lake. Patterson stated that he thinks that the ground across the

North end of the property now is about 1 to 1 ½ feet lower than it was before he excavated the ditch. He channeled it deeper to drain the water off quicker. The water now flows to the stub out on Sunset and Maple. Patterson may extend the ditch past the swale to help prevent the flow to the stub out. Mayor Smallwood asked Saeger if he is satisfied that Patterson will meet the criteria set by the zoning board before the ruling is approved by the Trustees. Saeger stated that Patterson has been responsive in the past and that he has confidence in him. Saeger went to view the work that Patterson has done the last few days and was under the impression that there won't be a problem. He said that he was surprised to hear the residents voice doubts that it might not turn out well. He knows that they live closer to Knab Rd and he wasn't aware that there was a big issue in that area. He thought that there was more of an issue between the stub street and Knab Rd which was a low point and a hump in the ditch, which has been addressed. Patterson stated that he dug out about 60yards of dirt to get the flow. He put the dirt along the top of the dam. He stated that he sowed some seed along the area that he worked on. Saeger stated that the Board will have to decide if the developer has done enough to satisfy the contingent of the zoning board recommendation. Collier stated that none of the heavy rain went into Pattersons' yard. Patterson and his wife argued that it did. Smallwood told them to settle that discussion at a different time. Smallwood asked Saeger if he thought the contingency factor was met. Saeger stated that he thought the decision should be postponed. He stated that he could meet with the involved parties. Attorney Durso asked Saeger if he could have answers by the next Board meeting. Saeger stated that he would. The residents were informed that it will be Saeger's decision as to whether the Zoning Board contingency is met or not.

SUPERVISORS REPORT

Supervisor Klein reported that the street chipping and oiling has been off and on due to the storms. It has been rescheduled for Thursday and Friday of this week.

ATTORNEY'S REPORT

17 N. HIGH STREET

Attorney Durso stated that the property owner of 17 N. High Street, Gabe Ritter, was in the audience and asked him if he wanted to address the Board. Ritter stated that he keeps getting tickets but has been trying to clean up the property. He pulled his shed around and is trying to get his tools out, but it takes time. Durso told him that there are several issues. He asked Ritter if he is living in the mobile home. Ritter stated that he will be, and he is getting ready to restore it and get a building permit. Durso asked how long it will take him to restore it to the point that it is habitable. Ritter stated that he didn't know if he would pull it out or restore it or build a house. He has a lot of options that he hasn't looked at yet, but he will. He stated that he lived in Smithton his whole life and has always been a resident and can get a building permit just like anyone else. He states that he is not a criminal. The mobile home looks rough, but he could recycle all of the material. He has bought and paid for it and he will keep it. He is trying to do right and does not want to be lectured to. He wants to get a building permit. He has a dream to retire here and build a house, but it takes time. Durso said that according to the neighbors his property has been an eyesore for years. Ritter stated that his neighbors' dog has been shitting in his yard everyday for ten years. He has been traveling with the department of defense hit and miss and this is the first he has heard of it and now this. He said you can't call him a criminal. Durso said that no one was calling him a criminal, but the property is uninhabitable. Ritter replied that it is his property and he is working on getting a building

permit. Durso asked why he has not worked on it prior to this. Ritter said he was working for the department of defense and was traveling. He got back and then had a herniated disc and is just now healing up over it. He stated that he has talked to someone about a building permit and has got big dreams. Durso asked if he had big dreams over the mobile home or something else he would like to build there. Ritter stated something else that he would like to build there, and it takes time and planning. Durso asked what about the mobile home. Ritter said that he is either going to restore it, tear it down and salvage the materials, or have someone come in and haul it out. He said that the town has rules and if anything is done to it, he cannot put anything else there. Durso stated that he can put something else there if he wants to. Durso verified this with Engineer Saeger. Durso told Ritter that he is not trying to bait him or cause a fight so he should calm down and discuss this reasonably. Durso told him that Ritter may not agree with it, but there are others who think that the mobile home is an eyesore as it sits there. Ritter said that he put up with his neighbor's house sitting up on jacks for months. Durso stated that they are talking about Ritter's mobile home. If he is going to remove the mobile home-please do so. Ritter asked if he needs to get a building permit and what would be legal to get started to remove it or to tear it down and start removing it. Durso replied that as far as demolishing it he can tear it down on the property that it sits on or remove it to another location and take it apart, but it has to be done soon. Ritter asked why he can't just clean it up and fix it. Durso said that he could as long as he can do it within 30 days. Ritter wanted to know why he is being picked on so bad, what has he done. Durso stated that he is not being picked on, and that as Village Attorney he has had to take action on other people in the municipality for the same reason. Ritter repeated that all he has is 30 days and does Durso know how hard that would be. He stated that he is working on it. Durso replied that he is not, and that Ritter should be honest. Ritter said yes he is and he is trying. Durso told him that there is a registered letter coming to him with a return receipt requested and if he responds to that letter, then no one will bother him for 30 days with respect to the mobile home removal. He could take it apart and remove it, dismantle it and then take it completely off the property. If he does that within the thirty days, that issue goes away. Durso then told him that there are other issues on his property. Ritter stated that his truck now has a license. Durso told him then the truck is not a problem, but there is a lot of other debris. Ritter said that he is working on cleaning that, he needs one more night to get it done, but he got a work/halt stoppage sign. He said that while he is at the meeting his neighbors are driving all over his property and doing whatever they want. Durso asked what stoppage sign he's talking about. Ritter said that there is a big yellow sign. Durso told him that sign does not stop Ritter from taking apart the trailer or demolishing or moving or repairing the trailer-from the time he gets the registered letter and responds to it, he will have 30 days to do it. As far as the other items that are around the property, he can identify the items as trash, garbage, weeds or excessive grass-and remove them. If the truck is legal it can stay. Durso said that he doesn't know what is in the shed and whether he needs to do anything, is Ritter going to do anything with the shed or take it away? Ritter replied that he is going to take everything out of it and throw everything away and then try to repair the shed so that he has a little bit of storage. He said the property is in rough shape because he travels with the Dept. of Defense for 6 years so wants a little bit of slack here. Durso asked him how long it's been since he worked. Ritter stated it has been three years since he worked and then he got a herniated disc. Durso asked what is in the garage on the property. Ritter replied everything that he owns. Durso asked where Ritter is residing presently. Ritter replied elsewhere, down the road. Durso asked him if he is residing in the garage. Ritter replied no. Durso asked him if he is sure. Ritter replied he is positive. Durso told him that he cannot live in the garage. Ritter stated that it is his property and he

can be there. Durso told him that he can be there, he can visit there, work there or store items there, but he cannot reside there. Ritter replied that he doesn't reside there and doesn't plan to but he can live elsewhere and work there. Durso told him he can do that, if that is the case. Ritter stated that it the case. Durso told him again that he cannot reside in the mobile home and asked him if he understood particularly with respect to the mobile home. Durso repeated that once Durso gets the registered letter and responds to it he has 30 days to repair, demolish, or remove the mobile home, then fine. Then he can get rid of everything else on the property which is not garbage or debris, then he's fine. If he has something like a tractor that works and is not junk but is useful for his endeavors, then the Village will not come and take it away. Durso said that he needs to understand-he knows that there is animosity between Ritter and the neighbors, but this is something that the Village has to deal with it in respect to other people all the time-they are not picking on him. Ritter stated that the squeaky wheel gets looked at. He stated that he didn't bother nobody, and things take time. Durso asked him if he could remove the mobile home or demolish it within 30 days. Ritter replied yes. Durso asked him if he will do that. Ritter said okay that he has to go to court so that makes it 29 days, he has tickets for another \$500.00. Durso told him to show up at court, and that he did not show up for the last court date. Durso told him to show up at court and that he(Durso) would be there. Ritter told him okay, that that makes sense. Durso said to make it easy on everyone that the trailer has to go, or it has to be completely remediated so that it is fit for human habitation. Durso thought that he would be better off removing it completely and building something else. Ritter stated that that is what he would like to do but he has piping issues and other stuff. He told Durso that they are in agreement. He wants a nice place. Durso asked if there are a lot of personal items in the trailer. Ritter said that his whole life is in there. Durso asked Ritter if he removes the personal items would he like to pay the Village to remove the trailer. Ritter said no, that he will get rid of it. He will find someone to remove it. Durso told him that before the 30days are over he(Durso) will be breathing down Ritter's back. Ritter stated that his problem is that he hasn't come up to talk to the Village. Durso stated that it is at a critical point and it would be best if the trailer was removed. Ritter stated that he will come up here with his plans for the future. Durso said fine, that he has 30 days and to please remove the mobile home. Ritter said that he will. Ritter asked what the neighbors' big complaint is anyways that they want to take his property. Durso stated that the neighbors are not going to take his property, that they don't have the power to do that-but the Village does have the power to do that under certain circumstances. Ritter stated that he will get rid of the trailer and that there is no need to threaten him. He said he lived in Smithton his whole life and he used to be a good boy, but now he's just a turd in a punch bowl. Durso said again to remove the trailer and that he would be asking Chief Neff to give him a weekly account of Ritter's progress. He told Ritter that if he needs to speak to him he can call Village Hall and Durso will call him back. He told Ritter again that he has 30 days, and did Ritter have anything else to say. Ritter stated that he will see Durso at the courthouse and asked if he should he bring a lawyer. Durso replied that that is up to him if he wants a lawyer. Ritter asked if he needs a building permit to start removing the trailer. Saeger stated no, but the Village does need to cap the sewer line so that rainwater does not get into the sewer. Ritter told Durso that it was nice arguing with him and then left.

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

COMMITTEE AS A WHOLE

Mayor Smallwood stated that there was a Committee As a Whole meeting on August 11, 2020. The items will be discussed under the standing committee reports. Trustee Yoch made a motion which was seconded by Trustee Becherer to approve the minutes from the Committee As a Whole meeting on August 11, 2020. Roll call was taken: Trustee Yoch, aye; Trustee Becherer, aye; Trustee Rogers, aye; Trustee Elbe, aye; Trustee Henning, aye; Trustee Mourey, aye. Motion was granted.

FINANCE & INSURANCE COMMITTEE

CD'S

Trustee Becherer reported that a CD has come up for renewal. He recommends moving the CD to a different bank for a higher interest rate. Trustee Becherer made a motion which was seconded by Trustee Mourey to authorize cashing in CD# 51112919 and purchase a new one from Dietrich Bank for \$4306.19 for 1.25% for a period of 5 years. Roll call was taken: Trustee Becherer, aye; Trustee Mourey, aye; Trustee Yoch, aye; Trustee Rogers, aye; Trustee Elbe, aye; Trustee Henning, aye. Motion was granted.

STREET & UTILITY COMMITTEE

STREET DEPARTMENT PAY

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

RECYCLING CENTER – No update.

WATER TOWER

Trustee Rogers reported that this item will be put into the budget for next year.

POLICE COMMITTEE – No report.

PARK & CEMETERY COMMITTEE

PARK BUILDING GRANT – No report.

GRAVESTONE REPAIRS

Trustee Henning has not heard back from Weiss Monument. Trustee Mourey knows someone there and will speak to them about the project.

ORDINANCE COMMITTEE

ORDINANCE 947

Trustee Yoch made a motion which was seconded by Trustee Rogers for Clerk Parker to read Ordinance 947 by title only. Roll call was taken: Trustee Yoch aye; Trustee Rogers, aye; Trustee Becherer, aye; Trustee Elbe, aye; Trustee Henning, aye; Trustee Mourey, aye. Motion was granted. After the ordinance was read by title only, Trustee Yoch made a motion which was seconded by Trustee Becherer to pass Ordinance 947 – An Ordinance Adopting Chapter 40, “Zoning Codes, Division V – Variations” Section 40-10-31, “Standards For Variations” For the Village of Smithton, St. Clair County, Illinois. Roll call was taken: Trustee Yoch, aye; Trustee Rogers, aye; Trustee Becherer, aye; Trustee Elbe, aye; Trustee Henning, aye; Trustee Mourey, aye. Motion was granted.

ORDINANCE 948

Trustee Yoch made a motion which was seconded by Trustee Becherer for Clerk Parker to read Ordinance 948 by title only. Roll call was taken: Trustee Yoch aye; Trustee Becherer, aye; Trustee Rogers, aye; Trustee Elbe, aye; Trustee Henning, aye; Trustee Mourey, aye. Motion was granted. After the ordinance was read by title only, Trustee Yoch made a motion which was seconded by Trustee Becherer to pass Ordinance 948 – An Ordinance Adopting Chapter 25, “Nuisances” Article VII – Dangerous and Unsafe Properties” Section 25-8-1, “Adoption by Reference” For the Village of Smithton, St. Clair County, Illinois. Roll call was taken: Trustee Yoch, aye; Trustee Rogers, aye; Trustee Becherer, aye; Trustee Elbe, aye; Trustee Henning, aye; Trustee Mourey, aye. Motion was granted.

ANNEXATION AND BUILDING COMMITTEE

GROCERY STORE – No report.

CONCRETE FLOORS AT VILLAGE SHED – No report.

SALT STORAGE BUILDING – No report.

VILLAGE HALL GENERATOR – No report.

BILLS AND PAYROLL

Trustee Becherer made a motion which was seconded by Trustee Yoch to authorize Clerk Parker to pay bills from July 25, 2020 through August 7, 2020. Roll call was taken: Trustee Becherer, aye; Trustee Yoch, aye; Trustee Rogers, aye; Trustee Elbe, aye; Trustee Henning, aye; Trustee Mourey, aye. Motion was granted.

COMMUNICATIONS – None.

UNFINISHED BUSINESS – None.

NEW BUSINESS – None.

GOOD OF THE VILLAGE

Trustee Yoch told Supervisor Klein that the Street Department did a great job doing storm clean up last week.

EXECUTIVE SESSION – None.

Trustee Yoch made a motion which was seconded by Trustee Rogers to adjourn. All trustees were in favor. Motion was granted to adjourn at 8:40pm.