

# Village of Smithton

101 South Main Street 618/233-4180 618/233-0880 (fax)  
SMITHTON, ILLINOIS 62285

MAYOR,  
MICHAEL SMALLWOOD

VILLAGE CLERK,  
ANNETTE PARKER

TRUSTEES,  
JASON BECHERER  
CHARLES ROGERS  
JAMES ELBE  
JAMES MOUREY  
TIM HOPKINS  
TODD REYLING

## VILLAGE BOARD MEETING MINUTES July 5, 2023

Mayor Mike Smallwood called the meeting to order at 7:30 pm. Everyone recited the Pledge of Allegiance. Trustees Jason Becherer, Jim Elbe, Jim Mourey, Tim Hopkins and Todd Reyling answered roll call. Also present were Clerk Annette Parker, Chief Jason Neff, Supervisor Dean Klein, and Attorney Durso. Trustee Charlie Rogers was absent. Marian Bell, Tom Incrocci and Dave Brennan were in attendance in the audience.

**CLERK'S REPORT** – A motion was made by Trustee Becherer which was seconded by Trustee Hopkins to approve the minutes from the Board Meeting held on June 20, 2023. Roll call was taken: Trustee Becherer, yes; Trustee Hopkins, yes; Trustee Elbe, yes; Trustee Mourey, yes; and Trustee Reyling, yes. The motion was carried.

**TREASURER'S REPORT** – No report.

**GOOD OF THE VILLAGE** –A motion was made by Trustee Elbe which was seconded by Trustee Mourey to allow CJ's Pub and Grill to play outside music on the dates requested. Roll call was taken: Trustee Elbe, yes; Trustee Mourey, yes; Trustee Becherer, yes; Trustee Hopkins, yes; and Trustee Reyling, yes. The motion was carried.

A motion was made by Trustee Becherer which was seconded by Trustee Elbe to allow Andrew Mueth to hold his kickball charity event on September 16 at the Park. Roll call was taken: Trustee Becherer, yes; Trustee Elbe, yes; Trustee Mourey, yes; Trustee Hopkins, yes; and Trustee Reyling, yes. The motion was carried.

A motion was made by Trustee Becherer which was seconded by Trustee Mourey to accept Engineer Scott Saeger's resignation letter. Roll call was taken: Trustee Becherer, yes; Trustee Mourey, yes; Trustee Elbe, yes; Trustee Hopkins, yes; and Trustee Reyling, yes. The motion was carried.

**POLICE CHIEF'S REPORT** – Chief Neff reported that there were 155 calls for the month of June. There were 55 traffic stops (one resulting in a DUI) and a domestic disturbance. We assisted other agencies 7 times and there was 1 accident.

**ENGINEER'S REPORT – ENGINEER SCOTT SAEGER**

ISSUED BUILDING PERMITS – There have been 4 building permits issued since the last meeting.

159 TURN LANE STU APPLICATION – We are waiting for East West Gateway's formal approval of the Grant application.

NORCOM 2000 EQUIPMENT ON THE WATER TOWER– Engineer Saeger stated that he has requested Mr. Norton remove the antenna pod mount assembly by August 31.

1 N. MAIN – October 3 is the date the property owner will be back to update the Board.

DOUGLAS SANITARY SEWER STUDY – Engineer Saeger reported that he has talked with Volkert, and they are agreeable with the lower price for the contract. They will be meeting Thursday to determine the scope of the work.

3774 STATE RTE 159 (Kunevich entrance and sewer) – Volkert has received the legal description for the approximately 50 x 100 foot property that we are going to vacate. He has the deed for the property also. Engineer Saeger has spoke with the adjacent property owner. He has some concerns about the property being owned by a private party.

402 S. JULIA (HYDAC PROPERTY) FENCE AND STORAGE – Engineer Saeger reported that David Stellhorn came in to talk with him today. After seeing where the property is marked for the proposed fence, he would like the fence pushed another 5 feet west closer to Julia Street so that it would be right on the property line. He, nor the other property owner, Andy Schilling were able to be at the meeting tonight. Engineer Saeger's opinion is that this request would need to go back to the Zoning Board based on the changes. Mayor stated that the plan that was discussed he made mention that he might not be able to get everything inside his proposed enclosure. We made it perfectly clear that if he didn't get everything inside that enclosure, he would still be noncompliant, violating the ordinance, he would be subject to fines, and we would be going to court. Attorney Durso stated that there was an advisory opinion that came from the Zoning Board back to the regular Board and they are going to be considering that tonight. They cannot consider an oral amendment that Mr. Stellhorn is presenting because that's a means on his part of sidetracking the Zoning Board and he can't do that. Stellhorn mentioned putting up a "curtain" on the property behind the building to hide the dumpster and other items. Mayor stated that he could not put up a "curtain". He would have to install a fence for his outside items that are behind his building. The fence would also have to have a gate, it would have to be a swinging gate that operates correctly and can be closed and locked. The Board agreed with the Zoning Board's recommendation but wanted to add that any items still stored outside, that will not fit in the new proposed fenced in area, will need to be behind another fence if they will be stored outside on the property behind the building. Trustee Elbe stated that Stellhorn was in agreement with that last week. Trustee Reyling asked Engineer Saeger when HyDac's property was marked to show where the proposed fence would be installed. Engineer Saeger replied that it has been marked

since last week. A resident in attendance asked if the Board could consider Stellhorn putting a fence on the lot where there is currently employee parking and an out of service flat bed. Mayor Smallwood stated if we suggest this, we start the whole process over again.

Zoning Board member Tom Incrocci said that Stellhorn stated that there was no room for his pallets on South Julia. He said he couldn't move them, and he had people coming on a regular basis taking pallets. The idea of fencing the area behind the building was something that was never brought up to the Zoning Board. If he puts a fence up legally and puts the pallets inside of the fence, then he doesn't have to cross Franklin Street it ends the second problem. He also said that he could get just about everything that was there into the South Julia area even though he has to stack everything, but as long as it's not stacked above the fence and not visible, it's doable. He agreed to this.

It was mentioned that there are still tickets and court appearances for Ordinance violations on the Hydac property.

Engineer Saeger reported that July 18 will be the bid date for oiling and chipping.

**SAFETY COMMITTEE** – There will be a Safety Committee Meeting July 6, 2023, at 10:00am if needed.

**ZONING BOARD REPORT –**

JUNE 19 – 402 S. JULIA VARIANCE AND SPECIAL USE REQUEST CONTINUED FROM MAY 4 HEARING.

A motion was made by Trustee Elbe which was seconded by Trustee Mourey to approve the Zoning Board's recommendations for the Variance and Special Use Requests for 402 S. Julia. The Zoning Board's recommendations are as follows:

The fence to be installed will be 5' from all property lines.

The height of the fence will be 6'.

The proposed storage area will be covered by gravel.

W Franklin and S Julia Streets will be made a four way stop, with the Village installing the Stop signs needed on W Franklin.

The Village and Hy-Dac will coordinate on the optimum placement of a Stop sign on the NE corner of S Julia and W Franklin intersection.

The Variances previously awarded will only go into effect if the Special Use request is granted by the Village Board.

A No-Parking sign will be placed on the South side of W Franklin to a point that No Parking is allowed 30 feet from the corner back to the East.

The fence construction should be completed within six months of issuance of the Building Permit, and the rollers placed into storage within 30 days after the fenced and rocked area is completed. The regular Board added additional language to the Zoning Board's recommendations and the language states "Any remaining refuse behind the existing property will be enclosed in a fence with a gate to keep in compliance with our Ordinance." Roll call was taken: Trustee Elbe, yes; Trustee Mourey, yes; Trustee Becherer, yes; Trustee Hopkins, yes; and Trustee Reyling, yes. The motion was carried.

10 N. Smith – This was discussed at the previous meeting. Mayor stated that we were going to extend his building permit, but information was brought to light that the request is not the same as the original building permit request. There were numerous amounts of communication breakdown. Trustee Hopkins stated that he was getting conflicting information as well. He thought that after the last meeting it was determined for the resident to go through with his original plan. Then he said he had to draw up another plan and it was a different building. He said that no one had the original plan that was drawn. Engineer Saeger stated that the resident submitted a new drawing and he said he wanted to go with a smaller building that would have shorter walls and he's not going to put an RV in the building. Saeger told him that his original application had expired. We issued the permit, and he didn't come in or pay for it so it's void. Saeger called him in October and asked what he wanted to do about his building permit. He stated that he wasn't going to build the shed and he wanted the permit voided. Trustee Hopkins was under the impression that we go with what was originally submitted and let him do that. Pay for the building permit and don't go through the zoning board and everything would be fine. This is what was voted on at the last meeting. The same plan was not submitted, a different plan for a different building was submitted. Trustee Elbe stated that if he is going to change it then it is another zoning problem. Mayor stated that the ordinance has changed since the zoning hearing. If there isn't another hearing to let the surrounding property owners at least have the opportunity to voice their opinion you are opening the village up for liability. We are obligated to do this. Saeger stated that the setback was 3 feet and he proposed 4 feet and now it's 5 feet based on the new ordinance language. Trustee Reyling asked Saeger if the resident has a new plan, and he meets 9 foot with the wall height and meets all the setback requirements is it still a variance process because it's a secondary structure on a residential piece of property. Saeger said the lot coverage is the issue. Lot coverage was over 25% and it was over the roof peak allowance. The requirements for an accessory structure are the wall height, roof peak and lot coverage and then setbacks from lot lines. It was determined to send a letter to surrounding property owners to see if they have any problems with the resident building the original building that was requested at the initial zoning hearing.

**SUPERVISORS REPORT** – Supervisor Klein reported that his crew has been working to get limbs picked up from the recent storm.

712 LUNCH ROAD DITCH – Supervisor Klein reported that this has been taken care of on the East side of the ditch but on the West side some work needs to be done.

304 EUGENIA PIPE REPLACEMENT – This is on hold until the park trail widening is complete.

FIRE HYDRANT FLOW TEST AGREEMENT – Mayor Smallwood stated that we are still waiting for the Smithton Fire Department's attorney to review the contract.

**ATTORNEY'S REPORT** – No update.

Trustee Becherer made a motion which was seconded by Trustee Elbe to accept the Officer's reports. Roll call was taken: Trustee Becherer, yes; Trustee Elbe, yes; Trustee Mourey, yes; Trustee Hopkins, yes; and Trustee Reyling, yes. The motion was carried.

**COMMITTEE AS A WHOLE** – Mayor Smallwood reported on the Committee As a Whole meeting from June 27. The items will be discussed further under Committee Reports. Trustee Becherer made a motion which was seconded by Trustee Elbe to approve the minutes from the Committee As a Whole meeting on June 27. Roll call was taken: Trustee Becherer, yes; Trustee Elbe, yes; Trustee Mourey, yes; Trustee Hopkins, yes and Trustee Reyling, yes. The motion was carried.

**FINANCE & INSURANCE COMMITTEE – TRUSTEE BECHERER**

No report.

**STREET & UTILITY COMMITTEE – TRUSTEE ROGERS**

2 SOUTH MAIN SIDEWALK – Work will be starting soon on the sidewalk.

**POLICE COMMITTEE – TRUSTEE ELBE**

HY-DAC PROPERTY –The update was given earlier in the meeting.

TORNADO ALARM SYSTEM – No update.

**PARK & CEMETERY COMMITTEE – TRUSTEE MOUREY**

SMITHTON LIBRARY STORY WALK IMPLEMENTATION PLAN – Trustee Mourey reported that the Library has ordered the stands for the story walk.

TRAIL PHASE 1 – PARK TRAIL UPGRADES – No update.

TRAIL PHASE 2 – We are working on options for Phase 2.

SMITHTON BALL FIELDS 3 AND 4 LIGHTS – We will be testing some poles that we currently have to see if they will work for installing lights.

**ORDINANCE COMMITTEE – TRUSTEE HOPKINS –**

ORDINANCE NO. 1019- ANNUAL APPROPRIATIONS - A motion was made by Trustee Hopkins and seconded by Trustee Becherer to have Clerk Parker read by title only Ordinance No. 1019. Roll call was taken: Trustee Hopkins, yes; Trustee Becherer, yes; Trustee Elbe, yes; Trustee Mourey, yes; and Trustee Reyling, yes. The motion was carried.

A motion was made by Trustee Hopkins and seconded by Trustee Becherer to adopt Ordinance No. 1019. Roll call was taken: Trustee Hopkins, yes; Trustee Becherer, yes; Trustee Elbe, yes; Trustee Mourey, yes; and Trustee Reyling, yes. The motion was carried.

**ANNEXATION & BUILDING COMMITTEE – TRUSTEE REYLING**

VILLAGE HALL SIGN – Mr. Sprengel and Supervisor Klein will be coordinating the removal of the old sign, rerouting the electric, and pouring the concrete pad for the new sign.

BRIA BUILDING & PROPERTY – We are waiting to hear back from the Bria representative.

SMITHTON SENIOR CENTER CEILING TILE REPLACEMENT– This is complete.

ILLINOIS TRANSPORTATION ENHANCEMENT PROGRAM (ITEP) FUNDING AND PLANNING – This will be discussed further at a Committee as a Whole meeting.

VILLAGE HALL WALL REPAIR – We are waiting for another bid.

VILLAGE HALL FOUNTAINS – The Public Works Department will be removing the fountains.

**BILLS AND PAYROLL** - Trustee Becherer made a motion which was seconded by Trustee Elbe to authorize Clerk Parker to pay the bills and payroll from June 10 through June 23, 2023. Roll call was taken: Trustee Becherer, yes; Trustee Elbe, yes; Trustee Mourey, yes; Trustee Hopkins, yes; and Trustee Reyling, yes. The motion was carried.

**COMMUNICATIONS** –None.

**UNFINISHED BUSINESS** – None.

**NEW BUSINESS** – None.

**EXECUTIVE SESSION** – None.

Trustee Elbe made a motion which was seconded by Trustee Mourey to adjourn the meeting. All Trustees were in favor. The motion was granted to adjourn at 8:42 pm.