

# **Village of Mapleton**

## **REGULAR BOARD MEETING MINUTES (APPROVED)**

Thursday, 09 August 2018 at 6:30 p.m.

*Meeting to be recorded*

### **PLEASE SILENCE YOUR CELL PHONES!**

#### **1) Roll Call**

Clerk took roll call at 6:30 pm: Trustees present: Mike Beecham, Mark Brining, Liz Rench and Rodney Smith. Also present were: Peggy Stidham, Treasurer, Clerk, Patricia Briggs, and Rob McCoy, Village Attorney. Mark Foust checked in at 6:35 p.m.) A quorum was represented. Absent were: Mayor, Carl A. Bishop and Harvey Stidham.

#### **2) Pledge of Allegiance**

Mike Beecham had the attorney read from the Village Ordinance about president being absent. Per Attorney the board will vote on who will only preside. They will vote as a trustee but preside over the meeting. They will not have veto power. Trustee will preside over the meeting. Mike made motion to Liz and Mark B seconded. Votes: Yes – Mike Beecham, Mark Brining, Liz Rench and Rodney Smith. No – 0 ; Absent – Harvey Stidham and Mark Foust. **Motion carried.**

#### **3) The Meeting was called to order by Liz Rench at 6:36 pm**

#### **4) Approval of Agenda**

It was agreed to remove Item B from Old Business – Appointing Zoning Committee members due to the mayor's absence.

#### **5) Public Comments**

Please keep comments to three minutes

Alice Dailey stated that she wanted a referendum for a recall of any elected office on the November ballot. Her statement will be a part of the minutes of this meeting and is available in the office.

Alice Dailey also read a letter to Water Chairman, Harvey Stidham regarding shut off notice she received that was very hard to read due to the red ink on the 22<sup>nd</sup>. She felt this was a waste of money and a phone call would have worked better. This statement is on file in the office for review. Mark Brining explained that this process is State mandated in order to shut someone's water off for non-payment. A late notice is

sent out. Then there is a phone call and then we can shut someone off. Alice stated she would like to see that in writing.

Debbie Herold asked why the Attorney was here when the board had fired him last meeting. The attorney stated that the mayor makes appointments with advice and consent of the board. Once appointed, the Mayor has to remove. He stated that he will step down if the Mayor wants to appoint someone else. Liz Rensch referred to an email the attorney sent to the clerk stating that the mayor has all the authority, not the board. Mike Beecham stated that he cited Illinois Municipal Code saying the Mayor has executive powers, but, the Mayor has to bring procedures before the board. The attorney reiterated that the Board enacts and the mayor enforces. Mike stated that the Village of Mapleton is a trustee form of government, not a strong mayor government. He (the Mayor) is to bring things before the board to be approved. If not, this defeats having a trustee board. Mike also stated that he feels there is a discrepancy about what type of government we fall under. Deb Herold stated that the mayor has never attended meetings unless it was to create issues or get a paycheck and that he is very biased. Mike referred to our municipal code section 1-15 which says he has the power to enforce ordinances and we are getting a lot of conflicting advice. Liz Rensch stated that according to the 2013 Municipal Code and ordinances, the mayor can hire and fire with board approval. She explained that there was a  $\frac{3}{4}$  of a quorum vote last meeting to release the attorney. Mike asked the attorney to look up the statute in the Municipal Code. He stated that he believes there is a difference in vacancies and discharging contracted employees. There are different circumstances. If the board can fire the guy who mows the grass why should the attorney be any different? Our code 1-15 talks about someone who is assigned to enforce fine or penalty and it cannot be a double standard. The problem is when the Zoning Chair is to enforce but the Mayor decides to enforce only what he wants.

The attorney referred to Illinois Municipal Code 126-127 about appointment of officers. The mayor can present to the board and the council approves or rejects. The attorney stated he will remain until the Mayor lets him go, that he will serve the same term as the mayor. There was further discussion as to which code is followed, the Illinois Municipal Code or the Village Municipal Code and Liz Rensch stated that

if our code is more strict, than we follow Mapleton's code, not the State Code.

Mike Beecham asked the attorney to read what the trustee form of government is and Liz stated that it is what we were incorporated under. Rob read (Available in the office) 'appointments to all non-elected offices are made by the President'. The attorney stated that trustees have a lot of power on running the meetings. Rodney Smith asked if we were going to just keep on head butting or is there any way through this? The village attorney reiterated that we need to get through this and focus on what needs to be done. He stated that he had never seen so much fighting over who has authority and that we are looking at legalism rather than working as a team. Rodney Smith said that we (the board) make a decision and he (the mayor) disagrees and he wins and we lose. He further stated that the attorney has never stood up for the board decisions. Liz Rensch said that is why there is so much animosity. The attorney informed the board that he has told Mayor Bishop many things that he needs to change. He further stated that the trustees decide how to spend money, determine agenda items, and ordinances and that if the mayor vetoes the board can override it with a 2/3 vote. It was pointed out that when the mayor rescinded his veto on changing the meeting date that it was done in the parking lot, not in an open meeting. Mr. McCoy stated that since the Mayor never had a written reason for veto so it was essentially not valid. He also stated that if the Mayor does write a reason for a veto, the board can override his veto. He also stated that the Committees should be doing the work prior to coming to the regular board meeting. There have been unnecessary power plays by the Mayor. Sometimes we should just agree. Liz said that the one thing that was really wrong was defending him because he was the mayor. It was not right and we will not stand for that when we know that the situation with his property is a nuisance and a zoning violation. He is not zoned light industrial which is what is required to have wood for sale. He should have had the warning letter just as the other residents received. Mike stated that the attorney is setting the precedent of the Mayor not abiding by the ordinances, and he is not above it. Non-conforming use pertains to a building, not land. If you drop using it, or demolish it, the non-conforming use is not in power.

Patty Monks explained that her husband was the treasurer for 47 years and she had been on the board for 3 terms, 10 years and knows what goes on in the village. She pointed out that this is the 3<sup>rd</sup> attorney in 1-1/2 years and we never had that under two different mayors. It has always been the board that has the power, the mayor does not have the power. The board votes and is in charge. It has always been that way. Where does he (the mayor) get off saying he doesn't agree with that and does what he wants to do. He doesn't listen and does whatever he wants to do. He has an obvious vendetta that came out after he got elected. He stated to many people that it was his turn to come back on people who had harassed him for years.

Harry Hodges explained that at one time his wife was a member of the board and we worked hard to find what Illinois State Law was in regard to board members. All board members were elected at large. Now we have some of the board patrolling the town. The mayor can recommend, but he can't make decisions without board approval. If he does do that the board can overrule him. He can only propose. He is trying to be a strong mayor. In order to be a strong Mayor form of government, there would have to be a City Manager. He pointed out to the attorney that he works for the Board, not the mayor. The attorney responded that he does serve at the pleasure of the Mayor since the mayor appointed him.

### **Consent Agenda**

**All items listed under the Consent Agenda are considered routine by the Village Board and will be enacted by one motion with no separate discussion of the items. If discussion of an item is desired, that item will be removed from the consent agenda to be considered separately.**

- a) Minutes from July 12, 2018 Board Meeting
- b) Bills & Correspondence (Received July 12 – August 9)

### **c) Treasurer's Report**

Mike made a motion to accept the Consent Agenda with the change of date on Bills & Correspondence from August 8 to August 9 and Mark seconded. Votes: Yes – Mike Beecham, Mark Brining, Mark Foust, Liz Rench and Rodney Smith. NO – 0. Absent – 1, Harvey Stidham. Motion Carried.

## **6) Addressing the Board**

- a) Stan Bersin
  - i) MFT has been tabled until January or February of 2019. There is also an ongoing effort to deal with copper issue in the water supply and next steps. He will need guidance as we are at a threshold of the limits of what we can have without installing correction equipment. Discuss during water.

## **7) Old Business**

- a) Ordinance to Recodify, Ratify and Clarify the Mapleton Village Code 2018-08-09-\_\_\_\_ - The attorney asked for guidance. He asked that it be tabled so he can put back in the Home Occupation Permit section and asked that the clerk provide him with the original wording. Mike stated that we were told it was being adopted (Home Occupation) by all municipalities, that the previous treasurer, Rhonda Hodges, said we had to. The attorney suggested reinserting it as a baseline than reexamining it and changing as needed. Mark Brining reminded the board and attorney that in 2013-2014 we went through the code as a group and gave the public a chance to look at it too. He suggested doing chapters 1 – 3 at the next meeting. Liz Rench said that we should have a public meeting as was done in 2013-2014. Rob McCoy, the attorney asked the board to break it down and give him directions. Liz suggested that the Zoning committee needs to take one night and go through Building Codes and Nuisances.

Liz also wanted to make sure that the mayor understands that if he wants to sit in on committee meetings, he does so as a resident and does not get to run the meeting. The attorney also made the suggestion that we give people a chance to talk at the beginning and the committee chair can keep it to a minimum and to not take comments through a meeting unless it is an emergency. Liz asked if the Chair has that power and the attorney said yes, they do. The question was also asked if we can't amend instead of re-writing the whole code. The attorney explained that it was not consistent as far as numbering sections went and there was also no consistent formatting. He explained that there were wrong citations, which have been corrected. It was also discussed, that since we have not adopted a new code at this time and are still under the 2013-2014 code that we put it back on the website with a disclaimer that it is being updated and to please check with the office or appropriate chair before taking any action. The attorney said that would be fine.

b) Zoning Committee Members – Mayor Carl Bishop – tabled due to Mayor’s absence.

c) Cloudpoint Geographics – Mark Brining

Mark said he didn’t have much to say but thought it was worth the expense.

He explained that if we have 4 repairs @ \$6K chasing a line that is not marked it will save us money at \$20,000 price tag. Liz stated that the money isn’t available right now. Mark stated that ‘you spend it now or spend it later’.

Mike stated that a map had turned up with valves mapped, but Mark didn’t think it was accurate. Mike stated that at this time other things take priority.

No decision was made at this time.

d) Using MFT funds to fix streets

Stan Bersin explained that at last month’s meeting there was \$29,000 in MFT by the end of December. This is the money we will have to spend on the program.

He stated that he was asked to look at above the bluff and below the bluff. There is twice as many feet above the bluff as below the bluff. He has figured that \$39,000 for both the work, engineering and contingency of \$3,000 is the target.

He explained that we give the state a program and when we start sending in the bills there are decisions that are made, not by Stan, and they are different than what we thought. He said the decision was put off until this month so we would have an opportunity to see if the village could come up with the extra money. Liz stated that we are not going to be able to come up with the money.

Stan explained that we have to put the program together and get it approved by the Department of Transportation and using their advertising protocol taking 2<sup>nd</sup> week and then awarding and getting it done, we are pushing the weather limitations. IDOT specifies that the work can be done between May and Oct 1 as long as the temps are above 60 degrees in the shade during that time period.

After Oct 1 there are lots more stipulations. There is a 60 degrees minimum of three days and 45 degrees overnight. This would cause us to start or stop the contractor if the weather conditions aren’t right and could postpone it until next summer. Liz asked how much for just the lower bluff and Stan said \$14,000. Liz asked if we can use a portion of the motor fuel tax funds and do the lower bluff and then use the rest on the upper bluff later on. Stan explained that we can spend part this year and more next year. If we wait until next Spring we will have a little more money in MFT. Stan would have liked to have started it a long time ago. He also explained that the smaller the program, the more mobilization costs the contractor has as he loses bulk discounts.

Liz made a motion to put off seal coating until next Spring so we can do the whole project and Mark Brining seconded. Tabled until January or February. Votes: Yes – Mike Beecham, Mark Brining, Mark Foust, Liz Rench and Rodney Smith. No – 0. Absent – Harvey Stidham. Motion carried. Stan said we can look at

additional revenue from 2019 going into this account to give us a little more money so we can do the whole program at once.

- e) Increase Water Clerk Salary to \$12.50 per hour effective August 1, 2018  
This had been agreed upon in closed session July 12, 2018 but was not on the agenda to be voted on. Mike Beecham made a motion to raise the Water Billing Clerk's salary to \$12.60 per hour effective August 1, 2018 and was seconded by Mark Brining. Votes: - Yes – Mike Beecham, Mark Brining, Mark Foust Liz Rench and Rodney Smith. No – 0. Absent – Harvey Stidham. Motion Carried.

## **8) Committee Reports (No motions can be made during reports)**

- a) Finance Committee – Mike Beecham

Liz Rench stated that she was shocked to see such a good report but was very concerned at how much is being spent. She stated that we need to cut down on spending unless it is absolutely necessary. She explained that the previous treasurer did not pay Payroll taxes last quarter and we had a penalty. We cannot let that happen anymore. Peggy Stidham is on top of this now and will make sure everything is paid in a timely manner. There was an item for \$533 that Liz questioned. Peggy explained that it had been paid out of the wrong account initially and this was a correction. Liz also stated that spending being done without approval has to stop. She had to pay out more than we took in. Liz stated that we have to get rid of the minus signs on the budget. Everything needs to be scrutinized before a purchase is made and should go through the Finance Committee. We have to make sure we have the funds to cover the repair work needed on the water tower. The General fund is behind the 8-ball because there isn't enough revenue. Mark Brining asked Liz to explain what she meant by senseless spending and Liz said she would talk with him about it later.

Mike Beecham said that the village needs to start looking at other avenues for income. Liz explained that we are at our peak for our taxes. We would have to do a truth in taxation vote before we could raise taxes. Liz stated that there used to be a limit or budget on what committee could spend. Liz said that a finance committee meeting should be held to figure out what can be done. She also pointed out that there is a book that the Finance Chair and finance committee member is supposed to be checking that has not been done for over a year and that the finance chair is supposed to be doing that. Liz said she will ask Rhonda Hodges to train her and Mike, as the Finance Chair should sign off on it. Liz pointed out that people had been hired and paid but not approved by the board. Mark Brining reminded her that he has two employees that were hired with board approval and the other is completing

community service hours without cost to the village.

b) Health and Water – Harvey Stidham

Mark Brining explained that there was a broken fire hydrant by the state when they were mowing and he has already started the process to be reimbursed by the state for repairs.

Stan Bersin stated that as you are aware last half of 2017 testing for lead and copper we did not have any faults according to the EPA. Just copper, not lead. Past test in January and June we had 10 samples – 90% are ok. One failure and you fail the test. We had one fail, but one at the action level of 1300 micrograms. Since we are at the limit they are letting us apply for a Natural Optimal Corrosion Control Designation, which means we don't have sufficient failures to put in treatment. If we are approved we will not have to put in the treatment. If it crops up again, the process starts all over again. We can buy some time by applying for it. They gave us two years and we have used up one of those. If we have a failure next spring we'll be on a short time schedule. Liz asked when the next test would be done. The Water Engineer said he contacted PDC and they said it wasn't on the schedule until sometime in 2019. They didn't even have it scheduled. She said she was going check with the IEPA and two days later we got this notice.

Harvey needs to sign the form and send it in and Fred has to sign the certification form as well. TL also has to sign it since we buy our water from them. We need to get it sent in as soon as Harvey gets his authorization done. Liz asked what the cost for the treatment system was and Harvey said approximately \$4500. Chemical cost is done on a daily basis and managed by dosage. There would have to be some electrical changes at the tower so the meter that registered what goes in drives the pump that puts the right dosage in. If it is more complicated system Fred would have to change his certification, but as it stands now, his current certification is fine.

Alice's house has copper but has no copper pipes. Stan asked if it is an old faucet and Alice said, No. Stan wasn't sure as to why it would test positive for copper. Mark Brining asked why she is being tested if she doesn't have copper pipes. Need to verify dates and who is going to sign for T-L. If Harvey is authorized with EPA to sign documents to them from the village than he will sign them. Fred asked what the difference between treating for phosphates and chlorine was and if we could use the pump that has been here since 2004 when we added chlorine, but Stan said no, it is a different system. Rodney Smith asked if it wouldn't it be good to test someone with all plastic pipe to see what the reading actually is? Stan explained that the water we receive at the tower is tested. It is up to the village to make sure the water quality all the



way to the faucet is good. The treatment, Orthophosphate would coat the pipes to separate the water from the metal. Stan will coordinate through the clerk everyone who has to sign the form.

c) Liquor – Carl Bishop (Nothing) No liquor report

d) Streets and Alleys – Mark Brining

Mark had nothing to report except they are patching potholes. He had to have a culvert replaced on Vickie Lynn and is turning in a claim for it to Ameren. Hopefully their insurance company will pay for it. He has a community service person helping patch holes.

Mark had a quote for the new culvert First Street and explained that we'll have to bring the gravel in from Rudd. Labor only (we have the pipe) is \$7600. This was tabled, as it was not on the agenda for a vote.

e) Zoning and Code Enforcement – Mark Foust

Mark Foust explained that he hasn't had a committee meeting due to absent trustees. The W. First Street property that was in court again this week was warned about foliage that needed to be controlled. The board felt that there had been great improvement on the property and that this is just nitpicking. Mark Foust asked if we could vote to drop it now. The Attorney said, yes, if you think it is satisfactory we will drop it .

There was also an issue with the Astle Lane property being back in court when the resident called the attorney to say he couldn't be there as he had an appointment with the VA that couldn't be changed. He was fined \$450 because he didn't show up in court. The attorney explained that most of the cost goes to the county but the village will receive approximately \$200. There was concern that no one had been asked to verify with the attorney that work had been done and was satisfactory with the village and should not have been back in court. The resident just asked that the village fix his ditch so he isn't getting water into his house anymore. State has a problem. There was discussion about what could be done and who is responsible. Liz asked that Streets & Alley Committee look into and figure out a way to fix the problem. Mark Brining asked about the other property at 8707 W First Street that is currently in court. He stated that the grass and weeds are very high and would like to go in and cut them down. The attorney will check with his associate handling this property and get back to us. He said not to go on to the property without a court order.

## 9) **Mayor's Report**

Nothing

## 10) **New Business**

### i) Scanner for archiving documents – Clerk

The clerk explained that documents such as Ordinances and Minutes that are to be kept in perpetuity are declining to the point they cannot be read. She would like a scanner that will put these on a disc that can be accessed and will provide safe storage.

Mike Beecham motioned that we purchase the scanner from R.K. Dixon and Mark Brining seconded. Votes: Yes – Mike Beecham, Mark Brining, Mark Foust, Liz Rench, and Rodney Smith. No – 0; Absent – Harvey Stidham. Motion Carried.

### ii) Increase Clerk salary to \$13.00 per hour per hiring agreement effective September 25, 2018 - This was an agreement made when the clerk was hired, that she would receive a \$.50 per hour raise every six months until \$15.00/hour was reached. Mike Beecham motioned and Rodney seconded. Votes: Yes – Mike Beecham, Mark Brining, Mark Foust and Rodney Smith. No – Liz Rench. Absent – Harvey Stidham. Motion Carried.

### b) Pay for training Treasurer

There was discussion among the trustees about paying the former treasurer, Rhonda Hodges for training the new treasurer. She volunteered, but more time has been involved than previously thought would be needed and it is only right to pay her for her time. She's doing a good service for the village. She was making \$15.00 per hour previously and has stated that if she is paid, it should be as a consultant, not an employee. Mark Brining placed a phone call to Rhonda on speaker and she stated she would like \$15.00 per hour. Mike Beecham felt that was a reasonable expectation. Liz Rench made a motion to hire Rhonda Hodges as a consultant to train the treasurer at \$15/hour as an independent contractor. She will not need to be bonded, as she is not handling money. Mark Brining seconded. Votes: Yes – Mike Beecham, Mark Brining, Mark Foust, Liz Rench and Rodney Smith. No -0. Absent – Harvey Stidham. Motion carried.

### c) Controlling Legal Costs

The attorney explained that legal costs have been high due to getting up to speed, updating the municipal code, old ordinances, and a lot of questions that aren't a good use of his time or resources, such as the infighting and who is in charge. He said charges are down this month. He said meetings are much longer than expected. Litigation costs can't be figured ahead of time and there are always emergencies. But, as far as the

consulting he would like to say no more calls from anyone except the clerk and keep it down to 5 hours per month. Mayor has requested information and then has the clerk communicate with the attorney about the same topic. The Clerk should define requests with the Mayor and Finance before contacting attorney. The attorney also said not to waste his time creating ordinances until the board has agreed upon them as it is a waste of time and money. Mike Beecham stated that he had asked that the charges be broken down by minutes spent and was told they aren't able to provide that and it seems asinine, but you chose not to.

There was discussion about why the attorney is at the meetings, that it is not mandated by the board. He said he is there to answer questions. The board isn't sure that at \$600 a meeting it is cost effective. Liz Rench stated that the attorney is conducting the meeting and the mayor is just sitting there. Mike Beecham made the comment that if the mayor can't run a meeting then he is incapable of being the mayor. He didn't notify anyone on the board that he wouldn't be at the meeting. He mentioned to the clerk on Tuesday prior to the meeting that he probably wouldn't be in attendance but would know when he saw the doctor on Thursday. No further notification was received until the mayor's wife called the village office and asked to speak to the attorney and informed him that the mayor was unable to attend. The attorney said until he gets further direction he won't draft anything until it is approved. He will tell the Mayor before we are charged to talk to one other trustee and get a second opinion. Mark Brining asked if charge could be set with a cap and once the cap was reached he didn't accept any more communication. The attorney explained that charges are made by 1/10<sup>th</sup> of an hour. Each short phone call is approximately \$40. Emails are much less unless it takes research and then charges will be by the hour at approximately \$200 per hour. If it is a quick response may be nothing charged. It is based on time. Liz pointed out that a lot of the research is because of the conflict with the Mayor having the power to make all the decisions. We know our municipal code and ordinances are stricter and we should follow those. That's the way this village has always been run. She spoke with a previous mayor and he told her that if he even tried to do ½ of the stuff this guy is doing he'd be in jail. Mike and Liz don't believe the attorney should be in the meetings. It was previously established that all calls or emails to the attorney should go through the clerk. We will try to keep it down to five hours a month— excluding any litigation. The attorney stated that the board has final decision of the purse. Mike Beecham made a motion that it not be necessary to have the attorney at the meetings unless notified by the clerk. Rodney Smith seconded. Votes: Yes – Mike Beecham, Mark Foust, Liz Rench and Rodney Smith. No – Mark Brining. Absent – Harvey Stidham. Motion Passed.

- d) The attorney stated that if zoning is satisfied with clean-up efforts, we can drop the prosecution of 8604 W. First Street and 7533 Astle Lane we are done. Rob will check with Kateah and let her know. No motion needed.

There was apparently some miscommunication regarding the Astle Lane property as Zoning felt it had been cleaned up appropriately. The Board asked if we could waive the judgement. The portion the village will receive is \$200. Mark Brining motioned and Mark Foust seconded that when the judgement is received the village will refund that amount back to the resident of Astle Lane. Votes: Yes – Mike Beecham, Mark Brining, Mark Foust, Liz Rench and Rodney Smith. No – 0. Absent – Harvey Stidham. Motion passed.

**11) EXECUTIVE SESSION** pursuant to Section 2(c)(1) of the Open Meetings Act for purposes of discussing the employment, discipline, performance, or dismissal of specific employees of the Village.

No closed session needed.

**12) Announcements**

**13) Additional Business if any**

**14) Adjourn Open Session**

Mark Brining made a motion to adjourn the meeting and was seconded by Mike Beecham.

Voice vote was unanimous by all trustees present. Meeting adjourned at 8:50 pm.

**APPROVED BY THE BOARD OF TRUSTEES OF THE VILLAGE OF MAPLETON, SEPTEMBER 13, 2018**