

**Village of Mapleton**  
**REGULAR BOARD MEETING MINUTES (Approved)**

13 June 2018 at 6:30 p.m.

*Meeting to be recorded*

**PLEASE SILENCE YOUR CELL PHONES!**

**1) Roll Call**

Present: Mayor, Carol Bishop; trustees – Mike Beecham, Mark Brining, Mark Foust, Liz Rench, Rodney Smith and Harvey Stidham. Also present: Patricia Briggs, Village Clerk; Kelley Brandeburg, Treasurer and village attorney, Rob McCoy.

**2) Pledge of Allegiance**

**3) Call to Order by Mayor Carl Bishop at 6:35 p.m.**

**4) Public Comments**

Please review the meeting agenda and make sure comments are relative to items included on the agenda. Please keep comments to three minutes.

**5) Addressing the Board**

a) Stan Bersin

Stan stated that public (business) water usage was up by 3X as much as usual and we might want to check into it. Liz Rench explained that Matheson uses a lot more water the hotter the temperatures are.

b) Vickie Calhoun response to violation letter

Vickie wanted to know who filed the complaint against her property and was told it was an anonymous complaint. Mike Beecham explained that the complaint was received and reviewed by the Zoning Committee and sent to the attorney for review. There was a communication problem between the village and the attorney and the attorney sent the letter assuming we wanted to pursue the matter when it was received.

Vickie stated that it was a warning letter that included possible fines if not done within 15 days and wanted to know who was going to make the

decision as to whether enough had been done? It was explained that a nuisance violation does not require a prior notice, that 48 hours is in the ordinance but we gave 15 days.

There was also a question about why it wasn't sent certified and the attorney explained that many times residents won't pick up a certified letter so we don't use certified mail with a first warning.

Mike Beecham stated that in the February board meeting it was decided that the Clerk would be the point of contact with the attorney and yet the mayor continues to contact the attorney. He expressed that a policy was being set up and the mayor has violated that process. The Mayor has stated multiple times that the zoning committee will deal with the ordinances and that our ordinance states that the Zoning Chair issues fines/violations. Discussion followed that Ordinance Enforcement Section 1-15 is the mayor's responsibility.

Mike asked why the attorney had only responded to two of the four properties that were forwarded to him. The attorney responded that after researching he did not feel it was wise to proceed with the other two properties.

Resident asked why the clerk was making decisions since she's not on the board and the clerk responded that she doesn't make decisions, she only does what she is instructed to do by the board or the mayor. The attorney explained that the existing ordinance gives the mayor authority through his executive powers.

The attorney explained that we don't want to prosecute anyone, we hope things will be cleaned up as requested.

Mike Beecham explained that that is why the policy was set so that complaints would go through the office and the zoning committee would review them so there isn't any favoritism or lawsuits because one person is justifying it. Village attorney stated again that the Mayor is the final authority. Mike asked why we have committees then? Aren't the committees supposed to be in place to prevent favoritism?

Mike asked why the Mayor can't trust the committee and use his veto power if there is a problem. He wanted to know why all of the issues referred to the attorney were not addressed, only two of them. The Mayor explained it was on the advice of the attorney to avoid legal issues.

Vickie had Patti Monks read the letter she received from the village (available in the office).

The Mayor explained that the village isn't pushing for prosecution and that the zoning committee will check out the progress, take pictures and given an extension to the next month to be presented to the zoning committee. If they are not satisfied they will let Vickie know. If they are satisfied a letter will be sent out to let her know the matter is closed.

### **Amy Peterson**

Amy explained that has also received a letter asking that her property be cleaned up and the fence repaired or removed. She stated that things are cleaned up and they are trying to figure the fence out. She explained that every time they try to work on the fence the renter next door called the cops and they were told they couldn't be on the property. When the fence was installed it was apparently over the property line and they were told by the mayor, Ken Oedewalt to move it. They moved it, but couldn't put in posts like it should have because it would require being on the neighboring property. It was the tenant, not the owner of the property that was calling the police.

Mark Foust said we could send a notice to the property owner asking for permission for you to be on the property to maintain the fence. She was given an extension until July 15, 2018. Liz suggested that we have the attorney send the property owner a letter asking for permission for the Petersons to access. It was decided after discussion that the Clerk would send a letter to the owner to get permission and then give them time to fix the issue. The attorney explained that he would never start prosecuting without the consent of the board.

## **6) 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 May 9, 2018 Water Committee Meeting
- b) Minutes from May 9, 2018 Board Meeting
- c) Minutes from May 24, 2018 Water Committee Meeting
- d) Minutes from May 30, 2018 Zoning Committee Meeting
- e) Publish Closed Session Minutes from 8/8/2017
- f) Bills & Correspondence (Received May 8 – June 11)
- g) Treasurer's Report

Harvey motioned that the consent agenda be approved as listed and was seconded by Liz Rench. Mike Beecham stated that he wanted the Consent Agenda, especially the previous Minutes to be moved up on the agenda so they could be referenced to if needed. Vote: Yes – Mike Beecham, Mark Brining, Mark Foust, Liz Rench, Rodney Smith and Harvey Stidham. No – 0. Motion carried.

## **7) Old Business**

- a) Loan from Water Department for Streets and Alleys to repair W. First Street – Mike Beecham  
Tabled until July 12, 2018 Board Meeting
- b) Revision of the Village Code (Village Attorney)  
Village Attorney, Rob McCoy asked the board to look through it and maybe set to adopt the code as a piece at the July meeting. This will be a baseline and clean copy to start with. New ordinances have been included. If anyone has suggestions they should be given to the Clerk or the Mayor. The code can be changed going forward. Liz stated that our code is very big and the attorney agreed. He stated that some pages had been removed that were no longer relevant but had not made substantive changes. He explained that Home Occupation Permits had been removed due to the inability of the board to enforce it. Mike Beecham wants it put back in.

Liz Rench asked if it will be published for 30 days and it was explained that

we will have one in village hall and the other on the website for people to review. Liz asked if we could vote on it in sections and was told no, it will be a whole and then can be changed or amended as needed. She asked how much power was taken away from the board and given to the Mayor. The attorney replied that he did not make any changes in power. Liz told him that he needed to understand that the board runs the village, not the mayor, and he can be overruled. The attorney agreed, yes, he can be overridden but no changes in that regard were made. He explained that balance is the issue. The basic structure is set by the Illinois Municipal Code. Liz said he needed to bring it in and show her, because for the last 18 months the town has gone to 'hell'. Mike Beecham said it makes more sense that if he has complaints that he should use his veto power than going and doing what he pleases until it is brought into the open. It doesn't justify that we have six trustees that make motions and carry if the mayor is going to make all the decisions for this village. He expressed concern that this was going to let the village fall into favoritism and vendettas.

c) Auditor Selection (Mike Beecham)

Tabled until July 12, 2018 Board Meeting

d) Ordinance 2018-06-13-01 Demolition Fee Ordinance Update (Mike Beecham) Two to choose from. One with a rebate if building permit is issued within six months for the same property.

A brief discussion took place and it was decided to use the ordinance refunding demolition permit costs if building permit was issued for the same property within six months. Mark Foust made a motion to accept and was seconded by Mark Brining. Vote: Yes – Mike Beecham, Mark Brining, Mark Foust, Liz Rench, Rodney Smith and Harvey Stidham. No – 0

e) Ordinance Violation Process (Mike Beecham)

Mike Beecham expressed concern that we had sent possible violations to the attorney just to make sure we were citing the right violations and then we were to send them out. Instead, the attorney sent out two of the four.

The committee was to meet, review and present to the board to be voted on whether to pursue violations. This was to be sure that there was a broader group to make the decisions, other than minor nuisances like tall grass. The attorney explained that he is not sending out letters unless there is a legal question or prosecution. Zoning officer is only charged with enforcing Chapter 15. Mike read the email from the attorney (available in the office). Mike charged that the attorney was looking into things for a person instead of representing the village. Mike stated that the resident cited can also ask for an appeal. The board decides if it is justifiable or not.

There was a long discussion about 'grandfathering' and what it means. There were discrepancies with what was presented as Liz has the original ordinances that she will let the attorney look into them. The village decided in 2011 not to take action, that the wood has been there for six years. The Mayor stated that all the proof was given to the attorney. Mike stated that the Village Attorney should enforce the ordinances, not tell someone to get a personal attorney if they wish to pursue it as a board. Light industrial zoning says lumber and wood and this is zoned agricultural, which is a non-compliance of agriculture use. The county claims there was never a change of ownership filed. The two property owners neglected to file. The timber has been on the land for 4-6 years, not 25 years. It is a nuisance, rotted with nuisance animals living in it. Why are we making decisions on specific violations but not on others? Mark Brining addressed the Mayor saying that he had told him that the wood was going to be gone and no more would be brought in, so why not just get rid of it and do a good faith effort. Mayor responded that he would have it cleaned up in five years or so and was putting in fruit trees. The Mayor said that Mark Foust had been given proof that he is clearing the property.

Mike stated that for the attorney to be looking into information from a violator that hadn't even been given a letter yet is a conflict of interest and a double-standard. Procedure for zoning violations requires action of the Zoning Chair (Chapter 15). This property is a nuisance and has been so for

many years.

Attorney had a letter from 2011 and Liz asked where he got it. The Mayor stated that he gave him the copy of what was taken down at the post office when it was taken down. It was pointed out that all the records regarding this property have gone missing from Village Hall. The attorney reiterated that the facts given don't add up to prosecution as it predates him. Mike said it is still an issue today, addressing the mayor, "You've let it turn into a big rotting pile."

Liz read a letter from Becky Calhoun Largent (available in the office). Becky stated that they moved out in 1966 and there was no business there. . They had a large garden, no strawberries, only rhubarb. It wasn't used as a business until Mayor Bishop bought it. She also read a letter from Phil Calhoun (available in the office). There was another letter from Becky stating that there was a general store on the Calhoun property Liz stated that she believes there is a conflict of interest between the Mayor and the attorney when she was told she would have to have her own attorney in order to pursue the issues with this property. She stated that the attorney either has to represent the village or resign.

f) Software to pay water bills on line (Mike Beecham)

Table until July 12, 2018 board meeting.

g) Pre-Annexation Agreement with AHS and attorney representation

Liz doesn't think it is a good thing and Harvey thinks it will benefit the village. Mayor Bishop also thinks it is good for the village as the town needs to grow. The more people we have, the better the roads.

Alice Dailey pointed out that there has been no new ordinance to allow for an additional liquor license. The attorney said we would have to create an ordinance for a new license. Mayor said that would be discussed in a Liquor Committee Meeting and brought before the board.

Mike made a motion that we get more information about what is going on as he is not clear on it. Liz asked if there have been any complaints from neighbors. Carolyn stated that no, many of the neighbors have attended events. Mark Brining said his sister lives right in front of them and he has spent a lot of time there and has never heard any noise. Steve Hedge, Mayor of Kingston Mines explained what a pre-annexation agreement is and that after twenty years if they have not connected to the village it is void and they have to apply again. The attorney explained that it gives the village some revenue from permits and is an opportunity to grow. Previous meetings with the board indicated that everyone was ok with the agreement. There will be no services provided, such as roads, water, sewer, etc.

Mike asked to rescind his motion. Carolyn explained that there are a lot of neighbors that do want to annex.

Mark Brining made a motion that we approve the pre-annexation agreement with AHC Corner Farms and was seconded by Harvey Stidham. Votes: Yes – Mark Brining, Rodney Smith and Harvey Stidham. No/Abstain – Mike Beecham, Mark Foust and Liz Rench. Motion was tied and broken by a yes vote from Mayor Bishop. Motion Carried.

A motion to accept an amended Pre-Annexation agreement with AHC to show that no services such as water, streets, alleys, or sewer will be provided was made by Mark Brining and was seconded by Harvey Stidham.

h) Approval of violations to be sent out (Mike Beecham).

A discussion about how to treat violations of tall grass was to be handled. Mark Foust stated that we had one official complaint and two others on Deer Trail that he observed. It is a residential neighborhood and grass should not be more than 8" tall. Resident asked if we were citing everyone with tall grass and why hadn't we acted on the tall grass that hadn't been cut at one residence for three years. It was explained that that particular residence is in legal proceedings at this time. It was decided that the clerk



should redo the letters and give the owner's twelve days to correct the problem.

Votes: Yes – Mike Beecham, Mark Brining, Mark Foust, Liz Rench, Rodney Smith and Harvey Stidham. No – 0. Motion carried.

It was also decided that the letter to 9407 should have the Administrative Warning and fines removed.

i) Votes: Yes – Mike Beecham, Mark Brining, Mark Foust, Liz Rench, Rodney Smith and Harvey Stidham. No – 0. Motion carried.

J) Committee Assignments (Mayor Carl Bishop)

Mayor Bishop made the following assignments:

Health & Water: Chair, Mike Beecham, Mark Brining and Mark Foust

Zoning and Code: Chair, Mark Foust, Harvey Stidham and Mark Brining

Streets & Alleys: Chair, Mark Brining, Mark Foust and Rodney Smith

Finance Committee: Chair, Harvey Stidham, Mark Foust, and Rodney Smith

Liquor Committee: Chair, Carl Bishop, Liz Rench and Mike Beecham.

A discussion ensued about whether they were voting to approve assignments as a whole or individually. Rodney Smith stated that he was not happy with the assignments as the mayor has made many changes and no one gets a chance to learn their position. He stated that Mike was good on Finance and Zoning was doing well and then the Mayor yanks everyone off of the committees they were working on. He said it doesn't make good sense to him.

Mike stated that it isn't fair to the individuals working on big projects and then to change them off of those committee assignments. He recommended that Liz be chair of zoning with Mike and Rodney as seconds. There would be no conflict of interest with Liz in that position. The Mayor stated that Liz had

informed him she didn't want to be on zoning previously and she couldn't be chair of water as he previously tried to assign her, because of the conflict of interest with her husband working for the water department. Mike asked the mayor to leave everyone where they were unless changing Liz to Chair of Zoning with Mike and Rodney as committee members. These are the recommendations of the board.

Mike made a motion to reject the assignments and to take into consideration people previously assigned. Harvey stated that Mark Foust seems to be very level-headed. Mark Foust seconded the motion. Yes – Mike Beecham, Mark Brining, Mark Foust, Liz Rench, Rodney Smith and Harvey Stidham. No – 0. Motion passed to reject assignments and mayor vetoed.

Attorney pointed out that it would be good practice to circulate proposed assignments two weeks ahead of time to fill committees.

Mike said recommendations have been made and the mayor is not taking them into consideration and it should be put on the agenda for next month.

The question was asked about sticking to what was assigned in May. There was an impasse in May due to the thought that new trustees should not be chair of a committee.

The attorney stated that technically, appointments were made and they are going to be voted on next month.

Liz stated that Carl (the mayor) was being unreasonable. She suggested going with temporary positions, closing the meeting because it was 9:15 and have a special meeting next Tuesday, the 19<sup>th</sup> of June.

Mark Brining said there was some business on the agenda that had to be taken care of at this meeting and therefore, the meeting could not be adjourned yet.

k) Mowing (Mark Brining)

Mark explained that Vern Hicks decided he doesn't want to do the mowing for the village anymore. Mark talked with his committee members and they agreed to talk to Chris Harris who had previously bid and he is willing to take it

over. Liz made a motion to hire Chris Harris and Mike seconded. Yes – Mike Beecham, Mark Brining, Mark Foust, Liz Rench, Rodney Smith and Harvey Stidham. No – 0. Motion carried.

#### l) Mowing (8514 W. Main Street)

This property has legal proceedings against it by the county for back real estate taxes and by several other parties and is being sold for back taxes. The attorney explained that all liens against the property will be dismissed by the court with the sale of the property so the Village most likely will not be able to recoup any money spent on mowing. It was decided to do it as a benefit to the village, accrue the costs and present to the new owner and hope they take care of it. Mark Brining made a motion that the village have Chris Harris mow and accrue the costs to do a possible lien against the property and was a voice vote in agreement of cutting the grass. No other action needed.

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

#### a) Finance Committee – Mike Beecham

Nothing to report.

#### b) Health and Water – Harvey Stidham

Regulator was replaced at a property and low flow problem has been fixed. Stan and Harvey are looking into taking bids for the sandblasting and cathodic protection for the water towers. Stan recommended advertising in February and taking bids in March so we will be prepared when the weather warms up. Harvey stated this would be ready for the new budget. Stan also said it is past time to do copper testing. If we are clean, we can petition the state to not put the orthophosphate treatment in. We haven't gotten the paperwork from the State yet. Fritz to call the EPA to get the next round of sampling done.

Driveway at the water tower is done and sand and gravel has been moved to the bins at the water tower.

Rodney Smith expressed concern about the language of the post on the website telling people to call the county if they saw people riding four-wheelers on the street. Clerk will reword the post to make it friendlier.

c) **Liquor – Carl Bishop**

Nothing at this time, but should be something in the near future

d) **Streets and Alleys – Mark Brining**

Nothing at this time

e) **Zoning and Code Enforcement –**

Nothing that hasn't been discussed previously.

Liz asked if trustees could participate in committee meetings that they are not assigned to or do they have to attend as a resident. The attorney stated they should attend as a resident and sit in the audience.

## **Mayor's Report**

Annexation seems to be working out well.

Mike Beecham made a motion to go into a closed session and Liz seconded.

**Votes:** Yes – Mike Beecham, Mark Brining, Mark Foust, Liz Rench, Rodney Smith and Harvey Stidham. No – 0. Motion carried.

## **9) 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.**

## **10) Resume Open Meeting**

All trustees and Mayor present. Also, Patricia Briggs, Clerk, and Rob McCoy, Village Attorney.

## **11) New Business**

### **a) Hiring of New Water Payment Clerk**

Mike Beecham made a motion to hire Peggy Stidham as the new Water Payment Clerk and was seconded by Liz Rensch. Votes: Yes – Mike Beecham, Mark Brining, Mark Foust, Liz Rensch and Rodney Smith. Harvey Stidham abstained. No – 0.

### **b) Hiring of new Streets & Alleys employee(s)**

Mark Brining stated he had two new people who he would like have work simultaneously for driving and patching streets. The question was asked if background checks were needed, but since both people are approved for positions as volunteers for fire department they have had a state police and fingerprinting done as well as a drug test was done. No action required.

### **c) Prevailing Wage Ordinance – 2018-06-13-02**

Mike Beecham made a motion to accept Ordinance 2018-06-13-02 Prevailing Wage and was seconded by Harvey Stidham. Votes – Yes: Mike Beecham, Mark Brining, Mark Foust, Liz Rensch, Rodney Smith and Harvey Stidham. No – 0. Motion Carried

### **d) Ordinance 2018-06-13-03 Fireworks in the village**

Mike Beecham made a motion to accept Ordinance 2018-06-13-03 Fireworks Sales in Village and in effect immediately and was seconded by Harvey Stidham. Votes – Yes: Mike Beecham, Mark Brining, Mark Foust, Liz Rensch, Rodney Smith and Harvey Stidham. No – 0. Motion Carried

### **e) IRWA Renewal 7/1/2018 – 6/30/2019**

Mark Brining made a motion to renew our IRWA membership and was seconded by Mark Foust. Votes – Yes: Mike Beecham, Mark Brining, Mark Foust, Liz Rensch, Rodney Smith and Harvey Stidham. No – 0. Motion Carried

### **f) General Use Credit Card for use by trustees – Tabled**

- g) Home Occupation Ordinance (Business in residences) Mike Beecham- Tabled**
- h) Ordinance #34 prohibiting junkyards should it be updated? Mayor Carl Bishop - Tabled**
- i) Worker's being hired for village work need board approval (Liz Rench) – Remove from Agenda**
- j) Clerk position should be an elected position (Liz Rench) – Tabled**
- k) Treasurer and clerk should be residents of the Village of Mapleton (Liz Rench) – Remove from Agenda**
- l) Village should not be using Clerk's Prime Amazon but should have one of their own (Liz Rench)**  
Liz Rench made a motion to purchase an Amazon Prime Business Account for the Village and add clerk and treasurer to the account. Seconded by Mark Brining. Votes – Yes: Mike Beecham, Mark Brining, Mark Foust, Liz Rench, Rodney Smith and Harvey Stidham. No – 0. Motion Carried
- m) Horizontal scanner with OCR for copying and preserving village documents (Clerk/Mike Beecham) – Tabled**
- n) Ordinance regarding carports, portable garages (Mike Beecham) – Tabled**
- o) Door Hangars for first notices of ordinance violation (Mike Beecham) – Tabled**
- p) Caterpillar IEPA request for leachate**  
Notice only, no action required.
- q) Ordinance 2018-06-13-04 Changing meeting date to 2<sup>nd</sup> Tuesday of the month. (Mike Beecham)**

After a brief discussion it was decided that the second Tuesday of each month would serve the Board members better. Harvey Stidham made a motion that Ordinance 2018-06-13-04 to change the regular Board Meetings to the 2<sup>nd</sup> Thursday of the month be accepted through the end of the fiscal year and was seconded by Liz Rensch. Votes – Yes: Mike Beecham, Mark Brining, Mark Foust, Liz Rensch, Rodney Smith and Harvey Stidham. No – 0. Motion Carried. Mayor Bishop vetoed the ordinance.

Liz asked to have a Special Meeting to be held on Tuesday, June 19 at 7:00 pm to discuss committee appointments and meeting dates and to go through the changes to the Municipal Code for board meetings.

r) **Approval to get engineer to start bid process for sealcoating streets.**

Mark Brining explained that he would like approval to get an engineer working on bids for sealcoating using MFT funds. Liz Rensch explained that Stan Bersin is not a streets person but there is someone else with Greene & Bradford that would be better. A discussion about which streets should be worked on including First Street and all side streets for the downtown area. Then if there are funds available look at the top of the Hill at Vickie Lynn and Deer Trail. Previously everything has been concentrated at the top of the hill and this time the other streets need to be taken into consideration first. Alice Dailey asked how much was in MFT funds and stated that the village will need to borrow more money to do what is needed. It was suggested getting bids by street so work could be prioritized.

s) **Vote of No Confidence for Mayor Bishop (Mike Beecham)**

Mike Beecham made a motion for a No Confidence vote for Mayor Bishop and was seconded by Liz Rensch. Votes: Yes – Mike Beecham, Liz Rensch and Rodney Smith. No – Mark Brining, Mark Foust and Harvey Stidham. There was a tie, which Mayor Bishop broke with a No vote. Motion Failed

## **12) Announcements**

**None**

13) **Additional Business if any**  
**None**

14) **Adjourn Open Session**

Liz Rench made a motion to adjourn the meeting and was seconded by Mark Brining. Voice vote was unanimous for closing meeting. Meeting adjourned at 10:15 pm

Minutes transcribed by Patricia S. Briggs, Village Clerk

Approved by the Board of Trustees and the Mayor on July 12, 2018