

AUGUST 1, 2011
REGULAR MEETING
7 P.M.

Regular meeting of the Village Board held at the Village Hall and called to order by President Peterson with the following members present: Loving, Trout (7:10 P.M.) Schmitt (7:15 P.M.), Gibeau, Kness, Peterson, and Johnson. Absent: James.

Motion by Kness, second by Gibeau to accept the July 5, 2011 Public Hearing on the Budget and Appropriations and the Regular Meeting minutes. Roll call votes: Loving – aye, Gibeau – aye, and Kness – aye. All votes were in favor, and the motion was carried.

Police Chief Stotts presented the July 2011 Police Report. He thanked the Board for the flowers sent for his father's passing, and he reported 104,438 miles on the squad, 108 calls for service, 32 tickets, 9 warnings, domestic cases, gun cases, warrant served, stated that Zac Devlin, who is with the Mercer County Sheriff's Department as a jailer and Auxiliary Officer, has shown interest in part time officer work, but would need training. Chief Stotts stated that the training classes for part time officers could be done in 12 classes as one Saturday a month, but at this time Mr. Devlin could not be by himself in the squad and could only be auxiliary for the Village during the fair and rodeo.

Motion by Kness, second by Gibeau to hire Zac Devlin as an auxiliary officer during the three days of the fair and rodeo per Police Chief Stotts directions at a rate that the New Windsor Fair and Rodeo Association would reimburse the Mercer County Auxiliary \$300, but no hours of pay to Mr. Devlin. Roll call votes: Kness – aye, Gibeau – aye, Loving – aye, Trout – aye, and Schmitt – aye. All votes were in favor, and the motion was carried.

Village Attorney Steele reported on how the violations work with the Village's ordinances. He stated that for example grass violations on someone who doesn't mow, after due notice, a lien is filed at the Court House, but a bank lien supercedes the Village's lien. In his opinion, Mr. Steele said that there is no reason for the Village to file a lien or spend the funds to do so on foreclosures. He said that the Nuisance Ordinance requires the Police Chief to file the notice of violation to the person giving 48 hours notice to cure the violation, then if not taken care of, gives the violation to Mr. Steele to file the violation for court, and the judge makes the ruling.

Mr. Steele continued with a report on the Contract Funding LLC problem that is now owned by the Forrester Bank, and the mowing is being done by the bank.. Also, he stated that the Randy Kagee property has had notices sent, but they are returned. President Peterson stated that Rod McCaw would mow the property for \$200, and that the Village has only done the easement there on 6/15/11 and 6/19/11, and only the easement at 301 Franklin Street, 1119 Mercer Street, Allen property is not being done, Dillman needs to be done as well as the Crawford property. The Board agreed on the four places for a 48 hour notice to mow.

Motion by Schmitt, second by Kness that after the notices have been given on the grass violation and have not been corrected, the Village hire Rod McCaw to mow at a cost of \$200 just Kagee's property. Roll call votes: Schmitt – aye, Trout – aye, Gibeau – aye, Kness – aye, and Loving – aye. All votes were in favor, and the motion was carried.

Village Attorney Steele stated that the Village's lien is second to the bank's, unless the Village wants to consider residences as abandoned properties with a dated list of the observed properties being unoccupied, then Village tries to contact owner, with more cost for attorney fees, lien, and court, which would end up more than the mowing cost.

Chief Stotts stated he was working on the Charles David case with Mercer County.

Village Attorney Steele stated that the \$50 fee for court on the 2010 Wheel Tax has not been paid by the delinquent 2010 Wheel Tax residents, and he suggested amending the Wheel Tax Ordinance to state that a Wheel Tax sticker will not be issued until the \$50 cost is paid. (There are four @ \$200 outstanding) He stated that they could all be set on one day for court if the Board would go after them. The Board agreed to go after them.

President Peterson requested that all the trustees, water assistant, and maintenance assistant comply with the NIMS test on its website.

Keeten Hamilton present as a Boy Scout working on his merit badge.

President Peterson reported that the MFT street oiling and chipping is done on the south side and came in under budget (2nd Avenue, 3rd Avenue, and Franklin St.), but the elevator area was not done due to rain.

President Peterson stated that more sand and rock for the hot weather has been ordered for the streets during the rodeo, but would like to save the rock for winter use.

President Peterson stated that there is a hole in the alley on 6th Avenue by the old gas station's culvert, and he will get an estimate from Tom Whiting on the repair cost.

President Peterson stated that Tony Mack contacted him about getting salt in, and wanted to know if the Village would want any. President Peterson stated he would get a price, but that the Village has used sand and chips in the past, and salt may tear up the streets.

Scott Kammerman present to go over the easements needed for the sewer project. President Peterson reported that the easement maps and letters had been sent out to those residents, and he hopes to have a meeting with all of them at one time with Mr. Kammerman.

President Peterson addressed the easement proposed at Cozy Haven and the Thurman Williams property by Cozy Haven, and questioned Mr. Kammerman on how all of Cozy Haven is being picked up for the sewer.

The Board took a field trip to Cozy Haven with Mr. Kammerman to view the property and area in question for the sewer.

The Board, upon return to the Village Hall, amended the easement, but will stay within the guidelines of services on the right-of-way, and the program does not change. Also, President Peterson will notify Cozy Haven and Thurman Williams of the design, with Scott Kammerman sending revised editions of the area.

President Peterson stated that Mary Linker is concerned about her fence, and she could possibly hire her own contractor, with reimbursement by the Village.

President Peterson reviewed the foreclosed houses, empty houses, and properties for sewer laterals, considering \$1,000 per lateral. Mr. Kammerman stated that it would be cheaper now to do than later. President Peterson called John Hamilton about his

trailer property and rental house property for laterals, and he stated that he would not hook up either one, but President Peterson suggested putting in one lateral.

The Board agreed on 345 for a laterals total to be put in.

Mr. Kammerman reviewed the engineering bill, and the Rural Development loan, and the pipes being buried but needing engineering services of \$12,000 per month for 12 months. He did state that Missman could hire John Carlson of New Windsor at maybe a lower cost as an inspector, but the numbers are in the pre-application. President Peterson stated that he would like an easement meeting at the end of August with Scott Kammerman.

Motion by Kness, second by Schmitt to pass Ordinance Number 3, Series 2011, Tax Levy. Roll call votes: Loving – aye, Trout – aye, Kness – aye, Gibeau – aye, and Schmitt – aye. All votes were in favor, and the motion was carried.

President Peterson stated that last year a MFT Resolution was done to help with expenses, but he would need the Board's authority to do so again. The matter was tabled until next month.

Village Attorney Steele stated that the Village loses on the foreclosures and any liability to the Village, but that the Board should amend the water ordinance to include this. The Board agreed to think about it.

Motion by Kness, second by Schmitt to authorize the July bills. Roll call votes: Loving, - aye, Trout – aye, Gibeau – aye, Schmitt – aye, and Kness – aye. All votes were in favor, and the motion was carried.

Motion by Schmitt, second by Kness to adjourn. Voice Votes: all votes were in favor, and the motion was carried. The meeting was adjourned.

Claudine D. Johnson, Village Clerk