

VILLAGE OF ST. JOSEPH
BOARD MEETING
May 12, 2020

Mayor Fruhling-Voges called the meeting to order at 7:00 p.m.

The Pledge of Allegiance was said by all present.

Roll call was taken.	Fruhling-Voges	Present
	Painter	Present
	Van Buskirk	Present
	Cummings	Present
	Wagner	Present
	Davis	Present
	Rapp	Present

Others in attendance: Tiffany McElroy-Smetzer, Village Clerk; Mike Peters*, Village Public Works Superintendent; Luke Fisher*, Village Assistant Public Works Superintendent, Julie Hendrickson*, Village Office Manager; Debbie Routh,* Village Treasurer; Joe Lierman*, Village Attorney; Carolyn Jones, proposed purchaser of the Abbeyfield property; Carl Webber*, Attorney for Abbeyfield; Ken Cooley*, Village Resident; Nora Maberry*, The St. Joseph Record; and Dani Tietz*, SJO Daily. (*Attended by Zoom)

MINUTES: The minutes of April 28, 2020 Village Board Meeting were presented. Wagner motioned and Davis seconded to approve the minutes as presented. Roll call vote was taken: Painter – Aye, Van Buskirk – Aye, Wagner – Aye, Davis – Aye, and Rapp – Aye. Motion passes 5-0.

APPOINTMENTS: Fruhling-Voges announced her recommendation to fill Bob Rigdon’s vacant position. She has selected Terri Cummings. Wagner motioned and Painter seconded to appoint Terri Cummings to fill Bob Rigdon’s position until next May when Rigdon’s term expires. Roll call vote was taken: Van Buskirk – Aye, Wagner – Aye, Davis – Aye, Rapp – Aye, and Painter - Aye. Motion passed 5-0. McElroy-Smetzer gave the Oath of Office to Cummings. The Trustees welcomed her to the Board.

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Fruhling-Voges announced her recommendation to fill Van Buskirk's former position on the Planning and Zoning Commission. She has selected Ken Cooley. Wagner motioned and Davis seconded to appoint Ken Cooley to the Planning & Zoning Commission. Roll call vote was taken: Cummings – Aye, Wagner – Aye, Davis – Aye, Rapp – Aye, Painter – Aye, and Van Buskirk – Aye. Motion passed 6-0.

TREASURER'S REPORT: Routh gave the Treasurer's Report as of April 30, 2020. Van Buskirk motioned and Wagner seconded to approve the Treasurer's Report as presented. Roll call vote was taken: Wagner – Aye, Davis – Aye, Rapp – Aye, Painter – Aye, Van Buskirk – Aye, and Cummings – Aye. Motion passed 6-0.

INVESTMENT REPORT: Routh gave the Investment Report. Longview Bank rates were as follows: 3 month .40%, 6-month rate .50%, 9 month .50%, and 12-month rate .60%. Gifford State Bank rates were as follows: 3 month .40%, 6 months .40%, 9 months .40%, and 12 months .60%. Busey rates were as follows: 3 month no bid, 6 months .30%, 9 months .30%, and 12 months .30%.

The following actions were taken regarding the Village's investments:

In the General Corp Fund:

- CD# 24714 a 3 month CD for \$ 125,000 held at Longview Bank will be rolled for another 3 months;
- CD# 24789 a 3 month CD for \$ 75,000 held at Longview Bank will be rolled for another 3 months;
- CD# 24761 a 6 month CD for \$ 75,000 held at Longview Bank will be rolled for another 6 months;

In the Equipment Replacement:

- CD# 24614 a 6 month CD for \$ 25,000 held at Longview Bank will be rolled for another 6 months;

In the Stormwater Fund:

- CD# 24769 a 6 month CD for \$ 86,000 held at Longview Bank will be rolled for another 6 months;

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In the Motor Fuel Fund:

- CD# 24771 a 6 month CD for \$ 20,000 held at Longview Bank will be rolled for another 6 months;

In the Sewer Fund:

- CD# 24763 a 3 month CD for \$ 50,000 held at Longview Bank will be rolled for another 3 months;

Wagner motioned and Painter seconded to approve the investments as presented. Roll call vote was taken: Davis – Aye, Rapp - Aye, Painter – Aye, Van Buskirk – Aye, Cummings – Aye, and Wagner – Aye. Motion passed 6-0.

BILLS: Rapp motioned and Davis seconded to pay the bills for the Village as presented. Roll call vote was taken: Rapp – Aye, Painter – Aye, Van Buskirk – Aye, Cummings – Aye, Wagner – Aye, and Davis – Aye. Motion passed 6-0

AUDIENCE PARTICIPATION: There was no audience participation via email or in person.

MAYOR’S DESK: Fruhling-Voges gave an update on COVID-19 and how it impacts the Village. Fruhling-Voges is updating the small businesses in the Village on any assistance that is available to them.

Fruhling-Voges reported that she had received a letter from the Norths. They are the property owners to the south of the Village’s yard waste site. The letter expressed their thanks to the Village for looking into multiple ways to minimize the detrimental impact to them. They are very pleased with the Village’s efforts.

Fruhling-Voges has had a meeting with the Landbank. Decatur has now joined the Landbank. Now Vermilion, Champaign and Macon Counties are represented in the Landbank.

There was discussion with the Trustees regarding the hardship on the small local businesses being all closed. The Trustees and Mayor are in support of our small businesses and will do whatever they can do to help our businesses

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open safely. The Board will also do all they can do to support the local businesses.

Fruhling-Voges reported that she has received requests from two local entities wanting to hold a drive-in at the Community Park. One group is a church and another is 90s Daughter. The Village is interested in allowing this if done safely but there is a lot to consider before approving this.

COMMITTEE REPORTS AS FOLLOWS:

FINANCE: Fruhling-Voges gave an update on the budget. She gave Trustees a cheat sheet regarding Fund numbers, revenue numbers, and expense numbers. Fruhling-Voges will be available for questions. She is requesting that Trustees look at the numbers and ask questions if they have concerns. The Board will vote on the final budget at the next meeting.

SANITARY SEWER: Fruhling-Voges noted that according to the sewer plan, there was supposed to be a raise in sewer rates beginning May 1st. She asked the Boards if they wanted to push the sewer increase to October 1st. This would push the plans for the sewer expansion back 6 months also. Rapp had questions regarding what the final plan of the sewer plant include. Fruhling-Voges will have Clark Dietz come to a committee meeting to help explain details of the sewer expansion plan.

PARKS & RECREATION: Wagner reported that Little League has cancelled their summer season. They have requested that they be able to start their fall season in July versus September. Wagner will follow up with this and keep the Board up to date.

PUBLIC HEALTH & SAFETY: Nothing to report.

BUILDINGS & GROUNDS: Nothing to report.

STREETS & ALLEYS: Nothing to report.

CLERK'S DESK: McElroy-Smetzer passed out Economic Interest Statements and asked that the Trustees return them to Hendrickson. McElroy-Smetzer will leave the ones for staff with Hendrickson.

OFFICE MANAGER: Nothing to report.

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PUBLIC WORKS: Fisher reported on the public works projects. Peters purchased disposable masks for the Public Works staff to use. The Village has rented the DuraPatcher for the next two months. The Public Works staff is cleaning gutters on the streets. Western Drive has already been completed. Fisher reported that Dumpster Day will be held this Saturday rain or shine. Public Works will also be putting concrete in front of the IDOT building where the grass is currently. This will make it much cleaner looking.

ATTORNEY'S DESK: Lierman gave an overview of the drainage issues regarding the properties on Peters Drive. These issues directly impact the proposed purchasers of the Abbeyfield property. This is in relation to the "Special Use Permit Request for the Abbeyfield property". The Special Use Permit is a request to allow a daycare to operate in a R-1 zoning. All six Trustees agreed that they would be in favor of allowing a daycare in an R-1 zoning in this particular case. The only remaining issue is the drainage issue.

The farmland to the west of the property is owned by Barry Fisher. That property goes from Peters Drive to Water Street (Sidney Slab). The St. Joseph Grade School had to deal with the stormwater management when constructing the middle school. There were also drainage problems with the corner of 5th Street and Peters Dive at that time. The Village contributed funds to upsize the tile to help with drainage problems in the area of the corner. Todd Pence, Superintendent of the St. Joseph Grade School, had an email that stated that the upsizing was due to the connection of one of Fisher's field tiles. This was beneficial to the Village to help with flooding at the intersection of Evergreen Street and Main Street.

Not too long after the Middle School was built, Ralph Woodard built Crestview. As Crestview is a higher elevation than the Middle School, the water from that subdivision runs downhill to the Middle School and eventually into the tile built by the Middle School. It is a legal requirement that lands of a lower elevation must take water from areas of higher elevation.

There is an inlet in front of the Ameren substation. This was connected at the time of the construction of the Middle School. This took care of the flooding at the corner of 5th Street and Peters Drive.

When the Abbeyfield property was constructed, it had planned to be hooked into the tile that the Middle School built crossing the Fisher property. Trinity Acres is a proposed subdivision just east of the Abbeyfield, it would also like to hook into the tile.

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One of Mr. Fisher's concerns was that the proposed subdivision on the property east of the Prince of Peace church, north and east of the Crestview subdivision, south of 150 and west of Sportsman's Club Road would drain through this tile. The Village engineer showed him that this is not the case.

Our drainage attorney said that the paperwork related to the users of the tile in addition of the Middle School is vague. It was his recommendation that the Village worked with Fisher to find some resolution to the problem. The Village has made an offer of \$10,000 to Mr. Fisher to confirm that Abbeyfield and Trinity Acres can use the tile for stormwater purposes. This would include \$5,000 to Fisher and up to \$5,000 for Fisher's attorney fees. The Village has not heard either an acceptance or denial of the offer. Fisher's attorney sent some questions to the Village. Those questions have been answered but there has been no additional response from Fisher or his attorney.

The reason why this is becoming an issue before the Board is that it could affect the Abbeyfield property. Webber stated that Abbeyfield believes that they have a legal right to use the drainage tile. They have consulted professionals that agree that legally the tile should take the stormwater from Abbeyfield.

Lierman stated that normally he would agree. One of the issues is that there is a document filed at the recorder's office that purports to limit the use of the tile. Lierman repeated that the drainage attorney that the Village hired suggested that the Village get some sort of agreement with Fisher. He felt that this would be the cleanest and easiest way to resolve the issue.

Webber stated that Abbeyfield has spent well over a million dollars on this property. This drainage issue is a non-issue for Abbeyfield. They feel that they have the right to use the drainage tile. Webber stated that he does not feel that Fisher has the right to stop the stormwater from draining in the natural direction.

The Trustees said that may be the case but they are willing to try negotiation one more time. They have set a deadline of May 22nd as a resolution of the issue with Fisher. The vote for the "Special Use Permit" will be on the agenda for May 26, 2020.

At 9:30, Cummings motioned and Davis seconded to adjourn the meeting.

These minutes are respectfully submitted.

Tiffany McElroy-Smetzer
Village Clerk