

**Village of Lee
Regular Board Meeting
on
April 12, 2021
Village of Lee Fire Barn**

Meeting come to order:

Village President Josh Carlson-- present
Trustee Martha May – present
Trustee Jesse Blackwood --absent
Trustee Thomas Kapraun--present
Trustee Jean Michels – present
Trustee Mike Schafer—present
Trustee Jessica Moser – present

V. Treasurer Linda Korth – present
V. Clerk Julie Griffith – present
V. Attorney Cassandra Gottschalk – present

Visitors and Communications:

The following visitors attended the meeting: Mike Woodbury, Margie Foshe, Jordan Steffa, Stacey McElligott-Schnupp, Terri Voitik, Tom Weaver, Ed Mucha, Wendy Osakuni, Michael Young, Stanley McGinnis, Shaun Miller, Gloria Stehl, Ryan Carlson, Shanna Garrison, Nanda Steigman, Nick Michels, Jerry Carlson and Pete Cabo.

Water Assistant Mike Woodbury reported that the four service lines are fixed. The bacteria in the well has been good lately, so he is bringing the chlorine levels down.

Resident Foche had a tree removed from her backyard, but the fire lane on Kirke Gate was blocked with tree branches, and the truck had to drive through the neighbor's yard and a field. In the event of a fire, the fire truck wouldn't be able to get there either.

Residents Steffa and McElligott-Schnupp came for the agenda item on paving the alleyway.

Resident Voitik read a letter to the village thanking the village for the victory. She noted that she and the village clerk looked at the Lee Ordinances for a residency requirement, and there were none. Upon finding out that there was a state residency requirement, Resident Voitik self-reported to each county. She reflected that the people in the community feel unheard. She encouraged leadership that doesn't allow bickering during the meetings.

Resident McElligott-Schnupp would like to see a village ordinance that there should be a residency requirement of two or three years before someone could become village president. Attorney Gottschalk didn't think that a statute more rigid than the state requirement would be possible.

Tom Weaver will address the packing house issue.

Village employee Ed Mucha will get some maintenance done on the skid steer.

Resident Wendy Osakuni asked if there was a public notice of the official policy for elections. It was posted on the villageoflee.com website.

Ryan Carlson suggested the we buy new flags through the VFW.

Old Business:

Resident Steffa got a quote from Royer for \$9500 for paving the entire alley. He would like each resident to pay a quarter and the village to pay a quarter. Resident McElligott-Schnupp asked if more bids were needed. There was discussion about repairs going forward. Attorney Gottschalk will look into what kind of agreement would legally be required. According to Resident Steffa, he owns half and the village owns half. The other two residents agreed to share the cost because they use the alley.

Pete Cabo will call his employee and get the yellow truck out of town.

Treasurer Linda Korth noted that Assistant Woodbury's last pay increase was effective August 2015 from \$17.50 to \$20/hour. Her last increase was effective August 2015. The Shabbona treasurer makes \$26.65/hour, and Treasurer Korth makes \$20/hour.

There was discussion about using Pay Pal as an option to pay the water bills. The user would pay the fee. Treasurer Korth also looked into Clover which charges a lot of fees. Attorney Gottschalk recommended Payment Service Network which has a \$1 convenience fee for a bank account and 2.75% fee if using a credit card. Automated payments can be set up also. Treasurer Korth will look into it. Trustee Martha May doesn't think that on-line bill payments are necessary. Several residents don't use checks.

According to a letter from the attorney, several documents have to be uploaded to the website. Treasurer Korth asked if Lori Korth could upload documents to the website as a volunteer. Treasurer Korth made an organizational chart, a FOIA form, etc. that will need to be uploaded. The general consensus of the board is to allow Lori Korth to work on the website.

Treasurer Korth asked if someone was denied putting a post on the facebook page about a meeting. The same person tried to post the same thing twice, so one was denied and one was approved.

The village clerk will need to know what to do with the village equipment after the June meeting.

Attorney Gottschalk addressed the developmental agreement. She has spoken to Cabo's attorney. Cabo's attorney offered for the board to purchase the land outright. Attorney Gottschalk asked Cabo if that was the only option, and Cabo stated that is not the only option. The property is worth about \$30,000-\$35,000. Option #1 is for the portion of the land that the well house is on plus ten feet for the easement, and the village will work to get the stuff taken care of for the slaughterhouse. Trustee Kapraun expressed concern that the loan for the water project was missed last year, and he doesn't want it to be missed again this year. Cabo noted that his family has been in this town for 30 years. Before the fire occurred, he had a vested interest in retaining the land for a septic system. Since the fire, he no longer needs the land, since he will rebuild in a new location. The issues such as smell, septic, noise, etc., will be gone since the new slaughterhouse will be a "state of the art" building.

Tom Weaver spoke on Cabo's behalf. In exchange for the land needed for the well plus the easement, he requested that the slaughterhouse be rezoned M2 which would allow for a slaughterhouse to be built according to the Village of Lee code. A few of the buildings will be taken down, and all the garbage will be removed. Attorney Gottschalk will draft a developmental agreement. Cabo asked if the exact measurements will be included on the developmental agreement, and they will. Lee County will have to approve the septic field, but it was already approved by DeKalb County, so Cabo is not expecting any problems.

Trustee Mike Schafer made a motion to approve the March minutes. Trustee Kapraun seconded the motion, and all were in favor. Treasurer Korth noted that she has to transfer money into the general saving account every month to avoid a dormant fee. The village board agreed to close that account and add the money to

the CD. Trustee May made a motion to accept the treasurer's report, and Trustee Jean Michels seconded the motion. All were in favor. Trustee Michels made a motion to pay the bills, and Trustee Kapraun seconded the motion. With a roll call vote, the motion carried unanimously.

New Business:

There was discussion on the municipal aggregation contract renewal. The board generally consented that the village president could sign the agreement.

Attorney Gottschalk spent most of the day Friday looking into what happens next with the outcome of the election. She spoke to special experts on elections at the state level and researched the state municipal code and the state election code. There isn't a precise answer. Some think there is a vacancy, but others disagree. There are two interpretations. Section 3.1-15-10 says that the chief executive officer shall hold office for four years and until his successor occupies the position, which would be at the next election in two years. Some case law says this is a void election because the winner cannot be sworn in. Resident Voitik would have had to have been a resident since December 2019, since she completed the nomination paperwork in December 2020. The board could go to the court and ask that the election be declared void.

The second interpretation is that there is a vacancy which requires an appointment of one of the trustees. It has to be a majority vote to appoint one of the trustees. If that cannot be accomplished, then an appointee can be made from the public with a majority vote. By majority vote the trustees can declare a vacancy beginning at the May meeting. If the village board voted someone in, they would serve an unexpired two year term. That person could run for another two-year term, so the next full election would be in 2025. If none of the trustees want to be the village president, or if no trustees get a majority vote, then the current village president could be appointed as a member of the general public. The president has to have no debts to the municipality, no felony convictions, etc.

The bottom line is that if the board doesn't declare a vacancy, then the current president will remain president for two years. Trustee May is concerned about the lawyer's bill. The decision about whether or not to declare a vacancy can be made next month. If a vacancy is declared, there is a 60-day period to appoint someone, and there must be an interim. Attorney Gottschalk will come to the May 10th meeting.

Treasurer Korth noted that the labor cost to pick up garbage is \$240. Right now the senior garbage pick up is \$10. There are 18 senior trash pickups, so there is a net loss. Assistant Woodbury noted that is rarely took him more than an hour. Trustee May suggested a different day for senior garbage pickup to avoid confusion with the regular garbage. The dumpster gets emptied on Wednesdays, so Tuesday might be a good day.

Trustee May made a motion to have senior garbage picked up on Tuesdays. The decision will wait until next month to see if the new employee will get faster.

Treasurer Korth said that from a risk management point of view maybe the village should have a copy of the driver's licenses of those who drive village vehicles. Trustee Michels is the risk management coordinator. Attorney Gottschalk noted that the expiration dates of licenses needed to be kept current.

Treasurer Korth reported that the village president does not respond to phone calls or text messages. She needs responses for things like employee hours, EPA letters, etc.

The standing fuel tank was taken to the junkyard.

Attorney Gottschalk will check and see if there is a past agreement about putting the septic field for the Village of Lee school on the Village of Lee property.

There was discussion about the garbage (concrete and asphalt) behind the old school. It would take approximately two dumpsters which cost \$600 each. Trustee Michels make a motion to get two dumpsters, and Trustee Moser seconded the motion. With a roll call vote, the motion carried unanimously.

Trustee Michels asked if B & F Code Services will be asked to enforce village ordinances. The last code enforcer charged \$60 or more, but B & F would be unbiased, and it would save the board having to do it. The board generally consented, starting with junk cars and expired plates, and they want to know the fee that will be charged.

Where the field tile comes out just north of Ray Mast's driveway, it is broken up. Approval from the county is not required to fix the tile. The board generally consented to get it fixed.

Reports:

- Streets and Alleys/Public Safety
There was discussion about putting the mulch pile on the playground.
Trustee May asked if the village clerk position could be put on the website.
There was discussion about whether or not the clerk could live out of town, and the ordinances will need to be followed. The current village clerk noted that the clerk position has evolved to include responsibilities for the new website and being a FOIA officer and the OMA designee. She suggested giving the clerk position a raise in light of the added responsibilities.
- Water and refuse
- Finance and ordinance

Adjournment:

Trustee Michels made a motion to adjourn the meeting at 9:15, and Trustee Moser seconded the motion. All were in favor, and the meeting adjourned.