

The Regular Meeting of the Moweaqua Village Council was called to order by Mayor Tolly leading in the Pledge to the Flag. Roll Call was answered by Howard Wise, Mark Thomas, Steve Ruot, Jim Mahone and Mike Reschke. Employees present were Louis Jordan, Ramiro Estrada, Lola Allen, Paul Bollhorst and Attorney for the Village Mike Antoline was also present. Others present included Larry Morrell, Boomer Neece, Les Miller, Richard Hayden, Dave Boyd, Steve Hooper, Carl and Mary Ann Stiner, Barb Jostes, Robert Miller, Leto Voudrie, Paul and Jenny Slemp, Phil and Ann Worthy, Evelyn Lowe, Floyd and Pat Anderson and Janie Wise.

Thomas made the motion to approve the minutes of the March Regular Meeting, Wise seconded. Council voting Yes: Wise, Thomas, Ruot, Mahone and Reschke. No: None.

Thomas made the motion to approve the Treasurer's Report, Reschke seconded. Council voting Yes: Wise, Thomas, Ruot, Mahone and Reschke. No: None.

Mahone made the motion to approve the Bills to be Paid in April, Ruot seconded. Council voting Yes: Wise, Thomas, Ruot, Mahone and Reschke. No: None.

Mayor Tolly reported that the new officer, Brian Wade has started full time duty for the Village now. Mayor Tolly is confident that Wade will be a conscientious officer. Mayor Tolly informed Council that the part time officers will be starting their 40 hours of fire arms training. Mayor Tolly is also pleased that our new officers have scored well in all areas of training.

Mayor Tolly reported that an electronics recycling will be held Wednesday April 21, 2010 from 10:00 A.M. to 11:00 A.M. and will be located at the empty lot North of Moweaqua Foods. Electronics from residents of Moweaqua will be accepted free of charge but businesses will be charged a fee for certain items.

Ending his report Mayor Tolly requested a motion for Executive Session.

Thomas made the motion to enter Executive Session to discuss personnel, Mahone seconded. Council voting Yes: Wise, Thomas, Ruot, Mahone and Reschke. No: None.

Thomas made the motion to end Executive Session, Mahone seconded. Council voting Yes: Wise, Thomas, Ruot, Mahone and Reschke. No: None.

Thomas made the motion to remove the current Zoning Administrator from office and appoint Boomer Neece to the Zoning Administrator position, Mahone seconded. Council voting Yes: Wise, Thomas, Ruot, Mahone and Reschke. No: None.

Attorney Antoline reported that he has contacted an attorney at the Secretary of States Office legal department. Antoline stated that he wanted to discuss the golf cart issue with someone who would be familiar with the new legislations that are taking place. After speaking with the attorney, Attorney Antoline was able to determine that State registration is equivalent to licensure. So the State now has a license scheme for low speed vehicles. When the State enacts that scheme it will preempt the local entities procedures. State legislation takes precedence. In conclusion Attorney Antoline recommends not registering low speed vehicles even though we have an ordinance established. However, Police Officers should still stop operators of low speed vehicles for unsafe behavior or equipment so as to ensure public safety.

Attorney Antoline presented Ordinance 04/13/2010-1 approving and authorizing a Tax Increment Financing Redevelopment Agreement between the Village of Moweaqua and Westmore Equities. After discussion, Ruot made the motion to approve Ordinance #04/13/2010-1, Mahone seconded. Council voting Yes: Wise, Thomas, Ruot, Mahone and Reschke. No: None. Attorney Antoline stated that the Clerk should send an executed copy to Keith Moran.

In regard to the Cantrell situation Attorney Antoline explains that it is a difficult one because construction has taken place. It is difficult to persuade a judge to undo construction that has taken place if there is any other alternative. Antoline stated that Cantrell was present at the last Zoning Board Meeting and indicated that he had worked out the issues with his neighbors. Antoline went on to say that because of the confusion surrounding the issuance of the permit and zoning approval his recommendation is to fine Mr. Cantrell \$500.00 and obtain written approval from neighbors for the building to remain. If neighbors have concerns then alterations should be made to the building to solve those concerns. Attorney Antoline stated that communication with zoning permit applicants is essential as well as constant monitoring of project progress in order to avoid these types of situations in the future. Clarity is needed in setting forth requirements in association with permits and immediate stop orders must be issued for projects in question. Another alternative is going to Court and letting a Judge decide the case although Antoline does not think that would be in the Villages best interest. After discussion, Mahone made the motion to fine Mr. Cantrell \$500.00 for constructing a garage without a permit. Mahone also stated that written consent needs to be obtained from

Cantrell's neighbors and Cantrell should also be required to install gutters on the building. Reschke seconded. Council voting Yes: Thomas, Ruot, Mahone and Reschke. No: Wise.

In Committee Reports Howard Wise reported for Health and Safety that the building on North Main between the old hotel and the pool room is in violation of our Ordinances. The entire rear of the building is gone and poses a safety hazard. Attorney Antoline inquired if the building can be demolished. Jordan stated that he has seen someone working on it. Les Miller was in attendance and informed Council that he has sold the building to the same person who owns the old hotel. Miller went on to say that the brick has been cut away and will be removed and then rebuilt. Wise stated that he would keep an eye on their progress.

Also in Committee Reports Ruot reported for the Police Committee that Chief Maynard has been asked to patrol Lake Street more frequently and Ruot would like to see "No Parking" and "Slow Speed" signs erected on Lake Street also. Jordan reminded Council that "No Parking" signs would have to be approved by Ordinance. Estrada can order the signs. After discussion Council was in agreement that the Committee needs to decide on a speed limit and contact Antoline with the details for the Ordinance.

Water and Sewer Superintendent Louis Jordan reported that he had recently met with Curry Construction who will be performing the rehabilitation work on the lift stations at Pine Street and Railroad Ave. Jordan stated that work would possibly begin in July.

In Public Participation Jenny Slemp approached Council requesting permission to start a new daycare facility in the old Baptist Church located on Putnam Street. Mayor Tolly advised her that she would have to go through the application process for a Special Use Permit. Clerk for the Village Michelle Davis stated that she had spoken to Mr. Slemp and discussed with him that daycare facilities are not specifically listed as permitted Special Uses in the SR-2 zone. Attorney Antoline clarified by saying that "schools" are listed as permitted Special Uses and a daycare would fall under that category. Antoline reiterated that Mr. and Mrs. Slemp must follow the application process for a Special Use permit. Mr. Slemp also inquired whether there is a permit needed for fencing. Antoline stated that a building permit is needed for fencing and suggested that it be applied for along with the Special Use permit at no extra fee. Antoline also stated that 100 square foot of fence is required per child.

In New Business Reschke requested approval of Employee wage increases for 2010-2011. After Council review, Thomas made the motion to approve the employee wage increases for 2010-2011 to begin May 1, 2010, Mahone seconded. Council voting Yes: Wise, Thomas, Ruot, Mahone and Reschke. No: None. Reschke stated that the Zoning Board inquired about raises for their members if they were to be a part of the "Planning Commission". Attorney Antoline discussed the Planning Commission and reported that in Maroa the Zoning Board and Planning Commission have been combined. Each member of Zoning was sent a copy of the Subdivision Code. All areas that dealt with a Planning Commission were highlighted so the member could determine if it was something they would be willing to oversee. The Zoning Board did determine that they could also serve as the Planning Commission.

Finance Committee Chairman Mike Reschke presented the 2010-2011 budget. After discussion Mahone made the motion to approve the 2010-2011 budget, Thomas seconded. Council voting Yes: Wise, Thomas, Ruot, Mahone and Reschke. No: None.

Mayor Tolly requested a motion to formally approve the Police Chief's salary now that Officer Wade is out of training and on duty. Ruot made the motion to approve the Police Chief salary of \$45,000.00 per year made retroactive to April 1, 2010, Reschke seconded. Council voting Yes: Wise, Thomas, Ruot, Mahone and Reschke. No: None.

Mayor Tolly called on Barbara Jostes to discuss the Veterans Memorial Fund.
Jostes

reported that construction of the memorial will soon be underway. Jostes requested approval to add the Veterans Memorial to the already existing Memorial Tree Park Ordinance. The Veterans Memorial from then on would be handled in the same manner as the Memorial Tree Park. After discussion it was determined that Attorney Antoline would draft a new Ordinance for the Veterans Memorial and the Memorial Tree Park for the next Regular Meeting.

Street and Alley Superintendent Ramiro Estrada reported that his pick up truck is due to be traded in and the Water and Sewer pick up truck is as well. Estrada inquired whether it is best to get bids or prices from several dealers. Attorney Antoline stated that obtaining bids prevents controversy and suggested that it would be a good idea. Council was in agreement that the Street and Alley

Department and the Water and Sewer Department should advertise for bids. Jordan stated that he would get the ad in the paper.

Jordan requested approval to purchase a replacement aerator for the secondary sewer pond. Mahone made the motion to purchase a new aerator for the sewer pond, Wise seconded. Council voting Yes: Wise, Thomas, Ruot, Mahone and Reschke. No: None.

Jordan also requested approval to remove a fire hydrant that is located on W. Wall Street. Jordan stated that the hydrant is not needed. There are other hydrants nearby and a fire truck would not be able to get close enough to it to use it. Wise made the motion to approve removal of the fire hydrant on West Wall Street, Ruot seconded. Council voting Yes: Wise, Thomas, Ruot, Mahone and Reschke. No: None.

Village Clerk, Mischelle Davis presented a zoning application from Phil and Ann Worthy. The Worthy's have applied for a Special Use Permit to allow them to reside at the premises located at 120 W. Main Street and also use the rear portion of the building for a licensed daycare. A sign and graphics business would be operated in the front of the building. Five members of the Zoning Board voted in favor of granting the Special Use Permit and one abstained. Mahone made the motion to accept the Zoning Boards recommendation to grant a Special Use Permit to the Worthy's for living quarters and daycare, Ruot seconded. Council voting Yes: Thomas, Ruot and Mahone. No: Wise and Reschke.