

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 Marcia Maynard, Don Henry, Larry Burgener, Steve Ruot, Dave Little and Bill McDaniel. Employees present were Ramiro Estrada, Louis Jordan, Lola Allen, Officer Wade, Chief Maynard, Boomer Neece, Kim Adamson and Attorney for the Village, Mike Antoline was also present. Others present included Dave Boyd, Steve Bainbridge, Mike Reschke, Brian & Diane Wright, Jim Jordan, Evelyn Lowe, Jerry Clark, Don Whitlow, Jerry Paradee, Susan Zindel and Rick Norsen.

McDaniel made the motion to approve the minutes of the March Regular Meeting, Maynard seconded. Council voting Yes: Maynard, Henry, Burgener, Ruot, Little and McDaniel. No: None.

Maynard made the motion to approve the Treasurer's Report, Burgener seconded. Council voting Yes: Maynard, Henry, Burgener, Ruot, Little and McDaniel. No: None.

Burgener made the motion to approve the Bills to be Paid in April with additions and corrections, Ruot seconded. Council voting Yes: Maynard, Henry, Burgener, Ruot, Little and McDaniel. No: None.

During Committee Reports Chief Maynard discussed a Notice to Abate that was sent to a property owner on Hermanson Dr. The owner was required to make his vehicle operable or store it inside and also remove building materials from the front yard. No compliance was observed within the time allowed by the Notice. Maynard followed up by issuing three ordinance violation fines, which the property owner responded to immediately by removing the car and building materials. After discussion Council was in agreement to reduce the fine to \$75.00 rather than \$225.00. McDaniel made the motion to reduce Hudson's fine to \$75.00, Henry seconded. Council voting Yes: Maynard, Henry, Burgener, Ruot, Little and McDaniel. No: None.

Community Development Director Kim Adamson reported being in talks with property owners about possible development and researching available grant programs such as the ITEP Streetscape grant. Council discussed the Façade Grant Program and was in agreement to revisit the issue at the July Regular Meeting. Adamson reported that to date approximately \$5,300.00 has been donated towards fireworks. After discussion Ruot made the motion to pay the difference to Central States Fireworks, not to exceed \$10,000.00 for the 2012 fireworks display,

Burgener seconded. Council voting Yes: Maynard, Henry, Burgener, Ruot, Little and McDaniel. No: None.

Attorney Mike Antoline presented an updated Inoperable Vehicle Ordinance #04/10/2012-1. The updated ordinance increases the minimum ordinance violation fine for inoperable vehicles from \$50.00 to \$75.00 and redefines "inoperable vehicle". Ruot made the motion to approve Inoperable Ordinance #04/10/2012-1, McDaniel seconded. Council voting Yes: Maynard, Henry, Burgener, Ruot, Little and McDaniel. No: None.

In New Business Mayor Tolly called on Steve Bainbridge of BGM Engineering to discuss the MFT Budget Resolution. Bainbridge explained in detail what projects are planned for this season. After discussion Ruot made the motion to approve the MFT Budget Resolution, Burgener seconded. Council voting Yes: Maynard, Henry, Burgener, Ruot, Little and McDaniel. No: None.

Next in New Business Bainbridge presented the final bill for Curry Construction. The bill in the amount of \$10,025.50 is for work done in relation to CDAP Grant #09-242014. The scope of work done was to rehabilitate lift stations located at Pine Street and Railroad Avenue and is now complete. The Village of Moweaqua will have met its obligation to pay out 25{d3bb7c3d20bb2c333f8bbb4cc4dee311415bccd1d2e8a98d1fef6c9530e85137} in accordance with the terms of the grant after this installment is paid to Curry Construction. Grant #09-242014 will then be closed. McDaniel made the motion to approve the final payment of \$10,025.50 to Curry Construction in regards to the Hight Dr. and Railroad Ave. lift station rehab from account 51.42.838, Little seconded. Council voting Yes: Maynard, Henry, Burgener, Ruot, Little and McDaniel. No: None.

Mayor Tolly presented a revised proposal from Sandy Earp of D & S Farm which includes work to be done around both "Welcome" signs as well as the downtown pots. The total for the 2012 growing season is \$2,505.00. Little made the motion to approve the proposal of \$2,505.00 from D & S Farm for the 2012 growing season, McDaniel seconded. Council voting Yes: Maynard, Henry, Burgener, Ruot, Little and McDaniel. No: None.

Zoning Administrator Boomer Neece stated that a zoning variance was applied for by Jerry Paradee requesting permission to construct a garage addition 21 feet from the South property line rather than 25 feet and 2 feet from the East property line rather than 10 feet on property located at 907 Warren. Neece reported that

there were no adverse parties and the Zoning and Planning Commission voted unanimously to grant the variance. Maynard made the motion to accept the Zoning and Planning Commission's recommendation to grant the variance, Little seconded. Council voting Yes: Maynard, Henry, Burgener, Ruot, Little and McDaniel. No: None.

Neece stated that Robert Curry also applied for a variance, which included seven items regarding the Heritage Woods Subdivision. After lengthy deliberation the Zoning and Planning Commission approved four of the seven items and denied three. After a brief discussion Maynard made the motion to deny granting a variance to Robert Curry for the Heritage Woods Subdivision, Henry seconded. Council voting Yes: Maynard, Henry, Burgener, Ruot, Little and McDaniel. No: None.

Mayor Tolly called on Street and Alley Superintendent Ramiro Estrada to discuss sidewalk bids. Estrada requested permission to advertise for sidewalk bids. Estrada explained that there are approximately 1,000 feet of sidewalk to be done this season and \$30,000.00 has been budgeted. Ruot made the motion to approve Estrada advertising for sidewalk bids, McDaniel seconded. Council voting Yes: Maynard, Henry, Burgener, Ruot, Little and McDaniel. No: None.

Mayor Tolly called on Chief Maynard to discuss the curfew fee. Maynard requested approval to increase the curfew fee from \$75.00 to \$150.00. Maynard feels this would be more of a deterrent for parents who might otherwise let their children be out later. Ruot made the motion to increase the curfew fee from \$75.00 to \$150.00, Burgener seconded. Council voting Yes: Maynard, Henry, Burgener, Ruot, Little and McDaniel. No: None.

Chief Maynard requested approval to enter into a three-year contract with Frontier for a static line to be included with our existing internet. The monthly fee would increase only slightly from \$59.95 to \$59.99 and there would be no installment charge. The static line is needed for security purposes. Burgener made the motion to approve entering a three-year contract with Frontier to have a static line included in our current internet service, Henry seconded. Council voting Yes: Maynard, Henry, Burgener, Ruot, Little and McDaniel. No: None.

Village Clerk Mischelle Davis presented the IMLRMA second installment premium notice of \$24,426.02 for approval. Ruot made the motion to approve payment of the IMLRMA second installment in this fiscal year, Little seconded. Council voting Yes: Maynard, Henry, Burgener, Ruot, Little and McDaniel. No: None.

Mayor Tolly stated that the Year End Annual Meeting will be held on April 30, 2012 at 6:30.

Mayor Tolly allowed Rick Norsen a moment to ask questions about the Robert Curry variance that was previously denied. Norsen asked for clarification about the denial of the variance request. Mayor Tolly explained that Council has decided not to grant the variance. Mayor Tolly stated that the Heritage Woods project may not be in the best interest of the Village of Moweaqua at this time. Norsen questioned what made Council decided against the project. Burgener explained that Council was not in favor of the particular way in which the sale and purchase of a unit would be conducted. Norsen stated that he had only presented options. Burgener stated that he did not understand the conversation that way and Council members agreed. Norsen stated that he has been misunderstood.

Attorney Antoline stated that the Village Council should never make a decision based on the threat of litigation. Antoline explained that it is extremely difficult to sue the Village based on a discretionary decision. When a business enterprise comes to the Village for approval of TIF incentives it is the Village Council's responsibility to use good judgement to determine the financial viability of the enterprise because the Village is essentially contributing tax dollars to the project. It is not in the best interest of the Village to contribute tax dollars to a non-viable enterprise.

Mayor Tolly requested a motion to adjourn if there was no further business to come before Council. Burgener made the motion to adjourn, Maynard seconded. Council voting Yes: Maynard, Henry, Burgener, Ruot, Little and McDaniel. No: None.