

7:30 p.m. The regular meeting of the Village Board of Trustees was called to order by Mayor Behnken. A roll call was answered aye by Trustees Wilson, Geppert, Feder, Newbold, Politsch, and Hamon. Also present were Chris Remick, Superintendent of Public Works, Leo Simburger, Chief of Police, and Kevin Kubitschek, Village Attorney.

VISITORS

Richard Klein, Jake Swiney, Jeremy Dietzel, Matt Ridlen, Blake Feder, Mark Schreder, and Wayne Heinecke were in attendance as visitors. The recent settlement between the village's liability insurance and Gene Triefenbach was discussed. Residents communicated their concern about future litigation. Jake Swiney stated that he would like to understand how we reached the point of settling when Mayor Behnken was warned. Mr. Swiney would like to know what leadership has learned from this experience. Matt Ridlen stated that due to concerns in leadership, he believes the only course of action is for Mayor Behnken to resign. Mr. Ridlen expressed concern about the village being named in the settlement. Richard Klein and Jeremy Dietzel shared similar concerns.

Mayor Behnken responded by summarizing the events that lead to the settlement. He stated that he was the founder, administrator, and moderator of the New Athens Concerned Citizens Facebook Page from September 2019 until April 2021. He blocked fifty people from the page for inappropriate and obscene language. Gene Triefenbach threatened a frivolous lawsuit after being blocked. The threat was turned over to the village's liability insurance. Insurance negotiated with Triefenbach to settle for \$30,000.00.

More discussion between visitors and the board regarding the probability of another suit took place. Village Attorney, Kevin Kubitschek stated that there was never a lawsuit. When a demand was made by Gene Triefenbach, it was turned over to the village's liability insurance. They hired council, who felt the claim was not valid. Due to the potential cost of litigation, the liability insurer decided to settle. Kubitschek stated the cost of litigation would be considerable whether the village won or lost. Mayor Behnken said he takes responsibility, as it is his job as the mayor. Trustee Newbold stated that the board is not culpable in any way. When questioned about the motives of leadership, Trustee Politsch replied that the board has only the best intentions for the well-being of the village.

EXECUTIVE SESSION

A motion was made by Trustee Politsch, seconded by Trustee Feder to enter Executive Session at 8:03 p.m. to discuss the settlement between the Village and Gene Triefenbach. A vote was answered aye by all members present.

A motion was made by Trustee Newbold, seconded by Trustee Wilson to exit Executive Session at 8:40 p.m. A vote was answered aye by all members present.

READING OF THE JOURNAL (MINUTES)

The minutes from the previous board meeting had been distributed prior to the meeting for approval.

A motion was made by Trustee Newbold, seconded by Trustee Politsch, to approve the board minutes as corrected. A vote was answered aye by all members present.

REPORTS AND COMMUNICATION

MAYOR

Mayor Behnken reported that the State of IL has increased their cap on video terminal fees. Trustee Newbold said the issue could be taken to committee or discussed immediately. Trustee Feder said he does not want to increase the fees right now. Trustee Newbold pointed out that with the recent increase in water, sewer, and trash, now is not the right time. Mayor Behnken reported that the current per terminal fee is \$25.00, proposing an increase to \$200.00. Trustees Feder, Newbold, and Geppert requested to revisit the issue in six months. Mayor Behnken stated that he is trying to stay solvent, citing a recent sewer collapse with a \$65,000.00 repair bid.

Mayor Behnken reports that in the Village vs. Smith case, Smith is holding onto the countersuit. Kevin Kubitschek stated that Smith is willing to settle for \$45,000.00 but will not drop the countersuit. The board did not agree to Smith's terms.

VILLAGE CLERK

Village Clerk Benwell requested approval for the purchase of a new computer for Superintendent Remick. Clerk Benwell reported that Superintendent Remick's current system is antiquated, and as verified by Computype, unable to receive critical security updates. The cost for the new computer system from Computype is \$849.00, including data transfer and set up. Trustee Feder made a motion, seconded by Trustee Newbold, to approve the purchase of the computer system from Computype.

Village Clerk Benwell confirmed the date of onsite LOCIS Training will be January 24, 2022.

TREASURER'S TIME

The Monthly Treasurer's Report was presented by Mayor Behnken. In November, the Village faced a \$7,000.00 deficit. Mayor Behnken reported that the Village's cash position stayed the same: \$1.758 million, up from \$1.53 million at the beginning of the year. The Village saw a \$195,000.00 surplus over the first seven months. Mayor Behnken reiterated that, historically, the Village loses money the last part of the year. He anticipates the same will occur this year. Variances can be attributed to rough edges on the budget. Operating variances are budget variances. Mayor Behnken is continuing to refine the wages and contracted services budget. He also reported that the property

tax budget was overstated. A Profit and Loss Statement by Fund was provided to the board for review. Mayor Behnken stated that the format of the report continues to be changed as the accounting system evolves.

A motion was made by Trustee Newbold, seconded by Trustee Geppert to approve the Treasurer's Report. A vote was answered aye by all members present.

POLICE CHIEF

Chief Simburger reported that he is working on a Criminal History Audit and the CJIS Audit concurrently. The audits are controlled by the FBI.

Officer Curtis Schwartzkopf has embarked on the interview process for a position at SIUE.

Chief Simburger obtained a quote for furniture for the Ambulance Service from Russell Furniture in Staunton. The cost for a sofa would be \$519.00. The bed and frame would be \$698.00.

SUPERINTENDENT OF PUBLIC WORKS AND BUILDINGS

Superintendent Remick reported that the Annual MFT Resolution had been finalized with the assistance of Clerk Benwell. Resolution No. 2021-09: Resolution for Maintenance Under the Illinois Highway Code was presented, estimating the annual operating cost to be \$85,000.00. A motion was made by Trustee Politsch, seconded by Trustee Geppert to approve Resolution No. 2021-09. A roll call vote was answered aye by all members present.

AMBULANCE SERVICE DIRECTOR

Director Greene was not present.

REPORT OF STANDING COMMITTEES

STREETS AND ALLEYS

Superintendent Remick reported that following a waterline repair, the cost to replace decorative epoxy at 2808 Scenic Lake Drive would be \$3,000.00. The board stated that decorative materials are not considered for replacement under standard restoration of property measures where the Village has an easement. The owner would have to pay for the decorative rock.

FINANCE AND AUDIT

Nothing to report.

WATER AND SEWER

Nothing to report.

PERSONNEL, PUBLIC SAFETY/ADA

A negotiated fee of \$15.00 was obtained by Clerk Benwell to open each employee's HSA Account through Bank of Belleville. A motion was made by Trustee Politsch, seconded by Trustee Newbold, to approve the Village paying the administrative HSA fee for participating employees. A vote was answered aye by all members present.

PUBLIC PROPERTY AND PARKS

Nothing to report.

CEMETERY

Trustee Newbold reached out to Weiss Monument. Nancy Ritter is going to have Steve Ritter call.

IMPROVEMENTS AND GRANTS

Trustee Politsch presented Resolution No. 2021-10: Resolution for Applying to State of Illinois for Rebuild Downtowns & Main Streets Capital Grant. The Village commitment would be \$25,000.00. Trustee Politsch made the motion, seconded by Trustee Feder, to proceed with the grant application and matching funds commitment. A roll call vote was answered aye by all members present.

Trustee Politsch reported the Lions club planted three trees at Okaw Valley Park. Playground improvements look very nice. Clerk Benwell will be sending a letter of thanks to the Lions Club.

Mayor Behnken noted that Trustee Politsch has been doing an excellent job with the grant, citing her commitment to soliciting letters of support from the community at many levels.

ORDINANCES

Nothing to report.

REPORT OF SPECIAL COMMITTEES

Nothing to report.

COMMUNICATIONS, PETITIONS, RESOLUTIONS, ORDERS AND ORDINANCES

Nothing to report.

UNFINISHED BUSINESS

Public Property

Marina

- 1.) Chief Simburger reported the remaining boat would not be able to be moved, as the river is too low. The owner stated he would be using his

- friend's trailer to move the boat.
- 2.) Structure is currently being rebuilt. Electrical outlets need renovation.
 - 3.) Corps of Engineers, Travis Little and KRPD manager all indicate a permit to have a barge or boat on the main channel would be denied because the Corps needs to maintain a 225ft navigation channel. Stan Sirtak does not want to have any concerts until the old river house and boat slip are gone. His concern is a dock on one side of the structure. The dock was moved to the other side, but the underwater supports are still there. Tiger Dock came down and inspected the premise. A committee meeting is needed at the Marina for the Marina project.

Streets & Alleys

- 1.) Sewer Cleanout Project- Eight blocks completed as of 10/04/21. Eighteen blocks completed as of 11/01/21. Superintendent Remick will do more starting 12/21/21, as temperatures must be above freezing.
- 2.) Two quotes on the storm sewer collapse on 108 North Market were obtained. The repair will not be covered by insurance. The \$65,000.00 estimate would complete the whole run Market to Johnson, while the \$55,000.00 estimate would only be Market to the alley. Part of the cost is just the setup fees. Mayor Behnken recommended obtaining another bid and reaching out to Tim Pruett. John Feder offered to obtain additional bids, conduct independent research, and potentially donate materials and services.

Grants & Improvements

None.

Other

- 1.) Trustee Newbold and Trustee Feder will arrange a meeting with the owner of the laundromat to discuss the ReBuild IL grant.

Other Plans and Issues

Marina

- 1.) Plans for the River House
- 2.) Plans for Boat Slip

Business Development

- 1.) Billy Cumberland (Steamboat Building) is not going to proceed until next Spring due to Covid-19 concerns. He is planning on six employees.
- 2.) We received an inquiry regarding Wade Boat Dealer building. There is interest in putting an RV Repair Facility in the building. Nothing will proceed until after May 2022.

Other

- 1.) Collection on Marina rent judgement. Discovery of assets petition filed 10/22/2021 with St. Clair County Clerk. Citation to discover assets set for 12/06/21.
- 2.) Village of New Athens v. Napier Citizens Bank; included as defendant because they have a mortgage on the property. They advised us they are not going to appear and realize their lien will be extinguished.
- 3.) Employees request to buy service time credits with IMRF. Mayor Behnken sent cost worksheet to IMRF for review. Clerk Benwell submitted employee credit worksheets to IMRF.
- 4.) Mayor Behnken is working with Soulshyne Solar on feasibility of solar generation of electricity and sell back to Ameren. Mayor Behnken and Trustee Newbold had a meeting, waiting for written proposal. Chris met with Soulshyne Representative at sewer plant.

Streets and Alleys

- 1.) Trustee Geppert and Trustee Politsch submitted a list to Superintendent Remick of fifty locations whereby sidewalks need repair.

Motion to Adjourn

There being no further business, a motion was made by Trustee Newbold, seconded by Trustee Feder, to adjourn the meeting at 9:43 p.m. A vote was answered aye by all members present.

Amy Benwell, Village Clerk
Joe Behnken, Village President