

## ***JULY 20, 2020 VILLAGE OF NEW ATHENS 905 SPOTSYLVANIA PAGE 1***

7:30 p.m. The regular board meeting of the Village Board of Trustees was called to order by Mayor Klein. A roll call was answered aye by Geppert, Wilson, Newbold, Hamon, Ruhmann and Boden in person. Sandy Stolte, Tyler Liefer, Attorney Dennis and Chief Simburger was present in person.

The board reviewed the minutes from the July 6, 2020 board meeting.

A motion was made by Boden; seconded by Newbold, to approve the board minutes as presented. A vote was answered aye by Wilson, Newbold, Boden, Hamon, Ruhmann and Geppert.

### **VISITORS**

Mark Schreder, Debby Politsch and Kyle Wetzel were present via telephone conference call.

### **FINANCE & AUDIT**

Nothing to report at this time.

### **WATER & SEWER**

Tyler Liefer reported the Village is currently doing a free burn in the water system and some may notice chlorine smell or taste.

### **STREETS & ALLEYS**

Tyler Liefer noted road oiling is scheduled for August 11<sup>th</sup>. Trustee Newbold said most of the side roads are not too bad and asked if it was possible to cherry pick or delay the road oiling pending on the outcome of the Spotsylvania Street grant. Tyler stated everything is ordered and work has already been done on some of the streets to be oiled, for example Johnson Street had been built up and leveled out in preparation to be oiled. Tyler said plan B for Spotsylvania Street is the STU grant in three years, which would be applied for this fall. Tyler said the reason we switched from slag to limestone is the price and slag is hard to get.

### **CEMETERY**

Trustee Newbold said the cemetery looked really nice.

### **PUBLIC PROPERTY & PARK**

Trustee Newbold said he received a sketch from the pharmacist and will meet with Tyler Liefer to discuss. Updated leases have been sent out to the chiropractor and dentist.

### **PUBLIC SAFETY & ADA**

Trustee Geppert asked for executive session at the end of the meeting.

### **POLICE**

Chief Simburger stated he started the process of getting digital tickets through the county.

### **PERSONNEL**

Nothing new to report.

**IMPROVEMENTS & GRANTS**

Nothing to report at this time.

**ORDINANCE REVIEW**

Tyler Liefer noted the planning commission met July 13<sup>th</sup> to discuss changing the rear set back line from 25 feet to 5 feet. It was discussed and agreed on to change the rear set back line to 15 feet on properties without an alley and 5 feet with properties with an alley in all zoning districts except for commercial and manufacturing/industrial. The planning commission members present all voted in favor of the change and recommended the board pass Ordinance 2020-04 amending the rear set back lines.

A motion was made by Ruhmann; seconded by Geppert, to approve Ordinance 2020-04 amending the rear set back lines to 5 feet with an alley and 15 feet without an alley in zoning districts "SR1", "SR2", "SR3", "SR4", "MR", "A1", "A2" and "B". A vote was answered aye by Wilson, Newbold, Boden, Hamon, Ruhmann and Geppert.

**TREASURERS TIME**

Sandy Stolte handed out the monthly treasurer's report for June prior to the meeting.

A motion was made by Hamon; seconded by Boden, to approve the treasurer's report as presented. A vote was answered aye by Wilson, Newbold, Boden, Ruhmann Hamon and Geppert.

**CLERKS TIME**

Michelle Neff asked for executive session at the end of the meeting.

**MAYOR's TIME**

Mayor Klein said he had been in contact with the health department was told the planned COVID test next week is cancelled for New Athens, there are not enough tests, but Freeburg is still having theirs and anyone can go get tested if they choose to.

**OTHER BUSINESS**

Attorney Dennis reported he filed to take possession on the three lots in town about 45 days ago, nobody has answered them. We did get a quick claim deed on one of the lots. Motions will be made next week to default, so the judge can end the outstanding property taxes.

Andrew Green arrived at 7:47 p.m.

Attorney Dennis reported the next Marina court date is July 30<sup>th</sup>. Per the lease we can double the rent if they are in default which would be \$148,000 plus the right to collect attorney fees. We have the potential to get a verdict of about \$160,000, but Attorney Dennis didn't think the judge would double the rent. Do we want to be in possession of the property while Smitty can still appeal? If appealing Smitty would have to post a bond of about \$120,000, which is set by the court. If he files an appeal it could be another 1 ½ years of court.

Trustee Newbold said he was told a person can walk from the boat ramp to the middle of the channel due to silting. Tyler Liefer said that is the Corp. of Engineers responsibility and asked all the board members to call the corp. and congressmen.

**JULY 20, 2020 VILLAGE OF NEW ATHENS 905 SPOTSYLVANIA PAGE 3**

Attorney Dennis stated part of the land Wetzel's is interested in is not in the industrial park and would have to be published and put out for general bids. The lot the rock pile is on is in the industrial park which Attorney Dennis said the board already voted on to transfer the lot to Wetzel's. Trustee Wilson said that didn't pass, was to have a 3/4 vote. Trustee Wilson ask about what is happening to the lots Heinicke is interested in. Attorney Dennis is unaware of the lots Heinicke is interested in.

A motion was made by Geppert: seconded by Boden to enter executive session at 8:00 p.m. for litigation with Andrew Green and Attorney Dennis present. A vote was answered aye by Wilson, Newbold, Boden, Hamon, Ruhmann and Geppert.

A motion was made by Hamon: seconded by Boden to return to regular session at 8:20 p.m. A vote was answered aye by Wilson, Newbold, Boden, Hamon, Ruhmann and Geppert.

A motion was made by Hamon: seconded by Boden to enter executive session at 8:20 p.m. for litigation with Attorney Dennis present. A vote was answered aye by Wilson, Newbold, Boden, Hamon, Ruhmann and Geppert.

A motion was made by Boden: seconded by Hamon to return to regular session at 8:23 p.m. A vote was answered aye by Wilson, Newbold, Boden, Hamon, Ruhmann and Geppert.

There being no further business the meeting adjourned at 8:23 p.m.

Michelle Neff  
Village Clerk

Richard Klein  
Village President