

**AUGUST 17, 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, Attorney Dennis and Chief Simburger were present in person. Andrew Green was present via telephone conference call.

The board reviewed the minutes from the August 3, 2020 board meeting.

A motion was made by Newbold; seconded by Geppert, to approve the August 3, 2020 board minutes as presented. A vote was answered aye by Wilson, Newbold, Hamon, Ruhmann and Geppert. Boden voted present.

**VISITORS**

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

Jeff Wetzel made a comment that he seen on the internet Facebook site the tax increase was due to the TIF. Mayor Klein said the tax increase was not due to the TIF.

Kyle Wetzel asked the status on the property by their shop. Attorney Dennis said it will be discussed in executive session at the end of the meeting. Attorney Dennis said per state statue it requires  $\frac{3}{4}$  vote to pass which is 5 votes. Attorney Dennis said it's going to be done right this time, we are not going to rush through it.

**FINANCE & AUDIT**

The audit committee met and reviewed the yearly audit with Bryan Otten and Garret Hay of Scheffel Boyle prior to the board meeting.

A motion was made by Geppert; seconded by Ruhmann, to accept the audit committee recommendation and approve the yearly audit as presented. A vote was answered aye by Wilson, Newbold, Hamon, Ruhmann, Boden and Geppert.

**WATER & SEWER**

Nothing new to report.

**STREETS & ALLEYS**

Mayor Klein reported road oiling is tomorrow, August 18<sup>th</sup> and the following flaggers need to be hired for day labor: Bob Main, Gary Vasquez, Ira Renshaw and Chris Birkner.

A motion was made by Boden; seconded by Ruhmann, to hire Bob Main, Gary Vasquez, Ira Renshaw and Chris Birkner as road oiling flaggers August 18<sup>th</sup>. A vote was answered aye by Wilson, Newbold, Hamon, Ruhmann, Boden and Geppert.

**CEMETERY**

Nothing new to report.

**PUBLIC PROPERTY & PARK**

Mayor Klein asked for executive session at the end of the meeting to discuss property and contracts.

**PUBLIC SAFETY & ADA**

Nothing new to report.

**POLICE**

Mayor Klein reported Chief Simburger had to escort Mr. Smith off the marina property one day last week and told them to contact their attorney, they are not allowed on the property.

**PERSONNEL**

Nothing new to report.

**IMPROVEMENTS & GRANTS**

Nothing new to report.

**ORDINANCE REVIEW**

Nothing new to report.

**TREASURERS TIME**

Sandy Stolte previously gave the board July treasurers report to review.

A motion was made by Newbold; seconded by Boden, to accept the July treasurers report as presented. A vote was answered aye by Wilson, Newbold, Hamon, Ruhmann, Boden and Geppert.

**CLERKS TIME**

Nothing new to report.

**MAYOR'S TIME**

Mayor Klein thanked Attorney Dennis for all his hard work and long hours on the marina case.

Mayor Klein said there was an emergency mayor meeting with the county today for COVID. The Governor has changed things for the restaurants and bars. Mayor Klein contacted all the restaurants and bars with the change. The changes are also on our website and start tomorrow.

**OTHER BUSINESS**

Michelle Neff noted approval is needed for the Westmore reimbursement of 75% for the 2019 TIF eligible real estate taxes equaling to \$13,547.34. This is year eight of reimbursements.

A motion was made by Boden; seconded by Hamon, to approve the reimbursement of \$13,547.34 to Westmore Equities for eligible TIF expenses. A vote was answered aye by Wilson, Newbold, Hamon, Ruhmann, Boden and Geppert.

Attorney Dennis said the board had a copy of the order that was entered by the judge on the marina case. The judge gave us summary judgement on all issues. Still outstanding is the Smiths counter claim. Judgement was for \$148,680 for all unpaid rent back to the beginning and double unpaid rent for all the days after the date we originally gave them notice. Interest runs the date it was enter at 9%. Attorney Dennis said their next step, if they are going to fight us is to appeal it. They have 30 days from the date of the order to file a notice of appeal. Attorney Dennis doesn't think they will get it overturned on appeal. If they file for appeal, and stay the proceedings, so we can't come after the \$148,000, they must file a bond and have it approved by the court. The bond would normally be about 1 ½ times the judgement. Attorney Dennis said he spoke with the Smiths attorney and they still want

**AUGUST 17, 2020 VILLAGE OF NEW ATHENS 905 SPOTSYLVANIA PAGE 3**

to get the restaurant barge but could not because the river was so low. Attorney Dennis said they had such amount of time to get it out of there and if they want it after that they are to call Attorney Dennis and he will discuss with the board. Within the next two weeks we will know what Mr. Smith is going to do.

Attorney Dennis reported on the abandoned houses; we must wait 30 days before we get possession of them and that is set within the next week or so. Attorney Dennis wants the court order to eliminate all unpaid taxes before moving forward with them.

A motion was made by Boden: seconded by Hamon to enter executive session at 8:03 p.m. for contracts with Attorney Dennis present. A vote was answered aye by Wilson, Newbold, Boden, Hamon, Ruhmann and Geppert.

A motion was made by Geppert: seconded by Hamon to return to regular session at 8:35 p.m. A vote was answered aye by Wilson, Newbold, Boden, Hamon, Ruhmann and Geppert.

There being no further business the meeting adjourned at 8:35 p.m.

Michelle Neff  
Village Clerk

Richard Klein  
Village President