

***Village of Bellevue
Regular Session
September 26, 2023***

OFFICIAL MINUTES

I. CALL TO ORDER

The Village of Bellevue Mayor called the Village of Bellevue meeting to order at the Village Hall. He indicated that an audio tape recording was made of all discussions during the Regular Session.

The Meeting was called to order at 6:00 p.m.

II. ROLL CALL

Mayor Merriman asked for Roll Call Attendance to be taken by Mrs. Pesch.

Present: Mayor Dean Merriman, Trustee Aaron Lannert, Trustee Sandra Cooper, Trustee Paul Eichhorn, Trustee Judith Wight, Trustee Leroy Wiseman, Trustee Ross Pesch

Absent:

Also in Attendance: Attorney Lane Alster; Steve Wilson, Village Maintenance; Matthew Raible, Village Zoning Officer; Theresa Johanson, Village Treasurer; Susan Pesch, Village Clerk; Tim Menefee, Village Business Owner, Janet Varnes, Village Resident; Julie Hislope, Village Resident, Danielle Mullens, Village Resident

III. ACTION ITEMS

- A.** Trustee Pesch moved to approve the Regular Session Minutes and Executive Session Minutes held on September 12, 2023. Trustee Wight seconded the motion.

Voice Vote: All Ayes
Motion Passed

- B.** Trustee Lannert moved to approve the Bills for September 26, 2023. Trustee Wight seconded the motion.

Roll Call Vote: Ayes: 6
Nays: 0
Motion Passed

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IV. PRESENTATION FROM THE AUDIENCE

***All public comments are limited to 3 minutes per person**

Mayor Merriman thanked the visitors in attendance and gave them an opportunity to address the Village.

Mrs. Hislope stated that she was present to represent herself if something was to come up during the meeting.

V. NON-AGENDA BUSINESS BY BOARD MEMBERS AND VILLAGE EMPLOYEES

Mayor Merriman asked if there was any non-agenda business to be brought before the Board from either Village Trustees or the Village Employees.

Mr. Wilson informed Board members that the owner of the old Tingleff Pharmacy wants to place 20 storage units behind the building. He explained that it would need Board approval. Mayor Merriman asked Board members if they were fine with it. He explained that the pods were approximately 8 x 10. The storage pods would be out of sight. Mayor Merriman stated that they could proceed with the additional storage units.

Mr. Wilson stated that someone had purchased Shar Inn. The Village needs to send out a letter. Attorney Alster stated that a letter would be sent to the address.

Mr. Wilson inquired about the process of finding out if an individual has a license to do business with boat repair. Attorney Alster said that they could check with the State of Illinois. Mr. Wilson stated that it was for boat repair. If so, they should be paying sales tax, if they are generating revenue. It is an outside storage facility running a business. Mr. Wilson explained that there are several boats at the storage units. Attorney Alster stated that it might be an ordinance violation. They could check with Peoria County to see if a business has been registered. Mr. Wilson told Attorney Alster that he has the name of the individual. Trustee Lannert stated that he has seen advertisement for the business on Facebook. He would check into it as well.

Mr. Wilson informed the Board members that he previously discussed marijuana sales with the Board. It has become quite a discussion among residents. He asked Board members if they would be better off putting together a list of possible future sights instead of waiting until the last minute. The Village should get their ducks in a row. The Village should be proactive with zoning and ordinance changes in regards to a future dispensary. The Board needs to discuss the location. Attorney Alster commented that the State of Illinois has restrictions. It would need to be commercially zoned and far enough away from the school. Mr. Wilson stated that TIF 2 would be questionable because of the residential areas.

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Trustee Cooper asked about the brush that needs to be trimmed on Closen and Bellevue Ave. Mr. Wilson stated that the property was surveyed today. It is on private property. Mayor Merriman and Mr. Wilson stated that they would take care of it.

Trustee Cooper inquired about why residents cannot have carports in the Village. Mayor Merriman stated that the Board created the ordinance 7 or 8 years ago. They were popping up all over the place without permits. Carports were not being built properly. The Village Board, at the time, discussed doing away with them. Trustee Cooper stated that people would like to have them. It is not a liability. Mayor Merriman explained that individuals were placing a roof on them from the snow. They were getting damaged from being light weight. People were not repairing them. It became an issue with individuals modifying their carports as well. As a result, the ordinance was created to avoid all of the zoning issues that were becoming expensive for the Village.

Trustee Cooper stated that there was a rumor that Mayor Merriman was thinking about resigning. Mayor Merriman stated that it could happen and has a lot going on. Trustee Cooper said that she understands.

Trustee Wight asked if individuals can run a business out of a rented home. Attorney Alster stated that it depends on the type of business. It is a general rule that you cannot run a business out of the resident. He stated that you can have a business home office. Trustee Wight said that the renter parks his truck out in the front yard. Mayor Merriman stated that vehicles are not to be parked in the yards. Trustee Wight explained that she told him that he could not park in the yard. He responded to her that he pays taxes. Mayor Merriman explained that he does not pay taxes because he does not own the home. A lady in West Peoria owns the property.

Trustee Wight stated that a home two doors down from her has a car in the back and grass issue. The grass is terrible. Mr. Raible responded that he would talk with the resident.

Attorney Alster informed the Board members that Ric Krupps met with people last week in Hamptons Crossing in regards to a special service area. Mayor Merriman stated that he was at the meeting. People do not want the HOA. They are not interested in helping the homeowner and want to look the other way. Attorney Alster informed Board members that he spoke with Hislope's Attorney about the complaint and court. They discussed a special service area. Everyone in the subdivision, including the Villas, benefits in some way from the retention areas. The way a special service area would work, the Village creates an ordinance just like they levy taxes for general appropriations. They would levy a tax related to maintaining the retention ponds and fix them. Included would be all of the fees that go into it. The County Clerk adds a line item on the tax bill. Most likely it would be \$1,000 added per household.

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Trustee Pesch asked why the Village would levy this tax if ARPA funds are still available. There is not an issue to create it for maintenance moving forward. The ARPA funds were given initially for storm water. Trustee Pesch explained that he was not on the Board at the time. However, the Village Board discussed during a past meeting to use the ARPA funds for this purpose. Why does the Village need to recoup these funds if they still currently have money for this one-time issue. Attorney Alster responded that it is a question for the Board. The Board can vote to do whatever they want. The Village does not own the property. They can use the money for that purpose. The issue with the Board was using money for a purpose that they did not feel it was their obligation to deal with. If the Village takes ownership of the properties, they could use the money. The money can be also used for other things. The Village could do a special service area. We could do a lot of things. Prior to this meeting, it was the idea that the Board did not want to use ARPA funds unless the neighborhood formed the association and agreed to take on the continued care. Mayor Merriman stated that the residents are not going to create the HOA or drainage area association. It will be something that needs to be on their tax bill. They will be responsible for paying it. Trustee Pesch stated that if you went around this table and were told that each person was owing \$1,500, it would be an issue. Mayor Merriman stated that people would come unglued. Trustee Pesch said that the Village has known about this issue. Mrs. Pesch responded that the subdivision has been around for 20 years without the HOA. The Village has been aware that the HOA was not formed. Attorney Alster stated that the moment the subdivision was created, it was a subdivision obligation to form the HOA. It is clear from the restricted covenant. The HOA was to maintain the retention ponds. The only reason the Village is involved in any way is because it was never maintained. It is not anyone's fault at this table or anyone's fault that lives in the subdivision. It is the fault of Ric Krupps. It was not the Village of Bellevue's responsibility to make sure that the HOA was formed. Discovery of the issue was because the retention ponds were not maintained. Under the EPA standards, it was discovered. Mrs. Pesch asked Mrs. Hislope how long she was aware of the retention pond issue. Mrs. Hislope commented that she has known about it for 5 years. Attorney Alster asked Board members if they started discussing it 5 years ago. Mrs. Hislope stated that she had been at the residence for 1 year when the Village approached her. She was unaware that the retention pond was at the back of her property. Originally it was not listed on the plat as a retention pond. Attorney Alster said that it is not in the restricted covenant. It is listed on the plat. Mrs. Hislope stated that it is listed now, but not originally. This was the reason that it came up for back taxes. Attorney Alster stated that those properties were owned by the developer and maintained by the developer until the homeowners were to form the HOA. The developer failed to follow through with the formation of the HOA. Mrs. Hislope stated that she is currently not taxed on the retention pond property. Board members discussed the other retention pond. Peoria County will not sell it. Mrs. Varnes commented that she was at the very corrosive meeting last week. She and her husband are more level headed members of the neighborhood. She stated that a comment was made about the possibility of a special assessment for the purpose to have the funds and remedy the situation moving forward. Mayor Merriman responded that the information was correct.

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Mrs. Varnes said that the comment was made that it would be appropriated on the basis of home values. She stated that it is not something that she and her husband support. People that have higher value homes in the neighborhood do not contribute to the problem any more than anyone else. Attorney Alster commented that the Village makes that decision when they form the ordinance and takes account of these circumstances. The benefit of the retention pond has nothing to do with the value of the house. Mr. Wilson asked if it would be a one-time assessment or spread out. Attorney Alster stated there is a lot of flexibility. It could be spread out over 5 years, 10 years or 2 years in terms of recouping the cost. They do not know the exact cost. The Village would form and approve the special service area, do the work, and levy the taxes. In this circumstance, the Village might fund the project with general funds instead of bonds. Mrs. Varnes asked where the \$1,000 assessment per homeowner comes from and what it is based on. This number has been floated around. Attorney Alster stated that it would be per lot and based on what Steve believes it would cost for the Village to do the work. Trustee Pesch stated that Mr. Wilson had previously spoke with a company that could do the work. At one point, it was stated that the quote was \$100,000 to do the work. Mr. Wilson responded that it was \$140,000-\$160,000. Trustee Pesch said that this cost was for one retention pond only. There are two retention ponds in that neighborhood. Mr. Wilson explained, as he has stated before, it would be roughly \$60,000-\$70,000 if the Village did the work. The biggest part of the job is getting the rock there. He does not think that Mrs. Hislope wants her yard torn up for the work. No one wants to help and have their yard torn up. Trustee Pesch said there is confusion with individuals that feel it is only a retention pond issue. There are issues with the spillway and damage outside of the retention ponds. It is washing away some of the backyards. This has to be fixed and is the biggest cost. Mr. Wilson agreed with the comment. Mr. Wilson said that a pipe is down there and separating. The more time that goes by, the bigger the issue. It adds to the cost. Attorney Alster commented that there are multiple solutions. The Board needs to decide which option to take. They could use ARPA funds or create a special service area. Attorney Alster said that the work cannot be done until spring. A special service area would be most effective. Mr. Wilson asked Mrs. Johanson how much ARPA funds are currently available. Mrs. Johanson responded that the Village has \$100,000 in ARPA funds. Mayor Merriman asked Attorney Alster if the Village could form a waste water district for the Village. The Village has spent a lot of money to control storm water issues within the Village of Bellevue over the last 2 years to be in compliance with the EPA. Attorney Alster said that a special storm water district, if formed, would have to tax and levy money. It could be a separate line item. The Village would need to levy money to pay for these things. Board members discussed finding a solution moving forward. Mr. Wilson stated that it needs to be resolved.

Mrs. Mullens inquired about the use of the bathroom for the Food Pantry. Mayor Merriman said that the Pastor agreed to the lease. Trustee Pesch stated that the Pastor needs to come to the Board to discuss anything related to the Food Pantry. Mr. Wilson commented that the Village will not allow the public to just walk in and use the bathroom. The Food Pantry is separate from the Village. Shane is aware of this. Mayor Merriman stated that he was going to resign as of 7:30 p.m. that evening.

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Mayor Merriman explained that he has done a lot of work in the Village. The Board is not as cohesive. He apologized to Mr. Wilson and stated that both he and Mr. Wilson have accomplished a lot. Mr. Wilson informed the Board members that Mayor Merriman is feeling this way because of the conflict with the Food Pantry. Trustee Wight commented that the Pastor does not communicate with her. Trustee Lannert stated that anything related to the Food Pantry needs to be discussed between the Mayor and Pastor Shane. It is not up for discussion during a Village Board meeting. Mayor Merriman stated that he would table the resignation until the next meeting. The situation at the Hamptons needs to be resolved, including other issues.

VI. ACTION ITEMS

- A.** Trustee Lannert moved to approve the Resolution Approving Mutual Release and Settlement Agreement. Trustee Pesch seconded the motion.

Roll Call Vote: Ayes: 6
Nays: 0
Motion Passed

VII. INFORMATION/DISCUSSION ITEMS

- A.** Discussion of Ordinance to Amend Ordinance for Rules and Procedures of the Village of Bellevue Regular Board Meeting-Mayor Merriman informed the Board members that the Board needed to change a few things with time limits during big crowds. It would be 3 minutes per person or 15 minutes per topic. Changes would be put in writing. Trustee Lannert stated that the Board should not tolerate obscenities. He asked Attorney Alster if the Board could ask the individual to leave. Attorney Alster said that the officer could escort the individual out. The Board cannot eliminate someone from access to a meeting. Language and rules would be included in the old ordinance. Trustee Pesch stated that other municipalities give fines if there is swearing at the officials during a meeting. Attorney Alster said that disorderly conduct is considered disturbing the peace and the individual can be issued a ticket. The ordinance would be revised. Board members can vote to adopt the ordinance.
- B.** Next Village of Bellevue Meeting - October 10, 2023

VIII. ADJOURNMENT

Mayor Merriman asked for a motion to adjourn. Trustee Cooper made a motion to adjourn the meeting. Trustee Lannert seconded the motion.

Voice Vote: All Ayes
Motion Passed
MEETING ADJOURNED AT 7:09 p.m.