

VILLAGE OF BELLEVUE
320 Main Street
Bellevue, IL 61604
Meeting of Village Board
October 24, 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; Matt Harris, Village Resident

III. ACTION ITEMS

- A.** Trustee Wight moved to approve the Regular Session Minutes held on October 10, 2023. Trustee Eichhorn seconded the motion.

Voice Vote: All Ayes
Motion Passed

- B.** Trustee Wiseman moved to approve the Bills for October 24, 2023. Trustee Eichhorn seconded the motion.

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

IV. PRESENTATION FROM THE AUDIENCE

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

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Mr. Harris informed the Board members that he lives in the Hamptons Crossing subdivision. He stated being aware that the drainage issues have been brought up a lot and was present to see if there is a potential solution moving forward. The HOA was proposed. There does not seem to be much of an appetite for the HOA in the neighborhood. Mr. Harris stated that he wanted to throw out a proposal for the Board's consideration and a solution moving forward. According to the last Board meeting, there is still ARPA funds of around \$100,000. Attorney Alster stated that he was not sure if it is available. The funds could be appropriated for other things, but the money is still there. Mr. Harris asked if it was allocated for other projects. Attorney Alster responded that the Village has several other projects and the money has been earmarked. Mr. Harris asked if there was a ballpark of an allocated amount. Mr. Wilson responded that Bellevue has other drainage issues. The Village is thinking about juggling some things around. Mr. Harris stated that people in the neighborhood do not think that the individual that inadvertently purchased the lot is responsible. He does not see a way that the HOA will be formed and cover the cost. There is obviously a lot of money going towards other drainage issues in the Village that deal with the EPA. Mr. Harris stated that Mayor Merriman had previously discussed a Village wide sanitary district to cover these issues. Mayor Merriman responded that technically it would be a water retention district. This was the way it was mentioned. Everyone would then share a piece of the pie. Every individual would have their taxes go up a certain percentage. Mr. Harris asked Mayor Merriman if the Village pays for other storm water issues that come up. Mayor Merriman stated that the Village pays for the issues on an as needed basis. Mr. Harris said that it sounds like Village funds are already going towards residential storm water issues in the neighborhood. Mr. Wilson commented that the difference between the Hamptons and over here is that when the Hamptons was developed, the HOA was to be formed and cover the cost of the water retention issues. The HOA was never formed. The Village is now faced with paying for something that someone else should have taken care of. It is a lot of money. Mr. Harris stated that there is not the HOA and it has not been formed in 20 years. How do we move forward from this. Why should Hamptons Crossing be any different if the Village is paying for storm water issues in other areas within the Village. Mr. Harris explained that he is aware of the neighborhood covenant and restrictions but did not receive a copy when his home was purchased. If the Village is paying for storm water issues within other areas of the Village, why should Hamptons Crossing be any different. Now people are being told a special taxing district might be formed with an increase of \$2,000 to their taxes. Mr. Wilson stated that the dollar amount is still being determined. Nothing is in stone in regards to what the Village is doing. In the future, we are sure that the HOA will be formed to take care of the issues.

Mr. Elston asked if the Village was doing anything in regards to the cars and semi-trucks coming up Anna Rd. on the 25th. Deputy Winder stated that he received an email a few days ago. They would have Deputies in the area.

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.

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Mr. Wilson stated that he asked Doug to attend the meeting. In regards to the trailer ordinance, he lives on the corner lot which is 50 ft. wide in the old Bellevue section. If the trailer needs to be in his backyard of the corner of the residence, it leaves him 5 ft. He has poured a concrete slab to store his boat. Attorney Alster responded that as it is written, anything that has already been done is grandfathered in. Nothing has changed.

Mr. Wilson passed out maps to each Board member. He did not realize that Bellevue had a right of way at the end of Anna Hill. They are selling the old apartment complex at the bottom of the hill. Part of this is built on the right of way. They want to know if the Village will vacate the right of way. He asked Board members how they felt about it. Attorney Alster asked if there was any access point that the Village would need. The current owner is going to keep 30 feet for his 5 lots. Mayor Merriman asked each Board member if they were fine with vacating this area.

Mr. Wilson stated that the air compressor went out at the maintenance building. He said that it was \$800 to repair or \$4,000 to replace. Board members thought it was better to purchase a new system.

Mr. Wilson asked Board members if they wanted him to get a price for new gutters at the new hall or use the old gutters. Board members were fine with the new gutters.

Mr. Wilson informed the Board members that Hanna City has a gentleman that does building inspections. We have a few houses in Bellevue and need to take individuals to court. Attorney Alster needs someone with the credentials. Attorney Alster responded that it would be helpful to have someone with the appropriate credentials. Mr. Wilson said that he does not know how much the inspector would charge but has all of the credentials. Attorney Alster commented that the building inspector does not have any interest or property in the Village.

Trustee Cooper stated that she has a neighbor that is sick. The son has come up to visit with his RV. He will be parked in the front of the house. She asked that he not receive a fine and offered to pay any fine for him. He came from Alabama and is taking care of his mother.

Trustee Wight stated that she wants an item added to the next agenda. The house across the street needs to be taken down. It is bad for the community. The Village owns the property at 307 Main St.

Trustee Wight asked to go into Closed Session to discuss personnel.

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Trustee Wight explained that there are areas in the Village that need to be addressed. There is a tree at a residence on Byron Ct. Mr. Wilson explained that the homeowner on Byron Ct. received a letter. Other individuals have received letters as well. Two houses on Maxwell Ct. have not been cleaned up.

Trustee Pesch mentioned the covenant in the Hamptons Crossing. As Attorney Alster has stated, any homeowner can sue another homeowner for not following the subdivision covenant. There are misunderstandings that individuals or groups want to stick it to other individuals. Trustee Pesch explained that he has not changed his perspective and feels that the HOA should have been formed years ago and should be formed to do what is right to collect money and maintain the 2 properties moving forward. Something has to be done. There are people feeling like other neighborhoods are against this particular neighborhood. Bellevue is a community. It does not matter where you live because we are all part of the Village of Bellevue. The tax dollars that are collected are to help everyone in the Village. There are going to be some large storm water issues in the Village, not just what we are facing in the Hamptons subdivision. When the Hamptons subdivision was built, those stormwater basins were put in place to slow down the water issues. If they would have been maintained properly from the beginning, we would not be having this discussion.

Mrs. Pesch informed the Board members that one individual does not represent the entire Hamptons subdivision. There are several people that are in favor of the subdivision HOA as well as homeowners that are against the HOA. No one has gone door to door to ask each homeowner what their opinion is about the HOA. Trustee Pesch explained that the vocal majority are opposed to the HOA. Whether people understand it or not, there are some frightened individuals from the tone of the meetings. It has been less than welcoming and sad that we cannot get along. It is also disheartening that individuals are afraid to express their opinions.

Attorney Alster stated that the excavation ordinance needs to be updated for the Village. Pat Meyer talked with Mike Seghetti. The fee schedule is separate from the ordinance and not consistent. He wanted to make sure the Board was good with updating the ordinance. Mr. Wilson stated that it needs to be done. There are questions about some of the franchise fees. He asked Board members if they were fine with drafting the ordinance.

Attorney Alster stated that the Board needs to make a decision in regards to the Hamptons Crossing and the storm water issues. Before we can go any further, the Board needs to decide whether to pay for all of the work. The issues will be getting access to the properties and creating easements. We do not know what the exact cost will be. If the Board wants to do it, we need to figure out how to move forward. The

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Board has discussed the alternative with the SSA for the subdivision by raising their taxes. There is risk that the Village pays for fees upfront and the neighborhood votes against it. The Village would be back to square one. If the Village did not do anything, the EPA could fine the Village and potentially every homeowner. The Board needs to decide to do the work or take an alternative action. Trustee Wight stated that it should have been done 5 years ago. Attorney Alster explained that it should have been done 10, 15, or 20 years ago. Trustee Wight stated that the Village needs to stop putting it off and help the people get it done. If the Village keeps waiting, instead of \$150,000, it will be \$300,000. Mrs. Pesch stated that Mrs. Hislope was told that the Village would fix it 5 years ago. Trustee Wight asked if the Village would have access to the property. Attorney Alster said that the Village does not want to take title to the retention areas. Ric Krupps could deed the properties over to the HOA. Krupps has the authority to create the HOA. Mrs. Hislope owns one of the retention ponds and the other is owned by Ric Krupps. The Village could get the permission from him and Mrs. Hislope to get on the properties. This access issue is there even if the Village does the work. The Village will also need to get significant easements because of the nature of the land. Trustee Pesch stated that it is not just a retention pond issue, it is the spillway issues. Attorney Alster said there are trees that could fall on houses. Trustee Pesch stated that the plot has permanent easements. Attorney Alster said that the permanent easements are for the HOA. The Village would need to get temporary easements to get on the properties. Mr. Wilson informed Board members that he would not sign his name to another EPA document until this is resolved. He could receive a personal \$100,000 fine for signing off on this document. Mrs. Pesch commented that Mr. Wilson brought up the retention pond issues 5 years ago to the previous Board and it was not resolved. Attorney Alster explained that the Board needs to decide how to proceed with the retention pond issues and whether they want to do the work or not. If the SSA fails, the Village needs to pay for it. Trustee Wight stated that it would be a waste of time and money because the SSA will be voted down. Trustee Wight asked if all of the attorney fees would be included in the special service area. Attorney Alster said that all of the legal fees would be included in the SSA. Attorney Alster commented that there will be an aggressive group to walk around and kill the SSA. An ordinance would need to be created in regards to forming the SSA. The homeowners have a certain amount of time to object. Trustee Lannert asked Mr. Wilson if some of the work could be covered under MFT. Mr. Wilson stated that some of the money would come out of general funds. Trustee Pesch stated that ARPA funds could also be used. Mr. Wilson explained if the Village does the work, other areas will be neglected. Other work will need to be put off. Mayor Merriman stated that the Village would hope to not get another emergency repair like Anna Ave. because the Village would be hurting. Trustee Lannert stated that the Village has waited too long. Trustee Cooper stated that the Hamptons subdivision is part of the community. We are all one community. Trustee Wiseman commented that the Hamptons has not stepped up to help. They do not seem interested in helping. Trustee Lannert said that when it was discussed 5 or 6 years ago, the Village was going

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to take care of it and in return, asked for the subdivision to form the HOA to maintain the retention ponds moving forward. Mayor Merriman stated that they were told no. It is in the covenant. They were to form the HOA and maintain their own water retention areas. This was in the plat and all of the legal documents. Because some folks do not have a copy of the covenant does not mean it is not there. The title insurance company should have provided the document. Attorney Alster stated that it is not the fault of the Village because the title company did not provide the legal document. Now it is a matter of whether the Village forms the SSA or pay for the work. If the Board wants to draft the ordinance, we need to know now. Board members discussed that the taxes in the Hamptons would increase to recoup the funds if the Village paid for the work. Trustee Eichhorn stated that the burden of the taxation should be on the Hamptons subdivision, not the Village of Bellevue because they are refusing to form the HOA. Mayor Merriman stated that the taxes paid to the Village of Bellevue from the Hamptons subdivision does not cover the cost of snow removal. Mayor Merriman stated that Mr. Harris probably pays \$40 to the Village. He commented to Trustee Pesch that he pays \$86 to the Village. Mayor Merriman proceeded to ask them if they want the Village to pay the \$150,000 to repair their own retention areas. The Village is not liable for this. He explained that the Village offered to help and in return wanted the HOA formed. The HOA could maintain it moving forward. The core group decided that they did not want the HOA. If the folks did not listen, they were bullied into it. Individuals that did want the HOA are being intimidated by their neighbors. Mayor Merriman stated that personally, he does not think the Village should fix it. He stated that if the Board votes on it, he does not have a vote. The Board can decide to go over there and fix the problem that was created by Ric Krupps and the folks that live over there. He stated that they could hire a contractor and pay three times the amount and continue to neglect roads over here on this side of the Village that are a lot older. It is up to the Board members, not him. Eventually, push comes to shove, to avoid fines from the EPA, the Village will have to fix it. Taxes will have to be raised for everyone sitting here. Trustee Wiseman said shame on them. Mayor Merriman asked for a show of hands from Board members if they wanted to fix it. Attorney Alster said that if the Village does not want to pay for the repairs, the SSA is the only way to start.

VI. ACTION ITEMS

- A.** Trustee Pesch moved to approve to Amend Ordinance Regarding Public Participation. Trustee Lannert seconded the motion. Board members discussed the language of the amended ordinance. Attorney Alster read some of the language and explained the ordinance. He stated that from his experience, some places are very strict.

Roll Call Vote: Ayes: 5
Nays: 1
Motion Passed

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- B.** Trustee Lannert moved to approve to hire a Building and Zoning Inspector. Trustee Wight seconded the motion.

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

- C.** Trustee Lannert moved to approve the IDOT Bridge Repair on Closen Rd. Trustee Pesch seconded the motion.

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

- D.** Approval to Amend Ordinance 756-Attorney Alster explained the changes and the definitions of the language to the ordinance. Mayor Merriman stated that this would be tabled until the next meeting. Trustee Wight stated that she does not understand why it needs to be tabled until the next meeting. Board members need to vote and get it done. Mayor Merriman stated that he does not understand why the Zoning Officer has not been ticketing some of these trailers and now it has become an issue. Matt is not present tonight.

*Item removed from the agenda

- E.** Trustee Lannert moved to approve the Ordinance Amending C-3 Zoning Classifications to Remove Outdoor Storage. Trustee Pesch seconded the motion. Attorney Alster stated that it was a clean-up of the existing ordinance.

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

- F.** Trustee Lannert moved to approve the Illinois Municipal League Risk Management. Trustee Eichhorn seconded the motion.

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

VII. INFORMATION/DISCUSSION ITEMS

- A.** Next Village of Bellevue Meeting – November 14, 2023

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VIII. ADJOURNMENT

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

Voice Vote: All Ayes
Motion Passed
Meeting Adjourned @ 7:29 p.m.