VILLAGE OF KINCAID

115 CENTRAL AVE. KINCAID, IL. 62540

TIME- 6:00 P.M.

THURSDAY, JANUARY 30, 2025

SPECIAL MEETING MINUTES

The meeting was brough to order by Mayor Robert Morris. The time was 6:00 p.m.

Roll Call was taken by the Village Clerk

Lawrence – Here, Paso - Here, Gibson- Absent, Warren- Here, Dees- Here, Nelson- Here

The Pledge of Allegiance was recited by all who attended the meeting.

Frank Heiligenstein (Illinois Codification) to review Ordinance book draft.

Frank started by asking how many hours everyone wanted to be here, he said we would shoot for two hours but you never know how long it is. What he is going to do is start with chapter one and basically ask if anyone has any questions or notes or revisions that he needs to address in the particular chapter as he goes through it. Unless anyone has any type of notes other than what he got originally? Frank said he gave the original which was like twelve-thirteen pages. Warren stated he had one in Chapter 1, which is number 13 on the list you gave us, it talks about special meetings. Since we did this we have also revamped that to where when we have a special meeting in conjunction with a committee meeting, the trustees- no one gets paid for that meeting because we are already at the committee meeting so we want to make sure that goes in there right. Right now, it says that we get paid for special meetings, so we need to make sure that it gets revised. Warren also said on section 1, on the ordinance violation and compliant to notice appear it talks about using cash only if paying in person. We don't accept cash, so we need to make sure that it gets taken out. It is on page 1-40. First paragraph, it is the last sentence in that paragraph where it says use cash only when paying in person. Frank stated that it was in there from the original law. Frank asked if anyone had anything else in chapter 1?

He asked if the board understood the quorum on the meetings, you could have the mayor and three trustees, or four trustees. That is one that is often misunderstood. The rest of the fouls what we have modifications from the league at times when issuing their notices and we pick that up right away and amend whatever content we need to amend based on that.

Frank said he has served in public office for fifty plus years, he was on the county board in St. Claire County and that is a notorious territory down there. It was an interesting experience. He appreciates what everyone is doing, in serving in the office.

He asked if anything in Chapter 3 anyone had particularly? There were a few ads in there and the big question is, what do you wish to do about animals in the village, particularly chickens? Mayor Morris stated we don't allow chickens in the Village. Frank said what is in the proposed code is from the city of Staunton, they seem to have the best one. Three dogs or three cats, right? Nelson said Yes.

Anything else with those particular with those familiar with Animal control laws? On page 3-10 for those of you that have your books. Section 3-2-15 he found a mistake. In paragraph A - section should be 3-2-6, which was your penalty section that we naturally kept from 2018, unfortunately it still doesn't keep all the dogs off the street. Is there anything else in that chapter that anyone has seen that needs to be adjusted. At the bottom of these certain sections and articles you will see the reference to the state statutes so if you have a question or concern you can go directly to that and find the wording that supports the particular article. We need to keep PETA out of Springfield because they are always coming up with another one.

He thinks with commissions and boards in Chapter 5 is going to be what you had before-- what normally is done with communities that have zoning. The compliance commission and the zoning board are the same people. They act under different hats; planning commission would review and determine. The same if someone is asking for a special use permit under the zoning code they would meet as the zoning board of appeals. One of the biggest problems with that lately is they cannot find seven people to serve on the zoning board. Which is by statute. The alternative to a zoning board is what Staunton, Hammel and those communities have is they have a zoning hearing officer which he/she acts- must be an attorney and that person is the zoning board. But all final decisions when you have a zoning hearing officer should be made by the village board. Whatever that person wants you review it, you may not agree with it, and you can turn it down or you can grant it accordingly. His community had the same problem, and the combines are forty-five hundred people but couldn't find enough people to serve. Nowadays if you are serving in a public office or a position like that you may get targeted, period. Building regulations are the same as you had, he did not make any recommendations there because he is not an expert. So, whoever your building inspector is certified, that particular person should recommend any changes to that particular chapter. He thinks again in that arena the legislature got carried away mandating certain things.  
Tiny Houses and you passed in 19, getting to be a situation across the state- any changes that you would have there? Lawrence stated no changes; we have an ordinance on that. Certain pitch, certain footage, skirting around it.

Shipping containers you have addressed on page 6-8 are good. Nelson said the only thing he wants to add to that and it probably needs to be discussed among the board is that we voted on and agreed that we would be charging seventy five dollars per diem after default date if they don't move their shipping container, he asked if we are sticking with that because it isn't listed in the ordinances? Morris said it was just the one we were having a problem with, we haven’t decided yet. Lawrence said we don't have an ordinance, just for emergencies. We voted that we were going to charge Burchis seventy-five dollars a day and that is not in our ordinance. Frank said to check 1-1-20 is the universal penalty for this entire code, it applies everywhere, the entire way through. Years ago, when none of you were here yet they used to have a penalty section with every violation that was in the 17,18,19,20 codes. All modern codes are universal in penalty unless it's a special situation. Each day that they are in violation is an additional penalty. That is of course and the chief can verify if the judge goes along with it. Sometimes you have to jack up those judges and tell them to quit being so liberal.

Paso asked Nelson what he was asking, is he asking that because we said that it would be a seventy-five-dollar penalty, are we setting precedence with that? Nelson said it is not in the ordinance and if we are going to follow it then, that's why I brought it up. Frank said it was good that he brought it up because he wanted to point out that penalty section that is implacable. Nelson said Well we are not saying in any way shape or form that - we will be charging them seventy-five dollars per day per diem for them.

Warren said that in section 1-1-20 it states right there. Nelson asked if we could set it for that. So, a maximum of seventy-five dollars a day then it will go up and up and up. Frank said if you happened to be home ruled, which you aren't - the penalty could go through the roof. Nelson asked if it answered Sues’ question; she replied, yes.

Frank stated now we are in the business code. Let me start by saying that with article 1- administrations. Are there any comments or questions that you would like to run past me. He would periodically check everybody that is in town doing some kind of business and make sure that they state the department of revenue has that business on the list that you are getting that sales tax from that operation. He has been in communities that the most serious one happened around Benton, IL. The town he was dealing with was eight hundred and fifty dollars a month, something didn't sound right. The gentlemen moved into town from Chicago, and he said they needed to check it. Ended up that the sales tax because they go by Benton at the post office instead of west city the sales tax ended up with what had developed there to a quarter of a million a month, that's how big an increase because they happened to have a wal mart move in, and the other businesses were across 57 and looked like they were part of Benton and they weren't they were a part of west city so all that sales tax got reversed to west city. We had that happen in Mechanicsburg too. So, he suggests checking it out to make sure they are al paying sales tax to the Village. It could be a big item. Treasurer Merano asked if he had any contact information because she called up the Illinois department of revenue for this information and they told her they cannot give it to her. Frank said he can see where they won't give her any numbers from the business, but they should provide her with the business name and whether or not they are paying taxes here in the Village. In fact, he brought a few things along and asked for them to be passed. They go along with the code and if someone wants one when they come in here, they can have one. (A No solicitors tag)

Coin operating machines are at twenty-five dollars, and on the gambling end of it, on the video gambling machines, what are we charging? $25 or more? Merano responded 25 per machine. Nelson asked about licensing, which is 250. Frank said you can charge up to two hundred and fifty per machine, which is what the law has come up with. So right now, you are at twenty-five dollars per machine and basically his observation is that it is the salvation of a lot of taverns and other entities. Nelson said Well the municipality gets part of that too and he would be opposed to raising that. If they are in business, we already have a really low sales tax anyway compared to our neighbors.

Salvage law is the existing law.

Zoning with the junk yards and auto salvage regulates any more future location and entities like that.

Raffles, any questions on the raffles. Bottom line is whoever in the Village sponsors a raffle, they need a license from the Village to protect them. If they don’t have a license, the Department of Revenue, if they ever get fully staffed can take all of their assets away from them because they are not qualified, nor are they licensed. Raffles can get carried away, which he may have noted in his letter. The queen of hearts is the big thing. If you have a situation, you’ll end up calling in the sheriff’s department and the state police because you will have overcrowding. Paso asked if he was suggesting that when there is a raffle, that the village licensed it. Frank said they need to come get a license to protect themselves. Morris said if we had raffles like that, we would give them out, but we don't right now. Nelson asked if the Legion would need one. Paso asked about ducks unlimited stuff going on. Nelson said we would look into that because the word raffle, he knows that the American Legion might have some other types of liberties that they are allowed to do because if they want to have Texas hold em tournaments - although illegal they could if they chose. Paso said if it is conducted in the Village of Kincaid then they should have a license from us to protect their entity. Frank said yes, and you don't have to charge a fee if you don't want to. Merano asked if this goes for the schools too, Frank response, yes. Nelson asked what kind of fee they are talking about, Frak said normally it’s like fifteen dollars or something like that. Warren stated it says twenty-five dollars in the ordinance book. They mayor has the power to waive it. Unlike the big cities you are going to know who is doing it and what they are doing it for. Morris said all they are doing is protect themselves.

Tattoo establishments he believes is an existing law.

You passed the retail cannabis sales.

Cable TV- that still exists so we will leave that in there the way you have it. The next one is Employee policies. His alternative suggestion is, don’t' include your employee policies in the code. That way you can make a motion at a meeting or a resolution and modify it without any ordinance any time you want to change something. He has taken it out of a lot of municipalities and counties that he works with. What you have here is good and it shouldn't be a problem, but like he said keep it on the side as your employee manual. It was agreed. Nelson said we have discussed exactly that.

Flood plain - That is up to FEMA, if Trump let's it exist any longer. So, you have what FEMA has told you to have in the books to be in compliance.

Franchises on chapter 15 - Ameren/CIPS and rural and electric co-op and Ameren franchise. That we can't change, and it looks like we leave it just the way it is. Make them give you all the money they can give you for the franchise, they will appreciate that.

Liquor code- he thinks somebody had some changes to that which we took care of.

If he sees something coming from what other municipalities have and others might want, then we will send something out to see if you would like to adopt that ordinance. He said they have done 330 municipalities and counties, and you would be surprised with what some of them come up with and are very useful and can be put into their model. He usually sends it to the attention of the mayor, and everyone can get a copy and see what if it will fit the community.

Your licenses, you pretty well have things under control, there were a few ads that were pursuant to the statutes.

Does anybody see anything in that letter you got or any changes? Mayor Morris said no, no changes.

Nelson said to Frank that basically with his sheet of his recommendations that you suggested and the changes we all kind of agree with it. Frank said what he tries to do with these is a community will pass an ordinance that maybe they copied from another town, problem is that not all of the content is there that should be and that's where we pick that up and we are going to put it in there and if you don't want it that's fine but we want to cover the basis because lets' face it, How many here in this room have time to sit down every day and go through this and this and this and try to figure out do we need that or this sounds confusing so that's why we do what we do with it to make sure we have all bases covered. Nelson stated he didn't believe this had been done since 2013 so moving forward probably maybe we need to work with Jayme, so we stay up and current and compliant. Frank stated we would have a thumb drive that can be put on a website and copied and referred to for those that are computerized. Nelson said this whole premise was about making sure we had everything available for the Village and be compliant.

Generally, anybody have any questions regarding mandated policies on 22, that is a new chapter, several years ago that we decided to implement because the legislature is slamming down our throats all the time, new laws, and mandates that are unfunded and we put them all in one chapter because if you apply for a grant, those laws in this chapter are probably going to be the ones that you will submit with your application. Engineers or whoever does your grant work, they are going to need this chapter, it's going to be all in one place and anything else that the legislature comes up with. The most recent one, whistleblower, got to have it in the books. Thank goodness the state doesn't have enough staff to audit all of the municipalities to make sure that they have done due diligence.

Is there anything that any of you have come across there that is of concern? No one had anything.

He said there is a stickler here and it is fair housing. Why you don't want to get mixed up and do something that violates the content of that?

Ethics is good.

Basically, everything here is what you need to cover your basis and rearends too.

Whistleblower- he doesn't think there will ever be a problem here with that, but we had to adopt it.

Here is the good one, Chapter 23 - this gets mishandled, screwed up, anything you want to call it over the years. Anybody has any questions to start with on that topic that they want to throw at me. Frank stated basically you cannot prohibit, you can inspect them with a proper license inspector before they come into town with zoning, you have the provision to allow manufactured home parks and individual manufactured homes but you don't necessarily have to have that district on your zoning map. It has to be there in case somebody comes in with a legitimate proposal and development and it is there for the zoning board to hear it and it would be a special use issue, and they don't necessarily have to grant it. But it gives you some content to restrict, and when you issue a special permit the zoning board can put conditions on it big time, for any type of use that is under special use. If the applicant that got the special use does not follow the restrictions so that the use can be pulled, and they have to stop and seize unless they bring it into compliance. But on the other issue is a variance that runs with the land, no conditions and you have to be very careful with that. He would say that whoever is the zoning administrator if that if there is a question about it or a problem, call him and he will give the best shot or recommend what you should do. Frank said this was as much content as he could put in that restricts the use, definitely you don't want anything in here that says built or titled mobile home. Everything after 1976 is manufactured home, even though we say trailers and mobile home because they were using a little bit of wire before, and it was a fire hazard. Now there are codes, and they have to be built like that and this is what is in here to cover our basis. He asked if we had any manufactured parks in Kincaid, Mayor Morris said no -then yes Kemmerling. Lawrence said yes there are still a couple behind the old store.

Frank asked if there are any parks or authorization - fifty-dollar fee. The state does not inspect these mobile home parks, this is why it is important for you to have something in the books so you can go after them, if necessary, bottom line. Nelson said but based off everything you just said Frank, we are pretty good with where we are at right, there shouldn't be anything we need to ask this right? Frank said no, this is in place, this particular chapter, probably in about two hundred municipalities and if they run in to a problem an issue or litigation or whatever he says to call him and let him know what we ran in to and we can fix it or we have a short coming and take care of it right away.

Motor Vehicle- chief? Do you have anything? Officer Sullivan stated no, we are all good here. Frank asked what is in here and in this content and he is talking and repeating what states attorneys have told him in the twenty minute talks, is they really don’t need this in the county code, but it gives them the opportunity to prosecute under the local code or under the more stringent penalty of the state code and that is why it is in here like it is. We added a couple things like cell phone usage, and other things that we come up with that we see other municipalities that are on ball with the new laws or one that they would like to see added and that's why they are like that. Make sure and let me go back here, you got golf carts covered. If any of you see any of the stop signs/no parking etc. not on this list because this is a list that we were given and modify periodically that is in here so we want to make sure that we have all of those signs covered in case we are missing one. That is kind of a task that takes some time and is aggravating, he knows. Some time he would suggest that our yield signs be eliminated and get stop signs. People don't understand that with yield signs they think they can just run right on through it without pausing. No parking zones and speed zones.

Nuisances in chapter 25, he tried to cover everything, and he had everyone go to page 25-3. They have modified some on the list with state statutes making it more inclusive. But on page 25-3 you see the materials susceptible to the wind blowing and mechanical equipment and all that. He will give credit to Fairview heights; they came up with this because it was a problem. So, it can be enforced as needed if the situation arises and every now and again, we get an ad and think we need to put it in there big time. Let's say our police chief is citing someone for debris and junk and they think their yard is a dump and that person is cited for a violation, problem is that person doesn’t have the money to clean it up anyway. You can't put a lien on the property, it wasn't worth it and if they took it over it would be a waste. But sometimes you have to set an example of doing it just for the hell of it and make sure everyone else in town knows it too, so they don't start accumulating it on the outside like they do inside. Just a thought.

Weeds, typical is what should be and garbage and debris. Officer Sullivan asked what the limit is here as far as tall grass and weeds, like what the height. Lawrence stated 8 inches.

Public camping, which was the latest out of the league, it was written because of the Supreme court, the ruled it an opinion on what they could do so that way we can have some kind of protection and get after these people maybe.

These forms here were developed by the attorney and modify what we originally had and should cover the situation. His suggestion is maybe, first of all say that someone is in violation - you issue the letter to them that they have so long to clean it up. That would come from your code enforcement officer, the second step would be your attorney to send them one which could carry more weight or not he doesn't know but it might encourage the person to clean up. The third step is to take them to court and make an example out of them that they are in violation of indecent yards and no nuisances do we need. Sullivan had a question about nuisances on 25-4-2, I have a paper copy here of storage declared nuisances, however over here on her laptop we aren't finding it, has it been renumbered or something. It also has an a and b subsection. Frank stated no, he doesn't have it but would be happy to change that.

Offenses- he is going to defer to the chief, Frank asked if everything looks ok. We just revised this chapter about two years ago because of the changes the legislature has made. The one that surprises him is on 27-1 where 16-year-olds can sell tobacco products in a convenience store, it was 21. A cigarette company probably got on their case and made them change it at the state level.

If anything stands out there let us know, most of this as you can see from the references at the bottom are from the statute. The burning regulations are from your existing ordinance. In fact, there are a number of areas that are your existing laws.

Are there any changes that you want to make there? I guess that would be your local park, boat licensing, Kincaid Lake regs. Page 28-1-4, he thinks that is all the local laws regulating.

Everything in chapter 28 is your law and he thinks that property maintenance (29) is also your law. Property enforcement could really be a good help. We have a lot of absentee landlords in southern Illinois who don't care what the property looks like and it can be a problem.

The principal thing that has changed in chapter 30 is the first article that is basically a result of the legislature during covid and changing the laws - format of the meetings.

Police department- do we have any changes there?

Mayor Morris brought up 30-5, Sullivan re-stated 30-5, sub section B, one thousand hours, it should be 1560. and that is on the Illinois training boards website too.

AMA is covered with standard.

Frank asked if anyone had anything on street regulations, it should work but there is one thing he wants to tell everyone, in there we have a provision that property owners have to mow their ditches from if it’s a sidewalk or out towards the street. You can't force them to do it only if you’re home ruled, but you can get away with it as long as possible but you can't force them to mow that grass which kind of gets to be a big nuisance because you can get the weeds to grow between their property line and the street. That has been litigated by anyone who has been charged with it.

Frank asked the mayor if he had seen anything else. He said a big change is article 4 dealing with construction of utility facilities and rights of way, which is a standard provision with the state of Illinois developed by the league and ATT engineers. So, one of these cable companies comes into town they are going to know that there are restrictions and regulations they have to follow, or they are up a creek without a paddle.

Frank said now we are going to get into an area of concern. He doesn't know how many have reviewed chapter 36 on taxation. The first article, no problem. If you don't levy one of these categories that's fine, but they are there, and it does not require a referendum. Article 2 is standards that you have to follow that’s about taxpayers rights code. Article 3, page 36-7 takes a look at it. We are dealing with telecommunications, and he thinks in his notes it indicated and pointed out that based upon the ordinances he received our tax is 1.5 percent. Any money raised by this particular law; he says to put it into the police fund. You are allowed six percent; you are collecting 1/4 of what you are allowed. That is one, the next thing is which you probably have turned down in the past is the Ameren electric tax and gas tax. Each one of them you are eligible for 5 percent. The advantage of that, and you are one of the rare communities that has not got this, it allows you to receive revenue that you can keep from raising your tax rate, real estate taxes. or without raising the utility rate. So those three things are available if you ever want to use them. Your population is 1300, you take that - how much those three items would raise for you. That's how much money it would generate. Forty-seven thousand dollars. Beverly said we get 5 percent from Ameren already, Frank said it is not in your books. Beverly said we do, said for electric and gas, we get two a year. Frank said he needs to put that in this code. Nelson asked about the other we get, telecommunications. Beverly said with telecommunications we get 1.5, if it goes to the police then we can get 6 percent, correct?

The police don't have their own separate checking account, but we could put it into the drug and education program. To get six percent.

Frank said if we enacted now, there is leeway of a couple of months before it goes into effect and in this case, it would be after the election. It would generate not as much as we said a while ago, but you should get a franchise fee from Ameren and then get a monthly check about every three months for five percent for electric and for gas.

Nelson said now we get 5 percent but then the 1 percent under the municipality. Beverly said we get a lump sum once a year. Frank said no, that is just your fee for letting them into town. Frank said he would call them tomorrow and ask him what the community is getting right now and if it's not getting the 5 percent as we are talking here, we have to draft an ordinance and submit it to you and he wants it back to make sure he gets it. Beverly asked if he wanted her to pull the ordinances now. Frank said yes, if she can get them. Nelson asked if we want to pursue more information about the telecommunications tax, would that be through any of the vendors here in Kincaid like CTI or any internet providers is what we are talking about. Frank said any telephone providers would need notice of this, but he thinks we can do it through the department of revenue and send it to them after we pass it then they notify the entities that are out there. If you are servicing Kincaid, then this is what you're taking care of. Beverly said we are getting a tax for the telecommunications part. Dees said we are getting one percent but if we take it somewhere else, we can get the entire 6 percent. Warren asked if Frank would draft that for the telecommunications tax. Frank said once he finds out where we are at his secretary and him would get that done, get it to us before our next meeting to get it voted on and adopted and then he wants a copy signed and stamped and sealed and he will get that to him and he will take care of that then.

Beverly said she does have the franchise agreement with Ameren, and it expires in 2037. Frank said that was covered in Chapter 16.

Lawrence brought up chapter 37 - trash number 107. That is a question there. Frank said he did not receive a trash contract that you may have. Lawrence said we don't have one. Lawrence said we have 3 maybe 4 private carriers. Frank stated they had 4 and he got a contract with Waste management. If any of these trash contractors operate in any of the alleys they can tear the stuff up big time and that is why we went to one carrier. We got a good price, he thinks its 15 dollars a month, and initially it raised hell in the community because no one wanted them but eventually they got the one carrier, and they will never give it up. There is less tear and wear on the streets and alleys. Once a year they bring in the big ones for the big items as part of the contract and we were able to negotiate a decent price from them. The other three carriers that are going to be out don't like that but having 4 trash trucks through the streets and alleys can really tear stuff up. Frank said it is something down the road that you may want to talk about.

In regard to your utility chapter starting on 38-2, Frank asked if there were any changes that he needed to pay attention to. He thinks he got the last rates from Jayme, the recent changes and modifications. Nelson said he thinks we are good there unless Frank made any recommendations or changes.

Frank said let’s go back to the rates 38-23/24, water rates are on the bottom of that page are they correct? You are charging your people nineteen dollars for the first fifteen hundred but only six dollars for bulk and those getting bulk probably do not live in the village. For those who do that you're losing money outside of the Village. Nelson asked if he was suggesting the bulk water was supposed to be higher.

Jayme stated that the rates were higher and the numbers he had were not right. Even if the in-town water is twenty-two dollars, the minimum is twenty-two even. Beverly said she just did these because last year we had the twelve percent increase. He said he did get a printout on the computer but there was no way he could interpret what those rates and numbers were. Frank asked Jayme to write down all of the numbers and rates on a piece of paper, so it is easier for him. He asked about the sewer rates as well; they are all the same.

Nelson asked about the bulk water was, Beverly said we just raised those too when we went to the new meters.

He also brought up about having one trash service company and asked what everyone else felt about it. He said he didn't think he could or would support it.

Beverly brought up before Jayme gives Frank the updated numbers for water rates, we have to do the two percent increase that is supposed to be effective in January. Lawrence said yes, that is in the contract with Taylorville. It is an automatic 40-year contract. Beverly said so, before Jayme gives him this number, we should update these prices first.

Nelson said our agenda and order of business we don't conduct it like the IML and what I’m saying is, it doesn’t even say the pledge of allegiance in that. I am not even sure if we have to follow that. The committee placements are different. Lawrence said IML is a guideline. Nelson said based on what we have now, we don't follow in order. He doesn't know if we are at liberty to change that up, but the committee assignments aren't lined up either.

Frank asked if everyone was done. He said that there is nothing or anything made on recommendations for zoning. But there is really nothing you cand do without public hearing. You have the storage containers covered, tiny houses, wind energy, and solar energy. Usually under zoning in regard to solar you provide that they can put I think it's almost permissive across the state on the roof. If you put them in the yard, you have setbacks and if you have two small lots you may have a special use permit for something like that. He knows a lot of them are being done like that whether or not they are in the ballpark of compliant.

Frank said one things he has on the table of contents, the zoning board of regulations on variances and special uses probably need to be enhanced down the road some place to comply with what is in the statutes as far as what you can and can't do and so forth. he would always, if you have a good zoning board- special uses and variances let them make the decision period. Lawrence stated we have only had a couple things come up with the zoning board, and just like he was talking about earlier. It is hard to get people. Everything has to come back to the village board to be voted on anyway. Lawrence stated it is kind of a - how it all comes about. The zoning board looks at it then turns around and takes it to the board to be voted on. Frank said what he can do, when we approach codification/update or whatever, he always says- we go through the whole thing, but we stop on zoning because you are looking at to really do it right. You are looking at a year to do it right with th3e zoning board and all the testimony hearings you need to go over everything. It is almost separate to accomplish what you need to almost modernize. He sees other notes there too; he is going to send a modified generic copy of what he considers to be good zoning for everyone to look at and if we want to do something with it we can. He stated that was the last meeting we had here, was on zoning and it ended up - there was some lady came into the room and he didn't know what bar she came from but they kicked her out it was that bad, and that was the end of zoning for that night. So, it was 14-15 years ago. Lawrence told Frank he has his contact information as they have kept in contact here and there over the years.

Nelson said “we appreciate his help and thank you.

Paso told Nelson to ask Frank about his question about sealed bids, do we need an ordinance.

Nelson said to Frank that one of the questions we have is there have been a couple of difference occasions where like the first occasion we did what is called sealed bids with the equipment that we had here, he didn't remember all it was. But we did a sealed bid for that and that is how we explained it in the advertising but the next time we did it a little bit of a different way so we would like to propose an ordinance done the correct way and can we choose to do a live auction opposed to a sealed bid if we choose to have a reserve. Do we have those liberties? Paso stated something was already in there. Nelson said yes, he saw that too but it says sealed, but it also contradicts itself. It also says at any given time in that ordinance book if we decide on the day of if we want to change the format of how we are going to do it then we are given the liberty. It is in that book; it is too contradictory. paso asked 1-17. nelson asked Frank in his experience do you recommend. Frank said on 1-17 the construction of protocol that you would follow as opposed to just taking property of the village and putting git up for sealed bids or whatever, your appraiser said you should be able to get this much money for it or whatever the case may be but something with regard to the personal property of the village he has no other than this particular thing he has not seen any codes. They just follow the state statutes on codes and how you put it out for bid, and he would follow that. Basically, you are buying a new john deere tractor or something these are just specs; you can do it and if it’s over you're going to go out on bids with it. Paso asked so if they Village is selling some kind of property that they own? Frank said yes. Dees said he is just talking about ---

Frank said it is kind of a gray area, because say they is a piece of property and you just want to give it to the neighbor because he could use it big time, you can' just do that - you have to go through the process. Nelson said we understand that part of it, are you saying we should leave it. Frank said to go to the IML website and see what they have. Or go to Springfield Page and see what they have. ---

Warren said what Frank is saying is that we don't need it in the ordinance book, we just need to follow the IML. Paso also reiterated that we need to follow the guidelines.

Nelson asked if Frank had anything else, Frank said that was it. Nelson thanked Frank for taking the time with us and coming down.

Warren said we have a question here on 13, 11-7. Frank said we are taking that out of the code. Beverly asked if he was serious. He said yes, all of chapter 11 that is going to be your handbook. Beverly said still yet, but we need to address this to get it right. When you talk about sick leave that you accrue. You can take the union contract saying 240 hours, if you take 240 hours you can use it towards your IMRF when you retire. This is 240 days. 240 accumulated sick days, the union contract says 240 hours. Morris asked if it needs changed to 240 hours. Beverly said they leave; they get paid up to 68 hours - 21 days. But if they have 240 hours and retire, they can take 240 hours and transfer it into their IMRF. So, it needs to be 240 hours and not days. Frank said he will correct that page and put it in a separate pamphlet and get it to us that way it is corrected. Paso asked if we are taking it out of the ordinance book and having our own employee handbook. She said there will be a separate section for people who are union and those who aren't.

VISITORS: A PERSON SHALL BE PERMITTED AN OPPORTUNITY TO ADDRESS OFFICIALS UNDER THE RULES ESTABLISHED BY THE VILLAGE OF KINCAID (3 MINUTES PER PERSON) 5ILCS 120.2.06g

Clare Duran said first she wanted to ask; is there a zoning board? Because they have been told differently. Mayor Morris said there is just a zoning person right now. Clare said that's what she thought and just wanted to clarify that. The second thing she has is, Jayme just passed along some paperwork. You have revised ordinance 903 she believes it is, that says that the ordinance for nonpayment of an ordinance violation states that the consumer will have due process before their water will be subject to be shut off. She doesn't know if you guys ever took the time to read any of the judges’ comments from the lawsuit between Gary, her and the Village but, it says Plaintiffs were deprived of a right secured by federal law. When a person's only water source is a municipal owned service, that person's right to the water source is a federally protected right. So currently, as it stands 903, it is still violating the rights of the Kincaid citizens. So, if you were to push the issue of them not paying their ordinance violation within the forty-five days and shut their water off, you are opening gup yourselves to another lawsuit. Mayor Morris said right, but we got it now is if they get an ordinance violation and don't pay it, we give it to the attorney, and he gets them a court date. After that court date if they don't show up for the court date, then they get their water shut off. Clare said, but you can't do that it is against the law. Morris stated our attorney isn't here right now, that it came from the judge actually. Clare said actually it came from a judge that you can't turn off a person’s water, read that little section again that she has underlined. You can't turn a person’s water off, and she doesn’t know that they are doing that now. Morris stated that it hasn't been done for a long time. Clare also stated yes, since that was 2023 that you did it. But just in case, for the future she suggests, and she would talk it over with the attorney, he is the one who wrote that up. It is still violating the civil rights of every citizen here in Kincaid. Morris said he will give it to the Attorney and talk to him about it.

Warren asked if Frank needed anything from us. Frank asked if it was a penalty associated with something other than the utilities system. Morris responded, “Yes. Frank said periodically there has been some from the legal division from IML about what being able to be turned off and all of that. He will try to remember to send it because of the way it was. Let's say you owe money and left town, and the Village needs to collect from you, and you sell the property the new property owner you can keep his water shut off, you’ll have to collect it from him.

Warren asked Frank if we needed to vote now to accept what we talked about. Frank said no, whenever he gets everything finished, which will be probably about a week or two he will get copies and the electronic version and go from there. Frank said in the contract this meeting was not in the contract, so it is billed separately. Whenever we do a full codification, this is an update and ends up reviewing and taking care of the whole thing. We usually don’t have meetings to go over all of this, but he is glad that we did because we all ended up better. He understands more about what we are doing and how/why we are doing it, and it is good.

Adjournment:

Trustee Nelson made a motion to adjourn. It was seconded by Nelson. All ayes. The time was 8:02 P.M.