

MINUTES

RIVERTON VILLAGE BOARD

Riverton, IL.

The President and the Board of Trustees of the Village of Riverton held their regular board meeting on August 3, 2009 at the Riverton Village Hall, Riverton, IL.

The meeting was called to order at 7:01 p.m. Those answering roll call: Mayor Todd; Clerk McCullough; Trustees Raycraft, Pottier, Bartley, Faires, Black and Rader. Also in attendance was Supt. Stone, Off. Mgr. Viola, Chief Smith, Treasurer Laffey and Atty. John Myers. Guests included Tim Raycraft and Pam Zimmerman.

Trustee Black noted the meeting minutes from July 20, 2009 were incorrect. Black was opposed to the taser gun purchase. It was duly noted and the meeting minutes will be amended. Trustee Bartley made a motion to accept the amended minutes and pay the bills. It was seconded by Trustee Faires. Trustees Raycraft, Pottier, Bartley, Faires, Black and Rader voted yes.

Tim Raycraft came before the Board to discuss Riverfest. Mr. Raycraft said that Riverfest will have ample food vendors this year; however he still hasn't seen a written contract from the carnival. He has been in contact with the carnival and they stated they were still coming. He hopes to get a contract within the next few days. Mr. Raycraft questioned whether or not Riverfest could use the garage on 3rd St, as they have in the past, if needed. He also questioned using the firehouse which had already been discussed. Mr. Raycraft asked a question regarding the liquor license itself. He stated he looked through the ordinance and he questioned whether it's actually a Class A license or a temporary beer garden license. As he read through it, it looked to him like it's a Class A license which has different requirements than the others so he wanted to make sure the board and the Riverfest committee were both operating under the same understanding of what they could and could not do. Trustee Bartley stated he thought with the case of Riverfest, which is a special event, that the permit license only allows operation through the weekend while a temporary beer garden license allows a fenced in beer garden. Trustee Black stated that was her understanding also. Supt. Stone stated a Class A license is a special event license. Mayor Todd questioned whether a Class A license fell under the same classification as a regular tavern, like a Class E to which Off. Mgr. Viola replied no. Mayor Todd asked if they were actually not required to have a fence. Trustee Bartley stated they are in the fact. If they are serving beer outside they have to; however they can do it with snow fence as opposed to a regular fence. Mr. Raycraft said that his question refers to last year and how the Riverfest committee made a special beer tent to keep everything contained within an area in order to stay in compliance with the ordinance. His question was 'is there a designated area, or premises as the ordinance states'. The area that has traditionally been Riverfest, as well as the kid area north of the creek which is separate; Do these areas have to be contained inside a fenced in area or can it be like the Riverfest's in years past? A Class A license is a special event license and that is what Riverfest is issued. Supt. Stone stated that he was reading the ordinance and under either the temporary license or the beer garden license, the only license it pertains to is everything but Class A, by ordinance. He stated it might be a question for Atty. Myers. Trustee Bartley stated there may be an avenue around it then, although last year we put the fence around Riverfest just to appease people. Mr. Raycraft stated that last year, he was 100% under the understanding that Riverfest was required to put up a fence so now he's asking if that is in fact required or did they go above and beyond. One of the reasons he's asking is because there will be more food vendors than last year and Riverfest wanted to be able to run the vendors all the way to

3rd St. like it has been done in the past. In order to do that, they will have a hard time getting two tents down in that area and having one be opened up and having one be for beer like it was last year. That creates part of the problem. It's positive that there are a lot of people wanting to come and participate but it also makes it difficult to have the two different tents at opposite ends of the street. Trustee Bartley asked if Raycraft was proposing to put the beer tent back where it was in years past to which Raycraft replied yes. Atty. Myers stated he just got in on the tail end of this conversation and asked what the issue was, if it was regarding the fence. Supt. Stone stated it was whether Riverfest falls under the beer garden ordinance to which Myers stated that if it doesn't, it should. Supt. Stone stated a special event license is an A license and that the beer garden license and the temporary beer garden ordinance don't list Class A. Off. Mgr. Viola stated it could be amended at the next meeting. Atty. Myers asked if he was not correct in assuming that Riverfest was always fenced off. Off. Mgr. Viola replied no, last year was the first year. Atty. Myers asked the board what their preference was. Trustee Rader asked if the AC Club fenced off theirs. He stated he'd seen them walk all around the place. Trustee Bartley replied that he didn't think so. Mayor Todd stated that it was this year from what he understood. Their license is included in the beer garden license. Supt. Stone stated that an A license is a special event license, a temporary license for a certain period of time, beer only. When you read either the temporary or permanent beer garden ordinance, it lists all the liquor licenses covered and A is not included. Whether that's a typo or intentionally left out Stone wasn't sure. Mr. Raycraft guessed the RAC was a non for profit organization. Off. Mgr. Viola asked why it couldn't be as simple as to amend the temporary beer garden ordinance to include Class A license. Atty. Myers stated if that was what the board wanted to do, it could certainly be done. Trustee Raycraft reiterated that basically what Riverfest wanted to do was put Riverfest back to the way it's been year after year after year and allow people to walk around with beer. Their only instruction to post signs by the bridge, by the creek, on 3rd St and the Firehouse saying no alcohol beyond this point. Trustee Bartley stated that a temporary beer garden license does not apply to Class A. Off. Mgr. Viola stated that was correct, but the fence would still apply, and they want to omit the fences. Trustee Bartley stated that in section 110, the section that deals with temporary outdoor beer gardens, doesn't list Class A as being required to have an outdoor fence. Trustee Pottier commented that someone up at Erdle's wanted to have a fundraiser and a temporary beer garden outside that they could fence in, he thought that was the intent of temporary beer garden license. Trustee Raycraft stated the only people that can get an A license are exempt charitable, non for profit clubs or organizations for the benefit of the public only, so a regular bar couldn't get one. Trustee Pottier stated those were his thoughts that the temporary beer garden license was intended for bars that didn't have a beer garden that wanted to have a function. Atty. Myers stated that was exactly right. Trustee Faires stated that was the way he recalled it also; for special fundraiser events and things like that. Atty. Myers commented that the thing about the Class A license is when you issue the Class A license, the license is restricted to a certain area, so in the application for Riverfest the application needs to specify that its all going to be on one side of the bridge. Mr. Raycraft said that he was basically looking for guidance because last year they fenced everything in, which they thought was required. They made that work and if that was what they need to do, they would figure out a way to make it work, the committee just needed to know. Mayor Todd stated that everything he's gathered from everyone that had talked to him about Riverfest (because everyone thinks he's in charge of Riverfest) is to put the beer tent back where it use to be. Mayor Todd stated he was in favor of moving it back where it use to be. Pam Zimmerman spoke up and asked how they would control the underage drinking if Riverfest was not fenced in and everyone was walking around with beer. Supt. Stone stated that is why there are police officers patrolling and wristbands that are required to purchase beer. Raycraft stated the only thing they've been able to do in all the years he's been in town is to provide wristbands. An

i.d. is needed to purchase beer tickets, whether people try to pass them off to somebody and hope they don't get caught is another story. The bars have that same problem, its not just Riverfest. Zimmerman stated that she was the mother of a teenager. Trustee Pottier asked if anyone knew what the policy for the Sangamon County Fair was because from what he saw there was just beer in a tent, same thing as the state fair, and you don't see just anybody walking down the parade route at the fairgrounds with a beer in their hand. Trustee Bartley noted that at downtown Springfield festivals people are walking everywhere drinking beer. Atty. Myers read the definition of how the ordinance is written: educational, fraternal, civic, religious, non profit organizations which offer for sale beer or wine or both only for consumption at the location on the dates designated by a special event license. Myers stated that Supt. Stone was right, there was nothing in the ordinance requiring a fenced off area. Trustee Rader stated that as long as Riverfest puts up signs posting no alcoholic beverages beyond certain points, that he didn't have a problem with it. It's been going on for years like that, the police patrol, if there was a problem they catch it. As far as underage drinking, he doesn't think that it has been a big problem in the past. Chief Smith said they have occasionally caught someone but moreover than ever we hardly ever have a problem. Trustee Bartley stated that Riverfest was really restricted last year that he personally didn't enjoy the beer tent the way it was set up and how it was fenced in. It compacted the whole area pretty bad, so he agrees with Trustee Rader, as long as it's marked off, he's okay with it. Trustee Faires stated one reason the tent got moved was to put the beer tent and the horseshoe pit together. Mayor Todd stated that he was in favor of putting Riverfest back to the way it use to be. Trustee Rader concurred. Mr. Raycraft clarified his instructions were to post cut off points. He also questioned, looking at the ordinance, years past they've always had last call at midnight, and it appears by the license that it could actually be 1 am. The reason for asking is, Riverfest is going to be homecoming weekend this year, so we would like to allow for people to go to the game and watch their children and still partake in the festival. If they could go a little later on Friday night so as to allow people to come after the game and listen to the band and have a drink if they want to. We wanted to see if we could go a little longer. Trustee Faires asked what the restrictions were on the noise ordinance. Trustee Bartley stated that he thought Riverfest, the two festivals, Riverfest and the RAC 4th of July festival were pretty much exempted from those. The Class A license does go to 1 am. Trustee Rader stated that that took care of that. Trustee Bartley made a motion to waive the noise ordinance until 12:30 am for Riverfest. It was seconded by Trustee Rader. Trustees Pottier, Bartley, Raycraft, Rader , Black and Faires voted yes. Supt Stone asked how many tents they were planning on having, one or two. Raycraft stated that they only had room for one. They have over ten food vendors that want to come, they'd have to have all the pads to use all of them. Last year they had seven and they had room for two tents. Next Raycraft mentioned that he was approached by a group that wanted to do a fundraiser. They suggested using the small diamond because it was fenced in. They would chalk a grid of squares, if that wouldn't be an issue. Raycraft stated the organization will take care of the clean up. Off. Mgr. Viola asked if the organization he was speaking of, if they were connected with Riverfest to which Raycraft replied no, maam. Viola stated that they will have to get in touch with her because if there was a question of liability, she didn't know if there was or not, but she would need the insurance coverage. Off. Mgr. Viola stated that when Mr. Raycraft talked to that group to let them know that on their certificate of insurance the Village, and she would also suggest Riverfest, be listed as additional insured. Mr. Raycraft asked if they could put it on, he didn't have a problem with it, he just needed to make sure that if they use the village property that the board didn't have a problem with it. The current schedule is being worked on, he will get copies to each board member as soon as they are finalized. Trustee Bartley asked that he make sure the office got a schedule too. Off. Mgr. Viola stated that Supt. Stone will put it on the website. Supt. Stone noted that the dates were on the back of the August utility bills. Once he has the schedule

he can put it on the September bill also. Stone asked if Riverfest was going to use the old firehouse to which Raycraft replied that the township would be using it Sunday morning for a pancake sausage breakfast before the Worship at the Fest and that another group wanted to use it to do a Guitar Hero type contest. Supt Stone reiterated that the Village would need to close the roads by Garage 1 and the Firehouse to which Raycraft replied, yes, just in case, he didn't know that they would need it, but he wanted to bring it up while him at the meeting. He will get with Supt. Stone beforehand and if they weren't going to use the garage he would let him know. Raycraft asked if there were any other questions, that he would be more than happy to try to answer them. Trustee Bartley asked if they were going back to the old way, if the layout was going to be the way it always was with the exception of last year and if so Supt. Stone would need a diagram, map or layout, so he knows where everything is going to be. Raycraft stated that he had nothing else and thanked the board for their time.

Pam Zimmerman came before the board to discuss drainage issues on Blackburn Street. Zimmerman stated the Village put in two drains a few months ago and, in her opinion, it was a waste of taxpayer money because they are not working. The drains aren't big enough. 30 acres of Village property is draining downhill and since the school took over and tore down all those houses it has sped up the water 100%. Zimmerman stated she has lived there 14 years, she's been fighting this battle going on 9 and it's time the problem got taken care of. She stated she does not have the money to fix her house because it rotted out again. She bought a rotten house, she dealt with it and fixed it, but now it's time for the Village to step up and take care of their responsibility. Zimmerman was told the Village would ditch from 3rd St. all the way down to 2nd St. that hasn't happened. Zimmerman believes that if you put a ditch in across the street it will alleviate the water coming onto her property. Zimmerman stated the last hail storm we had her sister thought her car was going to wash into the back of her car because that's how much water was coming down the driveway. It lasted 20-30 minutes. She stated it was a serious situation, a health hazard, and she was sick and tired of picking up trash those floods into her yard from the high school parking lot. She stated something must be done and asked what the board was going to do about it. Mayor Todd had a question on the easement and whether there was an easement that goes behind Zimmerman's property. Zimmerman stated no. Mayor Todd asked Zimmerman if that was something she would be willing to do; give the Village an easement so that we may correct this problem. Zimmerman stated she talked with her husband and that she would be willing to give the Village an easement through their property but there would be stipulations. The Village would have to pay to fence in her yard down the property from her neighbor's fence to her house. Her yard is currently fenced and secure for her children, she does in home daycare. Also for her animals because now she can let them out the back door and they can just go out into the yard and play. She stated she really didn't want to give the Village an easement but she would be willing to as long as the project was done by the end of this year. Mayor Todd stated he could not make any guarantees about it being done by the end of the year. Zimmerman stated this was something that should've been budgeted a long time ago with as many times as she's been before the board. Mayor Todd stated a lot of this problem is on private property, and also the school is responsible for a lot of the flooding. Zimmerman stated the Village is also responsible because they never put a stop to the school tearing down the houses. The retention pond is worthless, it does not retain the water and her definition of retention pond is that it is to retain water. Trustee Black asked Supt. Stone why the ditch project hadn't been completed. Supt. Stone stated that an employee was off for two months with an injury. Stone said the project would be completed. Trustee Pottier commented for the sake of the new board members that there were engineered drawings produced that would have provided drainage that was not pursued. Zimmerman stated she knew there were drawings, Bill Remmers had received a bid for half a million dollars to go

from the middle of the road, there have been all kinds of reports done there just hasn't been any action done. Zimmerman stated she would like the board to move on this as quickly as possible because it's a very big problem. She stated she realized she's not the only one complaining now because the people on Kinzie Street are complaining about the creek running through their yards, how the creek is getting wider, how they're losing their yards, and in some cases the water is coming up to their front doors. This was never a problem before until the school tore down those houses. When they intend to blacktopping, which she knows will be in a few years, it will speed up the water even faster because there is nothing holding back the water. Mayor Todd asked other trustees if they had any further questions for Pam. He stated the issue would be discussed amongst the committee and they would be in contact. Zimmerman stated she needed to leave and thanked the board for their time.

Next item on the agenda was an ordinance to approve 1.6 million dollars in alternate bonds. Trustee Pottier made a motion to approve Ord. #2009-024 authorizing 1.6 million in alternate bonds. It was seconded by Trustee Faires. Trustees Pottier, Bartley, Raycraft, Rader and Faires voted yes with Trustee Black voting no.

Trustee Bartley made a motion to pass Ord. #2009-025 amending provisions of the Village Code of Ordinances pertaining to parking and snow emergency routes. It was seconded by Trustee Faires. Trustees Bartley, Raycraft, Rader, Black and Faires voted yes with Trustee Pottier voting no. Trustee Pottier had some questions regarding whether the parking regulations had been published in the Riverton Register or publicized anywhere that stated there were charts at the Village Hall. His concern was making sure the public had ample time to review any areas that might affect their neighborhoods. Off. Mgr. Viola stated she wasn't asked to publish anything. Trustee Bartley saw it in the Riverton Register as well as the minutes. Trustee Pottier asked if they could table this for one meeting and publish something stating the plans are here and available for viewing. A resident spoke up to ask if there were any changes to Ivy Hill to which Bartley replied that Ivy Hill remained unchanged. Trustee Bartley stated that a lot of the changes are around the school area. They took out some no parking areas, took out the handicap zones which over time we've abolished. We took those out of the ordinance. We did add a couple of new no parking areas around the schools, and added snow routes along Stanton Avenue, Lydia Lane & Silent Rain subdivision. Other than those changes, the ordinance reads the way it was. It was mostly cosmetic changes to keep it up to date with things that are changing around town. Mayor Todd stated that it had been brought up to table this issue until the next meeting by Rich so that we may publish it in the Register. Trustee Rader stated that if they haven't changed anything, other than around the schools, he didn't see any reason to delay it. Mayor Todd agreed to move forward and the ordinance was passed.

Supt. Stone gave the Board a copy of his written report (see attached). Stone stated he had a few things that he wanted to discuss. There are problems at the water tower, the altitude valve is bad, they've tried to work around it because it's very expensive, but it's to the point where they can't work around it and still maintain a decent level of water in the towers. He talked to Trustee Rader about it and they actually need to get a new one. The one that is in there has actually been rebuilt a few times, it just doesn't work. This is the valve that keeps water in both towers. The bid is about \$8,000 and it would be another \$1,500 to have it installed and calibrated. Stone talked with Off. Mgr. Viola about the budget and although it's not in the tower budget it's in the system budget. Unfortunately this will delay the fire hydrant replacements that were scheduled. Trustee Pottier asked if there was any way they could still do the hydrant replacements. Stone stated they would do as many as they could until they ran out of money. Trustee Faires made a motion to

approve the purchase of repair parts to get the towers up to full capacity. It was seconded by Trustee Rader. Trustees Black, Rader, Faires, Bartley, Raycraft and Pottier voted yes. Trustee Pottier voted yes with the stipulation that we try not to slow down the fire hydrants. Supt. Stone stated that the electric department has been doing their inventory and we have no 3 phase pad mounts. There are 30 different entities around town that have 3 phases transformers, if one would happen to go out, it would take 6-8 weeks to get one. We could probably borrow a temporary from Cilco but they would like to buy one to keep in stock that would cover the most amount of businesses. Once again, it's not cheap, the lowest bid we had was \$5,026. Trustee Faires asked if it was budgeted in the electric department to which Stone replied yes. Trustee Bartley made a motion to approve the purchase of a 3 phase transformer. It was seconded by Trustee Rader. Trustees Rader, Black, Faires, Bartley, Raycraft and Pottier voted yes. Supt. Stone stated that also while doing their inventory they went through their poles and they would like to order poles. The electric dept. has been replacing a lot of poles around town, ones that are leaning, ones that are rotten, and various ones. Trustee Rader stated they were trying to hold down on the spending as much as possible, but these are items that are absolutely needed. Rader stated that a load of poles would cost \$9,422, however there was \$15,000 budgeted. Trustee Bartley made a motion to purchase the poles. It was seconded by Trustee Faires. Trustees Pottier, Bartley, Raycraft, Faires, Black and Rader voted yes.

Chief Smith gave the Board a copy of his written and monthly reports (see attached). He wanted to bring up the last board meeting and the approval to purchase 6 tasers, however after meeting with Off. Mgr. Viola, he found the funds were not available. He decided to go with four until more money becomes available. He placed the order for those four and the training will most likely be in September. He stated that hopefully by that time they can purchase the other two. Trustee Bartley stated that was actually to our benefit because the union committed to buying one. Also, October 2, there's going to be a golf outing to raise funds for police equipment, that can be used to buy tasers or whatever equipment is needed.

Off. Mgr. Viola stated that Ray Hickman started last week on the audit and so far it was going pretty smooth, which was nice. Viola brought up a resident that came before the board with a bill when he was advised he may have a water leak due to his water usage. He brought the bill to the Village for the time and expense it cost him to try and find the leak and she needed to know what the board wanted to do about that bill. Mayor Todd stated that was sent to committee. Trustee Bartley made a motion to not pay the bill. It was seconded by Trustee Rader. Trustees Faires, Rader, Black, Pottier, Bartley and Raycraft voted yes. Off. Mgr. Viola stated that she would let him know. Viola also noted that on Wednesday she has a trial set at 9 am for a collection. Trustee Pottier asked if there was any way we could make a statement that we apologize he had the inconvenience. Off. Mgr. Viola stated she thought the board expressed that to him when he came to the board to present the bill.

Treasurer Laffey stated that he had nothing to report.

Trustee Raycraft requested a parks committee meeting be posted for Thursday, August 6, at 7 p.m. to discuss various park projects.

Pat Faires welcomed back Dave Smith.

Trustee Bartley stated the street committee met before the regular board meeting. To recap briefly they approved the oil/chip program and decided to go with white rock. Supt. Stone will be

ordering it soon so that the project can get rolling. There was talk about possibly using pea gravel but the committee recommended staying with the white rock which was approved by the board. We looked at a couple of drainage issues other than just Blackburn, adjust our motor fuel and sign off on our maintenance program for the year. Stone asked who the engineer was for MFT. Bartley stated he would get with Larry whom he will probably use again this year. Supt. Stone stated that as soon as he got with Alex Lyons to find out when he's doing our streets he will let everyone know. Trustee Pottier asked about the gentleman who had concerns with chip rock on his street in case he was approached he would like to know what to tell him. Trustee Bartley stated that the mayor was going to call and let him know but basically the answer is that the Village Board is representing all of the citizens of Riverton and they need to spend the money in such a fashion that they get the 'biggest bang for the buck' and when they oil & chip roads using the white rock it will produce a road that is more durable and will last longer. As a follow up, in an effort to keep the dust down we may use a pull behind drudge machine or the fire department to spray water. Also, the street sweeper can be used to pick up any loose rock.

Trustee Rader stated with the water plant update, they had different prints and different drawings but there were still questions. On these plans there is still no electrical whatsoever, he's already changed the pipe which he had noted that we wanted schedule 80, the prints came out with schedule 40. Apparently Supt. Stone contacted him because he's changed that back to 80 which is what we need. The softener units are supposed to be independent which he has but with no connections, so from the brine over to the softener there is no connection. We don't know how they are going to connect, whether they have to cut the floor or go overhead. There are things missing on this set of prints that should've already been answered according to the last meeting we had with him. Trustee Bartley stated that we can't afford to go another year with him playing around sending plans back and forth. That is getting to be ridiculous. Everyone agrees. Bartley suggested the board sit down with EL Pruitt and put together in writing a list of issues & concerns to EMI and say this is it you have two days to get the new drawings to us. Mayor Todd stated that he has asked Mr. Keebler to attend the board meetings time and time again and there is nothing from him on this whatsoever. Trustee Faires concurred with Trustee Bartley's frustration, he believes it may be time to make this 'a john issue'. Trustee Rader stated that unfortunately he's been fed up with this engineer for a long time because he doesn't think he's qualified to do the job. Trustee Bartley recommend the committee sit down with EL Pruitt and put together one master list of issues and concerns and give them a deadline that the board wants it back on such and such date so it can be sent to the IEPA. Trustee Rader asked what they would do if they didn't make the deadline because they haven't made a deadline yet. Trustee Bartley stated it was real simple, we send him a letter that says their work is completely unacceptable, you've stood in front of this board for the last 15 months and we're no farther along today than we were then. We will look for a new engineering firm and well see them in court. Atty. Myers stated the letter what he's talking about isn't known as the threatening letter, it's known as the now or never letter. Supt. Stone stated he received a call from the engineer that is doing the Lucky Horseshoe lift station. He was asked to bring this up to the board that Klinger & Assoc, who was informed about the problems at the water plant, said to relay to the board that they could probably save the board enough money to pay for their engineering to do this project. Atty. Myers commented that Klinger & Assoc, was hired by Petersburg and they were really happy with them. They did a great job, of course it was a four million dollar water plant which is a little more involved than this, but they swear by them. They also did the job under their estimate so they certainly come highly recommended by Petersburg. Speaking of Petersburg, Trustee Bartley asked when they were starting the Washington St. sewer extension. Supt. Stone replied August 10th.

