

Village of Chadwick  
225 Main Street  
Chadwick, IL 61014  
**Meeting Minutes of the Board of Trustees**  
February 12, 2018 at 6:30pm

The Village Board of Trustees met in regular session at 6:30 being called to order by Village President Kim Hinrichs.

The meeting was opened with Roll Call. Board members present Leif, Morgan, Nelson, Newstrand, Welch and Williams.

Pledge of allegiance was led by Hinrichs.

Minutes from the January 8, 2018 were reviewed. Newstrand motioned to approve the minutes as presented. Leif second. Roll call taken:

Ayes: Newstrand, Leif, Morgan, Nelson, Welch and Williams

Nays: None

Williams asked that a work order for the Police Department be added to the agenda. Newstrand motioned to approve the agenda with additions. Leif second. Roll call taken:

Ayes: Newstrand, Leif, Morgan, Nelson, Welch and Williams

Nays: None

Hinrichs stated that she had passed around a packet from Mediacom. Jensen will review the information prior to the next committee meeting.

Peggy Schaffer addressed the Board. She stated the Village needs to look at a snow removal ordinance and if they do not have one, one should be considered. Schaffer also stated that the Village of Chadwick request an itemized written proof for the Nelson Settlement. She stated that the Village Board should not settle with the Nelsons. The Nelsons should have to file a law suit against the Village. If the Nelson's win it should be paid by insurance not tax dollars. She does not feel tax dollars should be used to pay the Nelson's attorney fees.

Marc and Megan Irvin stated that they have had high water bills in previous months. They had someone come and checkout the house and were told there were no leaks. The Village changed out the meter and bills have decrease. Irvin's are asking the the Board review their bills and consider a refund/credit for the over charges on the account. It was decided that the board would review the account at the committee meeting.

Alan Skoog voiced his concern for the Board only allowing 5 people to comment for 3 minuets each at the Board meetings. He does not think that it is appropriate for the Village to discus the Nelson case in closed session when one of the Nelson's sits on the Board and has access to the information but the public does not. Skoog would also like documentation on the fees outlined in the settlement.

Marsha Kradle expressed concerns of Rahn farms plowing on city property in relation to the Nelson case.

Diane Sarber asked that if the Village Board does not settle the Nelson case how much more could the Village be liable for?

Skoog stated that he is embarrassed by the actions of this council. He is concerned for the growth of Chadwick because people will not move here because of the actions in the Board room.

Newstrand asked Skoog what the current Board has done. These problems were inherited from the prior Board. Newstrand stated the public has been misinformed and if the Nelson's were suing the Village he would expect Talea Nelson to step down from the board but the Nelson's are not suing the Village.

Leif asked asked to move the following items under consent agenda:

- Approval of bills

- Motion to rescind prior motion to lower the credit card limit

- Purchase of car wash tokens not to exceed \$50.00 at a time

- Approval of Gene Woodley to attend Juvenal Officer Training

- Motion to purchase digital camera not to exceed \$160.00 for the Police Department

- Motion to purchase a hammer drill not to exceed \$175.00

- Motion to approve work order for the Police Department for the removal of cabinets

Leif motioned to approve items under consent agenda. Newstrand second. Roll call taken:

Ayes: Leif, Newstrand, Morgan, Nelson, Welch and Williams

Nays: None

Treasurer report was presented.

Newstrand stated that the budget is currently on hold.

Nelson made a motion to purchase binding supplies. Newstrand second. It was then stated that Alan Skoog donated a binding machine and supplies to the Village. Nelson rescinded motion.

Jensen stated that he has sent out the Tower Occupancy Agreement to the Board with recommendations. There were a few issues he wanted to address 1.compensation to the Village 2. electrical use 3. rental amount 4. free usage and 5. annual increases. Jensen is waiting for further direction. The agreement will go back to the committee.

Jensen will also review the Mediacom contract and Ordinance to address payment of Cable Television Franchise Fee. This item will be tabled to committees for further review.

Newstrand motioned to approve a Resolution waiving the bond requirement as a condition of conducting raffles for Gahm Enterprises. Nelson second. Welch expressed concerned for the liability to the Village. Morgan stated that he agreed with Welch. Morgan stated he did not feel right about giving a firearm away. Newstrand stated a FOID card is needed to pick the gun up. Holland stated that at last months meeting a resolution was passed by 6 to 0 vote. Holland asked how would voting on the same resolution tonight work? Jensen read the minutes from the previous meeting that outlined the resolution and the vote. Newstrand then rescinded his motion that was made tonight.

Leif motioned to grant permission for the Nelson's to install a road tube in a new entrance on Taylor Road at the Nelson's expense. The tube must be to standard and they may put gravel on and around it.

Newstrand second. Morgan asked what was the guide for standard and suggested the Nelson's contact the County Engineer. Welch stated that after review of ordinance # 713 she did not believe the Nelson's needed permission from the Board to install a road tube. Welch also stated that she spoke with the County Engineer and that Nelson's would need to contact him. Welch stated that the city had nothing to do with Nelson's installing a road tube. Williams stated that we just want to give them permission to install the tube. Welch stated that the Nelson's do not need the Village's permission, it is not a Board matter. Jensen stated he was not sure they needed permission to install the tube but was concerned about the dropping of rock in the road ditch. Morgan stated that Nelson's do not need permission for the tube or dumping of the rock. After discussion, it was decided, that the Nelson's do not need permission from the Village of Chadwick to install a road tube or dump rock in the ditch. Leif rescinded her motion.

Morgan stated that the Village had a seal leaking in #3 well that has been repaired. There is now a leak starting to appear in well #2.

Jensen stated that he was asked to review Title 3 Chapter 2 Section 6 of the Code Book, as well as simplifying the liquor application and looking into a Special Use License. Jensen gave out a draft of the updates for the Title 3 Chapter 2 Section 6 of the code book for review. He also asked for a current copy of the Village's Liquor application and the possibility of a Special Use License. He stated at this time there is no provision for a satellite location. The Board asked Jensen to create a license for festival and for satellite locations. Updates will be brought to the next Board meeting for review.

Nelson excused herself from the meeting at 7:29PM

Jensen stated that there are very few statutes or cause of actions that carry with them that prevailing parties getting attorney fees and this was one. The statute states that the prevailing defendants shall recover aggregate cost and expenses. Jensen stated the Nelson's did not sue the city and were defended under the Farm Nuisance Act and it was not whether the Village will pay but how much the Village will pay. We have a detailed billing statement from Les Winestien for over \$50,00.00 in Attorney fees. Jensen stated that he has negotiated down \$30,000.00 in Attorney fees. Jensen stated this would be a global settlement meaning no further law suits would be coming forward. If the Village does not settle, a law suit may be coming forward in regards to the land sale. The Nelson's did not receive what they thought they purchased. Jensen was also given a list of bills that the Nelson's have incurred totaling \$12,418.00 and a list of litigation expenses totaling approximately \$1,900.00. A water main would need to be installed to the Nelson's property line. Questions were brought up about the responsibility of keeping the buffalo box frost free once installed. Anything after the box would be the Nelson's responsibility. The Village would also need to pay for a survey that outlines the property that the Nelson's purchased. Jensen stated that if the Village approves the settlement he can word it so that no further lawsuits will come forward in regards to the sale/purchase of the land. Newstrand stated the Ordinance 540 is still in effect.

Questions were brought up about the number of cattle. It was stated that the Nelson's will still need to follow the law. Jensen said that according to the trial transcripts there were no official complaints. Welch asked about a septic tank. Jensen stated another governmental entity would regulate it. Morgan asked about easements. After discussion, Newstrand motioned to approve agreeing to the settlement. The settlement would include attorney fees of \$22,781.25, Nelson's expenses \$12,418.00, litigation expenses \$1,919.34, two years of free water, Village paying for a survey of the land purchase, easement rights and a settlement releasing Village of all future litigation pending incorporation of the settlement into a written agreement. Leif second. Roll call taken:

Ayes: Newstrand, Leif, Morgan, Welch and Williams

Nays: None

Hinrichs was asked if she would like to vote. Hinrichs did not wish to vote at this time.

Jensen will now put the settlement together in writing and bring to the Board for final approval at the next meeting.

Leif motioned to adjourn at 8:31 pm. Newstrand second.

Minutes respectfully submitted by Dawn Holland