

**MINUTES OF A REGULAR MEETING
MAYOR AND BOARD OF TRUSTEES
FOR THE VILLAGE OF FORSYTH, IL**

**Held at the Village Hall
March 15, 2010**

Call to Order

Mayor Harold Gilbert called the meeting to order at 6:32 p.m.

Pledge of Allegiance

Roll Call

Upon call of the roll, the following Trustees were physically present:

Rasho, Allsup, Johnson, Morr, Hubbard, Reed.

Absent: None.

Also Physically Present

Darrell Woolums, Larry Coloni, Chuck Hunsinger, Rhonda Stewart, Charlyn Brautigam, Kathy Mizer, Deputy Reedy, Don Van Lyssel, Jake Palmisano, Jeffrey McCabe, Jim Young, Dean Kyberz, Tom Courson, Jean Campbell, Martin and Angie Boeham, Terry Parrish, Bob Luther.

Adoption of Consent Agenda

*** Consideration of items listed on the Consent Agenda under the omnibus vote designation:*

1. Approval of Minutes of the Regular Village Board meeting held March 1, 2010.
2. Approval of Minutes of the Special Village Board meeting held March 13, 2010.
3. Approval of Bills presented for payment, March 15, 2010. ***Invoices are always available for review upon request.*
4. Approval of Treasurer's Report, February 2010.

Trustee Allsup moved, and Trustee Johnson seconded, to approve the Consent Agenda, as presented. Upon a call of the roll, the vote was:

Yeas: 6—Rasho, Allsup, Johnson, Morr, Hubbard, Reed.

Nays: 0—None.

Absent: 0—None.

Motion declared carried by omnibus vote.

Public Comment

Jeffrey McCabe and Jim Young were in attendance to introduce themselves to the Board. Jim stated that the two men recently purchased the property where the Forsyth Post Office is located. He mentioned that post office properties do not come up for sale very often, but when the Forsyth location did, the two felt the purchase would be a good investment opportunity. Jeff commented that they were glad to be part of the Forsyth community and look forward to working with the Village.

Jim added that Forsyth appears to be a very progressive community and that they are eager to become a part of the Village.

Mayor Gilbert thanked both individuals for coming to the meeting. He remarked that it would be nice if the post office could be relocated to a larger site. Jeff replied that they would be open to discussion on this idea.

LAW ENFORCEMENT—

Deputy Reedy was in attendance at the meeting to comment on recent activity in the Village that officers have responded to. She reported that she was filling in for deputies assigned to the Village who were ill. Deputy Reedy mentioned that officers continue monitoring the speed zones around the schools. She also noted that as temperatures moderate, patrols and foot traffic will be increased in the parks throughout the Village.

ADMINISTRATION REPORT

ENGINEERING—

Engineer Chuck Hunsinger was present to comment on items listed in his Engineering Status Report provided for Trustees to review.

Weaver Road Bridge

Chuck referred to the report received from SKS Engineering on the condition of the bridge and cost estimate in the amount of \$234,654.20, for the needed repairs to the structure. Chuck explained that the next step is for the engineering firm to prepare the bidding documents for the project.

Trustee Hubbard asked Treasurer Rhonda Stewart how much has been budgeted for this project. Rhonda replied that \$246,000 has been budgeted for this particular item.

Mayor Gilbert remarked that in his opinion, the cost estimate for the bridge rockers appears to be a little high. Chuck replied that he cannot defend the costs for these parts, but noted that it is his understanding the contractor will have to jack the entire structure up to replace the rockers. He added that the engineer contacted contractors to get estimates for the different parts needed to make the repairs, prior to finalizing the report.

Trustee Rasho expressed his hopes in having the members of the Public Works Committee evaluate the report and plans for the project before sending it out for bid. Mayor Gilbert replied that there should be plenty of times to discuss the plans before bids are submitted on it.

Oreana Water Main Project

Chuck mentioned that the Village of Oreana continues easement negotiations for the project. He added that there is nothing new to report on this project.

County Highway 20 Road Improvement Project

Chuck stated that there is nothing new to report on this project.

2010 Street Improvements Projects

Chuck reported that the scope for the road projects has been discussed with the Public Works Committee. He also mentioned that BGM Engineering has begun working on the surveys to prepare the design plans.

US Rt 51 and Barnett Avenue Intersection

Chuck mentioned that at the last meeting Trustees asked if plans for the restriping of the intersection could be sent to the Village for review prior to implementation. He then referred to the detailed sketches provided by officials from the Illinois Department of Transportation (IDOT) concerning the planned striping modifications. Chuck explained that IDOT has proposed to make three changes to the intersection at this time. They include: moving the stop bar slightly closer to US Rt 51 for the right turn lane, enlarging the island located in the southwest corner of the intersection, and then restripe the merging lane on US Rt 51 to make it a solid white line instead of a broken white line. All three are ideas suggested to help increase visibility at the intersection for motorists turning right from Barnett Avenue onto southbound US Rt 51. IDOT officials suggest these changes be made and see if they help before considering doing anything more. If these suggestions do not work, other options may be considered. Chuck mentioned that this work will not be completed until the temperatures moderate.

LEGAL—

Attorney Darrell Woolums reported that he was contacted by an individual from the Federal Bureau of Land Management to discuss the abandoned railroad right-of-way property located on the east side of the Village. The goal is to find a way that the United States Government can release its interest in this property. Darrell mentioned that he does not believe there has been any rail traffic of any kind on this property in more than 20 years, and noted that the tracks and signal devices have been removed many years ago. He pointed out that a resolution to this issue may benefit the Hickory Point Fire Protection District and also Ameren/IP who have specific interests in this property.

PUBLIC WORKS DIRECTOR'S REPORT—

Public Works Director Larry Coloni provided a written activities report for Trustees to review regarding the status of ongoing projects in the Village.

Items mentioned included:

- *Work has begun on preparing a written maintenance plan*
- *Continues working on the Water Storage Tank Maintenance agreement with Caldwell Tank. A contract should be ready for the next regular meeting.*
- *Continuing with sump pump inspections and changing out old meters. Larry reported that eight illegal connections have been found to date.*
- *Work has been suspended on moving the sand volleyball pit in the park.*
- *Both emergency warning sirens have been installed and should be activated by the end of March.*
- *The tree limb chipping program resumed March 1.*
- *Employees have been patching pot holes in streets throughout the Village.*
- *Work has started to prepare the ball diamonds for use this spring.*

Trustee Morr asked Larry if it was feasible to implement the leaf pick-up program for a week in the spring. He explained that some residents have trees that do not drop leaves until winter, so are not picked up during the fall pick-up program. Mayor Gilbert asked what the ramifications would be if the program was started for one week in the spring

Larry replied that in his opinion, it would be logistically difficult to provide this service for one week. He mentioned several things that would make it hard to coordinate this effort. They include:

- When is the best time to collect the leaves?

- Would an alternate date be needed if it rains during the week that is selected?
- What if the ground is too wet for residents to rake the leaves up? Would another date be needed?
- The farmland the Village owns is too wet to spread the leaves out on. How can the Village dispose of the leaves?
- Should the leaves be burned?

Larry also pointed out that employees are trying to ready the ball diamonds and parks for the spring. This limits the number of staff available to pick up leaves.

COMMITTEES— Finance Committee

o *Approval to eliminate water rate tier-pricing*

Chair Trustee Hubbard reported that committee members have been discussing options for making the water fund self-sufficient as required by Village ordinance. He pointed out that last fall the Board chose to raise the sewer rates to \$2.95 per 1,000 gallons of water consumed, and to eliminate the swimming pool credit beginning in May 2010. This was done in an effort to make the sewer fund self supporting.

Since that time, Trustee Hubbard reported that members have also been discussing ways to address the water fund in an effort to also make it self-sufficient. Currently, customers are billed \$2.37 per 1,000 gallons of water consumed, up to 20,000 gallons of usage. Anyone using more than 20,000 gallons of water per month, is then billed \$1.98 per 1,000 gallons over that amount. Treasurer Rhonda Stewart was asked to provide detailed information on what impact eliminating the tier-rate would have on the water fund revenue. Rhonda provided details on what impact this idea would have in a memo from her dated March 6, 2010. She estimates the water revenue would increase by \$5,204.77 annually, if the water rate tier of \$1.98 was eliminated.

Trustee Johnson commented that although she is aware that the Village needs to raise the water rates to increase revenue, she asked if the summer sewer averaging was going to continue. Trustee Hubbard replied that the Board chose to eliminate that item last fall. He added that expenses are going up, and by not addressing the issue, the Village is sending mixed messages. Eliminating this tier-pricing sends a clear message to customers that the focus should be on conservation, not consumption. Trustee Rasho commented that in his opinion, this recommendation is another small step in the right direction.

Trustee Hubbard moved, and Trustee Reed seconded, to eliminate the water tier-rate pricing, as recommended by the Finance Committee, effective May 1, 2010. The charge of \$2.37 per 1,000 gallons of water consumed on a monthly basis regardless of how much water the customer uses, and will affect residential customers only. Commercial customers will continue to receive the water rate tier-pricing. Upon a call of the roll, the vote was:

Yeas: 6—Rasho, Allsup, Johnson, Morr, Hubbard, Reed.

Nays: 0—None.

Absent: 0—None.

Motion declared carried.

- *Approval of Fixed Asset Policy Amendment*

Trustee Hubbard reported that the Village auditor recommends the Fixed Asset Policy be amended to address when capital items are depreciated. The Treasurer provided committee members with two options for members to consider concerning this issue. Trustee Hubbard reported that after discussing the policy and the proposed amendments, the committee agreed that option two should be adopted.

Trustee Hubbard moved, and Trustee Rasho seconded, to approve the amendment (Option No. 2) to the Fixed Asset Policy, as recommended by the Finance Committee. It reads:

“Depreciation Begins:

The Fixed Asset should begin depreciating in six (6) month increments; any assets purchased in May, June, July, August, September, and October will begin depreciating October 31st or when the project is 100% completed – purchases in November, December, January, February, March and April will begin depreciating April 30th or when the project is 100% completed.”

Upon a call of the roll, the vote was:

Yeas: 6—Rasho, Allsup, Johnson, Morr, Hubbard, Reed.

Nays: 0—None.

Absent: 0—None.

Motion declared carried.

Trustee Hubbard mentioned that he has one opening on the Finance Committee due to a resignation of one member. He asked Trustees that if anyone knows of someone who may be interested in serving on this committee, to please let him know.

Economic Development Committee

- *Review Website Advertising Proposal*

Chair Mayor Gilbert reported that the committee met last week and noted that discussion was focused on two promotional items. The first proposal was presented by Jake Palmisano from the Herald and Review Newspaper. Mayor Gilbert recognized Jake who was in attendance to explain this proposal.

Jake presented Trustees with an advertising concept using the internet to promote Forsyth. He described the *behavioral targeting marketing program* as one that sends the right message, to the right person, at the right time. The Herald and Review Newspaper has partnered with YAHOO.COMM to provide a sophisticated way to market the local area to individuals who simply click on a link from their YAHOO internet browser. Once a link has been selected local attractions or ads are displayed. The ads target anyone in a 75+ mile radius of the selected target area. Jake mentioned that the ads could target golfers, specific businesses, Lincoln sites, hotels, restaurants, or really anything the Village would choose to include. He reported that the Economic Development Committee has selected the Chicago and St Louis vicinities as target areas to begin with.

Mayor Gilbert commented that in his opinion, this idea provides all kinds of opportunities to promote Forsyth and the local area. He reported that the committee voted to recommend the Village try this idea for three months, advertise in the two areas mentioned, and then see how it works before committing to anything more.

Trustee Rasho asked how much this trial program would cost. Jake replied that the cost is \$354 for each area, or a total of \$708 per month, times three months to equal \$2,124. .

Trustee Rasho also asked if there would be activity reports provided to the Village at the end of three month trial period. Jake replied that he would be glad to provide the Village with reports whenever Trustees want to see them. This could be once a month, or at whatever interval requested.

Mayor Gilbert mentioned that he believes this is a good opportunity for the Village. It will be interesting to see how the internet may impact visitors to the local area. Funding for this program could be taken from Hotel/Motel Tax Receipts, and noted that money is available.

Trustee Allsup asked how people will be able to access the site. Jake stated that each computer Internet Protocol (IP) address will dictate who can access the information. Specifically, the search areas chosen will be imbedded.

Trustee Morr moved, and Trustee Hubbard seconded, to authorize spending \$2,124 to partner with the Herald and Review Newspaper, on a three month trial basis to utilize the internet to promote Forsyth. Upon a call of the roll, the vote was:

Yeas: 6—Rasho, Allsup, Johnson, Morr, Hubbard, Reed.

Nays: 0—None.

Absent: 0—None.

Motion declared carried.

Trustees agreed to start the advertising campaign on April 15, 2010 to allow Jake time to build the internet links.

o *Review Tri-City Business Forum Proposal*

Mayor Gilbert began by apologizing to the Board for not providing them with information on this item earlier. He mentioned that Mr. Bob Luther came to the December Economic Development Committee meeting to present an idea to the Village, but noted that until now there has not been a lot to report to the Board. Bob's idea involves working with the City of Decatur and the Village of Mt. Zion in an effort to let small business owners and potential owners know what Forsyth has to offer new and expanding small businesses.

Mayor Gilbert explained that in his opinion, the next step is to prepare a Power Point presentation showing what resources are available in Forsyth that could be shared with individuals attending the business forum that is being planned. A meeting has been scheduled for March 31, 2010 from 5:30 to 8:15 p.m. at the Decatur Public Library, Madden Room. Plans for the meeting include a presentation by each community, a panel discussion, time for questions, and time to network with business professionals that may be in attendance. Mayor Gilbert reported that there is no cost to the Village to move forward with this idea. He commented that he brought this idea before the Board tonight to ask for support from Trustees as the Village moves forward. Mayor Gilbert stated that he is excited about the opportunity to share with others what the Village has to offer local businesses.

Terry Parrish, a member of the Economic Development Committee, was in attendance to voice his support for this program. He suggested Trustees take part in the planned presentation, or participate in the panel.

Trustee Rasho mentioned that he was at the last committee meeting and listened to the discussion on this proposal. He reported that there were several handouts provided to those in attendance, with information on this forum and noted that it was apparent that this concept has been finalized with an agenda and presenters for it scheduled for March 31, 2010, without any of the Trustees knowing about it. Trustee Rasho remarked that he accepts the Mayor's apology if indeed it was sincere and made for the right reasons. Specifically he expressed his frustrations with the Mayor keeping the Board informed about his dealings on various issues concerning the Village. He emphasize that in his opinion communication is important.

Trustee Rasho mentioned that after the December Economic Development Committee meeting, he discussed this item with Bob Luther. He added that he also spoke with two other people about this program following the March Economic Development Committee meeting to ask more questions and to ask for them to clearly explain the concept further. Trustee Rasho asked Mr. Luther if his expectations were to do some consulting work as a result of this forum.

Bob Luther explained that he came to Forsyth about 30 years ago from the Chicago area. His also provided Trustees with information on his background and experience concerning small businesses. Bob stated that although he is part of SCORE, and part of the Decatur Chamber of Commerce, he did not come to Forsyth with any underlying ideas or false intentions. He explained that he came to say "*here is what he is doing, and does the Village want to be involved with this idea*". Bob remarked that he is an advocate of small business, and noted that his intent is to be pro-active in seeing small businesses start up.

Trustee Rasho explained his concerns with this program: The first concern was, for the Board to consider is what happens if someone else comes to the Village with a similar idea, and noted the Village may end up setting a precedent by supporting this program. Trustee Rasho stated that whatever action the Board chooses to take on this issue, there should be no liability and no cost associated with this forum for the Village. He also asked what happens if something goes wrong with the program. Lastly Trustees Rasho asked what happens if a problem develops between Mr. Luther and a business owner who becomes involved with the program as a result of this forum.

Bob Luther commented that although each of the three communities is unique they are also similar.

Mayor Gilbert remarked that any consulting done on behalf of this idea would be conducted outside of the concept presented tonight.

Following a brief discussion on this program, there was a consensus from Trustees to continue with plans for the program. Mayor Gilbert commented that he is hopeful that the forum can be done each year. He thanked Bob Luther and Terry Parrish for coming to the meeting to answer questions from Trustees

Library Committee

- *Magazine Sale*

Chair Trustee Reed reported that the Library will be holding a magazine sale on April 16 and 17, 2010. The purpose is to dispose of outdated library materials. This item will be on the next meeting agenda for approval.

- *Approval to proceed with Schematics for Library expansion*

Trustee Reed reported that the committee met last week, and noted that one of the items on the meeting agenda was how to proceed with the future Library expansion project. It was the committee's recommendation that the committee ask permission from the Board to proceed with the review of qualifications submitted by architectural firms in preparation of selecting an architect to prepare the schematics for expansion of the library.

Mayor Gilbert acknowledged that the Village had received qualification reports from several architectural firms, but has been holding onto the proposals until the Board decides on how to proceed. Letters were sent out to each company to let them know that the Village received their proposal and also that the Board is currently working through the budget process. The letter also let each one know that when this process has been completed, firms would be notified.

Mayor Gilbert stated that in his opinion, he truly believes the Village can move forward with both projects, and noted that a timeframe has not been established for either one. He added that it is a good idea to proceed with requesting the schematics for the expansion so everyone knows what is wanted in the new facility. Mayor Gilbert emphasized the need to make a decision on how to proceed with this request.

Trustee Allsup commented that in his opinion, the Village is different than it was a couple of years ago. He added that he does not see how the Village can do both a library expansion and construction of a community center, and stated that he believes the Board needs to take a step back in order to determine what direction the Village should go in. The current economy is a mess and revenues are down.

Trustee Johnson remarked that she is in agreement with Trustee Allsup. She mentioned that the park survey recently completed, clearly indicated that the Village is addressing needs of its younger residents, but is lacking in addressing the needs for seniors living in Forsyth. Trustee Johnson mentioned that in her opinion, the Village has a very nice library and added that it doesn't need any expansion.

Trustee Reed mentioned that the Library Committee has been working on this issue since 2004. He asked how many other projects have been waiting. Trustee Reed remarked that if financing or the economy is the issue, there are alternative ways to finance this project. He also noted that unless the schematics are done, the Village will not be eligible for any grant funding.

Mayor Gilbert referred to water treatment plant construction project built several years ago and noted that it cost more than what has been suggested for the library expansion.

Trustee Morr commented that he needs more time to review this issue before voting on it. He suggested the item be tabled to allow time to evaluate the proposal.

Trustee Rasho referred to Trustee Reed's comments. He stated that he does not want to build expectations for something the Board is not going to move forward on. Success breeds success, and Trustee Rasho suggested the Board take its time to thoroughly evaluate what direction the Village should go in before acting on this request.

Trustee Allsup stated that in his opinion, the Board needs to focus on what project it wants to go after, and then proceed in that direction.

Trustee Reed mentioned that the library serves a lot of people. He added that the facility provides services to the whole community, not just a few.

Trustee Rasho expressed his concerns with placing capital items in the budget with expectations on what direction the Village should go in. He emphasized what he has been saying over and over again. Just because something is listed in the budget, does not mean that money will be authorized to spend for that item.

Trustee Hubbard stated that everyone knows the numbers. Department heads know that budgeted items have to be approved by the Board before any money is authorized to be spent.

Mayor Gilbert referred to a comment made earlier. Yes, the Village has a beautiful library, but Forsyth also has a nice community center. Mayor Gilbert mentioned that past practice for the Village has been to plan for the engineering for a project in one year, and then budget for the construction in the next year.

Head Librarian Jean Campbell commented that in her opinion, the Board needs to make a decision on how to proceed with this request.

Trustee Hubbard moved, and Trustee Reed seconded to proceed with the process for selecting an architect to prepare the preliminary design of the library expansion project, at a cost not to exceed \$75,000. Following a lengthy discussion, this item was tabled to allow Trustees to review information concerning this issue before taking any action on it.

Trustee Rasho commented that all major projects for the Village should be individually evaluated. The State of Illinois is in a bad situation, and noted the recent plan to cut income tax allocations to municipalities. Each project should be clearly identified and then justified before an action is taken.

Proposed Bike Path Construction

Mayor Gilbert reported that he has asked Trustee Morr to meet with him and the new elementary school principal on Thursday. The purpose of the meeting is to begin discussion on a joint effort to build a bike path between the new school and the end of East Ruehl Street.

OLD BUSINESS:

Presentation and Review of Farm Management Program

Mayor Gilbert referred to information provided for review concerning land the Village owns in the Prairie Winds Subdivision that is currently being farmed. He explained that Busey Bank Ag Services is currently farming the property within Prairie Winds, and has done so since the Village purchased the property several years ago. Mayor Gilbert recognized Dean Kyburz and Tom Courson who were in attendance to comment on this program and answer any questions Trustees might have.

Dean referred to a draft of an agreement for farm management services between the bank and the Village that outlines the responsibilities and obligations to both parties. He also provided Trustees with a brief history or background on this property in a written memo, dated March 12, 2010. Dean explained that the Village purchased two tracts of land, the 150-acre parcel (formerly the Wheat property) in 2000, and the smaller 40-acre parcel (formerly the Butler property) in 2001. Busey Bank managed the Wheat property prior the selling the land to the Village. Dean mentioned that when the Village purchased the Butler property, it seemed logical to everyone involved to combine the management on both tracts of land.

Dean reported that both tracts of land are farmed on a custom basis. He explained that this practice increases income potential, but noted that a custom lease does pose more risk.

There was discussion on the terms outlined in the agreement. Dean mentioned that on page two of the agreement, where it states that the owners will pay the Manager 4% of the owner's share of the gross income from the farm as compensation for the management services provided is in error. He stated that it should state the share should be 3%.

Trustee Allsup asked if the proposed agreement needs to be executed again. Dean replied that he would recommend it be reviewed annually.

Attorney Darrell Woolums voiced his support for continuing with a custom lease agreement. He stated that in his opinion, it provides the most benefit for the Village.

Trustee Rasho commented that he was glad Staff asked the bank representatives to come to the meeting. He mentioned that Trustees did not know what was going on, and the information provided has answered a lot of questions. Trustee Rasho stated that he is hopeful that the Village won't be in the farming business for too much longer.

Trustees discussed this issue at length. Trustee Allsup moved, and Trustee Morr seconded, to authorize the Mayor to sign an agreement between Busey Bank Ag Services and the Village of Forsyth, for providing farm management services for property within the Prairie Winds Subdivision contingent upon changing the percentage stated in the agreement from 4% to 3%. Upon a call of the roll, the vote was:

Yeas: 6—Rasho, Allsup, Johnson, Morr, Hubbard, Reed.

Nays: 0—None.

Absent: 0—None.

Motion declared carried.

Sale of Prairie Winds

Mayor Gilbert mentioned that Trustees have discussed the sale of this property several times in the past and noted that the most recent discussion was in January of this year. He mentioned that at that meeting, a letter was presented by Attorney Darrell Woolums concerning the sale of this property. Darrell outlined how in his opinion, if the Board wants to, it can avoid going through the bidding process to sell land within the development. This process provides an easier way for the to help the Village with selling the property and Mayor Gilbert asked Trustees if they wanted to seek another appraisal before advertising Lot 1 of the development for sale. The last one was completed approximately two years ago.

Darrell was asked if a State certified appraiser would be needed or would the Village be allowed to use a farm appraiser to provide this service. Darrell commented that he was not sure what the Municipal Code requires, but would look into this and advise the Board on his findings.

Trustee Rasho suggested the Village check with some real estate agents and area developers to see what the interest is on this property before proceeding.

Trustee Johnson expressed her support in seeking a new appraisal.

Following a brief discussion Trustee Hubbard moved, and Trustee Johnson authorized Staff to seek a new appraisal for Lot 1 of the Prairie Winds Development. Upon a call of the roll, the vote was:

Yeas: 6—Rasho, Allsup, Johnson, Morr, Hubbard, Reed.

Nays: 0—None.

Absent: 0—None.

Motion declared carried.

Funding Requests – Hotel/Motel Tax

- *Lakeside Music and Arts Festival*

Mayor Gilbert recognized Ron James who was in attendance on behalf of the Lakeside Music and Arts Festival and asked Ron to present his request to the Board.

Ron thanked Trustees for their contribution to the festival last year and added that the organizers of the event really appreciate Forsyth's continued support. He reported that the festival will be held at Nelson Park on July 3 and 4, 2010. The event will feature Saturday and Sunday activities with a family friendly focus during daytime hours, and then move to adult oriented activities at night. Ron also mentioned that there will be a spectacular fireworks display on July 4th at dusk that will dance to the sounds of patriotic music. In addition to this, the Beach House plans to host a lighted boat parade on Lake Decatur on Saturday night.

Trustee Rasho asked what other municipalities contribute money, and how much do they donate for the event. Ron replied that the City of Decatur donates \$5,000 each year, but noted that there are other major sponsors. Ron asked the Board to consider donating \$2,500 to the festival this year.

Mayor Gilbert commented that although no one came to present this request when the other organizations were presented before the Board, but stated that he does support making a contribution to the festival.

Trustee Hubbard suggested this request be tabled until the next meeting, like the other funding requests were that the Board considered.

Following a brief discussion, Trustee Allsup moved, and Trustee Morr seconded, to contribute \$2,000 toward the Lakeside Music and Arts Festival, using Hotel/Motel Tax Receipts. Upon a call of the roll, the vote was:

Yeas: 6—Rasho, Allsup, Johnson, Morr, Hubbard, Reed.

Nays: 0—None.

Absent: 0—None.
Motion declared carried.

o *Rodney Miller Triathlon*

Mayor Gilbert mentioned that although no one was present to comment on this event, he would like to see the Village contribute \$2,000 to it. He stated that in his opinion, the event has been very successful the last couple of years. He added that he believes more people attend it than the Lakeside Music and Arts Festival.

Trustee Morr asked if the Village had contributed to this event before. Mayor Gilbert replied that Forsyth had not. Trustee Morr also asked who else donates to this organization, and does the Village receive anything from the organization in return for the contribution.

Trustee Reed stated that he has not seen any mention of Forsyth in the marketing material for this organization.

Trustee Rasho commented that before making a decision on contributing to this group, he would like more information on it. Trustees agreed to ask a representative attend the next regular meeting to answer questions Trustees have and provide more details on the upcoming event.

Approval to Purchase/Replace Equipment

Mayor Gilbert referred to the information provided by Public Works Director Larry Coloni concerning replacement of maintenance equipment. He asked Larry to comment on this item. Larry reported that he asked three different vendors to submit quotes for replacing the Ford 250 – C tractor, the 110 John Deer and Cab Cadet 682 Mowers. All three vendors were provided the same specifications for each piece of equipment planned for purchase. Larry recommended the Board approve purchasing the tractors and accessories from Hogan Grain in Elwin, Illinois for a total of \$33,150. He pointed out that the equipment purchase has been included in the budget.

Following a brief discussion Trustee Morr moved, and Trustee Allsup seconded, to authorize the purchase of two Kubota mowers and one Land Pride Finish Mower at a cost of \$33,150, as recommendation by the Public Works Director. Upon a call of the roll, the vote was:

Yeas: 6—Rasho, Allsup, Johnson, Morr, Hubbard, Reed.
Nays: 0—None.
Absent: 0—None.
Motion declared carried.

Review Final Draft of 2010-2011 Fiscal Year Budget

Mayor Gilbert referred to the draft of the 2010-2011 Fiscal Year Budget provided for review. He asked that either Trustee Hubbard or Treasurer Rhonda Stewart comment on the document. Trustee Hubbard remarked that in his opinion, he believes the budget is in order. Rhonda pointed out that the revisions agreed to at the last meeting are reflected in the revised copy. She stated that if Trustees have no further changes to the budget, this is the copy that will be placed on display at Village Hall and the Library. A Public Hearing on the budget will be held at the April 5, 2010 meeting. The final copy will be placed on the April 19, 2010 meeting agenda for adoption.

Trustee Allsup referred to the 'Quarter Budget Narrative' provided by the Treasurer and then specifically referred to Page 2 of the document concerning engineering services. He asked if the \$5,389 for Prairie Winds was a budgeted item. Rhonda explained in the narrative that the engineering in the Park Department was over budget by this amount because of grading and having the lot layouts redone in the Prairie Winds development. This work was requested by Mayor Gilbert.

Trustee Rasho commented that when he read the report, he noticed the amount and wondered who approved the work to be done. He stated that he does not remember anything being discussed or approved for this development.

Treasurer Rhonda Stewart stated that when she received the engineer's invoices submitted for payment, she questioned Chuck Hunsinger about this amount. Chuck replied that after checking his records, it was noted that the Mayor authorized this work to be done.

Engineer Chuck Hunsinger commented, that the plans were updated to reflect the new layout after the school was completed.

Mayor Gilbert replied that he does not remember authorizing any of this work. He suggested that maybe the former administrator requested the grading and lot layouts to be done.

NEW BUSINESS

Discuss Non-Conforming Businesses

Mayor Gilbert referred to the information provided by Village Clerk Kathy Mizer concerning non-conforming businesses in the Village. He asked Kathy to comment on this matter.

Kathy explained that she received a complaint on the appearance of the business property located on the northeast corner of US Rt 51 and Ruehl Street. The business is Brown's Toppers and Accessories and the issue is that the business is now selling trucks and cars on the property. Kathy stated that she discussed conformity issues with the Building Inspector, Linn Summers, who then reviewed compliance issues with regulations outlined in the Forsyth Zoning Ordinance. Linn made a list that includes:

- Pedestrian Access; Sidewalks
- Off-street parking and loading
- Landscaping; The first thirty feet of a front yard
- Trash Enclosure is required
- Parking in a minimum yard setback
- Design of parking lots
- Screening and landscaping of lots
- Number of parking spaces for automobile sales
- Corner clearance visibility

Kathy mentioned that there are also other businesses in Forsyth that are non-conforming. She pointed out that some of the former Village Administrators have made the decision to disregard compliance, based upon which business it concerns. Kathy reported that she has been told to not enforce the code for some like Lowes Home Improvement Store, because the store helps the Village in many ways. In contrast, Kathy has been instructed to write letters to Menard's for code violations. Kathy mentioned that former Administrator Austin Edmondson required Mr. Rearden to go through

the variance process when he added the Village Peddler business to his building located on the northeast corner of US Rt 51 and Magnolia Drive.

In December 2, 2002 there were questions whether individuals could sell vehicles on private property, specifically, the Busler property located on the southeast corner of Cox Street and US Rt 51. Kathy contacted the Village Attorney to ask for clarification on this issue because individuals had permission to place their cars or trucks on the lot and advertise them for sale.

Attorney Darrell Woolums provided the Village with a written opinion in response. Darrell stated that Forsyth's Zoning Ordinance provides for a principal use of a lot and certain accessory uses for a property. In Section 3.4 of the ordinance it states that *"No building or tract of land shall be devoted to any use other than the one which is specified as a permitted, special, or accessory use in Article V of the zoning district in which such building or land is located."* *"Accessory Use for Structure is defined as "A use or structure on the same lot with, and a nature customarily incidental and subordinate to, the principal use or structure".* Section 5.7 C Darrell concluded in his letter dated December 2, 2002 by stating that in his opinion, it would be difficult to think of a business which would justify the sale of motor vehicles as an accessory use.

In summary, Kathy asked for direction on how the Board wanted her to deal with these non-conforming business issues. Do Trustees want her to enforce the ordinances for all, or should allowances be made for some.

Attorney Darrell Woolums commented that Brown's Toppers and Accessories came to the Board many years ago to ask approval to sell motor vehicles on their property. The Board denied the request because the business does not have a dust free surface for the vehicles to be placed on.

Trustees discussed this issue at length. Kathy was instructed to work with Linn and come up with a detailed list on what businesses are non-conforming and what code violations need to be addressed before the Board makes any decision on this matter.

Review Drainage Solution Proposal

Mayor Gilbert referred to a letter and invoice submitted from Mr. Jeff Gosda who lives at 1324 Clement Avenue in Forsyth. In Mr. Gosda's letter he stated that based upon the Board's request during the hearing on his variance petition last fall, he was directed to provide the Village with information on how the drainage issue across the front of his property would be addressed once his new garage addition was completed. The letter implies that the Clement Avenue Road Improvement Project caused the increased slope and length of the driveway, which resulted in flooding of Mr. Gosda's property during heavy rain events. The letter also states that the Village Building Inspector Linn Summers suggested a solution to the drainage problem, and believes it will alleviate the flooding issue for Mr. Gosda. The invoice submitted was in the amount of \$1,200.00.

Trustees discussed this matter briefly. Larry Coloni mentioned that it was his understanding that Mr. Gosda was asked to submit a plan to the Village on how he or his contractor planned to solve the drainage problem once construction on the new garage was finished. This plan was to be reviewed by Staff to ensure it would resolve the issue, which Linn does believe it will do. However, Larry pointed out that the work has already been completed.

Trustees noted that Mr. Gosda's variance petition was to allow him to encroach onto Village property by approximately seven feet, but agreed that the Village had no intent to pay for the solution. Mayor Gilbert agreed with this statement, and added that, the Village had an obligation to pay for the fix.

Trustee Morr moved, and Trustee Rasho seconded, to deny the requested payment to Mr. Jeff Gosda, in the amount of \$1,200 for drainage repairs made to the property. Upon a call of the roll, the vote was:

Yeas: 6—Rasho, Allsup, Johnson, Morr, Hubbard, Reed.

Nays: 0—None.

Absent: 0—None.

Motion declared carried, and the request was denied.

Approval of Temporary Outdoor Display Permit: Marty's Gourmet Snoballs

Mayor Gilbert referred to the request provided by Marty and Angela Davis-Boehm concerning their request for a temporary outdoor display permit. He recognized Mary and Angela who were in attendance at the meeting to answer any questions Trustees might have.

Marty explained that plans include placing the free-standing building at the same location as last year, which will be the southeast corner of US Rt 51 and Cox Street. He added that prices for the snowballs will also remain the same as last year.

Trustee Hubbard asked if the cool, wet weather had any negative impact on the business last year. Marty replied that although sales were lower than what he had hoped for, the business did okay.

Following a brief discussion Trustee Morr moved, and Trustee Allsup seconded, to approve the Temporary Outdoor Display Permit for Marty's Gourmet Snoballs. The permit allows placement of a free-standing building on the southeast corner of Cox Street and US Rt 51, commonly known as the Busler property, from May 15 to September 9, 2010 for the purpose of selling shaved ice for the summer season. Upon a call of the roll, the vote was

Yeas: 6—Rasho, Allsup, Johnson, Morr, Hubbard, Reed.

Nays: 0—None.

Absent: 0—None.

Motion declared carried.

Greenbrier Drainage

Mayor Gilbert reported that he was recently contacted again by the homeowner who resides at 1085 Greenbrier Blvd. to complain about the drainage problem south of his home. The property owner expressed his frustration with the Village for not resolving the ongoing ponding problem that occurs on the farmland south of the subdivision. Mayor Gilbert explained that there is a low spot in that area that floods each year following heavy rain events. Former Administrator Austin Edmondson reviewed aerial photos of the area, showing that the low spot behind 1085 Greenbrier Blvd. was present long before construction of the Greenbrier Subdivision was started. Letters were sent to property owners directly impacted by this issue to ask that owners cooperate in finding a solution to improve the drainage situation for all of those affected by the problem. The intent of the letter was to try and get the property owners to communicate with each other concerning this issue. Mayor Gilbert reported that only Dr. Schrodt responded to the letter that was sent out. Dr.

Schrodt appeared willing to work with a drainage contractor to try and find a solution to this problem. Mayor Gilbert stated that he thought there was a plan in place and the issue was going to be resolved. Dr. Schrodt called late last week to let the Mayor know that the drainage contractor states that the proposed plan he recommends will not work because the water does not pond just on Dr. Schrodt's property. The fix will need to be agreed to by all parties involved.

Mayor Gilbert suggested the property owners involved again be sent a letter to explain what Dr. Schrodt's plan is. He also suggested the homeowners be told that the standing water is posing a health hazard in the area, and encourage them to work together to resolve this problem.

Trustee Rasho remarked that the Board has discussed this issue before and agreed that this is a problem between property owners. He commented that in his opinion, it is okay to send the letters out, but should not mention that the situation is a health concern. The letter should just say the Village encourages the owners to work together to resolve the drainage issue south of the Greenbrier Subdivision.

Mayor Gilbert asked Trustees if there was a consensus for Staff to send the letter out or should they be sent out by the Village Attorney. Trustees did not provide an answer to this question.

Adjournment

Allsup moved, and Hubbard seconded, that the meeting be adjourned. The meeting was adjourned at 9:43 p.m. by voice vote.

By: _____
Village Clerk