

**OFFICIAL PROCEEDINGS
OF THE VILLAGE BOARD**

**STATE OF ILLINOIS)
COUNTY OF HENRY)
VILLAGE OF ORION)**

The regular meeting of the President and Board of Trustees was held on December 20, 2021, at Village Hall, 1202 4th St., in the Village of Orion, County of Henry, State of Illinois. President Cooper called the meeting to order at 7:00 p.m. and led the board in the Pledge of Allegiance. Attendance at the meeting was as follows:

Present: Jim Cooper, Mel Drucker, Jim Hickerson, Bob Mitton, Neal Nelson,
and Steve Newman

Absent: Mike Dunlap.

City Attorney John Ames was also present.

I. APPROVAL OF MONTHLY EXPENDITURES

Mr. Drucker moved to approve the following expenditures for the month: General-\$5,137.58; Recycle-\$3,100.16; Water Operation & Maintenance-\$3,505.61; Water Depreciation-\$635.34; Sewer Operation & Maintenance-\$5,307.80; Motor Fuel Tax-\$15,218.37; Special Tax Allotment-\$81,191.00. Mr. Nelson seconded the motion and board voted without discussion as follows:

Ayes: Drucker, Hickerson, Mitton, Nelson, and Newman

Noes: None

Absent: Dunlap.

The motion passed.

II. DISCUSSION FROM THE FLOOR

In reference to the Village's on-going animal control litigation, Mindy Carls mentioned that Mercer County is implementing a cat licensing scheme. Mr. Cooper said this is not something the Village intends to do.

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Minutes of the meeting on December 20, 2021, continued:

III. COMMITTEES

A. Streets

Trustee Nelson reported that the street department is ready for the inclement weather. Neil Dahl has been cleaning out and organizing the maintenance shed.

Water has been backing up in the ditch on the east side of 7th Street between 12th and 13th Ave. This was likely due to hydrant flushing, but various tubes around town are clogged. A large project for Neil Dahl next spring and summer will be clearing tubes of silt and debris.

The 5th Street engineering services agreement is ready to be signed by Mr. Cooper. Mr. Nelson and Mr. Dahl are working with Shane at Hutchison Engineering to reduce some of the construction costs. For example, Mr. Dahl has volunteered to do some of the simpler parts of the project, e.g., overlaying asphalt on the section adjacent to the park.

B. Sewer

Trustee Hickerson had nothing to report.

C. Water

Mr. Drucker and Mr. Ames renegotiated the village's tower rental agreement with Nextlink. Once approved, the renewal will be effective immediately and include the following: (1) annual rent increased to \$3,600; (2) automatic 10% rent increase for each subsequent five-year renewal term; (3) one free wireless hookup for streaming village security cameras. Mr. Drucker moved to approve the renewed agreement and Mr. Hickerson seconded the motion. The board voted without further discussion as follows:

Ayes: Drucker, Hickerson, Mitton, Nelson, and Newman

Noes: None

Absent: Dunlap.

The motion passed.

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Minutes of the meeting on December 20, 2021, continued:

D. Finance

Trustee Newman moved to approve the Annual Financial Report for fiscal year 2021. Mr. Drucker seconded the motion and the board voted without discussion as follows:

Ayes: Drucker, Hickerson, Mitton, Nelson, and Newman

Noes: None

Absent: Dunlap.

The motion passed.

The annual Tax Levy Hearing was moved to December 27, 2021, at 6:30 p.m. at Village Hall.

The next joint Finance/Human Resources Committee meeting was set for December 29, 2021, at 4:00 p.m. at Village Hall.

E. Recreation

Mr. Dunlap asked Mr. Cooper to provide the recreation report in his absence. While Mr. Cooper had nothing to report, Mr. Nelson raised the on-going issue regarding maintenance of the new baseball diamond in Love Park. Although the diamond was purpose-built for use by the high school baseball team, the field was constructed by the village and is located on village property. Mr. Nelson reported that this fall Tom Smith, the new high school baseball coach, has been working on the field “almost daily”; however, the board cannot rely on Mr. Smith to maintain the field in the future. Mr. Cooper agreed that responsible parties from the village and school need to meet before the spring baseball season starts in order to come up with a definitive maintenance/cost sharing agreement. Such an agreement will hopefully avoid confusion and disputes with the school district going forward.

F. Police

Trustee Newman reported that the police department has been relatively quiet. There were a few arrests in town, but nothing too serious. Mr. Drucker noted that the Christmas decorations in Central Park have not been vandalized so far this year.

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Minutes of the meeting on December 20, 2021, continued:

G. Buildings & Grounds

Trustee Mitton called Tri-City Electric to check on the status of the security cameras purchased for Love Park. The cameras are back-ordered and the most recent delivery estimate was late December or early January. Mr. Mitton left a message with Tri-City but has not got a call back.

On December 14, 2012, several board members toured the Sherrard Power Co. building (1004 4th St.) as a possible location for a new village hall/community center. Mr. Mitton stated that he does not think this building will work for our purposes and is full of black mold from extensive unrepaired water damage. Mr. Cooper agreed that in light of the large capital investment needed to make the building fully functional, the asking price is much too high. They suggested that perhaps the village should purchase the building and tear it down and use the site for parking.

The board is touring the Peterson building (1002 4th St.) on December 21st at 3:00 p.m. Mark Lee, an engineer with Klingner & Associates will also be present. Mr. Lee is performing a feasibility study for the village hall/community center project. The board previously considered purchasing the Peterson building; Mr. Mitton is concerned about potential hazardous materials in the ground underneath the old body shop, asbestos, and black mold.

Since the board has ruled out the Sherrard Power Co. building, Mr. Lee is back to assessing the following options: (1) renovating the current village hall; (2) purchasing and renovating the Peterson building; and (3) constructing a new building on the old bowling alley property.

H. Human Resources

Trustee Drucker had nothing to report at the present, but the Finance/Human Resources committee may have some things to discuss with the board in the near future.

IV. PRESIDENT'S AGENDA

A. Landscape waste site & burn pile

As discussed at the meeting on December 6, the village has received several complaints about the landscape waste site/burn pile. While several residents have complained that the landscape waste site is not open enough, an EPA complaint was made earlier this month about smoke from the burn pile.

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Minutes of the meeting on December 20, 2021, continued:

The EPA requires all municipal brush fires be manned by a municipal employee. The village's municipal code allows residents to burn landscape waste in their yards, but only during the daytime. Accordingly, the village burns during the workday and only when an employee is present. Nonetheless, the EPA complaint was made after an unmanned, smoky fire burned overnight. At the December 6 meeting, Mr. Dahl said he must not have completely smothered the fire at the end of his work day and it was reignited by strong winds during the night. The EPA concluded that the village's general policies regarding the burn pile are fine, but we need to ensure that all fires are completely out before the end of the work day. After consulting with the EPA and Mr. Cooper, Mr. Dahl has implemented the following protocols to prevent smoky, unmanned burns:

- (1) the village will maintain two separate brush piles at the landscape waste site;
- (2) fresh landscape waste will go into one pile;
- (3) only the second, dry and seasoned pile will be burned;
- (4) all fires will be started first thing in the morning and only when the weather is calm.

On the other hand, residents frequently complain that the landscape waste site is not open enough. Several years ago, the board decided to limit public access to the landscape waste site after unrestricted access became a major, ongoing nuisance. Residents would use it to dispose of grass clippings, mulch, bagged waste, garbage, and even small appliances. In essence, it was treated like a dump. The pile would then be set on fire and acrid smoke would permeate and then linger in the surrounding neighborhood. In light of these circumstances, Mr. Cooper believes that continuing to limit public access to the site is appropriate.

Mr. Nelson stated that he would like the village to implement a total burn ban. A possible alternative would be to purchase a piece of equipment that sucks leaves off the side of the road. Mr. Cooper said Cambridge has one. Mr. Newman invited Mr. Nelson to include the purchase price and estimated labor costs in the street department's proposed budget for FY2023.

B. Status update: animal control litigation

The village is currently suing two residents who are in violation of the animal control ordinance. More specifically, they own more than 10 cats. The procedural posture of the case is complicated

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Minutes of the meeting on December 20, 2021, continued:

and stretches back several years. Currently, the case is on remand from the appellate court and is scheduled for a bench trial on January 20, 2022. The defendants have filed a motion to dismiss. Mr. Ames does not believe the motion will be granted and want to know whether the board would like to continue on to trial. Mr. Ames and Mr. Cooper agree that the village should not drop the lawsuit. The central principal of the lawsuit is the village's need to enforce its ordinances; otherwise, they are meaningless.

Mr. Hickerson said the defendants are down to 3 dogs and 10 cats; before the village's ordinance went into effect, they had a kennel license from the state which allowed them to have 10 cats; the number of cats kept by them only got out of control because one was the animal control officer for the village. Mr. Hickerson believes this lawsuit has become personal and would prefer the village to try and resolve it amicably out of court. Furthermore, the defendants are threatening to sue the village for harassment.

Mr. Cooper denies that this is a personal issue. The defendants do not have clean hands because when the board enacted the original ordinance restricting the number of cats and dogs a resident may own, they lied and said they only 10 cats and 5 dogs. The board gave the defendants permission to keep those pets for the duration of their natural lives. Shortly thereafter, a search warrant was executed at the defendants' residence and 90+ cats were found inside. Mr. Cooper does not trust the defendants to accurately report the number of pets in their residence. Mr. Cooper and Mr. Ames categorically deny any claims of harassment.

Mr. Mitton believes Mr. Cooper is being unnecessarily blamed for the lawsuit. The board is the one who voted to enact the ordinance, which it is now attempting to enforce. Also, it does not make sense to drop the lawsuit when the defendants still owe the village \$1,000 for cat food and veterinary bills.

For Mr. Ames, the bottom line is that the defendants refuse to comply with the ordinance. Mr. Ames believes the defendants claims of harassment are "poppycock." When the lawsuit was first initiated, the board was in position where it could either ignore the flagrant violation or go to court. This is still true and therefore the board should not give up, regardless of how long it takes to achieve the desired outcome.

Mr. Nelson interjected that further discussion about this lawsuit with legal counsel should be reserved for executive session. Mr. Newman suggested, and the board agreed, to table this discussion for executive session at the next meeting.

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Minutes of the meeting on December 20, 2021, continued:

V. ADJOURNMENT

There being no further business before the board, Mr. Drucker moved to adjourn. Mr. Nelson seconded the motion, and the board voted without discussion as follows:

Ayes: Drucker, Hickerson, Mitton, Nelson, and Newman

Noes: None

Absent: Dunlap.

The motion passed and the meeting was duly adjourned.

Erin Lange
Village Clerk