

VILLAGE OF MILAN COUNCIL MEETING

Monday July 15, 2019  
Milan Municipal Building  
5:30 P.M.

AGENDA

1. Roll Call
2. Pledge of Allegiance
3. Consideration of the Minutes of July 1, 2019
4. Consideration of the Treasurer's Report
5. Consideration of the Semi-Monthly and Miscellaneous Bills
6. Committee Reports
7. Citizens Opportunity to Address the Village Board
8. Adjourn

Roll Call

Roll call vote showed present, Trustees Harry Stuart, Karen Wilson, Jerry Wilson, Bruce Stickell, Jim Flannery and Jay Zimmerman. No one was absent.

PLEDGE OF ALLEGIANCE

Attorney Scott led the Pledge of Allegiance.

CONSIDERATION OF THE MINUTES OF JULY 1, 2019

All Board Members received a copy of the July, 1, 2019 Village Board minutes. There being no additions or corrections, Trustee Flannery moved to approve them as presented. Trustee Karen Wilson seconded the motion. All Trustees voted "Aye". Motion carried.

CONSIDERATION OF THE TREASURER'S REPORT

Mark Hunt, Treasurer, was not present but had submitted his report ending June 30, 2019 to the Council.

Mayor Dawson stated the report shows the revenue was above the target expected and expenses were under the target amount. There isn't any big changes in the report.

Trustee Zimmerman moved to accept the Treasurer's Report as presented and Trustee Jerry Wilson seconded the motion. All Trustees voted "Aye". Motion carried.

CONSIDERATION OF THE SEMI-MONTHLY AND MISCELLANEOUS BILLS

Trustee Zimmerman stated there is only one expense register for semi-monthly bills and no miscellaneous checks were cut for this period.

Trustee Zimmerman stated the larger semi-monthly bills consist of Mid-American Energy for gas and electric, Millennium Waste for Recycle, Blick and Blick for gasoline and diesel, Electronic Engineering for console equipment and IEPA for permit fees for storm water and the annual NPDES permit.

There being no discussion on the bills, Trustee Zimmerman moved to approve the semi-monthly bills in the amount of \$103,504.91. Trustee Jerry Wilson seconded the motion. Roll call vote showed Trustees Karen Wilson, Jerry Wilson, Bruce Stickell, Jim Flannery, Jay Zimmerman and Harry Stuart voted "Aye". Motion carried. The bills will be paid from the following accounts.

General	\$ 60,143.56
Garbage	7,020.22
Motor Fuel Tax	3,061.61
Camden Center	1,932.94
Special Tax Allocation II	29.28
Water & Sewer	31,317.30
Total	\$ 103,504.91

#### COMMITTEE REPORTS

Trustee Flannery stated the Spray Ground is doing really good now the weather is co-operating. The fireworks was a big success, as the rain held off.

Administrator Seiver stated, that he, Dave Krouth, Milan Planning Commissioner, Mark Hunt, Economic Development Director and several Chamber Members met with Ady Advantage, the economic group developing an economic plan for Milan. The draft of the first section they are working on has some interesting ideas. Everyone felt the report will be very helpful.

#### CITIZENS OPPORTUNITY TO ADDRESS THE VILLAGE BOARD

Mrs. Debbie Mackenzie, E. 12<sup>th</sup> Street, Milan, addressed the Board regarding the drainage and erosion on East 12<sup>th</sup> Street. She handed out several newspaper articles written in the 70's, about the history of the street. They stated it would be a concrete street with curb and gutter and a storm sewer for proper drainage. The articles also stated that the Village had agreed to pay 1/3 of the cost and rest would be paid by the residents by special assessment. There was always a question about who owned the street.

She gave a copy of a letter written June 15, 2011 by Attorney Lincoln Scott, stating his opinion on who was responsible for the erosion on properties along East 12<sup>th</sup> Street. The letter states that the residents on East 12<sup>th</sup> Street would have to prove the road is the cause of the erosion and they have not. In answer to the resident who wanted to hold the village responsible for erosion damage because a building permit was issued by the village, he quoted the Local Governmental and Governmental Employees Tort Immunity Act. In short the Act provides immunity to governments and their employees from claims regarding issuing or denying building permits.

She, her father Tom Donnelly and Trustee Jim Flannery walked the road and viewed the drainage culvert that was put in when the road was built. She showed them that the water is draining under the culvert not into it. The village in an attempt to help drain the water through the culvert put a tube into the culvert. She stated since the tube is smaller than the culvert, it created a stronger force of water coming through and thus made the erosion problem worse.

Mayor Dawson stated there is no way that this Board can go back and fix something that Board said they would do 40 years ago. They may or may not have said the road would be concrete, but they approved Ordinance No. 789 which stated the road would be graded and paved with a bituminous surface. He asked what she wanted the Board to do. A concrete street is out of the question and even with fill the erosion won't stop after a while.

She is asking the Board to fix the erosion problem and change the pipe they installed in the culvert.

She stated neighbors were tearing out cement drives to replace and she let them dump the old concrete on the eroded area for fill and to stabilize the ground, but the village made them stop since it had rebar in it.

Trustee Flannery stated it wasn't the village who complained about the rebar, it was a neighbor. He suggested, the Service Rubber Plant is being torn down and they are hauling bricks away. These bricks would be clean fill for the eroded property and could be used in and along the creek. She could contact them and allow them on her property to dump the brick. Since this erosion is on her private property the village or anyone else needs to get permission to enter the area.

Trustee Stickell stated one continuous pipe from the road to the creek would have to be installed to stop the erosion.

Mayor Dawson stated it is also a problem that the erosion is happening on your private property and the village cannot fix private property with tax payers' money. The village attorney has stated the road is not responsible for the erosion.

Administrator Seiver stated when the plat for 12<sup>th</sup> Street Addition came before the Planning Commission, they stated it was not financially feasible to build a concrete road and install utilities. Since this area would have an assessment attached to the parcels, people would not build there as the assessment would be too expensive. Mr. Seiver stated this could be the reason the Council changed their minds and the road was built with a bituminous surface.

He stated the village had an engineer look at the area and studies on ground surfaces show this was a highly erodible area when you decided to build. Rip Rap will stay in place for a while, but the soil underneath will eventually erode and

everything will fall. The water is just following its natural path. The Village's priority when the road was put in was to get the water from the West side of the street to the East side without changing the natural flow. The road has not changed how it runs. This would be the natural flow with or without a road.

Trustee Karen Wilson stated she feels the village completed its obligation when the Ordinance was signed in 1979 when the road was built.

Mayor Dawson stated they would discuss the situation among themselves and decide if there was anything or nothing that the village is obligated to do.

ADJOURN

There being no further business to come before the Board, Trustee Jerry Wilson moved to adjourn the meeting. Trustee Zimmerman seconded the motion. All Trustees voted "Aye". Motion carried. The meeting adjourned at 6:45 p.m.

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Barbara L. Lee, Certified Municipal Clerk