

Village of Makanda
P.O Box 99
Makanda, Illinois 62958

Board Minutes

May 6, 2021

PLEDGE OF ALLEGIANCE

CALL TO ORDER: Regular meeting of the Board of Trustees was called to order at 6:30 p.m. by President Tina Shingleton.

ROLL CALL: Clerk called the roll of the Village Board: Trustees Allen, Hilliard, Ross, Dalton, and Wolff were present. Trustee Brouillette was absent. Swearing in of re-elected President, Clerk and Trustees. Clerk called the roll of the new Board.

APPROVAL OF MINUTES: President reported a correction for the cost of the landscaping at the Community Center. The correct amount is \$545.00, which what it has been for the last two years. Trustee Wolff made a motion to accept the minutes, with the cost of landscaping. It was seconded by Trustee Ross. Voice vote. All members present at roll call voted yes. Motion carried.

UNFINISHED/OLD BUSINESS:

President asked permission of the Board to move Unfinished/Old Business up on the Agenda, so that the Board can discuss the proposed Road Maintenance Agreement from the Stone Creek Homeowners Association, (HOA). Board agreed. The Village Board had been given copies of the proposal in April, to review for this May meeting. President introduced Beck Simonds, President of the HOA and Eric Holzmueller, Treasurer of the HOA. They were at the meeting to represent the Homeowners Association. President asked the Village Board for comments or questions regarding the proposal. Trustee Allen gave a brief history of the approximately 20-year-old verbal agreement between the Village of Makanda and the original owners of HOA. Trustee Allen stated that the HOA understood that they would be paying property taxes to Jackson County and the Village of

Makanda. The Village was originally opposed to the annexation. With a verbal agreement between the owners of the development and the Village of Makanda, that the Village would not have to maintain the roads of Stone Creek Subdivision, annexation of the property was approved. Trustee Allen stated that now there are new owners, and they want something from the Village. Trustee Allen stated that the Village has done nothing wrong. President stated that Trustee Allen was giving a brief history of the situation. Beck Simonds stated that he appreciated that, but in their positions as President and Treasurer of the HOA, they have been tasked to modify the agreement between the HOA and Village of Makanda. Trustee Wolff and President Shingleton reported that in order to be good neighbors, the Village had plowed the roads at the Golf Course, once. Trustee Ross stated that the HOA roads had not been dedicated to the Village. Beck Simonds stated that the plat maps state that the roads are public roads and have been dedicated to the Village of Makanda. Village attorney Webb Smith stated that there is a legal distinction between dedicated and accepted roads, and the Village has not accepted the roads. Attorney Smith stated that he has reviewed the Subdivision Ordinance agreement and found no problems with it. Attorney Smith stated he had researched the legal procedures for the Village to enter into an agreement with the HOA, regarding the HOA roads. If the Village has any interest in moving forward, the correct legal procedure would be to renegotiate and restructure the Subdivision Ordinance agreement. Attorney Smith stated that there is 20-year window of opportunity in which to renegotiate and restructure the agreement. The subdivision was annexed, coming up on the 20-year window, in June 2001. Attorney Smith stated that at a meeting between the Village and the HOA, about 6 months ago, having the HOA de-annex itself from the Village had been mentioned as a possible solution. The Board is aware that the HOA has been in contact with Makanda Township. Trustee Allen stated that in his opinion, it would be best to de-annex, and avoid any more problems with the HOA. Trustee Wolff stated that if the HOA annexed out of the Village, they might have more control of their tax money. Trustee Ross reminded everyone that the Village does not get the total of the tax money, paid by the residents of Stone Creek Subdivision. Property tax money first goes to Jackson County to divide up, then in the case of Road and Bridge funds, the money first goes to Makanda Township, who in turn transfers a portion of the Road and Bridge funds to the Village of Makanda. This transfer reflects taxes from the entire Village of Makanda, not just the HOA. (This information can be found in the annual PTELL Tax Computation Report for Jackson County, compiled by Jackson County.) Attorney Smith stated

that he had run the numbers and came up with about \$47,000 current yearly total that the Village receives in tax money from the HOA/golf course, a portion of which gets transferred to Road and Bridge fund. Beck Simonds stated that about \$50,000 is currently the yearly amount of total taxes paid by the golf course/HOA. Trustee Hilliard stated that a lot of Village residents do not get any benefits from the property taxes they pay. For example, a portion of the tax money goes to Makanda Township, but the Village residents get no benefits from the Township. Attorney Smith asked if the Stone Creek HOA had entered into a discussion with Makanda Township to share resources with all the residents of the Village, not just Stone Creek. Attorney Smith inquired if the HOA had looked into any grants, they could share with the Village to help pay for any of this. Beck Simonds replied to both questions, "not that I am aware of". Attorney Smith stated that it might be worth exploring a dialog with the Township to see what resources could be pooled. Trustee Hilliard suggested that the HOA might consider just doing a third of their roads at a time, instead of all at once. It is what the Village does, and it has helped the Village be frugal with the tax money. Beck Simonds stated that the HOA is exploring ideas and looking into options for maintaining their roads for now and 5 to 10 years down the road. Trustee Wolff stated that in the past, the Village had gotten grants to pay for resurfacing several roads in the Village. Trustee Hilliard stated that there are other options to investigate which could benefit both parties. Attorney Smith said he would be happy to investigate grants and to talk with the new Township Road Supervisor to see if they might be interested in developing some sort of inter-government agreement, to allocate resources and create a win win situation for everyone. Beck Simonds responded that if they go back and say that the Village of Makanda is not interested in any agreement or in providing any maintenance, whatsoever, there is going to be 50 very upset homeowners. Attorney Smith reminded everyone that the Village of Makanda has never accepted the Stone Creek Subdivision roads for maintenance, and that is the legal issue in question. Attorney Smith suggested there be an executive session for the Street and Road committee to discuss the options and present them to the Board in order to make a decision. Village Board agreed. Attorney Smith offered another possible solution. Have the HOA determine the total numbers of miles they have and let the Village know. The Village could then calculate the amount of money it would take to oil and chip those miles and how much it would cost to black top the same number of miles/feet. The Village could give the difference between oil and chip vs. black top to the HOA. Attorney Smith said that then we would be comparing

apple to apples, and make sure everyone is treated the same. Beck Simonds thanked everyone for their time.

After Beck Simonds, and Eric Holzmueller had gone, the Board briefly continued the discussion. The Village President stated that she had reviewed some papers that stated the Golf Trust Fund owned the roads at the golf course, not the HOA.

The purchase of a mini excavator and trailer to haul it was previously discussed to be purchased in FY21. Dan has located a trailer to haul Excavator at Kentucky Lake Trailer Sales for \$5,995 and is in stock for purchase. If there are no questions or further discussion needed, President asked for a motion to approve trailer purchase. Trustee Hilliard made a motion to purchase trailer. Motion was seconded by Trustee Dalton. All members present at roll call voted yes. Motion carried.

Dan has taken care of removing tire in ditch across from Mr. Jumps on Makanda Road that was mentioned by Trustee Ross in the April meeting.

CITIZEN'S HEARING: No Citizens or Guests

PETITIONS & COMMUNICATIONS: President received an email from Canadian National Railroad Asst. Vice President, David Woodruff advising that CN Railway has submitted a proposal to acquire Kansas City Southern Railroad. He asked that we send a brief letter of support for them to forward on to their U.S. economic regulator, the Surface Transportation Board.

Correspondence received from Illinois Chamber of Commerce stating they know first-hand how difficult COVID-19 has been for all businesses and Illinois citizens statewide. Although local governments have not traditionally been Illinois Chamber members, they want to be a partner during this time in providing the valuable resources needed to effectively weather this storm and emerge stronger for Illinois' economy. They are retooling their programs to deliver information and programming to all local governments who would like to participate. The annual membership rate for our municipality is \$100. No matter whether we are a member, they want to provide the vital tools to us going forward to aid in rebuilding economies. Members receive a 50% credit to use towards attendance at

virtual or in-person seminars and conferences. President asked Board if there was any interest in joining. It was determined not to become a member at this time.

President received a phone call from Bryan with Egyptian Sealcoating asking if we need reseal on the Village parking lot. After discussion, it was determined President will contact Egyptian Sealcoating with a bid for reseal to present at June meeting.

Anne from Healing Traditions on the Makanda Boardwalk asked permission to hold chair yoga classes again this year at the Pavilion for 8 weeks on Fridays from 10 a.m. to 11 a.m., beginning this week. President advised her that it should not be a problem if she has insurance covering the Village and to work with the Village Clerk regarding this. Board had no problem with use of the Pavilion for this purpose.

President advised Board that annual renewal of Standard Website Care for Village website through Go Daddy is effective today. Renewal cost is \$800. This service includes taking care of updates, program changes, and monthly updates requested to post minutes and agendas to websites. Board was agreeable of renewal.

CLERK:

TRUSTEES: Trustee Hilliard reported that the Masonic Lodge was looking into have a family picnic in July. When he gets an exact date, he will let the Board know. The Board will follow the State COVID guidelines and go from there. Trustee Allen reported that the Village has an older trailer that is not being used. He suggested that Village repair the lights and sell it at David Canning Auction Services in Murphysboro. President stated that if everyone agrees, the Board can vote on a surplus property resolution at the June meeting.

FISCAL MATTERS:

A. Treasurer's Report: Treasurer presented the Treasurer's report.

B. Bills Payable: Treasurer presented the list of the bills payable.

President asked for a motion to accept the Treasure's Report and pay the bills. Trustee Hilliard made a motion to accept the Treasure's Report and pay the bills. It was seconded by Trustee Ross. Voice vote. All present at roll call voted yes. Motion carried.

REPORTS OF STANDING COMMITTEES:

A. Finance Committee

B. Ordinance Committee:

C. Street & Road Committee: Trustee Hilliard reported that based on the annual Road Inspection Report, the roads that will be oiled and chipped this year are Wiley Lane, Misty Meadows Lane, Lower Eastern Star, and Midway Road. There is a small section off Wiley Lane, from the gate of Buncombe Water District to Wiley Lane, that the Board need to determine if the Village should oil and chip. President Shingleton will talk to Karen at the water district and see if they want to take care of that bit of road. President asked for a motion to approve the Annual Street and Road report. Trustee Allen made a motion to accept the Annual Street and Road Report. It was seconded by Trustee Wolff. All present at roll call voted yes. Motion carried. President Shingleton will do the calculations, for the Board to approve. Trustee Hilliard made a note for the Village to consider doing the north driveway at the Community Center, next year. Trustee Hilliard reported that he will take pictures of the completed bridge work on East McGuire. Trustee Wolff suggested that the culvert at the bottom of Baptist Hill and Makanda Road should be considered for repair, next year. Trustee Allen will get a bid from Kevin Wheatley. Trustee Wolff reported that the Johnson grass on East McGuire extension needs to be mowed. Trustee Ross reported that there are two trees on Baptist Hill that need to be removed.

D. Subdivision Committee:

E. Insurance Committee:

REPORTS OF SPECIAL COMMITTEES:

A. Emergency Disaster Committee:

B. Special Events Committee:

ORDINANCES & RESOLUTIONS:

EXECUTIVE SESSION:

NEW BUSINESS: President was contacted by Bruce Magnuson of Magnuson Subdivision on May 3 inquiring as to requirements for Village to take over road. A copy of the Village Subdivision Ordinance is being provided to him for review.

There are currently six residences in the subdivision. It is possible they might attend the June meeting to talk with the Board.

President received a copy of a letter from IDNR sent to Mr. Millard requiring a request for an after-the-fact permit from them for the recent construction of his building.

ANNOUNCEMENTS: Reminder of Village Cleanup Day scheduled for May 15, rain date is May 22.

ADJOURNMENT: President asked for a motion to adjourn the meeting. Motion was made by Trustee Ross and seconded by Trustee Hilliard. Voice vote. All present at roll call voted yes. Motion carried. Meeting was adjourned at 9:00 p.m.

Leslie Yambert, Village Clerk

Tina Shingleton, President