

Minutes of the September 13, 2021 Regular Meeting
Cedar Valley Town Board of Trustees
Cedar Valley Clubhouse 6:00 p.m.

Prior to the meeting being called to order Mayor Stan Wieczorek advised the assembly that the board meeting would be recorded. Shore asked why. Wolek stated that a permanent "open" record should be retained by the town. Most town's video their meetings and then they are available on a website for anyone to watch. Since the town does not have a video camera, this is her current remedy.

Meeting was called to order by Mayor Wieczorek. The following board trustees were present: Mayor Stan Wieczorek, Treasurer Debi Shore, Clerk Deborah Wolek, Trustees Trello and Timmons and Town attorney Will Blocker. Trustees Jerry Cole and Jayne Hill were absent. There were 12 residents in attendance.

Kathy Sikes, public affairs representative for the Town submitted a report (attached to these minutes); and made a verbal presentation on current conversations she has had with Trenton January regarding reclassification of SH 33 and the meeting she attended along with Hill and Wieczorek with Logan County Sheriff Devereaux. Kathy will continue her work for a safer SH 33 and update the board periodically.

Kim Hamilton, President of the Cedar Valley Community Foundation updated the board on the current activities being taken to start the park project. The survey has been completed. She is getting a bid from Logan County commissioner Goodman for grading the park. Wieczorek asked Hamilton if she is going to apply for a REAP grant. She replied that she would like to for the building and gazebo. Wieczorek stated that ACOG only funds one town request in a year and he would prefer the town request road work this year.

Carla Johnson, communications, advised the Board that the website is active, and she is still working on it. Also, that all the post cards were mailed to every resident notifying them of the website and that emails would be sent periodically informing them of items of interest. The website will contain all the minutes and agendas, covenants and ordinances and other information that residents would be looking for.

Mayor Wieczorek opened the meeting for public comments.

Marsha Corteway spoke regarding a free-standing tornado shelter construction that appears to be a breach of covenant restrictions. Wieczorek advised her that there was no action the board could take. This is up to the covenant building committee.

Jerry Corteway then spoke and relayed to the board that he has spoken to the Martin corporation members of the building committee. As a builder he has always complied with the covenants getting approval before beginning new home construction. He stated they had no answer for him in this regard. Jerry asked if the board could act. Attorney Blocker addressed the issue by advising that the town has no jurisdiction over the building committee. This seems to be the item brought to the board's attention more than any other. Since the board has no way to address the subject currently, the only remedy is for a civil action. One resident would have to sue the other resident.

There were no other citizens present that wanted to address the board.

Mayor Wieczorek asked the board if they read the minutes and requested a motion to approve them. Motion made by Trello second by Timmons that the minutes be approved as written. Motion carried.

Treasurer Shore reviewed the Treasurer's report. Resident Mark Sikes asked if the report could include a comparative analysis showing prior year's tax collection, year-to-date, and other pertinent information. Shore stated she would address this request. A motion was made by Trello and second by Timmons that the report submitted be approved. Motion carried.

Wieczorek stated that the information related to the American Rescue Plan disbursement of funds is still being finalized. When additional information is received the board can then decide on action going forward. No action taken at this time.

Item 1. The mayor has asked David Johnson from the Logan County Economic Development council to attend a board meeting and clarify their request for dues payment. No action taken at this time.

Item 2. The reimbursements to the Clerk for various purchases were part of budgeted items so a motion was not needed to disburse the funds. The treasurer will cut the check.

OLD BUSINESS

Item 3. The Ordinance regarding Contractor Liability for damages to town pavement was discussed. Attorney Blocker stated that this was the same one discussed at a prior meeting with some corrections made by him. The board discussed and clarified the amounts for fines, cost for permits and remedy dates. Since the issue of enforcement is one that cannot be addressed at this time.

Wolek asked Attorney Blocker what standing the town would have to address this issue of damage to roads. His response was that you can catch the damage action being done and then ask that person or firm to fix the damage. But it is something that would have to be done quickly as soon as the damage occurs. Then you hire an attorney to handle the incident.

Trello stated that the town should do something as this road damage costs the town. Timmons recommended that the town look at what other towns do to address this issue. If a permit fee or construction bond is required, then maybe that would be the direction to take. The board tabled enacting this ordinance on a motion made by Timmons and seconded by Trello. Motion carried. Action tabled; ordinance not enacted.

Item 4. Wieczorek advised that he spoke with Jeff Martin regarding the BnB that is being operated on May Avenue in Cedar Valley West. Martin stated that they were not going to take any action at this time. Again, since this is a covenants violation, there is no board action that can be taken.

Item 5. Mayor Wieczorek updated the board on the overgrown lot on Bassett Road that was going to be cleaned up at a cost of \$200.00. The golf course mowed along the road so these weeds are not growing over the blacktop. The weeds are so thick the recommendation was made to delay any work until winter die-back. At that time a decision will be made on how to handle weed removal. No board action taken.

Item 6. Trello reported on road conditions and the bid received from Howard's Excavating and Paving to do repairs and seal coating on various locations. The total bid was over \$110,000.00. (Bid is attached hereto.) Jeff Martin who owns Par Avenue is not interested in turning that road over to the town.

Trello reported on the exposed water line that is on Hole 4. The town installed the pipe years ago but the May storm rushing water has washed over it and exposed the pipe. Trello will stay on top of the issue and keep the board informed.

Item 8. Discussion regarding applying for two ACOG/REAP grants followed. One for the road repairs and the other for a town building. Trello suggested submitting for both and then hoping one would come in. Wiczorek said he would like to only apply for the road repairing. There is no guarantee it would be granted and if you receive one grant one year you may not be receiving one the following year. No further board discussion followed.

Wiczorek asked for a motion to approve applying for a REAP grant for \$50,000.00. Motion made by Shore for the Town to apply to ACOG for a REAP grant in the amount of \$50,000.00 for road work and paving as will be outlined in the proposal, second by Trello. Motion passed unanimously.

Items 9 and 10 on the agenda were skipped as Jerry Cole was absent. These items will appear on the next meeting agenda.

NEW BUSINESS

Item 1, 2, 3. Attorney Blocker addressed what the Codification of town ordinances mean. He was given a list of current ordinances and thought there would be more. Ordinances that fine people money are "Penal" ordinances. In order to effectively fine money you have to codify your ordinances. Blocker asked the board to discuss and consider action on the codification of ordinances. Wiczorek called for discussion.

Shore: I make a motion that the Town start the codification process at a start of \$5000.00. second by Trello. Motion carried.

Item 4. Wiczorek said that regarding the motion made between the Town and the Foundation to go forward with the park project as passed in the July meeting it was suggested that a contract between the two entities be prepared and entered into. This is just being done so there will be no conflict going forward. No board action is necessary since the initial agreement was voted on and passed in July. Blocker will prepare the contract for his signature and the signature of the Foundation chair.

Item 5. Wiczorek asked for discussion and action to pass the annual resolution for "Establishing the Nine-One-One Emergency Telephone fee rate for calendar year 2022." Thereupon a motion was made by Trello to approve the 9-1-1 resolution, second by Timmons. Motion carried. Resolution was signed and will be submitted to ACOG.

Item 6. Discussion of a long-range town/board planning session previously brought up by Timmons. Timmons stated he would be available October 2. We will plan for a morning from 9:00 a.m. to noon. Wolek will send out notices.

Wiczorek asked for board comments: Trello, none.

Shore: CPA firm is getting a price for the upcoming annual audit. She will have it for the next meeting. This is an item for the agenda.

Wiczorek: I am advising the Board that I am going to resign as mayor effective November 30. I have been on the board for 12 years and am burnt-out. So that's what I'm going to do. I've asked Corey if he

would be vice or interim mayor and he has accepted. I personally think it might also be time to seek out someone from the East. The board of trustees can appoint someone, but I think it would be better if you hold an election.

Blocker: I will research the legal aspect of this and advise. I would like to put on the next agenda that the town adopt the Town Open Meeting Act. This is something that is available through OML and it should be done. It will save the town from possible future legal expense. I will bring it to the next meeting. No board action taken at this time. This will be on the next agenda for consideration, discussion and possible action.

Blocker: By the next meeting I will have an answer for you as to what your options are and what your actions should be in going forward to fill the vacancy.

There being no further business; Meeting adjourned at 8:25 p.m.

Minutes submitted by Deborah Wolek, Town Clerk