

April 5, 2016

The Village of Goehner Board of Trustees met in open and regular session on April 5, 2016, at the Goehner Fire Hall, as posted in three places in the Village. Chairperson Knisley announced the location of the OPEN MEETINGS ACT POSTER. The meeting was called to order by Chairperson Knisley at 7:31 p.m., at the Goehner Fire Hall. Upon roll call, the following board members were present: Knisley, Wagner, Dodson and Ostrander. Ulch was absent.

CONSENT AGENDA: Trustee Ostrander moved to approve the consent agenda, with second by Trustee Wagner. No discussion. RCV: Aye-Trustee Wagner, Ostrander, Dodson and Knisley. Motion carried. Ulch was absent

ZONING

JIM DAWS (SHELLY NITZ NEW HOUSE 1266 CLARISSA): Shelly said they started digging prematurely before the building permit was approved. There was discussion on if the set back was to be to the foundation of the roof line. After reviewing the definitions and drawings, the Trustees suggested using the roofline as the definition based on the drawing and description in the definitions on page 12 of the Goehner Zoning Regulations.

Ulch arrived at 7:35

SAWYER BUILDING PERMIT: The property is currently zoned **C2** which only allows two building accessory buildings. C-2 Highway Commercial District begins on page 25 of the Zoning Regulations and includes Service Stations as a permitted Principle use and Structure. Section **5.43** states Permitted Accessory Uses and Structures: The following accessory uses and structures shall be permitted:

1. Accessory uses and structures normally appurtenant to the permitted uses and structures and to uses and structures permitted as special uses.

The code goes on to specify 5.44 Specially Permitted Uses: A building or premises may be used for the following purposes in the C-2 Highway Commercial District if a special use permit for such use has been obtained in accordance with Article 6 of these Regulations.

1. Private clubs and lodges;
2. Facilities for the commercial storage or sale of fertilizer or toxic or flammable agriculture chemicals;
3. Radio studios, transmitters and antenna; and
4. Single family Dwellings.

Under Article 8, page 35, Accessory Building states, there shall be a maximum of **two (2)** accessory buildings. The minimum distance between accessory buildings shall be five (5) feet. The maximum floor area of one accessory building equaling seven hundred twenty (720) square feet, or half the first floor area of the principal permitted dwelling, whichever is greater. A second accessory building shall have a maximum floor area of one hundred twenty (120) square feet.

Sawyer's current land already has two accessory buildings and his permit is asking for a third building of 2,560 sq ft.

Ulch said that he couldn't build. There was additional reading and review of the code by the Trustees.

Ostrander made a motion to hold a hearing for a special use permit for Sawyer. Second by Dodson. No Discussion. RCV: Aye-Trustee Ostrander, Wagner, Dodson, Knisley. Ulch abstained. Motion carried. Howe will contact council for review.

A special use permit must be approved by the Planning Commission and Village Board.

WALTON FENCE PERMIT: The permit does not currently meet setbacks but meets all other requirements. Wagner said that his fence sits on the property line and some houses in town share fences. Ostrander made a recommendation to change the ordinance and Goehner Zoning Regulations to remove “metal” and allow the owner to build the fence on the lot line if the adjoining property owner grants written permission, with second by Wagner. RCV: Aye-Trustee Ostrander, Wagner, Ulch, Dodson, Knisley. Motion Carried. Howe will contact council for Ordinance and Zoning amendment. The Walton Family will get written permission on their fence pending the ordinance change.

ALLEY BEHIND MAY/GREAT PLAINS CHURCH: Ulch said that Gaylord wanted to fix the Alley and his opinion is that the space needs a ditch. There was general discussion of how much water there is and how to best discharge the water. The final consensus was to attempt to have a ditch dug and wait for final action until the project is finished. The Trustees also asked George to find out about the water line size.

There was a question about the house being moved, if a demolition permit had been filed, and where the house was being relocated. Ulch said he was going to be moving the building and he did not have a building permit. Dodson noted that section **151.185 “Regulations”** of the Moving of Buildings states (summary) that it shall be unlawful for any person to move any building within the municipality without a written permit to do so. Application may be made to the Village Clerk and the application shall be accompanied by a certificated issued by the County Treasurer to the effect that all the provisions regulating the moving of buildings have been complied with on the part of the owner of the real estate upon which the building is presently located. Ulch had not completed a permit or formed a letter. Great Plains had written a letter to the Clerk of their intent to shut off water due to the move of the building. The Ordinance goes on to say the Clerk shall refer the application to the Board of Trustees for approval **before** the permit is issued. No further action was discussed.

UNLICENSED VEHICLES: Howe gave a report on the list of unlicensed vehicles and reminded the Trustees of the Ordinance. If a vehicle does not have proper tags or plates, it can be housed in a shed or behind a fence. Currently one vehicle is licensed, one is getting a hobbyist permit, and one is in-transit. Another one still has vehicles without tags but has written a letter and left a message, which was shared with all Trustees, that their vehicles are currently registered at the courthouse. G. Knisley brought pictures of their vehicles showing no plates and plates without current tags. Chairman Knisley said he would call the resident to explain the discrepancy between “registered” and having tags and plates on all of their vehicles/campers on their property.

ORDINANCE CODIFICATION: Howe explained that there were many ordinances as usual that can be codified each year. In years past, the Trustees has codified all of them to harmonize with state law. This year, Howe explained that she took six hours to discover how the laws had changed at the state level to determine if it was worth tax payer dollars to codify them. She presented the ordinances for review by the Trustees.

Ulch made a motion to suspend the codification of Howe’s recommendations, to review all of the changes from the state level even those that only apply to the second

class cities the following month, with second by Wagner. RCV: Trustee Ostrander Abstained, Wagner-Aye, Ulch-Aye, Dodson-Abstained, Knisley-Nay. Motion did not carry.

Howe provided further explanation of the total of all ordinances included and provided a list for their review. Trustees continued to read and review the ordinances.

STREET WATER SEWER: G. Knisley said that he was waiting for the water test result to turn on the North water well. Howe said that she received an electronic report from Midwest that she pulled during the meeting. The report was okay, no detection of coliform. She will forward the report the G. Knisley for confirmation. Chairman Knisley said that Tim from Jeo would be out on Friday to check the water usage. G. Knisley said that the north sewer pump is plugged.

CONTINUE ORDINANCE CODIFICATION:

Trustee Ostrander introduced Ordinance # 203 entitled: AN ORDINANCE RELATING TO PROPERTY OFFENSES; TO RAISE THE THRESHOLD DOLLAR AMOUNT FOR THE OFFENSE OF CRIMINAL MISCHIEF; TO HARMONIZE WITH STATE LAW; TO REPEAL CONFLICTING ORDINANCES AND SECTIONS; AND TO PROVIDE AN EFFECTIVE DATE and moved that the statutory rule requiring reading on three different days be suspended. Trustee Dodson seconded the motion to suspend the rules. No Discussion. RCV: Aye-Ostrander, Wagner, Ulch, Dodson and Knisley. None voted Nay. None were absent. The motion to suspend the rules was adopted by three-fourths of the Trustees and the statutory rule was declared suspended for consideration of said ordinance.

Trustee Dodson made a motion to approve said ordinance reading it by title and passage with second by Ostrander. No discussion. RCV: Aye-Ostrander, Wagner, Dodson and Knisley. Ulch voted Nay. None were absent. Chairperson Knisley declared Ordinance #203 adopted.

Said ordinance was then read by title and thereafter Trustee Dodson moved for final passage for the ordinance, which motion was seconded by Ostrander. RCV: Aye-Ostrander, Wagner, Dodson and Knisley. Ulch voted Nay. None were absent. Chairperson Knisley declared the ordinance adopted.

Trustee Ostrander introduced Ordinance # 204 entitled: AN ORDINANCE RELATING TO SNOW, ICE AND OTHER ENCROACHMENTS; CLARIFYING LANGUAGE RELATING COSTS OF REMOVAL BEING COLLECTED AS A SPECIAL ASSESSMENT; TO HARMONIZE WITH STATE LAW; TO REPEAL CONFLICTING ORDINANCES AND SECTIONS; AND TO PROVIDE AN EFFECTIVE DATE and moved that the statutory rule requiring reading on three different days be suspended. Trustee Wagner seconded the motion to suspend the rules. No Discussion. RCV: Aye-Ostrander, Wagner, Ulch, Dodson and Knisley. None voted Nay. None were absent. The motion to suspend the rules was adopted by three-fourths of the Trustees and the statutory rule was declared suspended for consideration of said ordinance.

Trustee Ostrander made a motion to approve said ordinance reading it by title and passage with second by Wagner. No discussion. RCV: Aye-Ostrander, Wagner, Ulch, Dodson and Knisley. None voted Nay. None were absent. Chairperson Knisley declared Ordinance #204 adopted.

Said ordinance was then read by title and thereafter Trustee Ostrander moved for final passage for the ordinance, which motion was seconded by Wagner. RCV: Aye-Ostrander, Wagner, Ulch, Dodson and Knisley. None voted Nay. None were absent. Chairperson Knisley declared the ordinance adopted.

Trustee Ostrander introduced Ordinance # 205 entitled: AN ORDINANCE RELATING TO MOTOR VEHICLES; TO REVISE THE DEFINITION OF MOTOR VEHICLES TO EXCLUDE BICYCLES; TO HARMONIZE WITH STATE LAW; TO REPEAL CONFLICTING ORDINANCES AND SECTIONS; AND TO PROVIDE AN EFFECTIVE DATE and moved that the statutory rule requiring reading on three different days be suspended. Trustee Ulch seconded the motion to suspend the rules. No Discussion. RCV: Aye-Ostrander, Wagner, Ulch, Dodson and Knisley. None voted Nay. None were absent. The motion to suspend the rules was adopted by three-fourths of the Trustees and the statutory rule was declared suspended for consideration of said ordinance.

Trustee Ostrander made a motion to approve said ordinance reading it by title and passage with second by Wagner. No discussion. RCV: Aye-Ostrander, Wagner, Ulch, Dodson and Knisley. None voted Nay. None were absent. Chairperson Knisley declared Ordinance #205 adopted.

Said ordinance was then read by title and thereafter Trustee Ostrander moved for final passage for the ordinance, which motion was seconded by Wagner. RCV: Aye-Ostrander, Wagner, Ulch, Dodson and Knisley. None voted Nay. None were absent. Chairperson Knisley declared the ordinance adopted.

Trustee Wagner introduced Ordinance # 206 entitled: AN ORDINANCE RELATING TO REGULATING OBSTRUCTIONS IN PUBLIC WAYS; CLARIFYING THAT REMOVAL MAY BE DONE AT THE EXPENSE OF THE MUNICIPALITY OR THE PERSON PLACING THEM THERE; TO HARMONIZE WITH STATE LAW; TO REPEAL CONFLICTING ORDINANCES AND SECTIONS; AND TO PROVIDE AN EFFECTIVE DATE and moved that the statutory rule requiring reading on three different days be suspended. Trustee Ostrander seconded the motion to suspend the rules. No Discussion. RCV: Aye-Ostrander, Wagner, Ulch, Dodson and Knisley. None voted Nay. None were absent. The motion to suspend the rules was adopted by three-fourths of the Trustees and the statutory rule was declared suspended for consideration of said ordinance.

Trustee Wagner made a motion to approve said ordinance reading it by title and passage with second by Ostrander. No discussion. RCV: Aye-Ostrander, Wagner, Ulch, Dodson and Knisley. None voted Nay. None were absent. Chairperson Knisley declared Ordinance #206 adopted.

Said ordinance was then read by title and thereafter Trustee Wagner moved for final passage for the ordinance, which motion was seconded by Ostrander. RCV: Aye-Ostrander, Wagner, Ulch, Dodson and Knisley. None voted Nay. None were absent. Chairperson Knisley declared the ordinance adopted.

Trustee Dodson introduced Ordinance # 207 entitled: AN ORDINANCE RELATING TO PUBLIC WORKS INVOLVING ARCHITECTURE OR ENGINEERING; REVISING LANGUAGE REGARDING UNDER WHAT

CIRCUMSTANCES THE MUNICIPALITY IS CONSIDERED A PUBLIC SERVICE PROVIDER; TO HARMONIZE WITH STATE LAW; TO REPEAL CONFLICTING ORDINANCES AND SECTIONS; AND TO PROVIDE AN EFFECTIVE DATE and moved that the statutory rule requiring reading on three different days be suspended. Trustee Wagner seconded the motion to suspend the rules. No Discussion. RCV: Aye-Ostrander, Wagner, Ulch, Dodson and Knisley. None voted Nay. None were absent. The motion to suspend the rules was adopted by three-fourths of the Trustees and the statutory rule was declared suspended for consideration of said ordinance.

Trustee Ostrander made a motion to approve said ordinance reading it by title and passage with second by Knisley. No discussion. RCV: Aye-Ostrander, Wagner, Dodson and Knisley. Ulch voted Nay. None were absent. Chairperson Knisley declared Ordinance #207 adopted.

Said ordinance was then read by title and thereafter Trustee Ostrander moved for final passage for the ordinance, which motion was seconded by Dodson. RCV: Aye-Ostrander, Wagner, Dodson and Knisley. Ulch voted Nay. None were absent. Chairperson Knisley declared the ordinance adopted.

Trustee Dodson introduced Ordinance # 208 entitled: AN ORDINANCE RELATING ELECTIONS; TO REVISE PROVISIONS REGARDING RECALL PROCEDURES; TO HARMONIZE WITH STATE LAW; TO REPEAL CONFLICTING ORDINANCES AND SECTIONS; AND TO PROVIDE AN EFFECTIVE DATE and moved that the statutory rule requiring reading on three different days be suspended. Trustee Ostrander seconded the motion to suspend the rules. No Discussion. RCV: Aye-Ostrander, Wagner, Ulch, Dodson and Knisley. None voted Nay. None were absent. The motion to suspend the rules was adopted by three-fourths of the Trustees and the statutory rule was declared suspended for consideration of said ordinance.

Trustee Dodson made a motion to approve said ordinance reading it by title and passage with second by Ostrander. No discussion. RCV: Aye-Ostrander, Wagner, Ulch, Dodson and Knisley. None voted Nay. None were absent. Chairperson Knisley declared Ordinance #208 adopted.

Said ordinance was then read by title and thereafter Trustee Dodson moved for final passage for the ordinance, which motion was seconded by Ostrander. RCV: Aye-Ostrander, Wagner, Ulch, Dodson and Knisley. None voted Nay. None were absent. Chairperson Knisley declared the ordinance adopted.

Trustee Dodson introduced Ordinance # 209 entitled: AN ORDINANCE RELATING TO FINANCE AND REVISIONS TO BUDGETS; TO PROVIDE THAT THE HEARING REQUIREMENT DOES NOT APPLY EMERGENCY EXPENDITURES; TO HARMONIZE WITH STATE LAW; TO REPEAL CONFLICTING ORDINANCES AND SECTIONS; AND TO PROVIDE AN EFFECTIVE DATE and moved that the statutory rule requiring reading on three different days be suspended. Trustee Ostrander seconded the motion to suspend the rules. No Discussion. RCV: Aye-Ostrander, Wagner, Ulch, Dodson and Knisley. None voted Nay. None were absent. The motion to suspend the rules was adopted by three-fourths of the Trustees and the statutory rule was declared suspended for consideration of said ordinance.

Trustee Dodson made a motion to approve said ordinance reading it by title and passage with second by Ulch. No discussion. RCV: Aye-Ostrander, Wagner, Ulch, Dodson and Knisley. None voted Nay. None were absent. Chairperson Knisley declared Ordinance #209 adopted.

Said ordinance was then read by title and thereafter Trustee Dodson moved for final passage for the ordinance, which motion was seconded by Knisley. RCV: Aye-Ostrander, Wagner, Ulch, Dodson and Knisley. None voted Nay. None were absent. Chairperson Knisley declared the ordinance adopted.

Trustee Wagner introduced Ordinance # 210 entitled: AN ORDINANCE RELATING TO ABATEMENT OF NUISANCES; CLARIFYING LANGUAGE RELATING TO COSTS OF ABATEMENT BEING COLLECTED AS A SPECIAL ASSESSMENT; TO HARMONIZE WITH STATE LAW; TO REPEAL CONFLICTING ORDINANCES AND SECTIONS; AND TO PROVIDE AN EFFECTIVE DATE and moved that the statutory rule requiring reading on three different days be suspended. Trustee Ulch seconded the motion to suspend the rules. No Discussion. RCV: Aye-Ostrander, Wagner, Ulch, Dodson and Knisley. None voted Nay. None were absent. The motion to suspend the rules was adopted by three-fourths of the Trustees and the statutory rule was declared suspended for consideration of said ordinance.

Trustee Ulch made a motion to approve said ordinance reading it by title and passage with second by Knisley. No discussion. RCV: Aye-Ostrander, Wagner, Ulch, Dodson and Knisley. None voted Nay. None were absent. Chairperson Knisley declared Ordinance #210 adopted.

Said ordinance was then read by title and thereafter Trustee Ulch moved for final passage for the ordinance, which motion was seconded by Wagner. RCV: Aye-Ostrander, Wagner, Ulch, Dodson and Knisley. None voted Nay. None were absent. Chairperson Knisley declared the ordinance adopted.

Trustee Ostrander introduced Ordinance # 211 entitled: AN ORDINANCE RELATING TO ELECTED OFFICIALS; TO REVISE PROVISIONS REGARDING VACANCIES IN OFFICE; TO HARMONIZE WITH STATE LAW; TO REPEAL CONFLICTING ORDINANCES AND SECTIONS; AND TO PROVIDE AN EFFECTIVE DATE and moved that the statutory rule requiring reading on three different days be suspended. Trustee Ulch seconded the motion to suspend the rules. No Discussion. RCV: Aye-Ostrander, Wagner, Ulch, Dodson and Knisley. None voted Nay. None were absent. The motion to suspend the rules was adopted by three-fourths of the Trustees and the statutory rule was declared suspended for consideration of said ordinance.

Trustee Ostrander made a motion to approve said ordinance reading it by title and passage with second by Wagner. No discussion. RCV: Aye-Ostrander, Wagner, Ulch, Dodson and Knisley. None voted Nay. None were absent. Chairperson Knisley declared Ordinance #211 adopted.

Said ordinance was then read by title and thereafter Trustee Ostrander moved for final passage for the ordinance, which motion was seconded by Wagner. RCV: Aye-Ostrander, Wagner, Ulch, Dodson and Knisley. None voted Nay. None were absent. Chairperson Knisley declared the ordinance adopted.

SOLID WASTE: 1244 lbs 2/10/2016 and 1410 lbs 2/24/2016

TRAFFIC: No Report.

CLERK REPORT: Howe distributed copies of the annual Audit. Howe said she emailed copies of the SCCDP vision and guiding principles to all of the Trustees. They are asking Goehner to pass a resolution to adopt them. Howe also reminded Chairman Knisley of the insurance claim on the buildings and the need for bids to repair them.

Motion to adjourn at 10:18 p.m. by Ulch, second Ostrander.

Julie Howe
Clerk/Treasurer