

**VILLAGE OF PAWNEE
BOARD OF TRUSTEES
Minutes of October 9, 2023**

Call to Order:

- President Clarke called the meeting to order to 7:00pm.

Roll Call:

- Village Clerk, Devona Martin called roll
- Trustees in attendance: Dale Walters, Phillip Thompson, Troy Grant, Patrick Murphy, David Skinner, Brian Whitlow
- Trustees Absent:
- Also in attendance: Attorney Joe Cravens, Treasurer Brent Wise, Chief Barclay Harris, Jeff Schober, Kevin Rollins, Garry White, David Yaeger, Maria Yaeger, Taylor Yaeger, Ivan Romine, Lisa Bailey, Kevin Bailey, Kent Olson

Visitor's Recognition/Comments:

- Chris and Deb McWhorter appeared before the Board again to discuss the ditch to the side of their home. Chris McWhorter stated that they would like the hole filled in and in order to fill in the hole, they would have to put in a box and in order to put in a box, they would have to put in a pipe. He stated they would have to put in a pipe because there is not enough fall. Garry White wants to make sure nothing is done to make him have more water on his property. Mrs. McWhorter stated the east side of the street has 3 or 4 manholes and they want to know why they can't have a manhole on their side. Trustee Skinner thinks we should grade the ditches out to see what happens and go in steps. Deb McWhorter thinks it needs to be filled in because of the hole and for liability purposes. Trustee Thompson suggested we have an engineer inspect and evaluate. Deb McWhorter also advised there is a fence in the area that was built on the ground and it acts like a dam. It is not flow-through. President Clarke advised he was aware of that and believes we talked about that in the past. We will discuss that further. The property owner will either need to raise the fence or cut the bottom 1' off as it is in a waterway. Consensus was to have an engineer inspect the McWhorter property and ditch for a solution.
- Taylor Yaeger advised the Board that he is here to discuss the haunted house at his home and to address his neighbors concerns. President Clarke advised we have also received 2 complaints. One related to a fence and the other selling firewood. President Clarke also advised there was a noise complaint on his property. Kevin Bailey addressed the Board. He lives next to the Yaeger property and the haunted house. He has a 1yr old that lives with them. His bedroom backs up to the Yaeger's property. The noise starts at 7pm and goes to 10pm. There are chain saws, slamming doors, screaming, etc. They also noticed people are standing at their back fence and staring at their property. They have tried to get along with everyone but believes it is out of control. He is asking the Board if he has to leave his property for the month of October due to the haunted house and noise. He is asking for help. Attorney Joe Cravens addressed Mr. Yaeger as they spoke a last week and Mr. Yaeger was supposed to send him an email with his questions. Mr. Yaeger further advised he is not charging. He is just having parties on Friday and Saturday nights. He confirmed he is having the same party every Friday and Saturday. He started a Facebook group and those that join the group are invited to the party. The Bailey's wanted to know when the group was started. Maria Yaeger advised it was started last year. Attorney Cravens advised a haunted house is considered amusement and amusement is not allowed in a

residential zoned area. Mr. Yaeger advised he stopped running the loud horns, slamming doors, chain saws, etc. Lisa Bailey advised she is concerned about the loud music. The Bailey's also wonder how they can say it isn't a business when they have signs that say "Enter at your own risk; not responsible for damages; children must have adult supervision; etc" Mr. Yaeger advised they are not charging and that this has always been free. Mr. Bailey is concerned about the well being of the people walking through the barn due to dead animals, garbage, mold, mildew. Again, Mr. Yaeger stated this is a private event and is not open to the public. He stated they even got a permit and passed all inspections. Attorney Cravens advised that the Village does not regulate haunted houses. Whether they are calling it a haunted house or a group, it is still a haunted house. The option is to rezone property; or the Village could grant a conditional use permit. In either case, all the neighbors would be notified. Kent Olson advised the Board he is here because there was a street light put up in a tree over the weekend and it is shining directly on his house lighting up. Mr. Bailey believes they are retaliating against them. He went on to discuss riding motorcycles in the field behind his house and how fast they drive. The Yaeger's denied riding after dark and further advised they hear motorcycles also from the bar across the street. Trustee Murphy advised they can set up a zoning board meeting to get a variance. They would have to submit a zoning variance request; fees would have to be paid; they have to get the members together; all of this usually takes 2-4 weeks from start to finish. Mr. Yaeger asked if they can still have parties if he takes the signs down? He defined a party as a group of people that get together and enjoy the things they like. Attorney Cravens again stated that Mr. Yaeger was supposed to send an email to the attorney with questions. He stated he is not good with technology. Attorney Cravens advised you cannot run a haunted house in a residential zoned area. Mr. Yaeger advised they contacted the Dept of Labor to make sure they were covered. Consensus was the haunted house is a no-go. If they want to set up a zoning variance they can. Mr. Yaeger then advised the Board the Kent Olson has chickens that are against Village ordinance; the Bailey's have a light shining on his property. Mr. Bailey advised it is because people are looking at his property. Mr. Yaeger advised that Mr. Olson also has a firewood business. Trustee Murphy will look into his complaints.

Clerk's Report:

- Minutes of August 28, 2023 were presented for review and approval
Motion made by Trustee Skinner to approve the minutes of August 28, 2023 as presented
Second made by Trustee Whitlow
Roll Call Vote Taken: Walters-present, Thompson-present, Grant-yes, Murphy-yes, Skinner-yes, Whitlow-yes
Motion Carried: (6-0)
- Minutes of September 11, 2023 were presented for review and approval
Motion made by Trustee Murphy to approve the minutes of September 11, 2023 as presented
Second made by Trustee Skinner
Roll Call Vote Taken: Walters-present, Thompson-present, Grant-yes, Murphy-yes, Skinner-yes, Whitlow-present, Clarke-yes
Motion Carried: (7-0)
- Minutes of September 25, 2023 were presented for review and approval
Motion made by Trustee Skinner to approve the minutes of September 25, 2023 as presented
Second made by Trustee Murphy
Roll Call Vote Taken: Walters-yes, Thompson-yes, Grant-present, Murphy-yes, Skinner-yes, Whitlow-yes
Motion Carried: (6-0)

Personnel & Finance Committee Report: Committee Chair, Trustee Skinner

- Trustee Skinner presented the bills payable for the week ending October 9, 2023 in the amount of \$127,914.49
Motion made by Trustee Skinner to approve the bills payable for the week ending October 9, 2023 in the amount of \$127,914.49.
Second made by Trustee Whitlow
Roll Call Vote Taken: Walters-yes, Thompson-yes, Grant-yes, Murphy-yes, Skinner-yes, Whitlow-yes
Motion Carried: (6-0)
- Treasurer Brent Wise represent the insurance renewal for \$49,114.43
Motion made by Trustee Skinner to renew our insurance and issue payment for \$49,114.43
Second made by Trustee Thompson
Roll Call Vote Taken: Walters-yes, Thompson-yes, Grant-yes, Murphy-yes, Skinner-yes, Whitlow-yes,
Motion Carried: (6-0)

Gas and Water Committee Report: Committee Chair, Trustee Squires

- Trustee Whitlow advised there were 2 shut offs this month.
- Trustee Whitlow advised that CTI has about 3 days left of boring. The guys are working on putting a new gas main to the shop for the new heating system. They are also looking to relocate the gas service for Tim Glenn's new building.

Streets, Alley and Sidewalk Committee Report: Committee Chair, Trustee Whitlow

- Jeff Schober advised they have been fixing signs and following CTI around. He is hoping CTI will be done this week.

Police Committee Report: Committee Chair, Trustee Skinner

- Chief Barclay Harris presented his monthly police report. He also advised Carsen Becker would like to come back part-time. Consensus was to move forward with that.
Motion made by Trustee Thompson to approve Chief Barclay Harris's Monthly Police Report
Second made by Trustee Murphy
Roll Call Vote Taken: Walters-yes, Thompson-yes, Grant-yes, Murphy-yes, Skinner-yes, Whitlow-yes
Motion Carried: (6-0)
- President Clarke asked about the body cams. Chief Harris advised he is looking at the end of November.

Sewers and Parks: Committee Chair, Trustee Thompson

- Trustee Thompson advised they repaired a check valve and had a sewer call on Sunday due to CTI.

Zoning Committee Report: Committee Chair, Trustee Murphy

- Trustee Murphy advised he will be working on the 2 new zoning complaints discussed during this meeting.

Bargaining Committee: Committee Chair, President Clarke

- No Report

Energy: Committee Chair, President Clarke

- No Report

Infrastructure: Committee Chair, President Clarke

- No Report

Unfinished Business:

- None

New Business:

- President Clarke advised Trick or Treating will be 6pm-8pm October 30 and October 31.
- Treasurer Brent Wise advised the Board that the generator we were going to give to the Pawnee Assembly of God didn't work out. We did have some put in a bid last week for \$2,000 and he is going to move it.

Motion to Exit Regular Session: 7:48pm

- **Motion** made by Trustee Murphy to exit regular session
Second made by Trustee Thompson
Roll Call Vote Taken: Walters-yes, Thompson-yes, Grant-yes, Murphy-yes, Skinner-yes, Whitlow-yes
Motion Carried: (6-0)

Motion to Enter Executive Session: 7:54pm

- **Motion** made by Trustee Murphy to enter executive session for personnel
Second made by Trustee Walter
Roll Call Vote Taken: Walters-yes, Thompson-yes, Grant-yes, Murphy-yes, Skinner-yes, Whitlow-yes
Motion Carried: (6-0)

Motion to Enter Executive Session: 8:05pm

- **Motion** made by Trustee Murphy to exit executive session
Second made by Trustee Thompson
Roll Call Vote Taken: Walters-yes, Thompson-yes, Grant-yes, Murphy-yes, Skinner-yes, Whitlow-yes
Motion Carried: (6-0)

Motion to Re-Enter Regular Session: 8:06pm

- **Motion** made by Trustee Skinner to re-enter regular session
Second made by Trustee Murphy
Roll Call Vote Taken: Walters-yes, Thompson-yes, Grant-yes, Murphy-yes, Skinner-yes, Whitlow-yes
Motion Carried: (6-0)

Motion to Adjourn:

- **Motion** made by Trustee Skinner to adjourn
Second made by Trustee Murphy
Roll Call Vote Taken: Walters-yes, Thompson-yes, Grant-yes, Murphy-yes, Skinner-yes, Whitlow-yes
Motion Carried: (6-0)

Meeting adjourned at 8:10pm on Monday, October 9, 2023. The next scheduled meeting of the Pawnee Village Board of Trustees is Monday, October 23, 2023 at 7:00pm at the Village Hall.

Respectfully Submitted,

A handwritten signature in cursive script that reads "Devona L. Martin".

Devona L. Martin
Village Clerk