

**AGENDA**  
**REGULAR MEETING OF THE BOARD OF TRUSTEES OF THE VILLAGE OF MORTON, ILLINOIS**  
**7:00 P.M.**  
**MONDAY, OCTOBER 17, 2022**  
**FREEDOM HALL, 349 W. BIRCHWOOD, MORTON, ILLINOIS**

- I. CALL TO ORDER**
- II. ROLL CALL**
- III. PLEDGE OF ALLEGIANCE TO THE FLAG**
- IV. PUBLIC HEARING**
- V. PRESENTATIONS AND SPECIAL REPORTS**
- VI. PUBLIC COMMENT**
  - A. Public Comments
  - B. Requests for Removal of Items from the Consent Agenda
- VII. CONSENT AGENDA**
  - A. Approval of Minutes
    - 1. Regular Meeting – October 3, 2022
  - B. Approval of Bills
- VIII. CONSIDERATION OF ITEMS REMOVED FROM THE CONSENT AGENDA**
- IX. VILLAGE PRESIDENT**
- X. VILLAGE CLERK**
- XI. VILLAGE ADMINISTRATOR**
  - A. Business District Commission Building Improvement Grant Recommendation
- XII. CHIEF OF POLICE**
- XIII. CORPORATION COUNSEL**
- XIV. DIRECTOR OF FIRE AND EMERGENCY SERVICES**
- XV. DIRECTOR OF PUBLIC WORKS**
  - A. Permission to Request Bids for the new Gas & Water Building to be constructed at 445 E. Birchwood St.
  - B. Fall Landscape Waste Program
  - C. A Resolution Approving Easement with the Hodel Family Revocable Trust
- XVI. ZONING AND CODE ENFORCEMENT OFFICER**
- XVII. VILLAGE TRUSTEES**
  - A. Trustee Blunier
  - B. Trustee Hilliard
  - C. Trustee Leitch
  - D. Trustee Menold
    - a. A Resolution Regarding Proposed Zoning Amendment on Dance Studio in the B-2 General Business District
  - E. Trustee Newman
  - F. Trustee Parrott
- XVIII. CLOSED SESSIONS**
  - A. Closed session pursuant to 5 ILCS 120/2(c)(2) to discuss collective negotiating matters between the Village and its employees or their representatives
  - B. Closed session pursuant to 5 ILCS 120/2(c)(5) to discuss the purchase of real property for the use of the Village
- XIX. CONSIDERATION OF MATTERS ARISING FROM CLOSED SESSIONS**
- XXIII. ADJOURNMENT**

**VILLAGE BOARD OF TRUSTEES  
REGULAR MEETING  
7:00 P.M., October 3, 2022**

After calling the meeting to order, the Pledge of Allegiance was recited before Clerk Evans called the roll, finding the following members present: Blunier, Hilliard, Leitch, Menold, Newman – 5.

Trustee Hilliard then moved to appoint Trustee Blunier as the Acting Chair to facilitate the meeting in the absence of President Kaufman and President Pro Tem Parrott. The motion was seconded by Trustee Leitch and approved by unanimous voice vote of all present board members.

**PUBLIC HEARING** – None.

**PRESENTATIONS** – None.

**PUBLIC COMMENT** – Ann Vandervoorn, owner of property located at 316 S. Main, spoke to the board regarding the zoning of this property and gave her opinion as to how downtown should be zoned. This is the second consecutive meeting that Vandervoorn has commented to the Trustees regarding this situation.

Sara O'Shea, owner of So Chic Boutique, thanked the Village for supporting her business and all other small businesses that are part of the parking lot events throughout the year. She noted that the events are very successful and bring positive traffic to Morton, IL.

Amy Vance, owner of Center Stage Academy of Dance, commented regarding the current zoning issue with her business and provided input from the perspective of the business owner. This business currently operates in a building owned by Ann Vandervoorn.

**CONSENT AGENDA**

- A. Approval of Minutes.
  - 1. Regular Meeting – September 19, 2022
- B. Approval of Bills

Trustee Newman moved to approve the Consent Agenda. Motion was seconded by Trustee Menold and approved with the following roll call vote:

Yes: Blunier, Hilliard, Leitch, Menold, Newman – 5.  
No: None – 0.  
Absent: Parrott – 1.

**VILLAGE PRESIDENT** – None.

**VILLAGE CLERK** – Clerk Evans announced that petitions are still available at Village Hall for candidates seeking nomination in the 2023 election. The first date to file these petitions is

November 21st and the last day is November 28th. Petitions shall be submitted to Village Hall within the specified dates.

**VILLAGE ADMINISTRATOR** – On behalf of the absent Director of Public Works, Craig Loudermilk, Administrator Smick announced the semi-annual Yard Waste Disposal Program dates for Fall 2022. This program will begin on October 22nd and finish on December 4th. Morton residency must be proven and waste may not be dropped off in plastic bags. Questions shall be directed to Village Hall.

Administrator Smick then presented Motor Fuel Tax Resolution on behalf of DPW Loudermilk. These MFT funds are requested for the purchase of salt to maintain streets and highways. Trustee Newman moved to approve this Resolution and Trustee Menold seconded the motion. It was approved by the following roll call vote:

Yes: Blunier, Hilliard, Leitch, Menold, Newman – 5.

No: None – 0.

Absent: Parrott – 1.

**CHIEF OF POLICE** – None.

**CORPORATION COUNSEL** – None.

**DIRECTOR OF FIRE AND EMERGENCY SERVICES** – None.

**DIRECTOR OF PUBLIC WORKS** – None.

**ZONING AND CODE ENFORCEMENT OFFICER** – None.

#### **VILLAGE TRUSTEES**

Trustee Blunier – None.

Trustee Hilliard – None.

Trustee Leitch – None.

Trustee Menold – None.

Trustee Newman – None.

Trustee Parrott – None.

**CLOSED SESSIONS** – None.

**CONSIDERATION OF MATTERS ARISING FROM CLOSED SESSIONS** – None.

#### **ADJOURNMENT**

With no further business to come before the Board, Trustee Newman moved to adjourn. The motion was seconded by Trustee Leitch and followed by unanimous voice vote of all present board members.

ATTEST:

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PRESIDENT

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VILLAGE CLERK



# Memo

**To:** President and Board of Trustees  
**From:** Business District Commission  
**Date:** October 13, 2022  
**Re:** Building Improvement Grant Recommendation

Below is the recommendation for Building Improvement Grants from the Business District Commission. The Commission reviewed and approved the following:

Applicant	Property Address	Total Project Cost	Amount Approved by BDC	Summary of Work
Zobrist Construction	95 Commerce Drive	\$27,650	\$10,000	Exterior landscaping

The Commission is asking for your approval of this recommendation.

If you have any questions, please reach out to Julie Smick.

Thank you!

RESOLUTION NO. 08-23

**RESOLUTION APPROVING EASEMENT WITH THE HODEL FAMILY REVOCABLE TRUST**

**WHEREAS**, the Village of Morton has requested that the Hodel Family Revocable Trust execute a water main line easement over certain property owned by the Hodel Family Revocable Trust, and legally described in the attached easement.

**NOW, THEREFORE, BE IT RESOLVED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF MORTON**, Tazewell County, Illinois, as follows:

1. The easement in the form as attached to this agreement is approved; and
2. The President of the Board of Trustees is authorized to execute the easement on behalf of the Village.

**BE IT FURTHER RESOLVED** that this resolution shall be in full force and effect upon its passage and approval.

**PASSED AND APPROVED** at a regular meeting of the President and Board of Trustees of the Village of Morton, Tazewell County, Illinois, this \_\_\_\_\_ day of \_\_\_\_\_, 2022; and upon roll call the vote was as follows:

AYES:

NAYS:

ABSENT:

ABSTAINING:

**APPROVED** this \_\_\_\_\_ day of \_\_\_\_\_, 2022.

\_\_\_\_\_  
**President**

**ATTEST:**

\_\_\_\_\_  
**Village Clerk**

THIS DOCUMENT PREPARED BY  
McGrath Law Office, P.C.  
1600 South Fourth Avenue, Ste. 137  
Morton, Illinois 61550

RETURN DOCUMENT TO:  
McGrath Law Office, P.C.  
1600 South Fourth Avenue, Ste. 137  
Morton, Illinois 61550

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**PERMANENT EASEMENT**

For Recorder Use Only

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James L. Hodel, not personally but as Trustee under a certain Declaration of Trust dated October 20, 1983, known as the Hodel Family Revocable Trust, hereinafter "GRANTOR" for and in consideration of \$6,726.00 and other good and valuable consideration, including but not limited to, the undertakings agreed to by GRANTOR that are set forth herein, hereby GRANTS and CONVEYS to Village of Morton, an Illinois municipal corporation, hereinafter "GRANTEE", a permanent easement. This Easement is subject to the following terms and conditions:

A. LEGAL DESCRIPTION OF EASEMENT: This Easement is described as follows:

A PART OF NORTHWEST QUARTER OF SECTION 20, TOWNSHIP 25 NORTH, RANGE 3 WEST OF THE THIRD PRINCIPAL MERIDIAN, TAZEWELL COUNTY, ILLINOIS, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SAID NORTHWEST QUARTER OF SECTION 20, THENCE NORTH 86 DEGREES 56 MINUTES 05 SECONDS EAST, ALONG THE NORTH LINE OF SAID NORTHWEST QUARTER OF SECTION 20, 118.16 FEET TO A POINT BEING ON THE EXISTING EASTERLY RIGHT OF WAY LINE OF F.A. ROUTE 406 (I-155), AS THE POINT OF BEGINNING:

THENCE CONTINUING ALONG THE NORTH LINE OF SAID NORTHWEST QUARTER OF SECTION 20, NORTH 86 DEGREES 56 MINUTES 05 SECONDS EAST, 1,345.20 FEET TO A POINT BEING ON THE EXISTING WESTERLY RIGHT OF WAY LINE; THENCE SOUTH 01 DEGREES 17

MINUTES 53 SECONDS EAST, ALONG SAID EXISTING WESTERLY RIGHT OF WAY LINE OF DETROIT AVENUE, 25.01 FEET; THENCE SOUTH 86 DEGREES 56 MINUTES 05 SECONDS WEST, ALONG A LINE BEING 25.00 FEET NORMALLY DISTANT SOUTH OF AND PARELLE TO SAID NORTH LINE OF THE NORTHWEST QUARTER OF SECTION 20, 1,338.63 FEET TO A POINT BEING ON SAID EXISTING EASTERLY RIGHT OF WAY LINE OF F.A. ROUTE 406 (I-155); THENCE NORTH 16 DEGREES 07 MINUTES 02 SECONDS WEST, ALONG SAID EXISTING EASTERLY RIGHT OF WAY LINE, 25.66 FEET TO THE POINT OF BEGINNING AND CONTAINING 33,548 SQUARE FEET, MORE OR LESS, OR 0.770 ACRES, MORE OR LESS.

PIN: Part of 06-06-20-100-003

Commonly Known As: 451 W. Birchwood Street, Morton, Illinois 61550

B. PURPOSE OF EASEMENT: This Easement is for the installation, maintenance, construction and repair of a water main line.

C. RIGHTS CONVEYED TO GRANTEE: The right of ingress and egress over the land of the GRANTOR, as described in Paragraph A, for the purpose of installing a water main is hereby granted by the GRANTOR to the GRANTEE. The GRANTEE, its successors and assigns, its agents, contractors and employees, with or without tools, machinery and equipment, are hereby given the right to dig, excavate, fill, install, repair, replace, construct, maintain, clean, and inspect as to such water main, to enter upon the premises, with or without tools, machinery and equipment, for such purposes. It is expressly understood and agreed that no buildings or other structures shall be placed on the property described within this Easement without the written consent of the GRANTOR and GRANTEE or its successors and assigns being first recorded in the Recorder's Office of Tazewell County, Illinois.

D. OBLIGATION OF THE GRANTEE: Upon completion of any digging, excavation, installation, repair, replacement, construction, maintenance, cleaning, and inspection, the GRANTEE shall restore the surface of the land to the extent reasonably possible to a presentable condition and any such installation and construction shall be in such a manner as not to detract upon completion from the value of the adjoining real estate of the GRANTOR, his successors and assigns.

E. EASEMENT PLAT: A plat depicting the easement premises is marked as Exhibit "A", Attached hereto and incorporated herein by reference.

F. COMPACTION AND COMPACTION PAYMENT. Grantee shall take reasonable steps to remediate any compaction caused by equipment operating within the



Easement to minimize adverse effects on GRANTOR's crops. Furthermore and in addition to payments owed hereunder, GRANTEE shall pay GRANTOR for areas determined to have significant soil compaction directly caused by GRANTEE's activities on the Property ("**Compaction Compensation**") if Grantee fails to de-compact such areas within three (3) months of completion of construction of the water main line. Compaction Compensation shall be equal to an amount that is quadruple the fair market value of the crops that Owner had most recently been growing on such Property for the area compacted. In consideration of this payment, no additional damages shall be paid in future years for that incident of soil compaction. The Parties shall try in good faith to agree to the extent of damage and acreage affected. If the Parties cannot agree, the Parties shall have the area measured and the extent of damage assessed by an impartial party chosen by mutual agreement of the Parties, such as a crop insurance adjuster or University of Illinois extension specialist.

G. BINDING EFFECT: This Agreement is binding upon the parties hereto, their heirs, successors and assigns. The GRANTEE has accepted this Easement pursuant to authority granted by the Board of Trustees to the President and Clerk of the Village of Morton to execute its acceptance. It is expressly understood that the easement that is provided for herein is permanent, perpetual, and shall run with the land.

IN WITNESS WHEREOF, the said GRANTOR has signed, sealed and delivered this Easement this \_\_\_\_ day of \_\_\_\_\_, 2022, and thereafter the GRANTEE, \_\_\_\_\_ Village of Morton, has accepted this Easement.

GRANTOR:

\_\_\_\_\_  
James L. Hodel, as Trustee as aforesaid  
and not personally

## ACKNOWLEDGMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California

County of \_\_\_\_\_)

On \_\_\_\_\_ before me, \_\_\_\_\_  
(insert name and title of the officer)

personally appeared \_\_\_\_\_,  
who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are  
subscribed to the within instrument and acknowledged to me that he/she/they executed the same  
in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument  
the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the law of the State of California that the  
foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature \_\_\_\_\_ (Seal)

ACCEPTANCE OF EASEMENT

The Village of Morton hereby accepts the foregoing Easement pursuant to authority granted by the Board of Trustees of the Village of Morton at a regularly scheduled meeting of the Board of Trustees of the Village of Morton held on the \_\_\_\_ d a y o f \_\_\_\_\_, 2022. The President and Clerk of the Village of Morton have executed the acceptance of this Easement pursuant to authority granted to them by the Board of Trustees at the foregoing meeting.

BY: \_\_\_\_\_  
Village President

ATTESTED TO:

\_\_\_\_\_  
Village Clerk

**RESOLUTION NO. 09-23**

**RESOLUTION REGARDING PROPOSED ZONING AMENDMENT ON DANCE  
STUDIO IN THE B-2 GENERAL BUSINESS DISTRICT**

**WHEREAS**, §10-10-2(E) of the Morton Municipal Code sets forth a procedure for zoning amendments to the Zoning Code of the Village of Morton; and

**WHEREAS**, the Zoning Code of the Village of Morton does not define dance studio as a use; and

**WHEREAS**, §10-6-4(A)(2) of the Morton Municipal Code defines as a permitted use in the B-3 establishments not permitted in B-1 or B-

**WHEREAS**, pursuant to the aforesaid provisions, a dance studio is not a permitted use in the B-1 or B-2 District, but is permitted in the B-3 District; and

**WHEREAS**, Center Stage Academy of Dance and Ann Vandervoorn have requested an amendment to the Zoning Code to define dance studio as a use, and to make such defined use a permitted use in the B-2 District; and

**WHEREAS**, the concurrence of the Board of Trustees in the request to the Plan Commission is necessary for the proposed zoning amendment to proceed to the Plan Commission for a public hearing and recommendation to the Village Board.

**NOW, THEREFORE, BE IT RESOLVED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF MORTON**, Tazewell County, Illinois, as follows:

1. The Plan Commission is hereby authorized and directed to hold a public hearing on the proposed zoning amendment, and to make its recommendations thereafter to the Village

Board on the proposed amendment to the Zoning Code to define dance studio as a use and to make such use a permitted use , or alternatively, a special use in the B-2 District.

**BE IT FURTHER RESOLVED** that this resolution shall be in full force and effect upon its passage and approval.

**PASSED AND APPROVED** at a regular meeting of the President and Board of Trustees of the Village of Morton, Tazewell County, Illinois, this \_\_\_\_ day of \_\_\_\_\_, 2022; and upon roll call the vote was as follows:

AYES:

NAYS:

ABSENT:

ABSTAINING:

**APPROVED** this \_\_\_\_ day of \_\_\_\_\_, 2022.

\_\_\_\_\_  
**President**

**ATTEST:**

\_\_\_\_\_  
**Village Clerk**

