

**VILLAGE OF BETHALTO
COMMITTEE MEETING MINUTES
MARCH 27, 2023 6:00PM
VILLAGE HALL COUNCIL CHAMBERS**

Members Present:

Gary Bost	Tim Lowrance
Brady Dugger	Tim Tweedy
Maria Perkhiser	Terri Keister
Jeff Mull	

Also Present:

Village Clerk Sue Lowrance
Zoning Administrator Randy Reddick
Village Attorney Ken Balsters
Public Works Director Rod Cheatham
Police Chief Mike Dixon
Fire Chief Brian Buhs

The meeting was called to order by Mayor Gary Bost at 6:00pm in the Council Chambers of Village Hall.

Parade/Event Ordinance

Mayor Bost presented the updated draft of the Parade/Event Ordinance and permit application. The reference to permit fees has been removed at the request of the Trustees; a \$2500 security deposit still applies. Any costs related to an event will be discussed and reviewed during the application review process. Trustee Perkhiser asked that the Ordinance be changed to add that the Village will check with our liability insurance carrier for approval of each event; annual events won't need annual approval, however. Chief Dixon said that this is part of the application review process, but Perkhiser noted that it would be best to have it in the procedures/ordinance. Trustee Keister noted that the permit application doesn't match the Ordinance; Attorney Balsters stated that he wanted the Ordinance to be set first and will then update the application to match the Ordinance. There were no other comments or questions.

Update on Specialty Agriculture Special Use Permit

Mayor Bost announced that Attorney Balsters has recused himself from this discussion. Trustee Lowrance pressed Balsters for a reason why, noting that Balsters had responded to questions regarding this matter in the past; Balsters responded that he has neighboring property and that the Balsters name has been mentioned during proceedings so he feels it is best to recuse himself. Balsters added that he had recused himself from the beginning of the process, although Lowrance argued that Balsters had responded to questions at the last meeting. Trustee Keister stated she felt last month's questions were procedural, not related to specifics of this matter; Lowrance disagreed. Mayor Bost stated he had contacted Amy Gabriel, who has represented the Village throughout this process; Gabriel was unavailable to attend tonight's

meeting. Bost said that we need to move forward with the Ordinance, and that it can be voted on as-is or the board can amend it and it can be presented for a vote at the next meeting. Bost added we need to get it right, not just rush into anything, because the Village is likely looking at legal action either way.

Trustee Keister presented her case against allowing livestock, stating that the property rights of neighbors should be protected as well. Keister noted that 11-12 tons of manure is produced each year per cow and added this causes concerns for contamination, runoff, etc. Keister added that we need to consider all the neighborhoods this special use permit could affect and reminded everyone this isn't about one property, but several that could be affected. Keister reviewed Edwardsville's rules for livestock and stated she believes the Village needs real guidance in this matter. Bost stated that Attorney Gabriel will review anything the board decides to make sure it is legal and will write up the ordinance. Bost reviewed the process that an applicant would take once the category is established, noting that the special use permit itself would be applied for, reviewed by the Planning & Zoning Board, and then final action taken by the Village Board. Tonight's meeting is to discuss and establish the performance standards as presented in the PC/ZBA recommendation. Bost asked the board if the sticking point with this is the proposed performance standards; trustees confirmed. A draft copy was presented to the board; Keister announced she has an issue with allowing cattle at all. Bost then went through each performance standard individually; the board was agreeable with items 1 & 2; Item #3 Keister once again stated no cattle. Lowrance argued that horses produce just as much manure. There was discussion of definition of livestock, and Reddick noted this is how the PC/ZBA defined it. Trustee Mull stated he is supportive of what the PC/ZBA drafted; Tweedy agreed. Item #4 was discussed in depth with no resolution found. Trustee Dugger stated 6 animals should be allowed; Lowrance stated 5. Lowrance made reference to the Bureau of Land Management; Reddick stated the PC/ZBA used recommendations from the USDA for their calculations, and Fire Chief/PCZBA member Buhs stated that the well-being of the animal was also considered. There was argument that the size of animal should be considered as well. Trustee Mull added that this only really applies to property 4.99 acres or less, since 5+ acres can be considered agricultural, and asked if we really want to allow 6 animals on 2 acres of pasture. Lowrance then stated 4 animals on 2 acres should be allowed. Trustee Keister wanted clarification that residences on land take away part of what's considered allowable for animals. That was confirmed. After no agreement, Bost stated we would come back to Item #4. Item #5 is covered under the Village Hobby Animal ordinance. Item #6 was agreeable and came from USDA recommendations. Item #7 was discussed with Trustee Dugger stating that any existing fences should be "grandfathered in" and added that any existing fence shouldn't need to be moved. There was discussion over what fences are inspected within the Village. Trustee Lowrance suggested that this item be removed entirely. Trustee Keister asked why the Village would want to be lenient on this, since Agriculture standards are even more strict. There was more discussion of "illegal fences", with Reddick stating that the Village does not inspect every fence installed, but if a complaint comes in then it is checked out. Trustee Tweedy asked Reddick how many complaints he gets on a regular basis regarding the livestock situation. Reddick answered that he can't provide a number. Tweedy pressed Reddick for a response; Reddick then stated that he has regular

communications with neighbors in that area and that over the course of his career here he has spent more time on this matter than anything other than 58 N. Williams. Tweedy then stated he is not accusing Reddick of any wrongdoing; he just wanted an answer as to how much of his time is spent on this matter. Mayor Bost stated we will move on and come back to item #7 as well.

There were no comments on Item #8. Trustee Lowrance disagreed with Item #9, saying that baled hay should be allowed to be out if an animal is feeding on it. Trustee Mull noted this is regarding the storage of materials. Reddick added this was taken straight out of the Agricultural code, and suggested removing baled products if that was the sticking point. Electric fencing as noted in Item #10 was discussed, with Keister wanting it removed entirely; Reddick added this was also taken straight from the AG code. Dugger asked if electric fence could be permitted if on the interior side. Consensus was to allow it if public safety is considered.

Mayor Bost returned the discussion to items 4 & 7 and asked if more research needed to be completed or if the board can recommend a solution. Bost stated the issues to be resolved are definitions, numbers allowed, and fencing requirements. Trustees stated those are the issues and that legal guidance should be received. Bost stated he would get answers and feedback and report to the trustees.

Trustee Keister asked if requirements could be added; Bost answered yes. Keister noted several criteria that Edwardsville uses for reviewing variances and special uses; Reddick explained that those same criteria are stated in our criteria for review in section 40-10-5. Reddick added that any change to those would be a different ordinance and issue altogether, but that it could be done. Bost noted section 40-10-5, which was reviewed. Keister added that she likes the professional appraisal reference as stated in Edwardsville's criteria and that we should consider making that change.

Bost again stated he would research answers to trustee questions and report back.

Having no further items for discussion, the meeting was adjourned by Mayor Bost at 6:50pm.

Sue Lowrance, Village Clerk