

**CITY COUNCIL**  
Regular Meeting

December 7, 2009  
7:30 P.M.

**CALL TO ORDER:**

Mayor Gottman called the regularly scheduled meeting of the Vandalia City Council to order at 7:30 P.M.

**ROLL CALL:**

Aldermen present were: Cable, Swarm, Brosman, Bennett, Hobler, McNutt and Black. Feldpouch was absent from the meeting.

**PLEDGE OF ALLEGIANCE:**

The Pledge of Allegiance to the American Flag was given by all present.

**MOMENT OF SILENCE:**

A moment of silence was observed for Diana Huskey, wife of City employee Marty Huskey. Our condolences to her family.

**MINUTES:**

A motion was made by Hobler and seconded by Swarm approving the minutes from the November 16, 2009 meeting as presented. Motion carried.

**REGULAR BILLS:**

A motion was made by Brosman and seconded by McNutt approving the regular bills as presented. Motion carried.

**SPECIAL BILLS:**

A motion was made by Black and seconded by Cable approving all Special Bills as presented: Ameren IP in the amount of \$16,336.83; Wal-Mart in the amount of \$29,589.28 for roadway reimbursement; Vandalia Asphalt Service in the amount of \$3,858.22 for chip & patch mix; Ancel, Glink, Diamond, Bush in the

amount of \$4,170.36 for legal fees; Precise Construction in the amount of \$16,521.00 CDAP Sewer Extension; B & LLLC in the amount of \$6,947.00 for TIF reimbursement on Sunset 66; B & LLLC in the amount of \$6,540.66 on Mid-State Building; Meyer Oil Company in the amount of \$9,457.95 for TIF reimbursement; Mike Wehrle in the amount of \$1,721.45 for TIF reimbursement; Octochem in the amount of \$48,468.07 for TIF reimbursement; Robert M. Johnson in the amount of \$1,516.37 for TIF reimbursement; Ted & Angie Thompson in the amount of \$9,927.89 for TIF reimbursement; Wait Land Trust in the amount of \$8,473.68 for TIF reimbursement; Mike Jo LLC, in the amount of \$4,919.87 for 2008 TIF reimbursement; Fayette Co. Contracting in the amount of \$4,110.00 for repair work to Something Special Florist; Richard Brick Co. in the amount of \$3,041.06 for brick pavers; HMG in the amount of \$44,596.65 for Gallatin St. project; St. Jacob Winwater Works in the amount of \$1,970.00 for valves and gaskets; Precise Construction in the amount of \$114,140.00 for CDAP sewer extension; Precise Construction in the amount of \$100,000.00 for CDAP sewer extension; G.S. Robins & Co. in the amount of \$1,560.00 for chemical supplies; Siemens Water Technology in the amount of \$7,176.55 to repair sand filter. Motion carried.

Consultant Chris Stone with Governmental Consulting Solutions gave an update on some of the projects that he has been working on for the City of Vandalia.

Mr. Stone says he is working with the Department of Corrections, to see an increase in the inmate numbers at the Correctional Center.

Stone said, due to the 2010 census coming up, VCC need to get the numbers up in the inmate population, because those numbers are counted in the city's census in February. If they lost the inmate numbers, or they were down at the time of the census, it would cost the city somewhere around \$600,000/\$700,000 in federal dollars.

He also mentioned that the City did receive a check from the state in the amount of \$86,267.53 for VCC water/sewer bills. This reduces their outstanding balance to \$86,593.12.

A motion was made by Swarm and seconded by Black approving the FY 2010 budget revisions. Motion carried.

**ORDINANCE #2009-12-7-A:**  
**MAKING TAX LEVY FOR FISCAL**  
**YEAR BEGINNING ON FIRST DAY**  
**OF MAY 2009 AND ENDING ON**  
**THIRTIETH DAY OF APRIL 2010**

A motion was made by Brosman and seconded by Cable adopting Ordinance #2009-12-7-A, Making Tax Levy For Fiscal Year Beginning On First Day of May 2009 and Ending On Thirtieth Day of April 2010.

Voting by roll call: Cable, yea; Hobler, yea; Brosman, yea; Bennett, yea; Swarm, yea; McNutt, yea; Black, yea; Feldpouch, absent. Motion carried.

**ORDINANCE #2009-12-7-B:**  
**ABATING THE TAX LEVY**  
**REQUIREMENTS OF ORDINANCE**  
**2007-4-16-A**

A motion was made by Cable and seconded by Black adopting Ordinance #2009-12-7-B, Abating The Tax Levy Requirements Of Ordinance 2007-4-16-A.

Voting by roll call: Cable, yea; Black, yea; Brosman, yea; Bennett, yea; Hobler, yea; Swarm, yea; McNutt, yea; Feldpouch, absent. Motion carried.

**ORDINANCE #2009-12-7-C:**  
**MODIFYING WATER RATES**

There was much discussion on the water rate increase.

A proposed 8.57% increase in water rates was proposed by the Personnel, Insurance and Finance Committee.

City Morani explained that in 2007, Timmermann the city's auditing firm recommended that the water rates increase 12.54% and sewer rates increase to 1.96%.

The calculation of the annual adjustment was referred off to the Water and Sewer Committee.

At the September 2007 Council Meeting a 5% water rate increase was proposed keeping the sewer rate at 1.96%. Council approved that 5% increase.

Morani stated by raising the water rates 8.57% it will generate \$33,000 over the rest of the fiscal year.

Hobler stated us as a council approved a tax levy for the coming year that is unchanged over the last levy.

He stated we take a vote not to increase taxes and then we're going to raise a water bill, that's insane.

Cable said that the increase is needed to cover chemical prices for the water department.

Hobler said it's not fair to charge city residents for a necessity.

McNutt felt that people can barely pay their water bills as it is.

Trevor Elam spoke up against the increase. Elam filed a Freedom of Information request, asking for

expenditures on the IML Conference in Chicago. He said that some of the city officials attended an IML Conference in Chicago spending almost \$10,000 in three or four days. He said, I could show lots of times the city could have opted to save money but you didn't. He felt that the city should reconsider the raise.

Ken Hubler challenged the legality of the increase, stating that the council could only increase rates based on recommendations from the city's auditor, using figures from the past year.

A motion was made by Bennett and seconded by Black approving Ordinance #2009-12-7-C, Modifying Water Rates.

Voting by roll call: Cable, yea; Black, yea; Hobler, nay; Bennett, yea; Brosman, yea; Swarm, yea; McNutt, nay; Feldpouch, absent. Motion carried.

Mayor Gottman said, for the record if the issue would have come down to a tie he would have been a no vote.

**HOLIDAY OBSERVANCE FOR 2010:**

A motion was made by Hobler and seconded by Brosman approving the holidays for 2010. Motion carried.

**CITY COUNCIL MEETING LIST FOR 2010:**

A motion was made by Hobler and seconded by McNutt approving the Council Meetings for 2010.

**APPROVAL OF PLANNING COMMISSION MINUTES FROM 11/18/09:**

A motion was made by Swarm and seconded by Hobler approving the Planning Commission Minutes from the November 18, 2009 meeting as submitted.

**APPROVAL OF ZONING BOARD OF  
ADJUSTMENTS MEETING MINUTES  
11/18/09**

A motion was made by Hobler and seconded by Black approving the Zoning Board of Adjustments Meeting minutes from November 18, 2009 as submitted.

**REFERRAL OF ORDINANCE TO  
PLANNING COMMISSION:**

A motion was made by Black and seconded by McNutt referring an Ordinance Amending The Vandalia Municipal Code At Title II Administration And Personnel At Section 2.44.050 Powers and Duties And Title XVII Zoning At Chapter 17.28 Amendments At Section 17.28.040 Thereof. Motion carried.

**CHANGE ORDER #1 VANDALIA  
LAKE SPILLWAY:**

A motion was made by Hobler and seconded by Cable approving Change Order #1 in the amount of \$1,918.00 for the Vandalia Lake Spillway repairs.

The change order is to remove and replace the concrete slab at the north end of the spillway as requested by the City. Motion carried.

**RESOLUTION # 2009-12-7-D:  
APPROVING A PROPOSAL FOR  
INSURANCE:**

A motion was made by Cable and seconded by Hobler approving liability insurance for the City of Vandalia from Arthur J. Gallagher Risk Management Services in the amount of \$148,659.00.

The city received two bid proposals.

Illinois Municipal League Risk Management Association in the amount of \$187,358.00

Arthur Gallagher Management Services, Inc. in the amount of \$148,659.00.

Voting by roll call: McNutt, yea; Brosman, yea; Bennett, yea; Cable, yea; Hobler, yea; Swarm, yea; Black, yea; Feldpouch, absent. Motion carried.

**RESOLUTION #2009-12-7-E:**  
**APPROVING MEMBERSHIP IN THE**  
**ILLINOIS PUBLIC RISK FUND**

A motion was made Brosman and seconded by Black adopting Resolution #2009-12-7-E, Approving Membership In The Illinois Public Risk Fund.

This agreement is required by the liability insurance carrier for the city to participate in the worker's compensation plan.

Voting by roll call: Cable, yea; McNutt, yea; Hobler, yea; Bennett, yea; Swarm, yea; Black, yea; Brosman, yea; Feldpouch, absent. Motion carried.

**GALLATIN STREET PROJECT**  
**CHANGE ORDERS (2):**

A motion was made by Brosman and seconded by Cable approving Change Order #1 on the Gallatin Street Project in the amount of \$84,891.50.

The change order is for additional patching between Third Street and Seventh Street.

All councilmen present were in favor of the Change Order except for Hobler which was a nay vote.

A motion was made by Swarm and seconded by Brosman approving Change Order #2 on Gallatin Street between Third Street and Seventh Street in the amount of \$54,000.00.

The change order refers to existing pavement layers were thicker than anticipated, which required more fill to match sub-grade elevations.

All councilmen present were in favor of the change order except for Hobler which was a nay vote.

**APPOINTMENTS TO VANDALIA  
TOURISM COMMISSION:**

A motion was made by Black and seconded by Hobler endorsing the appointments of Mary Cole and Donelle Conaway to the Vandalia Tourism Commission. Motion carried.

A motion was also made by Black and seconded by Swarm endorsing the reappointments of Dean Black, John Dotray, Joyce Mueller and Mary Truitt to the Tourism Commission. Motion carried.

**ORDINANCE #2009-12-7-F:  
APPOINTING AN ADA  
COORDINATOR:**

A motion was made by Swarm and seconded by Cable adopting Ordinance #2009-12-7-F, Appointing An ADA Coordinator.

Effective January 1, 2010 each municipality will be required to appoint a minimum of one ADA coordinator which will be City Administrator Jimmy Morani.

Voting by roll call: Black, yea; Swarm, yea; Cable, yea; McNutt, yea; Bennett, yea; Brosman, yea; Hobler, yea; Feldpouch, absent. Motion carried.

**RESOLUTION #2009-12-7-G:  
APPROVING FIRST AMENDMENT TO  
AGREEMENT DATED AS OF MAY  
18, 2009, BY AND AMONG CITY  
OF VANDALIA, AND MOTOWN  
TECHNOLOGY & SPORTS  
FACILITY, INC.**

Ken Bardwell, Motown Chief Executive and other representatives of various companies such as Select Contracts, Dumas Concepts Construction, Wyndham Hotels and Resorts, CBRE, IBM, Hunt Constructing, Kome Industries, TSI Global, audio, visual, Prime Design Systems, Inc. were present for the council meeting.

State Senator Kyle McCarter, Mike Hall representing Congressman John Shimkus' office, Joe Warner representing the Department of Commerce and Economic Opportunity and Jo Casselman with the Southwestern Illinois Tourism Commission.

Architect Glenn De Simone said the

project has changed a little. He says they are now proposing a 10,000 seat arena for the project. Instead of one larger hotel, the plan would be for two smaller hotels on either side of the facility.

Dante Roberts, a representative of Kome Industries bike plant, says they have an order from China for 6000 of their bikes, and they would like to manufacture those in Vandalia.

Jeffrey Tandoc of Tandoc Enterprises in Chicago, said that he had received sufficient documentation to issue Bardwell a letter of intent to fund the project.

Bardwell remarked that Motown brought the \$17,500 check to reimburse the city for the traffic study performed earlier.

Ken Bardwell said that Motown's inability to meet the original deadline for proof of financing was largely due to a sagging economy.

Bardwell asked the council to extend the deadline for proof of financing until June 7, 2010.

The reason for another month extention Bardwell said will allow Motown the proper time to complete the feasibility study.

Hobler said, the feasibility study should have been done a long time ago, adding that the city is holding a marketable piece of property for Motown.

Cable asked Bardwell if Motown has anything lined up, as far as funds go, or are you completely blank on funding.

Bardwell again stated yes, that he had issued a letter of intent for funding.

Hobler asked whether Motown is pursuing similar projects in other communities.

Bardwell replied that Vandalia is one. We're looking at another, and that project is not really being considered as being the first. Vandalia is being considered the first.

Bennett asked if the city will be spending any funds for the project in the future.

Givens, the Economic Development Director said the city would not be spending any more funds until Motown can provide proof that it has adequate funding for the project.

A motion was made by Swarm and seconded by Black approving Resolution #2009-12-7-G, First Amendment to Agreement Dated As Of May 18, 2009, By And Among City of Vandalia, Illinois, and Motown Technology & Sports Facility, Inc.

Voting by roll call: Cable, yea; Brosman, yea; Bennett, yea; Swarm, yea; Hobler, nay; Black, yea; McNutt, yea; Feldpouch, absent. Motion carried.

**T21 GRANT PROJECT:**

Lorne Jackson of HMG Engineering told the city council that the first two blocks are now fully open, with work such as striping and the trees coming in the near future.

Alderman Swarm had a concern in regard to the lighting that he felt is a little dark. Jackson says the lighting levels are set by the Il. Dept. of Transportation and said there are two levels. One is the current amount of

lighting in those areas. The other is a much brighter lighting, which you see at some intersections.

Mayor Gottman had some concerns about the sidewalks, and the handicap accessible ramp areas.

The Mayor asked that they look for some solutions for the sidewalk areas to improve the safety.

Morani mentioned that a weekly report submitted by IDOT was in your packets for review.

**STANDING COMMITTEE REPORTS:**

Cable announced that there will be Water Committee Meeting on Wednesday, December 9<sup>th</sup> at 5:00 P.M. at City Hall.

Cable also reported that the committee has two complaint forms to review following the meeting this evening.

Swarm would like to draw attention to the report submitted by Chief of Police Larry Eason in regard to implementing a policy of VPD officers working traffic enforcement on the interstate.

The Chief concluded that committing to traffic enforcement on the interstate as a source of revenue is not feasible.

Hobler reported that the Vandalia Spillway project is completed.

JoAnn Givens, Economic Director reported that she has met with some promising prospects for the area.

Mayor Gottman stated that he along with JoAnn, Jimmy and Kyle McCarter met with a potential developer that has an interest in the Orgill building.

Black said that he and JoAnn met with a development prospect in the energy sector and if the project panned out, it would mean adding 50 jobs to the area.

**MAIN STREET REPORT:**

Main Street Coordinator, Dana Whiteman reported that the Old Capital Foundation recently awarded \$10,500.00 to Main Street, to make up for the loss from the cut backs made by the city.

**THANK YOU FROM KYLE MCCARTER:**

Kyle McCarter said that he appreciated Motown considering Vandalia for the project.

**ANNOUNCEMENTS:**

Mayor Gottman stated that the Vandalia Correctional Center has started to receive inmates to keep them in our community along with those jobs.

The City received a check from NewWave Communications in the amount of \$5,970.49 for franchise fees for the third quarter.

**THANK YOU TO MOTOWN ON BEHALF OF MAIN STREET PRESIDENT STEVE BARKER:**

On behalf of Main Street, Steve Barker welcomed Motown to Vandalia and said let's make it work.

**RECOGNIZE ADVISORY BOARD MEMBERS PRESENT:**

Mayor Gottman publicly thanked Greg Starnes and Rich Well who sat on the Advisory Team for the Motown project.

**HURST & ROSCHE REPORT:**

Scott Hunt with Hurst and Rosche gave an update on city projects.

**RICK CRIPE THANKS COUNCIL FOR AWARING PROJECT TO PRECISE:**

Rick Cripe spoke to the council in regard to his company being awarded the contract on the sanitary sewer extension on West Main Street.

**STATE MAKES PAYMENT ON WATER & SEWER BILL:**

Mayor Gottman also mentioned that the State of Illinois made a payment of

\$86,267.53 for water and sewer use at the Vandalia Correctional Center.

Mayor Gottman stated that we are not the only facility that this is happening at. Hobler asked to survey other municipalities are experiencing the same problem.

The state owes Hillsboro \$111,000.00 and the City of Taylorville \$200,000.00. We will be sending hardship letters once again to the Comptroller's Office asking for full payment in thirty days.

**ENERGY PURCHASE CONTRACT:**

City Administrator Morani stated that there will be a savings of approximately \$51,743.00 over the next three years through Direct Energy Business, LLC. The council voted to authorize the mayor to execute a contract to the lowest bidder at an appropriate time in regards to energy cost savings.

**ADJOURNMENT:**

There being no further business to bring before the Council, a motion was made by Black and seconded by Hobler to adjourn. Motion carried.

