

CITY COUNCIL
Regular Meeting

February 2, 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, Feldpouch, McNutt and Black. Hobler was absent from the meeting.

PLEDGE OF ALLEGIANCE:

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

MINUTES:

A motion was made by Swarm and seconded by Black approving the minutes from the January 19, 2009 meeting as presented. Motion carried.

REGULAR BILLS:

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

SPECIAL BILLS:

A motion was made by Cable and seconded by Brosman approving all Special Bills as presented: Ameren IP in the amount of \$22,603.56 for electric; Wal-Mart in the amount of \$39,157.61 for roadway reimbursement; Craig Martin Simon Design in the amount of \$2,550.00 for Looking For Lincoln Design; IEPA in the amount of \$22,787.56 for water revolving fund/drinking water project; G.S. Robins & Co. in the amount of \$5,104.91 for supplies for Vandalia Lake; G.S. Robins & Co. in the amount of \$2,269.50 for chemicals for Water

Plant; Univar USA Inc. in the amount of \$2,640.00 for mozofloc; Wm. & Deborah Opel in the amount of \$2,916.67 for Second Option Agreement; Robert & Pamela Mars in the amount of \$2,916.67 for Second Option Agreement; Randy & Janis Edwards in the amount of \$2,916.67 for Second Option Agreement; Motion carried.

**APPROVAL OF PLANNING
COMMISSION MINUTES FROM
1/20/09 MEETING:**

A motion was made by Swarm and seconded by Black approving the Planning Commission Minutes from the January 20, 2009 meeting. Motion carried.

**ORDINANCE #2009-2-2-A:
AMENDING VANDALIA MUNICIPAL
CODE AT CHAPTER 17 ZONING-
"FREE STANDING SIGNS"**

A motion was made by Black and seconded by Feldpouch approving Ordinance #2009-2-2-A, Amending Vandalia Municipal Code At Chapter 17 Zoning Free Standing Signs.

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

**ORDINANCE #2009-2-2-B:
AMENDING CHAPTER 17 OF THE
VANDALIA MUNICIPAL CODE AT
SECTION 5.6.2:**

A motion was made by Brosman and seconded by Bennett approving Ordinance #2009-2-2-B, amending Chapter 17 of the Vandalia Municipal Code At Section 5.6.2 Eating and Drinking Places.

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

ORDINANCE FAILED:

A motion was made by Swarm and seconded by Cable to amend The Vandalia Zoning District Map, Michael J. Elder and Lisa A. Elder.

The Elder's are seeking to have their property at 1614 W. Randolph St. rezoned from "RT" Two Family Residential to "CG" General Commercial.

Mr. Elder is seeking the rezoning so that he may operate a bait shop produce sales/concrete lawn ornament business on his property.

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

RESOLUTION #2009-2-2-C:
WAIVING TAX DEBT FOR
FAYETTE COUNTY HEALTH
DEPARTMENT:

A motion was made by Black and seconded by Feldpouch, adopting Resolution #2009-2-2-C, a request from the Fayette County Health Department to waive the 2008 real estate tax indebtedness in the amount of \$1,293.04 from the City of Vandalia.

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

ORDINANCE #209-2-2-D:
AMENDING THE ANNUAL
APPROPRIATIONS ORDINANCE FOR
FISCAL YEAR:

A motion was made by Cable and seconded by Swarm adopting Ordinance #2009-2-2-D, Amending The Annual Appropriations Ordinance For The Fiscal Year Beginning On The First Day of May 2008, And Ending On The Thirtieth Day of April 2009.

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

AGREEMENT WITH LEADER-UNION
FAYETTE COUNTY SHOPPER:

A motion was made by Brosman and seconded by Feldpouch to enter into an agreement with the Leader-Union/Fayette County Shopper Dollar

Volume Agreement for 2009.

The Dollar Volume Pricing allows advertisers to get the best rate possible based on total advertising investment including preprints, color, internet and ROP (run of press).

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

**APPROVAL OF 2009 CASE
BACKHOE:**

A motion was made by Brosman and seconded by Cable approving the bid from Diamond Equipment in the amount of \$35,995.00 for a 2009 Case 580 Super M Series 3 Backhoe. Motion carried.

The city received two bids:

Diamond Equipment: \$35,995.00
Erb Equipment: 34,857.00

**ORDINANCE #2009-2-2-E:
PROHIBITING THE USE OF
GROUNDWATER AS A POTABLE
WATER SUPPLY:**

A motion was made by Black and seconded by Cable approving Ordinance #2009-2-2-E, Prohibiting The Use of Groundwater As A Potable Water Supply By The Installation Or Use of Potable Water Supply Wells Or By Any Other Method.

The location of this property is 300 W. Orchard Street, a/k/a The Star Station.

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

**RESOLUTION #2009-2-2-F:
RESCINDING AN IDOT LOCAL
AGENCY AGREEMENT FOR FEDERAL
PARTICIPATION:**

A motion was made by Cable and seconded by Feldpouch approving Resolution #2009-2-2-F, Rescinding "An Illinois Department of Transportation

Local Agency Agreement For Federal Participation" And A Resolution Approving "An Illinois Department of Transportation Local Agency Agreement For Federal Participation".

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

**RESOLUTION #2009-2-2-G:
AUTHORIZATION EXECUTION OF
A CERTAIN SECOND OPTION
AGREEMENT:**

A motion was made by Black and seconded by Cable adopting Resolution #2009-2-2-G, Authorizing Execution Of A Certain Second Option Agreement Between Bruce Rand Edwards, Janis K. Edwards, Robert Mars, Pamela S.Mars, William L. Opel, a/k/a William K.Opal and Deborah K. Opel a/k/a Deborah K. Opel, As Optionor and City of Vandalia As Optionee.

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

T-21 PROJECT:

Mayor Gottman announced that the T-21 downtown enhancement project will begin on the sanitary sewer first within the next two to three weeks.

Mayor Gottman stated they have met with Hank Excavating, who will be handling the construction work.

REPORTS:

Morani reported that he submitted a copy of the IMRF Impact of the 2008 Investment Returns on Employer Funding Status in your packets for review.

STANDING COMMITTEE REPORTS:

Cable reported that the contractor was out at the lake looking to place a fixture inside the well at the lake.

Swarm gave the December monthly report for the police department.

There were \$36,110.52 collected in fines and the city's portion was \$13,243.00.

A motion was made by Swarm and seconded by McNutt to go out for bid for two police vehicles.

McNutt reported that the Cemetery Committee met at 6:00 P.M. this evening to discuss a cemetery maintenance building.

Morani stated that Scott Hunt with Hurst Rosche said that they have reviewed various options for cutting costs for the cemetery building. Based on their review, the building size will have to be reduced in order to reduce the price from the original bid of \$120,000 to the City's \$75,000 budget amount.

Alderman Black reported that the Tourism Commission is making plans to hold a National Road Bluegrass Festival on Father's Day weekend.

Alderman Bennett asked why they didn't want to use the name Grande Levee for this event.

Mayor Gottman stated the committee decided not to use the "Grande Levee" name for the reasons behind if they decided to bring it back they wanted to continue to be able to use the name "Grande Levee".

Mayor Gottman says the state normally puts somewhere around \$20,000 into the Grande Levee festival. With the state budget in the shape it's in, most

likely the city will see no help in keeping the Grande Levee going this year.

MAIN STREET REPORT:

Dana Whiteman mentioned they are working on a project called "Mornings on Main Street".

Whiteman announced that "A Night At The Races" will take place Saturday, February 7th at the Country Club.

The Chamber of Commerce will be sponsoring a Candidates Forum on March 10th at the K.C. Campus. This will include candidates who are running in the April 7th Consolidated Election.

ANNOUNCEMENTS:

Mayor Gottman announced that Senator Frank Watson has announced that he will resign from his Senate seat effective February 16th.

Mayor Gottman said it will be tough to replace Frank's leadership and power, but he understands his decision.

Mayor Gottman said that he definitely will be missed.

Mayor Gottman announced that he along with Alderman Swarm attended the Rt. 51 meeting.

Mayor Gottman announced that the Fayette County Board reappointed himself along with Dana Smith as representatives to the Tourism Bureau Southwestern Illinois Board.

Mayor Gottman attended a juvenile quorum for the Fayette County area. Along with the Mayor, Chief of Police Larry Eason and Judge Schwarm attended. They discussed issues and concerns with juveniles in our city and county.

Mayor Gottman attended the Chamber of Commerce Banquet Thursday evening.

Mayor Gottman announced that he attended the YMCA annual banquet.

Mayor Gottman announced that the Old Capitol Foundation donated 1 million dollars towards the cost of the new YMCA facility.

Kaskaskia College also presented a 99 year lease for the land east of the campus where the new YMCA would be built.

Mayor Gottman announced that the Chief of Police will be the speaker at the Chamber of Commerce meeting this Wednesday.

The Mayor will be attending the Southern Illinois Mayors Association Meeting this week.

Mayor Gottman will be the speaker at the Rotary Meeting Tuesday, February 10th.

Mayor Gottman announced that the ribbon cutting at the National Interpretive Center will take place February 12th at 2:00 P.M.

Lincoln's 200th Birthday Celebration will take place at the Vandalia Statehouse at 6:00 P.M.

Mayor Gottman and County Board Chairman Steve Knebel will meet with the census bureau in regard to the upcoming census in the area.

REQUEST TO SEND "THANK YOU"
TO SENATOR WATSON:

A motion was made by Black and seconded by Brosman to have the City of Vandalia send a letter to Senator

Frank Watson thanking him for all the things that he has done for our community while serving as Senator. Motion carried.

Mayor Gottman announced that a letter will be leaving his office this week congratulating our new Gov. Pat Quinn in his new position.

REPORT FROM SCOTT HUNT ON CITY PROJECTS:

Scott Hunt, representing Hurst-Rosche Engineering Firm gave an update on the fire house renovation.

He said the contractor is ready to start, but would like a four or five day window of opportunity to get things started.

He also mentioned the City Hall roof replacement. The pre-bid is set for February 12th. The bid opening will be on February 24th. Action will be awarded at the 1st meeting in March.

EXECUTIVE SESSION AT 8:30 P.M. TO DISCUSS PENDING LITIGATION:

A motion was made by Swarm and seconded by Brosman to move into Executive Session under the Act Chapter 5 ILCS 120/2 to discuss pending litigation at 8:30 P.M.

A roll call vote was taken: Cable, yea; McNutt, yea; Swarm, yea; Brosman, yea; Feldpouch, yea; Bennett, yea; Black, yea. Motion carried.

REGULAR SESSION RECONVENES AT 8:47 P.M.:

Executive Session ended at 8:47 P.M. Mayor Gottman reconvened the regular session meeting with a roll call: Swarm, yea; Bennett, yea; Brosman, yea; McNutt, yea; Black, yea; Cable, yea; Feldpouch, yea; Hobler, absent.

CITY PAYS CURRY CONSTRUCTION
\$170,500.00:

A motion was made by Cable and seconded by Feldpouch to pay Curry Construction, Inc. \$170,500 for work performed on the west interchange water and sewer extension project.

The costs paid to Curry Construction are for labor and material costs for a failed directional bore effort under I-70.

City Attorney Johnston recommended resolution of the claim in that fashion and that the City authorizes Attorney Johnston to enter into a stipulation concerning settlement of the pending litigation and file a request for dismissal of the pending suit. Motion carried.

ADJOURNMENT:

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

