

CITY COUNCIL

Regular Meeting

April 20, 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, Brosman, Bennett, Swarm, Black and Feldpouch. Hobler and McNutt were absent.

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 April 6, 2009 meeting as presented. Motion carried.

REGULAR BILLS:

A motion was made by Swarm and seconded by Feldpouch 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 submitted: Burnside, Johnston, Choisser in the amount of \$14,180.00 for legal fees; Danka Office Imaging in the amount of \$1,586.98 for contract on copier; Hurst Rosche Engineering in the amount of \$1,906.95 for Zoning and City Maps;

Diamond Equipment Inc. in the amount of \$12,000 for 2009 Case 580 Super Backhoe; HMG in the amount of \$71,222.24 for the Gallatin Street project; Hurst Rosche Engineering in the amount of \$2,356.00 for Vandalia Subdivision Reviews; CPI Supply in the amount of \$4,505.42 for galv. pipe and bands; Evans Public Library in the amount of \$7,500.00 for TIF reimbursement; Peckham, Guyton Albers in the amount of \$5,918.38 for professional services for the period ending March 27,09; Ed McCarty in the amount of \$15,000 for TIF reimbursement; Mettler Development in the amount of \$74,448.27 for water & sewer project (pay estimate #2) HMG in the amount of \$63,344.97 for surveying and engineering fees for 7 blocks of Gallatin St. project; Centraz Industries in the amount of \$1,875.00 for sewer solvent; G.S. Robins & Co. in the amount of \$2,706.00 for chemicals; Motion carried.

TREASURER'S REPORT:

A motion was made by Brosman and seconded by Cable approving the Treasurer's Report as submitted. Motion carried.

MOMENT OF SILENCE OBSERVED:

A moment of silence was observed for Danny Carman, retired police officer; Kenneth Sparks, father of city employee Steve Sparks and Lyle G. Jones, retired Superintendent of the Water Plant. Our condolences are with their families.

**ORDIANNCE #2009-4-20-A:
ANNUAL APPROPRIATIONS FOR
FISCAL YEAR:**

A motion was made by Swarm and seconded by Cable adopting Ordinance #2009-4-20-A, Making The Annual Appropriations For The Fiscal Year Beginning On The First Day Of May 2009, And Ending On The Thirtieth Day Of April 2010.

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

ORDINANCE #2009-4-20-B:
AUTHORIZING SALE OF PERSONAL
PROPERTY BY PUBLIC SALE BY
SEALED BIDS:

A motion was made by Feldpouch and seconded by Swarm adopting Ordinance #2009-4-20-B, Authorizing Sale of Personal Property By Public Sale By Sealed Bids.

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

APPROVAL OF TOURISM
COMMISSION MEETING MINUTES
FROM MARCH 10, 2009:

A motion was made by Black and seconded by Feldpouch approving the Tourism Minutes from the March 10, 2009 meeting as presented. Motion carried.

RESOLUTION #2009-4-20-C:
APPROVING AN AGREEMENT FOR
GRANT WRITING SERVICES
BETWEEN THE CITY & SOUTH
CENTRAL IL. REGIONAL
PLANNING & DEVELOPMENT
COMMISSION:

A motion was made by Swarm and seconded by Brosman authorizing SCIRP & DC to provide grant writing services for the City of Vandalia for the PY-2009 Flexible Opportunity Grant for Gallatin Street water line and roadway improvements.

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

RESOLUTION #2009-4-20-D:
APPROVING AN AGREEMENT FOR
GRANT WRITING SERVICES
BETWEEN THE CITY & SOUTH
CENTRAL IL REGIONAL PLANNING
& DEVELOPMENT COMMISSION

A motion was made by Brosman and seconded by Black authorizing SCIRP & DC to provide grant writing services for the City of Vandalia for the PY-2009 Economic Development Grant for water and sewer extensions along Main Street.

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

RESOLUTION #2009-4-20-E:
AN AGREEMENT WITH HURST-
ROSCHÉ TO PROVIDE
ENGINEERING SERVICES FOR
VANDALIA LAKE SPILLWAY:

A motion was made by Feldpouch and seconded by Cable to hire Hurst Rosche Engineering to provide the necessary professional engineering services to design, bid and administer construction for the repair work for the Vandalia Lake Spillway.

Hurst-Rosche Engineers, Inc. proposes to complete the Design and Bidding portion of the work for a lump sum fee of \$6,100.00, while construction phase services shall be \$3,400.00.

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

RESOLUTION #2009-4-20-F:
APPROVING AN AGREEMENT FOR
ENGINEERING SERVICES BETWEEN
THE CITY AND HURST-ROSCHÉ
ENGINEERS:

A motion was made by Brosman and seconded by Feldpouch authorizing Hurst-Rosche to provide the necessary professional engineering services to design the water main extension project along Illini avenue and obtain the necessary IEPA permit for the extension.

Hurst Rosche Engineers proposes to complete the Design portion of the work for a lump sum fee of \$4,800.00

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

RESOLUTION #2009-4-20-G:
OPPOSING THE CLOSURE OF THE
DEPARTMENT OF HUMAN SERVICES
OFFICE IN FAYETTE COUNTY:

A motion was made by Swarm and seconded by Cable adopting Resolution #2009-4-20-G, Opposing The Closure Of The Department Of Human Services Office In Fayette County.

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

Mayor Gottman stated the resolution will be sent to all municipalities in the area, for their approval.

Mayor Gottman remarked that Wednesday is targeted as a day for everyone to try to call the Governor's office number at (217) 782-0244, to state that they oppose the closing of the Department of Human Services office in Fayette County.

ORDINANCE #2009-4-20-H:
IMPLEMENTING THE PROVISIONS
OF THE FEDERAL TRADE
COMMISSION'S "RED FLAGS
RULE" IN THE CITY OF
VANDALIA:

A motion was made by Feldpouch and seconded by Swarm adopting Ordinance #2009-4-20-H, Implementing the Provisions of the Federal Trade Commission's "Red Flags Rule" In The City Of Vandalia.

This is a written identity theft prevention program that will be implemented in the utility's operations.

The Utility has developed the Program to comply with the Federal Trade Commission Red Flags Rules, implemented under Section 114 of the Fair and Accurate Credit Transaction Act of 2003, pursuant to 16 C.F.R 681.2.

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

ORDINANCE #2009-4-20-I:
AUTHORIZING EXECUTION OF A
PROMISSORY NOTE TO FUND
PURCHASE OF A CASE 580 SUPER
M SERIES 4 WD BACKHOE:

A motion was made by Brosman and seconded by Feldpouch adopting Ordinance #2009-4-20-I, Authorizing Execution Of A Promissory Note To Fund Purchase Of A Case 580 Super M Series 4 WD Backhoe.

The City purchased a Case 580 Super M Series Backhoe for a purchase price of \$77,145.00, with a trade-in on a 2005 Case 580 SM of \$42,500.00 and will self-fund \$12,000, and the City will borrow the remaining \$22,645.00 from First National Bank at an interest rate of 3.74% for a 24 month payout.

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

CEMETERY MAINTENANCE
FACILITY:

A motion was made by Cable and seconded by Bennett accepting the low bid from Johannes Construction in the amount of \$84,000 subject to review and confirmation of the contract to include liquidated damages.

Scott Hunt with Hurst-Rosche brought to the attention of the Council, Johannes Construction having pending litigation regarding a past project in Vandalia, and the project is behind schedule. The litigation is between the general contractor and the sub-contractor.

Mayor Gottman added if this bid passed that we put a stipulation and penalties in the contract that if not completed by the time frame that we put forth that there will be so much paid back to the City of Vandalia for the time that it is not completed.

A bid tabulation of the bids for the project is as follows:

Johannes Construction	\$84,000
Precise Construction	\$96,707
Andy Lester Construction	98,900
TMK Construction	99,871.50
Fay. Co. Contracting	120,000
J. Wilkinson, Inc.	124,700
Korte Luitjohan Cont.	124,900

Voting by roll call: Swarm, nay; Feldpouch, nay; Brosman, yea; Cable, yea; Black, yea; Bennett, yea; 4 yea and 2 nay; Hobler and McNutt were absent. Motion carried.

**RESOLUTION #2009-4-20-J:
URGING PASSAGE OF A
COMPREHENSIVE CAPITAL
INFRASTRUCTURE PROGRAM:**

A motion was made by Black and seconded by Brosman adopting Resolution #2009-4-20-J, Urging Passage Of A Comprehensive Capital Infrastructure Program.

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

**GALLATIN STREET CHANGE ORDER
#2 FOR SANITARY SEWER
PROJECT:**

A motion was made by Cable and seconded by Brosman to pay the additional amount of \$10,517.50 for change order #2 for the Gallatin Street Sewer Improvements on Fifth Street. Motion carried.

**GALLATIN STREET CHANGE ORDER
#3 FOR THE SANITARY SEWER
PROJECT:**

A motion was made by Brosman and seconded by Bennett to pay change order #3 by decreasing the amount by \$28,659.70 on work done on Seventh Street. Motion carried.

**RESOLUTION #2009-4-20-K:
APPROVING AN AMENDMENT #2 TO
AN AGREEMENT FOR
PROFESSIONAL SERVICES
BETWEEN THE CITY & HMG, INC.**

A motion was made by Cable and seconded by Swarm approving the Resolution #2009-4-20-K, Amendment #2 To An Agreement For Professional Services Between The City And Henry, Meisenheimer & Gende, Inc.

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

UPDATE ON THE T21 PROJECT:

Mayor Gottman announced the downtown water and sewer project is underway. The sewer work on Fifth Street started today.

There is a "Morning on Main Street" meeting tomorrow at 8:00 A.M. with WKRV/WPMB hosting the meeting. An update on the progress of the Gallatin Street Project will be shared with businesses and concerned citizens.

Mayor Gottman announced that Fifth Street will be blocked off beginning tomorrow morning for three days. They will also do repairs to the railroad tracks on Fifth Street.

On Monday, April 27th repairs will begin on the Eighth Street crossing.

MORANI REPORT:

Morani reported prior to the next council meeting there will be a short public hearing on the CDAP grants at 7:00 P.M.

CITY CLERK:

Clerk Bowen announced that a retirement party will be held for Dolores Thoman on Thursday, April 30th from 2:00 to 4:00 P.M. Dolores has been with the City of Vandalia for 28 years. Best wishes to Dolores.

STANDING COMMITTEE REPORTS:

Mayor Gottman asked Alderman Brosman if he had time to schedule a Street Committee meeting in reference to the request of the two hour parking ruling.

Brosman remarked that he visioned not wanting to permit longer parking until after the street-scape project's completed. Brosman stated if time was of an essence a meeting will be scheduled.

A motion was made by Cable and seconded by Bennett asking the city to acquire cost estimates for increasing the height of a dam at the river. Motion carried.

More discussion on the river intake took place. Cable thought by raising the height of the dam will help the new intake to work better.

Feldpouch felt that the city should consider raising the intake. Feldpouch made a motion and Black seconded to get a cost to see what it would take to raise the intake. Motion carried.

Mayor Gottman commented that we need to come up with something to fix this problem. The city has put a lot of money into this project and we need to get it fixed "it's ridiculous" what we have had to go through with this project.

Swarm gave the Police monthly report for March 2009. There was \$22,365.00 collected in fines. The City's portion was \$6,408.00.

Swarm remarked on the great job done at the Fire Hall. Swarm thanked Merle Adermann, Fire Chief for all the extras that he and his crew have done to complete the project.

Mayor Gottman announced that the roof on City Hall will begin shortly.

Mayor Gottman announced that a Personnel Committee Meeting will be scheduled soon. Mayor Gottman will schedule a meeting with each department head to discuss their contract.

A motion was made by Feldpouch and seconded by Cable to extend the employment contracts of all department heads for thirty (30) days. Motion carried.

UPDATE FROM JOANN GIVENS:

JoAnn Givens gave an update on her activities. She is working on T.I.F. agreements that will be brought forth at the May 4th meeting.

The option agreement on the 8.25 acres just north of Vandalia Tractor and south of Wal-Mart has expired.

Givens announced that Robbi's Restaurant has opened in the dining room of the Days Inn.

There is a two day Mud-fest & Swap Meet festival to be held on July 11th and July 12th at the Okaw Valley Camp Grounds.

MAIN STREET REPORT:

Dana Whiteman announced that Women's Day Out went well.

Whiteman announced that this coming Saturday is the annual clean up day at the Fifth Street Parking lot beginning at 8:00 A.M.

On Friday, May 1st Main Street is sponsoring a golf tournament at Vandalia Country Club.

ANNOUNCEMENTS:

Main Gottman announced that a letter from NewWave Communications included in your packets, reveals the annual formal complaint report filings for

the 2008 period as required under the State Law this year.

Mayor Gottman reported that he along with Jimmy and JoAnn attended a meeting at the Thompson Building in Chicago last week on a prospect.

Mayor Gottman announced he will be attending the IML Board Meeting in Springfield Tuesday through Thursday of this week.

Mayor Gottman asked that the new T.I.F. application be listed on the agenda for the May 4th meeting for council approval.

JoAnn will be representing Mayor Gottman at the TIF meeting in Fairview Heights this Tuesday, Wednesday and Thursday.

Mayor Gottman reported that he held a meeting with certain individuals last week in regard to opening another restaurant in town. The developer was also present who represents the franchise.

STIMULUS FUNDS USED ON COLES STREET:

Mayor Gottman mentioned that the use of the stimulus funds would have to be used for something besides the sidewalks between the High School and Kaskaskia College.

The city was told that they would have to acquire additional right of way for new sidewalks and or widen Fillmore Street.

Public Works Director John Moyer stated that if the city went with Option #1, which would be a much needed new concrete surface on Coles Street for the heavy truck traffic using that street.

A motion was made by Feldpouch and seconded by Swarm to remove Option #2 which was the sidewalk project on Fillmore St. and follow through with Option #1 which would be removing the existing pavement and pouring new concrete on Coles Street. Motion carried.

Mayor Gottman stated that John Moyer has submitted several areas of sidewalk repairs that will be put out for bid in May.

CONCERNS FROM THE AUDIENCE:

Dennis Grubaugh had some concerns in regard to the cutting on sidewalks on Sixth Street.

Grubaugh is asking the city to get rid of the patches of concrete.

Brosman asked if this spot could be included in the sidewalk replacement program, because it is unsightly.

According to Loren Jackson with HMG it would cost somewhere around \$1200 to \$1500. to do that area.

The council asked Loren to put the cost of the repair in writing through a change order for the council to vote on whether they feel it should be done.

Merle Adermann, Fire Chief asked through the grant writing that for health and safety reasons the waterlines be upgraded to an 8" line for fire protection.

UPDATE ON LITIGATION:

Attorney Jack Johnson brought the council up to date on the recent litigation with HMG stemming from the

west interchange water and sewer project completed by Curry Construction. Mediation is permissible and upon demand of either party it can be enforced. HMG has requested the right to resolve this dispute through mediation. The City of Vandalia will be proceeding with mediation this spring.

ADJOURNMENT :

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

