

CITY COUNCIL
Regular Meeting

June 15, 2020

6:30 P.M.

CALL TO ORDER:

Mayor Gottman called the regularly scheduled meeting of the Vandalia City Council to order via teleconference at 6:30 P.M.

PLEDGE OF ALLEGIANCE:

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

MEETING BEING CONDUCTED
REMOTELY PURSUANT TO
EXECUTIVE ORDER 2020-07
SIGNED BY GOV. PRITZKER:

"Pursuant to Executive Order 2020-07, the requirements of 5 ILCS 120.10 directing that a quorum of members of a public body must be physically present for meetings as well as those of 5 ILCS 120/7 limiting the scope of electronic participation in meetings covered by that Act have been suspended. The City of Vandalia is providing the following remote participation mechanism for the June 15, 2020 City Council Meeting."

ROLL CALL:

Aldermen present for the remote participation were: Barker, Lester, Hubler, Crawford, Brosman, Rebbe, Stunkel & Hobler.

Others that were on the teleconference call were: Mayor Gottman, City Clerk, Peggy Bowen; City Administrator, LaTisha Paslay; City Attorney, Ryan Connor; Chief of Police, Jeff Ray; Erica Foltz, WPMB/WKRV Radio; Rich Bauer, Leader Union; Lee Beckman, Milano & Grunloh Engineering; Merrell Collins, Chairman of the County Board's Animal Control; Amy O'Dell with O'Dell's Family Favorites Food Truck.

MOMENT OF SILENCE FOR LARRY
MABRY:

A moment of silence was observed for Larry Mabry who passed away on June 10th.

He was the owner and operator of Jay's Inn in Vandalia.

MINUTES:

A motion was made by Stunkel and seconded by Barker approving the minutes from the June 1, 2020 meeting as presented. Motion carried.

REGULAR BILLS:

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

TREASURER'S REPORT:

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

SPECIAL BILLS:

A motion was made by Stunkel and seconded by Brosman approving the Special Bills as listed: Ameren Illinois in the amount of \$14,059.32 for electric; Illinois South Tourism in the amount of \$4,000.00 for the annual membership dues; South Central FS in the amount of \$2,114.41 for gasoline; Chandler Brothers Construction in the amount of \$17,775.50 for sidewalk removal and replaced of a 7 x 12 alley; Core & Main in the amount of \$3,617.27 for a yoke with ball valve, ball curb lip, brass nipple; Brenntag Mid-South, Inc. in the amount of \$6,557.15 for lime hydrated; Hawkins, Inc. in the amount of \$10,446.82 for activated carbon; Kaskaskia Springs Water Co. in the amount of \$2,247.20 for 5.618 million delivered and \$585.87 for pass thru; Cedarchem, LLC in the amount of \$12,526.26 for cedarclear 1757; Motion carried.

ORDINANCE #2020-6-15-A:
AMENDING THE VANDALIA
MUNICIPAL CODE AT TITLE V
BUSINESS LICENSES &
REGULATIONS AT SECTION
5.08.270 CLASS T LICENSES

A motion was made by Brosman and seconded by Stunkel Amending Ordinance #2020-6-15-A, Amending The Vandalia Municipal Code At Title V Business Licenses & Regulations at Section 5.08.270 Class T Licenses.

Roll Call: Hubler, yea; Brosman, yea; Stunkel, yea; Hobler, yea; Rebbe, yea; Barker, yea; Crawford, yea; Lester, yea. Motion carried.

RESOLUTION #2020-6-15-B:
APPROVING AN
INTERGOVERNMENTAL AGREEMENT
BETWEEN THE COUNTY OF
FAYETTE AND THE CITY OF
VANDALIA

After some hesitation, a motion was made by Hubler and seconded by Brosman approving Resolution #2020-6-15-B, An Intergovernmental Agreement Between The County Of Fayette And the City of Vandalia.

Several of the council members had questions on how much police involvement there would be when the animal control warden is making calls concerning threatening bites and canines. County board member Merrill Collins was on the teleconference call said that officers would only be called to assist with vicious animal cases, and estimated that 90 percent of the cases could be handled without officer assistance.

Collins also pointed out that in some municipalities, an officer is going to be the first to respond to an animal problem, and that in the past, with the animal control not being a law enforcement officer, tickets written for violations were thrown out in court.

Lester felt like there were some holes in the agreement and asked if changes could still be made if the council passed the agreement.

Collins said, that the law enforcement issue could be discussed for possible alterations to the contract.

Brosman asked, since it was not noted in the agreement where is the shelter going to be.

Collins said a 20' x 50' shelter would be on Route 185 across from the current highway maintenance building.

Crawford said that she is not in the habit of voting on things that we can see what we can do with it, and we need a dog catcher, not a citizenry catching the dogs, so I'm going to be a no vote.

A roll call vote was taken: Hubler, yea; Barker, yea; Stunkel, nay; Rebbe, nay; Hobler, yea; Crawford, nay; Brosman, yea; Lester, yea. Motion carried. 5 yea & 3 nay.

TRANSFER OF LAKE LOT #306
FROM FRED BAUERLE, RAMSEY,
IL TO CALLIE WILLIAMS,
GREENVILLE, IL:

A motion was made by Stunkel and seconded by Barker approving the transfer of Lake Lot #306 from Fred Bauerle, Ramsey, Il to Callie Williams, Greenville, Il. All necessary fees have been paid. Motion carried.

APPROVE OR REJECT PAYMENT
AUTHORIZATION #2 FOR
WATERMAIN PROJECT:

A motion was made by Stunkel and seconded by Brosman approving Payment #2 in the amount of \$78,153.84 for the Watermain Project. Motion carried.

TRANSFER OF LAKE LOT #1 FROM
DARRELL PRYOR, VANDALIA, IL
TO ALYSSA TOMPKINS,
SHOBONIER, IL:

A motion was made by Stunkel and seconded by Barker approving the transfer of Lake Lot #1 from Darrell Pryor, Vandalia, Il to Alyssa Tompkins, Shobonier, IL. All necessary fees have been paid. Motion carried.

APPROVE OR REJECT BIDS FOR
WWTP PORTABLE GENERATOR
REPAIR:

A motion was made by Hobler and seconded by Stunkel approving the quote from Fabick CAT to replace the Waste Water Treatment Plant's portable generator in the amount of \$4,638.08. Motion carried.

RESOLUTION #2020-6-15-C:
RESOLUTION COMMITTING FUNDS

A motion was made by Barker and seconded by Lester Adopting Resolution #2020-6-15-C, Where the City of Vandalia will submit a Rebuild Illinois competitive public infrastructure application for the Water Plant.

Roll call vote was taken: Barker, yea; Hubler, yea; Stunkel, yea; Crawford, yea; Rebbe, yea; Hobler, yea; Brosman, yea; Lester, yea. Motion carried.

RESOLUTION #2020-6-15-D:
APPROVING AN ILLINOIS
DEPARTMENT OF TRANSPORTATION
PRELIMINARY AND CONSTRUCTION
GUIDANCE AGREEMENT FOR MOTOR
FUEL TAX FUNDS

A motion was made by Barker and seconded by Lester Approving Resolution #2020-6-15-D, An Illinois Department of Transportation Preliminary And Construction Guidance Agreement For Motor Fuel Tax Funds.

This will be IDOT funding for South Octochem entrance to US Rt. 51.

Roll call vote: Rebbe, yea; Barker, yea; Stunkel, yea; Brosman, yea; Hobler, yea; Hubler, yea; Crawford, yea; Lester, yea. Motion carried.

AUTHORIZATION FOR MAYOR TO
SIGN ALL GRANT DOCUMENTS FOR
THE WATER TREATMENT PLANT
PROJECT:

A motion was made by Brosman and seconded by Stunkel authorizing Mayor Gottman to sign off on all grant documents for the Water Treatment Plant Project. Motion carried.

APPROVE OR REJECT BIDS FOR
NEW HVAC AT SENIOR CITIZEN
CENTER:

A motion was made by Hobler and seconded by Barker accepting the bid from Stombaugh Heating & Air Conditioning in the amount of \$11,842.00 for two commercial air conditioning units & two gas furnaces.

Motion carried.

The City also received a bid from Culbertson Heating & Cooling, Inc. in the amount of \$12,500.00.

ORDINANCE AMENDING THE
VANDALIA MUNICIPAL CODE AT
TITLE V BUSINESS LICENSES &
REGULATIONS AT SECTION 5.38
MOBILE FOOD VENDORS:

Discussion began with Lester questioning the proration of a yearly license. He asked for that to be omitted. He said that he didn't think the \$250.00 annual fee is extreme but the food trucks are limited to months of operation.

Mayor Gottman said that he agreed with Lester and he spoke with City Attorney Connor and this can be amended on the floor.

Barker also asked if they could make the requirement no closer than 100 feet from a restaurant as opposed to having to be 500 feet from a restaurant. Barker felt that this would be less restrictive on it.

Mayor Gottman said, let me tell you what happened this weekend. I had two complaints. One food vendor who was there, was pulled clear up to the stop sign they couldn't see any stop sign couldn't see any of the foot traffic so they called Mayor Gottman. There was a black truck parked over the walkway where people could not angle out to Gallatin or around to Fourth Street. They were upset about it. The police went up and asked them to move the vehicle. I think we need to do something for safety reasons. How far they need to be away from a controlled system such as stop sign or etc.

Barker said, I understand the intersection is a part of it but I still think 500' is too restrictive.

Hobler said 500' would be putting a vending truck back by the railroad tracks. City Attorney Connor said, yes that's correct.

Barker said, we've got a really nice situation with the patio down there, and with the crowd we're having, it's not affecting our businesses or anything like that, but it's providing the service. We are getting a fee out of these people, and one that is down there has been buying all of their food local, so we are getting some sort of sales tax out of that vendor.

Barker said, it's the council pleasure but he felt 500' was too restrictive.

Mayor Gottman asked Barker if he would go 150'?

Hobler asked how does the other business owners down there gonna feel about that? A vending truck right in front of their establishment?

Barker said, No, it would be 150' from their business, the way this is written.

Hubler said that he received complaints from restaurant owners that food trucks are affecting them on their food business.

Hubler said, All I'm trying to do is protect these restaurants. They've got a lot of money invested in their buildings. He also said that the food vendors will pay a small fee and don't have as much invested in their business.

Connor said, I certainly think that distance is a valid point for debate here. I don't know if you support food trucks or support local businesses or both. The distance is certainly something that can be amended. They vary across the state from 100' to 500'. I've seen all of those. There's not a right answer to that question, but I think your in the best position to make that call.

Hubler said, my concern is we have a small downtown. We have about four or five restaurants downtown and a food truck at lunch time so how are the restaurants going to stay in business.

Lester said, that he has heard comments from the Country Club. They can tell when the food truck is operating as far as their lunch situation.

Amy O'Dell of O'Dell's Family Favorites food truck was on the teleconference and said that she has been the main food truck down in the downtown area and feels she is being singled out here.

She noted that she spent her money locally and it wasn't a small amount it was thousands of dollars that she spent locally. She also told the council that she paid local taxes, she doesn't cheat the system. She is a local resident and spends her money locally.

O'Dell said that she spoke with Amy Gaffney, owner of The Copper Penny & Blind Society and she does not have a problem with me being out there at all. Together we work great. If I understand this right, if I buy brick

and mortar I'm welcome downtown but as a local citizen you're not promoting a local business.

She questioned the council even at 150' will I be able to park at the patio if I pay the \$250.00?

Attorney Connor said he hasn't measured it off and he would just say in response to that, that was as a result of a number of food trucks, as he understood it, so this is not aimed at any specific mobile food vendors. This is probably something we would have taken up had this happened in years past. It finally came to a situation where these have to be regulated, because, as the mayor said, we've had some right-a-way issues and we really needed to from a safety perspective put something in place.

O'Dell said, I think that if a car vehicles and my food truck is more narrow than a parked car parallel can park and block the sign which I say within city parking area then she feels like this pointed directly at the food truck because she should be able to park in the parking places no different than a parked vehicle. So, I would ask that be measured before this decision be made.

O'Dell also had one other question for the council. What if I'm invited onto private property and I don't have to park on the street.

Connor said that whatever the distance requirement is would still apply whether you're on private property or not.

Barker said, that would eliminate anyone from sitting up on the patio.

Hobler said, I really don't see any issue with the 150' why there's a distance requirement. I could see not sitting up in front of somebody's business, but I could by a building right next to another restaurant and operate all I want.

O'Dell said, I could see not parking in front of those brick and mortar restaurants, but to prevent me from parking in front of the patio a business that I have been invited by, and to have the only other business that I would be by me, The Copper Penny is ok with me being there, the local town I live in is restricting me almost to not do business.

Mayor Gottman questioned, you mentioned that you just turned in your taxes? Are those Vandalia taxes? She replied state taxes. How about municipalities? They get taxes as well. Mayor Gottman asked she lived in the city and she said that she lived out by the Vandalia Lake. Mayor said that those taxes would go to the county.

Attorney Connor asked out of curiosity did you file a Use Tax portion of your return that would have indicated business done within the City of Vandalia. O'Dell said no. She was not sure what that is. She asked to have that explained.

Connor said, we along with the State of Illinois has an ordinance and a state law with regards to the Use Tax for that business conducted within certain municipalities or within the State of Illinois done with out of state businesses. You would have

filled out a specific portion of a tax return or a state form that would have indicated a Use Tax amount. Connor said, he was just curious if you did or did not. I don't have an opinion one way or another. She said that she is paying a monthly tax of what she is taking in sales and what she owes. Connor asked, is that to the State of Illinois? She said yes.

Barker asked if we could eliminate the distance requirements and the paragraph would read something to prevent the blockage of any parking spaces and set-backs from intersections.

Mayor Gottman recommended that we table this because it doesn't mention tents. They should be included. It's not fair to the trucks when a tent is selling food.

Mayor Gottman said that he would like to get the downtown restaurant owners involved along with Amy O'Dell.

Rebbe asked why are we including other restaurants in the meeting.

Hubler said because they are downtown.

Rebbe said, that this has nothing to do with the other restaurants, it has to do with the food trucks.

Hubler said, as I said before, it's affecting their business.

Rebbe said, this creates competition in the city, so what that's what business is about, so why are we including other businesses.

Crawford said she agreed with Barker & Rebbe. If someone were to come in and

put a restaurant in, literally, the shared wall with a Thai restaurant, would we tell them they can't do it because they're affecting business downtown. Of course, we wouldn't. So, is it any different this is a business, run by a local businesswoman, using local products and employing local people. How is this any different, other than the fact that it's on wheels.

Mayor Gottman said, that he is going by the recommendation that Mrs. O'Dell made to table this till we get everything lined out.

The council totally agreed to table the matter.

MAYOR'S REPORT:

Mayor Gottman reported that the sewer vac truck is down at the garage.

There is a boil order at Jay's Inn. The contractor hit a line, but the line was not marked.

Mayor Gottman mentioned that he spoke with John Willms in regard to The Charter Patio. Mayor Gottman wanted the council aware that there is no lease on the patio and there is no individual who has all the rights to that patio nor any rights without coming to him. John built that for the community. He did not ask for any money from the city or the county. He recently opened up a snow cone shop on the property.

CITY ADMINISTRATOR:

Paslay reported that the city's cannabis meeting has been rescheduled for July 1, 2020 at 5:30 in the Council Chambers.

Paslay reported that in your packets you will find a flyer from The Farmers' Market. They are recruiting volunteers to help with the market. The first date is set for July 11th.

Paslay reported that she returned the lease vehicle to Hosick Motors. The lease agreement has expired.

Paslay said that she submitted the spec sheet to the local car dealerships, hoping at the next council meeting the council can vote on the new lease.

Paslay reported that she has been working on the budget, hoping to have a copy to each department head and to the aldermen by the end of the week.

STANDING COMMITTEES:

Barker reported that the vac truck is in.

The water break by Jay's Inn was repaired by our city crew. There will be no contractor cost on that.

Hubler reported that Sam Kerr, Cemetery Sexton does not have any extra help due to the COVID-19 this year.

Stunkel reported that he along with Andy Vaughan went out to the lake to look at some issues on the northside.

The last council meeting we talked about Lake Lot 139 where improvements were not taken care of. Stunkel said that he spoke with lease holder & after receiving the letter from Attorney Connor he said that he would adhere to the city's request.

Stunkel thanked Connor for his assistance thinking that is what did it.

Barker had a question in regard to the northside. In the past several of those lots shared a holding tank. As we keep leasing these with improvements they are owned by different people and they are putting in their own holding tanks. Barker asked, do we have assigned lot lines that they can go by to place the holding tanks.

Stunkel said, we can't afford to have 180 surveys done by Cox Surveying to be that technical. So, we generally walk them off with a wheel that 50' x 100'.

Hobler said, that most of them try to have a 50' waterfront on them. Some more and some less depending on the landscape of the lake.

Barker asked, is this something that we need to do when we have request. Barker said, I know in the past we had confusion between property lines when somebody placed on over on someone else and they didn't like it.

Mayor Gottman said, that Hobler used to do that now Stunkel has that job.

Hobler said, if they have any questions where the actual line was or whatever we would go out and look at the properties and put another define line in for that purpose. It wouldn't be steel markers or survey markers but we would get both property owners to agree that this is the best we could guess, we are determining where the

Mayor Gottman reported that he spoke with the attorney who is handling our home lake lots. He had a proposal put together, but due to the COVID we will not meet until we are able to open City Hall again.

Crawford reported the Economic Development/Tourism Commission met last week to discuss Old Tyme Christmas. We hope at this time that the event will take place.

Mayor Gottman announced that the Vandalia Lions Club will have fireworks on July 3rd at 9:00 P.M. at the Vandalia Lake. They are looking for donations to help offset the cost of the fireworks.

ALDERMEN'S CONCERNS:

Lester asked about the May fire calls. Four out of town, were any of those billable. Lester asked what the total dollar figures were on that billing? Paslay said that they were billable and at the July 6th meeting she will have a print out of where we stand on the fire calls.

Barker asked if we determined how that money for advertising on the Tourism Board go to Tourism or General Fund Account. Mayor Gottman said that we haven't done anything about that yet. Mayor Gottman felt that the businesses and the non for profit will not have to pay for an ad. Especially over the next year due to businesses suffering from the COVID-19.

ADJOURNMENT:

There being nothing further to discuss, a motion was made by Stunkel and seconded by Hubler to adjourn. Motion carried.


CITY CLERK