

RUSHVILLE CITY COUNCIL MINUTES

1. ROLL CALL & CALL TO ORDER

The Rushville City Council met in the meeting room of the City Hall Building. Upon convening, Mayor Jeff Ervin directed City Clerk, Stacey Briney to call the roll. Upon ROLL CALL, the following answered present: Council Members: Susan Acker, Terry Dodds, Bob Fishel, Bryan Matteson, and Mike Ryan. The meeting was called to order at 7:00 P.M. Council Members, Richard Davis, Barry Rebman, and Paul Trimble were absent.

Others present included: Stacey Briney, City Clerk; Erin Wilson-Laegeler, City Attorney, Eric Thurman, Superintendent of Operations; Rick Wright, Chief of Police (*arrived at 7:02 p.m.*); David Haney of *The Rushville Times*; Stefanie Ballinger of Benton & Associates; Brad Thurman, Schuy-Rush Park Board President; and Schuyler Isley, Economic Development Director.

2. OPENING PRAYER

The Opening Prayer was led by Mayor Jeff Ervin.

3. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Mayor Ervin.

4. PUBLIC COMMENTS

There were no public comments at this time.

5. CONSENT AGENDA

All items on the Consent Agenda are considered to be routine in nature and will be enacted in one motion. There will be no separate discussion of these items unless a Council Member so requests, in which event, the item will be removed from the Consent Agenda and considered as the first item after approval of the Consent Agenda.

- a) Approve the Minutes of the Regular Meeting held September 5, 2023
- b) Approve the Minutes of the Police Committee Meeting held August 31, 2023; & Animal Control Committee Meeting held September 11, 2023
- c) Approve Claims for Council Approval Dated 09/18/23 & Accept Monthly Reports
- d) Approve Raising Darla Kirkham to \$14/hr effective October 12, 2023 (*taking Sand Bullard's place – retirement*)

Fishel MOVED TO APPROVE THE CONSENT AGENDA. Dodds SECONDED, AND THE MOTION CARRIED WITH AN ALL “YEA” ROLL CALL VOTE AS FOLLOWS: 5 YEAS – Acker, Dodds, Fishel, Matteson, & Ryan; 0 NAYS; 3 ABSENT – Davis, Rebman, & Trimble.

6. ITEMS TO BE REMOVED FROM CONSENT AGENDA – IF APPLICABLE

All items were approved on the Consent Agenda.

7. DISCUSS & CONSIDER APPROVING THE FORMATION OF A HISTORIC PRESERVATION COMMITTEE AND APPROVING APPOINTMENTS TO SUCH COMMITTEE

Mayor Ervin reported he would like to appoint the following council members to the Historic Preservation Committee: Richard Davis – Chairman, Bryan Matteson, Bob Fishel, & Susan Acker. Mayor Ervin said the committee calls for seven (7) members so he will get three (3) more people from the public. Council Member, Bob Fishel asked if the people have to reside in the city because he has had a couple people outside of the city asking about being on this committee. City Attorney, Erin Wilson-Laegeler said she will look into it, but it is a city committee so all the members should reside inside the city limits.

Ryan MOVED TO APPROVE THE FOLLOWING MEMBERS TO THE HISTORIC PRESERVATION COMMITTEE – CHAIRMAN, RICHARD DAVIS, BRYAN MATTESON, BOB FISHEL, AND SUSAN ACKER. Matteson SECONDED, AND THE MOTION CARRIED WITH AN ALL “YEA” ROLL CALL VOTE AS FOLLOWS: 5 YEAS – Dodds, Fishel, Matteson, Ryan, & Acker; 0 NAYS; 3 ABSENT – Davis, Rebman, & Trimble.

8. DISCUSS & CONSIDER CONTRACTUAL AGREEMENT & FEES FOR SHELTER RENTAL AT SCHUY-RUSH PARK

Parks & Recreation Committee Chairman, Terry Dodds asked Attorney Wilson-Laegeler if she had found anything out about the agreement he gave her. Attorney Wilson-Laegeler stated she did not and asked the last time the 40 et 8 group reached out to the park, and Schuy-Rush Park Board President, Brad Thurman said to his knowledge, no one has reached out to them since 1996. Attorney Wilson-Laegeler stated the agreement says a list of members must be received each year but that has not happened so there could be abandonment issues. Thurman wondered if there was ever a document that was signed by the Mayor or anyone for that matter, and City Clerk, Stacey Briney noted she has gone through all of the Schuy-Rush Park files in her office and has never found anything signed. A discussion followed.

Thurman reported that as far as Schuy-Rush Park Board goes, they are at a loss as to what to do with this agreement because the caretaker has people calling to rent that pavilion and not paying stating that they are members. Attorney Wilson-Laegeler said she would like to see an agreement with the city officials. Thurman noted he does not expect a decision tonight, he just needs some guidance. Parks & Recreation Committee Member, Susan Acker asked if that was the only pavilion that the park has problems with, and Thurman stated it is and there has not been any issues with the others. Thurman noted this has happened several times and the board would like clarification. **No action was taken at this time.**

9. DISCUSS & CONSIDER APPROVING SAFE ROUTES TO SCHOOL GRANT OPTIONS

Stefanie Ballinger of Benton & Associates presented a packet regarding the *Safe Routes to School (SRTS)* to the council. *Said packet is attached and a part of these minutes.* Ballinger reported that the infrastructure grants have been done in the past but the non-infrastructure grant is new and helps with bicycle and walking safety. Ballinger stated the grant is for Two Hundred Fifty Thousand Dollars (\$250,000) and that only includes sidewalks and engineering.

Ballinger said the city will need to pass a resolution of support stating the city supports paying their portion for the design and bidding. Ballinger noted this resolution would go with both applications. Ballinger stated the *SRTS* application is due October 2nd.

Ballinger reported she also brought an engineering agreement in the amount of One Thousand Seven Hundred Dollars (\$1,700).

Dodds MOVED TO PASS & ADOPT RESOLUTION NO. 1148, A RESOLUTION IN SUPPORT OF PARTICIPATING IN THE *SAFE ROUTES TO SCHOOL* PROGRAM WITHIN THE CITY OF RUSHVILLE. Fishel SECONDED, AND THE MOTION CARRIED WITH AN ALL “YEA” ROLL CALL VOTE AS FOLLOWS: 5 YEAS – Fishel, Matteson, Ryan, Acker, & Dodds; 0 NAYS; 3 ABSENT – Davis, Rebman, & Trimble.

Fishel MOVED TO APPROVE AN AGREEMENT FOR ENGINEERING SERVICES WITH BENTON & ASSOCIATES IN THE AMOUNT OF ONE THOUSAND SEVEN HUNDRED DOLLARS (\$1,700). Ryan SECONDED, AND THE MOTION CARRIED WITH AN ALL “YEA” ROLL CALL VOTE AS FOLLOWS: 5 YEAS – Matteson, Ryan, Acker, Dodds, & Fishel; 0 NAYS; 3 ABSENT – Davis, Rebman, & Trimble.

10. DISCUSS & CONSIDER PURCHASING NEW MOWER FOR CEMETERY

Cemetery Committee Chairman, Bryan Matteson reported Cemetery Sexton, George Vincent had given him two (2) bids for a zero-turn mower. Matteson stated Birkey's bids was Eleven Thousand One Hundred Fifty-Nine Dollars (\$11,159) after a Five Thousand Dollar (\$5,000) trade-in and Herter's bid was Twelve Thousand Six Hundred Fifty-Nine Dollars (\$12,659) after a Three Thousand Five Hundred Dollar (\$3,500) trade-in. Matteson noted Birkey's said they will deliver, set-up, and give us an extra six (6) month extended warranty.

Matteson MOVED TO APPROVE PURCHASING A NEW MOWER FOR THE CEMETERY FROM BIRKEY'S AT A COST OF ELEVEN THOUSAND ONE HUNDRED FIFTY-NINE DOLLARS (\$11,159). Dodds SECONDED, AND THE MOTION CARRIED WITH AN ALL “YEA” ROLL CALL VOTE AS FOLLOWS: 5 YEAS – Ryan, Acker, Dodds, Fishel, & Matteson; 0 NAYS; 3 ABSENT – Davis, Rebman, & Trimble.

11. DISCUSS & CONSIDER PURCHASING NEW UTV FOR CEMETERY

Matteson reported Vincent got two (2) bids for a new UTV for the cemetery. Matteson stated Birkey's bid was Fifteen Thousand Two Hundred Dollars (\$15,200) with a Seven Thousand Five Hundred Dollar (\$7,500) trade-in and A C McCartney bid was Seventeen Thousand Five Hundred Dollars (\$17,500) with the same trade-in value. Matteson noted Birkey's will do the same with the UTV as they are with the mower.

Matteson MOVED TO APPROVE PURCHASING A NEW UTV FOR THE CEMETERY FROM BIRKEY'S AT A COST OF FIFTEEN THOUSAND TWO HUNDRED DOLLARS (\$15,200). Fishel SECONDED, AND THE MOTION CARRIED WITH AN ALL "YEA" ROLL CALL VOTE AS FOLLOWS: 5 YEAS – Acker, Dodds, Fishel, Matteson, & Ryan; 0 NAYS; 3 ABSENT – Davis, Rebman, & Trimble.

12. DISCUSS & CONSIDER 1ST READING OF ORDINANCE NO. 1367, AN ORDINANCE RELATING TO ANIMAL CONTROL

Matteson MOVED TO PASS ORDINANCE NO. 1367, AN ORDINANCE RELATING TO ANIMAL CONTROL TO THE SECOND (2ND) READING. Fishel SECONDED, AND THE MOTION CARRIED WITH AN ALL "YEA" ROLL CALL VOTE AS FOLLOWS: 5 YEAS – Dodds, Fishel, Matteson, Ryan, & Acker; 0 NAYS; 3 ABSENT – Davis, Rebman, & Trimble.

13. DISCUSS & CONSIDER HIRING FULL-TIME CITY MAINTENANCE EMPLOYEE

Grievance & Personnel Committee Member, Bryan Matteson reported that he had spoken with Jeremy Barclay after the interviews and he feels like he would be a good fit for the city. Matteson stated that he got some clarification on the incident that was discussed in the interview.

Matteson MOVED TO APPROVE HIRING JEREMY BARCLAY AS FULL-TIME CITY EMPLOYEE. Ryan SECONDED.

Council Member, Mike Ryan asked how many people were interviewed, and Matteson said these interviews were several months ago. Mayor Ervin stated the council just needed to clarify an issue first.

THE MOTION CARRIED WITH A ROLL CALL VOTE AS FOLLOWS: 4 YEAS – Fishel, Matteson, Ryan, & Acker; 1 NAYS – Dodds; 3 ABSENT – Davis, Rebman, & Trimble.

14. DISCUSS & CONSIDER APPROVING TIF APPLICATION

TIF Advisory Committee Chair, Susan Acker reported the committee met to discuss the application from the Phoenix Opera House for new windows. Acker stated the application calls for two (2) bids but they only got one (1) so she suggested they write a formal letter as to why there was only one (1) bid. Acker noted the letter was received in City Hall and stated that they kept getting the run around from Macomb Glass Co. so they got a bid from Adams County Glass.

Acker stated the Phoenix Opera House is asking for Twenty-Nine Thousand Four Hundred Forty-Seven Dollars (\$29,447). Acker noted the committee had agreed to grant them Twenty-Five Thousand Dollars (\$25,000) contingent upon the letter being sent to City Hall. Acker said they all felt the Phoenix Opera House is viable to the downtown and is something that everyone sees when they are here.

Acker MOVED TO APPROVE A TIF APPLICATION FOR THE PHOENIX OPERA HOUSE IN THE AMOUNT OF TWENTY-FIVE THOUSAND DOLLARS (\$25,000). Dodds SECONDED, AND THE MOTION CARRIED WITH AN ALL "YEA" ROLL CALL VOTE AS FOLLOWS: 5 YEAS – Matteson, Ryan, Acker, Dodds, & Fishel; 0 NAYS; 3 ABSENT – Davis, Rebman, & Trimble.

15. DISCUSS & CONSIDER BUYING BACK CEMETERY LOTS

Mayor Ervin reported he had spoken to a gentleman from California regarding some lots that his parents bought back in the 1940's that no one is going to use. Mayor Ervin said the city has never had this situation brought up before. Acker asked if the city offers them One Thousand Dollars (\$1,000) would we get our money back when we sell them, and Clerk Briney noted the city should get Two Thousand Four Hundred Dollars (\$2,400) off of them. Dodds asked if the city has to pay the current rate, and Mayor Ervin said he thinks the city can offer them whatever we want.

Acker MOVED TO APPROVE BUYING SIX (6) CEMETERY LOTS BACK FROM GRANT LOGAN FOR ONE THOUSAND DOLLARS (\$1,000) AND NOT TO EXCEED ONE THOUSAND TWO HUNDRED DOLLARS (\$1,200). Ryan SECONDED, AND THE MOTION CARRIED WITH AN ALL "YEA" ROLL CALL VOTE AS FOLLOWS: 5 YEAS – Ryan, Acker, Dodds, Fishel, & Matteson; 0 NAYS; 3 ABSENT – Davis, Rebman, & Trimble.

16. COUNCIL MEMBER & OFFICIAL'S REPORTS

Council Member, Susan Acker asked Attorney Wilson-Laegeler how the Gordley property on East LaFayette Street was going, and Wilson-Laegeler stated the notice has been posted on the property and the summons has been served so things are moving as they should.

Cemetery Committee Chairman, Bryan Matteson reported Laverdiere is done with the new road and it looks great. Matteson said the dirt has been put in the area where a future project will be done. Matteson noted he thinks the city can start selling lots over there now since there is a way to get to them.

City Attorney, Erin Wilson-Laegeler reported the county board would like to be put on the next agenda to discuss the formation of a committee between the city, county, and the Escapa Trail group and to discuss the ramp at the court house. Clerk Briney was directed to place *Discuss & Consider Approving an Intergovernmental Agreement for the Formation of a Committee for the SS4A Grant and Discuss & Consider Approving an Intergovernmental Agreement for the Installation of a Ramp at the Court House* on the next agenda.

17. ADJOURN

Dodds MOVED TO ADJOURN. Fishel SECONDED, AND THE MOTION CARRIED WITH AN ALL "YEA" ROLL CALL VOTE AS FOLLOWS: 5 YEAS – Acker, Dodds, Fishel, Matteson, & Ryan; 0 NAYS; 3 ABSENT – Davis, Rebman, & Trimble. THE MEETING STOOD ADJOURNED ACCORDINGLY AT 7:34 P.M.

Minutes submitted by,

Stacey L. Briney, City Clerk/CMC

Date Minutes Approved