

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, Richard Davis, Terry Dodds, Bob Fishel, Bryan Matteson, Mike Ryan, and Paul Trimble. The meeting was called to order at 7:00 P.M. Council Member, Barry Rebman was absent.

Others present included: Stacey Briney, City Clerk; Erin Wilson-Laegeler, City Attorney, Eric Thurman, Superintendent of Operations; David Haney of *The Rushville Times*; Rachel Fritts of Contemporary Concepts; Tim Bright, representing Rushville Little League; and Schuyler Isley, Economic Development Director (*arrived at 7:06 p.m.*).

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. DISCUSS & CONSIDER APPROVING CONTEMPORARY CONCEPTS

Rachel Fritts, representing Contemporary Concepts reported she has been helping Worthington Funeral Home with an after-care program. Fritts noted she works with a lot of municipalities to help with this program as well as police and fire departments. Fritts stated they publish a memorial book that is sent to the families after the loss of a loved one as a gesture. Fritts said there are a list of sponsors in the front of the book. Fritts noted they have volumes for all people, those that are not Christians, Jewish, those that do not believe, etc.

Fritts reported the cost is Thirty-Nine Dollar (\$39) per month and that covers everyone in the county, not just the city. Fritts said the book connects families with local businesses. Mayor Ervin asked if the city could pay for a year and be done, and Fritts stated the cost would be discounted to Four Hundred Fifty-Three Dollars and Ninety-Six Cents (\$453.96) if it is paid by the year. City Clerk, Stacey Briney questioned if this book would come from all of the funeral homes, and Fritts said it would.

Matteson MOVED TO APPROVE ADVERTISING IN A MEMORIAL BOOK WITH CONTEMPORARY CONCEPTS IN THE AMOUNT OF FOUR HUNDRED FIFTY-THREE DOLLARS AND NINETY-SIX CENTS (\$453.96). Fishel SECONDED, AND THE MOTION CARRIED WITH AN ALL “YEA” ROLL CALL VOTE AS FOLLOWS: 7 YEAS – Acker, Davis, Dodds, Fishel, Matteson, Ryan, & Trimble; 0 NAYS; 1 ABSENT – Rebman.

5. PUBLIC COMMENTS

Tim Bright, representing Rushville Little League (RLL) reported the new ballfield is looking beautiful and they are within three (3) weeks of completion. Bright stated they are waiting on some sections where a ball or kid could get through and one (1) dugout structure. Bright said they have stored the two (2) boys removable pitching mounds and the sweeper. Bright noted they are looking at getting twelve (12) camera system at all the fields, concession stand, restroom, etc. Bright reported Cass Communications is donating internet to RLL, so they are going to be installing a point-of-sale system in the concession stand.

Bright stated they are going to need help putting up all three (3) scoreboards. Bright noted the new scoreboards are 12'Hx18'L. Bright said RLL will provide the equipment but they do not have enough manpower to get them up. Mayor Ervin suggested Bright get with Superintendent of Operations, Eric Thurman a few days in advance and the city crew can probably help with it.

Tim Bright left the meeting at 7:12 p.m.

6. 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 October 2, 2023
- b) Approve the Minutes of the Grievance & Personnel Committee Meeting held October 5, 2023
- c) Approve “Claims for Council Approval Dated 10/16/23” & Accept Monthly Reports
- d) Approve “Claims for Scripps Park Approval Dated 10/09/23
- e) Approve Closing the North/South Alley between North Congress & North Monroe Streets West of the 1st United Methodist Church on Friday, November 3rd for the Annual Harvest Meal

Ryan MOVED TO APPROVE THE CONSENT AGENDA. Dodds SECONDED, AND THE MOTION CARRIED WITH AN ALL “YEA” ROLL CALL VOTE AS FOLLOWS: 7 YEAS – Davis, Dodds, Fishel, Matteson, Ryan, & Acker; 0 NAYS; 1 ABSENT – Rebman.

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

All items were approved on the Consent Agenda.

8. DISCUSS & CONSIDER APPROVING AN INTERGOVERNMENTAL AGREEMENT FOR THE INSTALLATION OF A HANDICAP RAMP AT THE COURT HOUSE

City Attorney, Erin Wilson-Laegeler reported the only concern she has with the agreement is that it does not provide for “fee shifting”, or attorney fees if need be. Attorney Wilson-Laegeler said the council can put something in there if they chose, but it is such a small amount of sidewalk that she does not feel there will ever be any litigation anyway. Mayor Ervin noted he talked with Joe Ackman, maintenance man at the court house and the ramp only seems to come out about one to two feet (1'-2').

Matteson MOVED TO APPROVE RESOLUTION NO. 1149, INTERGOVERNMENTAL AGREEMENT TO PROVIDE FOR THE CONSTRUCTION OF A PERMANENT HANDICAP RAMP FOR COURTHOUSE. Ryan SECONDED, AND THE MOTION CARRIED WITH AN ALL “YEA” ROLL CALL VOTE AS FOLLOWS: 7 YEAS – Dodds, Fishel, Matteson, Ryan, Trimble, Acker, & Davis, 0 NAYS; 1 ABSENT – Rebman.

9. PASS & ADOPT ORDINANCE NO. 1367, AN ORDINANCE RELATING TO ANIMAL CONTROL

Fishel MOVED TO PASS & ADOPT ORDINANCE NO. 1367, AN ORDINANCE RELATING TO ANIMAL CONTROL Ryan SECONDED.

Council Member, Paul Trimble reported the ordinance only gives a person five (5) days to claim their dog and/or cat from animal control and he is concerned that someone could possibly be on vacation for a couple weeks. Trimble asked if the maximum number of animals were considered in the house, and Attorney Wilson-Laegeler stated she interprets it as per property. Attorney Wilson-Laegeler noted the five (5) days is the statutory minimum and the animal can be held longer. Council Member, Mike Ryan agreed with the concern of the maximum number of three (3) animals because he feels that is a low number. Animal Control Committee Member, Bob Fishel said the committee discussed that if a person had more than three (3), they could come to city hall and ask for permission to have more.

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

10. DISCUSS & CONSIDER SUSPENDING THE RULES RE: ORDINANCE NO. 1369, AN ORDINANCE ESTABLISHING HOLIDAY & PAID LEAVE

Attorney Wilson-Laegeler stressed that it is very important to pass this ordinance so the city has the opportunity to have whatever type of policy we want so we do not have to be tethered to the state law.

Ryan MOVED TO SUSPEND THE RULES RE: ORDINANCE NO. 1369, AN ORDINANCE ESTABLISHING HOLIDAY & PAID LEAVE. Fishel SECONDED, AND THE MOTION CARRIED WITH A ROLL CALL VOTE AS FOLLOWS: 6 YEAS – Ryan, Trimble, Acker, Davis, Dodds, & Fishel; 0 NAYS; 1 ABSENT – Rebman; 1 ABSTAIN – Matteson.

11. PASS & ADOPT ORDINANCE NO. 1369, AN ORDINANCE ESTABLISHING HOLIDAY & PAID LEAVE

Attorney Wilson-Laegeler reported she mirrored this ordinance off of the collective bargaining agreement (CBA) and it varies with the temporary and seasonal employees. Attorney Wilson-Laegeler said the new Paid Leave Act is for more like the summer kid's jobs but the city needs a policy that is the same across the board. Attorney Wilson-Laegeler noted the full-time employees that are not covered under the CBA are the same as the union employees. Attorney Wilson-Laegeler said the part-time employees on a permanent basis like an employee in city hall.

Attorney Wilson-Laegeler reported Section C suggests an accrual of one (1) hour paid leave for every forty (40) hours worked. Attorney Wilson-Laegeler stated this is in compliance of the statute. Attorney Wilson-Laegeler said she did put in a use it or lose it policy so there is no carry over for the temporary/seasonal workers. Mayor Ervin noted this is mainly generated to the part-time employees and there will not be any change for full-time employees.

Attorney Wilson-Laegeler stated the act is silent when it comes to a probationary period as far as vacation time for full-time employees with less than one (1) year of service. Attorney Wilson-Laegeler said she feels with the new act, an employee should get the time, but the union employees have a probationary period. Attorney Wilson-Laegeler suggested having the language in there because if this ordinance is amended after January 1st, the city will have to comply with the act no matter what.

Ryan MOVED TO PASS & ADOPT ORDINANCE NO. 1369, AN ORDINANCE ESTABLISHING HOLIDAY & PAID LEAVE. Dodds SECONDED, AND THE MOTION CARRIED WITH A ROLL CALL VOTE AS FOLLOWS: 6 YEAS – Ryan, Trimble, Acker, Davis, Dodds, & Fishel; 0 NAYS; 1 ABSENT – Rebman; 1 ABSTAIN – Matteson.

12. DISCUSS & CONSIDER APPROVING TO ADVERTISE FOR PART-TIME EMPLOYEE IN CITY HALL

Clerk Briney reported the committee met and discussed advertising for a part-time employee to replace Judy Caputo. Clerk Briney noted the clerk's office used to be a three (3) full-time person office. A discussion followed.

Matteson MOVED TO APPROVE ADVERTISING FOR A PART-TIME EMPLOYEE IN CITY HALL. Fishel SECONDED, AND THE MOTION CARRIED WITH A ROLL CALL VOTE AS FOLLOWS: 6 YEAS – Trimble, Acker, Davis, Fishel, Matteson, & Ryan; 1 NAY – Dodds; 1 ABSENT – Rebman.

13. DISCUSS & RECONSIDER PREVIOUS MOTION RE: APPROVING NEW IRRIGATION FOR GOLF COURSE

Parks & Recreation Committee Chairman, Terry Dodds stated Groundskeeper, Andy Ebey reported at the last Scripps Park Board meeting that the initial Six Hundred Ten Thousand Dollar (\$610,000) bid for the irrigation system did not include prevailing wage. Dodds said the new bid from Leibold Irrigation is now Seven Hundred Twenty Thousand Dollars (\$720,000). Dodds noted that the city has enough money to cover the new bid. Mayor Ervin stated he is pursuing other avenues to get funds for this project but nothing is guaranteed. Dodds stressed that if we do not have a nice-looking golf course, we will lose golfers.

Dodds MOVED TO RECONSIDER THE PREVIOUS MOTION REGARDING APPROVING SIX HUNDRED TEN THOUSAND DOLLARS (\$610,000) FOR NEW IRRIGATION SYSTEM AND APPROVING A BID OF SEVEN HUNDRED TWENTY THOUSAND DOLLARS (\$720,000) FOR NEW IRRIGATION SYSTEM. Ryan SECONDED, AND THE MOTION CARRIED WITH AN ALL "YEA" ROLL CALL VOTE AS FOLLOWS: 7 YEAS – Acker, Davis, Dodds, Fishel, Matteson, Ryan, & Trimble; 0 NAYS; 1 ABSENT – Rebman.

Council Member, Susan Acker suggested in the future that the council should take special note that a contractor's bid prevailing wage. Dodds stated his concern was maybe this is a way that this company gets businesses where they give a bid and then change it for whatever reason. Mayor Ervin noted Ebey really wanted this company to bid the job and they usually do work for privately-owned courses.

14. DISCUSS & CONSIDER ASSUMING OWNERSHIP OF NEW BALL DIAMOND AT SCRIPPS PARK

Mayor Ervin stated the city was going to consider having RLL turn the new ballfield over to us because we were not sure if they had the proper insurance to cover the construction of it but we found out they do and everything is okay. **No action was taken.**

15. COUNCIL MEMBER & OFFICIAL'S REPORTS

Parks & Recreation Committee Chairman, Terry Dodds reported the Scripps Park board discussed trees that needed to be cut down and the city crew has already taken care of those. Dodds thanked Thurman and the city crew for doing that work. Dodds noted there is still one (1) more that needs taken down over by the Virginia and that will be taken care of at a later date.

Historic Preservation Committee Chairman, Richard Davis reported the committee is going to meet at 6:00 p.m. on Tuesday to set the boundaries for a historic district.

City Attorney, Erin Wilson-Laegeler reported she is waiting on the affidavit of service from St. Louis County on the Gordley property. Attorney Wilson-Laegeler said she has completed everything she can so it should be a fairly easy process once she receives that.

Attorney Laegeler also reported a couple meetings ago, Schuy-Rush Park Board President, Brad Thurman was at the meeting regarding the renting of the 40 et 8 pavilion. Attorney Wilson-Laegeler noted Thurman was concerned because no one had an updated membership list, but since then, an updated membership list has been sent. Attorney Wilson-Laegeler asked if the council has an issue with group not paying rental fees. Dodds said they built the pavilion but the park pays for the upkeep. **Dodds directed City Clerk, Briney to place this item on the Schuy-Rush agenda.**

Mayor Jeff Ervin reported last week's Scripps' activities went very well and turned out really nice.

16. ADJOURN

Dodds MOVED TO ADJOURN. Acker SECONDED, AND THE MOTION CARRIED WITH AN ALL "YEA" ROLL CALL VOTE AS FOLLOWS: 6 YEAS – Davis, Dods, Fishel, Matteson, Ryan, Trimble & Acker; 0 NAYS; 1 ABSENT – Rebman. THE MEETING STOOD ADJOURNED ACCORDINGLY AT 7:39 P.M.

Minutes submitted by,

Stacey L. Briney, City Clerk/CMC

Date Minutes Approved