

April 1, 2024

PUBLIC HEARING
REGARDING VACATING ALLEYWAYS
Rushville City Hall Council Chambers
6:45 p.m.

The following were in attendance: Mayor Jeff Ervin; Council Members – Susan Acker, Richard Davis, Terry Dodds, and Barry Rebman; City Clerk, Stacey Briney; City Attorney, Erin Wilson-Laegeler; Superintendent of Operations, Eric Thurman; Chief of Police, Rick Wright; Moe Billingsley of *The Rushville Times*; Linda McWhorter and Lyle Harrison.

The public hearing was called to discuss vacating the alleyways on Old Macomb Road. Notice was posted to meet state requirements.

Mayor Jeff Ervin reported no one knew these were city alleyways until one of the homeowners requested gravel. Mayor Ervin stated the city is only going to vacate the east alley because the west alley goes to two (2) or three (3) residents. Linda McWhorter said the east alley is a divided driveway and questioned what it would mean to vacate it. Mayor Ervin noted when the alley would be vacated, then it would be split in half with each neighbor.

City Attorney, Erin Wilson-Laegeler and Bob Fishel arrived at 6:48 p.m. Council Members, Bryan Matteson and Mike Ryan arrived at 6:51 p.m.

City Attorney, Erin Wilson-Laegeler stated if that alleyway was a shared driveway, then both neighbors could get easements. McWhorter said she just does not understand why this just cannot be left alone. Mayor Ervin stressed that he cannot justify spending tax payer's dollars to gravel someone's driveway. Mayor Ervin suggested McWhorter get an easement from her neighbor. McWhorter reported she would offer to pay for the gravel and leave things as is. McWhorter noted that she does not have the money to hire a lawyer to get the easement. McWhorter stressed that she just wants to live in peace, and Mayor Ervin informed McWhorter that is what he wants also.

Council Member, Richard Davis asked if there was any expense to the residents when the city vacates an alley, and Mayor Ervin said nothing. McWhorter followed that asking what the expense was to the city, and Mayor Ervin stated nothing. McWhorter stressed that she does not want to fight or argue with anyone over this, and Mayor Ervin agreed but reiterated that the city cannot spend tax dollars on this anymore. Mayor Ervin stated McWhorter could not guarantee that when she moved the new homeowners would not request more gravel. Lyle Harrison said that alleyway is only twelve feet to fourteen feet (12' - 14') wide so each homeowner would be trespassing without an easement.

Mayor Ervin suggested having Attorney Wilson-Laegeler draw up an easement and have both homeowners sign it, with no cost to either of them. McWhorter said she does not want to make anyone mad, and Mayor Ervin noted she was not making anyone mad.

Rebman MOVED TO ADJOURN. Dodds SECONDED, AND THE MOTION CARRIED WITH AN ALL "YEA" ROLL CALL VOTE AS FOLLOWS: 4 YEAS – Acker, Davis, Dodds, & Rebman; 0 NAYS; 4 ABSENT – Fishel, Matteson, Ryan, & Trimble. THE PUBLIC HEARING STOOD ADJOURNED AT 7:00 P.M.

April 1, 2024

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, Barry Rebman, and Mike Ryan. The meeting was called to order at 7:00 P.M. Council Member, Paul Trimble was absent.

Others present included: City Clerk, Stacey Briney; City Attorney, Erin Wilson-Laegeler; Superintendent of Operations, Eric Thurman; Chief of Police, Rick Wright; Moe Billingsley of *The Rushville Times*; and Economic Development Director, Schuyler Isley (*arrived at 7:04 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. PUBLIC COMMENTS

There were no public comments at this time.

5. DISCUSS & CONSIDER 1ST READING OF ORDINANCE NO. 1375, AN ORDINANCE VACATING ALLEYWAYS

Dodds MOVED TO PASS ORDINANCE NO. 1375, ORDINANCE VACATING ALLEYWAYS TO THE SECOND (2ND) READING. Fishel SECONDED, AND THE MOTION CARRIED WITH AN ALL “YEA” ROLL CALL VOTE AS FOLLOWS: 7 YEAS – Davis, Dodds, Fishel, Matteson, Rebman, Ryan, & Acker; 0 NAYS; 1 ABSENT – Trimble.

Superintendent of Operations, Eric Thurman questioned what was happening with the west alley. Mayor Ervin stated the city is going to leave it alone right now but we are also not going to take care of it. Mayor Ervin said the homeowners were okay with that and he informed them that if any of them asked the city to do anything with it, we would vacate it.

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 March 18, 2024
- b) Approve the Minutes of the Grievance & Personnel Committee Meeting held March 14, 2024
- c) Approve “Claims for Council Approval Dated 04/01/24” & Accept Monthly Reports
- d) Approve Reserving Central Park & the Gazebo on Friday, April 19, 2024, from 8:00 a.m. – 10:00 a.m. for Recognizing First Responders
- e) Approve Reserving Central Park on Tuesday, June 25, 2024, for Youth Choir
- f) Approve Reserving Central Park on Saturday, August 17, 2024, for The HUB’s Night Market
- g) Approve Request for Loan Reimbursement

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

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

All items were approved on the Consent Agenda.

8. DISCUSS & CONSIDER SELLING OLD FIRE TRUCK

Fire & Water Committee Member, Bryan Matteson reported the committee had met to discuss this matter since the council had rejected all the earlier bids because they were too low. Matteson stated the committee thought Fire Chief, Vic Menely had someone to buy it, but that fell through, so it was just advertised “for sale”. Matteson said Chief Menely received an offer of Two Thousand Dollars (\$2,000), so the committee recommended taking that offer.

Matteson MOVED TO APPROVE SELLING THE OLD FIRE TRUCK TO MIKE MALCOMSON FOR TWO THOUSAND DOLLARS (\$2,000). Ryan SECONDED, AND THE MOTION CARRIED WITH AN ALL “YEA” ROLL CALL VOTE AS FOLLOWS: 7 YEAS – Fishel, Matteson, Rebman, Ryan, Acker, Davis, & Dodds; 0 NAYS; 1 ABSENT – Trimble.

9. DISCUSS & CONSIDER CLOSING TWO (2) SIDES OF THE SQUARE ON SATURDAY, APRIL 20TH & SUNDAY APRIL 21ST

Mayor Ervin reported he discussed this briefly at the last meeting regarding Connor Amusements setting up their carnival with all proceeds going to the families of the victims in the bus/semi accident. Mayor Ervin said he would suggest using the south and east sides.

Matteson MOVED TO APPROVE CLOSING BOTH DRIVING LANES ON THE SOUTH AND EAST SIDES OF THE SQUARE ON SATURDAY, APRIL 20TH, AND SUNDAY, APRIL 21ST FOR CONNOR AMUSEMENTS TO SET UP THEIR CARNIVAL AS A FUNDRAISER FOR THE FAMILIES OF THE VICTIMS FROM THE BUS/SEMI ACCIDENT. Dodds SECONDED, AND THE MOTION CARRIED WITH AN ALL “YEA” ROLL CALL VOTE AS FOLLOWS: 7 YEAS – Matteson, Rebman, Ryan, Acker, Davis, Dodds, & Fishel; 0 NAYS; 1 ABSENT – Trimble.

10. DISCUSS & CONSIDER 1ST READING OF ORDINANCE NO. 1376, ANNUAL APPROPRIATION ORDINANCE

Mayor Ervin reported the ordinance is still on City Clerk, Stacey Briney’s desk as not every committee chair submitted their numbers. Clerk Briney noted that next year she will ask they be turned in by February in hopes to have them in and done by the first meeting in April.

Fishel MOVED TO PASS ORDINANCE NO. 1376, ANNUAL APPROPRIATION ORDINANCE TO THE SECOND (2ND) READING. Ryan SECONDED, AND THE MOTION CARRIED WITH AN ALL “YEA” ROLL CALL VOTE AS FOLLOWS: 7 YEAS – Rebman, Ryan, Acker, Davis, Dodds, Fishel, & Matteson; 0 NAYS; 1 ABSENT – Trimble.

11. COUNCIL MEMBER & OFFICIALS’ REPORTS

Finance Committee Chair, Susan Acker reported the committee had met to discuss the charge for people using their debit/credit cards. Acker noted Attorney Wilson-Laegeler informed them on what needs to be done, so she spoke with Mike Grate about that and wondered what he found out. Clerk Briney stated Grate did some checking and we really do not have anything final yet. Clerk Briney said there is something that will need to be done on our Incode system, which comes with a fee but that has not been discussed yet. Clerk Briney stated this is still a work in progress but stressed that she wants to give the customers and public notice ahead of time so they are aware and not surprised by it.

Council Member, Acker asked if there were any bids on the demolition of the Gordley house and Mayor Ervin noted the council will open those bids at the next meeting. Mayor Ervin stated the city has two (2) bids right now, but we should be getting another one in tomorrow. Mayor Ervin noted he met with a potential bidder today and he informed the Mayor that the city needs to ask for copies of receipts from the landfill when the successful bidders dump a load so we can have proof that is where the materials went. Attorney Wilson-Laegeler said she would prefer there be a contract in place, which is standard for this type of demolition.

Council Member, Mike Ryan reported he had a neighbor complaining about the trailer on Penny Lane that the council granted a variance to not cementing the blocks together. Mayor Ervin stated that he had already spoke to the homeowner about this and she said that she has a guy lined up to mortar them. Mayor Ervin said he has also got on Randy Beatty to do the same.

Council Member, Bob Fishel reported there was a fire alarm at the daycare the other night and Police Officer, Austin Myers responded, as well as the fire department, and did a great job.

Industrial Park Committee Member, Fishel asked if Attorney Wilson-Laegeler had found out if there were any repercussions in the covenants. Attorney, Erin Wilson-Laegeler said that paragraph five (5) and six (6) would be the provisions to move on, particularly paragraph five (5) which talks about equipment, etc. must be covered or inside. Attorney Wilson-Laegeler stated that in the terms of what the original intended business was supposed to be, there is not anything in there that covers changing business. Attorney Wilson-Laegeler suggested sending Zach Fletcher a letter and enclose the covenants. **Consensus of the council was to have Attorney Wilson-Laegeler send Fletcher a letter.**

City Clerk, Stacey Briney thanked the council members for hiring Brinnley Royer. Clerk Briney stated Royer started today and has caught on to some things very quickly, and they have had her doing a lot of different things.

Mayor Jeff Ervin reported Hood Construction was going to start on the valves and hydrants around May, Newman should be starting on the water storage tank at the end of April and should be done by the third (3rd) week of June, and Leander is moving along on the ground storage tanks.

Mayor Ervin said he told Newman that he would like to have at least a one (1) week notice for the businesses in that area. Council Member, Terry Dodds asked if the city would be running off of the County Farm Road water tower during this time, and Mayor Ervin said we would be and Thurman is ready to re-route everything.

Mayor Ervin stated Leander has the base poured at Hilltop but the problem has been getting the tanks. Mayor Ervin noted Leander is hoping to be done by the end of the year. Mayor Ervin said the city is going to try to run off of one (1) tank to see if we can do it.

12. ADJOURN

Dodds MOVED TO ADJOURN. Fishel SECONDED, AND THE MOTION CARRIED WITH AN ALL “YEA” ROLL CALL VOTE AS FOLLOWS: 7 YEAS – Ryan, Acker, Davis, Dodds, Fishel, Matteson, & Rebman; 0 NAYS; 1 ABSENT – Trimble. THE MEETING STOOD ADJOURNED ACCORDINGLY AT 7:22 P.M.

Minutes submitted by,

Stacey L. Briney, City Clerk/CMC

Date Minutes Approved