

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, Mike Farniok, Bob Fishel, Bryan Matteson, and Paul Trimble. The meeting was called to order at 7:00 P.M. Council Members, Richard Davis and Mike Ryan were absent.

Others present included: City Clerk, Stacey Briney; City Attorney, Erin Wilson-Laegeler; Superintendent of Operations, Eric Thurman; Chief of Police, Rick Wright; Mike Grate of the City Clerk's Office; Moe Billingsley of *The Rushville Times*; Brian Frericks of QFB Energy; Brad Thurman of the Schuy-Rush Board; John Sutor of the Scripps Park Board; Kent Paisley, representing the Late Knight Cruisers; State's Attorney, Chuck Laegeler; Brandy Snyder, Hazel Strange, Larry Strange, and Tamula Curtis.

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.

Council Member, Mike Ryan arrived at the meeting at 7:01 p.m.

4. DISCUSS & CONSIDER APPROVING ELECTRICAL AGGREGATION RATES & RENEWING ENERGY CONTRACT WITH QFB ENERGY

Brian Frericks, representing QFB Energy presented an energy review document with the new energy rates. *Said document is attached and a part of these minutes.* Frericks reminded the council that these rates are for the supply portion for the city buildings and not the taxes or fees. Frericks stated the suppliers are putting a premium on the capacity rates and those prices are going up. Frericks noted the city saved about Two and One-Half Cents per kilowatt (\$.2 ½/kwh) last year.

Frericks said Homefield has come in cheaper than Constellation, who the city will be with until August. Mayor Ervin asked Frericks what he would suggest, and Frericks stated these others have been beating Ameren and he does not see why the city could not enter into a long-term contract. Frericks noted with this being an election year, things could change.

Dodds MOVED TO APPROVE RENEWING THE ENERGY CONTRACT WITH QFB ENERGY AND APPROVING THE TWO (2) YEAR RATE WITH HOMEFIELD ENERGY. Fishel SECONDED, AND THE MOTION CARRIED WITH AN ALL "YEA" ROLL CALL VOTE AS FOLLOWS: 7 YEAS – Acker, Dodds, Farniok, Fishel, Matteson, Ryan, & Trimble; 0 NAYS; 1 ABSENT – Davis.

Brian Frericks left the meeting at 7:09 p.m.

5. PUBLIC COMMENTS

Kent Paisley, representing the Late Knight Cruiser Car Club thanked the city for allowing them to use the square for their Father's Day Car Show. Paisley also thanked the city crew for having the square cleaned up and the barrels ready to go. Paisley stated they had a lot of compliments on their show which reflects on the city. Paisley noted they had approximately one hundred eight (108) cars which is one of a couple shows that broke the hundred mark.

John Sutor, representing the Scripps Park Board asked for clarification from the council or Mayor on the expectations of what they expect from the park board because there have been some things that have caused a rift. Sutor questioned if the board members are just an advisory board or are they supposed to work on pumps, etc. Mayor Ervin stressed that the board members are not expected to do any labor. Sutor asked how the board gets support from the city crew because they have trim boards that need put up and a pump that is being fixed by a non-city employee. Mayor Ervin noted the city crew are not carpenters, etc. and there are some things that they cannot do. A discussion followed.

Sutor reiterated that the board needs to know what the council expects because the approach that Parks & Recreation Committee Chairman, Terry Dodds took by telling the board what a terrible job they were doing did not set well. A short discussion followed.

Brad Thurman, president of the Schuy-Rush Park Board reported he was in attendance to answer any follow-up questions from the last discussion on the kayak rental and also to see if City Attorney, Erin Wilson-Laegeler had any updates on the property they are wanting to sell. Attorney Wilson-Laegeler stated the properties are in the appraisal stage. Attorney Wilson-Laegeler said she has a conference call scheduled for Thursday morning with the kayak rental place.

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 June 3, 2024
- b) Approve the Minutes of the Ordinance Review Committee Meeting held May 28, 2024; Sidewalk & Lighting Committee Meeting held June 6, 2024; Industrial Park Committee Meeting held June 11, 2024; Street Committee Meetings held June 3, 2024, & June 11, 2024; Animal Control Committee Meeting held June 12, 2024; & Economic Development Committee Meeting held June 13, 2024
- c) Approve "Claims for Council Approval Dated 06/17/24" & Accept Monthly Reports
- d) Approve Hiring Monte Simpson as Central Park Waterer Effective June 3, 2024
- e) Approve Hiring Gavin Martin as Part-Time Cemetery Effective June 3, 2024
- f) Approve Hiring Madelyn Belville as Pool/Concession Manager to Replace Carly Taylor
- g) Approve Changing the Time of the July 1, 2024, Meeting to 5:30 P.M.
- h) Approve Purchasing a New Vehicle for the Animal Control Officer
- i) Consider 2nd Reading of Ordinance No. 1380, Prevailing Wage Ordinance

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

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

All items were approved on the Consent Agenda.

8. PASS & ADOPT ORDINANCE NO. 1379, ORDINANCE AMENDING CLASS F, GOLF COURSE LIQUOR LICENSE

Ryan MOVED TO PASS & ADOPT ORDINANCE NO. 1379, ORDINANCE AMENDING CLASS F, GOLF COURSE, LIQUOR LICENSE. Farniok SECONDED, AND THE MOTION CARRIED WITH A ROLL CALL VOTE AS FOLLOWS: 5 YEAS – Farniok, Fishel, Matteson, Ryan, & Trimble; 2 NAYS – Acker & Dodds; 1 ABSENT – Davis.

9. DISCUSS & CONSIDER 1ST READING OF ORDINANCE NO. 1381, ORDINANCE RE: HEADSTONES AT THE RUSHVILLE CITY CEMETERY

Cemetery Committee Chairman, Bryan Matteson reported he had Attorney Wilson-Laegeler write this ordinance up regarding footstones. Matteson stated there will be changes for the next reading. Cemetery Committee Member, Mike Farniok asked if there was a reason this ordinance does not regulate the depth of the stones and Matteson said they are just trying to get the footstones level with the ground. A discussion followed.

Matteson MOVED TO PASS ORDINANCE NO. 1381, ORDINANCE RE: HEADSTONES AT THE RUSHVILLE CITY CEMETERY TO THE SECOND (2ND) READING. Fishel SECONDED, AND THE MOTION CARRIED WITH AN ALL "YEA" ROLL CALL VOTE AS FOLLOWS: 7 YEAS – Fishel, Matteson, Ryan, Trimble, Acker, Dodds, & Farniok; 0 NAYS; 1 ABSENT – Davis.

10. DISCUSS & CONSIDER RAMP ON WEST WASHINGTON STREET

Sidewalk & Lighting Committee Chairman, Dodds reported the committee had met and recommended the council approve to have the ramp on West Washington Street sidewalk that is attached to the Penney Event Venue be removed and whatever is going to replace it needs to be approved by the council.

Dodds MOVED TO APPROVE HAVING THE RAMP ON THE SOUTH SIDE OF THE PENNEY EVENT VENUE ON THE WEST WASHINGTON STREET SIDEWALK REMOVED AND ANY REPLACEMENT MUST BE APPROVED BY THE CITY COUNCIL. Ryan SECONDED, AND THE MOTION CARRIED WITH AN ALL “YEA” ROLL CALL VOTE AS FOLLOWS: 7 YEAS – Matteson, Ryan, Trimble, Acker, Dodds, Farniok, & Fishel; 0 NAYS; 1 ABSENT – Davis.

Sidewalk & Lighting Committee Member, Susan Acker asked if a city employee should be around when the ramp is removed just in case it is taken out “roughly”, and Mayor Ervin stressed that if there are any damages to the sidewalk, the owners will pay for it.

11. DISCUSS & CONSIDER DERELICT & ABANDONED VEHICLES AND AUTOMOBILE GRAVEYARDS

Mayor Ervin reported he receives two to three (2-3) calls every week about Rushville Collision and all of the junk cars sitting around. Mayor Ervin stated he has spoken to Mike Lamb and Chief of Police, Rick Wright more than once about this but it does not seem to affect him. Mayor Ervin said the ordinance states that you can have vehicles but if they are in the same spot more than five (5) days, they have to be behind a fence where nothing can be seen. Mayor Ervin asked the council for permission to have Attorney Wilson-Laegeler send a letter to Lamb. **Consensus of the council was to have Attorney Wilson-Laegeler send a letter to Lamb’s.** Farniok felt the letter should include the number of days he has to comply with this, and everyone agreed with sixty (60) days.

Mayor Ervin also reported there are a number of people throwing tarps over derelict vehicles. Mayor Ervin stressed there is nothing in the ordinances stating that is okay and feels this came from the former Chief of Police, Mick Myers. Mayor Ervin stated the city is not in the junkyard business. Fishel asked if there were any regulations on how long a vehicle can sit, and Mayor Ervin noted the ordinance says a vehicle has to be moved every five (5) days. Mayor Ervin said this is already an ordinance, it just needs to be enforced. Chief of Police, Rick Wright reported he is responsible for the ordinance violations and explained the police department’s steps for an ordinance violation. Chief Wright stated they have been lax on this but will start enforcing it.

12. DISCUSS & CONSIDER APPROVING RED GRANT FOR D K BOUTIQUE

Economic Development Committee Chair, Acker reported the committee met and reviewed the application and expenses from Scot & Wendy Hillyer, owners of D K Boutique. Acker stated the committee agreed that D K Boutique is a viable business.

Acker MOVED TO APPROVE A RED GRANT FOR D K BOUTIQUE IN THE AMOUNT OF FIVE THOUSAND DOLLARS (\$5,000). Matteson SECONDED, AND THE MOTION CARRIED WITH AN ALL “YEA” ROLL CALL VOTE AS FOLLOWS: 7 YEAS – Ryan, Trimble, Acker, Dodds, Farniok, Fishel, & Matteson; 0 NAYS; 1 ABSENT – Davis.

13. DISCUSS & CONSIDER INDUSTRIAL PARK COVENANTS

Attorney Wilson-Laegeler presented a letter to the council regarding a conflict of interest between herself and Zach Fletcher. Attorney Wilson-Laegeler stated, if it was okay with the council, she would like to have Attorney Carrie Magerl take this matter over and get the ball rolling. Industrial Park Committee Chair, Acker said Fletcher is in violation of four (4) covenants and would like those listed in a letter. Acker noted the main thing the committee did not know is what are the city’s options if Fletcher or anyone else does not comply with the covenants. Attorney Wilson-Laegeler stated anyone owning property in the Industrial Park can file a lawsuit to enforce the covenants, and technically the city owns property out there.

Acker MOVED TO APPROVE THE APPOINTMENT OF ATTORNEY CARRIE MAEGERL TO WRITE A LETTER TO ZACH FLETCHER REGARDING THE FOUR (4) COVENANTS THAT ARE NOT BEING COMPLIED WITH. Fishel SECONDED, AND THE MOTION CARRIED WITH AN ALL “YEA” ROLL CALL VOTE AS FOLLOWS: 7 YEAS – Trimble, Acker, Dodds, Farniok, Fishel, Matteson, & Ryan; 0 NAYS; 1 ABSENT – Davis.

14. DISCUSS & CONSIDER 10-MINUTE PARKING SPACE

Street Committee Chairman, Bob Fishel reported he spoke to Moreland & Devitt regarding a 10-minute parking spot. Fishel stated Moreland & Devitt is having trouble with people parking in the first (1st) spot on the corner of West Washington and Congress Streets for a long period of time and making it hard on the handicap and older customers. Fishel said Moreland & Devitt will “self-enforce” this and not call the police every time someone is parked there longer.

Fishel MOVED TO APPROVE PUTTING A 10-MINUTE PARKING SPACE AT THE CORNER OF WEST WASHINGTON AND CONGRESS STREET. Dodds SECONDED, AND THE MOTION CARRIED WITH AN ALL “YEA” ROLL CALL VOTE AS FOLLOWS: 7 YEAS – Acker, Dodds, Farniok, Fishel, Matteson, Ryan, & Trimble; 0 NAYS; 1 ABSENT – Davis.

15. DISCUSS & CONSIDER PURCHASING LINE STRIPER

Fishel reported the city’s old paint machine has been broken for a couple years so Superintendent of Operations, Eric Thurman has found one that cost Six Thousand Three Hundred Forty-Four Dollars (\$6,344). Fishel noted the committee met and they would recommend the city purchase a new striper along with the maintenance package that comes with it. Fishel said the city rented one last year for Five Hundred Dollars (\$500) per week.

Fishel MOVED TO APPROVE PURCHASING A NEW LINE STRIPER ALONG WITH THE MAINTENANCE PACKAGE AT A COST NOT TO EXCEED SEVEN THOUSAND DOLLARS (\$7,000). Farniok SECONDED, AND THE MOTION CARRIED WITH AN ALL “YEA” ROLL CALL VOTE AS FOLLOWS: 7 YEAS – Dodds, Farniok, Fishel, Matteson, Ryan, Trimble, & Acker; 0 NAYS; 1 ABSENT – Davis.

16. DISCUSS & CONSIDER REQUEST FOR VARIANCE ON ANIMAL CONTROL ORDINANCE NO. 1367, SECTION 14-2.11, NUMBER OF DOGS ALLOWED

Animal Control Committee Member, Bryan Matteson reported the committee met with Tammy Curtis and her family to discuss what they have done to keep their dogs in their yard. Matteson noted Animal Control Officer, Dave Edwards was also in attendance and Edwards said they have done everything correctly.

Matteson MOVED TO APPROVE A VARIANCE FOR TAMMY CURTIS ON THE NUMBER OF DOGS ALLOWED. Ryan SECONDED, AND THE MOTION CARRIED WITH A ROLL CALL VOTE AS FOLLOWS: 3 YEAS – Matteson, Ryan, & Trimble; 3 NAYS – Farniok, Acker, & Dodds; 1 ABSTAIN – Fishel; 1 ABSENT – Davis.

Before Mayor Ervin broke the tie, he asked Curtis how many dogs they had, and Curtis answered seven (7) but they do not belong to the same people. Mayor Ervin questioned if they were all in the same household, and Curtis said yes.

Mayor Ervin VOTED NAY AND THE MOTION FAILED.

Hazel Strange, Larry Strange, Tammy Curtis, and Brandy Snyder left the meeting at 7:42 p.m.

17. DISCUSS & CONSIDER MUSEUM

Mayor Ervin reported he has received numerous calls from a gentleman in Springfield wanting to purchase a building in Rushville and open a museum with Lincoln memorabilia. Mayor Ervin stated once it is open, he would like to turn it over to the city to run so we would have to pay all the expenses, someone to run it, etc. Mayor Ervin noted he feels this would be a money pit for the city. Acker stated the Ray house has ties to Lincoln so maybe that would be a place for his memorabilia. Mayor Ervin said he will refer him to Schuyler Isley to see if they would have any interest.

18. DISCUSS & CONSIDER AMENDING NUISANCE ORDINANCE

Mayor Ervin reported for some reason, people are under the impression that they can collect junk as long as they have a fence around it. Mayor Ervin noted he thinks this also came from ex-Chief of Police, Myers. Mayor Ervin said he will direct the police to enforce this ordinance and get some of this junk cleaned up. Fishel noted several towns have a code enforcement officer and wondered if that is something the city could look into since the police officers are busy with other things. Fishel thought maybe one to two (1-2) days per week would work. Chief Wright stated that he has an extra officer right now until

September, so he could utilize him that way. Mayor Ervin thought this would be something that the city could look into after the police contract is settled. A discussion followed.

19. COUNCIL MEMBER & OFFICIALS' REPORTS

Council Member, Susan Acker asked Attorney, Wilson-Laegeler if she has heard from Hood Construction regarding the demolition contract, and Attorney, Wilson-Laegeler stated she talked to Lee Hood and he is planning on starting next week.

Council Member, Bryan Matteson reported the city hired Monte Simpson to water flowers in Central Park but he has to have surgery so he will be out for about six (6) weeks. Matteson said Simpson will return after that time.

Cemetery Committee Chairman, Brian Matteson reported the council also approved hiring Gavin Martin for the cemetery and Cemetery Sexton, George Vincent has utilized him for what he needed so he will not be needed.

Matteson asked to suspend the curfew for the ATV/UTV's to 1:00 a.m. during the week of the fair, June 28th – July 4th. **Consensus was to suspend the curfew to 1:00 a.m.**

Parks & Recreation Committee Chairman, Terry Dodds reported the features at the pool were down a couple days due to a chlorine problem. Dodds stated that has been taken care of by volunteers, Golf Superintendent, Andy Ebey, and Mark Coil.

Industrial Park Committee Member, Bob Fishel reported Fletcher is putting up a fence now. Fishel stated Dollar General has trash overflowing around their dumpsters and the covenants say that has to be fully enclosed, so if we are going to send a letter to Fletcher, then we need to send one to Dollar General. Attorney Wilson-Laegeler noted she will contact Dollar General.

City Clerk, Stacey Briney reported she has received a couple complaints on not being able to see traffic coming from the north on the northwest corner of the square, by Benny's, due to an overgrown plant that is in the flowerbed. Mayor Ervin said he will check with PRIDE to see if something can be done.

Tammy Curtis and Brandy Snyder arrived at 7:57 p.m.

Curtis said the council just informed them that they have to get rid of their dogs but they were all there before this ordinance came into effect. Curtis noted they did not even know about this ordinance as did other people. Curtis stressed some of these dogs have been in the house since they were born. Curtis stated the city is ripping them apart because they are very important to them. Fishel asked if one of the dogs was a service dog, and Curtis said yes. Fishel informed Curtis that she would need to bring in the paperwork showing that and that one will not go against the total number. Curtis noted she will get another one as her service dog so that would be two (2). Mayor Ervin stressed that once the dog becomes a certified service dog, then the paperwork needs to come to City Hall to have on file.

20. ADJOURN

Dodds MOVED TO ADJOURN. Matteson SECONDED, AND THE MOTION CARRIED WITH AN ALL "YEA" ROLL CALL VOTE AS FOLLOWS: 7 YEAS – Fishel, Matteson, Ryan, Trimble, Acker, Dodds, & Farniok; 0 NAYS; 1 ABSENT – Davis. THE MEETING STOOD ADJOURNED ACCORDINGLY AT 8:02 P.M.

Minutes submitted by,

Stacey L. Briney, City Clerk/CMC

Date Minutes Approved

