

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 Carson Klitz called the meeting to order and directed City Clerk, Stacey Briney to call the roll. Upon ROLL CALL, the following answered present: Council Members: Terry Dodds, Jeff Ervin, Bob Lambert, Mike Ryan, Scott Stoll, Paul Trimble, and Larry Wilson. The meeting was called to order at 7:00 P.M. Council Member, Susan Acker was absent.

Others present included: Stacey Briney, City Clerk; Charlie Burton, City Attorney; Nathan Campbell, Superintendent of Operations; Rick Wright, Chief of Police; David Haney of *The Rushville Times*; Gogo Her, Peace Corp Fellow; Mike Niehaus, Matt Fursch, & Don DeFrates of Windsor Homes; Dillon Ingles of GM Sipes Construction; Shari Thurman, Marian Mellor, Maggie Michel, and Eugene Hulvey.

2. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Mayor Carson Klitz.

3. DISCUSS & CONSIDER APPROVING FINAL PLAT OF GLASS LANE SUBDIVISION

Marian Mellor reported her property butts up against the new subdivision and she has been having severe drainage problems since construction began. Mellor said this all started in February when the snow melted. Mellor noted she spoke to Windsor Homes then and they told her she had several low spots in her yard that needed to be raised. Mellor stated Superintendent of Operations, Nathan Campbell told her that her sump pump hose was too short so she got a longer hose, which led into Windsor Homes telling her that she could not reroute her water onto someone else's property but they would let it go for now.

Mellor said on March 12th, the city got a large amount of rain and her sump pump ran for three (3) days. Mellor noted she had a plumber come and they told her she had "snake holes" causing her to have water bubbling up. Mellor stated she had six to eight inches (6"-8") of water in her crawlspace. Mellor reported the city has not had any rain for seven to nine (7-9) days but her sump pump is still running every five (5) minutes. Mellor said something has happened to push all that water to her, her neighbor, and now in the ditch across the street. Mellor stated she knows there is a tile down the road that was concreted over earlier and now we are having issues. Mellor stressed that she would like someone to find the problem since no one knows where this water is coming from.

Maggie Michel agreed with Mellor's comments and said the city got a big rain the first of January, which led to water in her crawlspace and her sump pump ran every three (3) minutes. Michel noted it has slowed down now but she is not sure why the water is still there if it has not rained in eight (8) days. Michel stated she was told by Windsor Homes that they had to build up their yard to take care of the drainage. Mayor Klitz said in one of the pictures, it appears the water boiling up appears to be a tile plugged. Mayor Klitz wondered if there is any correlation to when the city concreted the tile and this all started, and Michel said there was not. Michel stated the ditches just got dredged out last Monday but there has not been any rain yet to see how that worked. Michel noted she was told to reroute her sump pump out to the ditch, which she will do, but she does not think that will help.

Mike Niehaus of Windsor Homes reported they have had several meetings with Mellor, Michel, and the engineers regarding the drainage. Niehaus stated everything east of the centerline drains east, from the centerline to west of the road drains west, and everything west runs under the road south to the retention pond. Niehaus said they put a swail out there and he will be amazed if water comes over it.

Niehaus stated whoever built the homes on Dona's Drive built them too low and there are several low spots between Mellor's and Michel's houses. Niehaus said those foundations are three foot (3') deep at the most and there are no tiles there. Matt Fursch of Windsor Homes noted they had never seen drain tiles while working over there. Niehaus stated the back yards of the houses in the new subdivision are graded to slope but they slope towards the house and not Dona's Drive.

Niehaus reported whoever cut the tile and filled it with concrete maybe caused this problem. Campbell stated the tile that was filled with concrete was not connected to anything and was full of dirt. Niehaus stressed that he does not believe that Windsor Homes has done anything to change the water table and said Mellor and Michel need something to get the water away from their houses. Niehaus also stressed that he does not believe it is Windsor Homes fault or Mellor or Michel's either. Mellor agreed but said this all coincides with when construction began, and Michel agreed stating they had never had water between their two houses before.

Council Member, Larry Wilson asked how far up the block was the concrete filled tile, and Mellor noted it was two (2) or three (3) houses from East Clinton Street. Campbell stated there was a broken piece of clay tile about eight feet (8') down that probably had been there when the land was agriculture. Campbell said sink holes kept appearing and the Superintendent of Operations at that time, Zeke Stambaugh, said we needed to plug it off.

Mayor Klitz asked if there were any suggestions on how the city should approach this problem, and Mellor stated she would like to have a definite answer as to what the problem is. Mellor said she will spend the money to do whatever needs to be done to remedy it. Mellor noted she was told that IFP could come in and do some grade work. Don DeFrates, engineer representing Windsor Homes said he thinks the city should open that tile back up and see what happens. Fursch reported they have a good relationship with Mellor and Michel and in his opinion, Mellor has more of a drainage issue than Michel, although Michel had the boil in her yard. Fursch noted he had spoken to Mellor regarding multiple things and he thinks her sump pump works hard because of the longer hose she put on and she has bad drainage on the northeast corner of her house. Fursch said Mellor cannot get positive drainage because of all of the utilities that are between her and the neighbor to the north. A short discussion followed.

Mayor Klitz wondered if everyone would be happy if the city undoes what was done and we clean the tile as much as we can. Mayor Klitz said he does not feel the council can act on approving the final plat until this issue is resolved. Niehaus stated the tile is eight feet (8') deep so it should alleviate something. Niehaus noted he thinks the city has a silt problem clogging things up in the ditches by the cemetery off of East Clinton. Mayor Klitz stressed that the city will do what we can to try to help out with this problem, and Mellor stated she will do her part as well but she does not want to deal with this year after year.

Niehaus reported the final plat just creates a legal description and have nothing to do with the drainage problems. Wilson said when the city takes this over, we will take over all the problems with it. Council Member, Jeff Ervin noted he drove down by there and the concrete gutters were flowing but not overflowing. Ervin asked if the city could just be taking over the street, sidewalks, water, and sewer. Council Member, Paul Trimble asked if Windsor Homes was done with the subdivision, and Niehaus said there are not one hundred percent (100%) done but they are really close. Fursch noted they need to lay sod, do some seeding, work on the ditches along East Clinton Street, etc. Fursch reported a lot of the problems may help on the higher end if things are assessed with the irrigation at the cemetery and maybe need to "dress up" the ditches because they are silted in.

City Attorney, Charlie Burton reported he thinks the legal issue is correct and once the city accepts the plat, they will take responsibility of the streets and utilities. Attorney Burton noted the only issue he was not sure of was the retention pond and if Windsor Homes was wanting the city to take that over as well. Niehaus stated the city will only take over the street and utilities and Rushville Homes will own everything else. A discussion followed.

Council Member, Terry Dodds said he thought the common area was going to be a playground and wondered what happened to that. Niehaus stated playgrounds have a lot of maintenance, upkeep, vandalism, and liability so the investors did not want to do that so they chose to put a shed up to house the mower.

Wilson MOVED TO TABLE APPROVAL OF THE FINAL PLAT OF THE GLASS LANE SUBDIVISION UNTIL THERE ARE DEFINITIVE ANSWERS REGARDING THE DRAINAGE ISSUE. Trimble SECONDED, AND THE MOTION CARRIED WITH A ROLL CALL VOTE AS FOLLOWS: 6 YEAS – Ervin, Lambert, Ryan, Stoll, Trimble, & Wilson; 1 NAY – Dodds; 1 ABSENT – Acker.

Mike Niehaus, Matt Fursch, & Don DeFrates left the meeting at 7:36 p.m.

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 March 15, 2021
- b. Approve the Minutes of the Police Committee Meeting held March 11, 2021; Public Building Meeting held March 22, 2021; & Grievance & Personnel Committee Meetings held March 23, 2021, & March 24, 2021
- c. Approve "Claims for Council Approval Dated 04/05/21" & Accept Monthly Reports

- d. Approve Hiring Part-Time Employee for the Cemetery, Golf Course, & Pro Shop (*see attached memo*)

Stoll REQUESTED TO HAVE ITEM “5A” REMOVED, AND Trimble REQUESTED TO HAVE ITEM “5D” REMOVED FROM THE CONSENT AGENDA.

Wilson MOVED TO APPROVE THE CONSENT AGENDA, WITH THE EXCEPTION OF ITEMS “5A” & “5D”. Dodds SECONDED, AND THE MOTION CARRIED WITH AN ALL “YEA” ROLL CALL VOTE AS FOLLOWS: 7 YEAS – Ervin, Lambert, Ryan, Stoll, Trimble, Wilson, & Dodds; 0 NAYS; 1 ABSENT – Acker.

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

Item “5A”: Council Member, Scott Stoll stated there just needs to be a name change on page 2, paragraph 8, line 1 from “Bob” to “Bill”. City Clerk, Stacey Briney made note of the change and will correct the minutes before printing.

Stoll MOVED TO APPROVE ITEM “5A”, APPROVE THE MINUTES OF THE REGULAR MEETING HELD MARCH 15, 2021. Wilson SECONDED, AND THE MOTION CARRIED WITH AN ALL “YEA” ROLL CALL VOTE AS FOLLOWS: 7 YEAS – Lambert, Ryan, Stoll, Trimble, Wilson, Dodds, & Ervin; 0 NAYS; 1 ABSENT – Acker.

Item “5D”: Trimble reported he would like to pull Jean Lane’s name off the memo as Pro Shop manager until the park board meets to discuss this. Trimble said he has been told there are some problems out there.

Trimble MOVED TO APPROVE ITEM “5D”, APPROVE HIRING PART-TIME EMPLOYEES FOR THE CEMETERY, GOLF COURSE, & PRO SHOP, WITH THE EXCEPTION OF JEAN LANE AS PRO SHOP MANAGER. Ryan SECONDED, AND THE MOTION CARRIED WITH A ROLL CALL VOTE AS FOLLOWS: 6 YEAS – Ryan, Stoll, Trimble, Wilson, Dodds, & Lambert; 1 NAY – Ervin; 1 ABSENT – Acker.

7. DISCUSS & CONSIDER GIFTING A PORTION OF EAST LITTLE STREET TO GM SIPES CONSTRUCTION

Ervin MOVED TO APPROVE GIVING UP A PORTION OF EAST LITTLE STREET TO GM SIPES CONSTRUCTION WITH A TITLE SEARCH BEING PAID FOR BY GM SIPES CONSTRUCTION. Wilson SECONDED.

Wilson questioned whether the city owned that portion of the street or if the owners on each side owned it. Wilson noted maybe the city only owns the right-of-way. Mayor Klitz stated the city could just do a quit claim deed. Attorney Burton reported he believes that area was part of the Hamm & Kennedy Subdivision and was platted as a street and the city would really be vacating it so the adjoining landowners would have the sole rights to it. Attorney Burton noted there is only one (1) other property affected. Trimble said the house owned by Steve Sipes is the only house affect and he has passed.

THE MOTION CARRIED WITH A ROLL CALL VOTE AS FOLLOWS: 6 YEAS – Stoll, Wilson, Dodds, Ervin, Lambert, & Ryan; 0 NAYS; 1 PRESENT – Trimble; 1 ABSENT – Acker.

8. DISCUSS & CONSIDER SIDEWALKS ON EAST LAFAYETTE STREET & SOUTH LIBERTY STREET

Sidewalk & Lighting Committee Chairman, Stoll reported, as per the discussion for the previous meeting, he went to meet with Megan Crook of IMEG Engineering. Stoll stated Crook walked both sidewalks and stated South Liberty Street sidewalk is clearly worse than the East LaFayette Street sidewalk. Stoll noted Crook said the East LaFayette Street sidewalk will require more work so it will be more difficult and pricier. Stoll reported the engineering fees were a heavy topic at the last meeting and Crook’s estimated cost was down one-half (1/2) from what Hutchison Engineering gave the city. Stoll stated Crook suggested staying away from using Rebuild Illinois money and use it on a bigger project and maybe use TIF funds on the sidewalks.

Stoll started to make a motion to approve the engineering estimate. Mayor Klitz interrupted and informed Stoll that the city was not going to do this project anyway and we were not going to spend the money on those sidewalks. Stoll stressed that three (3) people have fallen on these sidewalks and the city is now being negligent and this could be a lawsuit for the city. Mayor Klitz informed Stoll that those who have fallen can go to Joe Redshaw of Redshaw Insurance because that is why they city has insurance. Stoll asked Mayor Klitz if that is how he cares for the city residents, and Mayor Klitz said yes. Stoll again asked Mayor Klitz if he was telling him that he does not care for the safety of the citizens, and Mayor Klitz noted

that is what he said, that anyone that fell can go to the insurance company because that is why the city pays for insurance. **No action was taken on this matter.**

9. DISCUSS & CONSIDER ACCEPTING HEATING/COOLING BID FOR CITY HALL

Public Building Committee Chairman, Trimble reported the committee met and opened the bids for the heating and air project in City Hall. Trimble said the committee suggested going with Ryan Heating & Air in the amount of Fifteen Thousand Six Hundred Eighty-Eight Dollars and Twelve Cents (\$15,688.12).

Trimble MOVED TO APPROVE ACCEPTING THE BID FROM RYAN HEATING & AIR IN THE AMOUNT OF FIFTEEN THOUSAND SIX HUNDRED EIGHTY-EIGHT DOLLARS AND TWELVE CENTS (\$15,688.12) FOR REPLACING HEATING AND AIR UNITS IN CITY HALL. Dodds SECONDED, AND THE MOTION CARRIED WITH AN ALL “YEA” ROLL CALL VOTE AS FOLLOWS: 7 YEAS – Trimble, Wilson, Dodds, Ervin, Lambert, Ryan, & Stoll; 0 NAYS; 1 ABSENT – Acker.

10. DISCUSS & CONSIDER HIRING FULL-TIME EMPLOYEE

Grievance & Personnel Committee Chairman, Trimble reported the committee met to interview some applicants for full-time to replace Campbell. Trimble noted the committee recommended Brian Thomas.

Trimble MOVED TO APPROVE HIRING BRIAN THOMAS AS FULL-TIME EMPLOYEE. Ervin SECONDED, AND THE MOTION CARRIED WITH AN ALL “YEA” ROLL CALL VOTE AS FOLLOWS: 7 YEAS – Wilson, Dodds, Ervin, Lambert, Ryan, Stoll, & Trimble; 0 NAYS; 1 ABSENT – Acker.

11. DISCUSS & CONSIDER REPLACING COUNCIL PACKETS WITH TABLETS

Trimble reported the County Board had switched to tablets and they are doing okay with it so he thought he would throw this idea out there and let the council members think about it. Trimble said he talked to one of the council members and they did not like the idea, but he wanted the rest to think about it. Trimble stated he looked around and found an Apple iPad for Three Hundred Ninety-Five Dollars (\$395) and thinks the city would need eleven (11) of them. Council Member, Bob Lambert asked if each council members would need the internet to get the information off the iPad, and Attorney Burton said they would not because there is an app that everyone would have that is a dedicated line so it would be more secure than the internet. Council Member, Mike Ryan asked if there was a cost for the app, and Attorney Burton said there was a monthly fee. Attorney Burton noted this has been very successful for some that have gone this route. A discussion followed on how this would all work.

Chief of Police, Rick Wright, who is also on the County Board noted they went to it for a couple reasons, one being that it cuts down on the cost of copies, etc., and two, the county has their own e-mails so all of those are on there as well. Clerk Briney asked if the iPads could be FOIA'ed, and Attorney Burton said they could be. Stoll stated he feels this is a good way to go but feels it will be hard to explain spending the money on iPad when we do not care about the public's safety. **No action was taken at this time.**

12. DISCUSS & CONSIDER APPROVING SCADA UPDATE FOR WATER & WASTEWATER

Water & Sewer Committee Chairman, Ervin reported this is the only thing that needs to be done and thought it would be a good time to do it while we are waiting on the generator to be finished. Ervin stated if the city ever updates the entire SCADA system, this part will already be updated.

Ervin MOVED TO APPROVE UPDATES TO THE SCADA SYSTEM AT A COST NOT TO EXCEED NINETEEN THOUSAND NINE HUNDRED FIFTY DOLLARS (\$19,950) WITH EVERETT CONTROL SYSTEMS. Ryan SECONDED, AND THE MOTION CARRIED WITH AN ALL “YEA” ROLL CALL VOTE AS FOLLOWS: 7 YEAS – Dodds, Ervin, Lambert, Ryan, Stoll, Trimble, & Wilson; 0 NAYS; 1 ABSENT – Acker.

13. COUNCIL MEMBER & OFFICIALS' REPORTS

Council Member, Paul Trimble reported he had talked with Campbell about some sidewalks that are heaved up from tree roots. Trimble said he is getting some quotes and he will bring them back to the council.

Cemetery Committee Chairman, Bob Lambert reported he will talk to Cemetery Sexton, George Vincent tomorrow about the drainage at the cemetery.

Animal Control Committee Chairman, Larry Wilson reported he went to a County Board meeting on the animal control ordinance and they should have something put together within the next couple weeks.

Wilson stated the dog that was deemed dangerous has returned to the county and it is non-compliant so the State's Attorney is looking into the next option.

TIF Advisory Committee Chairman, Wilson called for a committee meeting on Tuesday, April 13th, at 6:00 p.m. to *Discuss TIF Application*.

Council Member, Terry Dodds reported the side-by-sides, ATV's, & UTV's still need to slow down, respect the stop signs, and not have kids on the front of them. Dodds noted he thinks most of these offenders have been talked to.

Council Member, Mike Ryan reported he would like to talk to Campbell regarding some roads that need some milling.

Economic Development Committee Chairman, Scott Stoll reported there is a good Farmer's Market board that has been put together and they will be relaunching a new Farmer's Market. Stoll stated there are folks from out of town that will be coming in. Stoll said they are looking into a lot of items and possibly looking into having a Downtown Market on Saturdays for families. Stoll noted there will be soft launch on April 30th, with a full launch on May 7th. Dodds asked if they were requiring the vendors to have insurance, and Stoll said no.

14. **ADJOURN**

Ervin MOVED TO ADJOURN. Trimble SECONDED, AND THE MOTION CARRIED WITH AN ALL "YEA" ROLL CALL VOTE AS FOLLOWS: 7 YEAS – Ervin, Lambert, Ryan, Stoll, Trimble, Wilson, & Dodds; 0 NAYS; 1 ABSENT – Acker. THE MEETING STOOD ADJOURNED ACCORDINGLY AT 8:05 P.M.

Minutes submitted by,

Stacey L. Briney, City Clerk/CMC

Date Minutes Approved