

Regular City Council Meeting
Official Proceedings
City of Virden, IL
Virden City Council Chambers
Monday March 4, 2024

Regular City Council Meeting was called to order by Mayor George Murphy at 7:00pm.

Pledge of Allegiance

Roll Call:

- **The following Council Members were present:** Calloway, Mottershaw, Mitchell, Bertolino, Neighbors, Ibberson, Boster and Cunningham (arrived at 7:03pm)
- **Absent:** None
- **Also, present were:** Mayor George Murphy, Deputy City Clerk Karen Burgess, Bookkeeper/Deputy Treasurer Barry Liss, Police Chief Steven Snodgrass, Public Works Director Gary Etter, Attorney Don and Attorney Joe Craven.
- **Guest:** Chuck Winsel, Sean Brown, Amanda Spindel, Angela Carnes, Charles Scott and 2 representatives from Urban Cable

Approval of Agenda (3-4-2024):

Murphy would like to move Frontier Boring Permit to Comments from Audience.

Motion made by Mitchell seconded by Bertolino to approve the Agenda (3-4-2024) as amended.

Discussion: None

Motion passed with all in favor. **Ayes:** *Bertolino, Calloway, Mitchell, Neighbors, Cunningham, Boster, Ibberson and Mottershaw*; **Nays:** *None*; **Absent:** *None*

Approve Consent Agenda:

- **Approval of Meeting Minutes (Regular Meeting 2/5/24)**
- **Approval of Bills Payable:**
- **Treasurer's Report:**
- **Water Report (November 2023 Gallons report and December 2023 Collections report):**
- **Requests for use of Public Property:**
 - Virden Park Initiative Donation Collection Sat. March 23rd 9am-11am standing on North and South side of 4-way on Springfield
 - Request from VACC to hold Easter egg hunt event at town square on Saturday, March 23rd from 10am-12pm; rain date on Sunday, March 24th from 1pm-3pm
 - Request from North Mac Ministerial Association to hold National Day of

Prayer event at town square on Thursday, May 2nd at noon; if bad weather it will be at Grace Southern Baptist Church

- Request from Vacation Bible School Committee to hold event at town square the evening of Thursday, July 25th
- American Legion Women's Auxiliary would like to set up a food trailer on the south end of the island on the following dates: April 15, 2024, May 6, 2024, August 19, 2024 and September 16, 2024.

Motion made by Mitchell seconded by Bertolino to approve the Consent Agenda with one addition. Discussion: Murphy would like to add the Women's Auxiliary under requests for use of Public Property. Mottershaw has a question on the Prairie Land Title bill. The bill only lists one property, but the bill was for \$700, is this for all the properties or one? Yes, it's for all the properties. Motion passed with all in favor. **Ayes:** Mitchell, Bertolino, Mottershaw, Boster, Cunningham, Ibberson, Neighbors and Calloway; **Nayes:** None; **Absent:** None

Comments from Audience:

1. Frontier Boring Permit

Mottershaw said this permit was discussed previously at other meetings. It was stated we didn't want to have any boring started before April 1st. They will start boring 4/1/24 – 6/30/24. Pokey has signed off on all the maps and projects.

Motion made by Mottershaw seconded by Bertolino to approve the boring permit for Frontier Communications once the deposit, \$20,000 bond and proof of insurance is submitted. Discussion: Charles Scott Frontier representative said they are not here to mess up this town. Urban Cable will be doing the work. They will be overhead with the cable with little boring. The ratio is 70/30 on the aerial versus underground. They will be putting door hangers on residents' doors with phone numbers if they have any questions they can call them instead of the city. Scott asked if there were any questions. Sean Brown asked if this was with existing lines in the air, you're not going to be going around putting new lines in? As far as they know it's all existing. Sean also said there have been other companies come through and disrupting. What issues have your company had and how did you eliminate it? A lot of issues they have had, especially with municipalities, is finding existing water lines. We don't blind bore anything. If we can't find anything, we shut it down. Sean would like to know about disruption to peoples' properties and making a mess with the soil. How do you fix it? Directional boring is the best way to do it. Most of the guys take out this thing called a whacker packer and compacting the soil. They take the sod off and put it on a tarp, leaf raking the soil back in and put the sod on top. Replacing as is with the box? Absolutely.

Motion passed with all in favor. **Ayes:** Mitchell, Bertolino, Mottershaw, Boster, Cunningham, Ibberson, Neighbors and Calloway; **Nayes:** None; **Absent:** None

2. Amanda Spindle and Angela Carnes came in to talk about the Liberty gas bill discrepancies. They don't understand what is going on. Murphy says it's a private company. Amanda said she was going to go to the ICC but was told to start at this meeting. Some chipped in and commented they were going through the same thing. They plan to file a report with the ICC.

3. Mike Marsaglia wanted to know if the city filed for the feasibility study yet? We haven't. Cunningham said it is geared towards a business not the city. Murphy said so far, the grant available is geared towards existing grocery stores to improve their equipment. The money to get a new store hasn't been released yet. Sean said to qualify for that grant, you have to be a food dessert town. We

are not due to being 10 miles from a grocery store.

REPORTS OF SUPERVISORS

City Engineer:

1. None

Director of Operations:

1. None

Chief of Police:

1. None

City Office Manager:

1. 2 FOIA Officers – 1 at PD to handle police FOIAs and 1 at City Office to handle City and water FOIAs
Karen talked to Steven and wanted to see about having 2 FOIA officers. One for the Police Department to do Police FOIAs and one for the city to do city and water FOIAs. The city can have more than one FOIA officer. Bertolino said that we had discussed this before, and it was best to have one. Mottershaw said we were led to believe we could only have one. Cunningham thought due to time management it was better to have one and have the PD redact some of it. Steven said our system redacts some of it. On this last one we have been back and forth a lot. It can be a pain to go back and forth. Mottershaw asked what Karen would recommend. Karen said she would recommend 2 FOIA officers. Murphy wants to know how they would get directed to the right place. Steven said he would keep a record of the FOIAs at the PD. We can do them there and have a 1 day turn around with most of them. Instead of printing out all the papers, then taking them to Karen for her to redact them and call the person once done and then call us once she is done or bring them over for the person to pick up. Karen is the only FOIA officer. If she is gone, no one can do FOIAs. If she was out the PD could handle them. Yes and vice versa. Murphy said it makes sense now that it has been explained. What's the training like? You go online and its like 176 slides. After each section there is a quiz. If you don't pass the question, you go back and get another chance to answer.

Motion made by Mottershaw seconded by Murphy to approve 2 FOIA officers; one at the Police Department with it being David Bounds and one at the City Office.

Discussion: Is there a cost? No. Bertolino wants to know who would be the FOIA Officer at the PD. Steven would like it to be Dave Bounds.

Motion passed with majority in favor. **Ayes:** Mitchell, Bertolino, Mottershaw, Neighbors and Calloway; **Nays:** Boster, Ibberson and Cunningham; **Absent:** None

City Attorney:

1. IHDA grant demolition
Murphy tried to get ahold of the person that E.D. gave him, but he doesn't answer and there is no voicemail. It was found out he is in Macoupin County jail. Murphy talked to Dean Hupp. Dean has talked to his dad, and he may be working him down. A couple properties are tied up in an estate and haven't been settled yet. Murphy says we are at the point to send out letters. Mottershaw wonders about the house on Jackson St if the taxes haven't been paid for several years and the estate will never be settled is that something we can go after as abandon property. If it was taken to court that would probably wipe out that lien. Does anyone have an objection to Don looking into it? Don said he could get a hold of anyone who has that lien. Is the estate open? It was never settled. Who is the attorney? Nicholson here in Virden.

2. FOIA request from Sanitary District

Murphy doesn't know what to do about the FOIA. The first thing they want are the minutes, but they probably don't say word for word what they want. The minutes haven't been approved yet, so they can't have them, can they? No, they are exempt until they are approved. And some things they claimed that were said wasn't said. Murphy would like to meet with Pokey to go over cost. As for a water audit, it's with our regular audit.

REPORTS OF CITY OFFICIALS

City Clerk:

1. None

City Treasurer:

1. None

Mayor:

1. UKA Virden Wind Agreement

The day before Murphy met with these people, Joe called and warned me they would be coming. The map they sent shows most of the windmills East of I-55. There are 3 different sections: the Virden Turbines, the Pawnee Turbines, and the Grand Prairie Turbines. For the Virden ones there is going to be an underground line and it's going to be a substation and then go to the substation south of Virden. The way they explained it is it'll be on the west side of Virden and follow the abandoned train line. So, it's south of us going west? Yes, the only thing we will have is the transmission line. Overhead transmission lines? Yes. They are offering this annual amount of \$45,000 a year and it doesn't take place until the COD (Commercial Operation Date) We can negotiate right? Yes. It was suggested not to take the first offer.

2. Plan schedule for FOP police negotiations

Murphy talked to the FOP attorney, and he is in Florida. When we have our meeting, he said we could do it over the phone or via zoom. Or schedule when he gets back. The last time we were fighting COVID during negotiations, now it's a trip to Florida. Brown and Hays is a big firm, they have other lawyers there. Is it okay with everyone to meet on the 14th? Do you want to do it before or after the Police Committee meeting. When you get 3 or more people that is a meeting. You have to be in an official meeting whether closed or open. When you gather the committee to negotiate, it has to be at a meeting. It doesn't matter if it's open or closed. Don is that correct? In the Open Meetings Act there are 37 exceptions which allows a public body to go into closed session to discuss something, but in order to go into closed session to discuss those things you have to be in a properly noticed open meeting. Joe said you can after the meeting make a motion to go into executive session for collective bargaining.

3. Resignation – cleaning person

Murphy said Carla emailed me to let us know she was in the hospital and couldn't clean the place. For health reasons she has to resign. Murphy says we will need to advertise for a new cleaning person. Advertise on Facebook and our website. Jess would like to know when applications are due. Bertolino said to have them in by April 1st by end of business.

Motion made by Mottershaw seconded by Bertolino to advertise for a cleaning person effective immediately with applications due by April 1st by end of business day.

Discussion: None

Motion passed with all in favor. **Ayes:** Mitchell, Bertolino, Mottershaw, Boster, Cunningham, Ibberson, Neighbors and Calloway; **Nays:** None; **Absent:** None

REPORTS OF STANDING COMMITTEES

Finance:

1. Budget and Appropriations

Everyone got in their packets the worksheets for the budget and appropriations. Mottershaw is asking for them to be handed in before the Finance meeting on 3/28/24. Barry also did the estimated revenue and put information in here on how he determined several different areas.

2. Money owed to MFT fund

We were contacted by IDOT and were audited back to 2010. They found 2 amounts that were MFT checks that the City of Virden never put in MFT account. One was from 2010 and one from 2013. Barry was unable to get bank statements for corporate and MFT accounts. He can't find records here. If we don't put money back into the MFT account, they will shorten our future MFT deposits. It is roughly \$14,500. It was discussed at Finance committee and Barry recommends paying it out of the corporate account or general account. It stands to reason that is where the money was deposited way back when.

Motion made by Mottershaw seconded by Bertolino to approve the transfer of the amount IDOT requests transfer from general corporate to MFT.

Discussion: None

Motion passed with majority in favor. **Ayes:** Mitchell, Bertolino, Mottershaw, Neighbors and Calloway; **Present:** Boster, Cunningham and Ibberson **Nayes:** None; **Absent:** None

Police:

1. Are we advertising for a part-time dispatcher? Yes, it's been a couple months. Steven will bump the ad back up.

Public Works:

1. Streets & Alleys:

a. Training for Vactor Truck

It was discussed by the committee to send to council to send 2 guys to Coes Equipment on May 14th and 15th for an operations class for the new Vact truck at an expense of \$275 per person.

Motion made by Bertolino seconded by Boster to allow Public Works Director to send 2 Public works employees for training on May 14th and 15th to Coes Equipment at \$275 per person.

Discussion: None

Motion passed with all in favor. **Ayes:** Mitchell, Bertolino, Mottershaw, Boster, Cunningham, Ibberson, Neighbors and Calloway; **Nayes:** None; **Absent:** None

b. Lawn Mower

It was discussed to replace the lawnmower that blew up. Bids were placed and they would like to do the Ferris lawnmower with the 72" deck model number ISX3300ZBVE470ZS Briggs 37 hp at price not to exceed \$15,700.

Motion made by Bertolino seconded by Mottershaw to approve the purchase of the Ferris Lawnmower as listed not to exceed \$15,700.

Discussion: None

Motion passed with all in favor. **Ayes:** Mitchell, Bertolino, Mottershaw, Boster, Cunningham, Ibberson, Neighbors and Calloway; **Nayes:** None; **Absent:** None

2. Building & Grounds:

- a. None

3. Water:

- a. Purchase Meter Bases

It was discussed to allow Pokey to order 80 water meter bases to do replacement with a cost up to \$5,500. Will this be the same meters we got? No, it's just the bases. We have 40 now. These are the M-25? Yes.

Motion made by Bertolino seconded by Mottershaw to allow Public Works Director to spend up to \$5,500 on 80 M-25 bases.

Discussion: Cunningham wants to know if there is a report or list on which bases to change out. Pokey suggested for her to come in and they can show her how they do it. They have work forms they take out every time they put a new meter in. So, there is an option to pull a report? No. Can you pull a data base? A date that gets put in? Jess said she can make one. There isn't a report that is generated out when we switch out a meter. It may show a date in Beacon, but Jess will have to check with Beacon people to see if they have it on their side, but LOCIS does not. On the worksheet that prints out, it has the date and location. How do you determine which ones need changed out? On the behavior of the meter. We have 160 meters that are not communicating to the system and have to go hand read those. Murphy talked to Bentons, and they are having Michelle work on the spread sheets that were sent to them. They have to put them together in a way they can read what they need before they can see if there is anything on the water loss. Pokey says he has 3 more days of reading meters and has only found a handful that aren't communicating properly to the computer. Jess checked the water bills and what was on the actual computer, and we haven't found any mistakes on them. Jess has been taking the manual reads the guys take and looking at the billing reads and only a handful are off. Is this a hardware issue or a software issue? We haven't figured it out. We are going down the list and checking our boxes. So, you are still thinking it's the low profile that is the problem? Yes.

Motion passed with all in favor. **Ayes:** Mitchell, Bertolino, Mottershaw, Boster, Cunningham, Ibberson, Neighbors and Calloway; **Nayes:** None; **Absent:** None

4. Parks:

- a. None

5. Miscellaneous:

- a. Pokey called and said Ash Hampton did pass his second test for spray license. So, he is a licensed spray applicator.

Administrative:

1. Frontier Boring Permit

Moved to Comments from Audience

2. Approval of Ordinance 20024-1 (changes to Special Meeting)

Motion made by Cunningham seconded by Boster to approve Ordinance 2024-01 ordinance amending Sec 1-6A-3 City Code of Ordinances about special council meetings.

Discussion: None

Motion passed with majority in favor. **Ayes:** *Ibberson, Cunningham, Boster, Neighbors and Calloway;*
Nayes: *Mottershaw, Bertolino, Mitchell;* **Absent:** *None*

Other Business:

1. The County Mitigation Hazard Plan is going on again. It would be best if we had representatives down there. Murphy has to delegate to someone else. Are there any volunteers? Wouldn't that be for your ezda guy to do that? It's a volunteer spot. Ezda guy should be doing it. Murphy is going to email Bertolino the date and he will let him know if he is interested.
2. Murphy just got an email saying its time to file our economic interest statement. You can fill it out online now. Murphy will send everyone an email.
3. American Legion is wanting donations for their 4th of July celebration. Generally speaking, we do not do donations. Bronze is \$25-\$100, Sliver is \$101-\$250 and Gold is \$251+. Murphy will bring it up in a committee meeting.
4. Mitchell says there is bullying over at the parks. A few adults were there trying to cool it down. Mitchell told them they should have called the police. It was on Facebook. He told them he would bring it up at council. People are saying due to bullying it is why they don't go to the parks.\
5. Does anyone have anything for the admin meeting? Mottershaw wants Budget and Appropriations added.

Motion made by Murphy seconded by Boster to enter executive session to approve executive session meeting minutes and to discuss compensation at 8:19pm.

Discussion: None

Motion passed with all in favor. **Ayes:** *Mitchell, Bertolino, Mottershaw, Neighbors, Boster, Ibberson, Cunningham and Calloway;* **Nayes:** *None;* **Absent:** *None*

Executive Session:

1. Approval of Executive Session meeting minutes (5ILCS 120/2 (c) (21))
2. Compensation

Motion made by Boster seconded by Bertolino to exit executive session at 9:03pm.

Discussion: None

Motion passed with all in favor. **Ayes:** *Mitchell, Bertolino, Mottershaw, Neighbors, Boster, Ibberson, Cunningham and Calloway;* **Nayes:** *None;* **Absent:** *None*

Motion made by Bertolino seconded by Boster to approve the executive session minutes from 2/5/24.

Discussion: None

Motion passed with all in favor. **Ayes:** *Mitchell, Bertolino, Mottershaw, Neighbors, Boster, Ibberson, Cunningham and Calloway;* **Nayes:** *None;* **Absent:** *None*

Adjournment:

Motion made by Boster seconded by Bertolino to adjourn at 9:30 pm.

Discussion: None

Motion passed with all in favor. **Ayes:** *Mitchell, Mottershaw, Boster, Cunningham, Ibberson and Neighbors;*
Nays: *None;* **Absent:** *Bertolino and Calloway*

Karen Burgess
Deputy City Clerk

Date Minutes Approved: