

**Regular City Council Meeting**  
Official Proceedings  
City of Virden, IL  
Virden City Council Chambers  
Monday August 5, 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, Boster, Donley and Schnetzler
- **Absent:** None
- **Also, present were:** Mayor George Murphy, City Office Manager/Deputy City Clerk Karen Burgess, Police Chief Steven Snodgrass, Public Works Director Gary Etter, and Attorney Joe Craven (arrived at 7:22pm)
- **Guest:** Terry Davis, Isaac Karrick, Stefanie Ballinger, Tess Lane, John Fechtman

**Approval of Agenda (8-5-2024):**

Bertolino would like to make a couple charges: under buildings and grounds – salt storage shed discuss it at a later date. We are having to rebid that due to the possible relocation and C under water – water main for clinic. We will discuss that at a later date to get more information.

Motion made by Mitchell seconded by Bertolino to approve the Agenda (8-5-2024) as amended.

Discussion: None

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

**Approve Consent Agenda:**

- **Approval of Meeting Minutes (Regular Meeting 7/1/24 & Special 7/22/24)**
- **Approval of Bills Payable:**
- **Treasurer's Report:**
- **Water Report (June 2024 Gallons report and July 2024 Collections report):**
- **Requests for use of Public Property:**
  - **Isaac Karrick (Prairie Temple) – Use of Square Sept. 24, 2024 6pm-8:30pm**

- **Pole Rally. Time includes set up and tear down. They will need electricity.**
- **Virden United Methodist Church to sell Twyford BBQ on the island Friday August 9, 2024 form 11am-1:30pm.**
- **Prairie Temple would like the use of City Vehicles for Touch the Truck Event Sept. 21<sup>st</sup> at Prairie Temple.**

Motion made by Bertolino seconded by Mitchell to approve the Consent Agenda.

Discussion: (Karrick) On Sept. 24<sup>th</sup> we are requesting to use the city square for See You at the Pole Rally. Set up and tear down is from 6 – 8:30pm. It's a conjoined effort between Prairie Temple, Grace Southern Baptist and First Baptist Church. All you will need is Power? Yes sir. Prairie Temple would like to use the city vehicles on the 21<sup>st</sup> for Touch the Truck. Murphy believes they did it last year. Yes, they did. Do you have any more details on it Pokey? They kind of want one of our guys to be there, but he doesn't believe that will be able to happen. If that can't happen, they just want us to bring out that big truck again, so kids can see it and touch it. What we did last year is we took it there Friday at the end of the day, left a key there and picked it up Monday morning. Murphy said he heard they wanted a tractor too. Pokey doesn't want a tractor there because they couldn't operate it and if something happens to someone, he doesn't want that. Pokey doesn't feel comfortable with someone else running it.

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

#### **Comments from Audience:**

**1. Terry Davis – Otter Lake Water Commission**

Terry gave Karen a copy of the annual audit for the Water Commission. There is a spread sheet in there for it to be easier to understand. The water main project on 104, we are on the intent list for the EPA to proceed with the loan letter. The project won't start until the crops are out. They have a new campground manager. Her name is Shannon Colin. She will take over Aug. 24<sup>th</sup> with the campground manager responsibilities.

**2. Tess Lane – This is about the burnt house across the street from her. She wants to know if we should put a time limit on renovations. Maybe he works an hour a week? Can we put a time frame on it like that 3-story building in Girard? They put a time limit on that? That is what she heard. That house is still on the list to be demolished. Bertolino asked Tess to buy it. Can you do something about the two piles of garbage he just dumped in his front yard? It's just a mess. What are we waiting for? The court system/the attorney system. They sent letters. Then you have to wait so many days after the letter. Then send a couple different notices. We have to acquire the property before demolition. Discussion went back and forth our hands are legally tied because the man has paid his taxes, he owns the property and came in here and said he's going to do it. We can't make him do certain things because it's his property. If you can offer to buy it from him, then you own it and deed it to the city and we can demolish it with the grant.**

### **REPORTS OF SUPERVISORS**

**City Engineer:**

1. MFT acceptance of proposal from Louis Marsh – Rock & Oil  
Stefanie passed out an acceptance of proposal, we did an MFT bid opening in July and Louis Marsh submitted 4% under the estimate was. They are reasonable prices. Stefanie's recommendation all documents were in order when they submitted their proposal. So she recommends to accept their proposal for oil and chip for motor fuel tax.

Motion made by Bertolino seconded by Boster to accept the proposal to furnish materials and approval of award to Louis Marsh for MFT project 2024 in the amount of \$84,630.

Discussion: Does that include the engineering part of that? This money you already did for estimate of maintenance cost which had the engineering in it for the whole year. This is part of that money that was appropriated in the whole estimate for the 2024 year.

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

Is there an update for the Dean St. project? We are going through the final review process and be ready to bid first thing in 2025 as soon as you want to. We will have the final approve and your motor fuel taxes have already been set aside. As soon as we want to open up the bidding period, it can be done on a local letting. We don't have to wait for the state letting. Local roads does give you a 3 week window. We can advertise for 2 weeks to 3 weeks. We can do multiple newspapers.

**Director of Operations:**

1. Pokey needs the alderman's alleys. He'd like them by the end of the week. The one behind Dicky's that can be oil and rocked right? Yes. That is one.

**Chief of Police:**

1. Steven let everyone know that Officer Gist is back. The Flock license plate readers is still in the permitting process. The 2 year contract doesn't start until they are up and running.

**City Office Manager:**

1. None

**City Attorney:**

1. Murphy said he has some questions. 1. The salt storage shed – one of the places we are considering placing that is a street we don't use. It's between Bissell and the railroad tracks. We do not use it. Murphy asked the engineer how close it could be to an easement or sewer easement. He had a bunch of questions. If we had an ordinance on building on roadways. Can the city do that? Murphy couldn't find it. Do you know anything about that? Probably not an ordinance, but by street we don't use? It's a dead-end street. If we vacated the street, would that cause any entrance or exit problems of any homes or properties? No. We could do a 2 sentence vacating the street. Who are the adjacent landowners? We have one. He owns both sides. Under default when a city vacates a street it gets split down the middle and goes to the two adjacent lots. Then we could do an easement to allow the city to put the salt house on it. Pokey asked about the utility easement and his worries about building near or on top of it. We could shorten the street. Or vacate the street but where the city still maintains ownership of it. We no longer

declare it a street, but city property. 2. Junk dealers – There is a place on Dye Street that is meeting that definition. It doesn't really state on how to enforce it. You could, Joe's assuming that there is a provision somewhere else in the code that says if you broken something else in this it could be considered a nuisance, a general fine or something like this we could even seek a TRO saying thou shall not do this. We have a court order saying you can't do it. Steven has issued a nuisance ticket. The vehicles we will have to set up a separate hearing for it to get them towed. 3. Properties – There are 4 of them we need to concentrate on. We have to go back and look into the stuff from Prairieland. 433 S. Springfield St. Owned by Carl. It was said that the 2022 taxes were sold. How do we proceed with that one? Joe says it's a simple call to the recorder's office. Is that one of the new ones? Yes. Joe hasn't looked into the taxes on those. Murphy said to include 932 N. Springfield St. and 911 N Noble according to the title, the mortgage was last assigned to US Bank. Have we made contact with them? No. Joe has reached out to an attorney that represents US Bank in other cases. He couldn't get info on it because it wasn't signed over to his firm. We will have to essentially notice the bank itself. Discussed putting liens on the properties and the process.

## REPORTS OF CITY OFFICIALS

### City Clerk:

1. None

### City Treasurer:

1. None

### Mayor:

#### 1. **Appoint council member to Park Steering Committee**

Murphy would like to appoint Rick Schnetzler to the Park Steering Committee effective immediately.

Motion made by Boster seconded by Mitchell to approve the appointment of Rick Schnetzler to the Park Steering Committee.

Discussion: None

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

#### 2. **Request from VACC about use of Community Center for Christmas parade and activities**

They have used the Community Center in the past. They are requesting we don't charge them rent. That we waive the \$175 since they are doing this as a service for the community. As far as the \$100 deposit, they are willing to pay that. People are making money at this? Yes, Murphy thinks.

Motion made by Calloway to waive the fee. There was no second. Motion failed.

## REPORTS OF STANDING COMMITTEES

### Finance:

## 1. Clothing Allowance

Committee recommended a nonunion clothing allowance increase. Two of the employees, Director Etter and Supervisor Calloway, said they wished to decline the increase. The committee recommendation would be for Dave Bounds, Jessica Selhime and Karen Burgess to get an additional \$25.00

Motion made by Mottershaw seconded Schnetzler to approve a clothing allowance annual increase of \$25.00 for Bounds, Burgess and Selhime.

Discussion: Boster wants to make sure it is noted that it was offered to all.

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

## Police:

### 1. Purchase of Police Vehicle

The vehicle from Marrow Brothers is \$45,165.00 and the package is \$12,956 a total of \$58,121. It's a 2025 Explorer. We are furnishing the radios? Yes, he has that to come. You do have the radio for it? No. We will talk about purchasing one.

Motion made by Mitchell seconded by Boster to approve the purchase of a police vehicle an Explorer 2025 from Marrow Brothers in Greenfield with the full amount of \$58,121.00 for the vehicle and package.

Discussion: Have you had any better communication over there? Negative.

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

New radio for vehicle will come from GTSI in Jacksonville.

Motion made by Mitchell seconded by Boster to approve the purchase of a new radio from GTSI in Jacksonville for the amount of \$1,286.60.

Discussion: Does that include installation? Installation comes with the package. We take everything to them.

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

New radar is an in car mounted radar system. It will have a front radar gun, a rear radar gun and the mounted base with remote. It's \$1,654. It will come from Decatur Electronics in Decatur.

Motion made by Mitchell seconded by Donley to approve the purchase of a radar system for this vehicle from Decatur Electronics in the amount of \$1,654.

Discussion: Does that include installation with the other one? Yes. How many vehicles have radar? We have 3. One is a very old system. The other two are newer.

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

Will this car also have a camera in it? No. That is something we will have to work out.

The car it's replacing doesn't have an in dash camera. When we purchased the new trucks, the one Explorer was stripped down with equipment to rob Peter to pay Paul. Steven is trying to get a rep from Motorola to come and give information.

## **Public Works:**

### **1. Streets & Alleys:**

#### **a. Install Stop Sign in Prairie Station Subdivision at the corner of Post Road and Illini Trail**

It came out of committee to install a stop sign in Prairie Station subdivision on the corner of Post Road and Illini Trail on the SW corner.

Motion made by Bertolino seconded by Schnetzler to install a stop sign in Prairie Station subdivision on the corner of Post Road and Illini Trail on SW corner.

Discussion: That is for the North bound traffic, right? No, it'll be for East bound traffic.

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

Do we have to post that so many days before it can be put up or have an ordinance written up? It's typically put up via ordinance and it says Public Works Director is instructed to go put up a sign. You can go and put it up.

### **2. Building & Grounds:**

#### **a. ~~Salt Storage Shed~~**

\*Removed\*

### **3. Water:**

#### **a. Sound Sweep for water leak**

It'd be about \$5,970. If we don't have to do all 3 locations of town, it could come out cheaper. We would just do a sweep of the town and see if we can find any other leaks that are out there.

Motion made by Mottershaw seconded by Murphy to approve the expenditure of up to \$5,970 for sound sweep leak detection of the city effective immediately.

Discussion: Is this the same guy who found the other one? Yes. How does it work? You hook up to a fire hydrant and they use these instruments and if you hear anything they mark the area and get closer.

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

#### **b. Water conference**

We go to this every year. It's at the Crown Plaza. It's our CEU hours. It's creditable hours that we have to have. What is the price on it Karen? She believes it was \$245 per person. Is it just you? And Ryan Calloway.

Motion made by Bertolino seconded by Schnetzler to allow two people to go to the water conference \$245 per person total of \$490 from Sept. 11-13.

Discussion: None

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

~~e. **Water main for new clinic**~~

~~\*Removed\*~~

**d. Camera for looking into tiles**

It came out of committee to purchase the camera from Coe Equipment \$4,354 out of water and \$13,109.90 out of street and alleys for a total of \$17,463.

Motion made by Mottershaw seconded by Schnetzler to purchase the camera and locator from Coe Equipment in the amount of \$17,463.

Discussion: None

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

**4. Parks:**

- a. Bertolino was contacted by Tony Henrietta about possibly wanting to have a car show here in Virden on Sept. 21<sup>st</sup> in honor of his dad and uncle. It's called Hank and Blank car show. Bertolino said to Tony we will need more information then get ahold of the mayor.

**5. Miscellaneous:**

**a. Liquidate surplus property – X-Mark lawn mower to auction**

Old X-Mark lawnmower basically blown up beyond repair and we replaced it.

Motion made by Bertolino seconded by Boster to declare X-Mark lawnmower surplus property and allow Public Works Director to take it to Ladage Auction for sale.

Discussion: We aren't putting a minimum on it, are we? No

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

**Administrative:**

**1. Frontier Boring Deposit**

Frontier did their boring. City code says they have 30 days from completion to start clean up. The 30<sup>th</sup> day was on the 24<sup>th</sup> of July. We haven't seen or heard from them since then. So, what's our decision on their \$18,000 deposit? They forfeit it. What do you think Joe? At the very least the city can bill against it whatever the city incurs in cleaning up the stuff we shouldn't have to clean up. If that's the case, we will hire somebody to do it. We don't have the right to keep their deposit if they don't do the work? If we want to declare if forfeited, we would send them a letter saying your 30 days are up, we are going to start clean up activities on X and pay for it using your deposit. What if we adjusted the city code on those timelines, if it is not done the deposit would be declared forfeit. We may

have done that, but Joe doesn't remember. Do you have an idea where to put it? It should go with the deposit that says what it's for. You got the ordinance, Joe just draft what you need and email it to Mottershaw. Who sends the letter to Frontier telling this is what we are going to do? Joe says he'll draft the letter.

## **2. Doctors release to return to work**

Mottershaw says we should put it in the personnel policy. Mottershaw talked with Karen and when somebody comes back to work and has to bring a doctor's release. Department head, who gets it, turns it into Karen and she would put it in with the employees' personnel file, so we know they are in one place. And if it's agreeable with everybody it would go into 1-6-5E of the personnel policy. Mottershaw will draft that adjustment to it. Store them in a central location. Yes. Secured? Yes, they are locked in a file cabinet.

### **Other Business:**

1. Northend drainage – Karen pulled up the numbers. With our legal attorneys, we are at \$70,149.29.

Motion made by Murphy seconded by Mitchell to enter executive session at 8:31pm to approve executive session minutes and to discuss pending litigation.

Discussion: None

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

### **Executive Session:**

1. **Approval of Executive Session meeting minutes (5ILCS 120/2 (c) (21))**
2. **Pending Litigation (5 ILCS 120/2 (c)(11))**

Motion made by Bertolino seconded by Neighbors to exit executive session at 9:04pm.

Discussion: None

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

Motion made by Mottershaw seconded by Murphy to approve executive session minutes of 7/1/24 and 7/22/24.

Discussion: None

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

### **Adjournment:**

Motion made by Neighbors seconded by Bertolino to adjourn at 9:06pm.

Discussion: None

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



Karen Burgess  
Deputy City Clerk

Date Minutes Approved: