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City Clerk



CITY OF MT. VERNON

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**City of Mt. Vernon, Illinois
Regular City Council Meeting
Rolland W. Lewis Community Building — Veterans Park
Monday, June 18, 2012
7:00 p.m.**

MINUTES

The Mt. Vernon City Council held a Regular City Council Meeting on Monday, June 18, 2012 at 7:00 p.m. at the Rolland W. Lewis Community Building, Veterans Park, Mt. Vernon, Illinois.

Mayor Mary Jane Chesley called the meeting to order.

The Invocation was given by Rev. David Eadie of the Jefferson Ministerial Association.

The Pledge of Allegiance was given.

ROLL CALL

Roll Call showed present: Council Members Ron Lash, Dennis McEnaney, Todd Piper, David Wood and Mary Jane Chesley.

JOURNAL

The Journal for the June 4, 2012 Regular City Council Meeting was presented to Council for any additions, deletions or corrections. **Motion by Council Member McEnaney to approve the Journal as presented. Second by Council Member Wood. Yeas: Lash, McEnaney, Piper, Wood and Chesley.**

CONSOLIDATED VOUCHERS FOR ACCOUNTS PAYABLE

The Consolidated Vouchers for Accounts Payable were presented for Council's consideration. Council Member McEnaney asked City Manager Neibert for a briefing on the following: Item #5 Belson Outdoors - \$2,449.70 — trash cans for Park Department. They are new replacements for old damaged trash cans. Item #6 – CB & I - \$77,364.00 — work in May 2012 on West Elevated Tank. Electricians will finish the electrical work and expect to fill the tank in the next couple of weeks. Item #12 General Acrylics - \$8,250.00 — repair and resurface Airport Park tennis courts. Courts will be utilized Wednesday when the Parks and Recreation Department hosts the Mt. Vernon Open Tennis Tournament. This resurfacing should last five to six years. Item #16 JK Trotter & Sons - \$273,873.06 — work on Veterans/Davidson water main. Construction of the water line is complete. Testing and EPA sampling for operating permit is underway. Landscaping work will be completed in the fall. Neibert reported that Baxmeyer has begun the road work on Veterans/Davidson. Item #22 Lipps Construction - \$10,870.00 — painting and repairs to 42nd Street Fire Station. Project is complete. Item #25 Mt. Vernon Fall Fest - \$5,000.00 — Sponsorship for the Mt. Vernon Fall Fest. Council Member Piper stated that the budget for the festival is about \$30,000.00. Residents are encouraged to volunteer help with

the Mt. Vernon Fall Fest they may contact Council Member Piper at councilmanpiper@mvn.net or call Bonnie Jerdon at the Tourism Department at 242-6842. There are about 60 plus volunteers and numerous organizations involved in the festival. The event will be held the third weekend in October. Item #32 Quality Testing & Engineering - \$5,050.00 — soil testing for Aquatics Facility. Neibert will obtain test results and forward them to the Council. Item #34 Safe Drinking Water Solutions - \$4,000.00 — Backflow prevention program in Public Utilities Department. This is an EPA mandated program involving surveys and testing of the system. Council Member Lash inquired about the following: Item #13 Henry Meisenheimer & Gende - \$1,813.88 — Aquatic land survey completion and Item #32 Quality Testing & Engineering - \$5,050.00 — soil testing for Aquatics Facility. The Aquatic facility will go out for bid in mid-July and construction to begin shortly after Labor Day.

Council Member Wood made a motion to approve the Consolidated Vouchers as presented in the amount of \$825,674.30. Second by Council Member Lash. Yeas: Lash, McEnaney, Piper, Wood and Chesley.

BIDS & QUOTES

City Manager Ron Neibert stated that the bid results for the police range fence installation are as follows:

Gardner Fence, Inc., West Frankfort, IL — 14,473.91
TNT Fence Company, Granite City, IL — \$14,000.00
Southern Illinois Fence Company, Mt. Vernon, IL — \$9,780.00
Rutherford Fence, Mt. Vernon, IL — \$8,060.00

Neibert recommended accepting the low bid from Rutherford Fence, Mt. Vernon, IL, for \$8,060.00. The bid is below the budgeted amount.

CITY MANAGER

City Manager Neibert presented for Council's consideration a Request for Permission to Purchase a Used 2011 Case CX36B Mini Excavator. This is a demonstrator from Diamond Equipment at a cost of \$40,950.00. The City is saving about \$20,000.00 with the purchase because it is a demo. It is a budgeted item. Public Works and Public Utilities Departments will share the equipment.

Council Member Lash made a motion to grant Permission to Purchase a Used 2011 Case CX36B Mini Excavator. Second by Council Member McEnaney. Yeas: Lash, McEnaney, Piper, Wood and Chesley.

City Manager Neibert presented for Council's consideration a Request for Permission to Purchase a Used 250 KW Caterpillar D3306 Diesel Generator, Fuel Tank and ATS from IPT Power Systems for Fleet Services. This is a budgeted item about \$11,000.00 under budget amount.

Council Member Wood made a motion to grant Permission to Purchase a Used 250 KW Caterpillar D3306 Diesel Generator, Fuel Tank and ATS from IPT Power Systems. Second by Council Member McEnaney. Yeas: Lash, McEnaney, Piper, Wood and Chesley.

City Manager Neibert presented for Council's consideration a Request for the Reallocation of Funds for the 2011/2012 Budget. These are the final budget adjustments for the fiscal year. In all instances but two, funds were taken from other revenue or expenditure accounts to adjust the account that was over budget. The two instances that we couldn't do that was in the Health Insurance Fund and the Downtown TIF Fund where we had to take some of the funds from Working Fund Balance. When the 2011/2012 budget was completed the City allocated funds for this fiscal year and the accountants require that they be accounted for in the last fiscal year.

Council Member Wood made a motion to grant the Request for the Reallocation of Funds for the 2011/2012 Budget. Second by Council Member Lash. Yeas: Lash, McEnaney, Piper, Wood and Chesley.

City Manager Neibert presented for Council's consideration a Request for Permission to close S. 11th Street from Jordan Street South to the South End of the City Parking Lot on August 4, 2012 from 10:00 a.m. to 10:00 p.m. for the 1st Annual Elks Car Cruise Event. Charlie Wimberly, Manager for the Elks Lodge, distributed flyers to the Council. He also requested to use the City's parking lot located at 10th & Jordan Street. Entertainment will begin at 5:00 p.m. Food and soft drinks will be for sale. No alcoholic beverages will be sold on the parking lot.

Council Member Wood made a motion to grant A Request for Permission to Close S. 11th Street from Jordan Street south to the south end of the City Parking Lot and, in addition, permission for the use of the City Parking Lot between 9th & 10th Streets south of Jordan Street on August 4, 2012 from 10:00 a.m. to 10:00 p.m. for the 1st Annual Elks Car Cruise Event. Second by Council Member Piper. Yeas: Lash, McEnaney, Piper, Wood and Chesley.

City Manager Neibert advised in the future City Council packets will be delivered electronically to the iPad's belonging to Council Members so that the Council will become a "paperless" Council.

CITY ATTORNEY

City Attorney Bill Howard presented for Council's consideration a First Reading on Ordinance Amending Certain Ordinances Regarding Video Gaming and the Licensing of Video Gaming Terminals. The State of Illinois Video Gaming Act was adopted in 2009 making Licensed Video Gaming Terminals (VGT) legal in Illinois. The Act allows for Licensed Video Gaming Terminals to be placed in certain liquor establishments, truck stops and fraternal/veterans clubs throughout the state. The Illinois Gaming Board has the responsibility of implementing and regulating video gaming in Illinois. Up to five (5) VGTs may be placed at each Licensed Video Gaming Location. VGTs must be located in an area restricted to persons 21 years of age and over. A tax of 30% is imposed on the net income from each VGT. The State collects the tax. Of the tax collected, one-sixth or 5% goes to the municipality. No Establishment having any video gaming terminal license shall be situated within 100 feet of a school or of a place of worship. According to the Illinois Municipal League a reasonable median projection for the net income per machine is \$45,000.00 per year. Using this projected income, the total tax per machine would be \$13,500.00 per year, and the municipal share of that tax would be \$2,250.00 per year. Therefore, for each establishment with the maximum number of five machines, a municipality will generate an estimated \$11,250.00 in tax revenue per year. According to the City Manager's calculations, the City of Mt. Vernon will collect between \$100,000.00 and \$150,000.00 per year. The unit of local government may use the proceeds of that tax for any general corporate purpose authorized for that municipality. The State Gaming Board is responsible for inspecting the machines. Application for Video Gaming Terminal License shall be made to the City Clerk and shall be in writing and under oath, signed by an authorized agent of the Establishment where the video gaming terminal(s) is to be placed.

Mayor Chesley requested that the City Clerk prepare an outline answering the questions and concerns raised at tonight's meeting and make the outline readily available to business owners and organizations. Dan Hamilton, owner of the Frosty Mug, inquired how long the process will take for the City to adopt the proposed Ordinance. He advised that several business owners and organizations have applied with the State under a 'pending' status. There is concern that approval by the Illinois Gaming Board will be delayed thereby relegating the establishment to the end of the list of businesses waiting to be inspected

and approved by the IGB. City Manager Neibert stated that it is anticipated that the Second Reading of the proposed Ordinance will be on the agenda at the July 2, 2012 City Council Meeting. If the Ordinance is passed at the meeting it will go into effect immediately. Local licensing will not add more time to the licensing process.

Jim Scott, owner of the Spot Tavern, questioned if he should remove the five machines presently in his business. City Manager Neibert offered to give Mr. Scott the telephone number for the Illinois Gaming Board for advice about his concerns. *(Clerk's note: Jim Scott did not address the Council during discussion of Video Gaming, but waited until later in the meeting to approach the podium.)* **FIRST READ ONLY.**

City Attorney Howard presented for Council's consideration a Resolution Granting a Conditional Sign Permit for Property at 4201 Broadway. The petitioning party is Aspen Dental. Todd Ham of T Ham Signs appeared on behalf of Aspen Dental. The signs were recommended for approval by the Planning and Zoning Commission. There were no objectors. Mayor Chesley commended Todd on the appearance of the signs requested. Council Member Wood inquired if the necessity for a conditional sign permit will be eliminated when and if the new sign ordinance is passed by City Council. It will be eliminated according to Neibert.

Council Member Piper made a motion to adopt a Resolution Granting a Conditional Sign Permit for Property at 4201 Broadway. Second by Council Member McEnaney. Yeas: Lash, McEnaney, Piper, Wood and Chesley.

City Attorney Howard presented for Council's consideration a Resolution Granting a Conditional Sign Permit for Property at 2600 Richview Road. The petitioning party is John R. & Eleanor R. Mitchell Foundation. Sarah Sledge appeared on behalf of the Mitchell Foundation. The signs were recommended for approval by the Planning and Zoning Commission. There were no objectors. Council McEnaney commended Sarah on the extra effort taken to demonstrate the locations of the proposed signs in the permit application. Council Member Piper noted these are called 'way finding' signs which add so much interest and esthetics to the City.

Motion by Council Member McEnaney made a motion to adopt a Resolution Granting a Conditional Sign Permit for Property at 2600 Richview Road. Second by Council Member Lash. Yeas: Lash, McEnaney, Piper, Wood and Chesley.

City Attorney Howard presented for Council's consideration a Resolution Approving Illinois Transportation Enhancement Program (ITEP) #3 Streetscape Application for 10th Street & Broadway. City Manager Neibert noted both ITEP Resolutions on the Agenda are amended to meet Illinois Department of Transportation requirements. None of the dollar amounts will change from the initial applications.

Council Member McEnaney made a motion to approve the Resolution Approving Illinois Transportation Enhancement Program (ITEP) #3 Streetscape Application for 10th Street & Broadway. Second by Council Member Lash. Yeas: Lash, McEnaney, Piper, Wood and Chesley.

City Attorney Howard presented for Council's consideration a Resolution Approving Illinois Transportation Enhancement Program (ITEP) for Bicycle Transportation System Expansion. This is for the Shiloh/Davidson/Industrial Park Reservoir trail.

Council Member McEnaney made a motion to adopt the Resolution Approving Illinois Transportation Enhancement Program (ITEP) for Bicycle Transportation System Expansion. Second by Council Member Lash. Yeas: Lash, McEnaney, Piper, Wood and Chesley.

City Attorney Howard presented for Council's consideration a Resolution Approving Parking Lot Lease with District 80 for use of Buford School parking lot during construction on 34th Street. Construction will begin next week on the north end with completion by the end of 2012. Additional parking is needed for resident's parking when their driveways are not accessible due to the construction. Gravel access to driveways will be provided when feasible. The City apologizes for the inconvenience to residents and businesses on 34th Street. Council Member Wood encouraged residents and businesses on 34th Street to contact the City if they are experiencing problems during the construction so issues/concerns can be addressed. Seven different stages of construction will commence allowing accessibility to homes and businesses.

Council Member Lash made a motion to adopt the Resolution Approving Parking Lot Lease with District 80 for use of Buford School Parking Lot during construction on 34th Street. Second by McEnaney. Yeas: Lash, McEnaney, Piper, Wood and Chesley.

City Attorney Howard presented for Council's consideration a Resolution Approving Agreement with Zanola Company, LLC Regarding Housing Marketing Program. This is the second step in the process to generate new housing development in the City. Because of the job creation success that the City is experiencing there is a need between 300-700 new middle class houses in the next five years to support growth in Mt. Vernon. The next step in the process is to market the City to housing developers. Joe Zanola of the Zanola Company, LLC appeared. He stated that he expects to spend 8-10 weeks to formulate a complete marketing plan for attracting residential development and homebuilding. He noted that a flow chart plan from pre-development through home buying will be provided.

Council Member Piper inquired about who will be included in the marketing plan, i.e. local, regional and national developers? Mr. Zanola stated he will be working with City Manager Neibert to identify developers from all areas. He confirmed that the completed new marketing plan will be used by the City's Economic Development team.

Mayor Chesley reminded the Council that 70% of the City's workforce does not reside within the City of Mt. Vernon. Part of the reason for this statistic is the lack of middle class homes in the City. This is a positive step in the right direction to increase the population in our City. She commended the City Council on taking this step to follow through with the Comprehensive Plan to improve quality of life and working together as a team.

Council Member Wood asked Mr. Zanola to give a brief synopsis of his experience in creating incentive programs in other communities. Mr. Zanola commented that the company philosophy and practice is to not stop after the research is completed, but to harness the research and turn it into action and improvements. Zanola Company, LLC is currently working on a large destination development outside of Branson, Missouri; a large section of St. Louis City; the City of Collinsville; and St. Charles County, Missouri. Council Member Wood acknowledged that people don't want to live in Mt. Vernon and developers have not shown interest in Mt. Vernon, but that's about to change. The City has a list of projects including amenities such as parks, pool, and bike trails. We need to give people a reason to live and work in the City. Recently at the Branding Study we learned that the City has a traffic jam twice a day – in the morning as everyone drives into the City from other communities to work here and at 5:00

p.m. as everyone leaves the City. The City looks forward to getting Mr. Zanola's report. Council Member Wood praised Council Member Piper for his dedication and leadership to this project.

Mark Long, a property owner in Mt. Vernon and Jefferson County, inquired if the City will review what City owned property can be utilized for a housing development or if a new subdivision will be created. By using City owned or privately owned vacant lots the City can utilize existing infrastructure. City Manager Neibert stated that both options will be reviewed. Mayor Chesley noted that City Inspectors have begun inspecting dilapidated homes in hopes of remodeling the structures and saving established neighborhoods.

Council Member Piper made a motion to approve the Resolution Approving the Agreement with Zanola Company, LLC Regarding the Housing Marketing Program. Second by Council Member Wood. Yeas: Lash, McEnaney, Piper, Wood and Chesley.

City Attorney Howard presented for Council's consideration Consent to Assignment of Lake Miller Lease from Devon E. Almaroad to Ronald L. Almaroad. This document represents a standard reassignment of a lake lease from one party to another and meets all Ordinance requirements. Terms and conditions of the reassignment remain the same as the previous assignment entered into by the parties.

Council Member Wood made a motion to approve the Consent to Assignment of Lake Miller Lease from Devon E. Almaroad to Ronald L. Almaroad. Second by Council Member Piper. Yeas: Lash, McEnaney, Piper, Wood and Chesley.

MAYOR

Mayor Chesley distributed copies of a Mt. Vernon Convention & Visitors Bureau publication entitled *Destination Mt Vernon* that highlights upcoming summer events in the City. The brochure includes stories about the Smithsonian's traveling exhibit "Journey Stories" that is at the Jefferson County Historical Village through August 4th, the City's railroad history, Cedarhurst, Fall Fest preview and calendar of events.

Mayor Chesley stated she is receiving complaints again about cars traveling in the City with loud music. Police Chief Chris Mendenall stated that the City Police have issued 21 citations for loud car stereos in the past two weeks enforcing the City Ordinance which is more effective than State law. The City's progressive fine schedule has proven to be very effective. The first offense fine is \$100; the second offense within a year is \$250; and the third is \$500. He noted that noise complaints are decreasing since the City Ordinance was adopted. Loud music complaints at a residence are addressed differently in the Illinois statute. An Officer makes contact with the home owner or the person in control of the residence to warn them one time. If there is a return call to the same residence, the home owner or person in control of the residence will be arrested and jailed. Citizens are encouraged to call the Police Department and not be afraid to voice a complaint. Council Member Wood requested that the Council consider similar language in an Ordinance addressing loud music and/or loud parties in a residence. Chief Mendenall remarked that the issues are characterized differently. One is addressed in the Illinois Vehicle Code while the other is in the Illinois Criminal Code. The City was forced to purchase range finders for Police vehicles because citations were being written but challenged in court by the distance required to be 'disturbing the peace' (75 ft.). In the Chief's opinion, a City Ordinance will not be enforceable because by law a Police Officer cannot be disturbed. Under City Ordinance, Officers would not be authorized to arrest and jail these offenders. However, under State law, with the Jefferson County State's Attorney's cooperation, Officers may charge the offender with disorderly conduct, a Class

C misdemeanor offense, and take the offender into custody. At that point, they either post bail or go to jail. From past experience, parties are dispersed quickly when handled in this manner. He believes this to be the most effective way to shut down a loud party by removing the home owner from the premises, and has proven even more effective than a City Ordinance. The complaint is received through Police Department's recorded telephone lines and not by a Police Officer. Chief Mendenall expects that this process will be challenged in court. After listening to Chief Mendenall, Council Member Wood deferred to the Chief's judgment and appreciates the attention and effort put into the problem.

Chief Mendenall further spoke about how the Police Department is ticketing drivers with loud mufflers. If a driver is intentionally revving a vehicle engine (including cars, trucks, and motorcycles) with loud mufflers with the baffles removed through Downtown and/or residential neighborhoods then the driver most likely will be ticketed. He also stated that the Department does not receive as many complaints for loud mufflers as they do for loud stereos. He emphasized that the Department aggressively enforces disturbing the peace laws.

CITY COUNCIL

Council Member Piper noted that the branding study presentation by DDI is available on the City's website. The Brand Leadership Team was assembled with assistance from Roger Brooks of Destination Development, Inc. (DDI), the Tourism Department and the Jefferson County Development Corporation. The Brand Leadership Team met for three days evaluating and discussing the variety of activities in Southern Illinois to ultimately agree on a brand for the City. The #1 topic raised by the community feedback is more locally owned, hometown type restaurants downtown. And the #2 topic is more shopping with a focus on downtown. DDI will prepare a list of about 40 items that the City of Mt. Vernon can do to promote and improve the community. It was suggested by DDI that Mt. Vernon be known as the 'Festival Arts City', and that our logo be 'Creativity Redefined!' Council Member Wood emphasized that the transformation of Mt. Vernon will take two or three years and a lot of hard work to implement DDI's new branding ideas.

Council Member Wood thanked the City Manager and his team for addressing numerous concerns voiced by Council Member Wood regarding the appearance of the City. The City sign ordinance does have a provision for removing old business signs similar to one left behind at the old Marion Eye Center. He emphasized that the City must maintain our roads, parking lots, buildings and landscaping in order to set an example for the community. If the City is increasing taxes and fees then the City must spend that money to make it look like the kind of community where people want to live. When residents drive through the City and see things that are unsightly he suggested they take a photograph and send it to the Mayor, City Manager or one of the Council Members so it can be passed along to the proper department to be corrected. It will take the City, local businesses and the residents working together to make branding successful.

Council Member Lash reminded everyone of the Salute to Freedom to be held at the Airport on July 4, 2012. The gates open at 5:00 p.m. Attendees are encouraged to arrive early and support the annual event. There will be live entertainment and food vendors. Fireworks are scheduled about 9:00 p.m.

VISITORS/CITIZEN REQUESTS/ADDRESSES FROM THE AUDIENCE

Hortin Petties asked that the City encourage housing developers to use the local labor force and materials. Council Member Wood noted that the City doesn't have much control over who housing developers hire.

He inquired if citizens are aware of the loud music and muffler citations and penalties. Yes, according to Chief Mendenall.

He reminded the City about clearing the trees on 9th Street where he previously mentioned. Mayor Chesley commented that it is on the list of projects but the Public Work Department crews are very busy, especially on Main Street next to Hardees, working on clearing the basin for a future 'green space'.

He also inquired about the City's plans for sidewalks. Mayor Chesley stated that the City has a sidewalk program in place for replacement, upgrading existing sidewalks and new installations. Approximately \$200,000.00 will be spent on sidewalks this summer. Mr. Petties asked if Perkins Avenue is on the program. He will call City Manager Neibert tomorrow for the answer.

He added that City Council has taken the initiative to clean-up the town and make it more attractive.

The newly constructed Family Dollar Store is a nice addition to South 10th Street.

EXECUTIVE SESSION

No Executive Session was held.

ADJOURNMENT

Motion for adjournment was made by Council Member McEnaney. Second by Council Member Piper. Yeas: Lash, McEnaney, Piper, Wood and Chesley. The meeting adjourned at 8:30 p.m.

Respectfully submitted,

Jerilee Hopkins
City Clerk