



**REGULAR COUNCIL MEETING MINUTES OF THE
CITY OF NEOGA
HELD IN THE CITY COUNCIL CHAMBERS, MUNICIPAL BUILDING
533 CHESTNUT AVENUE, NEOGA, IL
FEBRUARY 11, 2013, AT 7:00 P.M.**

CALL TO ORDER

The meeting was called to order at 7:00 p.m. by Mayor Pro-Tem Groves. The Pledge of Allegiance was recited. Those present were: Commissioners Lindley, Kepp, Hartke, Mayor Pro-tem Groves, and City Clerk Evans. Others present were City Treasurer Foor, Police Chief Julius, Attorney Matt Hortenstine, Aaron Leonard, Engineer Tom Overmyer, Jeff Curry, Matt Romack, and Jeff Morrison. Mayor Modglin arrived at 7:31 p.m.

MINUTES

Commissioner Hartke made a motion to approve the regular and executive session minutes from January 28, 2013. The motion was seconded by Commissioner Kepp. Ayes, Commissioners Hartke, Kepp, Lindley, and Mayor Pro-Tem Groves. Nays, none. Motion carried. 4-0.

PUBLIC AFFAIRS, MAYOR MODGLIN

TAYLOR LAW OFFICE, MATT HORTENSTINE

Mr. Hortenstine introduced himself to the Council and discussed the many services that Taylor Law Office could offer the City of Neoga.

ADULT ENTERTAINMENT REGULATIONS

Attorney Hortenstine explained that his office has reviewed a few of the City of Neoga's ordinances. He recommended that the zoning ordinance be revised to include a number of public hearings. Hortenstine said that government cannot prohibit adult entertainment because of the First Amendment right; however the city could restrict where, when, and how the adult entertainment businesses is operateted. It was the consensus of the Council to proceed with the ordinance revision as soon as possible.

NEOGA MEMORIAL CEMETERY

Attorney Matt Hortenstine updated the Council on the Neoga Memorial Cemetery. According to Hortenstine, Taylor Law Office has been reviewing the history on the Neoga Memorial Cemetery but has not arrived at a final opinion. Hortenstine is hopeful to have more information for the council in the near future.

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ORDINANCE #848-02-13 Appointment Ordinance for the City of Neoga with Taylor Law Office

After reviewing the proposed ordinance, Commissioner Groves made a motion to accept the ordinance as presented. The motion was seconded by Commissioner Kepp. Ayes, Commissioners Groves, Lindley, Kepp, Hartke, and Mayor Modglin. Nays, none. Motion carried. 5-0.

NIGHT OWL BASEBALL TOURNEY
No report was given.

NEOGA MAPPING PROGRAM

Diana Foor updated the Council on the MAPPING program and asked for the City to sponsor the program and the first dinner. After a brief discussion, Commissioner Kepp made a motion to donate \$3000 to sponsor the MAPPING Program. The motion was seconded by Commissioner Hartke. Ayes Commissioner Kepp, Hartke, Lindley and Mayor Pro-tem Groves. Nays, none. Motion carried. 4-0.

ORDINANCE #847-02-13 An Ordinance Approving the Lease of Real Estate Described Herein and Authorizing the Execution of a 99 Year Lease with the Grace United Methodist Church.

After reviewing the ordinance and lease agreement, Commissioner Kepp made a motion to accept the ordinance as presented. The motion was seconded by Commissioner Groves. Ayes, Commissioners Kepp, Hartke, Groves, Lindley, and Mayor Modglin. Nays, none. Motion carried. 5-0.

FINANCE, COMMISSIONER GROVES

TREASURER'S REPORT

After reviewing the treasurer report, Mayor Pro-tem Groves ordered the financial report to be placed into the files of the City Clerk.

PUBLIC PROPERTY, COMMISSIONER KEPP

DECO GRANT #12-245008

Engineer Tom Overmyer explained that the DECO Grant #12-245008 was a design grant for water distribution. After a brief discussion, Commissioner Kepp made a motion to give permission to have Mayor Modglin sign the grant agreement. The motion was seconded by Commissioner Hartke. Ayes, Commissioner Kepp, Hartke, Groves, Lindley, and Mayor Modglin. Nays, none. Motion carried. 5-0.

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DECO AUTHORIZED DESIGNEES FOR GRANT #12-245008

After a brief discussion on the grant, Commissioner Kepp made a motion to appoint City Administrator Brenda Evans and City Treasurer Diana Foor as the authorized designees for Grant #12-245008. The motion was seconded by Commissioner Groves. Ayes, Commissioner Kepp, Hartke, Groves, Lindley, and Mayor Modglin. Nays, none. Motion carried. 5-0.

DRUG FREE WORKPLACE ACT

After discussing the Drug Free Workplace Act under the grant agreement, Commissioner Groves made a motion to accept the act as presented. The motion was seconded by Commissioner Kepp. Ayes, Commissioner Groves, Lindley, Kepp, Hartke, and Mayor Modglin. Nays, none. Motion carried. 5-0.

NEOGA SCHOOL DISTRICT #3 UPDATE

Commissioner Kepp updated the Council on the last public meeting held by the Neoga School District regarding the necessary cuts they are facing. According to Kepp, the next meeting will be Wednesday, and there is a possibility that the school board will vote on the proposed changes at the regular scheduled school board meeting on Thursday.

STREETS AND ALLEYS, COMMISSIONER HARTKE

2013 MFT

Commissioner Hartke told the Council that he and Superintendent Helm met with a micro seal representative and received quotes on what it would cost to micro seal 10th Street, Park Avenue, and 7th Street. Hartke then gave the council three options to choose from. The first option would be to micro seal all three streets and oil and chip approximately 2913 sq. yards of other streets. This would cost approximately \$102,000. Option #2 would be to micro seal 10th Street and then till, oil, and chip another 2913 sq. yards, and oil and chip 6,565 sq. yards of streets. This cost would be around \$95,000. The last option that Commissioner Kepp gave the council was to oil and chip over 21,000 sq yards of streets at a cost of approximately \$88,000. After a lengthy discussion, as well as executive session, it was the consensus of the council to proceed with option #2 at a cost of approximately \$95,000. Commissioner Hartke said that he would get the information to Superintendent Helm for the next meeting.

PAY REQUEST FROM PHOENIX CONSULTING

After reviewing a pay request, Commissioner Hartke made a motion to pay the request in the amount of \$8,283.00 for services on the IKE grant. The motion was seconded by Commissioner Kepp. Ayes, Commissioner Hartke, Groves, Lindley, Kepp, and Mayor Modglin. Nays, none. Motion carried. 5-0.

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Commissioner Hartke said that he also spoke to County Engineer Ben Bland about the resurfacing of Walnut Avenue. According to Hartke, Bland said they are short on money and they have it planned to go to bid in July; however, the work will not be completed until next year. It was the consensus of the Council to see if there was anything they could do to speed the process up because the public works department is constantly filling pot holes, and the city is frequently hearing complaints about the road.

HEALTH AND SAFETY, COMMISSIONER LINDLEY
No report was given.

EXECUTIVE SESSION

Commissioner Kepp made a motion to move into executive session at 8:27 p.m. for Purchase or Lease of Real Estate – Section 2 (c) (5) includes general discussion of whether land should be purchased or leased by the public body. The motion was seconded by Commission Hartke. Ayes, Commissioner Kepp, Hartke, Groves, Lindley, and Mayor Modglin. Nays, none. Motion carried. 4-0.

RECONVENED AND ROLL CALL

The meeting was reconvened at 9:13 p.m. on a motion from Commissioner Groves. The motion was seconded by Commissioner Kepp. Those present for roll call were: Commissioners Groves, Lindley, Kepp, Hartke, and Mayor Modglin.

IKE DRAINAGE GRANT

After a brief discussion, Commissioner Groves made a motion authorizing City Administrator Evans to proceed with having the tree and junk removal done once it is approved by the state. The motion was seconded by Commissioner Kepp. Ayes, Commissioner Groves, Lindley, Kepp, Hartke, and Mayor Modglin. Nays, none. Motion carried. 5-0.

EXECUTIVE SESSION

Commissioner Kepp made a motion to move into executive session at 9:15 p.m. for Personnel – Section 2 (c) (1) employee hiring, firing, compensation, discipline and performance. The motion was seconded by Commission Hartke. Ayes, Commissioner Kepp, Hartke, Groves, Lindley, and Mayor Modglin. Nays, none. Motion carried. 4-0.

RECONVENED AND ROLL CALL

The meeting was reconvened at 10:21 p.m. on a motion from Commissioner Groves. The motion was seconded by Commissioner Kepp. Those present for roll call were: Commissioners Groves, Lindley, Kepp, Hartke, and Mayor Modglin.

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BUILDING INSPECTOR

After a brief discussion on the three candidates for the building inspector position, Commissioner Groves made a motion to hire Jeff Morrison at \$450 per month as the building inspector. The motion was seconded by Commissioner Kepp. Ayes, Commissioners Groves, Lindley, Kepp, Hartke, and Mayor Modglin. Nays, none. Motion carried. 5-0.

ADJOURNMENT

Commissioner Kepp made a motion to adjourn the meeting at 10:35p.m. The motion was seconded by Commissioner Hartke. Ayes, Commissioners Lindley, Kepp, Hartke, Groves, and Mayor Modglin. Nays, none. Motion carried. 5-0.

Howard W. Modglin, Mayor

Brenda Evans, City Clerk

Date