



**REGULAR COUNCIL MEETING MINUTES OF THE CITY COUNCIL OF
NEOGA HELD IN
CITY COUNCIL CHAMBERS, MUNICIPAL BUILDING, 533 CHESTNUT
FEBRUARY 27, 2012, AT 7:00 P.M.**

CALL TO ORDER

The meeting was called to order at 7:00 p.m. by Mayor Modglin, and the Pledge of Allegiance was recited. Those present were: Commissioners Lindley, Kepp, Hartke, Groves, Mayor Modglin, and City Clerk Evans. Others present were City Treasurer Diana Foor, Superintendent Tom Helm, Engineer Tom Overmyer, Coles County Regional Planning Rep. Kelly Lockhart, Linc Andrews, and Winston Andrews.

MINUTES

After reviewing the regular session minutes from February 14th, Commissioner Kepp made a motion to approve them as presented. The motion was seconded by Commissioner Hartke. Commissioner Lindley abstained. Ayes, Commissioner Groves, Kepp, Hartke, and Mayor Modglin. Nays, none. Motion carried. 4-0.

PUBLIC AFFAIRS

NEOGA DAYS CLOSURE OF 6TH STREET

Linc Andrews explained to the Council that the Neoga Days Committee will be utilizing the Neoga Elementary School playground directly south of the Neoga Jennings Park during the celebration on June 14th – 16th. According to Andrews, the committee would like to close 6th Street from Park Avenue to the bridge during the hours of 5 p.m. till close on Thursday and Friday, and all day Saturday. After a lengthy discussion, Commissioner Kepp made a motion to close 6th Street from Park Avenue to the bridge during Neoga Days. The motion was seconded by Commissioner Hartke. Ayes, Commissioner Kepp, Hartke, Groves, Lindley, and Mayor Modglin. Nays, none. Motion carried. 5-0.

COLES COUNTY REGIONAL PLANNING IKE GRANT

Kelly Lockhart from Coles County Regional Planning, discussed with the council an opportunity to receive a grant from DCEO. According to Lockhart, because hurricane IKE caused flooding in 2008, DCEO will be granting another round of funding for comprehensive plans. Lockhart said that this is a 100% grant, so there is no cost to the city, but the grant is due by March 30th. This grant will be in cooperation with the County and other communities within the county. After a brief discussion, Commissioner Groves made a motion to accept a resolution of support, as well as intergovernmental agreements with Coles County Regional Planning and Cumberland County. The motion was seconded by Commissioner Kepp. Ayes, Commissioner Groves, Lindley, Kepp, Hartke, and Mayor Modglin. Nays, none. Motion carried. 5-0.

REGULAR CITY COUNCIL MINUTES
PAGE -2-
FEBRUARY 27, 2012

CHICKENS WITHIN CORPORATE LIMITS

Winston Andrews gave the Council information he gathered from other communities regarding their policy on allowing chickens in their communities. Andrews said that most of the communities that allow chickens are larger areas like Chicago. Andrews told the Council that he would volunteer to inspect all chicken coops if the city allowed chickens. Commissioner Groves said that he spoke with a few realtors in the area, as well as taxpayers, and they all agreed that it would decline the property value if chickens were allowed. Groves also said that chickens carry many diseases if the area is not kept clean, and that is a concern to him. Mayor Modglin agreed with Commissioner Groves. It was the consensus of the council to keep the current ordinance as is, but they thanked Mr. Andrews for all the work he did regarding the issue.

NEOGA MEMORIAL CEMETERY

Mayor Modglin informed the Council that City Clerk Evans received a phone call from the States Attorney office regarding the possibility that the City had misused tax dollars for the pamphlets that were mailed out last February for the Neoga Memorial Cemetery. Modglin said that Evans and he met with the States Attorney and members of the Neoga Township (Richard Russell, Doris McKay, and Jane Moran. Road Commissioner Lloyd Lacy was also present). According to Mayor Modglin, States Attorney Barry Schaefer informed them that the pamphlet did have one sentence in it that caused the possible misuse of funds; however, the Attorney General's office did not see where the City intended to misuse the funds. Modglin said that Schaefer did say that if the city, continued to pursue the issue of funding for the cemetery, the Attorney General's office COULD do a full investigation on the misuse of funds. Mayor Modglin said that he and Evans first believed that the allegations were directed to them personally. At the meeting however, Schaefer said the allegations were against the City as a whole, and if charges were filed and the city was found guilty of the misuse of funds there could be a maximum of 6 months in jail and a \$1000 fine imposed. Mayor Modglin asked the Council members if they wanted to proceed with the proposed 5 petitions for the annual township meeting that is scheduled for April 10, 2012 or if they would prefer to drop the cemetery issue for now. The petitions that were presented were: asking for funding assistance for the Neoga Memorial Cemetery, creating a special board to oversee all cemeteries within the Neoga Township, an intergovernmental agreement between the City of Neoga and the Neoga Township, having the general assistance controlled by the Neoga Township instead of another township, and asking for 50% of the transferred funds to come back to the City of Neoga. Commissioner Kepp said that he felt these allegations were just a way to try and stop the city from doing what was right for our citizens, and he felt the city should press on. Commissioner Lindley said he agreed and felt that no one on the council intended to misuse funds, and it was just an oversight on one sentence on a pamphlet that was created by volunteers. Commissioner Groves agreed and said that he felt the city should proceed. City Clerk Evans told the Council that she spoke with Schaefer about what would happen if someone from the community proceeded with

REGULAR CITY COUNCIL MINUTES
PAGE -3-
FEBRUARY 27, 2012

this issue and won. According to Evans, Schaefer said that the city could still be held responsible because of the pamphlets. It was the consensus of the Council to tell the general public about the allegations, including those people that served on the cemetery committee, and let them know that the city has to distance ourselves because of the pamphlets. Evans did tell the Council that she spoke with Taylor Law Office. They advised that the city could sign petitions but should distance itself as well.

FINANCE, COMMISSIONER GROVES

BILLS

After reviewing the bill list, Commissioner Groves made a motion to pay the bills as presented in the amount of \$46,476.58. The motion was seconded by Commissioner Kepp. Ayes, Commissioners Groves, Lindley, Kepp, Hartke, and Mayor Modglin. Nays, none. Motion carried. 5-0.

NCIS UPDATE

Commissioner Groves updated the Council on the activities that the NCIS is working on. Groves said that they are striving to beautify the downtown area with items like flowers in the flower pots, banners, and Christmas lights. Groves also handed out a picture of a proposed parking lot for the area located at 6th Street and Rt. #45 and said that the committee is concentrating on this area. The Council liked the proposed parking lot and told Commissioner Groves to contact Engineer Overmyer for possible grants.

PUBLIC PROPERTY, COMMISSIONER KEPP

WATER TOWER UPDATE

Tom Overmyer with Phoenix Engineering updated the Council on the status of repainting the tower. Overmyer presented the contract and a time line of when the painting will begin. After a brief discussion, Commissioner Hartke made a motion to have Mayor Modglin sign the contract with Central Tank Coatings, Inc. The motion was seconded by Commissioner Kepp. Ayes, Commissioner Hartke, Groves, Lindley, Kepp, and Mayor Modglin. Nays, none. Motion carried. 5-0.

Mr. Overmyer also informed the Council that a temporary water storage tank would need to be used during the painting process, and he presented two options from Tomcat Consultants. Option 1 was a 12,000 gallon storage capacity in two or more portable tanks at a cost of \$9,750 and an additional \$212 per day after 30 days. Option 2 was a

10,050 gallon storage capacity with pumping station and an additional \$225 per day charge after 30 days. After a lengthy discussion about the two options, Commissioner Kepp made a motion to proceed with option 2 at a cost of \$9,600 for the first 30 days and an additional \$225 per day after that. Commissioner Hartke seconded the motion. Ayes,

Commissioner Kepp, Hartke, Groves, Lindley, and Mayor Modglin. Nays, none. Motion carried. 5-0.

IKE GRANT UPDATE

Mr. Overmyer updated the council on the IKE Drainage grant. Overmyer stated that the environmental work is being done and will take approximately 8-10 weeks. He is anticipating a fall bid letting date and a late spring 2013 start date.

REGULAR CITY COUNCIL MINUTES

PAGE -4-

FEBRUARY 27, 2012

CDAP DESIGN GRANT

Mr. Overmyer informed the Council that a CDAP grant was available for several projects that would benefit the city like bike routes or beautifying a designated area. The Council asked that he work with Commissioner Groves for NCIS projects.

L.O.C.I.S. PAY REQUEST

The Council reviewed a pay request from L.O.C.I.S. which is used for all accounting and utility billing for the City. With little discussion, Commissioner Kepp made a motion to approve the payment of \$2,784. The motion was seconded by Commissioner Hartke. Ayes, Commissioner Kepp, Hartke, Groves, Lindley, and Mayor Modglin. Nays, none. Motion carried. 5-0.

FARM GROUND CASH RENT

City Clerk Evans gave the results of the bid opening for the cash rent on the city's farm ground. Results were as follows:

- Lloyd Dasenbrock \$286.50 per acre
- Derek Walk \$225.00 per acre
- M & W Legacy \$237.50 per acre
- Scott Partlow \$292.00 per acre
- Mike Goldstein \$165.55 per acre
- Marty Hartke \$281.00 per acre

With little discussion, Commissioner Kepp made a motion to award the bid to Scott and Leslie Partlow for \$292 per acre for three (3) years. The motion was seconded by Commissioner Groves. Ayes, Commissioner Kepp, Hartke, Groves, Lindley, and Mayor Modglin. Nays, none. Motion carried. 5-0.

STREETS AND ALLEYS, COMMISSIONER HARTKE

2012 MFT

Superintendent Tom Helm informed the Council that he is reviewing the additional road work that they would like to see. Helm said he met with TGM regarding asphaltting the section on Locust Avenue between their property along with 4th Street between Oak Avenue and Locust Avenue. Helm said that he is looking at widening the Locust and 4th Street intersection so that the heavy traffic doesn't destroy the road as bad as in the past.

Helm said that the rough estimate to asphalt all of 4th Street would be approximately \$32,000. It was the consensus of the Council to continue to oil and chip 4th Street and seal other streets in the city instead of asphaltting any streets.

REGULAR CITY COUNCIL MINUTES

PAGE -5-

FEBRUARY 27, 2012

HEALTH AND SAFETY, COMMISSIONER LINDLEY

EARLY WARNING SIRENS

Commissioner Lindley told the Council that the FCC has mandated that all radio frequencies be changed to a narrow band by 2013 and that our early warning sirens are currently not in compliance. After a brief discussion, Commissioner Lindley made a motion to replace the radios in all three early warning sirens at a cost of \$3,794. The motion was seconded by Commissioner Groves. Ayes, Commissioner Lindley, Kepp, Hartke, Groves, and Mayor Modglin. Nays, none. Motion carried. 5-0.

ADJOURNMENT

A motion was made by Commissioner Hartke to adjourn the meeting at 10:14 p.m. The motion was seconded by Commissioner Kepp. Ayes, Commissioner Kepp, Hartke, Groves, Lindley, and Mayor Modglin. Nays, none. Motion carried. 5-0.

Howard W. Modglin, Mayor

Brenda Evans, City Clerk

Date