



**REGULAR MEETING MINUTES
OF THE CITY COUNCIL OF THE CITY OF NEOGA HELD IN
CITY COUNCIL CHAMBERS MUNICIPAL BUILDING 533 CHESTNUT
SEPTEMBER 2, 2003, 7:00 P.M.**

CALL TO ORDER

The meeting was called to order at 7:00 p.m. by Mayor Gary A. Mercer and the Pledge of Allegiance was recited. Those present were: Commissioners Varner, Russell, Warner, Stewart and Mayor Mercer. Others present were City Clerk Patricia Ehrhart, City Treasurer Cheryl Eastin, Deputy Clerk Brenda Evans, Alan Baker, Stan Hagerstrom, Tom Overmeyer, Jeff Morrison, Marion Lindley, and Paul Schabbing.

PUBLIC HEARING

Mayor Mercer opened the public hearing at 7:00 p.m. Mayor Mercer turned the hearing over to Daily & Associates Engineer Larry Johnson to conduct (see attached minutes). The public hearing was closed at 7:20 p.m. on a motion by Commissioner Warner, seconded by Commissioner Russell. Yeas, Commissioner Warner, Russell, Stewart, Varner, and Mayor Mercer. Nays, none. Motion carried. 5-0.

RESOLUTION #05-09-03

**RESOLUTION OF SUPPORT AND
COMMITMENT OF LOCAL FUNDS**

A motion by Commissioner Warner to pass resolution #05-09-03. Seconded by Commissioner Russell. Ayes, Commissioner Stewart, Russell, Warner, Varner, and Mayor Mercer. Nays, none. Motion carried. 5-0.

CONTRACT WITH DAILY & ASSOCIATES

Commissioner Varner, seconded by Commission Stewart, made a motion to authorize Mayor Mercer to sign a contract with Daily & Associates to prepare a sewer construction grant application with a cost for their services to be \$3,000. Ayes, Commissioner Stewart, Varner, Warner, Russell and Mayor Mercer. Nays, none. Motion carried. 5-0.

MINUTES

Commissioner Russell made a motion to approve the regular and executive minutes for August 18, 2003. Seconded by Commissioner Varner. Ayes, Commissioner Varner, Warner, Russell, Stewart and Mayor Mercer. Nays, none. Motion carried. 5-0.

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PUBLIC AFFAIRS

LIQUOR ORDINANCE

After a brief discussion, Commissioner Varner, made a motion to pass the amended liquor ordinance with the added verbiage of a barrier between the bar and restaurant and the restaurant and gaming

room. Seconded by Commissioner Warner. Ayes, Commissioner Russell, Warner, Varner and Mayor Mercer. Nays , Commissioner Stewart. Motion carried. 4-1.

GIS COMMITTEE APPOINTEE

Commissioner Warner made a motion to appoint Building Inspector Gary Kastl to the county GIS committee. Seconded by Commissioner Russell. Ayes, Commissioner Stewart, Varner, Warner, Russell and Mayor Mercer. Nays, none. Motion carried. 5-0.

UPTOWN FOOD AND SPIRITS REQUEST

Uptown Food and Spirits sent a letter requesting the councils approval for a Motorcycle Show and Band. The consensus of the council was as long as it is a controlled gathering it would be no problem and Mayor Mercer will grant them permission after the City receive's proof of the City being named additional insured.

RESIGNATION OF CHRISTOPHER NICHOLS

Commissioner Warner made a motion to accept the resignation of employee Christopher Nichols. Seconded by Commissioner Varner. Ayes, Commissioner Warner, Varner, Stewart, Russell and Mayor Mercer. Nays, none. Motion carried. 5-0.

ONE ROOM SCHOOLHOUSE

Marion Lindley, spokesperson for NACA, informed the Council that at this time, the group has decided to withdraw all plans for the one room schoolhouse, due to the many hurdles that needed to be overcome. After the election of trustees, NACA's initial goals were to construct a fine arts center with the one room schoolhouse as a part of it. However, fund-raising was difficult and the Neoga School District backed out of the project, so the committee could not justify the expenses of insurance or moving the school again. NACA's members still felt that the school should be left at the high school and not moved down town. Ms. Lindley thanked the City Council for all their time and help with this matter.

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FINANCE

Commissioner Warner made the motion to pay \$5100.00 to Marxman Excavating for demolishing the house at 709 Grove Avenue. Seconded by Commissioner Varner. Ayes, Commissioner Warner, Varner, Russell, Stewart, and Mayor Mercer. Nays, none. Motion carried. 5-0.

PUBLIC PROPERTY

RESIGNATION OF ROBERT ALTHOFF

Commissioner Varner made a motion to accept the resignation of Robert Althoff tendered on August 20, 2003. Seconded by Commissioner Russell. Ayes. Commissioner Warner, Varner, Stewart, Russell, and Mayor Mercer. Nays, none. Motion carried. 5-0.

SUPERINTENDENT OF PUBLIC WORKS REPORT

Superintendent of Public Works Stan Hagerstrom reported on the following:

1. Jim Smyser started work on August 18, 2003 and is now on a two week rotation with Superintendent Hagerstrom overseeing him.
2. Jim Smyser is enrolled in the Water Treatment class at Lake Land College.
3. Superintendent Hagerstrom is currently going through the recent application's for an additional employee to replace Robert Althoff.
4. Labor Day weekend, the City of Neoga received over 4" of rain and two manholes did overflowed but two others that sometimes do, did not.
5. Over the Labor Day weekend, the house at 8th and Franklin had sewage back up.

Although a new line was installed by the previous property owner, they did not install a check valve as they were told they needed to do. The owners of the home said that the house was no longer on the flood plain and Hagerstrom wanted to know if the City needs to get involved to make sure that they know that they are in the flood plain. The Council felt that it is the owners responsibility to confirm their information.

6. The odor at the sewer plant during June is believed to be caused from the discharge that was sent from Reliant Energy. Hagerstrom has spoke with Reliant and told them that they need to contact us before they send discharge to us again.

7. Hagerstrom said that he had received phone calls from homeowners that would like their ditch filled in and he needs to know the City's responsibility.

Commissioner Warner said that he feels if homeowners place culverts in their ditches it would only benefit the City in the long run. Commissioner Warner said the homeowner should hire a surveyor or engineer and present the elevation to the City. After the approval, the City can clean the ditch, lay the pipe and backfill, the pipe must be reinforced concrete. The homeowner would be responsible for leveling off the dirt and sowing the grass seed. The City does

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replace the first twenty feet of driveway culvert, but if they want more than twenty feet it is the homeowners responsibility to pay the difference. It was the consensus of the council to approve this procedure.

STREET'S AND ALLEY'S

CURB AT ST. MARY'S CATHOLIC CHURCH

Paul Schabbing brought to the council a problem that the St. Mary's Catholic Church was having. The curb located next to the handicap parking on Walnut Avenue is difficult to get over with people using walkers and wheelchairs. The Church is asking to cut out the curb and replace it with concrete from the road to the sidewalk. This will benefit everyone that uses the handicap places and will not affect the road or guttering. Mr. Schabbing said that the concrete would be either a diamond or brush finish. Mayor Mercer felt that the area must also have the correct paint and reinforced with re-bar. After discussion, the Council felt that it was okay with them that the Church took out the curb and replaced it according to City specifications. Schabbing request for City participation in the cost was denied due to

SERVICE PROJECT

Jeff Morrison, spokesperson for the Methodist Church Men's Association, told the council the association would like to paint the curbs around town as a community project. The Council said that they would appreciate having that done and told him that they could do it at their convenience, and the City has some paint on hand that they can use.

PUBLIC HEALTH & SAFETY

DEMOLITION ORDINANCE

The demolition ordinance was pulled off the agenda until the Zoning Board of Appeals has a chance to review it and report back to council.

POLICE AGENCY AVAILABILITY FOR TESTING

Commissioner Stewart informed the Council that she had spoken to area City Commissioners about their police departments and some of them use an agency to do all their testing both written and physical, when hiring new officers. This agency stands behind their test in the event the municipality ever goes to litigation. This program will conduct polygraph testing, psychology testing, written exams, and power testing. These test are conducted at a fee. Commissioner Stewart provided the fee schedule to the council. Mayor Mercer, as Police Commissioner will review the information and come back to council with any recommendations.

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RECESS INTO EXECUTIVE SESSION

A motion from Commissioner Varner, seconded by Commissioner Russell, to go into executive

session for Sale or Lease of Real Estate - Section 2 (c) (6) - Limited to actual setting of price for sale or lease of public property and for Personnel - Section 2 (c) (1) - Employee hiring, firing, compensation, discipline and performance. Yeas, Commissioner Warner, Russell, Varner, Stewart, and Mayor Mercer. Nays, none. Motion carried. 5-0.

RECONVENED AND ROLL CALL

The meeting reconvened on a motion from Commissioner Varner, seconded by Commissioner Russell. Those present for roll call were: Commissioners Russell, Varner, Warner, Stewart, and Mayor Mercer.

SALE OF PROPERTY

The Council discussed the possible sale and/or lease of the property of lots 7, 8, 14, & 15 in the Bacon & Jennings subdivision. No motion was made.

ADJOURN

Commissioner Russell made the motion, seconded by Commissioner Varner, to adjourn the regular meeting at 10:10 p.m. Yeas, Commissioner Warner, Varner, Russell, Stewart, and Mayor Mercer. Nays, none. Motion carried. 5-0.

Gary A. Mercer, Mayor

Patricia D. Ehrhart, MMC, City Clerk