City of Mt. Sterling

General Council Meeting

Police Training Center - #5 Jefferson Road

November 21, 2016 at 6:30 p.m.

Mayor Flesner calls the general City of Mt. Sterling Council Meeting to order at 6:31 p.m. with roll call. ROLL CALL – Jim Jennings here, Schenk here, Myers here, Scranton here, Buss here, Lauren Jennings here.

Fire Chief Brian Gallaher, Public Works Director Dusty Buss, City Attorney Lonnie Dunn, City Treasurer Cheryl Flynn, and City Administrator Vada Yingling are present.

Mayor Dane Flesner- I would like to entertain a motion to approve October minutes.

Myers, would it be possible to get them in paragraphs? Instead of run on sentences like they are. Vada, how would she tell where the paragraphs go, just break it up you mean? Myers, yes. Vada, because when people speak they don’t. Myers, I mean if another speaker speaks it ought to be in a paragraph. Jim, they request can be made but you can do whatever you want to it is your position. Stacy, ok well I try to keep in sections of what we are talking about if I did that it would probably make the minute’s 45 pages.

Alderman Scranton makes a motion to approve the October minutes, seconded by Buss. Schenk yes, Myers yes, Scranton yes, Buss yes, Lauren Jennings yes, Jim Jennings yes.

Mayor Flesner- motion to pass the October minutes passes unanimously.

Mayor Flesner- I would to entertain a motion to approve the October expenses with the only addition of $1687.50 to Dunn Law Office.

Alderman Jim Jennings, if I could I want to quickly ask since I was the target of it. The expenses here to the Law Offices of Ancel, Glink, Diamond, Bush, Dicianni, Krafthefer what was the process for that? Obviously from the e-mails, Mick brought something up, does a single alderman have the authority to spend that kind of money? Or how does that work? Dane, and we have another bill because that one was only the end of the month. And the whole project went into the next month. So not only was it $3050.00 but there is an additional bill for $2205.00 so that would be a grand total of $5,255.00. Jim, ok so I guess my first question is, and it would be to you Lonnie since you had to administer it, was it just Mick’s request or others involved? Does a single alderman have the authority to do that? Lonnie, I would have to review your code, I don’t remember what the threshold is as far as the ability to incur an expense like that. As far as an individual alderman. But the process was, a question was asked on the conflict and I can’t remember if there were some emails, there were some emails going back and forth I think. But the primary issue was the conflict and whether or not there was a conflict. And due to the nature of the importance of it, I wanted to find out exactly what it was. I didn’t feel like I had the specialization to do it. So I went to the people that I knew would know. Jim, thank you. Dane, that is a lot of money. Myers, well I agree but I didn’t realize it was going to be that kind of a bill. You know anyone sitting on the sidelines would know that was such a convoluted vote that you know against legal advice and everything like that. I would of like to have saw some clarification. I didn’t realize, if I did I don’t recall now, that being farmed out to another firm. I know there was some discussion about that but I certainly didn’t realize there was going to be something in the neighborhood of that. But you know I am not the only one that, I very seldom ask Lonnie to do anything as far as checking into legalities or something. But, I think there a constant method in taking time to answer questions for other members, for the council, city clerk, and the lot so. Jim, just so, when you make a request next time maybe have a discussion at the table first, I felt a little blindsided with that coming at me, but that is just my opinion. Mayor Flesner, and I would say, obviously you didn’t know what that was going to go to, but we should probably have a discussion with somebody other than an alderman. No offense to Mick, but just in case that way we have someone else involved that is a lot of money for what we found out. Lonnie, sure.

Alderman Jim Jennings makes a motion to approve the October expenses with the only addition of $1687.50 to Dunn Law Office, seconded by Buss. Myers no, Scranton yes, Buss yes, Lauren Jennings yes, Jim Jennings yes, Schenk yes.

Mayor Flesner- motion to approve the October expenses with the addition of $1687.50 to Dunn Law Office passes with 5 yes, and 1 no.

Mayor Flesner- Guest/Citizens opportunity to address the council- Action Brown County update. Are they in the middle of filing this position that would come here monthly and give us an update? Buss, it used to be that a different board member would come and Donna. Dane, I just remember when reading the job description when that first come out that someone would be coming. Buss, to County and City. Dane, I just haven’t seen them for a while, it is none of my concern I was just curios. Buss, I think that they decided that unless it was something big going on that they wouldn’t waste somebodies time to just to sit here. Dane, perfect, just miss them. Buss, yes the winter festival is coming up I expected someone to be here for that. Dusty, yes that is next month before the council meeting. Dane, who is the chair of that now, in charge of Action Brown County now? Buss, Lance Grady. Dane, I will make a call to Lance tonight just to double check.

New Business- Christmas Bonus’. Mayor Flesner, I would like to unless the council objects, we normally do a $50/$25, I know it is not a huge thing but I believe that has been in place for a very long time and I would like to see $60/$30. If the council doesn’t agree we can keep it at $50/$25. I would like to raise that but that is up to you guys. That is my only thoughts on that, $60 for full time and $30.00 for part time.

Alderman Jim Jennings makes a motion to give employees Christmas bonuses of $60.00 for full time and $30.00 for part time, seconded by Scranton. Scranton yes, Buss abstain, Lauren Jennings yes, Jim Jennings yes, Schenk abstain, Myers yes.

Mayor Flesner, motion to allow Christmas Bonuses for $60.00 for full time and $30.00 to part time passes with 4 yes and 2 abstentions.

Mayor Flesner, ok we had our open hearing and we only had one guest and he was satisfied with everything that he heard and didn’t have many questions about it. That being said, there is no hot raises right Stacy? Stacy, no. Dane, no tax raises or anything like that so that is what that ordinance is so I would like to entertain a motion that we pass the 11-01-2016 tax levy for May 1, 2016- April 30, 2017.

Alderman Schenk makes a motion to pass ordinance #11-01-2016 tax levy, seconded by Buss. Buss yes, Lauren Jennings yes, Jim Jennings yes, Schenk yes, Myers yes, Scranton yes.

Mayor Flesner motion to pass ordinance 11-01-2016 for the tax levy, May 1, 2016-April 30, 2017 passes unanimously.

Mayor Flesner- Squad car striping, I would like to welcome Derek Himan to the meeting tonight he is setting in for Brandon. Derek, Griffin Signs from Camp Point are the ones the striped the new charger. For the other two squads they quoted $1885.00, it is $1400.00 for the small sedan and $485.00 for the SUV. The reason being the squad car is white so it takes a lot more stuff to put on it. I know that Chief Norris did say in the future he plans to buy black squad cars to greatly offset that cost. It will be the same design for all three squad cars. Dane, and the basic request come because we want to have uniform cars that all look the same not to be confused with the County. Buss, this was brought to the police committee and it was recommended unanimously that we approve this.

Alderman Buss makes the motion to accept the bid from Griffin Signs to restripe the 2 remaining squads for $1885.00, seconded by Schenk. Lauren Jennings yes, Jim Jennings yes, Schenk yes, Myers yes, Scranton yes, Buss yes.

Mayor Flesner, Motion to have Griffin Signs stripe the remaining cars to match the new one passes unanimously.

Treasurer’s Report

Public Works Report- Dusty, I really don’t have anything to add. Myers, I just want to say one thing, there were a couple of water leaks Dusty and his crew were promptly onto them and took care of them way late into the dark. And also I have had a lot of positive comments about the flags that we displayed for Veteran’s Day. Dane, I just wanted to say real quick, I have been having conversations with Dusty and it has probably been about a three month one because we have a lot more important stuff going on every once in a while. Something I would like to see, I know we are focusing more on the uptown project. But, I would like to see new Street signs and poles. When you go down our Streets you know with the names of our Streets, Dusty and I have discussed the different color of poles that are available and the signs. That is something I would like to see sooner than later. If we have any interest, I don’t think it would be a huge cost, Dusty is getting together a quote, but from our discussion it isn’t anything that will blindside us. I think it would be neat to drive down and see uniform things with our streets and Dusty agreed wholeheartedly and was all in. Dusty, to further add to that too we got a grant going on 5 years ago now to replace all the Street signs throughout the State, we just got all those signs last month. So, we are going to start replacing every traffic sign in town. So, if we have all brand new traffic signs then we will have all the old Street signs all over, it will make them look even worse than what they do now. Dane, that is why I was thinking if it was ok with Dusty’s work load and stuff I would like to do it all in one fail swoop. Dusty, I will have some numbers for the next meeting. Dane, does anybody have any preference, Dusty really liked the white and green. Dusty, white and green with the prismatic reflectors just like it will be on our signs. Dane, we also discussed the poles, my idea was a black or a darker color of some sort for the actual poles. But that can be like a charcoal or something cool like that, but price wise we want to make sure we are not going overboard. Dusty, and we will be putting them beside all new silver poles too, we need to think about that too we probably don’t want too different colored poles right beside each other. Brian, there is already one that is green and white right next to our house, years ago somebody replaced that and it looks really nice. Dusty, they are nice they will look good. There at Dorothy’s Market we have a green and white signs there too in the alley that is what they will look like. Dane, ok if we are going to do it, I would like to see poles and everything new, unless it is crazy expensive. I will leave that alone, Dusty and I can have conversation and we can relay them to you and if Dusty wants to call a Street and Alley to discuss final colors that is up to him. I just wanted to see what everybody thought of it.

Dusty, I was going to bring this up under Street/Alley but I will bring this up now. I know we discussed last year after Christmas about possibly purchases some new Christmas decorations for uptown. It is not on the agenda, but I think that, we got our other ones out today and look just as bad as they were last year. We really need to upgrade, Kenny has been here for 29 years and they were here prior to him being here. They are outdated to say the least. Basically what we are looking at is there are 16 ornaments that we hang uptown. These 5 foot snowflakes are LED, they are really nice, for 16 of them we would be looking at $10,480.00. I think we would be money ahead to go ahead buy them this year verses fixing the old ones again and getting by another year just to scrape them next year. Basically what I am looking for is if anyone has a problem with it. If no one has a problem with it, I will go ahead and get them ordered and they will be on the expense sheet next month. But I just wanted to throw that out there. Myers, I don’t think we can take any action on it can we? It is not on the agenda. Jim, he isn’t asking for it he is just informing us. Dusty, I know there have been other issues that they have called everyone on and made a decision. So that is what I am saying, if someone has a problem with it I would like to speak with them, if not if everybody is ok with it I would like to get them ordered and put them up before the Christmas. Jim, do we have to, there is a limit that we cannot exceed without a vote? Myers, $20,000.00. Jim, there you that satisfies my concern. Schenk, we discussed that last year also, I thought we were going to go ahead and replace them then. Dusty, nope.

Committee Reports

Ad Hoc

Airport-Schenk, yes we had an Airport meeting on the approval for bids for the farm ground. We received 3 bids and if you would Dane please read them off. Dane, yes 3 bids, the first one was from Nelson Brenneman for $110.00 an acre. The second one was from Kacey Stinebaker for $130.00 per acre. And our final one was from Louis Hammer for $276.00 per acre. Schenk, the committee recommended to go ahead with the highest bid, the $276.00 to Louis Hammer, so I am brining that to the council so I would like to go ahead and accept his bid.

Alderman Schenk makes a motion to accept the bid from Louis Hammer at $276.00 per acre for the farm ground at the airport, seconded by Myers. Jim Jennings yes, Schenk yes, Myers yes, Scranton yes, Buss yes, Lauren Jennings yes.

Jim Jennings, I do want to say, my days of Mayor we switched who was farming that to Louis Hammer and he is a very consciences farmer, he does a really good job. Dane, he does an excellent job and a good guy too.

Mayor, motion to approve the bid from Louis Hammer for $276.00 per acre for the farm ground passes unanimously.

Mayor, anything else on the Airport Allen. Allen, we discussed taking soil samples and that was basically it.

Cemetery

City Planning

Finance/Budget-Vada, I got a call from Jerry Palmer and our renewal is up, it looks like we have been paying $10,227.30 per month for health. It will raise to $11,291.69 per month that is 9.4% which is a really good rate everybody else is getting 40, 50 or more percent than that. He also suggests that right now our renewal is February 1st and we can just sign a few papers that he can get to us and then it would be a January 1st renewal. And then it would be consistent with the deductible time frame. Dusty, yes we need to do that. Vada, so do we need to have a motion to do that or do we just do that? Lonnie, you will need a motion. Vada, so would someone like to make a motion to change our health insurance renewal date from February 1 to January 1, 2017.

Alderman Buss makes a motion to change our health insurance policy renewal date from February 1st to January 1, 2017, seconded by Lauren Jennings. Schenk yes, Myers yes, Scranton yes, Buss yes, Lauren Jennings yes, Jim Jennings yes.

Mayor, motion to change the renewal date on health insurance from February 1 to January 1, 2017 passes unanimously.

Vada, then the only thing he did mention, and he is out of town or he would have been here himself, it that right now our rates are based on age and there is something called a composite rate which spreads it out so the older ones don’t get penalized for their age, he feels like is it some sort of discrimination for health insurance rates. So, he suggests we do that and I will try to get him here in December to get a little more information on that. But I just know that it would be a little bit cheaper, I think he said something like mine would go from $1700 a month to $300 less to maybe $1400.00 a month. So, in some cases it will be cheaper and in some cases it might be a little bit more depending on your age brackets, so there would be savings. And I think we can get him here next month. Dane, anything else Vada? Vada, no.

Fire-Brian, last month I reported that we did our physical ability testing for the new candidates for the Fire department. We actually have 3 openings, Adam Llewellyn resigned a few months back when he moved out of town. Mike Kerker recently moved out of town, and Lewis Ransom after 35 years is going to retire primarily due to health concerns. So we had our department review the results of the physical ability test we have a recommendation for 3 new members that I would like to get approval for tonight. Those 3 members are Jake Kunkel, Courtney Rayborn and Austin Rayborn. So, we are not adding any more firemen just replacing the 3 that will no longer be with us. Jim, that is your recommendation? Brian, yes, and they would be on a one year probation so they would not receive a paycheck for that time frame. Myers, how many applicants did they have? Brian, we had 9 I believe applicants but 6 showed up for the physical ability test, so 3 were counted off right off the bat. And of the other 3 that did test, one we would have liked to have added but we didn’t have an opening so the next opening we have, we keep those on file for a year. The other 2 didn’t show up for an oral interview.

Alderman Jim Jennings makes a motion to fire the 3 applicants per Brian’s recommendation Jake Kunkel, Courtney Rayborn, and Austin Rayborn, seconded by Scranton. Myers yes, Scranton yes, Buss yes, Lauren Jennings yes, Jim Jennings yes, Schenk abstain.

Mayor Flesner, the motion to hire Jake Kunkel, Courtney Rayborn and Austin Rayborn to the Mt. Sterling Fire Department passes with 5 yes and 1 abstention.

Myers, while we are onto this briefly. How many firemen do you have Brian? Brian, 22. Myers, how long as that been the fact? Brian, probably 20 years. Myers, do you think you have enough help? Brian, there are times I would like to have a couple more but it is hit and miss it depends so I may visit that some time over the winter. Myers, does the bulk of your guys show up? Brian, yes they do, you know obviously at different times but we have one out now on medical leave and depending on what happens to him we may have to replace him as well. Myers, I just want to make sure it is sufficient. Brian, for the most part.

Lake/Lake Development

Personnel

Plan Commission

Myers, speaking of lake.. is a committee going to be start advertising for a care taker? Or are they going to wait until the season starts? Dusty, we talked about maybe January or February putting it out to see what we come up with. Cheryl, when are they closing the lake? It will be the 5th of December.

Police- Derek Himan, Chief Norris will get the traffic stops and statistics to Vada tomorrow I believe he said. Other than that we have a couple of investigations going on and things are going pretty well. We have a new person filling in for us in Jordon’s position, Officer Rauch. He has been very dedicated picking up every shift so far. Jim Jennings, where is he from? Derek, he is from Astoria. City ordinances are being worked on, and I am back on Mr. VanOrder to get his property back up. So we are working on that stuff.

Street/Alley- Jim, for the sidewalk program are we still on for spring or are we supposed to get our prioritized ready? Dusty, we are going to do it this winter yes. Jim, so you have got that ball? Dusty, yes.

TIF- Mayor Flesner, the first ordinance is just approving the letter of engagement for engaging an independent registered municipal advisor which will be the Economic Development Group. So I would like to entertain a motion.

Alderman Buss makes a motion to approve ordinance #11-02-2016 letter of engagement for an independent registered municipal advisor, seconded by Scranton. Scranton yes, Buss yes, Lauren Jennings yes, Jim Jennings yes, Schenk yes, Myers yes.

Mayor Flesner, Ordinance # 11-02-2016 approving a letter of engagement engaging in an independent registered municipal advisor with that being the Economic Development Group passes unanimously.

Mayor, Steve did you want to speak on any of these? Steve, I am really here just to answer any questions you may have. Everyone got a copy of the draft for the second amendment I think for TIF 1. I might have just a couple of quick comments about that. Everyone understands what the purpose of municipal advisor is? I addressed it a little bit the last time I was here. I has to do with the banking laws that have changed and the more you get into the details of discussing potential instances of debt obligations for varies projects and you want us to run numbers you are helping meet the compliant with the federal guidelines now to be able to give you that information. And then it also by being independent, you can post this letter, we gave you a sample of that, and will put the ordinance on your website so that if you approached by an underwriter at any time to consider issuing a debt or maybe even refinancing bond that you might have at some point, they can claim what is called an independent registered municipal advisor exemption. And earn an exemption which allows them to be able to talk to you in more detail about the numbers if they would be able to sell bonds for you or whatever to refinance your debt. The idea being is that you would involve us at least in the discussion to allow us to review it for you on your behalf. And so the idea was that the federal government made changes after the last depression that municipalities needed to have some additional oversight or assistance in reviewing proposals that you might get from underwriters in particularly because they want to sell bonds they are not here as a fiduciary to the City. Even though you hire underwriters when you go to market for a bond like that they are really working for themselves. And so a municipal advisor then would help you evaluate competitive proposals from different underwriters or be able to evaluate different financing alternatives. And we don’t charge anything additional if you designate us like you just did as an independent municipal advisor. But if you get to the point where you are going to issue a bond and you need to rely on our opinion or we need to get a legal opinion for you then there would be a fee at that time. But that would be under a separate engagement letter. Right now this is just to let me continue doing basically what I been doing. Mayor, then do you want to speak a little or any on the interested parties’ registry? Steve, that is simply a registry that Stacy has on file at the City and we will put the notice in the newspaper a brief notice that it is available and it is for people you may have an interest in property, in this case in TIF 1, but perhaps don’t live in Mt. Sterling or they may not be the tax payer of record and they wouldn’t otherwise receive notices of the public meetings and hearings. So, if someone wants to be on this registry or an organization that has an interest perhaps and has some property in that area they can ask to be on the registry and then they will be added to the mailing list. That is all that that is making sure we give everyone an opportunity. Mayor, so with that being said I would entertain a motion to pass 11-03-2016.

Alderman Buss makes a motion to pass ordinance #11-03-2016 interested parties registry, seconded by Jim Jennings. Buss yes, Lauren Jennings yes, Jim Jennings yes, Schenk yes, Myers yes, Scranton yes.

Mayor Flesner, and the last one #11-04-2016 establishing a date for a public hearing for the 2nd amendment to the Mt. Sterling tax increment financing district 1. Steve, you have been through this drill before. Some of you will recall when we set up TIF 2. It is the same process we need to schedule a public hearing with regard to this amendment that is being proposed for TIF 1. This is for any comments people may have with what you are proposing to do with regards to amending TIF district 1’s plan. So we are just setting a date for the hearing what I passed out to you is the time line we are on right now for completing this amendment. So the hearing won’t be until January the 9th but we have to give 45 days’ notice. So, I assume it would be here and we set it for 5:30 on the 9th. And typically when we set the date for the hearing then we provide to you a copy of the amendment. If you really just want to cut to the chase on this turn to page 12 or 13 right in the middle there is a screen of our chart. And, exhibit 1 is what the title is, basically all we are doing is we are looking at the original plan that you passed in 1992 for TIF 1. And we are saying since you approved your extension of an additional 12 years on this plan then we need to increase the amount of cost that you are allowed to spend if you generate the TIF money we want you to be able to spend it for projects. Particularly in TIF 1 but also in TIF 2, you are already borrowing some money right now for the TIF 1 fund from TIF 2 activities. So we would like to finish this, we will have it done in January but we need to do this amendment before the end of the fiscal year. So that you can ratify the changes to this plan and make those transfers from TIF 1 and TIF 2 and back and forth compliant with the TIF act. We took all the line items that could be pulled from the original plan and the act allows you to increase those by the consumer price index. An annual CPI increase for the year that the TIF was established, so we can go back to 1992 and add inflation for all those years at a onetime 5%. And that is what we did in the top part of this table we have taken you original costs and we have adjusted them with the CPI plus the onetime 5%. Then we have added some additional public project costs which are typical to a TIF plan again would forage you some additional spending ability. We have included all of the anticipated total reimbursements Junction Development and Subway, because when you approve this amendment you will ratify all of those. Those were not specifically listed in the TIF 1 plan originally all the goals and objectives are consistent with what you did with the funds when you entered into those agreements. We like to see that you have more specifically with regards to types of private projects that you are trying to incentivize in the plan also. So we have added those two as well as then some new ones, the Dollar General, Sara Hoot’s project, and them some additional light commercial and industrial type projects. You have a little bit of space left in TIF 1 and there could be some remodels or renovations that might occur even in the next 12 years in some of the buildings that are already developed in TIF 1. So, your overall costs are increasing from $733,00 to 5.2 million which seems like a lot but when you consider that TIF 1 is generating what it is every year and you have another 12 years to go we just want you to have the flexibility to be able to do those things. So this last ordinance is merely to set a public hearing which is on the list of things we have to do in order to get this done. Any questions or concerns? Myers, the only thing I want to ask Steve, I saw on the preamble here a couple of months ago that you had us down for home rule and I don’t believe we are. Steve, you not didn’t we change that on something? I thought we corrected that. Myers, well I saw it on a document here and I meant to mention it some time. Steve, it may have been a holdover from something else we did for another town but if it doesn’t apply it doesn’t apply you’re not home rule. I appreciate you pointing that out for us I will watch for it.

Alderman Buss makes a motion to approve ordinance #11-04-2016 establishing a date for the public hearing for the second amendment in TIF 1, seconded by Lauren Jennings. Lauren Jennings yes, Jim Jennings yes, Schenk yes, Myers yes, Scranton yes, Buss yes.

Mayor Flesner, motion for ordinance #11-04-2016 passes unanimously.

Water/Sewer

Zoning

Zoning Board of Appeals

Other Business

Executive Session

Motion to Adjourn

Alderman Myers makes a motion to adjourn at 7:15 P.M., seconded by Buss. Jim Jennings yes, Schenk yes, Myers yes, Scranton yes, Buss yes, Lauren Jennings yes.

Respectfully submitted,

Stacy Dunlap, City Clerk / Collector