

MINUTES OF THE NOVEMBER 10, 2009 REGULAR MEETING OF THE MOUNT CARROLL CITY COUNCIL

Mr. Lou Schau rang the bell to announce the start of the meeting. RINGING OF BELL
Mayor Carl Bates called the meeting to order at 7:30 p.m. CALL TO ORDER
Roll call: Mayor Carl Bates, present, Aldermen John Boelkens, present, ROLL CALL
Nina Cooper, present, Diane Lego, present, Doug Bergren, present, Bill Sparboe, present, and Doris Bork, present.
Alderman Cooper led the Pledge of Allegiance.
Mr. Peter Eiteuner gave the invocation.

Alderman Sparboe moved and Alderman Boelkens seconded to approve the MINUTES minutes of the October 27, 2009 regular meeting as presented. Roll call vote: Aldermen Boelkens, yes, Cooper, yes, Lego, yes, Bergren, yes, Sparboe, yes, and Bork, yes. Vote: 6 yeses and 0 noes. The motion was carried.

Alderman Boelkens moved and Alderman Bork seconded to authorize the ACCOUNTS PAYABLE payment of the accounts payable to date for the month of November 2009 as approved by the finance committee. Roll call vote: Aldermen Cooper, yes, Lego, yes, Bergren, yes, Sparboe, yes, Bork, yes, and Boelkens, yes. Vote: 6 yeses and 0 noes. The motion was carried.

Mayor Bates reported that the bank account balances as of today totaled FINANCIAL REPORT \$680,486.23. Alderman Bergren moved and Alderman Bork seconded to approve the financial report as presented. Roll call vote: Aldermen Lego, yes, Bergren, yes, Sparboe, yes, Bork, yes, Boelkens, yes, and Cooper, yes. Vote: 6 yeses and 0 noes. The motion was carried.

COMMITTEES
Alderman Sparboe reported of the November 10th finance committee meeting: FINANCE

1. The bills were reviewed and approved.
2. Mayor Bates reported that the welding and painting work on the DIGESTER COVER digester cover at the sewer plant had been completed. Will be scheduling the crane to place the cover when the ground surface around the area is stable enough.
3. Alderman Sparboe presented the finance committee recommendation INTERFUND LOAN to forgive the \$7,000.00 loan from the general fund to the recreation fund that was transfer this year. Roll call vote: Aldermen Bergren, yes, Sparboe, yes, Bork, yes, Boelkens, yes, Cooper, yes, and Lego, yes. Vote: 6 yeses and 0 noes. The motion was carried.
Alderman Sparboe presented the finance committee recommendation LOAN PAYMENT to authorize the payment of \$2,500 from the recreation fund to the water fund as a payment towards the outstanding loan. Roll call vote: Aldermen Sparboe, yes, Bork, yes, Boelkens, yes, Cooper, yes, Lego, yes, and Bergren, yes. Vote: 6 yeses and 0 noes. The motion was carried.
4. The finance committee reviewed the report from EPA Loan Administrator Sharon Pepin regarding the repayment of the loan and the accrued payment due of \$100,050 due with the first payment in February of next year. Mayor Bates noted that over \$20,000 could be saved if council decides to pay the accrued interest amount at this time. The consensus was to make this payment with the completion of the project monies to be received and the flow of the grant monies that should be received for the well casing project.
5. Clerk Cuckler reported that the girls softball team recognition signs were being ordered and the IDOT permits were pending approval.
6. Mayor Bates reported that the new signs were installed at the city cemetery.
7. The committee discussed the Illinois Municipal League Risk Management Assoc. annual

- premium amount: \$47,140.83. Approved in the bills for this meeting.
8. Clerk Cuckler provided a tax levy worksheet. To work on this and set the totals at the next Meeting.
 9. Alderman Bergren reported of the November 17th open house at the Mount Carroll Public Library of the new legal aid computer that will be offered to the public for use. The computer and program has been sponsored by the Carroll County Bar Association.

Mr. John Swiech of the People for Progress committee provided a color drawing SIGNS of the proposed directional signs to be placed throughout town. Alderman Bergren moved and Alderman Sparboe seconded to approve the choice of the crown top model of the signs to develop a cost estimate. Roll call vote: Aldermen Bork, yes, Boelkens, yes, Cooper, no, Lego, yes, Bergren, yes, and Sparboe, yes. Vote: 5 yeses and 1 no. The motion was carried. Mr. Swiech thanked the council for their input and he would be providing a cost estimate for the signs and installation.

Mr. Lou Schau of the CDC reported that the board has approved hiring Loescher CDC as the general contractor from the bidding for the Kraft building project. The volunteers would be working on the prep of the building for the electrical contractor and he would be reporting on the windows and light fixture proposals very soon. The David Alan Badger book signing has been scheduled for November 14th at the library. The fall clean up work on the Stone House has been ongoing.

Mr. Nick Wager, MSA, was in attendance and provided an update of the WATER PROJECT water project. He reported that the water main connecting the old elevated storage tank to the distribution system had been capped and abandoned. Well #2 was now online and Superintendent Handel was comfortable with Loberg systematically taking wells #3 and 4 offline to perform the remaining punch list items. The items for council review were: 1. Change order #17; 2. Certificate of substantial completion; and 3. Payment Application #22.

Alderman Bork reported that she had been contacted by several residents in the south east side of town that still had very low water pressure. Mr. Wagner reported that he would talk with Superintendent Handel about this matter as the problems with the booster systems in the area were supposed to have been fixed and operating as in the past.

Alderman Boelkens moved and Alderman Cooper seconded to approve CHANGE ORDER #17 Change Order #17 for contract #1 of the water project in the amount of \$3,027.64. Roll call vote: Aldermen Boelkens, yes, Cooper, yes, Lego, yes, Bergren, yes, Sparboe, yes, and Bork, yes. Vote: 6 yeses and 0 noes. The motion was carried.

Alderman Sparboe moved and Alderman Boelkens seconded to CERTIFICATE OF SUBSTANTIAL authorize the mayor to sign the Certificate of Substantial Completion COMPLETION for Contract #1 of the water works improvements project. Roll call vote: Aldermen Cooper, yes, Lego, yes, Bergren, yes, Sparboe, yes, Bork, yes, and Boelkens, yes. Vote: 6 yeses and 0 noes. The motion was carried.

Nick Wagner reported that there was a 1-year warranty on the project from this month. In about eleven months another walk through with the city staff and officials along with Loberg would be called to make sure none of the warranty issues get forgotten.

Alderman Boelkens moved and Alderman Bergren seconded to approve PAYMENT APPLICATION payment application #22 to Loberg Excavating in the amount of \$7,771.24. Roll call vote: Aldermen Lego, yes, Bergren, yes, Sparboe, yes, Bork, yes, Boelkens, yes, and Cooper, yes. Vote: 6 yeses and 0 noes. The motion was carried.

Mayor Bates reported that Sharon Pepin, IEPA Loan Administrator, had EPA LOAN UPDATE provided a report of the IEPA Loan Repayment Plan to start on January 31, 2010. The City has two options relative to the payment of the accrued construction interest. 1) The City could pay the accrued interest by making a one-time payment in the amount of \$100,050. This would be in addition to the \$122,003.04, the first semi-annual payment, making the City's first payment to EPA at \$222,053.04, which was due January 31, 2010. Subsequent semi-annual payments would be \$122,003.04. 2) The City could finance the \$100,050 interest payment in with the 20-year loan. If the City financed the interest, the semi-annual payments would increase to \$125,196.77. Overall, the City would pay an additional \$127,232 in principal and interest payments over the life of the loan. The consensus of the council members present was to let Ms. Pepin know that the city would like to use every resource to pay the accrued interest at the January 2010 payment date.

Mayor Bates stated that the next item on the agenda was the Law's FILL ISSUE Subdivision Dirt and Concrete Fill Issue. He stated there have been discussions behind the scenes regarding this matter. He has been in contact with the city attorney, Mr. & Mrs. Bob Law, Reid Law and Mr. Hoyt Holmes. (Mr. & Mrs. Holmes are residents in the subdivision to the east of the vacant lot that the Law's own and have placed the concrete and dirt fill) Mayor Bates stated that he asked the city attorney to inquire about this matter and advise if there was a city ordinance that would address this. He stated he was told that the city did not have an ordinance specific to this matter, and he felt this was more of a civil matter than a city issue. This is on the agenda because it would have to be a council decision if we are to do anything more. He said in his meeting with Mr. & Mrs. Law and Reid Law he was told that about 5 truck loads of the fill came from the IDOT Route 78 road project. (Law's Excavating is a subcontractor on this project). If the council makes a decision to pursue this more with IDOT then they might address the matter or they might not. Mr. Hoyt Holmes was in attendance and asked if this was an official dump site for the construction project. Mayor Bates stated that he did not understand that it was and noted that the council was looking at drafting a fill ordinance that would provide some guidance to address an issue like this in the future. Mr. & Mrs. Holmes stated that they were aware of rebar in the concrete that was dumped here and they knew there were more than 5 truck loads dumped here also. They noted then that nothing would be done by the city. Mayor Bates stated it would have to be a council decision if we do anything more by contacting IDOT. Mayor Bates stated that there had been some things said that got back to him that he wanted this out to be discussed publicly so everyone knows what is said and what would be done. Alderman Bergren asked about any drainage issues. Mrs. Holmes stated that there was a pooling of water after one of the heavy rains this summer. Alderman Bork stated that it would appear this could be running onto this property and there is something in the code about changing drainage that would be detrimental to the neighbor's property. She stated some of the cement was not covered as well. Mr. Reid Law was in attendance and addressed the council. He stated that this property was his father's and that they had not finished yet. He stated he could point out several other sites throughout town that concrete was dumped and left exposed. Alderman Bergren asked the city attorney if there was any leverage here. City Attorney Ronald Coplan stated that he did not feel there was a whole lot. He said he was told by Mr. Doug Happ from IDOT that he did not feel that what he had observed was from the IDOT project. He stated he talked with Cathy Geyer of IEPA and she had investigated the site and told the Law's that they should cut out the rebar from the concrete. This was primarily a civil issue and he did not feel that there was enough here to take to court on behalf of the City. He did state that in his conversation with a representative from Civil Constructors that they were not happy with any of this going onto a residential site. Alderman Bork stated that she felt this was not a legal dump site so a letter should be sent to IDOT. Alderman Bergren and Cooper stated that they agreed. Alderman Bork moved and Alderman Cooper seconded to direct the

city attorney to send a letter to the Illinois Department of Transportation in reference to the property located on Geneva Street. Roll call vote: Aldermen Bergren, yes, Sparboe, yes, Bork, yes, Boelkens, yes, Cooper, yes, and Lego, yes. Vote: 6 yeses and 0 noes. The motion was carried.

Mr. Law asked to see the letter that would be sent to IDOT. City Attorney Coplan stated that his correspondence was forwarded to the clerk and was subject to the Freedom of Information Act.

Mr. Reid Law asked about projects that have been in the Capital Improvement Plan for some years, especially the road projects. Mayor Bates stated that the CIP was a guide and reference for projects to be considered with the annual budget.

Alderman Bergren asked about the status of the sample building codes and the handicapped parking placements. Alderman Cooper and Clerk Cuckler reported that they have coordinated who to contact about the sample building codes. Alderman Bergren stated that the council should be reviewing regulations for wood heating systems in town as well.

Mayor Bates stated that a legislative round table has been scheduled in Stockton, IL on November 19th.

Clerk Cuckler reported of the November 23rd planning commission meeting at 5:15 p.m. in City Hall to review the application from Mitch Lamoreux to expand his special use permit. The property location is 405 W. Cole Avenue.

Len Anderson was in attendance and stated that he had an inquiry from a different car club about stopping in Mount Carroll next May. He would have more information in the future.

Mr. Reid Law stated that he was going to have another National event at his race track north of town again next summer.

Alderman Sparboe moved and Alderman Boelkens seconded to adjourn ADJOURNMENT the meeting. Roll call vote: Aldermen Cooper, yes, Lego, yes, Bergren, yes, Sparboe, yes, Bork, yes, and Boelkens, yes. Vote: 6 yeses and 0 noes. Mayor Bates adjourned the meeting at 8:40 p.m.

The Mount Carroll City Council approved these minutes at the November 24, 2009 regular meeting.

Julie A. Cuckler
City Clerk & Collector