

MINUTES OF THE OCTOBER 14, 2008 REGULAR MEETING OF THE MOUNT CARROLL CITY COUNCIL

Ms. Eina Schroeder 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, Nina ROLL CALL
Cooper, present, Diane Lego, present, Doug Bergren, present, Bill Sparboe, present, and Doris Bork,
present.
Alderman Sparboe led the Pledge of Allegiance.
Alderman Boelkens gave the invocation.
City Attorney Ronald Coplan was in attendance and introduced Mr. Gary Gehlbach, Attorney at Law
from Dixon, IL representing Wylma and Evelyn Colehour of Mount Carroll.

Alderman Boelkens moved and Alderman Sparboe seconded to approve the MINUTES
minutes of the September 23, 2008 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 by unanimous roll call vote.

Alderman Sparboe moved and Alderman Bork seconded to authorize the ACCOUNTS PAYABLE
payment of the accounts payable to date for the month of October 2008 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 by unanimous roll call vote.

Mayor Bates reported that the total of the bank accounts as of today FINANCIAL REPORT
was at \$869,796.98. Alderman Boelkens 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.

Alderman Sparboe reported of the October 14th finance committee meeting: COMMITTEES
FINANCE

1. The bills were reviewed and approved.
2. Reviewed the delinquent water bills.
3. Tax Levy. Mayor Bates stated that we needed to review the different line items and consider
levying the maximum in the general corporate line item. By not levying to the maximum in this
line item over the last few years this was a reason that the county has denied the petition for aid
for the Galena Street Bridge repair and restoration. The city would need to levy to the maximum
for up to two years in a row before submitting another application for this aid. The consensus
was to raise the general corporate line item to its maximum at \$47,500 and reduce the retirement
line item to \$5,000. These changes would bring the total still under the \$197,538. Any total over
that amount would exceed the 105% which would require a notice and public hearing. The clerk
was asked to have a draft of the tax levy available for the next meeting.
4. Mayor Bates noted that there was a requirement with the Illinois Department of Transportation
that has been brought to our attention that requires the City to have a qualified "Program
Manager" that would handle all of the correspondence and engineering for the City's bridges. He
reported that he was going to meet with an engineer from Willett and Hoffman of Dixon, IL next
week to talk about what would be involved with this. He stated that Mr. Birkel of MSA, nor the
Carroll County Engineer, have all of the credentials at this time to meet the IDOT requirements.
He stated he would report back to the council about this matter.

Mr. Len Anderson, Friends of the Waukarusa, reported that the group would OCTOBER

be working with the Chamber to hold the teen party at the park pavilion on October 18th. He noted that some of the new trees and shrubs have been planted, but more would be planted in the spring. HAPPENINGS

Mr. John Swiech, CDC, reported that they would have some activities and booths in the Kraft Building during the Chamber October Happenings events on October 18th and 25th. He reported that the new fence was up around the "Stone House" building and there was a work day scheduled for October 24th.

Nick Wagner, P.E. of MSA, was in attendance and provided a project update: MSA UPDATE

1. The City has all of the information to solicit pricing for the construction of the digester cover and associated equipment from Walker Process Equipment (manufacturer). The City Council should decide then whether or not to undertake the project in-house.

2. Contract #1 of the Water Project

Well #4 is currently operating and construction on Well #3 is nearing completion. The water service line construction is complete and the final tie in to the existing system is nearing completion. The restoration items (curb, gutter, sidewalk, pavement and seal coat) have begun and will be completed over the next few weeks. Mr. Wagner submitted Change Order #7 for council approval in the amount of \$4,949.32. This work includes exploratory work to locate an unknown water service line, and additional constructed quantities associated with the water services installations. Alderman Boelkens moved and Alderman Sparboe seconded to authorize the mayor to sign Change Order #7 in the amount of \$4,949.32 that is an increase in the Loberg Excavating Contract. 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 by unanimous roll call vote. CHANGE ORDER #7

Mr. Wagner also provided Payment Application #11 in the amount of \$180,880.18 to Loberg Excavating for the month of September 2008. Alderman Bergren moved and Alderman Sparboe seconded to authorize the mayor to sign payment application #11 in the amount of \$180,880.18 to Loberg Excavating. 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 by unanimous roll call vote. PAYMENT APPLICATION

3. Contract #2 of the Water Project

Field erection of the tank is essentially complete. Painting of the exterior and interior is underway and will take place over the next couple of weeks. Mr. Wagner submitted Payment Application #7 from Maguire Iron for the month of September 2008. Aldermen Boelkens moved and Alderman Bork seconded to authorize the mayor to sign payment application #7 in the amount of \$86,688.39 to Maguire Iron, Inc. Roll call vote: Alderman Bork, yes, Boelkens, yes, Cooper, yes, Lego, yes, Bergren, yes, and Sparboe, yes. Vote: 6 yeses and 0 noes. The motion was carried. PAYMENT APPLICATION

4. An updated newsletter was provided for council review and comment.

5. The next construction status meeting has been scheduled for November 7th at 8:00 a.m. in city hall.

Mayor Bates noted a couple of items regarding the water works improvements project. He stated he had been contacted by a citizen in town that would like to move the round house ROUND HOUSE BLDG. building of the reservoir to a location out of town rather than have the city demolish this. He stated he wished to know if it was the consensus of the council to have this individual get an assessment from a

contractor, at their expense, whether the building could be moved safely? Alderman Bork moved and Alderman Cooper seconded to authorize an inspection to move the round house building at the individual's expense. 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 by unanimous roll call vote. Mayor Bates asked Mr. Wagner of MSA what would be the timing to be able to demolish or move the reservoir building. Mr. Wagner noted that as soon as Well #2 was pulled that this could be done. Mayor Bates stated that he had called one of the cellular phone companies about placing an antenna on the top of the water tower. He stated that the company, Verizon, would have an engineer assess this. Mayor Bates reported that the West Carroll School would be finalizing the deed with the city for the location of the new well and tower. They had asked in the agreement to be able to have an antenna on the top of the tower if in the future this could be used by them? He stated that he had told the superintendent that this was okay and at no charge as there was no charge except the token \$1.00 for the land.

Alderman Bergren moved and Alderman Bork seconded to authorize the mayor EPA LOAN to sign the draw request to the EPA for the loan for the next payments to the contractor and engineers for 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.

Mayor Bates reported that the tuck pointing work on the community house was completed and the city hall work was almost completed.

Mayor Bates noted that with the proposal from Civil Constructors for the RETREAT Benton Street replacement and the bridge work to be considered he would like the council members to be thinking about dates possibly in November to hold a retreat with the engineers, consultants and department heads.

Mayor Bates reported that the council has received a copy of the report of the MARKET STREET Market Street building inspection submitted by Mr. Todd Birkel, S.E. of BUILDING MSA Professional Services, Inc. It was noted some recommendations to improve the building and continue observation of the bowed section of the west wall. Mayor Bates stated Mr. Birkel did not have access to the upper level of the building for this inspection, and City Attorney Ronald Coplan stated if this was so directed there was a way to get him inside the building. Alderman Bergren expressed his concern and provided a photograph of a building that had collapsed in the town of Logan, Ohio.

Alderman Sparboe moved and Alderman Boelkens seconded to pass ORDINANCE NO. Ordinance No. 2008-10-4, AN ORDINANCE VACATING CERTAIN PUBLIC 2008-10-4 RIGHTS-OF-WAY. Roll call vote: Aldermen Lego, yes, Bergren, yes, Sparboe, yes, Bork, yes, Boelkens, yes, and Cooper, yes. Vote: 6 yeses and 0 noes. Mayor Bates asked Mr. Gary Gehlbach, attorney representing the Colehour's, if this would clear up the issues to sell this parcel to the grocery store owners. Mr. Gehlbach expressed his appreciation to the mayor and council and stated it was one step closer.

Alderman Sparboe moved and Alderman Boelkens seconded to approve the NICOR GAS construction permit from Nicor Gas Company to move a gas line at the Commercial Street and Route 78 roadway intersection. 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. Len Anderson reported to the council that there were three car clubs that would be coming through town in the next week. Some of the drivers might stop in town for a short time.

Mayor Bates reported of the letter from the Canadian Pacific railroad that they have been approved to acquire control of the Dakota, Minnesota & Eastern (DM&E) and the Iowa, Chicago and Eastern (IC&E) Railroads. This was to be effective October 31, 2008.

Alderman Sparboe moved and Alderman Boelkens seconded to approve MEETING DATE the meeting date change for the city council meeting scheduled for November 11, CHANGE 2008 to November 10, 2008. Roll call vote: Aldermen Sparboe, yes, Bork, yes, Boelkens, yes, Cooper, yes, Lego, yes, and Bergren, yes. Vote: 6 yeases and 0 noes. The motion was carried.

Mayor Bates reported that Mr. Brian Woessner has contacted him about selling NEW TREES some new trees from his farm to the city for planting in parkways, parks or cemetery. He would be reporting on this again in the future with more details.

Mayor Bates reported that the commercial insurance quote for this next year INSURANCE has been presented by the Illinois Municipal League Risk Management Association. The total cost with the discount if paid by November 21st is \$44,443.98. Last year's total was \$42,610.40. This should be brought into the bills for the next council meeting.

Mayor Bates reported that he had been contact by the gentleman from Maquoketa, IA about having some more Purington Paver bricks. He did not know the cost yet.

Consensus of the council to have the West Carroll School yearbook ad request brought to the finance committee at the next meeting.

City Attorney Ronald Coplan was in attendance and addressed the council CITY ATTORNEY about the following items:

1. Regarding the lawsuit with Michael Lartz (105 S. Carroll Street) he reported that he had driven by the property today and had noticed some change, but no significant improvement. He reported that he had appeared in court today also with Mr. Lartz and that Judge Joyce would like to have a conclusion to this matter by the next court appearance scheduled for November 19, 2008. He suggested that someone from the city would need to meet with Mr. Lartz and provide the guidance to say what needs to be disposed of or concealed. He stated if these things cannot be accomplished in the allotted time then there might be some other options to ask the court to allow the city to complete the work. There was some discussion about how to approach Mr. Lartz and Alderman Cooper stated that she would make the contact. City Attorney Coplan stated that it was possible the city could ask the court for ongoing supervision on this matter.
2. City Attorney Coplan noted that he understood from the last meeting that the Historic Preservation Committee was still questioning the authority to pursue the teardown or demolition of certain properties. He stated he has mentioned the appropriate statute under the Illinois Municipal Code at a couple of meeting and in a letter sent to the mayor on June 25, 2008. He stated as far as establishing some teeth into the historic preservation ordinance for guidelines for construction this matter was not accepted in the past. There would need to be an effort to build a consensus from the community from the bottom up.
3. City Attorney Coplan stated that he had brought with him two examples for parking restrictions

from the City of Galena and the City of Dixon. He asked that the council members review them to see if either of these were in line with what they were considering for Mount Carroll.

Mr. Len Anderson stated he wanted to report that he had noticed that the back door access outside from the Masonic Lodge had been sealed shut.

The council discussed the Commercial Street location to Mr. Tom Cravatta's property located to the southwest of the ending boundary line. Mayor Bates and City Attorney Coplan stated that they understood that there was going to be a survey of some of the adjoining property and the Commercial Street points should be located with this. City Attorney Coplan noted that any boundary disputes with the owners would be a civil issue and that the city's concerns would be providing any water or sewer requested by one of the property owners.

Alderman Sparboe moved and Alderman Boelkens seconded to adjourn ADJOURNMENT
the meeting. Roll call vote: Aldermen Boelkens, yes, Cooper, yes, Lego, yes, Bergren, yes, Sparboe, yes, and Bork, yes. Vote: 6 yeses and 0 noes. Mayor Bates adjourned the meeting at 8:51 p.m.

These minutes were approved by the Mount Carroll City Council at the October 28, 2008 regular meeting.

Julie A. Cuckler
City Clerk & Collector