

MINUTES OF THE JUNE 28, 2016 REGULAR MEETING OF THE MOUNT CARROLL CITY COUNCIL

Mr. Doug Sherf rang the bell to announce the start of the meeting. RINGING OF BELL

Alderman Bergren called the meeting to order at 7:30 p.m. in the absence of Mayor Carl Bates. CALL TO ORDER

Roll call: Mayor Carl Bates, absent, Aldermen Paul Kaczmariski, present, ROLL CALL

Jim Rose, present, Kevin Powers, present, Doug Bergren, present, Mike Risko, present, and Joe Grim, present.

Alderman Risko led the Pledge of Allegiance.

Alderman Jim Rose gave the invocation.

Alderman Grim moved and Alderman Powers seconded to approve the minutes of the June 14, 2016 regular meeting as presented. The motion was carried by unanimous voice vote of the council members in attendance. MINUTES

Alderman Powers moved and Alderman Grim seconded to authorize the payment of the accounts payable to date for the month of June 2016 as approved by the finance committee. Roll call vote: Aldermen Kaczmariski, yes, Rose, yes, Powers, yes, Bergren, yes, Risko, yes, and Grim, yes. Vote: 6 yeses and 0 noes. The motion was carried. ACCOUNTS PAYABLE

Alderman Bergren reported that the bank account balances were totaling \$577,874.49 as of today. FINANCIAL REPORT

Alderman Bergren reported of the June 15<sup>th</sup> historic preservation advisory committee meeting: COMMITTEES  
HPAC

1. Discussed the historic district resurvey project and the repairs needed for the walking tour signage.
2. Discussed the actions taken by the city council regarding the "Bushy Flats" property on East Market Street.
3. Noted the next meeting was scheduled for September 21<sup>st</sup>.

Alderman Grim reported of the June 28<sup>th</sup> recreation board meeting at the city swimming pool: RECREATION

1. Discussed final preparations for the 5K Run Fundraiser on July 9<sup>th</sup>.
2. Discussed the repair work completed to date.
3. Discussed the long range fundraising goals. New Pool facility by 2027.
4. Noted that another session of swimming lessons might be added.

Alderman Grim reported of the June 28<sup>th</sup> water and sewer committee meeting: WATER & SEWER

1. Alderman Grim presented the water and sewer committee recommendation to authorize Greg Kloepping to apply for the online and Rockford, IL training programs for wastewater operator certification at a cost not to exceed \$1,000. Roll call vote: Aldermen Rose, yes, Powers, yes, Bergren, yes, Risko, yes, Grim, yes, and Kaczmariski, yes. Vote: 6 yeses and 0 noes. The motion was carried. TRAINING
2. Discussed the repairs needed for the fire hydrants. To set up a 3-year maintenance program and set the priorities. Cost estimates were at about \$15,000 per year, but some of the hydrants would not require full replacement. Alderman Grim presented the water and sewer committee recommendation to approve the purchase of one new fire hydrant at a cost not to exceed \$3,500. Roll call vote: Aldermen Powers, yes, Bergren, yes, Risko, yes, Grim, yes, Kaczmariski, yes, and FIRE HYDRANTS

Rose, yes. Vote: 6 yeses and 0 noes. The motion was carried.

3. Discussion of request from the Illinois Department of IDOT GARAGE  
Transportation to have a sewer hook up to the State's maintenance garage at the south end of town to the City sewer system. The information to be sent to the City's consulting engineers, MSA Professional Services, for their review and input back to the City.
4. Discussed the facility plan for the proposed sewer plant improvements. Once the plan was approved by the USDA and forwarded to the IEPA the City would need to discuss having a flood way analysis done.
5. Discussion of the sewer rates and proposed increases to help support the cost for the new sewer plant improvements. Alderman Powers proposed a \$3.00 per 1,000 gallons of metered water usage to go into a separate fund specified for the project. The finance committee to discuss this matter as well this evening.
6. Under public comment Mr. Robert Sisler commented about the fire hydrant repairs, and he along with Mr. Jim Fiser and Mr. Len Anderson commented about the sewer user rates.

Alderman Kaczmariski reported of the June 28<sup>th</sup> finance committee meeting: FINANCE

1. The bills were reviewed and approved.
2. The finance committee was to discuss the sewer rate increase options. SEWER RATES  
This was postponed to the regular council meeting agenda as time would not allow for this here.
3. Alderman Kaczmariski presented the finance committee RECYCLING BINS  
recommendation to approve the increase to \$15.00 for the sale of the recycling bins to the residents that are purchased from Moring Disposal, Inc. Roll call vote: Aldermen Bergren, yes, Risko, yes, Grim, yes, Kaczmariski, yes, Rose, yes, and Powers, yes. Vote: 6 yeses and 0 noes. The motion was carried.

Under old business City Attorney Coplan reported that the first summons OLD BUSINESS had been served on May 16<sup>th</sup> to the vacant and unkept properties. The last one served June 22<sup>nd</sup>. He stated the next step would be to have an inspection done by a qualified building official to provide estimates of costs to get the buildings up to code. He stated he would start that process as soon as possible. Alderman Bergren stated he knew of an official that might offer his services for this project and would get that information to Mr. Coplan. There was discussion about the cost estimate for dumpsters from Moring Disposal, Inc., but no action was taken.

Alderman Grim moved and Alderman Kaczmariski seconded to pass ORDINANCE NO.  
Ordinance No. 2016-06-3, AN ORDINANCE OF THE CITY OF 2016-06-3  
MOUNT CARROLL, CARROLL COUNTY, ILLINOIS, ASCERTAINING THE PREVAILING  
RATE OF WAGES FOR LABORERS, MECHANICS AND OTHER WORKERS EMPLOYED ON  
PUBLIC WORKS OF SAID CITY. Roll call vote: Aldermen Risko, yes, Grim, yes, Kaczmariski, yes,  
Rose, yes, Powers, no, and Bergren, yes. Vote: 5 yeses, 1 no and 0 absent. Ordinance No. 2016-06-3  
was adopted by majority vote of the council members present.

The council members present discussed whether the current contract with Moring Disposal, Inc. for services to pick up and dispose of garbage and recycling materials was going to expire the end of this year. It was determined that the contract would not expire before December 2017 with the addendum that went with the contract three years ago.

Under correspondence Alderman Bergren reported of the following: CORRESPONDENCE

1. The letter from Medicom cable tv regarding the new international premium channels.
2. The letter from Moring Disposal, Inc. reporting of 30,200 pounds of recycling picked up during the month of May 2016.

Alderman Risko reported that he received correspondence from Kevin GALENA STREET BRIDGE VandenDooren, Carroll County Highway Department Engineer, about a supplemental agreement for the design of the Galena Street Bridge. There would be an additional cost and the city's portion would be \$5,147. This information would be presented at the next council meeting.

Under public comment Mr. Robert Sisler commented about the clean up GENERAL AUDIENCE of vacant and unkept properties. Mr. Jim Fiser was in attendance and asked the council if they received his letter of June 22, 2016. Alderman Bergren stated that the council had and he read several, then all, of the letter, the one attachment from Dr. Malladi and noted the other attachments. The letter addressed Mr. Fiser's requests and complaints over the last three years. The letter to be attached with these minutes. Alderman Bergren stated he would recommend considering a change in the decibel level that had been set by ordinance in the past. Alderman Risko stated he felt this had been reviewed well enough and that any further action would need to be taken by Mr. Fiser. The council members present stated they would like to see the copy of the reports called into the police department. Mr. Fiser stated "This is my life you are messing with here, but did appreciate the council listening."

Postponed from the finance committee meeting, the council began the SEWER RATES discussion about the sewer rates. Alderman Risko reported that he would like the council to consider a flat rate increase and proposed the first increase to be \$10.00 per month per customer. In discussion Alderman Bergren and Grim stated they would more favor the per gallon rate increase and that was what they had been hearing from the citizens. All were in agreement to wait until Mayor Bates would be in attendance before proposing either option and that whatever was proposed the increase was to take effect starting September 1<sup>st</sup>. Alderman Grim expressed his appreciation to Alderman Powers and Risko for their work on this matter.

Alderman Grim moved and Alderman Rose seconded to ADJOURNMENT adjourn the meeting. The motion was carried by unanimous voice vote of the council member present. Alderman Bergren adjourned the meeting at 8:32 p.m.

The Mount Carroll City Council approved these minutes with the attachment at the July 12, 2016 regular meeting.

Julie A. Cuckler  
City Clerk & Collector

RECEIVED

JUN 24 2016

June 22, 2016

CITY OF MT CARROLL

City Of Mt. Carroll  
Mayor Carl Bates and City Council Members

It has been approximately 3 years since the business, Henry's Double K Bar, opened in the previously empty building that many years ago was the Karen Kupcinet playhouse at 834 South Jackson Street.

In those 3 years I have requested that the city restrict the noise emanating from the bar when the owner contracts bands to play there – usually inside but on occasion outside on the patio.

We have called the police many times, attended council meetings and tried to reach a resolution with the owner only to be told that he was not going to do anything to alter his building so, we would have to do something to our house. We have replaced windows and planted trees on the North side of our home. There have been many suggestions as to the property at 834 S. Jackson, but the bar owner has done nothing to alleviate the problem as far as we know.

The city's response was to change the ordinance to allow a band to play up to 70 decibels until 11:00 outside and 70 decibels inside without any restriction on time. It was passed on October 28, 2014. The previous ordinance had a restriction of noise between the hours of 11:00 PM and 7:00 AM.

We purchased our home 842 S. Jackson Street July 2005 in anticipation of an early 2006 retirement. In April of 2006 I retired and looked forward to residing in a quiet, small town environment avoiding a certain amount of stress due to my heart condition. Dr. Malladi of FHN Cardiology wrote the following letter addressing the problem: ( Copy Attached)

“To Whom It May Concern,

Mr. James Fiser is a patient of mine. He was in my office today for follow-up appointment and mentioned that he has been having some sleep deprivation related to increased noise levels near his home.

Due to patient's cardiac condition and history of chronic angina his symptoms may be exacerbated by stressful situations. His lack of sleep related to increased noise levels near his home is adding to his stress level. In regards to patient's concerns of noise levels near his home, please take his cardiac condition into account.

If there are any questions or concerns regarding this request please feel free to contact my office”.

Sincerely,  
Madhu Malladi, MD,FACC,FASE  
FHN Cardiology  
1036 W. Stephenson St.  
Freeport, Il. 61032  
815-599-7722

We have tried to contact Zoning Officer Tom Sorg, but he has not returned our calls.

We received the following information from City Clerk, Julie Cuckler on 5-19-16.

Our questions to the Zoning Board are in regard to Title 9 Zoning, Supplementary Regulations, Chapter 11, 9-11-2: Performance Standards. Particularly (A) and parts of (B) and (F) relate to the property at 834 South Jackson Street.

(A) Residual Features: No activity or operation shall be established or maintained which by reason of its nature or manner of operation will cause the emission of **noise**, odor , toxic or noxious fumes, smoke, dust and particulate matter in such concentration as to be detrimental to or endanger the public health, welfare, comfort and safety or cause injury to property or business.

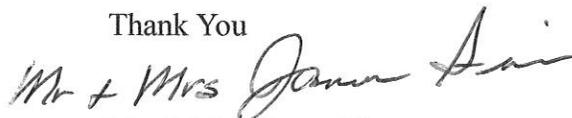
(B) Glare: Any lighting used to illuminate any off-street parking or sign shall be arranged so as to deflect light away from any adjoining residential property or from the public streets. Direct or sky-reflected glare, whether from floodlights or from high temperature processes such as combustion or welding, shall not be directed into any adjoining property.

(F) Screening: Where outdoor storage of materials, goods and products exists within the industry district, such storage shall be effectively screened from adjacent residential districts and public streets by a solid fence, compact hedge or similar opaque landscaped element. Such screening shall not extend within fifteen feet(15') or any street or driveway. The screening shall be placed along property lines or, in the case of screening along a street, fifteen feet (15') from the street right of way or adjacent property line with landscaping between screening and the pavement. A louvered fence shall be considered "solid" if it blocks vision.

We are US citizens and have the right to live in our home in peace and quiet. The fans at the grocery store have been mentioned in comparison, while in reality they do not run constantly and we can not hear it in our house. So far the options that have been suggested are not acceptable - we should move, go camping at the owner's farm, or get used to it. We already are forced to sleep on the floor in another room. In addition to the music noise we have endured, people screaming at us from his parking lot, trash has been left in our yard and patrons have been urinating in our front yard after leaving the bar. How about requiring the owner of the bar to follow the law and make improvements that he has mentioned but has evidently failed to do ?

We know the city needs the revenue, but it should not be at our expense. A letter to Mayor Bates from Tom Charles states that there have been many complaints. The city needs to enforce the existing laws, ordinances and zoning codes and not change them to accommodate any one business in the community. They need to be enforced to alleviate the discomfort we endure whenever there is music being played at Henry's Double K. The mayor and the city council have repeatedly been made aware of all of this – now it's time to do something. We do not want to hear any music or noise from the establishment at 834 S. Jackson . Please advise what steps will be taken to resolve this on going issue.

Thank You



Mr. & Mrs. James Fiser



December 22, 2014

To Whom It May Concern,

Mr. James Fiser is a patient of mine. He was in my office today for follow-up appointment and mentioned that he has been having some sleep deprivation related to increased noise levels near his home.

Due to patient's cardiac condition and history of chronic angina his symptoms may be exacerbated by stressful situations. His lack of sleep related to increased noise levels near his home is adding to his stress level. In regards to patient's concerns of noise levels near his home, please take his cardiac condition into account.

If there are any questions or concerns regarding this request please feel free to contact my office.

Sincerely,

A handwritten signature in black ink, appearing to read "Madhu Malladi", is written over a horizontal line.

Madhu Malladi, MD, FACC, FASE  
FHNI Cardiology  
1036 W. Stephenson St.  
Freeport, IL 61032  
815-599-7722

13  
Sent 8-16-74 From Tom

Carl

I am still getting complaints on Henry's being loud. The music stopped at 12:45 the first time and 12:05 the second time and 12:00 the 3rd time. I think he is advertising a band until 12:30.

One of the residents in the area went over and talked to Henry and he said he can't make it without music. He has also filed a complaint with the police. They came over, sat in the parking lot at the Church of God, another police car pulled up and they talked for 15 minutes than both left. He also had talked to you in the past.

Ordinance 5-4-3.4 states that music that is annoying after 11:00 PM is an ordinance violation.

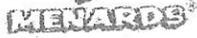
I gave Jim a copy of the Ordinance and he is coming to the next License and Ordinance Committee meeting and the city council to lodge a complaint to make the public aware of the problem. The citizen has purchased a decibel meter and once he gets it calibrated is going to take reading.

We have both had complaints on Henry's and its time somebody did something. We have enough to do without having reoccurring complaints. We need to come up with a solution to this problem. What do you want to do?

Tom

Sent  
~~8-16-74~~  
8-16-74

Use Your BIG CARD 2% REBATE



MENARDS - FREEPORT  
2755 IL Rt 26 South  
Freeport, IL 61032

KEEP YOUR RECEIPT  
RETURN POLICY VARIES BY STATE

Unless noted below, all items on this receipt are in the form of an in-store credit voucher if the return is made after 10/30/13



Sale Transaction

Customer name: Fiser, Jim  
KEEP CRYSTAL WINDERS WINDERS WA  
0617119 6.99  
SPECIAL ORDER 30129454  
WINDERS SERIES -PICK SEQ# 2 SB  
4000176 153.15  
WINDERS SERIES VINYL \* SEQ# 96 SB  
4000176 159.15  
END OF ORDER

TOTAL 325.29  
STEPHENS/FREE-IL TAX 8.00% 26.02  
TOTAL SALE 351.31  
Menard Card 6868 351.31  
035274  
Keyed

TOTAL NUMBER OF ITEMS = 3

THE FOLLOWING REBATE RECEIPTS WERE PRINTED FOR THIS TRANSACTION:  
4803

GUEST COPY

The Cardholder acknowledges receipt of goods/services in the total amount shown hereon and agrees to pay the card issuer according to its current terms.

THIS IS YOUR CREDIT CARD SALES SLIP  
PLEASE RETAIN FOR YOUR RECORDS.

SB = Special order items may be refunded at Menards sole discretion with a 25% restocking fee.

THANK YOU, YOUR CASHIER, Elizabeth

7791 07 0092 06/01/13 01:18PM 3259

## SPECIAL ORDER CONTRACT

\*\*\* GUEST COPY \*\*\*

RE # 3250 Phone: (815) 235-0010  
111 RT 26 SOUTH Fax: (815) 235-1947  
FREEPORT, IL 61032

GUEST NAME-ADDRESS-PHONE

Fiser, Jim  
842 S Jackson St  
Mount Carroll, IL 61053-9  
Phone: (815) 281-0278  
Alt :

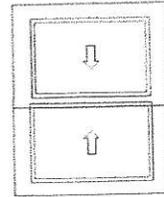
ADDITIONAL INFORMATION:  
JeldwenVinyl

### THANK YOU!

SOLD BY	DATE
MATT B.	08/01/2013
ESTIMATED ARRIVAL DATE NOT BINDING ON MENARD, INC. BASED ON PROMISES BY OTHERS 8/22/2013	

*Winders*

SKU NUMBER	QTY SHIPPED	UNIT PRICE	EXTENDED PRICE
4000176		\$159.15	\$159.15



Unit is viewed from the outside looking in.

on 1),  
only),  
winderservice@jeld-wen.com,

20,  
=White,

*Taken out of CK Book for MENARDS CARD*

*plus 9-8-13*

*3 Windows  
#441.30*

in Frame,  
finish,  
finish=1 Lock,

Ordering today, you saved \$35.36 \*\*\*

Order only upon payment and a valid Menards receipt for this order is attached.

This document is a complete and final agreement and shall not be brought within one year of the date of purchase at the Menards store at the discretion of the purchaser. The purchaser's liability shall not exceed the amount of the purchase price. MENARDS MAKES NO WARRANTIES, EXPRESS OR IMPLIED, INCLUDING BUT NOT LIMITED TO, MERCHANTABILITY, FITNESS FOR A PARTICULAR PURPOSE, OR NON-INFRINGEMENT. Menards liability shall not exceed the amount of the purchase price. OR ANY SPECIAL, INCIDENTAL, OR CONSEQUENTIAL DAMAGES, INCLUDING BUT NOT LIMITED TO, LOSS OF PROFITS, BUSINESS INTERRUPTION, OR ANY OTHER DAMAGES, WHETHER CAUSED IN WHOLE OR IN PART BY THE NEGLIGENCE OF MENARDS OR ANY OF ITS EMPLOYEES, AGENTS, OR CONTRACTORS. If Menard or fails to pick up the merchandise on the date specified, Menard shall be entitled to a full refund of the purchase price. If Menard fails to perform, the purchaser agrees that Menard's representations of the materials listed on this contract are true and correct.

SUB-TOTAL: \$159.15  
SHIPPING CHARGES:  
PRE-TAX TOTAL:  
VENDOR: JeldwenVinyl

*X 2  
318.30*

For the most accurate and up-to-date status of your order, please visit:

[www.menards.com](http://www.menards.com)

If this is a partial pickup, please verify all quantities/items being signed for. Menards is not responsible for shortages after leaving the yard.



Association under its applicable Consumer or Commercial Arbitration Rules. A judgment on an award rendered by the arbitrator(s) may be entered in any court having jurisdiction thereof.

YOUR PURCHASE OF THE MERCHANDISE ON THIS CONTRACT CONSTITUTES YOUR AGREEMENT TO ALL TERMS AND CONDITIONS LISTED IN THE CONTRACT.



# SPANGLER'S LANDSCAPING

2½ Miles West on Highway 30  
 12540 Lincoln Road  
 MORRISON, IL 61270  
 (815) 772-4318

CUSTOMER'S ORDER NO.		PHONE		DATE	
				6-14-16	
NAME					
Mr Eisner					
ADDRESS					
Mt Carver					
SOLD BY	CASH	C.O.D.	CHARGE	ON ACCT.	MDSE. RET'D.
QTY.	DESCRIPTION			PRICE	AMOUNT
10	Emerald Ash			70	700
	4th				50.75
	Deland Plant				100
	Total				850.75
	10 Mulch				10
	Thank You				860.75
RECEIVED BY					TAX
TOTAL					

C PRODUCT #13 All claims and returned goods must be accompanied by this bill.

116449

Thank You