

MINUTES OF THE AUGUST 14, 2018 REGULAR MEETING OF THE MOUNT CARROLL CITY COUNCIL

Mr. Fred Paschke 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 Paul Kaczmariski, present, ROLL CALL

Eric Wiltshire, present, Kevin Powers, present, Jeff Elliott, present, Mike Risko, present, and Joe Grim, present.

Alderman Powers led the Pledge of Allegiance.

Pastor Rhett Simkins gave the invocation.

Mayor Bates stated the next item on the agenda was the public hearing regarding a zoning issue to consider the proposed ordinance to rezone certain real property from an industry district (I) to a highway/auto-commerce district (C1) with discussion and possible action to approve Ordinance No. 2018-8-4, AN ORDINANCE PROVIDING FOR THE RECLASSIFICATION OF THE ZONING OF CERTAIN REAL PROPERTY. Mayor Bates asked the city attorney to provide some background on this matter. City Attorney Ronald Coplan was in attendance and addressed the council and audience. He stated that earlier this summer the mayor had contacted him and presented the question about zoning that he received from a business looking at a parcel for development in the industry zoning district. The business would be classified as a commercial use and based on the City's code the commercial businesses are not a permitted use and not a special use in this district. He stated that in the review of the piece of property in question he decided to suggest to the mayor and the council to consider to rezone, not just that parcel but more of that area. The property in question is located east of Route 78, south of Route 64, west of East Street and north of the railroad. The present uses in this area now are mixed with agriculture, grain bin storage, the Lumber Mart having storage buildings and rental, a funeral home, a bank and a number of other uses all that appear to be commercial in nature. No entity that would fall into the industrial classification and would seem they are considered non-conforming. The City Council in the past has allowed a couple of new uses in this area that are considered commercial and in his opinion have not necessarily been in good zoning practice. He stated he felt it was highly unlikely that there would be any future requests in this specific area to industrial uses. He stated it was his suggestion to consider a reclassification of this area to bring these entities not conforming into conformance and open it up for more commercial ventures and future requests. The ordinance is provided for this evening, there was a notice published, the public as well invited. City Attorney Coplan stated to the council it was his suggestion when considering zoning and planning decisions that they not make them based on the identity of an entity that might wish to locate within that district. To indicate that you are in favor of or in opposition to a particular zoning question based on the possible user as you see it is not an appropriate thing. Fred and Deb Paschke addressed the council. Mr. Paschke stated he owned property in the area and he questioned whether the property taxes would be affected. Mayor Bates stated he understood they would not. Ms. Deb Paschke asked about the residence they owned in what she thought was within the stated area. Mayor Bates and City Attorney Coplan noted that it was not in that area. Alderman Mike Risko addressed the council and stated that the proposed business has been mentioned in the newspaper and so the city council is limited in what they can do if they do not want that business in town. He stated he felt this action puts it altogether in one big clump and he felt we have no tools to get a chance to say maybe we are not interested in certain businesses coming into this community. He felt if the question to rezone was to be considered it should just be the one parcel area. City Attorney Coplan addressed the council and stated he felt making a decision this way was a bad thing to do and predisposed them to an allegation to be anti particular enterprise and that would not set well. Please refrain from doing that. Alderman Powers addressed the council and stated when he came onto the council he was the chair of the license and ordinance committee. He stated he felt there were a lot of inconsistencies in the code and ordinance

PUBLIC HEARING

enforcement. Some ordinances were somewhat ridiculous. He stated he was very concerned because there was an issue in the past relative to the ownership of pets that took over three years to get the city attorney to make recommendations upon a boiler plate draft ordinance and then this issue would seem to only take a couple of weeks. He stated he felt there were several issues with the zoning in this area that should be discussed and reviewed. He also stated he felt he wanted to have a better understanding of the managing of the ordinances. Alderman Grim addressed the council and commented the current retail and service businesses in this area were currently non-conforming as had been presented. So then would they be considered out of compliance or in violation with the code? City Attorney Coplan noted the zoning code classification for the area was industrial and yes almost all of the parcels do not meet that specific definition. The changes in the past of the property ownerships with not a lot of change in the property uses, should not have relieved the council from reviewing this area or meeting the changes when they occurred. There was some reason in the past for identifying this area for future industrial development, but is there a reason now. Alderman Risko noted that he felt the council did not have to choose to rezone at this time and could keep it as it is. He stated he felt there were some things being prodded along and he felt pushed into making a decision. Mayor Bates stated that there are many projects that the community was funding and that he felt we should take more opportunities when they are presented. He stated he wanted to see the community grow more business. Opening this area up for more commercial oriented businesses should help. Alderman Risko stated a step that a neighborhood can take to control what comes in next to them is to buy the land. If a community does not want whatever is coming what could be done. Is this our chance to stop it? Alderman Powers commented about a Kansas State University study that could help with information to a community about zoning and planning issues. He stated he knew that it was not our place to run private business. Mr. Bob Hatheway, local business owner, stated he was wondering why everything was going along fine until someone was looking to buy this parcel, which is located across the road from his business, and now there is this need for an ordinance. Ms. Sharon Larson, local property owner, addressed the council and asked how much of this area to be rezoned was within the TIF (Tax Increment Finance) district? Mayor Bates stated it was all within the TIF district. She asked if the properties that would potentially be rezoned and want to sell the property in the future would this zoning affect the sale. City Attorney Coplan stated that the new owner should follow the commercial use zoning. She asked if the proposed business or "elephant" was going to ask for TIF money. Mayor Bates stated that potentially that would be a future item for the city council to consider. Ms. Larson asked then if the city would decline the TIF money was there any jeopardy. City Attorney Coplan stated that no one had a right to TIF funding. The business owner/developer would make application to the city and certain project redevelopment expenditures would need to be presented and qualified to then negotiate an agreement for TIF funding. Which the council would consider the approval of the final agreement. Alderman Risko stated that some of these businesses were so large and had so much money that it won't make a difference. He stated that in the towns of Lanark and Savanna, IL they did not give TIF money to this business and it came in anyway. Ms. Larson asked whether there had been any review of the highest and best uses for the benefits of the town. Have there been discussions about the number of businesses, could there be some that lead to decline, could some businesses coming in drive out other businesses, is there enough traffic to support the new business. City Attorney Coplan stated that there was the theory that the more you have sometimes there is too much. However, you cannot deny an entity the ability to compete because you want to protect what is in existence in a town. He noted an example of different food service businesses that came into Morrison, IL. Mr. Doug Bergren, local resident, addressed the council and noted the development of the Walmart store in Galena, IL. Alderman Powers stated he did not understand how we got to here, this ordinance was confusing to him, he knew the council needed to be very neutral, but he was concerned about doing these changes now without more review with a plan how

this should be considered. Alderman Powers moved and Alderman Risko seconded to table this matter. City Attorney Coplan stated that there would not be any debate on this motion and wanted the council to know that a favorable motion would also close the public hearing on this matter. Roll call vote: Aldermen Kaczmariski, no, Wiltshire, no, Powers, yes, Elliott, yes, Risko, yes, and Grim, no. Vote: Tied with 3 yeses and 3 noes. Mayor Bates voice vote was no. Vote: 3 yeses and 4 noes. The motion was denied. Mayor Bates stated that the public hearing would continue. Mr. Martin McDonough, local resident, addressed the council and expressed that he felt the council needed to consistently deal with their laws. He asked about some other commercial areas in town that have empty buildings or lots and were not habitated what the reasoning was now the city wanted to expand the commercial use area. Mayor Bates stated that some commercial business look at the traffic patterns and lot space for parking. There might be empty buildings but they might not meet the needs of the business. PJ Ladehoff-Mueller, local property owner and chair of the Mount Carroll CDC, asked how many businesses were operating in this area to be rezoned. Mayor Bates noted up to six. Tom Sorg, Mount Carroll Zoning Officer, addressed the council and stated he did not like spot zoning and noted his concern with a business located along East Benton Street. Who takes responsibility for enforcing the special use permit parameters when they are not in compliance? Mr. Fred Paschke stated if the zoning issue got resolved he hoped the council would not grant any tax exemptions. Mr. Bob Hatheway stated that when the one business moved to Lanark, IL in December of 2016 his business experienced a significant decrease in his gross sales each week. He was very concerned about splitting the pie and believed there was a trend of declining population. All of the factors have seen his business down in sales. He has been in business here eleven years and he has twenty-five to thirty employees. Ms. Anna Gray, local resident, addressed the council and stated she did not feel that the council could go backwards and they should not do what other have done in the past. She stated she wished the council to fix the situation and review the zoning and building codes and look at the entire City of Mount Carroll. Mr. Rhett Simkins, local resident, questioned how the council could then determine how many liquor licenses there were in a town. City Attorney Coplan stated that was established by State Statute and a lot more communities have done away with limiting the number of licenses. Mayor Bates closed the public hearing at 8:35 p.m. Alderman Grim moved and Alderman Wiltshire seconded to pass Ordinance No. 2018-8-4, AN ORDINANCE PROVIDING FOR THE RECLASSIFICATION OF THE ZONING OF CERTAIN REAL PROPERTY. Roll call vote: Aldermen Wiltshire, yes, Powers, no, Elliott, no, Risko, no, Grim, yes, and Kaczmariski, yes. Vote: Tie with 3 yeses and 3 noes. Mayor Bates voice vote was yes. Vote: 4 yeses and 3 noes. Ordinance No. 2018-8-4 was adopted by majority voice vote of the council.

Alderman Kaczmariski moved and Alderman Grim seconded to approve the minutes of the July 24, 2018 regular meeting as presented. Roll call vote: Aldermen Powers, yes, Elliott, yes, Risko, yes, Grim, yes, Kaczmariski, yes and Wiltshire, yes. Vote: 6 yeses and 0 noes. The motion was carried.

Alderman Grim moved and Alderman Kaczmariski seconded to authorize the payment of the accounts payable to date for the month of August 2018 as approved by the finance committee. Roll call vote: Aldermen Elliott, yes, Risko, yes, Grim, yes, Kaczmariski, yes, Wiltshire, yes, and Powers, yes. Vote: 6 yeses and 0 noes. The motion was carried.

Mayor Bates reported that the bank account balances were totaling \$688,122.26 as of today.

FINANCIAL REPORT

Alderman Wiltshire reported of the August 14th recreation board meeting: RECREATION

1. There would be up to 5 lifeguards that could work yet the remainder of the month so they planned, weather permitting, to be open in the evenings during the week and longer hours during the weekends until August 31st.
2. Board to check whether there was enough interest in setting up a guard start program before next season.
3. The recreation board closing meeting was scheduled for September 11th.
4. Discussed the fall maintenance project to the flooring in the locker rooms and the purchase of a table and chairs with the \$200 donation.

Alderman Elliott reported of the August 14th streets committee meeting: STREETS

1. Superintendent Dauphin reported the crew were working at the cemetery this week and would be doing some sidewalk work soon. The summer work so far had been with the water projects. They would continue maintenance work as the weather and funding allows.
2. Discussed the Galena Street Bridge construction work.
3. Discussed the letter submitted by Ms. Maria Krull questioning PLEASANT STREET the Pleasant Street roadway adjacent to her property located at 113 N. Mill Street. What could they do to consider vacating this area. The committee indicated to Ms. Krull that they should send a petition to the City to consider this action.
4. Discussed the sidewalk around the courtyard square.
5. Mr. Doug Bergren, Main Street, expressed his thanks to the city crew for their work on the brick street in front of his residence.
6. Mr. Len Anderson, Car Cruise organizer, expressed his appreciation to the city crew for their help before the Car Cruise nights in the downtown.

Alderman Wiltshire reported of the August 14th police committee meeting: POLICE

1. The monthly report was reviewed and discussed the use of the squads.
2. Alderman Wiltshire presented the police committee recommendation CAMERA INSTALLS to approve to hire Mobile Electronics of Forrester, IL to install the new video equipment at the cost of \$2,152.55. Roll call vote: Aldermen Risko, yes, Grim, yes, Kaczmarski, yes, Wiltshire, yes, Powers, yes, and Elliott, yes. Vote: 6 yess and 0 noes. The motion was carried.
3. Chief Cass reported he would have a possible candidate to add to the part time employee roster at a future meeting.
4. Alderman Wiltshire asked the chief to check with him about an issue that was brought up at the recreation board meeting earlier this evening.

Alderman Kaczmarski reported of the July 24th finance committee meeting: FINANCE

1. The bills were reviewed and approved.
2. Alderman Kaczmarski acknowledged the grant awards from the GRANT AWARDS Mount Carroll Community Foundation Community Impact, associated with the Mount Carroll Community Foundation, a component fund of the Community Foundation of the Great River Bend:
 - *\$800 to the City for a new lifeguard chair at the swimming pool applied from by Ms. Claire Mitchell
 - *\$450 to the Market Music Fund, submitted by Mr. Evan Atherton
 - *\$300 to the Mount Carroll Music on the Square, applied for by Mr. Will Mueller
3. Ms. PJ Ladehoff-Mueller, Mount Carroll CDC, addressed the finance committee and wanted to report that the CDC was looking at options for the Stone House located along Illinois Route 78. Their board would be submitting correspondence to the City regarding this.

Under old business City Attorney Ronald Coplan reported that he was OLD BUSINESS

optimistic about hearing from the property owners of the Bushy Flats area. Almost all had tentatively indicated they would sign off, but one at this time. Regarding the other vacant or abandoned parcels he was completing the notice to be filed except for the one on East Washington Street that was under court action and was up for sale with a realtor.

Mayor Bates reported he met with some Shimer College graduates and current Shimer students (out of the North Central College location) that visited the Campbell Center campus this last Sunday. He also reported that he had been contacted by e-mail by another Shimer College alumnus about contributing to the City for its expenses towards mowing and maintenance of the campus this summer. The council members present voiced their approval to ask the mayor to provide information to this individual about the City's expenses and see if he was serious about his contribution.

Ms. Sharon Pepin, CFPS, was in attendance and reported she had been in contact with the State DCEO office about the close out of the City's revolving loan fund. They had not answered all of her questions so she would have more information about the types of projects the council could use these funds for at the next meeting.

Alderman Grim moved and Alderman Kaczmariski seconded to pass ORDINANCE NO. 2018-8-3 Ordinance No. 2018-8-3, AN ORDINANCE AUTHORIZING THE CITY OF MOUNT CARROLL, CARROLL COUNTY, ILLINOIS, TO BORROW FUNDS FROM THE WATER POLLUTION CONTROL LOAN PROGRAM. Ms. Sharon Pepin, CFPS, reported that the new 25-year loan term was incorporated in this ordinance. The project was the wastewater treatment facility improvements and the maximum that could be borrowed was 12 million dollars. She also noted that the ordinance would be published in the newspaper. Roll call vote: Aldermen Grim, yes, Kaczmariski, yes, Wiltshire, yes, Powers, yes, Elliott, yes, and Risko, yes. Vote: 6 yeases and 0 noes. Ordinance No. 2018-8-3 was adopted by unanimous roll call vote.

Ms. Sharon Pepin, CFPS, reported that the water meter replacement WATER METER PROJECT project was almost complete. There were six meters that would need to be installed by the city crew once the subcontractor, Mechanical, Inc., complete what they have scheduled for this upcoming Thursday. She reported she had one change order for this evening regarding the Core & Main, Contract A- Meter Purchase. There was an increase in quantities needed for the inventory. That amount was \$21,527.04. Alderman Risko moved and Alderman Elliott seconded to approve Change Order #1 for the water meter & hydrant replacement project with an increase to Contract A- Core & Main Meter Purchase in the amount of \$21,527.04. Roll call vote: Aldermen Kaczmariski, yes, Wiltshire, yes, Powers, yes, Elliott, yes, Risko, yes, and Grim, yes. Vote: 6 yeases and 0 noes. The motion was carried. Ms. Pepin presented Loan Request #2 to be submitted to the IEPA for the water meter replacement and 15 new fire hydrants in the amount of \$234,555.69 per the following invoices for payment:

Core & Main – Payment Application #2	\$ 45,217.19
Mechanical, Inc. – Payment Application #1	\$131,337.50
Brown Supply Co. (Fire Hydrants)	\$ 43,001.00
CFPS – Invoice #1	\$ 15,000.00

Alderman Grim moved and Alderman Kaczmariski seconded to approve the loan request #2 to be submitted to the IEPA as presented in the amount of \$234,555.69. Roll call vote: Aldermen Wiltshire, yes, Powers, yes, Elliott, yes, Risko, yes, Grim, yes, and Kaczmariski, yes. Vote: 6 yeases and 0 noes. The motion was carried.

Ms. Pepin reported that there were several hours of training the City staff was allowed with the purchase of the new Sensus meters. That would be coordinanted for all of the affected staff over the next couple of weeks.

Ms. Pepin presented information and a proposal to consider a possible WATER MAIN PROJECT new water main replacement project in the northwest section of town in the following streets: North Galena, West Spring, North Mill, and East State Street. The total estimated costs including construction, engineering, and IEPA loan administration was \$2,785,000. She presented the funding scenarios using the IEPA loan program with differing principal loan forgiveness funding possibilities. If the City wished to move forward she would subcontract with MSA Professional Services to prepare the project plan that would be incorporated with the loan application to IEPA. The total costs for submitting the loan application was quoted as \$13,500. The council members presented decided to review this information and consider at the next meeting.

Alderman Risko moved and Alderman Elliott seconded to pass ORDINANCE NO. 2018-8-5 Ordinance No. 2018-8-5, AN ORDINANCE APPROVING A REDEVELOPMENT AGREEMENT BY AND BETWEEN THE CITY OF MOUNT CARROLL, CARROLL COUNTY, ILLINOIS AND NORTHERN HOSPITALITY, LLC. Mayor Bates noted this agreement was with Brian and Maria Krull that are in the "hotel" building on the corner by the highway. The first payment to them this year would be \$3,500 and \$3,000 per year until the end of the TIF, for tax year 2028 payable in 2029 (total \$36,500). Roll call vote: Aldermen Powers, yes, Elliott, yes, Risko, yes, Grim, yes, Kaczmariski, yes, and Wiltshire, yes. Vote: 6 yeses and 0 noes. The motion was carried.

Under general audience Ms. Nancy Gmitro addressed the council GENERAL AUDIENCE about the Stone House owned by the Mount Carroll CDC. She reported of the history of the rehab of the building to date. Alderman Joe Grim expressed his appreciation to the Mount Carroll Community Foundation for the grant awards that were authorized for this year. Mr. Len Anderson stated there was a Car Cruise Night event this upcoming Saturday.

Mayor Bates reported of the following correspondence:

1. Moring Disposal, Inc. recycling report for July 2018, 22,300 lbs.
2. Mediacom Communications Corporation information about rate adjustments for the cable tv
3. Information about sales taxes by internet retailers from the Illinois Department of Revenue
4. A letter from the State Bank of Pearl City regarding the pay off the City loan used for sewer infrastructure projects
5. A letter from Ms. India Sipe and family regarding a suicide prevention support group

Alderman Grim moved and Alderman Risko seconded to adjourn ADJOURNMENT the meeting. Roll call vote: Aldermen Elliott, yes, Risko, yes, and Grim, yes, Kaczmariski, yes, Wiltshire, yes, and Powers, yes. Vote: 6 yeses and 0 noes. Mayor Bates adjourned the meeting at 9:28 p.m.

The Mount Carroll City Council approved these minutes at the August 28, 2018 regular meeting.

Julie A. Cuckler
City Clerk & Collector