

MINUTES OF THE NOVEMBER 12, 2019 REGULAR MEETING OF THE MOUNT CARROLL CITY COUNCIL

Mr. Jim Herrmann rang the bell to announce the start of the meeting. RINGING OF BELL
Mayor Bates called the meeting to order at 7:30 p.m. CALL TO ORDER
Roll call: Mayor Carl Bates, present, Aldermen Paul Kaczmarski, ROLL CALL
present, Doug Bergren, present, Kevin Powers, absent, Jeff Elliott, present, Mike Risko, present, and Joe Grim, present.
Alderman Elliott led the Pledge of Allegiance.
Pastor Thomas Schaffer gave the invocation.

Mr. Jeff Soenksen, a Mount Carroll resident, addressed the council CANNABIS LAWS regarding the new Illinois adult cannabis regulations. He stated he worked for the company that owns and operates the medical marijuana facility in Fulton, IL. He discussed how some of the area communities are also considering the options as the new Illinois regulations take effect next year. The first major question was whether a community wished to opt in or opt out of allowing any business of dispensing or cultivating recreational cannabis. Once a decision was made to opt in then the community should develop the allowed regulations and zoning changes that the council would ultimately need to agree upon. Mayor Bates thanked Mr. Soenksen for coming to the meeting and stated he would provide for next meeting's agenda the council consideration of the "opt in" or "opt out" action.

Alderman Elliott moved and Alderman Bergren seconded to MINUTES approve the minutes of the October 22, 2019 regular meeting. Roll call vote: Aldermen Kaczmarski, yes, Bergren, yes, Elliott, yes, Risko, yes, Grim, yes, and Powers, absent. Vote: 5 yeses, 0 noes and 1 absent. The motion was carried.

Alderman Kaczmarski moved and Alderman Elliott seconded to ACCOUNTS PAYABLE authorize the payment of the accounts payable to date for the month of November 2019 as approved by the finance committee. Roll call vote: Aldermen Bergren, yes, Elliott, yes, Risko, yes, Grim, yes, Kaczmarski, yes, and Powers, absent. Vote: 5 yeses, 0 noes and 1 absent. The motion was carried.

Mayor Bates reported that the bank account balances were FINANCIAL REPORT totaling \$1,158,364.13 as of today.

COMMITTEES
Alderman Elliott reported of the November 12th streets committee meeting: STREETS

1. Ms. Arnette Heisler was in attendance and reported of the issues with snow and ice removal on King Street during yesterday's snow event.
2. Alderman Grim reported the Mount Carroll fire department would be scheduling water fights again this year in the old burning grounds area along North Galena Street. The overhead electric line in the area would need to be relocated which they have funding to support this work to be done. Superintendent Dauphin had stated that they could do the ground leveling and gravel surfacing for better use of the area and less damage to the ground from the activity. The consensus of the committee members in attendance was to approve this project.

Alderman Bergren reported of the November 12th police committee meeting: POLICE

1. Chief Scott Marth provided the monthly report since the last meeting. He noted the accident he had with the 2017 squad on November 3rd when he struck a deer. He reviewed the computer software and technology changes he was putting into place. He reported of the issues with filling the schedule for the needed police coverage. He provided a couple of ideas for adding to the part time officer roster and providing more incentive for the ones on staff now.

2. Discussed the downtown clean up after the winter snow events and enforcement of the parking restrictions.

Alderman Kaczmarski reported of the November 12, 2019 finance committee meeting: FINANCE

1. The bills were reviewed and approved.
2. Alderman Kaczmarski presented the finance committee INTERFUND TRANSFER recommendation to approve the interfund transfer of \$1,000.00 from the WWTP Improvement Fund to the WWTP Loan Account in the TBK bank to maintain a balance in that account. Roll call vote: Aldermen Elliott, yes, Risko, yes, Grim, yes, Kaczmarski, yes, Bergren, yes, and Powers, absent. Vote: 5 yeses, 0 noes, and 1 absent. The motion was carried.
3. Alderman Kaczmarski presented the finance committee INTERFUND TRANSFER recommendation to approve the interfund transfer of \$1,000.00 from the WWTP Improvement Fund to the Illinois Funds City General Fund to set up a working cash account. Roll call vote: Alderman Risko, yes, Grim, yes, Kaczmarski, yes, Bergren, yes, Elliott, yes, and Powers, absent. Vote: 5 yeses, 0 noes, and 1 absent. The motion was carried.
4. Discussed the wastewater treatment plant facility project. The consensus of the committee was to have the Work Change Directive #1 postponed to the next meeting where the water & sewer committee could review this matter with the superintendent.

Under old business City Attorney Ronald Coplan was in attendance OLD BUSINESS and reported of the court hearing with Reid Law of Law's Excavating on East Benton Street. Another status hearing had been scheduled to review any actions on the nuisance complaint.

Mayor Bates reported that an updated cost estimate for some solar lighting was provided by Herrell Electric for the council members to look at.

Mr. Len Anderson was in attendance and reported of a new contribution to be presented to the City shortly that would be helping to complete the work done to the Stone House Memorial Project and also cover the remaining costs for the security camera installation.

Alderman Kaczmarski moved and Alderman Risko seconded to approve IEPA LOAN REQUEST #4 The IEPA Loan Request #4 that includes the Leander Construction pay application #2 for \$546,069.18 and the MSA Professional Services Invoice #6 for \$38,007.80 for a total of \$584,076.98. Roll call vote: Aldermen Grim, yes, Kaczmarski, yes, Bergren, yes, Elliott, yes, Risko, yes, and Powers, absent. Vote: 5 yeses, 0 noes, and 1 absent. The motion was carried.

Under general audience Mr. Len Anderson stated he wished to acknowledge his appreciation to Alderman Joe Grim in his capacity as county animal control officer for helping with a rescue of a lost cat at his property.

Under correspondence Mayor Bates noted the following:

CORRESPONDENCE

1. A letter from Edward Mitchell, Attorney at Law, regarding the status of the William J. Davis Trust. A copy of this letter to be attached and a part of the record with these minutes. Mayor Bates and City Attorney Coplan reported that the last beneficiary that was receiving annual payments had recently passed away. Mr. Mitchell was the attorney for the trust and noted that the trustees were reviewing what the next step was according to the original will that created the trust. Mayor Bates noted that the city was a beneficiary of 50% of the assets with some instruction to construct a community building in the name of the William J. Davis Trust. City Attorney Coplan stated he had talked with Mr. Mitchell a few times since receiving word about this matter. He had stated that he had a response from the North Central College Development

Officer to seek a meeting to discuss the Shimer College beneficiary assets named in the will. Attorney Coplan stated he felt some discussion with the trustees would be appropriate to have them seek a process to determine whether Shimer was in fact a qualified beneficiary. Any action should be brought to the Circuit Court for approval through the trustees at this time. The City should be considering how to plan for the proposed development with the future liquidation of the trust assets in mind. Consider whether to hire a professional city planner and then also develop the steps needed for a well organized community involvement process. Mayor Bates stated he would be in contact with the president of the Economic Growth Corporation soon so he would ask if there were any resources or contacts that his company would recommend for the City.

2. Letter from Mr. Jim Herrmann regarding City property adjacent to his property on Galena Street. Mr. Herrmann was in attendance and addressed the council about what could be done for him to get possession of this parcel from the City. Mayor Bates stated that the parcel was about $\frac{3}{4}$ of an acre, but to his knowledge there was not a survey of that parcel available to determine that for sure. Once the boundaries were determined then the City council could review whether to label this as surplus property. In discussion the council members present voiced their approval to authorize the mayor to have the parcel surveyed.
3. Moring Disposal, Inc. report for the September recycling materials, 15,720 lbs
4. Noted the Mount Carroll chamber newsletter.
5. Mayor Bates reported that the next meeting of the Community Relations Board to the Administrative US Penitentiary in Thomson, IL would be held on December 17, 2019.

Alderman Grim moved and Alderman Risko seconded to adjourn ADJOURNMENT the meeting. Roll call vote: Aldermen Kaczmarek, yes, Bergren, yes, Elliott, yes, Risko, yes, Grim, yes, and Powers, absent. Vote: 5 yeses, 0 noes and 1 absent. Mayor Bates adjourned the meeting at 8:30 p.m.

The Mount Carroll City Council approved these minutes at the November 26, 2019 regular meeting.

Julie A. Cuckler
City Clerk & Collector

Edward J. Mitchell

Attorney at Law

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Lanark, Illinois 61046

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Clarence G. Elmer

(1889 - 1930)

Robert L. Morris

(1905 - 1989)

RECEIVED

Email:

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OCT 28 2019

October 25, 2019

CITY OF MT CARROLL

John D. Marth
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Davenport, IA 52804

Scott Marth
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Mt. Carroll, IL 61053

City of Mt. Carroll
302 N. Main Street
Mt. Carroll, IL 61053

Mt. Carroll Fire Protection Dist.
311 East silk Street
Mt. Carroll, IL 61053

Cyrus Lodge No. 188, A.F. & A.M.
c/o C. Lawyer
210 West Market Street
Mt. Carroll, IL 61053

Illinois Masonic Children's Home
441 S. 9th Avenue
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Illinois Masonic Home
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Robert Watson
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Mt. Carroll, IL 61053

Eileen B. Trost
Freeborn & Peters LLP
311 S. Wacker Drive, Suite 3000
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In Re: William J. Davis Trust

Ladies & Gentlemen:

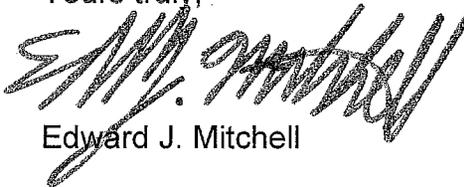
As I believe everyone is now aware, Herbert Davis, one of the beneficiaries of the Davis Trust, has passed away. That was the last beneficiary that was receiving payments that would prevent a distribution of the trust assets. The trustees of the trust asked me to send this letter to everyone to make sure everyone was aware of Mr. Davis's passing.

The trustees are also reviewing the original will that created the trust as to the next step. As you know, this trust has been administered by the Circuit Court so any action we take to close out the trust will need to have court approval. We will be filing a pleading in the near future making the court aware of the situation so that we can arrange for a final distribution.

John Marth, et al
October 25, 2019
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It is my understanding there has been some discussion as to how the allocation should take place. At this stage, I believe the trustees intend to make the court aware of the situation and allow all of the beneficiaries of the trust ample time to make any proposals concerning the final distribution. If anyone has any questions or I can help in any way, please contact me.

Yours truly,

A handwritten signature in black ink, appearing to read "Edward J. Mitchell", written over a printed name.

Edward J. Mitchell

EJM:rsg