

MINUTES OF THE JANUARY 23, 2020 SPECIAL MEETING OF THE MOUNT CARROLL CITY COUNCIL

Mayor Carl Bates called the meeting to order at 9:30 a.m.

CALL TO ORDER

Roll call: Mayor Carl Bates, present, Aldermen Paul Kaczmarek, present, Doug Bergren, present, Kevin Powers, absent, Jeff Elliott, present, Mike Risko, present, and Joe Grim, absent.

ROLL CALL

WILLIAM J. DAVIS ESTATE & TRUST

Mayor Bates stated he felt the purpose of this meeting today was to get some ideas of the council member's thoughts to begin to plan accordingly and consider what the City's next steps are since receiving the news that the William J. Davis Estate would be disbursed to the beneficiaries, with the City being one of the beneficiaries. Within the will and trust document the following was stated for the City of Mount Carroll:

"Fifty percent (50%) thereof shall be paid to the City of Mt. Carroll, Illinois, to be used by said City in the erection and equipping of a Community Building for the use and enjoyment of the inhabitants of the City of Mt. Carroll, Illinois, said building to be called the William Davis Community Building, and the plans and specifications for said building and its equipment are to be first approved by the person acting as the Trustee at the time of the termination of this Trust; and any funds remaining after the erection and equipping of said building are to be invested by the said City of Mt. Carroll, Illinois, and the income from such investment used for the maintenance and up-keep of such building." (Dated April 7, 1962)

City Attorney Ronald Coplan reported that on January 21, 2020 a petition was filed in the circuit court on behalf of the trustees (Petition for Instruction Concerning Final Distribution of Trust Assets) where a status hearing was set for January 31, 2020 at 9:00 a.m. City Attorney Coplan stated that the trustees were not taking a position on all of the disbursements, and in the petition Attorney Mitchell stated the factual situations with the questions regarding the Shimer College, the Illinois Masonic Home at Sullivan, Illinois and the Illinois Masonic Children's Home at LaGrange, Illinois. He stated that the trustees were asking the court for instructions. He stated he also had concerns that the petition was sent to all on the address listing that have had notices all of the years that an annual report was submitted. What questions might that present for persons or parties to consider the need to file for an appearance in the review. Mr. Mitchell had made contact to the State Attorney General's office and the Carroll County States Attorney's office. He stated the Attorney General's office gave some case information to Mr. Mitchell regarding two other trust cases concerning not-for-profit organizations. Alderman Risko asked about Shimer College as one of the beneficiaries and no longer having its address, as it is functioning, in Mount Carroll. City Attorney Coplan noted that he would argue that what should be considered would be to try to follow what Mr. Davis' intent would have been when the trust was developed. That Mr. Davis would have had no anticipation that the college would close up and move away. And that there were other organizations within the Mount Carroll community listed as beneficiaries and so his intent was to benefit the Mount Carroll community. Mayor Bates stated he wanted to stay focused on this meeting on what the City does know it would be receiving and how to best consider how to use it. By the petition statement presented by the trust attorney the "Trust has grown from a few hundred thousand dollars to its current balance which (as) of December 20, 2019 was twenty million seven hundred fifty-two thousand one hundred eighty-four (dollars) and fifty-five cents (\$20,752,184.55)." Mayor Bates stated he wanted to have this meeting to have an open public discussion about the matter, to hear the council member's opinions, and start the planning. What do we want to do? The investments have grown well and are good where they are. What does and can the City do once the City gets the funds? How do we plan for the future? The reality is this is a great gift for our community. We should welcome it and we should embrace it. But we should plan. Mayor Bates posed a couple of other questions to consider. Once the trustees approved a project could the City ask to have the remaining funds stay in the current trust to maintain the higher interest and funding growth. Would it be a requirement that the majority of the disbursement needed to be used for the construction of one building. Noting that the

construction costs over the last fifty years and the maintenance of investments have changed dramatically over what they would have imagined. What options are there for the City? City Attorney Coplan stated that the trustees could be approached to consider an agreement on whether to keep the trust in place once the community center was built, but would they? He stated that they could also be approached to consider an agreement to set up an escrow with a certain amount to work with the City as you are planning the community center project to help pay for the up front planning, design and bidding costs as the project moves forward. The trustees would approve the disbursement of funds as they are needed. Always to keep in mind what again was the intent of Mr. Davis. The council members discussed ways to go about planning for the construction of a community center building that would meet the needs of the community, but not end up costing all of the funds. City Attorney Coplan noted that it was very important to start and maintain communication with the trustees. Mayor Bates and City Attorney Coplan stated that there was a volunteer advisory board that had conducted research and presented some ideas for possible locations and different amenities and uses to be included in the facility for all of the age groups in the community. Mayor Bates stated he had shared this with the council a while ago; the report was done in 2012. He stated he would share this again with the council and the reporter with the newspaper. Alderman Bergren expressed his concern with sharing the report. Mayor Bates stated he felt it was a good place to start. Mayor Bates expressed his concern about hiring a planner at the onset if the City with the local organizations could put together a community survey and come up with the initial plan for the type of building and the uses. To consider looking at other community centers and facilities. The following examples were voiced by other council members, City Attorney Coplan and the audience: Byron, Sterling Park District, Sterling YMCA, Morrison high school, Prophetstown school facility, Yorkville, Geneseo, Belvidere, and Plainfield. Alderman Risko stated he had contacted Ms. Giselle Hamm that had helped the City with the MAPPING program a couple of years ago. She presented some suggestions for attorneys, planners and the Plainfield, IL Park District as they had just recently completed the construction of a new facility. He stated he had talked with the executive director of that facility and he would be open to a site visit. Mayor Bates introduced Mr. Jon Davidshofer from the Economic Growth Corporation that had purchased the former Shimer College campus and was in the process of redeveloping the whole campus in the next few years. Mr. Davidshofer stated he appreciated that the mayor let him know about this meeting and they would be happy to help with whatever input might be feasible or requested. He noted that their corporation always conducts a community needs assessment before they move forward with a redevelopment project. He offered to provide a copy of a generic example of the survey form to the mayor. Mayor Bates asked the council members in attendance for their comments. Alderman Elliott stated he felt we were on the right track with our discussion today. He stated he would like to see the City set some limits on the cost of the building and construction. He felt there was a need for a pool facility and a track area. It was noted some need for a child care facility also. Alderman Kaczmariski stated he felt it was a good idea to revisit the report from 2012 done by the Mount Carroll Community Building Advisory Committee, he liked the idea of visiting other community centers, he liked having the Economic Growth Corporation included in the discussion today and hopefully in the future planning, and he wanted to know more about the ways and means of how the funding for set aside for maintenance and upkeep could be accomplished, and he liked the idea of pursuing an escrow with the trustees for the initial planning costs. Alderman Bergren stated he felt it was important to try to keep some limits on spending for all phases of this project, he felt the site visits to other communities was a good idea, and once some of the planning was put together that information needed to get out to the community. Community involvement and consensus should be a factor in the planning process. Alderman Risko stated that he would volunteer to set up a site visit to the Plainfield, IL facility. The consensus of the members in attendance was to consider a date the last week in February.

Mayor Bates noted that once a date was set the press should be notified if there were several of the council members attending along with him. Alderman Risko stated he wished to bring up a couple of issues for consideration. One was to establish a park district, another was should the council consider hiring an attorney that specialized in trusts, and he felt it was important to keep on top of the matter of whether any of the beneficiaries fail to qualify as has been the question with a couple of them. City Attorney Ronald Coplan commented that he was able to represent the City in all aspects that would be required in this matter. He stated he had been in practice for more than 50 years and done estate planning and was very familiar with trust law. There was some more discussion about the beneficiaries of the trust. Mayor Bates stated he wished to talk about some dates for community center site visits, how to consider a community assessment survey and setting up another meeting on this subject at the next council meeting on January 28th.

Alderman Elliott moved and Alderman Risko seconded to adjourn the meeting. ADJOURNMENT
Roll call vote: Aldermen Kaczmariski, yes, Bergren, yes, Elliott, yes, Risko, yes, Powers, absent, and Grim, absent. Vote: 4 yeses, 0 noes and 2 absent. Mayor Bates adjourned the meeting at 11:07 a.m.

The Mount Carroll City Council approved these minutes at the February 25, 2020 regular meeting.

Julie A. Cuckler
City Clerk & Collector