

**REGULAR MEETING OF THE MAYOR AND ALDERMAN OF
THE CITY OF ROCK FALLS
MARCH 2, 2004**

Call to Order:

The regular meeting of the Mayor and Alderman of the City of Rock Falls was called to order at the hour of 6:30 p.m., March 2, 2004 in Rock Falls, Illinois by Mayor Edward M. Mulvaney. The Mayor, Alderman and other parties stood for the Pledge of Allegiance to the Flag.

Roll Call:

City Clerk, William Wescott called the roll, Present were Mayor Mulvaney, Alderman Stachowiak, Searing, Kuhlemier, Straub, Charnas, Hand, Folsom and Blanton.

Approval of Minutes:

A motion by Alderman Kuhlemier and second by Alderman Searing to approve the minutes from the regular meeting of February 17, 2004. Upon roll call, Alderman Stachowiak, Searing, Kuhlemier, Straub, Charnas, Hand, Folsom and Blanton voted aye. Vote 8 ayes, **motion carried**.

Payment of Bills:

A motion by Alderman Hand and second by Alderman Folsom to approve the payment of bills as read:

Tourism \$2,130.39, General Fund \$202,168.87, ESDA \$362.92, Electric O&M \$419,250.37, Sewer Revenue O&M \$36,298.20, Water Revenue O&M \$43,166.57, Garbage Revenue \$416.42, Drug Fund \$147.20, Tobacco Grant \$184.41, Motor Fuel Tax Fund \$19,289.14, Industrial Development \$110.00, Employee Group Insurance \$66,441.90, Customer Utility Deposits \$35.00, IMRF/Social Security \$4,902.42.

Upon roll call, Alderman Stachowiak, Searing, Kuhlemier, Straub, Charnas, Hand, Folsom and Blanton voted aye. Vote 8 ayes, **motion carried**.

Audience Request:

A motion by Alderman Blanton and second by Alderman Stachowiak to approve the following Bucket Brigades, which have met the necessary requirements:

- 1) Sterling-Rock Falls Elks Lodge #1218 for April 17, 2004
- 2) Rock Falls Lions Club for October 2, 2004
- 3) Rock River Christian Center for April 3, 2004

Upon roll call, Alderman Stachowiak, Searing, Kuhlemier, Straub, Charnas, Hand, Folsom and Blanton voted aye. Vote 8 ayes, **motion carried**

Heard from a resident, who voiced her concerns about the status of properties located on Avenue A which in her opinion pose a possible health risks, as well as, a detromite to the rest of the area. She wanted to voice her opinions and provided the council with photo's of the condition of which she spoke. Mayor Mulvaney advised the lady that this issue would be coming up later in the Council agenda for considerations. **No Action**

Executive Session:

Mayor Mulvaney requested a motion to enter into executive session for Pending litigation, Section 2 (c) (11) and to include Attorney Reese, Attorney Tom Sanders, Building Inspector Pete Whiting, Water Supt. Ted Padilla, Fire Chief J.W. Larson and City Administrator Richard Downey in the session. A motion by Alderman Stachowiak and second by Alderman Straub. Upon roll call, Alderman Stachowiak, Searing, Kuhlemier, Straub, Charnas, Hand, Folsom and Blanton voted aye. Vote 8 ayes, motion carried. Time into session (6:41 p.m.)

Motion to return to Regular session at (7:11 p.m.) by Alderman Searing and second by Alderman Charnas. Upon roll call, Alderman Blanton, Folsom, hand, Charnas, Straub, Kuhlemier, Searing and Stachowiak voted aye. Vote 8 ayes, **motion carried. (No Action Taken)**

Correspondence/Proclamations:

Mayor Mulvaney introduced a Proclamation recognizing Justin Reyes as IHSA State Wrestling Champion and designating March 3, 2004 as Justin Reyes State Wrestling Champion Day in the City of Rock Falls. **Motion by Alderman Blanton and seconded by Alderman Searing. Upon roll call, Alderman Stachowiak, Searing, Kuhlemier, Straub, Charnas, Hand, Folsom and Blanton voted aye. Vote 8 ayes, motion carried.**

Old Business:

Approve Lease Agreement for property owner at 605 12th Avenue, Rock Falls to place a free standing advertising sign on City Right-of-Way, per recommendation from the Planning Commission/Zoning Board of Appeals. (Item Tabled)

Ordinances:

Motion by Alderman Hand and seconded by Alderman Folsom to approve an Ordinance Vacating Utility Easement as requested by the Developers of the Rt. 30 and Rt. 40 Intersection properties. Upon roll call, Alderman Stachowiak, Searing, Kuhlemier, Straub, Charnas, Hand, Folsom and Blanton voted aye. Vote 8 ayes, motion carried.

Appointments/Resignations:

Mayor Mulvaney asked the Council to approve his re-appointment of Mr. Fred Tintori to the Police-Fire Commission until June 30, 2007 (3-year term). Motion by Alderman Folsom and seconded by Alderman Searing. Upon roll call, Alderman Blanton, Folsom,

Hand, Charnas, Stachowiak, Searing, Straub and Kuhlemier voted aye. Vote 8 ayes, motion carried.

Administrators Report:

Richard Downey, City Administrator reported to the Council on the budget process and provided an update on the Dakota Worldwide Corporation (grocery store) report. Following the information on the Dakota report, Mr. Downey informed the Council that his original estimation on the cost was incorrect and an additional \$3250 would need to be approved. **Motion** by Alderman Kuhlemier and seconded by Alderman Charnas to approve the additional expenditure for this report in the amount of \$3250.00. Upon roll call, Alderman Stachowiak,

Searing, Kuhlemier, Straub, Charnas, Folsom, Hand and Blanton voted aye. Vote 8 ayes, motion carried.

Additional items of information from Mr. Downey may be found on Attachment A.

Alderman/Committee Reports:

Alderman Stachowiak (Public Property) – No Report

Alderman Searing (Personnel) – Committee meeting 9 March at 5:00 p.m. in the Council Chambers

Alderman Kuhlemier (Finance/Safety) - Committee meeting 8 March at 6: 00 p.m. in the Council Chambers

Alderman Straub (Public Works) - Committee meeting 10 March at 4:00 p.m. in the Council Chambers

Alderman Charnas – No Report

Alderman Hand (Ordinance/License) – Committee meeting 11 March at 6:30 p.m. in the Council Chambers. In addition **a motion** by Alderman Hand and seconded by Alderman Folsom to approve the following Raffle License:

- 1) St. Andrew Catholic School
- 2) Rock Falls Optimist Club

No questions or discussions followed, upon roll call Alderman Stachowiak, Searing, Kuhlemier, Straub, Charnas, Hand, Folsom and Blanton voted aye, Vote 8 ayes, **motion carried.**

Alderman Folsom (Insurance) – Committee meeting 18 March at 6:00 p.m. in the Council Chambers

Alderman Blanton (Electric) - Committee meeting 9 March at 6:00 p.m. in the Council Chambers

Mr. Blanton brought forth a discussion on a proposed contract with Radio Ranch of Rock Falls for a change in the Nextel phones and services that are currently being offered. Mr. Downey joined the discussion and advised Mr. Blanton and the Council that he was approached by the Nextel Company directly and was offered a better deal than was available through the local dealer. In the interest of procuring the best cost possible for the dollars being spent, suggested that we wait until we get a quote in writing and then proceed. There was a concern that the prices offered were only good thru a certain time frame from the local dealer. Mr. Downey was insured by the Nextel Representatives that the prices being quoted would remain the same until this issue was resolved. Following continued discussions, **a motion** was made by Alderman Blanton and seconded by Alderman Folsom to allow the Mayor and the City Administrator to enter into an agreement on behalf of the city for the best rates available, to provide the same services we have know. Upon roll call, Alderman Stachowiak, Searing, Kuhlemier, Straub, Charnas, Hand, Folsom and Blanton voted aye. Vote 8 ayes, **motion carried.**

Information and Updates:

City Clerk Wescott requests the Council pass an Ordinance Authorizing Acceptance of Transfer to City of Rock Falls of Jurisdictional Control Over Certain Highways. **Motion** by Alderman Blanton and second by Alderman Hand. Upon roll call, Alderman Blanton, Folsom, Hand, Charkas, Straub, Kuhlemier, Searing and Stachowiak voted aye. Vote 8 ayes, **motion carried.**

Department Heads:

Water Department – Ted Padilla, Supt. reported that his department would begin the process of flushing Fire Hydrants on the dates of March 8th thru April 9th from 11:00 p.m. to 5:00 a.m., Monday thru Friday weather permitting. The areas south of Route 30 will be done the March 8th thru the 19th and the areas North of Route 30 will be completed March 22nd thru April 9th. The information has been passed onto the Media for publication.

Community Affairs:

Christian Tscheschlok, Executive Director of the Rock Falls Community Development Corporation reminded the Council and the Citizens of Rock Falls of the scheduled Open House and Public Informational Hearing to be presented on the Downtown Development Project. The event is scheduled for March 4th from 4-6 p.m. at the Rock Falls Community Development Offices on First Avenue. Following this, the RFCDC will then make its final report to the City at the City Council Meeting scheduled for March 16, 2004.

Mr. Tscheschlok made the Council aware of the RFCDC involvement with a new Data Base for Economic Development that is compatible with the State of Illinois system and will allow for the transfer of information back and forth. This was made possible by the awarding of a SBC grant in the amount of \$20,000.

Linda Thurm ,Executive Director of the Rock Falls Chamber of Commerce briefed the Council on several upcoming events: March 3 Breakfast at 7:30 a.m. at the Red Apple Restaurant and Tourism Awareness Luchenon for Blackhawk Waterways , March 24th 11:30-1:30 at the RF Community Building and Business after Hours on 18 March 5-6 p.m. at the Cinergy Styling Salon.

Mayor Report:

Mayor Mulvaney made the Council aware of a request that had been received from the Johnson Oil Company dated February 11th, requesting consideration for additional package liquor sales at convenience stores. He addressed the issue by stating that it has been the direction of the Council to not enter into this type of sales in the past and that unless the council shows objection he will notify Johnson's Oil Company by written correspondence that the City will not be taking any actions to change the current practices. Alderman Kuhlemier spoke briefly in affirmative of this decision due to refusal of the same request when the Casey's Stores came to Rock Falls.

Mayor Mulvaney inquired as to the status of the parking restrictions for vehicles/trucks on all city parking lots and impound fees. Mr. Downey responded by stating that these two issues will be addressed at the upcoming Ordinance committee meeting. **(Open item)**

Mayor Mulvaney is in receipt of an inquire from the Rock Falls High School and Ryder Bus Services to look into the issue of parking along Rocket Drive at the High School. There have apparently been several accidents over the past year,

and the buses are having difficulties in maneuvering in and out of the area... This issue was referred to the Ordinance committee for considerations. **(Open Item)**

Mayor Mulvaney requested the Street Department Supt. look into the placement of some sort of barricades at the entrances to the Reliant Fastener properties at E. 2nd St. & Ave. A and E. 2nd St. & Woods Ave. to prohibit persons from being able to utilize the property as a drive thru. Additionally there are concerns about somewhat possibly being injured while on the property. He requested a motion for this action to be carried out so that the City was on record as a protective action. Motion by Alderman Hand and seconded by Alderman Blanton. Further discussions followed with City Attorney Reese addressing the issue, by stating that the City has no legal authority to place blockades and restrict access to private properties. In addition, in the event of an emergency situation, access to building by emergency vehicles would be restricted. He also advised that should anyone become injured, the City has no legal liability due to it being private property. Motion was withdrawn by the maker. **(No action taken)**

Mayor Mulvaney addressed 7 different properties in Rock Falls that have been vacant or abandoned for a period of years. Two properties on Avenue E have been vacant for approximately 10 years, One on Third Avenue that still has furniture, clothes and food in it which has been vacant since the 1980's. Currently a residence at 812 Avenue A has no water or electricity since last fall and still is occupied by the owners. The Mayor and City Attorney would like to see the Council to move towards condemnation of this property to include involving the Whiteside County Health department if necessary. Our Police Department has been wrestling with legal issues for years in relationship to these properties and has gone as far as they can legally go. It is time for the city to send a message, that this will not be tolerated in the City. The addresses of the properties in questions are as follows: 404 12th Ave., 404 6th Ave., 226/228 Ave. E, 403 3rd Ave., 204 E. 4th St., 809 Ave. A and 812 Ave. A. Mr. Reese commented that he was not sure as to what if any assistance the Health department could be, since the residence in question are within the City limits of Rock Falls and outside of there jurisdiction. **Motion by Alderman Blanton and second by Alderman Hand to contact the Health department for there assistance if necessary, and the pursue whatever is necessary to get the issues with these properties resolved. Caution was warned to monitor the situation so has to control the City's cost.**

Upon roll call, Alderman Blanton, Folsom, Hand, Charnas, Straub, Kuhlemier, Searing and Stachowiak voted aye. Vote 8 ayes, motion carried.

Executive Session:

Mayor Mulvaney called for a motion to go into executive session for matters of collective bargaining, Section 2 (c) (2). Motion by Alderman Blanton and second by Alderman Kuhlemier. Upon roll call, Alderman Stachowiak, Searing, Kuhlemier, Straub, Charnas, Hand, Folsom and Blanton voted aye. Vote 8 ayes, motion carried. Into closed session at 8:03 p.m.

Motion by Alderman Blanton and second by Alderman Stachowiak to return to regular session. Upon roll call, Alderman Blanton, Folsom, Hand, Charnas, Straub, Kuhlemier, Searing and Stachowiak voted aye. Vote 8 ayes, motion carried. Out of Closed session at 8:35 p.m.

No actions resulting from the closed session. **Motion by Alderman Folsom and second by Alderman Hand to adjourn. Upon roll call, Alderman Blanton, Folsom, Hand, Charnas, Searing, Stachowiak, Straub and Kuhlemier voted aye. Vote 8 ayes, motion carried.**

Approved 16 March 2004

William B. Wescott, City Clerk