

**REGULAR MEETING OF THE MAYOR AND ALDERMAN OF
THE CITY OF ROCK FALLS
August 17, 2004**

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., August 17, 2004 in Rock Falls, Illinois by Mayor Edward M. Mulvaney.

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

Approval of Minutes/Payment of Bills:

A motion was made by Alderman Hand and second by Alderman Charnas to approve Regular Session Minutes from August 3, 2004 and payment of bills as follows:

Tourism \$2,550.00, General Fund \$89,146.14, Industrial Development \$110.00, Tax Increment Financing \$585.00, Electric O&M \$69,912.02, Sewer Revenue O&M \$63,978.65, Water Revenue O&M \$78,796.35, Garbage \$248.91, Customer Service Center \$4,729.88, Motor Fuel Tax \$320.00, Customer Utility Deposits \$524.52, IMRF/Social Security \$3,586.09. Upon roll call, Alderman Stachowiak, Searing, Kuhlemier, Charnas, Hand, Folsom and Blanton voted aye. Vote 7 ayes, **motion carried**.

Audience Requests:

No citizens addressed the Council

Correspondence/Resolutions:

A motion was made by Alderman Searing and second by Alderman Kuhlemier to refer to the Plan Commission/Zoning Board of Appeals a request for rezoning of the Baroncini Addition. Upon roll call, Alderman Stachowiak, Searing, Kuhlemier, Charnas, Hand, Folsom and Blanton voted aye. Vote 7 ayes, **motion carried**.

A motion by Alderman Blanton and second by Alderman Searing to accept the following recommendations from the Plan Commission/Zoning Board of Appeals:

1. Approve the final plat for the L.D. Custis Subdivision (Lots 1 & 2)
2. Approve the final plat for the West Wolf Ridge Subdivision Phase III
3. Approve the rezoning request from R-2 to B-1 (1306-1308 W. 2nd St.)

Upon roll call, Alderman Stachowiak, Searing, Kuhlemier, Charnas, Hand, Folsom and Blanton voted aye. Vote 7 ayes, **motion carried**.

The Plan Commission/Zoning Board of Appeals made a recommendation to the Council to approve the setback variance to existing R-2 Ordinance in regards to the property located at 604 Avenue A, Rock Falls, Illinois owned by Mr. Brian E. Snow. Mr. Snow had requested a setback/height variance petition that had previously been referred to the Plan Commission/Zoning Board of Appeals. A discussion followed, in which Mr. Whiting of the Building Department reported to the Council that an on-site inspection was made on July 22, 2004 and the following findings were made:

1. Sq. footage in the required rear yard maximum of 30%
2. Maximum of accessory buildings – should be 15’ (requesting 17’)
3. Side yard setbacks for accessory building – should be 6’’ (requesting 3’)
4. Expansion of a non-conforming/grandfather building (garage)

It was noted by Mr. Whiting, as well as, City Attorney Reese that Mr. Snow’s request for the variance does not meet any of the required hardship requirements for granting his request. Mr. Whiting also reported that Mr. Snow had been advised of (2) two other legal options:

- A. Construct a second garage either attached to their dwelling or locates the second garage/storage bldg. elsewhere in the backyard.
- B. Construct the new garage in a portion of the required rear yard and the remaining portion located out of the required portion of the rear yard. Then demolish the old non-conforming grandfathered garage.

Mr. Snow requested permission to address the Council and Mayor Mulvaney granted his request. Mr. Snow told the Council that he felt that the reason that his request was being denied by the building department was because of an ongoing vendetta he perceives by Mr. Whiting. He advised the Council that he had went to his neighbors as is required and he received no negative feedback from anyone in regards to his proposed addition to his garage. Mr. Snow then told the council that he knows of many other variances of this nature which have been approved by the City over the years and feels that he is being singled out in this denial. Mr. Reese addressed Mr. Snow’s comments by stating, that in his 20 years of serving as legal council to the City no variances of this nature has been granted and challenged him to prove his accusations. Mr. Snow could not provide any examples.

Alderman asked if this issue could be referred back to the Plan Commission/Zoning Board of Appeals for reconsideration. They were told that without significant change in the request, the issue before the Plan Commission had been answered by there recommendation. **A motion** was then made by Alderman Blanton and second by Alderman Folsom to deny the request for setback variance to existing R-2 ordinance.

Upon roll call, Alderman Stachowiak, Searing, Kuhlemier, Charnas, Hand, Folsom and Blanton voted aye. Vote 7 ayes, **motion carried. (Variance denied)**

A request for the City Council to examine the need for comprehensive plan maps to assist with future development was referred to the C.O.W. Meeting on August 23, 2004 for discussion.

OLD BUSINESS:

Mr. Kuhlemier presented a follow-up report on the request from the Fiesta Committee for a location in Rock Falls for there craft fair to be conducted during the upcoming Fiesta Days. The Fiesta Committee following deliberation has decided to move the Craft Fair to a location in Sterling. Therefore no issues requiring further discussion are needed.

ORDINANCES: SECOND READING/ ADOPTION

Ordinance 2004-2102 amends Section 10-116 Nuisance-Weeds increasing penalties from \$10 to \$50.00. **Motion by** Alderman Searing and second by Alderman Blanton to approve Ordinance as presented. Upon roll call, Alderman Stachowiak, Searing, Kuhlemier, Charnas, Hand, Folsom and Blanton voted aye. Vote 7 ayes, **motion carried.**

Section 10-300 Establish Impound fee at \$10.00 per day. City Clerk Wescott reminded the Council that this Ordinance change has still not been presented in Ordinance form and at this time can not be voted upon for passage. It was tabled for 60 days and to be referred to the City Attorney for drafting. It is to return to the Council by October 19.

Ordinance 2004-2103 which provides for the submission to the electors of the City of Rock Falls, Whiteside County, Illinois, the question of whether the City should Impose a non-home rule municipal retailers' occupation tax and non-home rule municipal service use tax. **Motion made** by Alderman Kuhlemier and second by Alderman Hand. Prior to the vote, Alderman Folsom addressed the Council and stated that he supports the idea of a sales tax for improvements to the infrastructure; however, he would not be able to vote for the same. Upon roll call, Alderman Stachowiak, Searing, Kuhlemier, Charnas, Hand and Blanton voted aye. Alderman Folsom voted nay. Vote 6 ayes – 1 nay, **motion carried.**

CONSENT AGENDA:

A motion by Alderman Blanton and second by Alderman Charnas to award the low bid for bituminous resurface maintenance program to Northwest Illinois Construction Co., Rock Falls for \$83,747.35 and the seal coat maintenance program to low bidder Bob Prophet Construction L.L.C., Sterling, Illinois for \$44,525.78 as recommended by the City Engineer. Upon roll call, Alderman Stachowiak, Searing, Kuhlemier, Charnas, Hand, Folsom and Blanton vote aye. Vote 7 ayes, **motion carried.**

DEPARTMENT HEADS REPORTS

Building Department – Mr. Whiting reported that Building permits for a (7) seven month period ending July 31 were at \$6,546,652 compared to \$6,141,200.19 for the entire year of 2003.

Electric Department – Mr. Jakubczak reported to the Council that repairs are underway to the hydro plant. Repairs could take up to 6 weeks to complete. He will keep the Council advised.

Street Department – Mr. White reported that the paint had arrived and his crews would begin painting the roadways soon, as well as, start the crack filling.

Wastewater Treatment – Mr. Cox reported that he is working with a supplier and will be developing a cost for the possible placement of a slip lining into some of our older mains.

ADMINISTRATORS REPORT:

Mr. Downey presented his report. See attachment A to these minutes.

INFORMATION /UPDATES:

City Clerk Wescott told the Council that (3) three vehicles which were included in Ordinance 2004-2098 passed on July 6th have still not sold. The City Clerk advised the Council that under the provisions of 65 ICLS 5/11-76-4 the vehicles in question would now be sold to the party making the best offer and or sold for scrap.

COMMUNITY AFFAIRS:

Linda Thurm, Executive Director of the Chamber of Commerce reported to the Council on the success of the Annual Golf outing recently completed. She also invited members of the Council to the upcoming Business after Hours on August 19, 2004.

Christian Tscheschlok, Executive Director of the RFCDC spoke to the Council announcing that it was his last meeting as a single man, as he will be getting married this coming weekend. After well wishes from the Council, Christian handed out an information pamphlet on Project Brava, Illinois Rural Entrepreneur Advancement Program (I-REAP). The presentation was informational in nature and told the Council members that they would be hearing more about this endeavor. Christian, also spoke to the Council about the progress being in attempting to secure a Grocery Store for our community. He praised the ongoing efforts of Mr. Downey towards seeing this project completed. He also made brief mention of Project Point and truly hopes to be making some very positive announcements in the future.

APPOINTMENTS/RESIGNATIONS:

Motion by Alderman Blanton and seconded by Alderman Hand to designate Paul Jakubczak, Department Head of the Electrical Utility Department, as the official representative of the City of Rock Falls to the IEMA Board of Directors. Upon roll call, Alderman Stachowiak, Searing, **Kuhlemier, Charnas, Hand, Folsom and Blanton voted aye. Vote 7 ayes, Motion carried.**

Mayor Mulvaney asked the Council to accept his appointment of Thomas J. Myers to the Police-Fire Commission for a 3 year term, starting on August 17, 2004 through June 30, 2007. **Motion** by Alderman Hand and second by Alderman Stachowiak to approve the Mayoral appointment to the Commission. Upon roll call, Alderman Blanton, Folsom, Hand, Charnas, Kuhlemier, Searing and Stachowiak voted aye. **Vote 7 ayes, Motion carried.**

COUNCIL COMMITTEE REPORTS/ MEMBER REQUESTS:

Public Utilities/Public Property:

Alderman Blanton, Chairman along with Mr. Downey and Wastewater Supt. Ed Cox reported to the Council of some problems that have been identified in the billing of (2) of our Industrial customers. A recent review of charges for billing of the Industrial, commercial and residential customers showed that National Mfg. and Lawrence Hardware have not been being billed at the correct rates since the inception of there services for sewer. Both of these Companies signed pre-annexation agreements with the City of Rock Falls for the services they are receiving due to there plant being located outside of the City limits. In that agreement they were to pay residential rates until such time as annexation may occur. Then they would be switched to the Industrial rates. They are also subject to all other fee charges as are all users of the services.

National Mfg. produced a letter of correspondence dated 5-31-02 that they had been sent by Mr. Don Henderson, then Supt. of Wastewater for the City. In that letter Mr. Henderson told National Mfg. that the rates had been calculated incorrectly and in fact changed the rates himself. He stated that this was done with Council action. A search of Council minutes reveals the Council taking no such actions. Mayor Mulvaney asked what impact the change has had on the current fees collected from National. Mr. Cox stated that on the average the bill has been approximately \$3000 per month and should have been approximately \$6000. In addition neither of the Industrial properties has been being charged the additional fees that sewer users throughout the City are charged.

Following a short discussion, it was agreed that neither of the (2) Industrial users would be charged back fees. However, **a motion** was made by Alderman Charnas and second by Alderman Hand to charge the rates as stipulated in the pre-annexation agreement and the fees all wastewater users incur beginning with the next billing cycle of the City. Upon roll call, Alderman Blanton, Folsom, Hand, Charnas, Kuhlemier, Searing and Stachowiak voted aye. Vote 7 ayes, **motion carried**.

Finance/Insurance:

Alderman Kuhlemier reported on the Don's Party held in conjunction with the Mexican Fiesta activities. The event is scheduled for August 28, 2004. Anyone needing tickets should contact him.

He also reported on the upcoming Public Informational meetings regarding the City's financial status. There are (3) three meeting scheduled: 7 September 9:00 a.m. in the Rock Falls Community Building, 8 September 1:00 p.m. at Merrill School and 9 September 7:00 p.m. in the Rock Falls Community Building.

Alderman Charnas recognized Pete Whiting, Bldg. Inspector for all of his hard work and extra time being put into his position to keep up with the demand of the construction occurring in the City. He also wanted to wish the members of the 1644th National Guard and there Families well with the recent deployment of the Unit. He recognized the Senior League Softball team for there success and advancement to the Little League World Series in Delaware.

The Softball program has had great success in the past winning over 20 State Championships at various levels; however, this is the first team in the history of the local league to advance to the World Series at any level of competition.

Alderman Charnas then gave a report on the AD HOC Committee working on the resolve of the Reliant Building issues. The City can apply for (2) competitive grants, one from the IEPA for \$200,000 and one from the EPA for \$250,000. In both instances the City would be required to provide some contribution, however, that could be accomplished by in-kind services.

The City is also in a position to apply for a free redevelopment assessment which is available to municipalities, one per calendar year. The only requirement is for the City to draft a letter of request as soon as possible. **Motion** by Alderman Charnas and second by Alderman Hand to draft resolution requesting the IEPA to perform a redevelopment assessment. Upon roll call, Alderman Stachowiak, Searing, Kuhlemier, Charnas, Hand, Folsom and Blanton voted aye. Vote 7 ayes, **motion carried**.

A discussion was held concerning the findings of some hazardous materials that will need intervention at the site of the old PA Building that is currently being demolished by the Selaron Company. IEPA has also looked at the site while in town, and report that the Selaron Company has been very cooperative. **Motion** was made by Alderman Kuhlemier and seconded by Alderman Blanton to draft a letter to the Selaron Company asking them to delay the filling in of the pits that are in question until the IEPA can make a resolve to the issues identified. Upon roll call, Alderman Stachowiak, Searing, kuhlemier, Charnas, Hand, Folsom and Blanton voted aye. Vote 7 ayes, **motion carried**.

MAYOR'S REPORT:

Mayor Mulvaney reported briefly on the abandoned/vacant property issue. He stated that 21 of the 55 properties still have issues that are being addressed. The ones that remain have issues with junk cars and properties with structural problems besides the issues of grass and weeds.

City Clerk Wescott informed the Council that 3 vehicles that had been previously approved for sale by the City under Ordinance 2004-2098 on July 6th, 2004 had received no takers for minimum bids that had been established. Requesting that the Police Department and Water Supt. be allowed to dispose of the vehicles by sale, scrap or salvage. **Motion** by Alderman Blanton and second by Alderman Hand to approve the disposal of properties as requested by Clerk Wescott. Upon roll call, Alderman Stachowiak, Searling, Kuhlemeir, Charnas, Hand, Folsom and Blanton voted aye. Vote 7 ayes, **motion carried**.

Motion was made by Alderman Stachowiak and seconded by Alderman Kuhlemier to enter into Executive Session for the purposes of discussing Collective bargaining matters – Section 2 (c)(2) and Personnel Matters – Section 2 (c) (1). Upon roll call, Alderman Stachowiak, Searing, Kuhlemier, Charnas, Hand, Folsom and Blanton voted aye. Vote 7 ayes, **motion carried**. (7:50 p.m.)

City Council Minutes
August 17, 2004
Page 7

A Motion was made by Alderman Folsom and seconded by Alderman Hand to return to regular session. Upon roll call Alderman Stachowiak, Searing, Kuhlemier, Hand, Charnas, Folsom and Blanton voted aye. Vote 7 ayes, **motion carried.**(8:16 p.m.)

Motion was made by Alderman Folsom and seconded by Alderman Hand to adjourn. Upon roll call, Alderman Charnas, Hand, Folsom, Blanton, Kuhlemier, Searing and Stachowiak vote aye. Vote 7 ayes, **motion carried.**

Approved 7 September 2004

William B. Wescott, City Clerk