

MONTICELLO CITY COUNCIL

August 26, 2019

Mayor Stoner called the meeting to order at 7:00 pm.

Mayor Stoner led the Council in the Pledge of Allegiance, and Jerry Dusenberry, of First Christian Church, led the Council in prayer.

Roll Call was taken by City Clerk Jill Potts.

ROLL CALL: Present: FRERICHS, SEBENS, HARLAN, JONES, BROCK, BURRIS,
KOON, REED

Absent:

Also Present: Terry Summers, City Administrator; John Carter, Chief of Police; Jim Grabarczyk, PW Director; Callie McFarland, Community Development Director; Maura Metcalf, HR/Finance Director

PUBLIC PARTICIPATION:

Deanelle Payne was the first to speak in opposition of Resolution 2019-45. Mrs. Payne's arguments included her belief that not enough research has been done, options such as rooftop placement should be explored, concern about the fence across the stormwater retention basin, and the aesthetics.

Bruce Payne followed, stating he had received a voicemail at work from an energy company out of Chicago stating they could save his company 40% on power bills, not knowing any details of the company. He remarked that 40% is the same magical number the school is reporting. Mr. Payne questioned if farmers decide to stop farming and replace fields with solar panels, where do you limit?

Marcia McRae spoke next, and informed the Council she had provided them with a 3-page handout including research she has done on this topic. Ms. McRae is concerned about the effect the solar panels will have on the health and well-being of the students at MMS, and outlined further concerns about traffic congestion during construction, the electromagnetic grid risks, how damage to the panels from weather will be handled, and if the solar panel field will affect hearing aids and pacemakers. She stated that the mission of the City Council is the safety and well-being of all residents, and that the Council should vote accordingly.

Dr. Zimmerman spoke on behalf of the school, and gave a brief history of the project from May to present. Dr. Zimmerman noted that the school and CED addressed concerns that were voiced the first time this came before PZB and Council, but the concerns remain the same despite changes being made. Dr. Zimmerman informed the Council that the School Board has not yet approved this plan, as tweaks are still being made. This will occur at the School Board Meeting in September. Dr. Zimmerman states that the concerns voiced tonight during public participation are not the concern of the City Council. This is a zoning issue, and these concerns are questions that need to be brought to the School Board. He urged the City Council to approve Resolution 2019-45. Steve Shreffler was the final speaker. Mr. Shreffler stated that in light of the fact that the School Board has not yet voted on this, the City Council should table as well. He made comparisons to electrical aggregation, and stated that promises made by CED should be in the contract, not verbal. Mr. Shreffler urged the Council to vote no.

CONSENT AGENDA:

- a) Claims Report (Claims dated August 13, 2019 through August 26, 2019)
- b) Meeting Minutes –City Council Meeting Minutes August 12, 2019; City Council Closed Session Meeting Minutes August 12, 2019; Planning and Zoning Board Meeting Minutes July 15, 2019
- c) Fire Report – June 2019, July 2019
- d) Budget Report – July 2019
- e) Treasurer’s Report – July 30, 2019

With no questions from Council, a motion was made by Alderman Jones, and seconded by Alderman Frerichs, to approve the Consent Agenda items. A voice vote was taken and the motion carried with all present voting yes.

MAYOR’S REPORT:

Mayor Stoner reports that the Monticello Recreation Foundation is hosting an informational meeting on the 30 Acre Outdoor Recreation Complex tomorrow evening at 6:30 pm at Monticello Christian Church. Registration is still open for the Monticello Bootcamp Program. This is the 9th round of the program, which is free to any participant. Individuals can register at monticellobootcamp.com.

OLD BUSINESS:

None

NEW BUSINESS:

Ordinance 2019-41: An Ordinance Approving a Variance to a Front Yard Setback, 615

S Buchanan Street

Applicant- James & Eloise Hamilton, owners of the single-family residence at 615 S. Buchanan St. (RD)

Mr. & Mrs. Hamilton are elderly and currently needing to replace the deteriorating front stoop of their home. They would like to construct a larger space to be able to open the door, as well as provide a balanced and visually pleasing deck, eliminating potential for slippage, and increasing the distance for mobility. The City of Monticello Zoning Ordinance states that decks may not encroach into setbacks (§153.039(B)), and the proposed deck would encroach into the front yard setback. Mr. & Mrs. Hamilton are requesting a variance to the City of Monticello Zoning Ordinance, reducing the front yard setback requirement from 25' to 17', so they may proceed with their desire to construct the deck proposed. A public notice was published in the July 31, 2019 edition of the Piatt County Journal Republican, and all adjacent property owners were notified by certified mailing, as per state statute. The Planning & Zoning Board held a public hearing at the August 19, 2019 meeting, where public comment was solicited, but no comment was made. After further discussion, the Planning & Zoning Board voted to recommend approval of variance request for 615 S. Buchanan Street, 7 yes, 0 no. There were no questions or comments from the Council. A motion was made by Alderman Reed, and seconded by Alderwoman Harlan, to waive the 2nd reading. The motion passed with 7 yes votes and one no vote (Jones). A motion was made by Alderwoman Sebens, and seconded by Alderman Koon, to approve Ordinance 2019-41. A voice vote was taken and the motion carried 8-0.

Ordinance 2019-42: Conditional Use Permit to Allow a Commercial Establishment not Designated, 1203 Raymond Road (Piatt County Animal Shelter)

Applicant- Piatt County Animal Shelter (prospective owner), 1203 Raymond Road, zoned General Industrial (I-1)

Piatt County Animal Shelter wishes to purchase the property at 1203 Raymond Road. The organization would like to construct a 3,600sf animal shelter facility to allow for a more efficient operation. The grounds will be property maintained to keep the area appealing to all visitors, and noise levels will not interfere with the other businesses in the area. All operations will be cared for in accordance to the Department of Agriculture rules and regulations. The City of Monticello

Zoning Ordinance does not have a specific use definition of an animal shelter, so the appropriate designation is “Commercial Establishment not Designated”- a use only allowed with a Conditional Use Permit in an I-1 zoned parcel (§153.017). A public notice was published in the July 31, 2019 edition of the Piatt County Journal Republican, and notice was sent to all adjacent property owners by certified mailing, as per state statute. The Planning & Zoning Board held a hearing at their August 19, 2019 Planning & Zoning Board meeting, in which two individuals spoke out in support of the project. After further discussion, the Planning & Zoning Board voted to recommend approval of the conditional use request, 7-0. Callie McFarland reported that there were 2 speakers at the last PZB meeting in favor of this project, and Alderman Frerichs asked if they were with the Shelter. Ms. McFarland replied that one was and one was not. With no further questions, a motion was made by Alderman Brock, and seconded by Alderwoman Sebens, to approve Ordinance 2019-42. A voice vote was taken and the motion carried 8-0.

Ordinance 2019-43: An Ordinance Approving a Variance to a Front Yard Setback and Minimum Lot Size, and Rezoning to (RS) Suburban Residential upon Annexation

Applicant: John Ricketts, owner of 827 E. Old Route 47- currently outside of City limits.

The private septic system at 827 E. Old Route 47 is no longer able to serve the property, and because public utilities have been extended since the original system was installed, connection to the public sewer system is required. Connection cannot occur to the City utilities unless the property is annexed, or an annexation agreement has been acted upon. Upon annexation, the parcel would be designated as the most restrictive designation- Urban Residential. This designation is not consistent with the adjacent residential parcels, so staff is requesting the property be rezoned to Suburban Residential (RS). The parcel of property, which contains two existing structures- a single family residence and a garage- is 9,568 square feet, which is less than the minimum area for residential use. Additionally, the residence would encroach into the front yard setback. To bring the property into compliance prior to annexation, the property owner is requesting a variance to reduce the minimum lot area for residential use in an RS zone from 18,500sf to 9,568sf; and a reduction to the front yard setback from 30’ to 10.7’. These actions would be contingent upon the annexation approval by the City Council. A public notice was published in the July 31, 2019 edition of the Piatt County Journal Republican, and all adjacent property owners were notified by certified mailing, as per state statute. The Planning & Zoning Board held a public hearing at their August 19, 2019 meeting, where public comment was solicited, and no public comment was made. The Planning & Zoning Board voted to recommend approval of the variance and rezoning requests, 7 yes, 0 no. Alderman Brock commented that this was a huge variance, and that we have not had a variance come through before with such large changes. Alderman Reed confirmed that the applicants have no other options; Callie McFarland agreed that there was no other way around this situation. A motion was made by Alderman Burriss, and seconded by Alderwoman Sebens, to waive the 2nd reading. The motion passed 7-1 (Jones voted no). A motion was then made by Alderman Reed, and seconded by Alderwoman Harlan, to approve Ordinance 2019-43. A voice vote was taken and the motion carried 8-0.

Ordinance 2019-44: An Ordinance Annexing Certain Property, 827 E Old Rt 47

Kyle A. Schultze PLS with R.W. Lamb Group has submitted a Plat of Survey for annexation of property known as 827 E. Old Route 47, and supporting documents to City staff for review. Per State statute certified mailings were sent out to board members of Allerton Public Library and Mid Piatt Fire Protection District, taxing bodies. The Planning and Zoning Board held a public hearing at its regularly scheduled meeting on August 19, 2019 for Rezoning and Variance Requests. No public comment was made at this meeting. The Planning and Zoning Board recommended approval 7-0. Brett Baker presented the above, and there were no questions or comments from the Council. A motion was made by Alderman Brock, and seconded by Alderwoman Harlan, to waive the second reading of this Ordinance. The motion passed 7-1 (Jones no). A motion was made by Alderman Koon, and seconded by Alderman Frerichs, to approve Ordinance 2019-44. A voice vote was taken and the motion carried 8-0.

Resolution 2019-45: Conditional Use Permit to Allow an Accessory Structure, 2015 E Washington Street (MCUSD #25, Middle School) Solar Panels Revised Layout

Applicant- MCUSD #25 & Clean Energy Design Group, Inc., for a project at 2015 E. Washington Street, zoned Single Family Residential (RE-1).

Monticello Community Unit School District #25 has partnered with Clean Energy Design Group, Inc. (CEDG), to construct a ground-mounted array of solar panels to serve the Middle School facility, at no cost to the school district. The structures would be approximately 6' in height and considered low-profile. The area for the panels would take up 4.7 acres and be constructed on the southeast portion of the property, surrounded by a 6' fence. After taking into consideration the concerns from the adjacent property owners from the initial hearing in June, the site for the solar array has been moved to the southeast corner of the property, 500' from the front property line (Washington Street), and over 1000' from the west property line and the residential subdivision adjacent (Ridgepointe Subdivision). CEDG plans to install bee habitat friendly ground planting to be continuously operated and maintained by them, surrounding the panels. The sound generated at from the site would be 30db from 20m away from the transformer. If the budget allows, CEDG would also relocate the baseball and soccer fields which currently are in the place of the proposed location. §153.020 (C2) of the City of Monticello Municipal Code states that a Conditional Use permit is required for additional or other accessory structures (not listed) in a Single Family Residential (RE-1) zone. A public notice was published in the July 31, 2019 edition of the Piatt County Journal Republican, and notice was sent to all adjacent property owners by certified mailing, as per state statute. The Planning & Zoning Board held a hearing at the August 19, 2019 Planning & Zoning Board meeting. During the public hearing, individuals spoke in opposition of the program, questioning the cost savings to the school district, as well as drainage impacts. After further discussion, the Planning & Zoning Board voted to recommend approval of the conditional use permit request, 7-0.

Alderman Koon shared that he had visited this site at MMS and walked it, taking pictures from the back of Prairie Lane. These pictures were shared via the overhead. Alderman Koon reported that standing from that position, he could not see the proposed sight. Alderman Jones questioned Terry Summers regarding any concern about drainage issues, and Mr. Summers reported that City Staff had no concerns. Alderman Burris noted another school he recently saw in this area that had a solar site, and commented that this is not unprecedented. Alderman Jones reminded those present that the questions/concerns that have been brought forth from citizens are questions for the School Board, and should be presented at their September 18th meeting. Alderman Koon asked CED about the glare off of the solar panels, and the CED representative stated that they are non-glare, and that an additional non-glare spray could be added if necessary. Discussion ensued regarding any danger presented by voltage, and it was determined this is a non-issue. Alderman Frerichs added that he too toured the property to aid in his decision-making, and while he agrees the initial location was undesirable, he feels this option is good. He also spoke with a resident of Prairie Lane who shared that he was concerned about the first location but has no problems with the revised location. A motion was made by Alderman Brock, and seconded by Alderman Burris, to approve Ordinance 2019-45. A voice vote was taken and the motion carried with all present voting yes.

Resolution 2019-46: Encroachment Permit to Allow Secondary Ingress/Egress, 107 W Main Street

The City of Monticello is in receipt of an Encroachment Permit request from Dunwalt LLC, for the installation of a staircase on the public right of way (alley) to provide rear access to their building at 107 W. Main Street. The staircase size is planned to be an overall width of 48", with a height of 32", extending into the alleyway 5', similar to what is down the alley at the Main Street Pub, and the former Monticello Drug store property. Sections 94.75-94.079 of the Municipal Code allow for Revocable Permits to be issued for encroachments on public right-of-way. If approved, the requestor will need to provide a Certificate of Insurance for the proposed encroachment. With no questions or comments from the Council, a motion was made by Alderman Frerichs, and seconded by Alderman Reed, to approve Ordinance 2019-46. A voice vote was taken and the motion carried with all present voting yes.

Recreational Cannabis: Discussion Only

Terry Summers provided the following overview:

Mr. Summers applauded Council input thus far in cannabis discussions, and reported that Urbana recently had a public hearing regarding this issue and only 12 residents attended. Mr. Summers encouraged the Council to get out and informally poll residents to gain feedback. After reviewing the timeline, IML recommendations, and IDR issues, the law enforcement perspective was discussed. Both Chief Carter and Terry Summers have reached out to law enforcement agencies in the area to ask what effect they have seen with the presence of current medical marijuana facilities, with all the answers being no effect at all on law enforcement. Alderman Jones states he feels we should start working now on a zoning text amendment and allow by Conditional Use as opposed to dragging our feet. Alderman Brock agrees, stating if we “get it on the books” we can say no later. Alderman Frerichs commented that at the end of the day this is a business decision and should be looked at from that perspective. Discussion ensued regarding how the amount of locations could be regulated by zoning, with Alderwoman Harlan likening the regulation to liquor licenses, which Callie McFarland verified is correct. Alderman Jones pointed out that the value of Conditional Use is we can regulate case by case. Public input was discussed, and Alderman Brock emphasized his request for the public to weigh in on this issue. He also clarified we have to make a decision by September 30, so let’s get it on the books so it can be taxed. Terry Summers suggested that for the upcoming PZB Hearing, Council come up with five questions to put forth to PZB to get answered at the hearing. It was asked the Council members return to the next meeting with questions. In the meantime, City Staff will draft the petition for the PZB Meeting. The attorneys have drafted the tax ordinance. Alderman Jones requested that these be sent to Council members prior to next meeting.

ALDERMEN’S AND ALDERWOMEN’S REPORTS:

Alderman Koon encouraged people to come to the 30 Acre Rec Site meeting on Tuesday, August 27th, at 6:30 pm. He also wanted to let those opposed to solar panels know that the Council will take any further requests for a project like this case by case.

Alderwoman Harlan questioned why the Chris Basak Re-Zoning Request was not on the agenda for this evening. Callie McFarland informed her that will be on the agenda for the next meeting.

POLICE CHIEF'S REPORT:

Chief Carter reports that MPD took in 62 pounds of medication at the most recent Drug Take-Back.

CITY ADMINISTRATOR'S REPORT:

Terry Summers reports that budget discussions are underway. The 2-person format will be used as it has in the past – 2 Council members will be paired with a Department Head to address that program's specific budget. Mr. Summers also informed the Council that City Mechanic Josh Mohr's last day of work will be Friday, August 30th. The City has received 8 or 9 applications for the position, and interviews will begin next week.

At 8:37 pm, a motion was made by Alderman Brock, and seconded by Alderman Frerichs, to adjourn the meeting.

Respectfully Submitted by:

Jill Potts
City Clerk