

MINUTES OF THE CITY COUNCIL MEETING OF DECEMBER 10, 2012

The minutes of the regularly scheduled Monticello City Council Meeting of December 10, 2012 held in Council Chambers of the Municipal Building in Monticello, Piatt County, Illinois.

Meeting convened at 7:00pm

MEMBERS PRESENT:

Mayor Corrie
Deputy Clerk McFarland
Superintendent Allsop
Terry Summers

Alderman: Eades
Mitze
Murdock
Cummings
Brown
Hayes
Kuetemeyer
Hiller

MEMBERS ABSENT:

Clerk Harlan

Mayor Corrie led the Council in the Pledge of Allegiance.

Alderman Eades made a motion, seconded by Alderman Hayes to approve the Claims Report dated 11/27/12 through 12/10/12, Treasurer's Report of October 31, 2012, Building Permit Report of November, 2012, Budget Report of October 31, 2012, Police Report of November, 2012, and City Council Meeting Minutes of November 26, 2012. Motion passed.

In the Mayor's Report, Mayor Corrie invited Police Chief Galloway to introduce Carolyn Wallenberg as the newest Officer hired to the Monticello Police Department, and Deputy Clerk McFarland swore Officer Wallenberg in. Mayor Corrie asked for a motion to cancel the December 26th City Council Meeting, as is customary. Alderman Hayes made a motion, seconded by Alderman Murdock and the motion passed unanimously.

In Old Business, Superintendent Allsop discussed Amendment #1 to the Foth Engineering Water Tower Agreement, which was tabled from a previous meeting. Alderman Kuetemeyer made a motion to take this issue off the table for discussion, seconded by Alderman Brown, and the motion carried. The new water tower was constructed a few feet shorter than designed, which caused a lesser volume of water to be stored without installation and extension of an overflow pipe, as determined by Foth Engineering. The situation has since been remedied by City Staff and engineers with installation of a check valve and both towers are now functioning the way it was intended, as proven with the new SCADA system. In exchange for a \$30,000 refund from the engineer, the city agrees to waive and release the engineer from all obligations and causes of action, known and unknown, current and future, pertaining to or arising from the height of the elevated water storage tank. City Staff, City engineers, and water plant operator Scott Bailey are all comfortable with the way this agreement is worded. Alderman Hayes made a motion to approve Amendment #1 to Foth Engineering Water Tower Agreement, seconded by Alderman Murdock. The motion passed unanimously.

Before accepting comments for public participation, Mayor Corrie advised the public that the allotted time for comments will be extended from 3 minutes to 5 minutes, and beginning in January, those wishing to speak will be asked to sign in prior to the meeting. Nancy Brazas, a property owner adjacent to the Montessori School encouraged the City Council to vote on the proposed changes to the animal ordinance so the community can move on, as this issue has gone on long enough. She has come forward to protect her rights as a property owner and was not the initial complainer of the animals, though the odor and additional animals have become very offensive to her property. Roger Simpson, legal counsel representing the Montessori School, submitted a memorandum to the City Council earlier the same day, regarding the valid legal objections he raised to the proposed ordinance at the previous meeting. He believes the proposed ordinance regulates one's ability to have or not have a specific use on their property, which constitutes zoning. He feels the elimination of certain things that were once allowed create a non-conforming use which should be grandfathered in. He urged the council to delay passage of the proposed ordinance to see if his arguments have merit. Stacy Cribbs stated she was saddened by how the original request for an exemption by the school to allow sheep was handled, and the actions by the city council set the tone for the debate. She wanted to know why the City was not using a local attorney as before. She questioned how the council can voice opposition without studying the issue and felt not all voices were heard. Mike Wileaver complimented the City on their downtown Christmas decorations and on behalf of himself and the Piatt County Board, wished everyone a merry Christmas and happy New Year. Chris Cribbs stated he initially saw the animal issue from the same view as the Council, but 'Nimbyism only goes so far.' He described the method of integration of animals into the school's curriculum.

Ordinance 2012-42; An Ordinance amending Chapter 10 of Title 1 and Chapter 90 of Title IX of the Municipal Code of the City of Monticello Animal Ordinance. Roger Simpson again requested the Council consider the legal issues and get an opinion on whether the ordinance will be sustained in court. Mr. Simpson said it was a question of balance, and the Council needed to consider the impact this would have on the community as a whole. Derke Price, the City of Monticello's legal counsel with Ancel, Glink, Diamond, Bush, DiCianni & Krefthefer, P.C. commented on Mr. Simpson's comments, as well as other comments made regarding the city hiring this law firm for this and other issues. To answer Ms. Cribbs' question, Mr. Price said his firm has 80 years' experience in municipal law, with clients all over Illinois, including Charleston and Effingham. His firm was also asked to handle this case because the city's attorney stated he did not have the time to spend on this case, and the City felt it best to have legal guidance on these issues. Mr. Price stated that the City Council has the authority to move forward with the animal ordinance amendment by rights of "Dillon's Rule", and the municipality's right to regulate animals pre-dates zoning from a constitutional level. Daniel Bolin, an attorney from the same law firm was directed to comprehensively review and amend the entire animal chapter based upon the original 1964 animal ordinance and direction from the City Council. He also revised and updated where necessary conflicting provisions that were out of date from current state statutes, making it simpler and easier to understand. The animal ordinance takes into consideration protecting the health, safety and welfare of property owners. Based upon Mr. Simpson's request of the Council to table the ordinance, Mayor Corrie asked for a motion from the Council to table the proposed animal ordinance, and no motion was made. Mr. Corrie asked for a motion to approve Ordinance 2012-42. A motion was made by Alderman Hayes and seconded by Alderman Murdock. Motion passed unanimously.

Steve Tenhouse, CEO of Kirby Medical Center is requesting a letter of understanding from the City of Monticello. The letter states the City of Monticello acknowledges Kirby Medical Center is a not-for-profit hospital providing services and medication to uninsured and underinsured patients. This letter is required of all not-for-profit or federally-qualified health centers that participate in the Medicare 340B program. This letter is not obligating the City to pay for anything, and the City can rescind the letter at any time. Alderman Hayes made a motion to approve the Kirby Medical Center Letter of Understanding, seconded by Alderman Mitze. Motion passed. Alderman Hayes complimented Kirby Medical Center on their KCA program.

Ordinance 2012-43; Annual Property Tax Levy Ordinance, is required to be adopted by the City of Monticello, and recorded at the Piatt County Clerk's office by the last Tuesday of each year. The City Council decided to keep the tax rate the same as or as close to the rate of last year. Given the slight decrease in the city's equalized assessed value anticipated by the county, the levy is estimated to be in the amount of \$740,775, approximately \$7,400 less than last year's amount. A motion was made by Alderman Hayes to approve Ordinance 2012-43. Motion seconded by Alderman Brown and passed unanimously.

Ordinance 2012-44; Special Service Area #2 (Appletree) Tax Levy. The city is also required to approve the annual tax levy ordinance for Special Service Area #2. In 2000, the City of Monticello extended sanitary sewer to the development in Appletree subdivision. In an effort to help offset the project cost of \$405,662, the City implemented a Special Service Area tax to parcels in the Appletree Subdivision in the amount of \$0.50 per \$100 of equalized assessed value. Building permit and tap-in fees also are applied towards this balance. To date, the SSA #2 has collected \$296,614.63 in revenues. A motion was made by Alderman Cummings, seconded by Alderman Hayes to approve Ordinance 2012-44. Motion carried.

Ordinance 2012-45; Monicals Pizza (Dedicated) Property Final Plat. Earlier this year, representatives from Monicals Pizza approached the city about their interest in dedicating a portion of their property to the south of the restaurant to the City of Monticello. The area in question lies south of the Monicals restaurant, between the drainage ditch and the restaurant. The property is completely in the floodplain, and lends itself to future use to improve the floodplain area. As the subdivision of the existing lot creates less than 4 parcels, and no utilities will be extended, this constitutes a minor subdivision. Both parties agreed upon a boundary with appropriate ingress/egress easements, the property was surveyed, and a final plat was created. Alderman Hiller made a motion to approve Ordinance 2012-45, seconded by Alderman Mitze. Motion carried. Alderman Hayes stated that it was wonderful that an entity is willing to give the City land to help with flooding issues down the road.

Jerod McMorris, a representative from GoodEnergy, municipal aggregation consultant company, spoke on behalf of what using GoodEnergy as a consultant would entail. GoodEnergy utilizes groups of municipalities to gain buying power, therefore becoming the largest group going out for bid to electric suppliers. GoodEnergy is currently creating its third group of municipalities and counties in Illinois, the first was made up of 200,000 households, and the second 230,000 households. Including the third group, GoodEnergy has drafted the three groups' contracts to end at the same time in 2014, which could create a large group of over 500,000 households to go out for bid again at one time. Entities in the third group include Danville, Blomington and

McLean County. GoodEnergy would provide community support and information dissemination services until the referendum date, and see the project to bid at no cost to the City of Monticello. If the referendum passes and after the bid is awarded, the winning supplier would then notify all residents in the city, giving them an opportunity to “opt-out.” Ameren would also notify residents who didn’t respond to the initial mailing, and give them two more opportunities to “opt-out.” All contracts state if Ameren’s rate were to drop below the negotiated rate, the supplier will either give the customer the Ameren rate, or give the customer to Ameren. GoodEnergy has up to 5 prequalified supply companies that would typically submit a bid. If residents have already contracted with an energy supplier individually outside of Ameren Illinois and would like to join the municipal group, they will have to check with their supplier for termination fees. If they have already contracted with a supplier individually, they will not receive an “opt-out” letter. Also for these people, when their contract is up, they will be notified of the municipal aggregation program. Those currently on budget billing will also see a benefit in savings.

Alderman Eades reported that the Monticello Fire & Rescue Department went on 33 medical calls, 7 fire calls, and responded to 40 rescue calls in November. Alderman Mitze said he is pleased to meet the newest addition to the Monticello Police Department. Alderman Murdock reported that the SCADA system has been installed at the Water Plant and is working well. The water department also replaced several hydrants and cleaned the plant aerators. Alderman Cummings said the Public Works Department has been performing snowplow maintenance, cleaning up equipment and vehicles, patching potholes in the roads, wiring the street shed, and replacing dead water meters. Alderman Brown reported that the Public Works Department hauled 89 tons of sludge to Clinton from the drying beds, and installed an influent pump at the treatment facility. Alderman Hiller commended the police officers for being out and around the downtown. He reminded of the Santa at the Depot event, and the filing period for independent candidates.

With no further business, a motion was made by Alderman Hayes, seconded by Alderman Murdock to adjourn at 8:40pm.

Respectfully submitted by,

Callie Jo McFarland
Deputy Clerk, City of Monticello