

Mayor Charles "Skip" Lee called a meeting of the Sterling City Council to order at 6:30 pm on Monday, July 3, 2017. Roll call. Present: Aldermen Retha Elston, Joe Martin, John Stauter, Christine Wilen, and Jim Wise. Absent: Alderman Bob Conklin.

Also present were City Attorney Tim Zollinger, City Manager Scott Shumard, City Management Intern Madison Hans, Finance Director Cindy Von Holten, Superintendent of Building and Zoning Amanda Schmidt, Superintendent of Public Works Brad Schrader, Fire Deputy Chief Mike Dettman, Police Chief Tim Morgan, and City Clerk Marie Rombouts.

The Pledge of Allegiance was recited.

Shirley Sharp asked when the property would be cleaned up in the 400 block of Sixth Avenue. There was a fire in May and nothing has been done. Sharps own property next door and are working on repairs to their property. Superintendent Schmidt replied she is trying to contact the insurance company. Deputy Chief Dettman explained that the insurance will need to investigate before honoring any claim. Schmidt explained she has tried to contact the adjustor several times. Attorney Zollinger suggested the Sharps contact the insurance company directly. Sharp admitted having communication problems with the neighbor. Mayor Lee clarified that the Sharps may contact the insurance company. Alderman Wise asked if the City could share the insurance company's name with the Sharps. Zollinger stated that information would be subject to the Freedom of Information Act.

Gary Swart owns rental property in Sterling and received a notice that his tenants have past due bills. Swart asked why the City does not take this to Small Claims. He calls the City to cut off sewer or garbage and the City cannot do it. Attorneys have told him it is unconstitutional for the City to require the landlord to pay tenants' past due bills. Manager Shumard explained the tenant is sent the bill, we try to collect and then we can put a lien on the property. City Code states that it is the owner's responsibility. Director Von Holten explained we can shut-off water but only 15 per week. When we began billing sewer and garbage again, the write-offs for bad accounts have gone from \$50,000 to \$7000. Von Holten stated we are at the mercy of Illinois American Water because they open new accounts and the information is passed along to the City with the water usage. Alderman Wise asked when it is considered too futile to collect. Von Holten explained write-offs are reviewed annually. Von Holten stated that if the landlord will pay, penalties can be deducted. Attorney Zollinger stated the property owner is responsible for the service. Sharp asked if landlords can check on bill payments. Shumard stated the landlord can get a copy of the bill. Alderman Stauter stated the write-offs have declined and this is important. Von Holten will prepare a summary for Swart's bills without penalties.

Ernie Valladares at 1801 Avenue K asked why the City cannot shut the water off at the request of the landlord. Terry Lynch stated that he owns property and makes sure that the tenants pay. He asked if a tenant does not pay, if he can work with the City to waive penalties.

Lynch asked about the grant program when the City was buying houses and rehabilitating them. He asked if these houses were in great condition. Superintendent Schmidt stated the houses were inspected and no more inspections took place after they were sold. Attorney Zollinger noted a house is in compliance or it is not. They do not rate a house.

Alderman Elston made a motion to approve the Consent Agenda as follows:

- A) Minutes from June 19, 2017
- B) Bills and Payroll totaling \$727,864.64
- C) Petition from Sterling Optimist Club to hold a bucket brigade on July 15, 2017
- D) Petition from Sauk Valley Marine Corps to hold a bucket brigade on July 29, 2017
- E) Approval of Plan Commission minutes for April 20, 2017 and May 18, 2017

The motion was seconded by Alderman Stauter. Voting: Ayes – Aldermen Elston, Martin, Stauter, Wilen, and Wise. Nays – None. Motion carried.

Alderman Elston made a motion to approve Mayor Lee's appointment of Fourth Ward Alderman Joe Martin as Vice-Mayor for a period of one year; seconded by Alderman Wilen. Voting: Ayes – Aldermen Elston, Martin, Stauter, Wilen, and Wise. Nays – None. Motion carried.

Superintendent Schmidt introduced Rob Horn, Code Enforcement Officer, who started on May 31. He is a Rock Falls graduate, has two children, and lives outside Sterling.

Alderman Wilen made a motion to approve **Ordinance #2017-07-17 Authorizing the Issuance of a Special Use Permit allowing for signage in the public right-of-way by United Way of Whiteside County at 502 First Avenue;** seconded by Alderman Elston. Alderman Stauter asked when the sign will go up. Diana Verhulst, United Way Director, stated that it will be ready for the campaign kick-off in mid-September. Verhulst hopes to get the flagpole installed next year. The engineer can install LED innocuous lighting from the sign. The insurance holding the City harmless is in order. Superintendent Schmidt stated the sign code permits a Special Use Permit for a sign in the right-of-way but flagpoles are not addressed. Attorney Zollinger stated the sign is the only topic on the agenda tonight. Verhulst stated she would fly the flag from one of the pillars on the front of the building. Voting: Ayes – Aldermen Elston, Martin, Stauter, Wilen, and Wise. Nays – None. Motion carried.

Alderman Elston made a motion to approve **Ordinance #2017-07-18 Replatting Lot 6, in accordance with the Final Plat 2 of Sterling Commons Shopping Center** with the conditions:

- Dedicate 60' wide public right-of-way along the north edge of Lot 8
- Revise Lot 8 borders reworking the line work that fronts 30th Street to reflect the extended right-of-way
- Notation on the replat indicates 30th Street will connect to 45th Street when feasible

The motion was seconded by Alderman Martin. Superintendent Schmidt reported the petitioner wanted to subdivide the two lots. A foundation is in on one of the lots. Voting: Ayes – Aldermen Elston, Martin, Stauter, Wilen, and Wise. Nays – None. Motion carried.

Mayor Lee reviewed the Plan Commission recommendation to deny the Petitioner requesting to rezone from Downtown Business to Downtown Business with a Special Use for the property at 20 East Third Street allowing a tattoo studio. The petitioners were Richard Haan (owner) and John and Paula Gabor (tenant). Mayor Lee asked Attorney Zollinger for clarification on the recommendation and the ability to make a negative motion. Zollinger stated the Council can overturn the recommendation or affirm the denial.

Alderman Martin made a motion to overturn the Plan Commission recommendation of denial for the petition from Haan and Gabor for a Special Use at 20 East Third Street; seconded by Alderman Elston. Alderman Stauter stated he had served on the Plan Commission and feels it is a "slap in the face" to the Commission after their work on this matter. Attorney Zollinger explained conditions were discussed at the Plan Commission. Alderman Martin suggested they include those conditions.

Alderman Elston stated she attends the Plan Commission meetings and usually follows their recommendations. Elston believes the Gabors will be good neighbors. They provided everything requested from Planner Wolff and staff.

Alderman Wise supports Elston and Martin because of two key areas. He reviewed the Strategic Plan and sees body art as planning for the future with young adults and the Comprehensive Plan to expand professional services in the Central Business District.

Alderman Martin stated the Plan Commission usually supplies a good reason for a denial and there were no reasons. Martin explained we have been considered unfriendly to business with our codes and this is an example.

Mayor Lee explained that he cannot vote but supports the petitioner for a tattoo studio in this location. Mayor Lee stated to overturn the Plan Commission's recommendations statutorily requires more votes. Supplementary materials and information were provided to the Plan Commission. They comply with the Special Use designation and meet health, safety, and morality concerns. Today's view of body art is different.

Alderman Wilen does not like the location.

Alderman Wise made a motion to table the recommendation of the Plan Commission for the tattoo studio to the July 17 meeting; seconded by Alderman Martin. Voting: Ayes – Aldermen Elston, Martin, Stauter, Wilen, and Wise. Nays – None. Motion carried. Attorney Zollinger informed the Council the recommendation would be under Unfinished Business at the next meeting. It takes four affirmative votes from the six Aldermen to overturn the Plan Commission recommendation.

John Gabor stated that he is 55 and loves Sterling. He has lived here three years and wants to be a part of the downtown. He does professional body art.

Alderman Stauter made a motion to award the low bid to Advanced Roofing of Yorkville in the amount of \$37,286 for the roof on the salt dome; seconded by Alderman Elston. Manager Shumard reported that he had talked with Yorkville officials and they have had no problems with Advanced Roofing. Voting: Ayes – Aldermen Elston, Martin, Stauter, Wilen, and Wise. Nays – None. Motion carried.

Superintendent Schrader reported that a sewer line collapsed south of LeFevre during street work on Fourth Avenue, north of LeFevre. Twin City Construction will repair the sewer line in the next couple days.

Manager Shumard expressed concern about the State's lack of a budget.

Alderman Elston reported movies are happening every other week and the Municipal Band's Patriotic Concert is Wednesday. Elston noted there was graffiti along the bike path that Manager Shumard had cleaned up quickly.

Chief Morgan stated the Consolidated Dispatch started on June 26 and they have worked through a few bugs. Deputy Chief Dettman stated they are working out a few bumps with the consolidated dispatch as well.

Alderman Stauter thanked staff for putting a reminder in sewer bills about disposal of tree limbs following storms.

Mayor Lee wished American Happy Birthday.

With no further business to discuss, the meeting adjourned at 7:47 pm.

Marie Rombouts
City Clerk