

**City of Auburn**

**Council Minutes**

**July 1, 2013**

Mayor Stamer called the meeting to order at 6:59 PM.

**Present:** Barb Stamer, John Tanner, Tom Berola, Larry Hemmerle, Clay Davidson, Rod Johnson, Mark Kessler, Wayde Rathgeber, Raylene Grischow and Chris Warwick.

**Absent:** Matt Gillock and Tom Appelt

**Department Heads:** Bruce Centko, Bill Karhliker, and Connie Powell.

- I. Mayor's Comments
  - a. The preparations for the July 4<sup>th</sup> Ice Cream Social are coming along well. Tom Laurent will provide the sound and Hugh Shown will provide the projector and screen so the Memorial Day march can be shown.
  - b. Library Board Appointments: Mayor Stamer recommended for appointment Dave Hallerberg, Diana Coffman, and re-appointing Heather Burton. A motion was made to accept the Mayor's recommendations for Library Board, second by Berola. **AYES: Berola, Hemmerle, Johnson, Tanner, Davidson, Kessler, and Rathgeber. ABSENT: Gillock (7-0-1)**
  - c. Zoning Board Appointments: Mayor Stamer was tabling the item until the next meeting, she could not confirm that appointment with the nominee.
- II. City Clerk's Report – Warwick
  - a. Mayor Stamer asked during the presentation of meeting minutes if Attorney Grischow had heard from the Village of Thayer regarding the Police Protection agreement. Grischow stated she had not heard back from them, she will reach out to Village of Thayer's attorney. A motion was made by Kessler to accept the minutes of the last council meeting of June 17, 2013 and destroy the recorded copy, second by Davidson. **Voice taken by voice. AYES: Berola, Hemmerle, Johnson, Tanner, Davidson, Kessler, and Rathgeber. ABSENT: Gillock (7-0-1)**
  - b. Warwick reminded all of the council members should turn a copy of their FOIA and OMA certifications to Clerk Warwick.
- III. City Treasurer's Report - Appelt
  - a. Office Manager Powell presented the bills list in Appelt's absence from 06/18/13 to 06/30/13. A motion was made by Tanner to approve the bills list, second by Johnson. **Voice taken by voice. AYES: Berola, Hemmerle, Johnson, Tanner, Davidson, Kessler, and Rathgeber. ABSENT: Gillock (7-0-1)**
- IV. Attorney – Grischow

- a. Alderman Kessler noted that the bond for 7<sup>th</sup> Street will need to be updated. Alderman Kessler recommended Mike Southworth. Grischow indicated that her firm can help to handle the item.
- b. After the second reading of Ordinance 1370-13 (Appropriations), Kessler made a motion that we accept Ordinance 1370-13, second Davidson. **AYES: Berola, Hemmerle, Johnson, Tanner, Davidson, Kessler, and Rathgeber. ABSENT: Gillock (7-0-1)**
- c. After the second reading of Ordinance 1371-13 (Amending Chapter 4 Alcoholic Beverages Division 2 - Hours of Sale), Kessler made a motion that we accept Ordinance 1371-13, second Davidson. Hemmerle left the room before the vote. **AYES: Berola, Johnson, Tanner, Davidson, Kessler, and Rathgeber. ABSENT: Hemmerle and Gillock (6-0-2)**
- d. Ordinance 1372-13 (Prevailing Wage) which needs to be filed by 07/15/13, the first reading was made. Kessler made a motion to make Ordinance 1372-13 an emergency, second Johnson. **AYES: Berola, Hemmerle, Johnson, Tanner, Davidson, Kessler, and Rathgeber. ABSENT: Gillock (7-0-1)** Kessler made a motion to approve Ordinance 1372-13 (Prevailing Wage), second by Johnson. **AYES: Berola, Hemmerle, Johnson, Tanner, Davidson, Kessler, and Rathgeber. ABSENT: Gillock (7-0-1)**
- e. First Reading of Ordinance 1373-13 - Ordinance Amending Use for Display or Sale of Goods (1st Reading)[to allow for the display of temporary signs in front of businesses]
  - i. An update was included to prohibit the blocking of vehicular traffic
- f. First Reading of Ordinance 1374-13 - Ordinance Amending Pawnshop/Resale Shops Bond Requirement (1st Reading) [amending bond provision to remove the warranty provision but require a bond]
- g. First Reading of Ordinance 1375-13 - Ordinance Amending Appendix A - Zoning - Section VI, B. Sign Regulations (1st Reading) [to allow for the display of temporary signs in front of businesses]
  - i. An update was included to prohibit the blocking of vehicular traffic
- h. Grischow presented an updated a Fee Schedule to show the fine for illegal dumping near the city recycling site. Rathgeber made a motion to accept the updated Fee Schedule, second by Berola. **AYES: Berola, Hemmerle, Johnson, Tanner, Davidson, Kessler, and Rathgeber. ABSENT: Gillock (7-0-1)**
- i. Grischow reported that it was brought to her attention that there is City of Auburn Facebook site that has been established. Grischow has always advised and recommended against it unless the city has an active Social Media Policy, which it does not. Mayor Stamer asked about her personal page, Grischow indicated that a person page is fine, but to refrain from posting city business on the personal page. Attorney Grischow outlined possible consequences of the City having a Facebook page that citizens could post on including, but not limited to: violations of the Open Meetings Act, FOIA, and retention issues, 1<sup>st</sup> Amendment issues, discrimination, just to name a few. If the City wants to announce something, it can do so on the city website or at a City Council meeting. Mayor Stamer thinks one of her daughters might have created the page and if they did Mayor Stamer will ask them to take it down.

- j. Grischow asked for a short executive session towards the end of the meeting regarding threatened litigation.

V. Visitors

- a. Don Brandon was scheduled to address the council but Mr. Brandon was recently admitted to the hospital.
- b. Matt Strickler of 207 South Springfield Street wanted to address the council about the excessive water on the street and at his property. During the last rainfall there was sewage flowing back into his basement in addition to the water in his basement. Kessler asked Rob McWhinnie whether the issue has gotten worse, Mr. McWhinnie indicated in his opinion the situation on Springfield Street has gotten worse. A discussion followed about the current set up of the storm sewer and where the water exits the city proper. Johnson indicated that the cost could easily exceed \$1,000,000 to correct and may not fix the issue entirely, it might just reduce the frequency of flooding. It was also noted that a study on the flow of the water might cost around \$75,000 just for the 15 houses in the 200 Block of Springfield Street.

VI. Department Heads

a. Centko

- i. Chief Centko presented a copy of a recent City of Pawnee ordinance that addresses criminal nuisance problems. He asked that the council review it, and further discussion could be held.
- ii. Chief Centko recently attended a High Speed Rail safety meeting. There will be an issue once the safety gates and fencing are up, getting access to the train if it does not stop by a crossing.

b. Karhliker

- i. The odorant station and release valve for the natural gas system have been replaced.
- ii. Karhliker indicated that the recent water main breaks might have been caused by the valve or spring in the master meter. He has our engineer and the manufacturer of the valve looking into it.
- iii. The city crew will also be looking at the sanitary sewer at Springfield and Adams Street in the coming days.

c. Powell

- i. Powell asked if it was OK to update the city code books. She suggested that we only update few hard copies of the city code book. Most of the council uses the online version. The council agreed that we just update a few code books. We now update the online version quarterly.
- ii. Powell asked that the council look at the zoning fees. Based on the time spent by the Inspector and the office staff we are losing money.

VII. Committee Reports

a. Administration – Berola

- i. Berola indicated that we have approximately 20 – 25 applications for the Office Manager position. Berola suggested that the administrative committee narrow

down the applicant pool down to the best 5 – 7 candidates for interviews. Berola called a committee meeting for Monday 07/08/13 at 6:30 PM in the council chambers.

- b. Public Works – Johnson
  - i. Johnson reported from the June 24<sup>th</sup> committee meeting, that Ray Landers would like the city to complete the roadwork in front of the property he owns at Edgewood Court. Once Mr. Landers applies for a building permit for that location and he begins construction the city would add that location to the Motor Fuel Tax (MFT) work for the following year or if started early enough it could be added to the stay year he starts. Mr. Landers would also need to provide the city with drainage easement on the east end of the property so there is not an erosion issue. Johnson made a motion to the following information, second by Kessler. . **AYES: Berola, Hemmerle, Johnson, Tanner, Davidson, Kessler, and Rathgeber. ABSENT: Gillock (7-0-1)**
  - ii. Johnson brought forth a request from the Auburn Fire Department to vacate the alley between 117 West Jackson Street and 111 West Jackson Street. This request has been brought up before, but the city has been waiting on the Fire Department to present the official legal descriptions for the two properties. Johnson made a motion to approve the city attorney to act and vacate the alley once the legal descriptions are given by the Auburn Fire Department, second by Kessler. **AYES: Berola, Hemmerle, Johnson, Tanner, Davidson, Kessler, and Rathgeber. ABSENT: Gillock (7-0-1)**
  - iii. Rathgeber asked about the rocks in the ditch along Kennedy Street for the re-pavement project. Karhliker indicated that the rocks had been removed and Johnson indicated that those not removed are below ground level.
- c. Public Utilities – Kessler
  - i. Kessler presented that the city had received a Rural Business Enterprise Grant in the amount of \$59,000. This grant is for the water and sewer line east of State Route 4 between Trojan Rd and Lincoln Street.
- d. Health & Safety - Gillock
  - i. Gillock was absent and no report was given.
- e. Health & Housing – Stamer
  - i. Mayor Stamer brought up the ongoing issue at 220 North 5<sup>th</sup> Street and the property is still not cleaned up, they were asked to come to the meeting. Grischow indicated that if someone does not come to the meeting we declare the property a nuisance. It was concurred that the location could be reviewed again.
  - ii. Mayor Stamer stated that empty lot in the 400 block of Interurban Street, the owner indicated that they are cleaning it up.
  - iii. Mayor Stamer indicated that Terry Painter’s property at 415 West North Street is still an issue and has an odor issue. Another letter was sent to Mr. Painter to rectify the issue before 07/15/13 by 5:00 PM or the council will take action.

- f. Parks – Tanner
    - i. Tanner presented a bid from Kessler Sports in Springfield, IL for 4 batting cage uprights for a price of \$165.00. Tanner made a motion to approve the bid for \$165.00 for the uprights, second by Kessler. **AYES: Berola, Hemmerle, Johnson, Tanner, Davidson, Kessler, and Rathgeber. ABSENT: Gillock (7-0-1)**
  - g. Library/Technology – Hemmerle
    - i. No report
  - h. Executive Session
    - i. Rathgeber made a motion at 8:52 PM to enter into executive session to discuss threatened litigation against the city, second by Kessler. **By voice vote - AYES: Berola, Hemmerle, Johnson, Tanner, Davidson, Kessler, and Rathgeber. ABSENT: Gillock (7-0-1)**
    - ii. Rathgeber made a motion at 9:15 PM to exit executive session, second by Hemmerle. **By voice vote - AYES: Berola, Hemmerle, Johnson, Tanner, Davidson, Kessler, and Rathgeber. ABSENT: Gillock (7-0-1)**
- VIII. Adjournment
- a. A motion was made by Rathgeber to adjourn the meeting at 9:17 PM, second by Kessler. **By voice vote - AYES: Berola, Hemmerle, Johnson, Tanner, Davidson, Kessler, and Rathgeber. ABSENT: Gillock (7-0-1)**

Respectfully Submitted,



Christopher Warwick

City Clerk