

CITY COUNCIL MINUTES
TUESDAY, JULY 6, 2010

On Tuesday, July 6, 2010, the City Council of the City of Decatur, Illinois met in Regular Meeting and Study Session at 5:30 P.M. in the City Council Chambers, One Gary K. Anderson Plaza, Decatur, Illinois. Mayor Michael T. McElroy presided; together with him being Councilmen Adam M. Brown, Jerry J. Dawson, Patrick S. Laegeler, Julie Moore Wolfe, and Dana M. Ray. Councilman Larry W. Foster was absent. Six members were present and one was absent. Mayor McElroy declared a quorum present.

City Manager Ryan P. McCrady attended the meeting.

Mayor McElroy led the Pledge of Allegiance to the Flag. Invocation was given by Fr. Jeff Grant, Pastor, St. James and St. Patrick Church.

The minutes of the meeting of June 21 and June 28, 2010 were presented. Councilman Brown moved the minutes be approved as written; seconded by Councilwoman Moore, and on call of the roll, Councilmen Dawson, Laegeler, Moore, Ray, Brown, and Mayor McElroy voted aye. The Mayor declared the motion carried.

Mayor McElroy called for New Business.

This being the time set for Proclamations and Recognitions, a proclamation was read declaring July 2010 as "Parks and Recreation Month".

There were no Recognitions.

Resolution R2010-140, authorizing Agreement with URS Corporation for Engineering Design Services for the Brush College Road Underpass (Subway) Study (CP 09-33), was presented.

Councilman Laegeler moved the resolution do pass; seconded by Councilman Dawson.

City Manager McCrady responded to Council's question stating that repair work is currently being done on Brush College Road by Otto Baum and after talking with Otto Baum representatives staff was informed that it is not feasible for the work to be performed at night as it would extensively lengthen the project time frame.

Upon call of the roll, Councilmen Dawson, Laegeler, Moore, Ray, Brown, and Mayor McElroy voted aye. The Mayor declared the motion carried.

Resolution R2010-141, authorizing Supplemental Agreement with the State of Illinois for Preliminary Design of the Brush College Road Underpass (Subway) Study (CP09-33), was presented.

Councilwoman Moore moved the resolution do pass; seconded by Councilman Laegeler, and on call of the roll, Councilmen Dawson, Laegeler, Moore, Ray, Brown, and Mayor McElroy voted aye. The Mayor declared the motion carried.

Resolution R2010-142, accepting Bid and authorizing Contract with Christy-Foltz, Inc. for Sidewalk Replacement, Community Development Block Grant Recovery Funds, (CP2010-22), was presented.

Councilman Dawson moved the resolution do pass; seconded by Councilwoman Ray.

City staff responded to Council's questions stating that it is not known why the bids were 30% under budget and the funding will provide for 1.5 miles of new sidewalks.

Following discussion, Councilmen Dawson, Laegeler, Moore, Ray, Brown, and Mayor McElroy voted aye. The Mayor declared the motion carried.

Ordinance No. 2010-49, amending City Code Chapter 50.1, Transient Merchants, was presented.

Councilman Laegeler moved the ordinance do pass; seconded by Councilman Dawson.

City Manager McCrady and Corporation Counsel Wendy Morthland responded to Council's questions stating that exemptions follow state statute; city now has authority to prosecute as a criminal offense; increase in license fee is to discourage non-legitimate operations; it is unknown how many itinerant merchant licenses are issued annually; and members of Council voiced their support for a fee increase because the vendors are either non-city residents or items ordered are not delivered.

Following discussion, Councilmen Dawson, Laegeler, Moore, Ray, and Mayor McElroy voted aye. Councilman Brown voted nay. The Mayor declared the motion carried.

Ordinance No. 2010-50, authorizing Consumption of Alcoholic Liquor on Public Right of Way for Big Brothers Big Sisters of Central Illinois/Robbie's "Downtown Street Party", was presented.

Councilman Dawson moved the ordinance do pass; seconded by Councilman Brown, and on call of the roll, Councilmen Dawson, Laegeler, Ray, Brown, and Mayor McElroy voted aye. Councilwoman Moore abstained. The Mayor declared the motion carried.

Mayor McElroy called for Consent Calendar Items A through F and asked if any Member of Council wished to remove an item from Consent Calendar. Items A through F were approved by Omnibus Vote.

Councilman Dawson moved that Consent Calendar Items A through F be approved by Omnibus Vote; seconded by Councilman Laegeler, and on call of the roll, Councilmen Dawson,

Laegeler, Moore, Ray, Brown, and Mayor McElroy voted aye. The Mayor declared the motion carried.

- A. Receiving and filing Minutes of the Historical and Architectural Sites Commission meeting of March 17, 2010 and the Heating, Air Conditioning and Refrigeration Commission meeting of June 29, 2010.
- B. Resolution R2010-143 receiving and filing Administrative Policy regarding Identity Protection Policy pursuant to State of Illinois Identity Protection Act.
- C. Resolution R2010-144 authorizing Expenditure of City Funds to DLT Solutions, Inc. for 2011 AutoCAD Software License Renewal.
- D. Resolution R2010-145 accepting Bid of Woody's Municipal Supply for two Diamond STF Triple Gang Mowers, Forestry Division.
- E. Resolution R2010-146 accepting Bid of John Deere Company for two 2010 John Deere 6430 Mowing Tractors, Forestry Division.
- F. Resolution R2010-147 accepting Bid and authorizing execution of Purchase Orders for furnishing ammunition, Decatur Police Department.

This being the time set for Appearance of Citizens, an unidentified woman addressed Council commenting on vandalism, noise, and drugs in her neighborhood and that her life has been threatened and her concern about police response time. Jeanette Carlton addressed Council regarding flooding in the Richland Heights Subdivision and that she has met with city engineers. Bob Pittenger informed Council that his neighbor doesn't maintain his property and his concern about lack of enforcement of city ordinance violations.

This being the time set for Other Business, Mayor McElroy commented on tonight's study session topic and how this is just one of many big projects the Council will discuss with city staff this year.

Councilman Laegeler moved the Council recess to Study Session for the purpose of a Discussion regarding the Stormwater Master Plan Funding Supplement Study; seconded by Councilwoman Moore, and on call of the roll, Councilmen Dawson, Laegeler, Moore, Ray, Brown, and Mayor McElroy voted aye. The Mayor declared the motion carried.

The only item of business was a Discussion regarding the Stormwater Master Plan Funding Supplement Study. City Manager Ryan McCrady provided brief comments before introducing Rick Marley, Director of Public Works; and Chuck Johnson, Hans Peterson, and Sam Robertson of Clark-Dietz Engineers, Inc., the firm hired to provide engineering services. Clark Dietz representatives reviewed with Council the numerous drainage problem areas within the city – 46 total - and how to prioritize these areas by considering public safety (emergency access, depth of flooding, etc.). Additionally, various funding sources were reviewed (property tax, sales tax, food and beverage tax, etc.) with an explanation that if these taxes were considered the tax would need to be increased by "x" amount in order to provide the needed funding. For example, the city's food and beverage tax is currently 2% and if this tax were considered it would need to be increased to 5.9%, a 200% increase, too significant to taxpayers. The presentation then focused on the implementation of a stormwater utility, which is a dedicated

funding source used in over 650 communities across the nation and within the State by Rock Island and Moline among others. Clark-Dietz representatives reviewed how billing basis is determined; the areas of residential, commercial, educational, and industrial units are considered; revenue; and tax exempt parcels. If the City selects this source, the implementation process will take between a 15 and 18 month time period. City Manager McCrady reminded Council of the other big projects scheduled for discussion and suggested that Council have the opportunity to review all four projects before prioritizing a project list.

John Phillips commented on whether another tax would be a burden to the taxpayers and drive people out of the city

City staff and Clark-Dietz representatives responded to Council's questions stating that staff wants a dedicated funding source to address the 46 problem areas and for future development; how to prioritize problem areas; blending the funding source can be done however the stormwater utility is recommended as an incentive to positively impact the problem; current requirements for new development which were not in place decades ago; other municipalities which have implemented a stormwater utility tax have not seen its implementation as a detriment but rather a community investment.

No formal action was taken.

Councilwoman Moore moved the Council recess to Closed, Executive Session for the purpose of a Discussion regarding Pending Litigation and the Sale and Setting of Price for Real Property; seconded by Councilwoman Ray, and on call of the roll, Councilmen Dawson, Laegeler, Moore, Ray, Brown, and Mayor McElroy voted aye. The Mayor declared the motion carried.

Following Closed, Executive Session the meeting was reopened to the public.

There being no further business, Councilwoman Moore moved the meeting be adjourned; seconded by Councilman Dawson, and on call of the roll, Councilmen Dawson, Laegeler, Moore, Ray, Brown, and Mayor McElroy voted aye. The Mayor declared the meeting adjourned at 7:45 P.M.

Celeste F. Harris, City Clerk
Approved: July 19, 2010