

City of Auburn
Monday, July 20, 2020
Minutes

Mayor Berola called the meeting to order at 7:00 p.m.

Present in Council Chambers: Tom Berola, Julie Barnhill, Chris Warwick, Lori Basiewicz, Jason Garrett, Larry Hemmerle, Rod Johnson, Bill Karhliker, Joe Powell, Ben Royer, Tracy Sheppard and Attorney Greg Moredock.

Absent: None

Department Heads in Council Chambers: Chief Dave Campbell, Superintendent Mike McCarthy

Department Heads Absent: None

Present via ZOOM Teleconferencing: City Office Manager Kristy Ponsler

I. Mayor's Comments

Mayor Berola indicated that he would like to have the University of Illinois present their findings on the park survey.

Dr. Laura Payne from the University of Illinois presented information to the Council via ZOOM on her findings of the survey that the citizens of Auburn completed.

Data was slow coming in due to COVID-19 and employees not being on campus to receive mail.

1306 final samples were completed

445 were usable

34% response rate

Demographics of who completed the survey were presented

Presented that the citizens would like to see a walking/biking path. Payne suggested the possibility of Pohlod Park due to parking accessibility; Veterans Park because they have some playground equipment and parking.

Alderman Royer first of all thanked Dr. Payne and her staff on a job well done. Royer asked if she had advice on what the best way to approach a walking/biking trail, which is what most of the people indicated that they were like to see happen. Dr. Payne indicated that yes, they would be happy to provide information. There are a lot of grants out there such as recreational, transportation enhancement money available through IDOT; Open Land Access and Development for a trail in conjunction with a park.

Alderman Garrett asked Dr. Payne if she was happy with the demographics of the make up of completion. Payne indicated that age groups were well represented. Garrett ~~indicated help us from~~asked if the U of I would assist the city in determining park fund availability. Payne stated that they have compiled every DOT/DNR grant that exists and will be happy to share the information. Payne also stated that August they would have new graduate assistants available to help with seeking park funds. Her recommendation was to move on this in the fall as the state has just released their new funds; corporate/sponsors are on a rolling basis. Alderwoman Basiewicz asked if we would be charged for the graduate assistants and Dr. Payne indicated the City would not be responsible.

A. Electronic devices for elected officials

Mayor Berola addressed the Council that the topic of providing electronic devices for elected officials was discussed previously but it stalled out. Berola would like to pursue this subject again. The floor is open for discussion of what is needed or required. The Council shared their thoughts and what might be needed. Attorney Moredock shared information regarding what the Village of Chatham uses for equipment and software. Treasurer Warwick mentioned Board Docs. Alderman Johnson indicated that the Administration Committee has previously discussed the need for electronic devices so he will place it on his Administration Committee agenda.

B. Recording equipment for meeting minutes

The conversation of new recording equipment for meeting minutes was also included in the technology conversation and will be addressed at the Administration Committee meeting.

II. Visitors/Public Comments

III. Zoning

A. Dennis & Kathleen Rodems – 625 W. Jefferson – reduction in setback 4ft off south property line to construct a garage.

Alderwoman Sheppard presented the first reading of Ordinance 1484-20, Approving a Variance to Allow a 4' Setback off South Property Line to Construct a Garage at 625 W. Jefferson for the Council's review.

B. Michael D. Smith – 920 W. Jefferson – Variance request – granting a use variance pursuant to Appendix A Section VIII F(5)(i). The variance will have limitations on it to be utilized only by the current owner.

Alderwoman Sheppard presented information regarding the first reading of Ordinance 1485-20 Approving a Variance Request to Operate a Dog Kennel at 920 West Jefferson for the Council's review. Alderwoman Sheppard shared information from the Zoning Meeting:

Matt & Jena Smith operate a St. Bernard breeding business from their home at 920 W Jefferson and would like to bring it into compliance. They

have requested either a special use variance or zoning change for the property. City Attorney Greg Moredock addressed the Commission and stated that he would recommend the withdrawal of the zoning change request and attempt the variance, which could be allowed as specific to the present owners of the business.

Matt Smith stated that the maximum ~~the~~ number of adult dogs that would be on the property would be 12. When asked if the business was registered, he answered no, and ~~that they~~ started the business as a home-based business 5 years ago. He continued by saying that they rarely let buyers come to the home so there is not much traffic. Attorney Moredock stated that he was legally satisfied.

Steve Mulvey reminded all that any business entity run out of a residence goes against the City's present zoning ordinance. He stated that it is a sticking point. He also said he had talked to others in the neighborhood who were against allowing such businesses, even with a special use variance being granted. Mulvey asked Attorney Moredock if the Smiths are in violation of the ordinance and Moredock responded, "Without the use variance they are noncompliant."

Moredock suggested that the variance should be so specific that it would allow only breeding and sales of up to 12 dogs, at any one time, by the current sole proprietor. The variance would go with the property but could only be used by Covered Bridge St. Bernards.

There was no one in attendance who spoke against the variance.

Steve Mulvey made a motion seconded by Jim Nuckols to recommend to the City Council to approve the use variance to allow Matt & Jena Smith to keep up to 12 adult dogs at the property known as 920 W Jefferson for the purpose of breeding and sales. He asked that Attorney Moredock draw up the variance, should the motion pass.

Alderman Royer stated that the no pass means they are in violation. Royer indicated that they agreed to suspend violation fees going through this process. Mayor Berola spoke up and said that the Covered Bridge St. Bernard owners have done everything right and should be allowed to continue what they are doing. Alderwoman Sheppard agreed with Mayor Berola's statement.

Though the consensus was to allow the Smiths to proceed with the kennel operation, there was concern that delaying the approval would result in the same change in approval as the Smith had seen with the zoning board. Alderman

Garrett opined that because they would be in violation if not approved immediately, and because their approval had been delayed and the ultimately denied by the zoning board Alderman Garrett suggested the council suspend the 2nd reading and move directly for passage of the use variance.

~~Alderman Garrett indicated that he feels we should make good on this.~~

Motion by Garrett second by Royer to declare the Ordinance to be an emergency and eliminate the two reading requirement of Ordinance 1485845-20 Approving a Variance Request to Operate a Dog Kennel at 920 West Jefferson, pursuant to Sec. 2-29 an emergency ordinance shall be for the purpose of the immediate preservation of the peace, property, health, welfare or safety of the public. (6-2-0-0)

AYES: Garrett, Hemmerle, Karhliker, Powell, Royer and Sheppard

NAYES: Basiewicz, Johnson

ABSENT: None

Motion by Royer second by Garrett to approve Ordinance 1485-20 Approving a Variance Request to Operate a Dog Kennel at 920 West Jefferson (7-1-0-0)

AYES: Basiewicz, Garrett, Hemmerle, Karhliker, Powell, Royer and Sheppard

NAYES: Johnson

ABSENT: None

C. EDC reviewing current zoning requirements and ordinances related to zoning.

Alderwoman Sheppard indicated that no action was taken.

IV. City Clerk's Report – Barnhill

A. Amendment to June 1, 2020 Meeting Minutes

City Clerk Julie Barnhill presented the information regarding City Officer Manager Ponsler wanted to amend to the June 1, 2020 approved

Approved 6-1 Meeting Minutes

City Office Manager Kristy Ponsler indicated that she is working on the insurance claim to replace the sidewalk by Casey's that was damaged during accident. Paperwork has been submitted and then it will go to the Township of Auburn. Ponsler also shared with the Council that she would like to purchase a module so utility bills can be paid for by phone. Ponsler shared that it would cost \$1650 (\$440 and \$1200) start up and then \$900 per year. Alderman Garrett doesn't agree that we should not do this. Garrett doesn't see a value in this service when you can already do it by their phone. Alderman Garrett doesn't understand how we would recoup \$1600 per year for this service. Alderman Hemmerle indicated that he did not feel that the City should be paying an extra \$900 per year for this

service when we offer it online already. Alderman Royer asked if this service would be available 24 hours per day and how many people have asked for this service to be provided. City Office Manager Ponsler indicated that yes it would be available 24 hours a day and she wasn't sure off the top of her head how many people have asked for this service. Ponsler indicated that she feels it would be another avenue to pay bill. Hemmerle indicated that we stopped mailing bills to save money and he feels that we shouldn't have citizens to pay \$900 per year to have this service. Alderman Karhliker asked if we could trial it to see how many people used it. Ponsler indicated that yes, we could do a trial, it would be a 30 day notice to remove the module. Alderman Royer asked if there is a way with the current module that the office could help that person log in to pay their bill. The answer to that question is yes it can be done.

Proposed Amended 6-1 Meeting Minutes

Ponsler also shared with the Council that she would like to purchase a module so utility bills can be paid by credit card over the phone. Ponsler shared that it would cost \$1650 (\$440 and \$1200) start up and then \$900 per year. Garrett expressed concern over the price versus the value that we would get in return. **Garrett's concern is that we are going to spend \$1650 to do something that people can already do on their phone. They can pay over the internet.** Alderman Johnson asked how many of these credit card payments are taken currently via the phone. Alderman Garrett made the observation that the software company could have made that functionality available in one module that we already pay for, but they chose to separate that in order to maximize their own bottom line. Alderman Hemmerle indicated that he did not feel that the City should be paying an extra \$900 per year for this service when we offer it online already. Alderman Royer asked if this service would be available 24 hours per day and how many people have asked for this service to be provided. City Office Manager Ponsler indicated that yes it would be available 24 hours a day and she wasn't sure off the top of her head how many people have asked for this service. Ponsler indicated that she feels it would be another avenue to pay bill. **Alderman Garrett stated this community I think 5-6 years ago stopped mailing 2 and 3 reminders to people because of the expense to remind them your bill is due.** Alderman Karhliker asked if we could trial it to see how many people used it. Ponsler indicated that yes, we could do a trial, it would be a 30-day notice to remove the module. Alderman Royer asked if there is a way with the current module that the office could help that person log in to pay their bill. The answer to that question is yes it can be done. Alderman Garrett indicated that he would motion to bring the issue to vote but indicated he would not be in favor of it

Motion by Royer second by Sheppard to Amend June 1st meeting minutes to reflect changes. (7-1-0-0)

AYES: Basiewicz, Hemmerle, Johnson, Karhliker, Powell, Royer and Sheppard
NAYES: Garrett

ABSENT: None

Alderman Garrett asked of the council “are we taking credit cards currently?” and “if we are not is it because we cannot, or we don’t want to?” Though there were several elected officials offering an answer, none of the answers matched or were consistent with reasoning. Mayor Berola indicated that though it was not on the agenda he wished to discuss the idea of being able to do this as a service to the community. There was no objection and office manager Ponsler indicated she would do whatever the council approved. Alderman Garrett asked Mayor Berola if the City can accept credit cards over the phone. Berola referred to City Office Manager Ponsler and she indicated yes, they are allowed to take credit cards over the phone.

B. July 6, 2020 Meeting Minutes

Clerk Barnhill presented the Council the July 6, 2020 meeting minutes for their review and approval.

Motion by Royer second by Basiewicz to approve the July 6, 2020 minutes.
(8-0-0-0)

AYES: Basiewicz, Garrett, Hemmerle, Johnson, Karhliker, Powell, Royer and Sheppard

NAYES: None

ABSENT: None

V. City Treasurer’s Report – Warwick

A. Bills List July 7, 2020 to July 20, 2020

Warwick presented the Bill List July 7, 2020 to July 20, 2020 for the Council’s review and approval.

Motion by Royer second Basiewicz to approve the Bill’s List from July 7, 2020 to July 20, 2020. (8-0-0-0)

AYES: Basiewicz, Garrett, Hemmerle, Johnson, Karhliker, Powell, Royer and Sheppard

NAYES: None

ABSENT: None

B. Cash Report for June 2020

Warwick presented the Cash Report for June 2020 for the Council’s review and approval.

Motion by Johnson second by Sheppard to approve the June 2020 Cash Report
(7-1-0-0)

AYES: Basiewicz, Hemmerle, Johnson, Karhliker, Powell, Royer and Sheppard

NAYES: Garrett

ABSENT: None

VI. Attorney – Moredock

A. First Reading, Ordinance 14841-20, Ordinance Approving Variance at 625 W. Jefferson

Attorney Moredock shared with the Council for their review the first reading of Ordinance 1481-20, Ordinance Approving Variance at 625 W. Jefferson.

B. First Reading, Ordinance 14852-20, Ordinance Approving Variance Request at 920 W. Jefferson

C. Revised Ordinance 1483-20 Approving a Loan Agreement with IEPA and Authorizing for the Issue of Waterworks Revenue Bonds

Attorney Moredock presented Ordinance 1483-20 Approving a Loan Agreement with IEPA for the Council’s review.

Motion by Johnson second by Powell to approve ~~Ordinance 1483-20~~ the loan agreement with IEPA in the amount of \$3,096,191.17. (8-0-0-0)

AYES: Basiewicz, Garrett, Hemmerle, Johnson, Karhliker, Powell, Royer and _____Sheppard

NAYES: None

ABSENT: None

Attorney Moredock presented the Revision of Ordinance 1483-20 of Authorizing for the Issue of Waterworks Revenue Bond in the amount of \$3,096,191.17 for the Council to review.:

Motion by Johnson second by Royer to declare the Ordinance to be an emergency and to eliminate the two reading requirement of Revision of Ordinance 1483-20 of Authorizing for the Issue of Waterworks Revenue Bond in the amount of \$3,096,191.17, pursuant to Sec. 2-29 an emergency ordinance shall be for the purpose of the immediate preservation of the peace, property, health, welfare or safety of the public. (8-0-0-0)

AYES: Basiewicz, Garrett, Hemmerle, Johnson, Karhliker, Powell, Royer and _____Sheppard

NAYES: None

ABSENT: None

Motion by Johnson second by Royer to approve Revision of Ordinance 1483-20 of Authorizing for the Issue of Waterworks Revenue Bond in the amount of \$3,096,191.17 (8-0-0-0)

AYES: Basiewicz, Garrett, Hemmerle, Johnson, Karhliker, Powell, Royer and _____Sheppard

NAYES: None

ABSENT: None

D. Notice of Award to MB Construction

Attorney Moredock informed the Council that the Employment of Illinois Workers on Public Works Act, which was triggered July 1, 2020 requires 90% of labor on projects be from Illinois. Our Contractor, MB Construction, is from Missouri but we still aren't sure if this will be a problem. Attorney Moredock is working on getting clarifications from the Dept. of Labor and Benton's is also seeking clarifications, and/or a position, from the legal folks at IEPA as well. Benton's is hoping since they bid the project and made Notice of Intent to Award prior to this taking effect, there will be no changes needed. Notice of Award is tabled until the August 3 Council Meeting.

E. Executive Session – Pending Litigation – 5 ILCS 120/2(c)(11)

VII. Department Heads

A. Police Department – Campbell

Chief Campbell informed the Council that all the cars are up (on-line) and running.

Campbell also indicated that he needed an Executive Session to discuss Personnel – 5 ILCS 120/2(c)(1) at the end of the meeting.

B. Public Works – McCarthy

Superintendent Mike McCarthy shared information with the Council on the purchase of a new dump bed and plow for the City Garage in the amount of \$38,199 for the review and approval.

Motion by Royer second by Basiewicz to approve the purchase of a new dump bed and plow from Woody's Municipal Supply Company in the amount of \$38,199.

AYES: Basiewicz, Garrett, Hemmerle, Johnson, Karhliker, Powell, Royer and Sheppard

NAYES: None

ABSENT: None

Mayor Berola provided an attaboy to Jake Roth and ~~Devon~~ Mike Lavin for gas leak at a home on ~~Route 104~~. Their training paid off and it prevented a gas explosion by them knowing what to do to prevent it. Kuddos to two of them.

C. City Office – Ponsler

City Office Manager Kristy Ponsler indicated that she is aware of the problems the Council members are having with Dropbox but hoping we might be able to resolve that with new technology discussions.

Ponsler also informed the Council that she is working ~~on the COVID-19 Virus potential reimbursement to the City. Additional expenses will be covered but not covered if purchases were previously planned.~~ on obtaining further information as it

pertains to the Coronavirus Relief Fund Assistance for Local Governments. Each municipality has been assigned a dollar amount of funding to be used for government expenses incurred during the Covid-19 pandemic. Further details and how the city can obtain reimbursement for expenses will be discussed as additional information is received.

VIII. Committee Reports

A. Administration – Johnson

Alderman Johnson indicated that he needed to set an Administration Committee meeting for August 3, 2020 at 6:15 p.m. to discuss technology for the Council.

B. Public Works – Karhliker

Engineer's estimate on Van Buren Street Sidewalk

Alderman Karhliker informed the Council that after a resident on Van Buren Street contacted the Mayor indicating that they were no longer interested in a sidewalk in front of their home, the project will not happen. Alderman Garrett did ask Mayor Berola if the resident contacted him or did he contact her. Mayor Berola said ~~well~~ both, she left him a message and he returned the call.

2020 MFT Seal Coat Bids and Acceptance of Proposal/Approval of Award

Alderman Karhliker also informed the Council that IDOT is still waiting on the paperwork for the oil and chip project. McCarthy indicated that he would check on it and is assuming it is sitting in a stack of papers on a desk.

C. Public Utilities – Johnson

Alderman Johnson shared with the Council the Hedging Agreement for their review and approval.

Motion by Johnson second by Garrett to approve the Hedging Agreement.
(8-0-0-0)

AYES: Basiewicz, Garrett, Hemmerle, Johnson, Karhliker, Powell, Royer and _____Sheppard

NAYES: None

ABSENT: None

Alderman Johnson also informed the Council that the Hedging Agreement requires a point person to act on behalf of the City to provide approvals when needed.

Motion by Johnson second by Basiewicz to approve the appointment of Mayor Tom Berola to be the point person for the Hedging Agreement to act on behalf of the City of Auburn to provide approvals when needed. (8-0-0-0)

AYES: Basiewicz, Garrett, Hemmerle, Johnson, Karhliker, Powell, Royer and Sheppard

NAYES: None

ABSENT: None

D. Health & Safety – Sheppard

Aldermoman Sheppard indicated that she did not have a report at this time other than needed an executive session.

Executive Session – Personnel (5 ILCS 120(c)(1))

Aldermoman Sheppard indicated that an Executive Session pertaining to Personnel 5 ILCS 120(c)(1) is needed at the end of the meeting.

E. Health & Housing – Sheppard

305 N. Rose (Musick)

Aldermoman Sheppard indicated that after repeat attempts of contacting the homeowner, Musick, of 305 N. Rose Drive, she would like to declare 305 N. Rose Drive a Nuisance under Ordinance Nuisances and Offensive Conditions 13-75/13-76 and a daily fine of \$50 will begin effective Tuesday, July 21, 2020.

Motion by Sheppard second by Royer to declare 305 N. Rose Drive a nuisance under Ordinance Nuisance and Offensive Conditions 13-75/13-76 and a daily fine of \$50 will begin effective Tuesday, July 21, 2020.

AYES: Basiewicz, Garrett, Hemmerle, Johnson, Karhliker, Powell, Royer and Sheppard

NAYES: None

ABSENT: None

Aldermoman Sheppard also asked Superintendent McCarthy if he could have the garage mow the property. McCarthy indicated yes. He and Rod Brandt had already walked the back yard for any type of debris in the way of the mowers. Alderman Royer ask when using the City's equipment to mow this property and the equipment becomes damaged in any way, would the homeowner be liable. Attorney Moredock will check into it.

Alderman Garrett asked if anyone had been in contact with the management company regarding the mowing of the property ~~at 521 W. on Jackson Street~~ ~~efferson~~. Sheppard indicated that she would reach out to them again to see if they will mow.

F. Parks – Hemmerle

1. Committee meeting – July 14, 2020

a. **Survey Results** (Presentation from the University of Illinois Staff)

Alderman Hemmerle reviewed the presentation from the University of Illinois staff that was presented earlier in the meeting.

b. **Moving forward with projects**

Hemmerle indicated that the direction the parks need to head would be a biking/walking trail and that the East Park/Union Park needs work. Ideas based on punch list that the U_of_I will provide. Clean up and redesign of the east park. U_of_I will help with finding grants to apply for to be used in the process.

c. **ADA Planning**

Hemmerle indicated that all of the parks in the City will plan toward ADA compliant. Hemmerle is hoping to set aside money for the parks to become ADA compliant.

d. **Veteran’s Memorial**

Alderman Royer informed the Council that he has been working with ACE Sign Company on a rendering of what he envisions for a Veteran’s Memorial. Royer indicated that he feels that the City of Auburn is not doing our veterans justice when all he sees at parks are little stones or a canon. Royer would like to see it all in one location. Alderman Powell told the Council that the City of Auburn has a Veteran’s Memorial at the cemetery. Clerk Barnhill stated that she would like to see something like other towns do where they are honoring their active military residents. Barnhill also stated that she would like to see all veterans honored and not just wait until they are deceased. Alderman Royer will continue to work on this project.

e. **Art Contest**

Alderman Royer would like to see the City have an art contest and involve students from school when projects come up.

— **Visitors**

Alderman Royer would like to discuss the trimming of the trees at the East Park just like they did at the City square. Alderman Karhliker asked about the liability of Royer and Garrett trimming trees to the City. Attorney Moredock indicated if they are volunteering the City is not liable.

G. Economic Development Committee – Basiewicz

Alderwoman Basiewicz indicated that the EDC would be meeting on Thursday, July 30.

IX. Other Business

A. ADA Accessibility – Alderman Garrett

Alderman Garrett updated the Council on ADA Accessibility. Talked with Attorney Moredock and he indicated that ADA plans are required for communities that have more than 50 employees. Garrett indicated that while we are not required to have an ADA plan, he feels that we should adopt an ADA policy and reinvest in this community.

X. Adjournment

Motion by Garrett second by Karhliker to adjourn to executive session to discuss Pending Litigation 5 ILCS 120(c)(11) and Personnel 5 ILCS 120(c)(1) at 9:50 p.m. (8-0-0-0)

AYES: Basiewicz, Garrett, Hemmerle, Johnson, Karhliker, Powell, Royer and Sheppard

NAYES: None

ABSENT: None

Motion by Basiewicz second by Royer to adjourn from executive session to discuss Pending Litigation 5 ILCS 120(c)(11) and Personnel 5 ILCS 120(c)(1) at 10:10 p.m.

AYES: Basiewicz, Garrett, Hemmerle, Johnson, Karhliker, Powell, Royer and Sheppard

NAYES: None

ABSENT: None

Motion by Garrett second by Royer to come back in to meeting at 10:08 p.m.

AYES: Basiewicz, Garrett, Hemmerle, Johnson, Karhliker, Powell, Royer and Sheppard

NAYES: None

ABSENT: None

Motion by Garrett second by Royer to adjourn the meeting at 10:09 p.m. Passed by voice vote.

Respectfully submitted,

Julie Barnhill
City Clerk