

Mayor Lee called the Sterling City Council to order at 6:30 pm on Monday January 16, 2023. Roll call. Present: Mayor Lee, Aldermen Retha Elston, Christine Wilen, Josh Johnson, Joseph Martin, Kaitlyn Ekquist and Jim Wise. Absent: None.

Also attending were City Attorney Tim Zollinger, City Manager Scott Shumard, Finance Director Cindy Von Holten, Superintendent of Building and Zoning Amanda Schmidt, Superintendent of Public Works Brad Schrader, Police Chief Alex Chavira, Fire Chief Michael Dettman, Superintendent of Wastewater Cory Bradshaw, and City Clerk Teri Sathoff.

The Pledge of allegiance was recited.

Alderman Elston made a motion to approve the following items on the Consent Agenda:

- A. Approval of Minutes.
- B. Approval of Bills and Payroll.
- C. Proclamation for National Mentoring Month.
- D. Proclamation Recognizing Martin Luther King Day
- E. Pay Request #2 for 2022 Street Contract Program to Helm Civil in the amount of \$277,295.12.
- F. Pay Request #1 for Sanitary Sewer and Manhole Replacement at Avenue and LeFevre in the amount of \$14,545.45.
- H. Board of Fire & Police Commission 2022 Annual Report.

*Note: Item G. Resolution No. R2023-01-01 Transferring Jurisdiction and Control of Real Property to the Industrial Development Commission was removed from the consent agenda.*

Motion seconded by Alderman Martin. Voting: Ayes – Aldermen Elston, Wilen, Johnson, Martin, Ekquist, and Wise. Nays – None. Motion carried.

Police Chief Chavira announced Detective Clay Hadley as the 2022 Officer of the Year. Carmen Thorp presented the Cadet T. Thorp award to Detective Hadley.

Chief Chavira stated this award is voted on by all personnel in the department. The award is presented to the officer that represents a commitment to the department, service to the citizens and many other attributes. Chief Chavira stated that Hadley is a mentor to all officers, he has a commitment to the citizens and the department, he can be counted on in times of crisis and he is always available to assist when needed.

Alderman Ekquist made a motion to approve the Agreement with SRF Consulting Group for a Railroad Quiet Zone Study Ordinance; Seconded by Alderman Wise. Andrew Mielke the Vice President with SRF Consulting Group was present via Zoom. Mayor Lee asked Mr. Mielke how difficult it will be to work with Union Pacific to get this completed. Mr. Mielke stated this will depend on the current condition of the crossings and whether they meet FRA Required standards,

four elements are required to implement a quiet zone. Mayor Lee asked what the time frame would be for the process, Mielke stated that it will take approximately six months once a diagnostic meeting is scheduled. Mielke stated that it could be in place in 2024. Alderman Wise asked if SRF has a good working relationship with the ICC, he stated yes that they do have a good relationship with them and they will be an advocate throughout the process. Wise asked if the proposed zone which is city limit to city limit and could that narrowed down if needed, Mielke said yes it could be narrowed down. Voting: Ayes – Aldermen Elston, Wilen, Johnson, Martin, Ekquist and Wise. Nays – None. Motion carried.

Chief Dettman thanked Alderman Ekquist for the graphic that was installed on the fire apparatus that was donated to Ukraine. It was very well received and appreciated. The graphic is an outline of the State of Illinois with a heart in the area of Sterling and it states Glory to Ukraine in Ukrainian.

Finance Director Cindy Von Holten advised all that the budget study sessions will begin at the next meeting.

Alderman Elston asked City Attorney Zollinger if he is aware of what the delay is with the gaming machines. Whoop Your Axe has been waiting nine months for their machines to be approved. Attorney Zollinger stated that he is not aware of the reason for the delay and the gaming distributor may be the best ones to answer that question. Alderman Elston asked Superintendent of Building and Zoning Amanda Schmidt when work would begin on the 1<sup>st</sup> Avenue property, Schmidt stated they are currently working on the abatement and once that is completed work will begin.

Mayor Lee stated the proclamation for mentoring as well as recognizing Martin Luther King was on the consent agenda. Mayor Lee reminded everyone of the importance of both. He then stated following;

Today we honor Dr. Martin Luther King. I'm guessing no one in this room has seen a burning cross – I have. I'm guessing no one in this room has heard family members fighting over whether or not one of them could join the Ku Klux Klan – I have. I'm guessing no one in this room had a family member elected to the U.S. Senate because he ran "one of the most racist campaigns in North Carolina history" – I have. I'm guessing that no one has seen the "Martin Luther King is a Communist" billboard – I have. Few of us in this room remember Birmingham Sunday, The Freedom Riders, Selma or the many acts of violence towards African Americans in the days of the Civil Rights Movement – I do. Few of us remember the day Dr. King was assassinated – I do. I could go on and on starting with my time living in Alabama but I think you get my point. Honoring Dr. King and his place in history is not some "woke" thing to be politically correct. This holiday

remembers the birthdate of a man who lead a movement to overcome a system of deliberate brutal bigotry in this country that started the day the first slave was brought to this country and involved the very governments from cities up to the national level who were supposed to protect all people. The struggle continues. This proclamation which few will read or know about is a minimalist “feel good” attempt by the City of Sterling to honor the memory of Dr. King. I hope someday the City does a better job of recognizing the memory of this great American in the way it celebrates other national holidays.

At 6:45 Mayor Lee turned the meeting over to City Manager Shumard to open the Rental Inspection study session discussion.

City Manager Shumard stated that with recent occurrences such as the fatal fire at Western Apartments and the loss of a firefighter it is more important than ever to make properties safer. Shumard stated the loss of the firefighter did not occur in a Sterling rental property however it was a property with code related issues. Shumard stated we need to be better at being proactive rather than reactive.

City Manager Shumard presented the Council with a Power Point presentation on the rental inspection program. Highlights of the presentation included;

**Background information on the program.**

- Original investigation into this program started on 2008.
- Staff visited other communities with the program.
- Spoke with the Landlords Association.
- Staff developed an ordinance as well as a plan.
- Implemented Administrative Hearings.
- Quality rental housing continues to be identified as a priority by the Strategic Plan, Comprehensive Plan as well as the Civic Pride Work.

**Goals of the program.**

- Health, Life and safety.
- Create minimum standards of living for Sterling residents.
- Uniform standards for all landlords to a level playing field.
- Encourage landlords that care about the community to continue to invest in the community.
- Reverse downward trend of neighborhood conditions and values.

**Reasons for the Program.**

- Proactive vs. reactive.

- Top goal for council is to improve neighborhoods.
- Improve perception of the community.
- Eliminate the City from landlord/tenant disputes.
- Eliminate illegal apartment conversions.
- Eliminate tenant's fear of reprisals for reporting substandard living conditions.
- Deterioration of neighborhoods.
- Broken window theory.

### **The Proposal**

- Compliance is the goal.
- Registration of properties, have local property managers.
- Inspection of properties.

### **What will be inspected**

- Exteriors will be inspected initially.
- Interior will be inspected eventually.
- Checklists will be provided prior to inspections.

### **Timeline**

- If approved summer would consist of scheduling and registration.

City Manager Shumard reiterated that if landlords are already up to code there will be minimal effects. Most of the maintenance that will be required can be done by the landlords themselves. Plumbing and electrical will need to be done by licensed professionals. Shumard stated there are benefits of the program for the landlords. Landlords that invest in their property will not be competing with landlords that do not reinvest. This would overturn the negative stigma of rental properties, reduce fire and safety hazards, attract a better pool of renters and hopefully the poor performing landlords will sell out to the good landlords.

Rod Kleckler of Rock Falls addressed the City Council. Mr. Kleckler is a landlord with property in Sterling. Kleckler stated he is an expert in the area of rental property as he has managed millions of dollars pf properties in the last 40 years. Points made by Mr. Kleckler include

- There were several false statements in the presentation, he stated Sterling did not lose a firefighter due to a city of Sterling property maintenance code nor did a code violation cause the Western Apartment fires, that was caused by an arson and gasoline.
- He does not know of any tenants that died due to a landlord issue.
- The pictures that were shown depict several tenant violations, not landlord issue including the property that had thirty plus cats living in it.

- The cost of the program will be passed down to the Sterling taxpayers.
- There will be fees on all properties including all of the ones that are in compliance.
- For every \$100 fee that is assessed on to him as the landlord will cost his renters and additional \$15 - \$20 more in rent.
- The City of Sterling is not taking care of the Lawrence Brothers property.
- All properties should be required to be inspected including the owner-occupied homes. If Sterling would require every residential property to be inspected he would support this.
- The current codes are not being enforced by the Building department, they do not need to create an additional program that will not be maintained.
- Rarely does a municipality demo a rental property, 80% of demos are owner occupied.
- The City will see this as a money-making opportunity, they will start with low fees and raise them every year.

Mary Carlson, Sterling, she owns her own home and does not own rental property. Carlson stated she does not understand why the landlords are complaining about providing tenants with basic needs. Have the tenants fill out applications and sign leases. Her question is to landlords is, if you can't provide a decent place to live why are you a landlord.

Alderman Wise stated that the benefits of the program include a reduction of risks to emergency personnel that respond to calls for service. The program could be married with a "crime free neighborhood" program, this could assist with property values. Wise complimented the staff on a hybrid type program that would benefit everyone. Wise encourages the staff to move forward with this program.

Alderman Ekquist stated she is in favor of the program, however she has concerns that the initial inspection would be on the outside of the property and the inside of the property would be inspected 1 to 5 years later. Ekquist stated this is a human rights issue and the inside of the properties should be inspected as well as they are more important than the outside. Shumard state this is a concession that was made early on. Alderman Wises stated this is part of the phasing in process. Wise stated this program will benefit both the landlord and the tenant and this should alleviate the repercussions on the tenant from the landlord.

Superintendent of Building and Zoning Amanda Schmidt stated this program has been a process, there are a lot of rentals in Sterling and it will take a long time to get all of them inspected. The properties would only be inspected when they are vacant. To answer Alderman Ekquist's question in regards to inspecting the exterior first, she advised the majority of the time the exterior of the property will give a good indication of the condition of the inside of the property. The landlords will be provided with checklists of what will be inspected prior to the inspection so they will be aware of what will be inspected. Schmidt stated the staff does not assume all

landlords are bad, there are good and bad landlords as well as good and bad tenants, even bad tenants have a right to safe housing. Schmidt stated that staff will get calls from tenants complaining about the living conditions and they are always asked if they are current on rent, this gives some indication on if it is a valid dispute. Schmidt stated that with the current situation tickets are issued and a \$50 fine is assessed at the administrative hearing. The property owner pays the ticket and refuses to fix the code violation.

Alderman Martin questioned where jurisdiction would lie with the program. Attorney Zollinger stated the this would go to the administrative hearing or to the court system depending on the violation, some violations that require a court order for compliance would go to traditional court. The administrative hearings do not have the authority to enforce compliance.

Mr. Kleckler stated that a lot of plumbing issues were brought up and there is one State Plumbing Inspector for northern Illinois, the city does not have anyone on staff that can inspect plumbing. Kleckler stated it could take 6 months for the plumbing inspector to inspect an issue and if that happens people will be sleeping in their cars and in the parks. Mr. Klecker stated the main issue that should be check is smoke detectors and that is a tenant responsibility. Alderman Johnson stated that although the Western Apartment fire was an arson there were no working smoke detectors in the building. Chief Dettman stated that working smoke detectors save lives and several tenants will come to the fire department for smoke detectors because the landlords refuse to supply them.

Alderman Wise stated the practices of housing are changing, the previous census showed 34% of properties were rental, the last census shows that 39% of properties are rental. Rental properties are increasing and will continue to increase, eventually 50% of all properties will be rentals.

Diana Merdian, Sterling, advised Tri County is currently inspecting rental properties for families that receive rental assistance. Housing assistance is out there.

Alderman Martin would like to speak with other communities that have a similar program, he is concerned about the justification of cost. He would like to see what justifies a successful rental inspection program. Martin stated the Landlords newsletter mentioned the legality of the program and he does not want to spend a lot of money in court fighting this. Attorney Zollinger stated the basic framework of the ordinance and program are solid. There are several policies that need to be put in place, but the ordinance is legal as it stands for a non-home rule community. Zollinger stated the owner-occupied homes are being addressed, homes that are not in compliance go through the court system.

Shirley Sharp, Sterling, inquired about elderly residents that are not able to afford to bring their homes up to code. Sharp was advised there is assistance for residents that need it. Alderman Johnson stated that this addresses rental properties where landlords are refusing to make the improvements and forcing landlords to be accountable.

Jeff Corwell, Sterling, is a landlord and he stated he would be in favor of the program if all homes are put in the program including owner occupied homes. Corwell stated if a homeowner does not keep their home up to code could have a visitor over and they could be injured due to code violation. Corwell would like to see the good landlords rewarded, he would also like to make sure all landlords are required to participate. Corwell would like to make sure City understands they will be liable if an inspection is conducted and someone is injured.

Alderman Wise asked if it would be possible to have code violations for the last few years broke down between owner occupied as well rental properties. Schmidt stated that could be done. Attorney Zollinger stated they would have to break it down and not include tenant caused violations.

Alderman Elston stated the waiting list for a good rental property is very long.

Mayor Lee stated this is a work in progress, we need to assist landlords with bad tenants. Mayor Lee stated that how can we know if you are a good landlord if we don't conduct inspections. Mayor Lee stated a bad tenant can wipe out years of income for a landlord. Mayor Lee thanked everyone for their input and being civil.

The meeting adjourned at 8:15pm.

Teri Sathoff

City Clerk