

Mayor Diana Merdian called the Sterling City Council to order at 6:30 p.m. on Monday, November 6, 2023. Roll call. Present: Alderperson Retha Elston, Joe Strabala-Bright, Josh Johnson, Joseph Martin, and Jim Wise. Absent: Kaitlyn Ekquist.

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

The pledge of allegiance was recited.

Michael Rizzo a resident of Whiteside County addressed the council concerning the appointment of Gary Spencer as 14th Judicial Circuit Judge, the current judge, Stanley B. Steines will be retiring. The screening committee for Mr. Spencer includes City Attorney Tim Zollinger, Retired Police Chief Tim Morgan, and Kurt Glazier.

Mr. Rizzo stated it concerns him that Mr. Spencer was the state attorney in Whiteside County when Nick Sheley murdered several people while out on no cash bail. Spencer never answered the question if Sheley was an informant of some kind. The victim's families deserve to know if Spencer will be appointed as a judge.

Rizzo stated it was suspicious to him that the current state attorney was a Republican and was appointed as a Democrat by Democrat James Duffy. The current state attorney is married to the Republican Circuit Clerk. Rizzo stated he had been threatened by Sherriff Booker as well as several of the Whiteside County Deputies. Rizzo feels the Whiteside County Sherriff's Office is a criminal organization and since Spencer was a deputy before becoming an attorney he should be disqualified as a judge.

Mr. Rizzo provided the Council and the City Clerk with copies of a letter he will be submitting to the reviewing committee for Mr. Spencer. Mr. Rizzo requested the letter be attached to the minutes. The letter was accepted by the Clerk

Mr. Rizzo states the old guard will not change and the public needs to contact the FBI if they feel Spencer should not be a judge.

Attorney Zollinger stated the opening for the 14<sup>th</sup> Judicial Circuit Judge is one that will be filled by the Illinois Supreme Court, Justice Lisa Holder White is the Justice for our area. The screening committee's job is to interview and make a recommendation. This is for a one-year appointment, there will be an election in 2024 to fill the position. Attorney Zollinger stated if there are comments about the appointment they can be sent to the Justice or the Chairman of the committee.

Amy Bertolozzi of 205 17<sup>th</sup> Avenue Sterling addressed the Council in regard to her neighbors, Brittney Stanley and Joshua Mothershed. Ms. Stanley was at the October 6<sup>th</sup>, 2023 City Council meeting stating she was a target of verbal abuse by Ms. Bertolozzi and her family. Bertolozzi stated she does not verbally abuse the Stanleys nor does she play her music loud, she reviewed all of her Ring camera footage and did find one day where a Godsmack song was played and the word b\*tch was said. Bertolozzi stated this was not to harass her neighbors and felt this word should not offend her neighbors as they are continually calling her husband a little b\*tch and calling them a family of b\*tches in front of the Stanley children. Bertolozzi stated they do play their music to drown out the sound of the dogs barking. Bertolozzi stated the dogs bark all night long, and because of this, they started to contact the police to report it. Bertolozzi stated their dog had jumped a six-foot fence on a couple of occasions and had been sitting on the roof outside a second-story window. Bertolozzi stated the Stanleys have had outside fires that caused heavy smoke making it impossible for them to enjoy the use their pool.

Tom Brackemeyer, 1512 5<sup>th</sup> Avenue, requested the City of Sterling to look into installing crosswalks on LeFevre at 1<sup>st</sup> Avenue, 3<sup>rd</sup> Avenue, 5<sup>th</sup> Avenue, and 7<sup>th</sup> Avenue. Brackemeyer requested the Council look into registering vacant houses as well as foreclosures. The residence across the street from Brackemeyer has had two windows boarded up as well as the storm door broken, he is concerned about his property values. He stated there are a lot of vacant houses in Sterling that need to be cleaned up.

Brackemeyer also stated Surf Broadband was in his yard to install a box, the base of the box has bolts that are raised out of the yard making it difficult to mow around.

Brackemeyer requested an update on the buildings on 3<sup>rd</sup> Street that had received damage from the fire, he would like to know the progress that has been made on demolishing them. City Manager Shumard stated two of the properties have been demoed, the third property is going through the condemnation process and the other property is a matter between the owner and the insurance company, the City does not have authority over that property.

Aldersperson Strabala-Bright asked City Manager Shumard if the reason the City of Waukegan can have a registry is because they are a home-rule community. Attorney Zollinger stated a registry could be created in Sterling, however, because Sterling is not a home-rule community it could be difficult to enforce.

Brittany Stanley, 203 17<sup>th</sup> Avenue, stated the music from the Bertolozzi family has virtually stopped since she appeared at the last meeting. Stanley stated the neighbor's pool ladders are

on the property line. Stanley provided the Council with reports from her mortgage company. The report that was done on November 1, 2023, shows that 85% of the work has been done. Stanley stated she has an appointment with the Building Department to have the work inspected. Ms. Stanley stated she had questions about the insurance money that is being held as a lien against her property. Amanda Schmidt, Superintendent of Building and Zoning explained this is not a lien it is a "hold back" amount that the insurance company is holding back as protection to the City. This is done so the City is not responsible for demoing the property if it is not repaired. The City does not have the money, it is not a lien. Once the property is in a condition that the City approves of the building department will sign off on the funds that are being held back and the insurance company will release them.

Aldersperson Strabala-Bright made a motion to approve the following items on the Consent Agenda:

- A. Approval of Minutes
- B. Approval of Bills and Payroll
- C. Pay Request #4 for Reconstruction of Tori Pines Subdivision to Twin City Construction in the amount of \$146,136.56
- D. Final Pay Request to Fischer Excavating Inc. for 4th and 5th Avenue in the amount of \$29,610.64
- E. Proclamation for Small Business Saturday, November 25, 2023
- F. Proclamation for Diwali Hindu
- G. Resolution No. R2023-11-25 to close streets for Sights and Sounds Christmas Walk on Friday, December 1, 2023
- H. Resolution No. R2023-11-26 providing for the abatement of general real property taxes for General Obligation Refunding Bonds (Alternate Revenue Source), Series 2017.
- I. Resolution No. R2023-11-27 providing for the abatement of general real property taxes for General Obligation Refunding (ARS) Bonds, Series 2020A.
- J. Resolution No. R2023-11-28 providing for the abatement of general real property taxes for General Obligation (ARS) Bonds, Series 2020B.
- K. Resolution No. R2023-11-29 providing for the abatement of general real property taxes for General Obligation Refunding (ARS) Bonds, Series 2020C.
- L. Resolution No. R2023-11-30 providing for the abatement of general real property taxes for Taxable General Obligation Bonds (Alternate Revenue Source), Series 2021A.
- M. Resolution No. R2023-11-31 providing for the abatement of general real property taxes for General Obligation Bonds (Alternate Revenue Source), Series 2021B.
- N. Resolution No. R2023-11-32 providing for the abatement of general real property taxes for Taxable General Obligation Bonds (Alternate Revenue Source), Series 2022A.

O. Resolution No. R2023-11-33 providing for the abatement of general real property taxes for General Obligation Bonds (Alternate Revenue Source), Series 2022B.

Voting: Ayes – Alderperson Elston, Strabala-Bright, Johnson, Martin, and Wise. Nays – None.

Ron Clewer with Gorman and Company gave a presentation on the progress of the Lawrence and National project. Clewer covered each phase and the timeline, this has been submitted to the Riverfront Commission and they have reviewed it.

Clewer stated the hotel market study was done and it came back with great results. Clewer met with Matthew from the regional convention visitor's bureau, they are looking at marketing it on a broader scope. Clewer stated City Manager Shumard has been working on the EPA grant, and attending the meetings, this must be completed before any work can be done at the Lawrence building. The grant has significant requirements and once it is completed, hopefully by spring, they will be able to install the banners, address the windows, and install solar up-lighting.

Phase 2 of the project includes National Buildings One, Two, and Five. Building Five is the original brick building that sits on 1<sup>st</sup> Avenue One and Two are directly behind to the west. This is the next set of buildings that will be designed.

Phase 3 of the project includes two sections, 3A and 3B. Phase 3A is the Lawrence Building hotel, it is Building One, Two, and Three, this would include the indoor parking. The River Commission had approved the Wallace Street design. The road would come into the building on the lower level of the sawtooth building and exit at the end of the building. The road would be designed to allow for a semi to continue past the building parking and make a complete turn in the cul-de-sac. Phase 3B is building for the workforce housing. If progress is made on the hotel the workforce housing could be done to coincide with the hotel work.

Buildings Six and Seven are being looked at for the possibility of a museum or something that would create a bigger draw.

Alderperson Martin asked about the hotel study and the effect of the railroad on the hotel. When a hotel study was done pre-COVID it was discussed that a hotel would not be acceptable due to the noise and that location was farther from the tracks than this location is. Mr. Clewer stated the quiet zone would work in our favor. He has been a part of several hotels that have trains that are just as close and there are no issues with that. The noise level on the inside of the building is estimated to be approximately 32 decibels from the actual train, not the train horn. Clewer pointed to the Iron Horse Hotel in Milwaukee has a train that is closer to the building and the

noise level does not affect it. Clewer stated the need for the rooms as well as the need for event space was evident in the study.

Aldersperson Wise asked if the National Buildings of One, Two, and Five are not allowed to have the sawtooth design would that increase the number of residential units in the buildings, Clewer stated it would increase the number of units. Aldersperson Wise stated he would like to see some residential units set aside for semi-independent adults. Wise stated there is a large need for this type of housing in our area. Clewer stated that if several apartment buildings were made in one building by condominiumizing the spaces it can be done. For example, Building One could consist of apartments for everyone, a portion of Building Two could be a separate apartment property and permanent supportive housing could be there.

Aldersperson Elston made a motion to approve Ordinance 2023-11-25 to vacate the Right of Way at 409 Avenue L; Seconded by Aldersperson Martin. Superintendent of Building and Zoning Amanda Schmidt stated this is for the Mallard Manufacturing Project, they would like to add additional parking that is in the right of way. Schmidt stated this is a wide right of way and it will closely match the size of the right away on the west side of the property. Schmidt commended Mallard for the amazing job they have done with the design and construction of the property. Voting: Ayes – Aldersperson Elston, Strabala-Bright, Johnson, Martin, and Wise. Nays – None. Motion carried.

Aldersperson Elston made a motion to approve Ordinance 2023-11-26 Amending Locations at Which Solicitation May Take Place at Public Right of Way Intersections; Seconded by Aldersperson Martin. Voting: Ayes – Aldersperson Elston, Strabala-Bright, Johnson, Martin, and Wise. Nays – None. Motion carried.

Aldersperson Wise made a motion to allow the City Manager to enter into an Agreement for Civil Engineering Services for the Riverfront Park Area with Strand & Associates; Seconded by Aldersperson Strabala-Bright. Aldersperson Wise asked if electric charging stations would be included in the parking area, yes they will be. Voting: Ayes – Aldersperson Elston, Strabala-Bright, Johnson, Martin, and Wise. Nays – None. Motion carried.

Aldersperson Strabala-Bright made a motion to allow the City Manager to enter into an Agreement for Landscape Architectural Services for the Riverfront Park Area with Parkitecture + Planning, LLC; Seconded by Aldersperson Elston. Voting: Ayes – Aldersperson Elston, Strabala-Bright, Johnson, Martin, and Wise. Nays – None. Motion carried.

Aldersperson Elston made a motion to the City Manager to enter into an Agreement for Design and Construction Administration Services for a Riverfront Shelter with Studio GWA; Seconded by Aldersperson Wise. Voting: Ayes – Aldersperson Elston, Strabala-Bright, Johnson, Martin, and Wise. Nays – None. Motion carried.

Chief Chavira thanked everyone who participated or attended the Trunk or Treat. On December 9<sup>th</sup> the detective division will participate in the annual Shop with a Cop. The department will be testing again on December 16<sup>th</sup> as the list has been exhausted. The two police officers who are attending the Police Academy at Sauk will be graduating on December 7<sup>th</sup>, they will then enter the Field Training Program. The Police Department is participating in the Festival of Trees at the Mall.

Chief Dettman stated the department hosted a class that was taught by the National Fire Academy, eight of our firefighters attended and 17 other firefighters from other area departments attended.

Superintendent of Waste Water Cory Bradshaw reported the parts for the screw pump will be in next week and repaired shortly after. The crews are currently working on winterizing equipment as well as conducting routine maintenance.

Superintendent of Public Works Brad Schrader reported they are continuing to sweep due to the leaves falling, crack sealing is being done and box culverts are being cleaned out. The new plow was named Big Bertha by the eighth graders at Challand Middle School. Aldersperson Wise asked about the progress of Woodburn and Griswold, the water company just tied in, they will be installing a temporary patch for the winter and repairing it in the spring. Paving should start on Wallace Street this week.

Amanda Schmidt reported the closing for the IDA grant is next week and all the information has been submitted on that. Marshalls had opened and Old Navy should be opening in the next couple of weeks.

City Clerk Teri Sathoff reported a group of City employees will be taking part in the Sights and Sounds by hosting a couple of craft stations for the kids in CGH's building.

Attorney Zollinger reported the property located on Douglas has been sold, there will be another parcel acquired in December.

The City Manager reported that Martin and Company will be paving the alley behind Ward Murray Pace and Johnson, the alley behind Crescent Electric, the 700 block of East 6<sup>th</sup>, the 10 block of 22<sup>nd</sup> Place, River Road, and Woodlawn Road.

Shumard stated he had a meeting with the USEPA, he was advised to contact Kansas State University's Technical Assistance to the Brownfield Program (TAB) and work with them to develop a request for proposal (RFP) for a qualified environmental professional.

Shumard stated the order of events for the EPA grant includes;

- Check in with the State Historic Preservation office.
- Conduct a historic building survey.
- Submit a draft clean-up plan to the State Voluntary Clean-up Program.
- Submit a draft community relations plan to the EPA.
- Prepare an analysis of Brownfield clean-up alternatives and submit that to the EPA.
- Prepare a QAPP equivalency memo.
- Clean-up is approved.
- Compile records containing relative site documents to support the clean-up for public viewing.
- Complete section 106 of the National Historic Preservation Act.
- Publish Notice for the 30-day comment period.
- Issue an action memo – authorization to proceed.
- Perform the clean-up.
- Conduct confirmation sampling.
- Receive approval to develop the site.

Staff is continuing to work on the Business District Developmental Agreement, this should be brought to the Council before the end of the year.

Repairs were attempted on the acrylic at Wallace Park, but they were unable to replace it up to their standards so they are willing to replace it with the sport court and the security edging at no additional cost.

The draft report for the Quiet Zone has been returned, they reported that it will take three times the amount of traffic that is anticipated for that intersection to be an issue. The report was submitted to SRF the quiet zone consultant.

Shumard reported that 2<sup>nd</sup> Street is tentatively on the schedule for April 2024.

There will be a prairie burn on the riverfront on Friday, November 11<sup>th</sup> weather permitting.

Aldersperson Martin congratulated Chief Chavira on the successful trunk or treat event. He also thanked Chief Chavira for the recommendation on the change to the bucket brigade locations.

Aldersperson Elston stated it is nice to attend all of the ribbon cuttings. Elston congratulated all employees who were honored for their years of service.

Aldersperson Wise stated it was nice to see the parking lot at Marshalls full.

Mayor Merdian informed everyone the Sterling American Legion will be hosting a Veteran's Day service at the Sterling High School auditorium at 11:00 am.

At 8:00 pm, the Mayor moved into the study session for the use of UTVs on public streets. City Manager Shumard stated a few surrounding communities have adopted ordinances that allow the use of UTVs on public Streets. The police department put together a report on the use of UTVs.

Chief Chavira stated low-speed vehicles are currently allowed on streets that have speed limits below 35 miles per hour, these are quieter and cleaner than off-road type vehicles.

The City of Sterling has two State routes that run through the City, Route 2 and Route 40. These types of vehicles are not allowed on State highways or any road with a speed limit above 35 miles per hour, they can cross these routes but they are not allowed to drive on them. Chavira stated his concern is that due to this limit, these vehicles will be pushed into residential areas as well as areas that have open intersections. Chavira provided the Council with a map of streets where the vehicles would and would not be allowed to drive.

Chavira stated he contacted the City of Dixon as well as the City of Rock Falls to see what issues, if any they have had with the UTVs. Dixon reported no problems and Rock Falls reported one problem. Dixon has 45 plates that are registered but they have 167 stickers that have been purchased. Rock Falls has 65 plates that have been purchased.

Aldersperson Wise asked Chief Chavira between Rock Falls and Dixon's ordinance which his department preferred to model Sterling's after. Chavira stated he had some concerns with some of the language and terminology in Dixon's ordinance, he stated Rock Falls' ordinance was well written.



Attorney Zollinger stated the City could write the ordinance to restrict certain areas. The middle of the Avenue G bridge is a State controlled area so the UTVs would not be allowed to travel between cities.

Aldersperson Strabala-Bright asked about signage in the other municipalities. Chavira advised the Rock Falls ordinance states signs are placed at all corridors stating off-road vehicles must be registered.

Aldersperson Wise asked who does the inspections in Rock Falls, Chavira stated that the vehicles are trailered to the Police Department where an employee checks it to make sure it is compliant.

Mayor Merdian stated she has a concern that these vehicles will be driven on the Park District trails. Chavira stated the vehicles are designed to go off-road and it will be to cut through yards and parks. The other municipalities have seen this happen.

Aldersperson Johnson brought up the topic of marking all of the uncontrolled intersections on the west end of the City. Chief Chavira stated there are so many intersections and this would be a difficult thing to do. Johnson stated signs are not expensive and for \$100 an intersection this could be changed, he said it would be a process. Chief Chavira stated when you change an intersection there are things to consider, by adding signs to intersections you will be pushing traffic to the open intersection. Johnson thinks this is an initiative that should be adopted. Aldersperson Wise stated these are not uncontrolled intersections, the rules of the road apply to these intersections, drivers are required to slow down at each intersection and the right of way applies. Wise advised that the Illinois Department of Transportation has the authority to require you to remove them.

Aldersperson Martin stated he was led to believe that the State requires a traffic study to be completed before any signage is changed or added. Attorney Zollinger stated that when the State has a secondary route they have requirements that do need to be met.

Aldersperson Johnson stated that maybe there needs to be a separate study session for open intersections.

Attorney Zollinger stated that it may be a good idea to get input from the schools and see if they have concerns about these vehicles being driven during pick-up and drop-off.

Aldersperson Martin asked if there would be reflectors on the sides of these vehicles to be more visible at night.

Aldersperson Wise asked by adopting the ordinance who would it serve, Aldersperson Johnson stated it would serve anyone wanting to travel for groceries, run errands, or just travel around town.

Aldersperson Strabala-Bright asked if there would be minimum speed requirements, and Chavira stated yes.

City Manager Shumard asked if there was a consensus to develop an ordinance. The group agreed they would like to see an ordinance developed.

Aldersperson Elston stated she is on the fence about the ordinance, she stated she was in Dixon in the evening and they were shuttling kids to and from the riverfront and she almost struck one because it was not visible and it did not stop at a stop sign, she also brought up a concern about a UTV that has been driving on the roads in the area of Halo, they are not respectful of other drivers. She would like to see the wording of the ordinance and make an educated decision.

Aldersperson Johnson asked how the UTVs are unsafe in the area of schools and where the concerns come from. Attorney Zollinger stated you would be introducing a new element to the mix of congested school drop-offs and pick-ups.

At 8:23 Aldersperson Wise made a motion to adjourn to an executive session to discuss the purchasing or leasing of real property as provided for under 5 ILCS 120/2; Seconded by Aldersperson Strabala-Bright. Voting: Ayes – Aldersperson Elston, Strabala-Bright, Johnson, Martin, and Wise. Nays – None. Motion carried.

At 8:44 Aldersperson Strabala-Bright made a motion to return to open session; Seconded by Aldersperson Elston. Voting: Ayes – Aldersperson Elston, Strabala-Bright, Johnson, Martin, and Wise. Nays – None. Motion carried.

The meeting adjourned at 8:48 p.m.

Teri Sathoff

City Clerk