



**MINUTES**

**COMMITTEE OF THE WHOLE MEETING MINUTES**

Monday, November 28, 2011

7:00 P.M.

Council Chambers

**MEMBERS PRESENT:** Bernick, DiPietro, Knight, Maloney, Raspanti, Smith, Sweeney

**MEMBERS ABSENT:**

**STAFF PRESENT:** Beil, Doczekalski, Hock, Maller, Stutts, VanDeCarr

**OTHERS PRESENT:** Mayor Schmidt  
Attorney Hill, Attorney Henn  
Irwin Lyons and Betsy Allen (Miller Cooper & Co. Ltd.)  
Citizens  
Press

**I. ROLL CALL**

Mayor Schmidt called the meeting to order at 7:00 p.m. On roll call vote the following Aldermen indicated their presence at the meeting: Bernick, DiPietro, Knight, Maloney, Raspanti, Smith and Sweeney.

**II. APPROVAL OF MINUTES**

- A. Ald. Sweeney moved approval of the October 28, 2011 Committee of the Whole minutes. The motion was seconded. The motioned passed.

**III. CITIZENS WISHING TO BE HEARD ON A NON-AGENDA ITEM**

**IV. FINANCE AND BUDGET**

**A. Action Items**

1. Cleaning Supplies Purchase Order Change

City Council previously approved a purchase order for LaPort, Inc. for cleaning supplies for the Fire Department. Due to poor quality of materials we will be closing this purchase order and reissuing a new one for Case Lots. Case Lots met or beat prices offered by LaPort, Inc.

**Ald. Knight moved to approve a change order to reduce the LaPort purchase order by \$11,131.84 and approve a purchase order for \$11,131.84 with Case Lots. The motion was seconded. The motion passed.**

2. Article 2, Chapter 9 Budget Policy Update

This policy includes updates that incorporate previous discussions and recommendations by the Finance Director regarding defining a balanced budget and the required vote necessary to balance a budget using fund balance. The Mayor was concerned that this would force him to veto the entire budget rather than a line item. Mr. Hill said he didn't feel that was the case; and that the Mayor can still veto a line item as well as the whole budget.

**Ald. DiPietro moved to amend the article to replace the words City Council with the word Aldermen throughout the document and to delete “or City Council including the Mayor” in Section 2-9-2, B item 1. The motion was seconded. The motion passed.**

**Ald. Knight moved to approve the updates as amended to Article 2, Chapter 9 of the Budget Policy as outlined and discussed. The motion was seconded. The motion passed**

### 3. Council Policy Statement 40 Update

This update of Council Policy Statement 40 includes adoption of GASB Statement No. 54 regarding Fund Balance Reporting and Government fund type definitions. It also includes updates that incorporate previous discussions and consensus by the Finance Committee of the Whole. There are also slight changes to the Fund Balance Policies. With the new policy, the target for the General Fund balance is \$7,053,000.

**Ald. Knight moved to approve the updates to Council Policy Statement 40. The motion was seconded. The motion passed.**

## **B. Discussion Items**

### 1. 2010/2011 Audit Review

Mr. Irwin Lyons, Miller Cooper & Co. Ltd. gave the Council a brief summary of what is included in the budget. He explained the audit, control letters and management’s response. Ald. Bernick asked if they were satisfied with management’s response, he said they were.

### 2. IMRF and TIF Financing

Since the City is moving forward on a bond issue for the Sewer Capital Projects, the Finance Director is suggesting including paying off the City’s obligation to IMRF due to the early retirement incentive saving money on interest. Some of the bond funds will be used to pay the underfunding of IMRF. The City Manager requested funds to provide short-term cash flow relief to the Uptown TIF.

Ald. Sweeney asked if this underfunding would continue. Ms. Stutts said it may, but not in the near future.

The consensus of the Committee to send the IMRF funding along with the Sewer financing as a bond ordinance to the next Committee of the Whole as an action item.

### 3. Proposed Budget Schedule

The Council was given a budget schedule; which will include meetings on Wednesday evenings beginning in January. Revisions will be made throughout the process with a final budget summary to be completed and presented in mid-March.

### 4. October Actuals and Nov-Apr Forecast

Ms. Stutts gave a brief overview of the October actual expenses and revenues as well as the forecast for this fiscal year. As of the end of October the General Fund is looking at a deficit of \$166,000. Ms. Stutts gave a number of saving options to eliminate the deficit.

### 5. Attorney Fee Expenditures

Mayor Schmidt requested expenditure information for the City’s legal expenses. He’s concerned about the amount the City is spending for legal fees and feels it may be time to look at alternatives to Klein Thorpe & Jenkins. Ald. Bernick would like a detailed breakdown on all legal expenses. Mr. Hock said staff was working on a survey of legal expenses with comparable communities. Mr. Hill stated he has a number of ideas how to reduce costs.

**C. Department Head Report**

**V. PROCEDURES AND REGULATIONS**

**A. Action Items**

**B. Discussion Items**

1. Definition of Pergola

At the October 3, 2011 City Council meeting, Ald. Knight requested the Committee of the Whole review the definition of pergola. There was a complaint by a resident and Ald. Knight brought this to the attention of city staff. After viewing the structure in question, staff and the city attorney agreed that the definition of "Pergola" needs to be changed. Ald. Sweeney stated that there were extenuating circumstance regarding this structure and the homeowner requested and was denied a variance.

Missy Langon, 1924 Canfield feels we are rewarding someone who refuses to follow the rules by changing the Zoning Ordinance. Pat Livensparger, 413 Courtland reminded the Committee that part of the problem with this structure is that is was built without the required permits. All we are doing is rewarding bad behavior.

The consensus of the Committee is to bring this item back as action item at the next Committee of the Whole meeting under Procedures and Regulations.

2. Uptown Parking – 3 hour

Ald. Raspanti had a request from a resident requesting extended parking hours at the Library lot. Staff believes that 3 hour parking is appropriate for the center of Uptown and that there are other alternatives for those who need long-term parking. Ald. Sweeney feels we need someplace closer to the train for people who want to take the train downtown.

3. Zoning Variance Application Fee (Section 15-1-14C) of the Municipal Code)

The Municipal Code states that if a foundation is installed in violation of City regulations and the owner wishes to apply for a variance, the variance fee shall be triple the typical application fee or 20 percent of new construction, whichever is greater. This was put into place to encourage people to install the foundations according to the approval plans.

The consensus of the Committee is to leave the ordinance as is and not bring back as an action item.

4. Litigation Policy

Ald. Smith is asking for an additional Council Policy that will require consistent reporting of cases of law where the City is involved as either plaintiff or defendant. He would like to track litigation expenses with a Pert Chart. This item will be brought back as an action item incorporated into Council Policy 43.

5. City Flag, Seal and Emblem

It is the opinion of the City Attorney that the City Seal and City Emblem can be copyrighted and trademarked but not the City Flag. Ald. Bernick feels we should trademark whatever items we can. The consensus of the Committee is to bring this back as an action item.

**C. Department Head Report**

Ms. Maller updated the Council on payment from the Dempster TIF to Bredemann and from the Uptown TIF to the School and Park Districts.

**VII. OTHER CITY BUSINESS**

1. 1800 Greendale

Mr. & Mrs. Kuepper, residents at 1800 Greendale are having issues with a driveway that was poured on their property that was not up to City Code. Another contractor and an inspector from the City agreed that the concrete was not up to code and the contractor was issued a ticket. There was supposed to be a hearing, but Mr. Hock informed the homeowners that the ticket was dismissed because the City no longer employed the inspector. Steve Cutaia reinspected the driveway and said it was up to code. Mr. Kuepper had two other contractors come out and both of them informed him that the thickness of the driveway was under code.

The Kuepper's decided to go to the State's Attorney with their complaint against Fortis Construction. The City hurt their case by dismissing the ticket.

Judy Barclay, 524 Courtland feels someone in the City needs to enforce our codes and these tickets. Pat Livensparger, 413 Courtland asked what the permit said and did the contractor meet the permit requirements. If they did not meet the permit requirements they are in violation of City Code.

**VIII. NEW BUSINESS**

**IX. ADJOURNMENT**

The meeting adjourned at 11:00 p.m.