

CITY OF SOUTH BELOIT  
REGULAR COUNCIL MEETING  
February 18, 2019

CALL TO ORDER: 5:02 pm, Council Chambers, City Hall by Mayor Rehl.

ROLL CALL: Present & answering to roll call were Commissioners Duffy, Fitzgerald, Moore, Teeters, and Mayor Rehl  
City Attorney Roxanne Sosnowski was present  
City Clerk Tracy Patrick recorded the minutes  
Department Heads in attendance:  
Fire Chief Mike Davenport  
Police Chief Pat Hoey  
Public Works Superintendent Jeff Reininger

PLEDGE OF ALLEGIANCE: Led by Mayor Rehl and recited by all members present.

INVOCATION: Mayor Rehl asked for a moment of silence.

APPROVE AGENDA: Commissioner Duffy made a motion to approve the agenda as amended second by Commissioner Fitzgerald. Voice vote carried the motion.

PUBLIC COMMENT: Mayor Rehl said he invited 50 North to give an update regarding their program. Diane LaForge and Jane Schamell were present and said 50 North has been meeting since June 2018, and trying to see where there has been any interest for the program in Rockton, Roscoe, and South Beloit. Ms. LaForge said they have been meeting on the 1<sup>st</sup> and 3<sup>rd</sup> Tuesdays of the month at the Rockton Community Center at 1 pm. Activities have averages between 15-35 people. There are no membership fees to join. A barrier they are experiencing is getting the word out about the program. Spring activities will be upcoming, and the group will keep the City updated occasionally. Mayor Rehl said the older population is the City's responsibility. Senior Centers are used in other communities.

APPROVAL OF MINUTES: Commissioner Teeters made a motion to approve the minutes of the Regular Council Meeting held on February 4, 2019. Commissioner Fitzgerald second the motion. Voice vote carried the motion.

REPORT OF OFFICERS:

1. Finance:  
Commissioner Duffy made a motion to approve the claims to be paid from February 2-15, 2019 in the amount of \$1,205,777.22. Commissioner Teeters second the motion. Finance Director, Don Elliott said the amount includes payment to River City in the amount of \$892,624.89. Roll call vote showed 5 ayes.
2. Attorney Report:  
None
4. Commissioner's Report:  
Accounts & Finance-Commissioner Moore  
Public Health & Safety-Commissioner Tom Fitzgerald  
Streets & Public Improvements-Commissioner Lori Duffy  
Public Properties-Commissioner Angela Teeters

CORRESPONDENCE:

1. There was no representative from the Rockford Area Visitors Convention Bureau to speak to Council
2. 50 North spoke in Public Comment

UNFINISHED BUSINESS:

1. Discussion and/or Motion Items:

- a. Commissioner Duffy made a motion to approve Resolution 6013 authorizing the Mayor to execute a Professional Agreement for Engineering Services for the City of South Beloit for 2019 with Fehr Graham Engineering and Environmental. Commissioner Moore second the motion. Commissioner Fitzgerald said he previously had a couple of questions from the February 4<sup>th</sup> meeting, however; after the meeting Commissioner Fitzgerald spoke with City Engineer, Seth Gronewold who answered his concerns. City Engineer, Mick Gronewold was present to explain the contract as well. After Mr. Gronewold explained the contract details there were no additional questions. Roll call vote showed 5 ayes.
- b. Commissioner Teeters made a motion to approve Ordinance 2408 amending Chapter 6 Alcoholic Beverages. Commissioner Fitzgerald second the motion. Attorney Sosnowski said she had not received any recommendations from council members regarding the changes that were proposed to Council regarding the Liquor Code amendments. Staff is looking for recommendations regarding some of the proposed changes, and further discussion is needed by Council. Mayor Rehl said there is an issue with the majority of requests for liquor licenses that are primarily interested in having gaming. Requestors want to have gaming at any location possible. Staff is spending significant time with requestors. Mayor Rehl said it is important to discuss whether Council would like to consider a limit to the number of licenses since there is no new money to be made in gaming. Increasing the number of gaming establishments will not bring in new revenue to the City, and is not bringing in new gamers. The City needs to be loyal to its current gaming licensees. Attorney Sosnowski reviewed the class A, AA, and D licenses and suggested increasing the licenses by a number that is appropriate for South Beloit if limiting the number of licenses is determined. Commissioner Duffy had concerns with limiting the number of licenses for a restaurant and asked if an establishment is granted a license does it automatically allow them to have gaming. Attorney Sosnowski said the class AA for a Bar/Restaurant has a requirement that 50% of gross receipts must be from food sales. Council discussed limiting the number of licenses available, but was not in favor of limiting the number. Council discussed the closing hours established. Closing hours are limited to 1 AM unless an additional license is purchased to allow the establishment to be open the additional hour until 2 AM. Christmas Eve hour requirements establishments to close at 6 PM were also discussed. It was determined that the Christmas Eve requirement to close at 6 PM would be eliminated. The Class G additional hour license would also be eliminated and closing hours would be amended to 2 AM for the classes A, AA, and D. Classes D and D95 closing hours will remain at 1 AM. The fees for classes A, AA, and D will be increased to \$450.00. Attorney Sosnowski said a revised Ordinance will be brought to the meeting in March. Commissioners Teeters and Fitzgerald withdrew their motions to approve Ordinance 2408. Commissioner Teeters made a motion to layover Ordinance 2408 second by Commissioner Fitzgerald. Voice vote carried the motion.

NEW BUSINESS

1. Discussion and/or Motion Items:

- a. Commissioner Duffy made a motion to approve a request for a waiver of Administrative fines imposed in the amount of \$5,000.00 in fines and \$500.00 in costs for the property located at 452 Washington Street from property owner, Mark Payne. Code Enforcement Officer, Shawna Henthorn was present and stated that the property owner asked her what the process is to reduce or waive the fee after the fines and costs were awarded to the City for the code violations from the Administrative Code Hearing Judge. Mr. Payne was present and explained he owns the property with his ex brother-in-law. They have had bad luck with tenants for this property. They are property owners of other rental units in South Beloit and have not had any issues. Officer Henthorn said there are still violations on the property as of Friday regarding a burning pit that includes miscellaneous items and carpeting. Mr. Payne said he was not aware of the fire pit violation and would take care of it. Council discussed the violations. Commissioner Fitzgerald said he is in favor of working with people, but has an issue with absentee landlords and does not believe the property should get to the point of disrepair. Commissioner Teeters said code issues have already been through the process and should not get to the level of the Council to make further determinations from the Administrative Court process. Commissioner Duffy said it's hard with the property not being cleaned up. Commissioner Moore said he drove by

the residence and could not see any issues. Attorney Sosnowski explained the fees for costs involved. Fines and costs are determined by the City's Ordinances, and State Statute caps the fines at \$5,000.00. Attorney Sosnowski also explained the Code process regarding notices, and hearings. Most properties come into compliance. If the property is abated prior to the hearing there is no fine. Attorney Sosnowski reviewed the timeline for the property's violations and explained the debris on the property would need to be hauled away and cannot be burned. Council agreed to consider a reduction in the fees imposed. Mr. Payne said he was not aware of the fine amount being \$5,000.00. Attorney Sosnowski said the summons does not state the amount of the fee because the amount can't be determined until the matter goes to hearing. If the violation is remediated, there is no fine. Attorney Sosnowski said the importance of the program is to gain compliance. Commissioners Duffy and Moore withdrew their motions to approve. Commissioner Duffy made a motion to layover the item until the next Regular Council Meeting. Commissioner Moore second the motion. Voice vote carried the motion.

- b. Commissioner Teeters made a motion to approve a request for a waiver of Administrative fines and costs imposed in the amount of \$5,000.00 in fines and \$500.00 in costs for a code violation from Christina Luepkes. Ms. Luepkes was present and explained she is in the middle of a divorce. The vehicle is in her husband's name. Ms. Luepkes asked him to remove the vehicle, however, he has not. Ms. Luepkes said she was not sure if she was able to remove the vehicle herself. Ms. Luepkes attorney has sent her husband a letter giving him 14 days to remove the vehicle. Ms. Luepkes has a court date tomorrow. Officer Henthorn said Ms. Luepkes has stayed in contact with her through the whole process. Attorney Sosnowski recommended laying this item over. Commissioners Teeter and Duffy withdrew their motions. Commissioner Teeters made a motion to layover the item until the next Regular Council Meeting. Commissioner Duffy second the motion. Voice vote carried the motion.
- c. Council discussed the Stateline Heights Subdivision Rezoning fees for certain properties locate on Stateline Road. Matt Schulte was present to speak to Council. Mr. Schulte said he owns 6087 and 6111 Stateline Road. Mr. Schulte spoke with several property owners along Stateline Road near his home and previously spoke to the City regarding a zoning change along the same area 15 months ago. The cost to rezone each parcel is \$500.00. Mr. Schulte said he was told to hold off and that the properties may be able to be changed at the same time. The residents he was able to make contact with would like the properties to be marketed as commercial then let the buyer change to the type of commercial zoning they would want. Mayor Rehl said the City could look at their land use plan and change the location to show as commercial future use since the location primarily has commercial uses there. Consensus was to allow owners to market their properties as commercial, and the City would look at changing the future land use plan. There would be no consideration to reduce the fees for zoning changes.
- d. Commissioner Fitzgerald made a motion to approve Resolution 6016 setting a date and time for Public Hearing and Joint Review Board Meeting regarding potential Gardner-Park TIF District. Commissioner Moore second the motion. Roll call vote showed 5 ayes.
- e. Commissioner Duffy made a motion to approve Resolution 6017 expressing official intent regarding the potential Gardner-Park TIF District. Commissioner Fitzgerald second the motion. Roll call vote showed 5 ayes.
- f. Commissioner Teeters made a motion to discuss then layover Resolution 6018 authorizing the City to enter into a Franchise agreement with Charter Cable Partners, LLC N/K/A Charter Communications Entertainment I, LLC. Commissioner Fitzgerald second the motion. Attorney Sosnowski reviewed and explained the agreement. Commissioner Fitzgerald said he had reviewed his bill with Charter and the cost is going up. Commissioner Fitzgerald said he does not understand the amounts that are being charged and being paid according to the contract. Attorney Sosnowski said a historical review of what was paid needs to be completed. The current agreement is expiring, so, the City will need to look at their books. It was determined a review of the records would be completed prior to approving the agreement. Voice vote carried the motion.
- g. Commissioner Duffy made a motion to approve Resolution 6019 authorizing the purchase of a Trane XB90 gas furnace and Trane XR13 A/C system from Premier Heating & Air at a cost not to exceed \$14,550.00. Commissioner Teeters second the

motion. Public Works Supervisor, Mike Murphy asked Council to lay the item over due to a few more items he became aware of that he will need to look at prior to the approval. Commissioners Duffy and Teeters withdrew their motions. Commissioner Duffy made a motion to layover Resolution 6019. Commissioner Teeters second the motion. Voice vote carried the motion.

MISCELLANEOUS  
LICENSES AND PERMITS:

- 1.. RLE's:
  - a. Abigail Hammond-Hollywood Bar & Slots
  
2. Tattoo Artist Licenses:
  - a. Teagan Squires

Commissioner Fitzgerald made a motion to approve all licenses second by Commissioner Moore. Voice vote carried the motion.

ADJOURN:

At 6:52 pm on a motion made by Commissioner Teeters second by Commissioner Moore. Voice vote carried the motion.

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Mayor

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City Clerk

Approved: