

CITY OF ALTON
ALTON CITY COUNCIL

April 22, 2009

A Regular Meeting of the City Council of the City of Alton, Illinois was held in the City Council Chambers, City Hall Building, Alton, Illinois at the hour of 7:30 p.m. on the above date.

The meeting was called to order by Mayor Sandidge.

The Council Members present on call of the roll:

PRESENT: Ryan, Hanrahan, Maher, Martin, Brake, Fleming, Boulds – 7

ABSENT: None - 0

Mayor Sandidge led the Pledge to the Flag.

COUNCIL MINUTES, COMMUNICATIONS AND REPORT OF OFFICERS

The Clerk presented the following Council Meeting Minutes of April 8, 2009 and the following Communications: United States Bankruptcy Court for the District of Delaware, re: Cable & Wireless USA, Inc., et al., Debtors; Illinois Department of Transportation, re: Motor Fuel Tax Allotment and Transactions for March, 2009; Federal Emergency Management Agency, re: Case No. 09-05-1581A; Community, City of Alton, Madison County, Illinois, Community No. 170437; at&t, re: AT&T Illinois First Annual Consumer Video Services Report; Charter Communications, re: Charter Communications, Inc. Restructuring; Allied Waste Services, re: Solid Waste and Recycling Volumes for March, 2009 and the following Report of Officers: City Treasurer, re: Monthly Report for March, 2009; Alton Fire Department, re: Estimated Fire Loss for March, 2009; Alton Fire Department, re: Monthly Fire Damage Report to Assessor's Office for March, 2009. Mr. Maher made a motion, seconded by Mr. Hanrahan, that said Minutes, Communications and Report of Officers be placed on file. The motion passed by the following vote:

AYES: Ryan, Hanrahan, Maher, Martin, Brake, Fleming, Boulds – 7

NAYS: None – 0

PETITIONS

Mayor Pro Tem Hanrahan presented the following petition from James T. Belote and Sandra L. Belote to request a text amendment and special use permit for property located at 1106, 1108 and 1110 George St. for the purpose of enabling a 3-unit residential building to be used as a guest house. Mr. Hanrahan made a motion, seconded by Mr. Ryan, that said petition be referred to the Plan Commission. The Chair so ordered.

COMMITTEE REPORT

Mr. Brake presented the following Committee of the Whole Meeting Report for April 20, 2009; Resolution, re: Discount and Special Bills paid; Resolution, re: Lease Agreement between the City of Alton and Russ Smith d/b/a Bossanova Lounge; Resolution, re: Consider an ordinance for revisions in the user charges required to maintain the sanitary sewer system of the City of Alton; Resolution, re: Demolition of 915 E. 7th; Resolution, re: Consider an ordinance establishing the requirement to pay prevailing wages; Bid Report & Resolution, re: 2009 MFT Maintenance Material Letting. Mr. Brake made a motion, seconded by Mr. Fleming, that said report be placed on file. The Chair so ordered.

Mr. Brake presented the following resolution:

BE IT RESOLVED that the Discount and Special Bills Paid; also all Expenditure Detail Bills as listed in the Comptroller's report dated April 20, 2009, be allowed and payment be made for same. Mr. Brake made a motion, seconded by Mr. Fleming, that said resolution be approved. The motion passed by the following vote:

AYES: Ryan, Hanrahan, Maher, Martin, Brake, Fleming, Boulds – 7
NAYS: None – 0

Mr. Brake presented the following resolution:

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ALTON, ILLINOIS, that the attached Lease Agreement between the City of Alton and Russ Smith d/b/a Bossanova Lounge be and hereby is approved and the Mayor is authorized to execute the agreement. Mr. Brake made a motion, seconded by Mr. Ryan, that said resolution be approved. The motion passed by the following vote:

AYES: Ryan, Hanrahan, Maher, Martin, Brake, Fleming, Boulds – 7
NAYS: None – 0

Mr. Brake presented the following resolution:

WHEREAS, it is necessary to effect the demolition of certain structures deemed unsafe under 65 ILCS 5/11-31-1, the owners of which have neglected or refuses to perform required demolition.

NOW, THEREFORE:

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ALTON, ILLINOIS, that its officials and agents are hereby authorized to pursue appropriate legal action against such properties in the Circuit Court as listed below:

915 E. 7th

Mr. Brake made a motion, seconded by Mr. Maher, that said resolution be approved. The motion passed by the following vote:

AYES: Ryan, Hanrahan, Maher, Martin, Brake, Fleming, Boulds – 7

NAYS: None – 0

Mr. Brake presented the following resolution:

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ALTON, ILLINOIS, that an Ordinance be considered establishing the requirement to pay prevailing wages as required by the State of Illinois. Mr. Brake made a motion, seconded by Mr. Boulds, that said resolution be approved. The motion passed by the following vote:

AYES: Ryan, Hanrahan, Maher, Martin, Brake, Fleming, Boulds – 7

NAYS: None – 0

Mr. Brake presented the following resolution:

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ALTON, ILLINOIS, that the proposals of the following companies be and are hereby accepted for the 2009 MFT Maintenance Program:

Group 1 – Bituminous Patching Material (EZ Street), furnished only:

Maclair Asphalt Sales, LLC

Group 2 – Hot-Mix Asphalt Surface Course, furnished only:

C.E. Mahoney Company

Mr. Brake made a motion, seconded by Mr. Hanrahan, that said resolution be approved. The motion passed by the following vote:

AYES: Ryan, Hanrahan, Maher, Martin, Brake, Fleming, Boulds – 7

NAYS: None – 0

FIRST READING OF ORDINANCES

Mayor Pro Tem Hanrahan presented the following two (2) ordinances for first reading.

Ordinance No. 7133. An Ordinance establishing one handicapped parking space in the City owned parking lot at Broadway and Easton.

Ordinance No. 7134. An Ordinance concerning business licenses.

Mr. Hanrahan made a motion, seconded by Mr. Maher, that the above and foregoing two (2) ordinances be LAID OVER. The Chair so ordered.

SECOND READING OF ORDINANCES

Mayor Pro Tem Hanrahan presented the following ordinance for second reading.

Ordinance No. 7129. An Ordinance amending Ordinance No. 3378, being the Traffic Code of the City of Alton with regard to the 30-minute parking restrictions on Easton Street south of Fourth Street. Mr. Hanrahan made a motion, seconded by Mr. Ryan, that said ordinance be adopted. The motion passed by the following vote:

AYES: Ryan, Hanrahan, Maher, Martin, Brake, Fleming, Boulds – 7

NAYS: None – 0

Mayor Pro Tem Hanrahan presented the following ordinance for second reading.

Ordinance No. 7130. An Ordinance amending the Traffic Code of the City of Alton, Illinois, to eliminate the 5-minute parking limitation at 2336 State Street. Mr. Hanrahan made a motion, seconded by Mr. Ryan, that said ordinance be adopted. The motion passed by the following vote:

AYES: Ryan, Hanrahan, Maher, Martin, Brake, Fleming, Boulds – 7

NAYS: None – 0

REPORTS AND/OR RESOLUTIONS OF SPECIAL COMMITTEES

The Clerk presented the following Appearance Review Commission, re: Public Hearing Minutes of March 25, 2009. Mr. Maher made a motion, seconded by Mr. Hanrahan, that said minutes be placed on file. The motion passed by the following vote:

AYES: Ryan, Hanrahan, Maher, Martin, Brake, Fleming, Boulds – 7

NAYS: None – 0

RESIGNATIONS

Mayor Sandidge presented the resignation of Tom Hoechst from the Climate Protection and Energy Efficiency Committee. Mr. Hanrahan made a motion, seconded by Mr. Boulds, that said resignation be accepted. The motion passed by the following vote:

AYES: Ryan, Hanrahan, Maher, Martin, Brake, Fleming, Boulds – 7

NAYS: None – 0

APPOINTMENTS

Mayor Sandidge presented the appointment of Jeremy C. Mills to the Climate Protection and Energy Efficiency Committee. Mr. Ryan made a motion, seconded by Mr. Hanrahan, that said appointment be approved. The motion passed by the following vote:

AYES: Ryan, Hanrahan, Maher, Martin, Brake, Fleming, Boulds – 7

NAYS: None – 0

OTHER BUSINESS

The Clerk presented the following Laid Over Resolution:

BE IT RESOLVED by the City Council of the City of Alton, Illinois, that the Mayor and appropriate City officials are hereby authorized and directed to execute a Lease Agreement by and between the City of Alton, Illinois, as Lessor, and James Elliott, as Lessee, with regard to Lots 1 and 3 in the 700 Block of Hampton Avenue, Alton, Illinois, upon the terms and conditions as set forth in the Lease Agreement which is attached hereto and made a part hereof. Mr. Fleming made a motion, seconded by Mr. Boulds, that said resolution be PLACED ON FILE. The motion passed by the following vote:

AYES: Ryan, Hanrahan, Maher, Martin Brake, Fleming, Boulds – 7

NAYS: None – 0

COMMENTS OR RESOLUTIONS FROM THE COUNCIL

Mr. Ryan presented the following four (4) resolutions:

1. BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ALTON, ILLINOIS, that the following streets be closed on Sunday, June 14, 2009 for the Alton Marketplace Car Show:

West 3rd St. from Piasa to State St.

State St. from Broadway to 4th St.

“Sugar Alley” the alley that runs behind the businesses on 3rd St. between Piasa and State St.

2. WHEREAS, the agents of the City of Alton cut a tree on March 12, 2009, at 903 Logan Street, without proper authority of the owner; and

WHEREAS, the representatives of the Park Department of the City of Alton have attempted to negotiate a resolution of the alleged wrong with the owner of the property; and

WHEREAS, a settlement of all claims has been achieved by representatives of the Park Department.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ALTON, ILLINOIS, that the City of Alton authorizes the payment of \$1,000.00 to Esther Froebel of 903 Logan, Alton, Illinois, conditioned upon obtaining a Release to be prepared by the Corporation Counselor of the City of Alton in favor of the City of Alton, releasing any and all claims Esther Froebel may have against the City of Alton.

3. WHEREAS, special event liquor licenses are required under the Alton Liquor Code for the sale or distribution of alcoholic liquors at appropriate activities which are approved by the Alton City Council; and

WHEREAS, certain events require a variance from the Alton City Council for sale or distribution of alcoholic liquors in Alton City parks or playgrounds.

NOW THEREFORE, BE IT RESOLVED by the City Council of Alton, Illinois that the following special event be approved pursuant to Alton Code 4-4-9 and a variance is hereby granted for sale or distribution of alcoholic liquors in a public park:

Alton Exposition Commission will sponsor Fireworks on the Mississippi at Riverfront Park on July 3 through July 5, 2009.

4. BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ALTON, ILLINOIS, that in compliance with the requirements of the Fair and Accurate Credit Transactions Act of 2003 and the associated final "Red Flag" rules promulgated by the Fair Trade Commission requiring certain municipal utilities and departments to enact certain policies and procedures regarding Identity Theft Red Flags and Prevention, the City of Alton does hereby approve the Identity Theft Prevention Program of the City of Alton, as attached hereto.

Mr. Ryan made a motion, seconded by Mr. Hanrahan, that the above and foregoing four (4) resolutions be referred to the Committee of the Whole. The Chair so ordered.

Mr. Maher presented the following resolution:

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ALTON, ILLINOIS, that the attached Ordinance pertaining to the commencement of new terms for elected city officials be considered. Mr. Maher made a motion, seconded by Mr. Hanrahan, that said resolution be referred to the Committee of the Whole. The Chair so ordered.

Mrs. Martin presented the following three (3) resolutions:

1. WHEREAS, the Alton Exposition Commission is sponsoring a Fireworks display in the City of Alton which event constitutes a public purpose(s);

WHEREAS, this fireworks display will require the temporary closure of the Clark Bridge, a State Highway in the City of Alton from 9:10 P.M. to 9:45 P.M. on July 3rd, 2009;

WHEREAS, Section 4-408 of the Illinois Highway Code authorizes the Department of Transportation to issue permits to local authorities to temporarily close portions of State Highways for such purposes.

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Alton that permission to close off the Clark Bridge from 9:10 P.M. to 9:45 P.M. on July 3rd, 2009 as above designated, be requested of the Department of Transportation.

BE IT FURTHER RESOLVED that this closure shall occur during the approximate time period between 9:10 P.M. and 9:45 P.M. on July 3rd, 2009.

BE IT FURTHER RESOLVED that traffic from that closed portion of highway shall be detoured over routes with an all weather surface that can accept the anticipated traffic, which will be maintained to the satisfaction of the Department and which is conspicuously marked for the benefit of traffic diverted from the State highway. (The parking of vehicles shall be prohibited on the detour routes to allow an uninterrupted flow of two-way traffic.)* The detour route shall be as follows: "No rerouting." The Clark Bridge will be closed for approximately 30 minutes during the Mississippi Fireworks Festival Display on July 3rd, 2009.

*To be used when appropriate.

BE IT FURTHER RESOLVED, that the City of Alton assumes full responsibility for the direction, protection, and regulation of the traffic during the time the detour is in effect.

BE IT FURTHER RESOLVED, that Police officers or authorized flaggers shall at the expense of the City of Alton be positioned at each end of the closed section and at other points (such as intersections) as may be necessary to assist in directing traffic through the detour.

BE IT FURTHER RESOLVED, that Police officers, flaggers, and officials shall permit emergency vehicles in emergency situations to pass through the closed area as swiftly as is safe for all concerned.

BE IT FURTHER RESOLVED, that such signs, flags, barricades, etc..., shall be used by the Alton Exposition Commission as may be approved by the Illinois Department of Transportation. These items shall be provided by the City of Alton.

BE IT FURTHER RESOLVED, that the closure and detour shall be marked according to the Illinois Manual on Uniform Traffic Control Devices.

BE IT FURTHER RESOLVED, that an occasional break shall be made in the procession so that traffic may pass through. In any event, adequate provisions will be made for traffic on intersecting highways, pursuant to conditions noted above. (Note: This paragraph is applicable when the Resolution pertains to a Parade or when no detour is required.)

BE IT FURTHER RESOLVED, that the Alton Exposition Commission hereby agrees to assume all liabilities and pay all claims for any damage which shall be occasioned by the closing described above.

BE IT FURTHER RESOLVED, that the Alton Exposition Commission shall provide a comprehensive general liability insurance policy or an additional insured endorsement in the amount of \$100,000.00 per person and \$500,000.00 aggregate which has the Illinois Department of Transportation and its officials, employees, and agents as insureds and which protects them from all claims arising from the requested road closing.

BE IT FURTHER RESOLVED, that a copy of this resolution be forwarded to the Department of Transportation to serve as a formal request for the permission sought in this resolution and to operate as part of the conditions of said permission.

ADOPTED by the City Council of the City of Alton this _____ day of _____, _____ 2009 A.D.

MUNICIPAL CLERK

APPROVED by the Mayor of the City of Alton of this ___ day of _____ 2009 A.D.

ATTEST: _____

MUNICIPAL CLERK

MAYOR

2. BE IT RESOLVED by the City Council of the City of Alton, Illinois, that the existing 10-year Lease Agreement between the City of Alton, Illinois, as Lessor, and Charles Brake, as Lessee, shall be renewed for a new 10-year period, commencing June 1, 2009, and ending May 31, 2019, upon the same terms and conditions as contained in the existing Lease Agreement.

3. WHEREAS, it is necessary to effect the demolition of certain structures deemed unsafe under 65 ILCS 5/11-31-1, the owners of which have neglected or refuses to perform required demolition.

NOW, THEREFORE:

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ALTON, ILLINOIS, that its officials and agents are hereby authorized to pursue appropriate legal action against such properties in the Circuit Court as listed below:

1201 Highland
2305 Powhattan

Mrs. Martin made a motion, seconded by Mr. Fleming, that the above and foregoing three (3) resolutions be referred to the Committee of the Whole. The Chair so ordered.

Mr. Fleming presented the following two (2) resolutions:

1. BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ALTON, ILLINOIS, that the attached Ordinance Confirming the Annexation Agreement Between the City of Alton and Fosterburg-255, LLC, be considered.

2. BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ALTON, ILLINOIS, that a public hearing shall be held to consider changing the name of a portion of Riverfront Drive, as shown on the attached aerial photograph, to be known as "Sgt. Russell E. Dunham Memorial Parkway" before the City Council at its regular meeting of May 13, 2009, and that the City Clerk publish notice of said hearing in compliance with 6-1-7 of the City Code.

Mr. Fleming made a motion, seconded by Mr. Brake, that the above and foregoing two (2) resolutions be referred to the Committee of the Whole. The Chair so ordered.

Mr. Boulds presented the following four (4) resolutions:

1. WHEREAS, special event liquor licenses are required under the Alton Liquor Code for the sale or distribution of alcoholic liquors at appropriate activities which are approved by the Alton City Council; and

WHEREAS, certain events require a variance from the Alton City Council for sale or distribution of alcoholic liquors in Alton city parks and playgrounds; and

NOW THEREFORE, BE IT RESOLVED by the City Council of Alton, Illinois that the following special event be approved pursuant to Alton Code 4-4-9 and a variance is hereby granted for sale or distribution of alcoholic liquors in a public park;

Marquette Catholic High School for a special event liquor license on Friday, May 8, 2009 and Saturday, May 9, 2009 for the Marquette Festival / Mega Raffle.

2. BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ALTON, ILLINOIS, that the attached Lease Agreement between the City of Alton and Marilyn Carroll, d/b/a Chez Marilyn, Inc. be and hereby is approved and the Mayor is authorized to execute the agreement.

3. BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ALTON, ILLINOIS, that the attached proposal from Scheffel & Company, P.C., dated April 6, 2009, to perform the annual audit for the City of Alton and related services be and is hereby accepted and further that the Mayor is directed to execute same on behalf of the City of Alton.

4. WHEREAS, special event liquor licenses are required under the Alton Liquor Code for the sale or distribution of alcoholic liquors at appropriate activities which are approved by the Alton City Council; and,

WHEREAS, certain events require a variance from the Alton City Council for sale or distribution of alcoholic liquors in Alton City parks or playgrounds.

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ALTON, ILLINOIS, that the following special event be approved pursuant to Alton Code 4-4-9 and a variance is hereby granted for sale or distribution of alcoholic liquors in a public park:

Alton Museum of History and Art will sponsor the Miles Davis Jazz Festival at the Riverfront Amphitheater on May 16, 2009.

Mr. Boulds made a motion, seconded by Mr. Ryan, that the Rules of the Council be Suspended in order to act upon said four (4) resolutions. The motion passed by the following vote:

AYES: Ryan, Hanrahan, Martin, Brake, Fleming, Boulds, Mayor Sandidge – 7
NAYS: Maher – 1

Mr. Boulds made a motion, seconded by Mr. Fleming, that the above and foregoing four (4) resolutions be approved. The motion passed by the following vote:

AYES: Ryan, Hanrahan, Martin, Brake, Fleming, Boulds – 6
NAYS: Maher – 1

Mr. Boulds made a motion, seconded by Mr. Maher, that the Rules of the Council be Suspended in order to act upon two (2) resolutions concerning amending the Liquor Code pertaining to the liquor license for the Alton Marina and concerning the City's Volume Cap in connection with its Private Activity Bonds in favor of the Southwestern Illinois Development Authority and to permit the first and second readings of the two (2) ordinances, respectively, concerning each ordinance. The motion passed by the following vote:

AYES: Ryan, Hanrahan, Maher, Martin, Brake, Fleming, Boulds,
Mayor Sandidge – 8
NAYS: None – 0

Mr. Boulds presented the following resolution:

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ALTON, ILLINOIS, that the attached Ordinance Concerning the Liquor License for the Alton

Marina be considered. Mr. Boulds made a motion, seconded by Mr. Fleming, that said resolution be approved. The motion passed by the following vote:

AYES: Ryan, Hanrahan, Maher, Martin, Brake, Fleming, Boulds – 7

NAYS: None – 0

Mr. Boulds presented the following ordinance for first reading.

Ordinance No. 7135. An Ordinance concerning the liquor license for the Alton Marina.

Mr. Boulds presented the following ordinance for second reading.

Ordinance No. 7135. An Ordinance concerning the liquor license for the Alton Marina. Mr. Boulds made a motion, seconded by Mr. Fleming, that said ordinance be adopted. The motion passed by the following vote:

AYES: Ryan, Hanrahan, Maher, Martin, Brake, Fleming, Boulds – 7

NAYS: None – 0

Mr. Boulds presented the following resolution:

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ALTON, ILLINOIS, that the attached ordinance transferring the City's Volume Cap in Connection with its Private Activity Bonds to the Southwestern Illinois Development Authority be and is hereby approved. Mr. Boulds made a motion, seconded by Mr. Fleming, that said resolution be approved. The motion passed by the following vote:

AYES: Ryan, Hanrahan, Maher, Martin, Brake, Fleming, Boulds – 7

NAYS: None – 0

Mr. Boulds presented the following ordinance for first reading.

Ordinance No. 7136. An Ordinance approving the transfer of Volume Cap in connection with Private Activity Bond Issues, and related matters.

Mr. Boulds presented the following ordinance for second reading.

Ordinance No. 7136. An Ordinance approving the transfer of Volume Cap in connection with Private Activity Bond Issues, and related matters. Mr. Boulds made a motion, seconded by Mr. Fleming, that said ordinance be adopted. The motion passed by the following vote:

AYES: Ryan, Hanrahan, Maher, Martin, Brake, Fleming, Boulds – 7

NAYS: None – 0

There being no further business to come before the Council at this time, Mr. Boulds made a motion, seconded by Mr. Fleming, that the meeting adjourn. The motion passed by the following vote:

AYES: Ryan, Hanrahan, Maher, Martin, Brake, Fleming, Boulds – 7
NAYS: None – 0

Mary T. Boulds MMC
City Clerk

(Seal of the City of Alton, Illinois)