

CITY OF ALTON
ALTON CITY COUNCIL

May 13, 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.

Mayor Sandidge recognized a representative of A.B.A.T.E. of Illinois, Inc. and proclaimed the month of May, 2009 as “Motorcycle Awareness Month” in the City of Alton, Illinois.

Mayor Sandidge recognized Captain Randy J. Tooley of the Salvation Army and proclaimed the week of May 11 to 17, 2009 as “Salvation Army Week” in the City of Alton, Illinois.

COUNCIL MINUTES, COMMUNICATIONS AND REPORT OF OFFICERS

The Clerk presented the following Council Meeting Minutes of April 22, 2009 and the following Communications: Alton Memorial Day Parade, re: Annual Memorial Day Parade; Illinois Department of Commerce and Economic Opportunity, re: Certified Ordinances to expand the boundaries of the Riverbend Enterprise Zone Cert. 1309; Illinois Department of Commerce and Economic Opportunity, re: Certified Ordinances to expand the boundaries of the Riverbend Enterprise Zone Cert. 1297; Southwestern Illinois Planning Commission, re: City of Alton Wastewater Treatment Plant Aeration Tank Air Piping Replacement; United States Bankruptcy Court Southern District of New York, re: Charter Communications, Inc., et al, Debtors Case No. 09-11435 (JMP); Charter Communications, re: Charter Communications, Inc. Form 394 Filing; Illinois Environmental Protection Agency, re: Public Notice proposed significant modification to the Clean Air Act Permit Program Permit for Alton Steel, Inc.; United States Bankruptcy Court Southern District of New York, re: Charter Communications, Inc., et al, Debtors Case No. 09-11435 and the following Report of Officers: Department of Building and Zoning, re: Monthly Report for April, 2009; Animal Control Department, re: Monthly Report for April, 2009; Alton Fire Department, re: Estimated Fire Loss for April, 2009; Alton Fire Department, re: Monthly Fire Damage Report to Assessor’s Office for April, 2009. Mr. Maher made a motion, seconded by Mr. Hanrahan, that said Minutes, Com-munications and Report of Officers be placed on file. The motion passed by the follow-ing vote:

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

NAYS: None – 0

COMMITTEE REPORT

Mr. Brake presented the following Committee of the Whole Meeting Report for May 11, 2009; Resolution, re: Discount and Special Bills paid; Laid Over Resolution, re: Consider an ordinance for revisions in the user charges required to maintain the sanitary sewer system in the City of Alton; Resolution, re: That three streets be closed on June 14, 2009 for the Alton Marketplace Car Show; Resolution, re: Settlement of all claims to Esther Froebel of 903 Logan Street; Resolution, re: Grant a special event liquor license to Alton Exposition Commission for Fireworks on the Mississippi at Riverfront Park; Resolution, re: Identity Theft Red Flags and Prevention Program of the City of Alton; Resolution, re: Consider an ordinance pertaining to the commencement of new terms for elected City officials; Resolution, re: Temporary closure of the Clark Bridge for the Mississippi Fireworks Festival Display; Resolution, re: Demolition of 1201 Highland and 2305 Powhattan; Resolution, re: Consider an ordinance confirming the Annexation Agreement between the City of Alton and Fosterburg-255 LLC; Resolution, re: That a public hearing be held to consider changing the name of a portion of Riverfront Drive to be known as "Sgt. Russell E. Dunham Memorial Parkway"; Amendment, re: That a public hearing be held at the regular City Council meeting of May 27, 2009 to consider changing the name of a portion of Riverfront Drive; Resolution, re: Lease Agreement between the City of Alton and Charles Brake. 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 May 11, 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:

WHEREAS, C.L. Sheppard of Sheppard, Morgan & Schwaab, Inc., has completed an update analysis of the user charge system and user charges regarding the City's sanitary sewer system; and

WHEREAS, the result of the analysis of Mr. Sheppard indicates that revisions in the City of Alton user charges will be required to maintain the sanitary sewer system of the City of Alton.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ALTON, ILLINOIS, that the attached Ordinance be considered. 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, Boulds – 6

NAYS: Fleming – 1

Mr. Brake presented the following resolution:

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.

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, 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. 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, 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.

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:

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. 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:

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. 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:

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

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:

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. 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, Fleming, Boulds – 6
- NAYS: None – 0
- RECUSE: Brake – 1

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:

1201 Highland
2305 Powhattan

Mr. Brake made a motion, seconded by Mrs. Martin, 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 Ordinance Confirming the Annexation Agreement Between the City of Alton and Fosterburg-255, LLC, be considered. 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 amended resolution:

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 27, 2009, and that the City Clerk publish notice of said hearing in compliance with 6-1-7 of the City Code. Mr. Brake made a motion, seconded by Mr. Fleming, that said amended 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. 7137. An Ordinance ascertaining the prevailing rate of wages for laborers, workmen, and mechanics employed on Public Works for the City of Alton, Illinois.

Ordinance No. 7138. An Ordinance pertaining to the commencement of new terms of Municipal Officials elected at a regular Municipal Election.

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

Mayor Pro Tem Hanrahan made a motion, seconded by Mr. Ryan, that the Rules of the Council be Suspended in order to act upon Ordinance No. 7139 and Ordinance No. 7140. The motion passed by the following vote:

AYES: Ryan, Hanrahan, Maher, Martin, Brake, Fleming, Boulds,
Mayor Sandidge – 8

NAYS: None – 0

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

Ordinance No. 7139. An Ordinance confirming an Annexation Agreement between the City of Alton and Fosterburg-255, LLC.

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

Ordinance No. 7139. An Ordinance confirming an Annexation Agreement between the City of Alton and Fosterburg-255, LLC. Mr. Hanrahan made a motion, seconded by Mr. Maher, 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 first reading.

Ordinance No. 7140. An Ordinance adjusting the rates and charges for sewer services.

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

Ordinance No. 7140. An Ordinance adjusting the rates and charges for sewer services. Mr. Hanrahan made a motion, seconded by Mr. Maher, that said ordinance be adopted. The motion passed by the following vote:

AYES: Ryan, Hanrahan, Maher, Brake, Boulds – 5

NAYS: Martin, Fleming – 2

SECOND READING OF ORDINANCES

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

Ordinance No. 7133. An Ordinance establishing one handicapped parking space in the City owned parking lot at Broadway and Easton. Mr. Hanrahan made a motion, seconded by Mr. Maher, 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. 7134. An Ordinance concerning business licenses. 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 April 8, 2009 and April 22, 2009. Mr. Maher made a motion, seconded by Mr. Brake, 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

PUBLIC FORUM ADDRESSING CITY BUSINESS

Mayor Pro Tem Hanrahan presented the following request for the floor from Jane Pitts Greer. Mr. Hanrahan made a motion, seconded by Mr. Maher, that said request be approved. The motion passed by the following vote:

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

NAYS: None – 0

Ms. Greer took the floor and spoke, re: Racial Profiling and Towing of Cars.

COMMENTS OR RESOLUTIONS FROM THE COUNCIL

Mr. Maher presented the following resolution:

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ALTON, ILLINOIS, that the attached Ordinance Directing Execution of a Theater Development Agreement with Coyote Alton Mall, L.P., be considered. Mr. Maher made a motion, seconded by Mr. Ryan, that said resolution 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 Establishing the Russell Dunham Memorial Drive be considered.

2. BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ALTON, ILLINOIS, that the attached Ordinance establishing stop signs on the east and west sides of the railroad tracks on Chessen Lane be considered.

Mr. Fleming made a motion, seconded by Mr. Brake, that Resolution #1 be referred to the Committee of the Whole and Resolution #2 be referred to the Committee of the Whole and to the Police Department. The Chair so ordered.

Mr. Boulds presented the following resolution:

BE IT RESOLVED by the City Council of the City of Alton, Illinois to allow the fire chief to apply for a \$64,000.00 health and wellness grant through the Assistance to Firefighters Grant program. This grant targets personal injury reduction through improved health and fitness initiatives. This is a 10% matching funds grant requiring the City of Alton to fund \$6,400.00 upon award and disbursement. In the event matching funds are not available upon the award of this grant, the City of Alton reserves the right to decline the grant. Mr. Boulds made a motion, seconded by Mr. Maher, that the Rules of the Council be Suspended in order to act upon said resolution. The motion passed by the following vote:

AYES: Ryan, Hanrahan, Maher, Martin, Brake, Fleming, Boulds,
Mayor Sandidge – 8

NAYS: None – 0

Mr. Boulds made a motion, seconded by Mr. Brake, that the above and foregoing resolution be approved. The motion passed by the following vote:

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

NAYS: None – 0

At this time, Mayor Sandidge recognized City Attorney, Allan Napp. Mr. Napp read the response of Alton Police Chief Sullivan regarding Jane Pitts Greer's request for the floor.

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)