



City Council Meeting Agenda

- 1. Call To Order, Pledge To Flag, Pastoral Prayer, Roll Call**

The City of Monticello does not endorse religious faith. The prayer is intended to lend solemnity to the public meeting and invite an attitude of respect and consideration.
- 2. Public Participation**

This is an opportunity for the public to provide public comment to the Presiding Officer. Those wishing to speak are required to sign in prior to commencement of the meeting and must address the Council from the seat and table provided. The public comments must comply with Ordinance 2014-02 and be limited to 5 minutes or less.
- 3. Consent Agenda - Approval Of Documents And Action Items As Listed:**
 - 3.1. Claims Report - Claims Dated March 29, 2016 Through April 11, 2016**

Documents: [CLAIMS 3.29.16 - 4.11.16.PDF](#)
 - 3.2. Meeting Minutes**

Planning & Zoning Board January 19, 2016
City Council WWTP Public Hearing Meeting Minutes March 28, 2016
City Council Regular Meeting Minutes March 28, 2016

Documents: [MONTICELLO CITY COUNCIL PUBLIC HEARING 3.28.16.PDF](#),
[MONTICELLO CITY COUNCIL REGULAR MEETING 3.28.16.PDF](#), [PZB 1.19.16.PDF](#)
 - 3.3. Police Report - March 2016**

Documents: [MONTICELLO POLICE DEPARTMENT MARCH MONTHLY REPORT.PDF](#)
 - 3.4. Permit Report - March 2016**

Documents: [PERMIT REPORT MARCH 2016.PDF](#)
 - 3.5. Fire Report - March 2016**

Documents: [MARCH FIRE REPORT.PDF](#)
- 4. Mayor's Report**
- 5. Old Business**
 - 5.1. 2016-19 "An Ordinance Renewing An Existing Electric Franchise Agreement With Ameren Illinois" - Motion To Remove From The Table And Continue Discussion**

To remove Ordinance 2016-19 from the table and continue Electric Franchise Agreement discussion, a motion to remove the ordinance from the table is needed. If removed, City Council will be asked to discuss and decide whether to approve the agreement.

Documents: [ORDINANCE 2016-19 AMEREN ELECTRIC FRANCHISE 4.11.PDF](#)
 - 5.2. 2016-20 "An Ordinance Renewing An Existing Gas Franchise Agreement With**

Ameren Illinois

To remove Ordinance 2016-20 from the table and continue Gas Franchise Agreement discussion, a motion to remove the ordinance from the table is needed. If removed, City Council will be asked to discuss and decide whether to approve the agreement.

Documents: [ORDINANCE 2016-20 AMEREN GAS FRANCHISE 4.11.PDF](#)

6. New Business

6.1. Citizen Life Saving Award - Nick Stine, Matt Baker

Chief Carter would like to recognize Nick Stine and Matt Baker for performing an extraordinary physical act to aid in the preservation of a human life.

6.2. 2016-21 Ordinance Repealing Ordinance 2012-35

This ordinance repeals Ordinance 2012-35 that enacted a school speed zone on North State Street.

Documents: [ORD 2016-21 REPEAL SCHOOL SPEED ZONE.PDF](#)

6.3. 2016-22 "An Ordinance Amending Chapter 111 Of Title XI Of The City Of Monticello Municipal Code To Modify The City's Class H Liquor License Regulations"

The ordinance will amend the existing Class H License, and allows for the extension of outdoor serving/dining in front of a property to an adjacent property, with certain requirements to be met.

Documents: [ORD 2016-22 - CLASS H LIQUOR LICENSE AMEND 4847-8526-6736.PDF](#)

6.4. 2016-23 Resolution For Improvement By Municipality

Pursuant to Illinois Department of Transportation requirements, this resolution advises IDOT that we are appropriating \$400,400 of our MFT money to pay for our portion of the pavement resurfacing of roads (Allerton, Marion, Washington, Piatt, and Independence Streets) as approved within the 2016 budget.

Documents: [RESOLUTION 2016-23 IDOT.PDF](#)

6.5. Discussion Only:

- 1) Downtown update
- 2) Class J Liquor License - This ordinance will amend the current Class J License for a microbrewery, to allow for a brewpub concept. This ordinance is for discussion purposes only at this meeting.
- 3) Council Rules of Procedure - This resolution would create council meeting rules of procedure. This resolution is for discussion purposes only at this meeting.

Documents: [ORD - CLASS J BREW PUB LICENSE 4847-6304-9776.PDF](#), [COUNCIL RULES OF PROCEDURE.PDF](#)

7. Aldermen's Report

8. Police Chief's Report

9. City Administrator's Report

Documents: [CC MEMORANDUM \(CA REPORT 4.11.2016\).PDF](#)

10. Closed Session - 5 ILCS 120/2(C)(11) Litigation Update

The City Attorney will provide an update to City Council on all current litigation.

11. City Council Meeting Adjournment

Report Criteria:

Invoices with totals above \$0.00 included.
Paid and unpaid invoices included.

Vendor Name	Description	Net Invoice Amount	Amount Paid	GL Account Number
GENERAL FUND				
MIDWEST METER INC	METER PARTS - LIBRARY	103.00	.00	01-0007-00
Total :		103.00	.00	
ADMINISTRATION				
CINTAS	UNIFORMS	98.55	.00	01-51134-00
U.S. BANK EQUIPMENT FINANCE	COPIER LEASE	430.57	.00	01-51144-00
WEX BANK	FUEL	79.37	.00	01-51161-00
ROGARDS OFFICE PLUS	OFFICE SUPPLIES	216.50	.00	01-51164-00
CINTAS	MATS	177.00	.00	01-51171-01
INTEGRATED PEST MANAGEMENT	PEST CONTROL/MUN.BLDG	40.00	.00	01-51171-01
AREA-WIDE TECHNOLOGIES	COMPUTER SUPPORT	325.00	.00	01-51171-03
INTEGRATED PEST MANAGEMENT	PEST CONTROL LC	65.00	.00	01-51171-07
MONTICELLO TRUE VALUE	MISC SUPPLIES	9.36	.00	01-51171-07
NEWS GAZETTE	LEGAL NOTICE	119.04	.00	01-51172-01
MAY COCAGNE & KING	AUDIT PARTIAL PYMT	8,775.00	.00	01-51172-02
CENTRAL ILLINOIS TITLE CO	CLOSING COST - FIR-MID BLDG	275.00	275.00	01-51172-04
CHAMPAIGN TELEPHONE	PHONE/UPDATES	50.00	.00	01-51172-04
CHAMPAIGN TELEPHONE	PHONE SYS REPAIR	135.00	.00	01-51172-04
IL MUNICIPAL TREASURER'S ASSOC	ANNUAL MEMBERSHIP	70.00	.00	01-51172-04
MAHRT, BOB	MOVING EXPENSES	825.83	.00	01-51172-04
AMEREN IP	ELECTRICITY/GAS	246.83	.00	01-51175-00
AMEREN IP	ELECTRICITY/GAS	78.89	.00	01-51175-01
Total ADMINISTRATION:		12,016.94	275.00	
POLICE				
GALLS	UNIFORMS	134.50	.00	01-51334-00
RAY O'HERRON	UNIFORMS	1,174.53	.00	01-51334-00
WEX BANK	FUEL	902.30	.00	01-51361-00
FASPRINT	NOTICE OF SEIZURE FORMS	154.42	.00	01-51364-00
RAY O'HERRON	METAL SIGNS	90.64	.00	01-51364-00
INTEGRATED PEST MANAGEMENT	PEST CONTROL POLICE	40.00	.00	01-51371-01
INTEGRATED PEST MANAGEMENT	PEST CONTROL POLICE GARAGE	75.00	.00	01-51371-01
U.S. BANK EQUIPMENT FINANCE	COPIER LEASE	191.30	.00	01-51371-02
AREA-WIDE TECHNOLOGIES	COMPUTER SUPPORT	275.00	.00	01-51371-03
BILL ABBOTT INC	SQUAD CAR MAINT	120.38	.00	01-51371-05
MONTICELLO BUMPER TO BUMPER	SQ CAR MAINT	26.16	.00	01-51371-05
SEBENS	TOWING	330.00	.00	01-51371-05
INTERNATIONAL ASSOC FOR PROP & EVIDENCE	MEMBERSHIP RENEWAL GRISWOLD.CARTE	100.00	.00	01-51372-06
AMEREN IP	ELECTRICITY/GAS	210.60	.00	01-51375-00
B & A SCREEN PRINTING	PTI TSHIRT	85.00	.00	01-51377-00
ILEAS	ILEAS CONFERENCE CARTER	90.00	.00	01-51377-00
CAMPION BARROW & ASSOCIATES	POLICE TESTING/EBBERT.SOUTHE	830.00	.00	01-51378-01
THE ONARGA CLINIC	NEW OFFICER PHYSICAL	703.00	.00	01-51378-01
Total POLICE:		5,532.83	.00	
FIRE				
BANNER FIRE EQUIPMENT INC	FIRE EQUIPT	1,371.54	.00	01-51443-00
GLOBAL TECHNICAL SYSTEMS INC	RADIO, ETC	209.25	.00	01-51443-00
BANNER FIRE EQUIPMENT INC	FIRE EQUIPT	1,987.56	.00	01-51443-01

Vendor Name	Description	Net Invoice Amount	Amount Paid	GL Account Number
MES-ILLINOIS	FIRE GEAR	682.42	.00	01-51443-01
WEX BANK	FUEL	107.70	.00	01-51461-00
Total FIRE:		4,358.47	.00	
PUBLIC WORKS				
CINTAS	UNIFORMS	475.50	.00	01-51534-00
ILLINI CONTRACTORS SUPPLY INC	SUPPLIES	316.40	.00	01-51543-00
MONTICELLO BUMPER TO BUMPER	MISC SUPPLIES	59.95	.00	01-51543-00
MONTICELLO TRUE VALUE	MISC SUPPLIES	132.37	.00	01-51543-00
R P LUMBER CO INC	MISC SUPPLIES	39.44	.00	01-51543-00
PIATT COUNTY SERVICE CO	FUEL	338.89	.00	01-51561-00
WEX BANK	FUEL	1,587.69	.00	01-51561-00
ILLINI OVERHEAD DOOR	MULTICODE REMOTES	210.00	.00	01-51564-00
MONTICELLO TRUE VALUE	MISC SUPPLIES	13.56	.00	01-51564-00
DANVILLE GARDENS	BEAUTIFICATION	96.39	.00	01-51564-08
KAREN GENTRY	BEAUTIFICATION	177.32	.00	01-51564-08
MONTICELLO TRUE VALUE	BEAUTIFICATION	691.91	.00	01-51564-08
NEWS GAZETTE	BEAUTIFICATION PT HELP	36.00	.00	01-51564-08
BODINE ENVIRONMENTAL SERVICES	DISPOSAL OF QUONSET BLDG	1,520.00	.00	01-51566-01
PDC/AREA COMPANIES	FIRE CLEANUP & DISPOSAL	305.00	.00	01-51566-01
CINTAS	MATS	121.05	.00	01-51571-01
ILLINI OVERHEAD DOOR	REPAIR GARAGE DOOR	325.00	.00	01-51571-01
MONTICELLO TRUE VALUE	MISC SUPPLIES	307.56	.00	01-51571-01
BOBCAT OF CHAMPAIGN LLC	MISC PARTS	30.40	.00	01-51571-02
MARTIN EQUIPMENT OF IL	VEHICLE MAINTENANCE	369.86	.00	01-51571-02
MARTIN EQUIPMENT OF IL	VEHICLE MAINTENANCE	98.74	.00	01-51571-02
MONTICELLO BUMPER TO BUMPER	VEHICLE MAINT.	214.85	.00	01-51571-02
MONTICELLO TRUE VALUE	MISC SUPPLIES	36.94	.00	01-51571-02
OSBORNE'S MACHINE & WELD FAB	REPAIR PRESS AND WELD THUMB	450.00	.00	01-51571-02
MONTICELLO TRUE VALUE	MISC SUPPLIES	39.98	.00	01-51571-07
R P LUMBER CO INC	MISC SUPPLIES	15.16	.00	01-51571-07
ICD IRONHORSE INC	CONCRETE DISPOSAL	30.00	.00	01-51571-08
R P LUMBER CO INC	MISC SUPPLIES	294.59	.00	01-51571-08
MRS E W DURBIN	TREE AND CRANE SERVICE	4,627.50	.00	01-51572-05
PDC/AREA COMPANIES	MUNICIPAL WASTE	481.00	.00	01-51572-07
PDC/AREA COMPANIES	MUNICIPAL WASTE	577.46	.00	01-51572-07
AMEREN IP	ELECTRICITY/GAS	449.17	.00	01-51575-00
AMEREN IP	ELECTRICITY/GAS	4,194.07	.00	01-51575-02
AMEREN IP	ELECTRICITY/GAS	122.67	.00	01-51575-03
Total PUBLIC WORKS:		18,786.42	.00	
RECREATION				
CINTAS	UNIFORMS	19.45	.00	01-51634-00
WEX BANK	FUEL	17.14	.00	01-51661-00
MONTICELLO TRUE VALUE	MISC SUPPLIES	92.38	.00	01-51664-00
MONTICELLO TRUE VALUE	MISC SUPPLIES	35.88	.00	01-51671-05
INTEGRATED PEST MANAGEMENT	PEST CONTROL - AQUATIC CENTER	85.00	.00	01-51671-06
INTEGRATED PEST MANAGEMENT	PEST CONTROL - REC BLDG	85.00	.00	01-51671-08
AMEREN IP	ELECTRICITY/GAS	69.32	.00	01-51675-01
AMEREN IP	ELECTRICITY/GAS	74.97	.00	01-51675-02
AMEREN IP	ELECTRICITY/GAS	129.61	.00	01-51675-03
INTEGRATED PEST MANAGEMENT	PEST CONTROL ALLERTON	85.00	.00	01-51675-03
AMEREN IP	ELECTRICITY/GAS	125.74	.00	01-51675-04
BSN SPORTS	BALL SUPPLIES	1,478.15	.00	01-51678-04
NEWS GAZETTE	BALL REGISTRATION	25.34	.00	01-51678-04
BSN SPORTS	SOFTBALL SUPPLIES	242.95	.00	01-51678-05

Vendor Name	Description	Net Invoice Amount	Amount Paid	GL Account Number
NEWS GAZETTE	BALL REGISTRATION	25.34	.00	01-51678-05
NEWS GAZETTE	BALL REGISTRATION	25.32	.00	01-51678-06
Total RECREATION:		2,616.59	.00	
AQUATIC CENTER/POOL				
AMEREN IP	ELECTRICITY/GAS	312.64	.00	01-51775-00
Total AQUATIC CENTER/POOL:		312.64	.00	
Total GENERAL FUND:		43,726.89	275.00	
WATER WORKS				
CINTAS	UNIFORMS	88.80	.00	02-52134-00
WEX BANK	FUEL	146.32	.00	02-52161-00
BRENNTAG MID-SOUTH INC	CHLORINE	955.50	.00	02-52162-01
COMPASS MINERALS AMERICA	SOFTENER SALT	2,663.00	.00	02-52162-02
COMPASS MINERALS AMERICA	SOFTENER SALT	2,725.64	.00	02-52162-02
BRENNTAG MID-SOUTH INC	HYDRO ACID	356.50	.00	02-52162-03
BRENNTAG MID-SOUTH INC	SODIUM HYPO	137.16	.00	02-52162-10
WATER SOLUTIONS UNLIMITED	PHOSPHATE	46.53	.00	02-52162-10
BRENNTAG MID-SOUTH INC	CHEMICALS	312.50	.00	02-52162-11
WATER SOLUTIONS UNLIMITED	ALGICIDE	997.50	.00	02-52162-11
ILLINOIS RURAL WATER ASSOC	E-CCR HOSTING	75.00	.00	02-52164-00
MONTICELLO TRUE VALUE	MISC SUPPLIES	44.73	.00	02-52164-00
PIATT COUNTY SERVICE CO	GRASS SEED	143.00	.00	02-52164-00
CANHAM ELECTRIC	SERVICE GENERATOR	510.65	.00	02-52171-01
CINTAS	MATS	19.65	.00	02-52171-01
AREA-WIDE TECHNOLOGIES	COMPUTER SUPPORT	50.00	.00	02-52171-04
IMCO UTILITY SUPPLY CO	WATER PARTS	385.00	.00	02-52171-08
IMCO UTILITY SUPPLY CO	WATER PARTS	165.00	.00	02-52171-08
IMCO UTILITY SUPPLY CO	WATER PARTS	65.00	.00	02-52171-08
IMCO UTILITY SUPPLY CO	WATER PARTS	106.00	.00	02-52171-08
IMCO UTILITY SUPPLY CO	WATER PARTS	444.50	.00	02-52171-08
WELLS FARGO EQUIPMENT FINANCE	FOLDER/INSERTER	132.50	.00	02-52172-04
FASPRINT	SHIPPING	37.11	.00	02-52172-05
FASPRINT	SHIPPING	16.53	.00	02-52172-05
KEY LABORATORY SERVICES INC	TESTING	15.95	.00	02-52172-05
P D C LABORATORIES INC	TESTING	295.00	.00	02-52172-05
AMEREN IP	ELECTRICITY/GAS	1,476.05	.00	02-52175-00
IL SECTION AWWA	CONFERENCE/BAILEY	20.00	.00	02-52177-00
ILLINOIS EPA	WATER CERTIFICATION/BAILEY	10.00	.00	02-52177-00
Total WATER WORKS:		12,441.12	.00	
Total WATER WORKS:		12,441.12	.00	
SANITATION				
SANITATION				
CINTAS	UNIFORMS	154.15	.00	04-54734-00
R P LUMBER CO INC	MISC SUPPLIES	35.96	.00	04-54743-00
WEX BANK	FUEL	78.29	.00	04-54761-00
PIATT COUNTY SERVICE CO	GRASS SEED	143.00	.00	04-54764-00
CINTAS	MATS	39.35	.00	04-54771-01
INDELCO PLASTIC CORPORATION	REPLMT HANDLES WASTING VALVES	81.87	.00	04-54771-01
MONTICELLO BUMPER TO BUMPER	VEHICLE MAINT.	94.55	.00	04-54771-02
ENVIRONMENTAL RESOURCE ASSOC	PERMITTING	716.46	.00	04-54772-04

Vendor Name	Description	Net Invoice Amount	Amount Paid	GL Account Number
NEWS GAZETTE	WWTP PUBLIC HEARING	54.56	.00	04-54772-04
WELLS FARGO EQUIPMENT FINANCE	FOLDER/INSERTER	132.50	.00	04-54772-04
AMEREN IP	ELECTRICITY/GAS	2,519.19	.00	04-54775-00
DIRECT ENERGY BUSINESS	ELECTRICITY	3,732.59	.00	04-54775-00
MONTICELLO CITY UTILITY SERV	WATER/WWTP	7.87	.00	04-54775-00
MONTICELLO TRUE VALUE	MISC SUPPLIES	44.98	.00	04-54780-01
R P LUMBER CO INC	MISC SUPPLIES	86.46	.00	04-54780-01
Total SANITATION:		7,921.78	.00	
Total SANITATION:		7,921.78	.00	
Grand Totals:		64,089.79	275.00	

Dated: _____

Mayor: _____

City Council: _____

City Recorder: _____

Report Criteria:

Invoices with totals above \$0.00 included.
Paid and unpaid invoices included.

MONTEILLO CITY COUNCIL PUBLIC HEARING

March 28, 2016

Public Hearing was called to order at 6:30p.m, by Mayor Stoner. A signup sheet was passed around and everyone in attendance signed in.

Andy Kieser was given the floor to go over the Preliminary Environmental Impact Determination and provide general public information regarding Waste Water Treatment Plant Improvements Project. Mr. Kieser provided a handout titled, Revised-Project Summary and Environmental Assessment.

Some of the items discussed where the funding for the project, bid process, timeline of project, and security plan for WWTP.

Meeting was adjourned with motion from Alderman Hayes and seconded by Alderman Murdock @6:54p.m.

Respectfully Submitted by:

Pamela Harlan

MONTICELLO CITY COUNCIL

Regular Council Meeting

March 28, 2016

Mayor Corrie led the Council in the Pledge of Allegiance followed by Pastoral Prayer given by Michael Lejune from Monticello Family Church.

ROLL CALL: Present: Joe Brown, Seth Melton, Wendall Brock, Tom Reed
Lyle Murdock, Tim Hayes, Cochran Keating, John Miller
Also Present: Mayor Stoner, Callie MacFarland, Paul Keller

PUBLIC PARTICIPATION: NONE

CONSENT AGENDA:

- a) Claims Report – Claims dated March 15, 2016 through March 28, 2016
- b) Meeting Minutes – City Council March 14, 2016, Planning and Zoning Board March 21, 2016
- c) Budget Report – February 2016
- d) Police Report – February 2016
- e) Building Permit Report – February 2016
- f) Treasurer's Report – February 2016

A motion was made by Alderman Hayes and seconded by Alderman Murdock to approve the Consent Agenda items. Alderman Brown asked for a correction to be made to Minutes of City Council Meeting March 14, 2016. Brown asked for a word to be changed to cases instead of fees. These changes will be done by the clerk and a new copy will be filed with the correction. A voice vote was taken and all voted yes. Motion carried unanimously.

MAYORS REPORT: NONE

OLD BUSINESS: NONE

NEW BUSINESS:

Planning & Zoning Board Mayoral Appointment

Mayor Stoner wishes to appoint Michael Beem to the Planning and Zoning Board. Mr. Beem will replace Tom Apperson and his term will expire in April 2022. Alderman Keating voiced that he did not know Mr. Beem and would like more information. A motion was made by Alderman Hayes and seconded by Alderman Melton to approve Mayoral Appointment of Michael Beem. A voice vote was taken and motion carried with 6 yes votes and 2 no votes. Alderman Keating and Alderman Brown voted no.

Resolution 2016-17 Resolution for Approval of Conditional Use Permit, Anthony Smith, 605 S. Emerson Street

Callie MacFarland gave an overview to council. She stated that this resolution is for an approval of a conditional use permit request by Anthony Smith, owner of 605 South Emerson, to allow an additional accessory structure on the property. The PZB voted to send this request to the council with their approval. A motion was made by Alderman Brock and seconded by Alderman Keating to approve Resolution 2016-17. A voice vote was taken and the motion carried with all present voting yes.

Ordinance 2016-18 Amending Title XI, Chapter 111 of the Monticello City Code of Ordinance concerning Class B Liquor License

Callie MacFarland gave the council an overview of Ordinance 2016-18. She stated that the Best Western failed to renew their license in December so that license was given to another business. Therefore, a new license has to be made available for them. A motion was made by Alderman Brock and seconded by Alderman Murdock to approve Resolution 2016-18. A voice vote was taken and the motion carried with all present voting yes.

Ordinance 2016-19 Renewing an Existing Electric Franchise Agreement with Ameren

Illinois. Abe Jones was present to go over this ordinance with council. Jones stated this ordinance grants Ameren Illinois the right, permission and authority to construct, reconstruct, excavate for, place, remove, extend, maintain, and operate an electric utility in Monticello. The last time this contract was negotiated was 50 years ago. After some discussion on this ordinance Alderman Keating stated he would like to see this ordinance tabled so the city could wait for the new administrator to negotiate this contract. A motion was made by Alderman Brown and seconded by Alderman Keating to table Ordinance 2016-19. A voice vote was taken and the motion carried with 6 yes votes and 2 no votes. Alderman Hayes and Alderman Murdock voted no.

Ordinance 2016-20 Ordinance 2016-19 Renewing an Existing Gas Franchise Agreement

with Ameren Illinois. Abe Jones was present to go over this ordinance with council. Jones stated this ordinance grants Ameren Illinois the right, permission and authority to construct, reconstruct, excavate for, place, remove, extend, maintain, and operate a gas utility in Monticello. There was not any discussion on this ordinance it moved directly to the motion. A motion was made by Alderman Brown and seconded by Alderman Keating to table Ordinance 2016-20. A voice vote was taken and the motion carried with 6 yes votes and 2 no votes. Alderman Hayes and Alderman Murdock voted no.

Discussion Only – Extending outdoor seating space downtown

Callie MacFarland wanted a poll of council to see if there would be any interest in bringing this to the council with an ordinance. Alderman Brock and Alderman Keating stated anytime the council can help promote downtown it should be looked at seriously.

ALDERMAN'S REPORT:

Alderman Brown had some inquiries for city staff. He wanted to know how the fiber optic project was going. MacFarland reported she hopes to have something positive to report in May. Brown also was concerned about the Municipal Building phone directory and that channel two is no longer working. MacFarland will look into both of these things.

Alderman Keating had an issue with the Field House trash receptacles and an old grease vat that is on the street side of this business. It does not look inviting. He also commented the first meeting with IDOT on the crosswalk crossing Market Street went well.

Alderman Hayes updated the citizens about some upcoming events thru parks and recreation.

Alderman Murdock commented he had been out to the landfill and it needs some fill dirt on the road.

Alderman Brock inquired about how many lots were being developed out at Walden Pond.

Alderman Miller reminded the council that it was discussed that the Recreation Project may be put on the fall ballot. This item needs to be addressed as to what the council is going to do with this property.

POLICE CHIEF'S REPORT:

Reminded citizens to be aware of scams, and a new police officer has been hired and will go to the academy soon.

A motion was made by Alderman Hayes, and seconded by Alderman Brock to adjourn the meeting at 7:48 p.m.

Respectfully Submitted by:

Pamela Harlan

MINUTES OF THE MONTICELLO PLANNING AND ZONING BOARD

On January 19, 2016

The minutes of the Planning and Zoning Board on January 19, 2016 held in City Council Chambers of the Municipal Building in Monticello, Piatt County, Illinois. Meeting convened at 7:00 P.M.

MEMBERS PRESENT: Gerald Day, Marthann Riegel, John Frerichs, Timothy Timmerman,
Thomas Apperson

MEMBERS ABSENT: Michael Hawkins, Timothy Higham

Also Present: Callie MacFarland

City Clerk Harlan called the meeting to order and asked the board for a motion to appoint a chair in Chairman Hawkins absence. A motion was made by Marthann Riegel and seconded by John Frerichs to appoint Gerald Day as acting chair. A voice vote was taken and motion carried with all present voting yes.

Roll call was taken and the meeting began.

Public Participation: NONE

Gerald Day turned the purpose of the meeting over to staff member Callie MacFarland.

MacFarland stated that the purpose of the meeting is:

A petition for Conditional Use Permit to allow multifamily/mixed use residential use at Lot 4 and Lot 7 Bensyl Commercial Park. Land King Properties has filed an application for a Conditional Use Permit to allow the possibility of a multifamily or mixed use with multifamily to be placed on either/both of the lots in Bensyl Commercial Park. Zoning code requires the Conditional Use Permit be granted prior to a multifamily or mixed use with multifamily being constructed in a "B-Business" zoned district.

The board had a few questions for Mrs. Arnold the petitioner. These two lots are on either side of the Red Wheel restaurant. The owner wants to develop these properties, but did not have any plans. She stated the property may be used for business below and apartments above. She did not have a definite idea.

Donna McClure was present for the Monticello Railway Museum and the information that was given by Mrs. Arnold answered her questions.

Thomas Apperson spoke up and stated that the board can't give a conditional use without really knowing what is going to be done. The applicant does not meet the criteria laid out in a conditional use permit.

A motion was made by Marthann Riegel and seconded by John Frerichs to table Petition for Conditional Use Permit to allow multifamily/mixed use residential use at Lot 4 and Lot 7 Bensyl Commercial Park. A voice vote was taken and motion to table was approved with all present voting yes.

A motion was made by Marthann Riegel and seconded by Thomas Apperson to adjourn the meeting at 7:32 p.m.

Respectfully Submitted by,

Pamela Harlan
City Clerk

Monticello Police Department Monthly Report

For

March 2016

To: Honorable Mayor Larry Stoner and City Council Members

From: Chief John Carter

Date: April 11, 2016

Criminal Offenses 21

Follow-up Investigations 26

911 Calls 14

Written Warnings 8

Verbal Warnings 39

Ordinance
Violations 20

Ambulance assist 11

Downtown foot patrols 85

Vacation checks 30

Traffic tickets 18

Public Service Details 16

Assisted Other
Law Enforcement 18

Accident Reports 7

Fire Department Assist 3

Police Department Information for the month of March 2016

Respectfully submitted,



John Carter
Chief of Police

Cc: Joe Brown Tim Hayes Seth Melton Wendall Brock
John Miller Cochran Keating Lyle Murdock Tom Reed

Monthly Permit Report

03/01/2016 - 03/31/2016

Permit #	Permit Date	Applicant Name	Parcel Address	Permit Type	Description/Comments	Project Cost	Total Fees	Primary Contractor	Contractor Phone
Group: Building Permit Addition/Remodel									
2016008	3/23/2016	Route 105 Inc.	421 N GREELY	Building Permit Addition/Remodel	Enclose existing porch into living space	75,000	\$50.00	Route 105 Inc.	2178419207
						75,000	\$50.00		
						Group Total: 1			
Group: Deck/Patio Permit									
2016010	3/28/2016	Holly Wingstrom	659 MEYERS	Deck/Patio Permit	New deck next to pool	8,200	\$50.00	Gulliford Construction	
2016011	3/31/2016	Monica Nagele	602 STODDARD CT	Deck/Patio Permit	New deck between existing garage and house	1,500	\$50.00		
2016013	3/31/2016	Mark Gortner	408 CRESTVIEW DR	Deck/Patio Permit	New patio	5,000	\$50.00		
						14,700	\$150.00		
						Group Total: 3			
Group: Fence Permit									
2016012	3/31/2016	Linda Mante	4001 APPLETREE DR	Fence Permit	New fence behind house	4,641	\$50.00	SK Home Improvements	217-398-4812
2016009	3/23/2016	Tina Foltz	202 E LINCOLN	Fence Permit	New Fence	800	\$50.00		
2016006	3/8/2016	Janet Roy	701 VAN BUREN	Fence Permit	Replace existing damaged Fence With like replacement	4,000	\$50.00	Dennis Skowronski	2172990941
2016007	3/18/2016	Daniel Rahe	2016 SPRUCE LN	Fence Permit	New Fence	2,000	\$50.00		
						11,441	\$200.00		
						Group Total: 4			
						101,141	\$400.00		

Total Records: 8

4/4/2016

**CITY OF MONTICELLO
FIRE DEPARTMENT REPORT**

Month: Mar-16

P = Present; E = Excused; A = Absent; W = Work; V = Vacation

Chief R. Dubson	<u>P</u>	<u>P</u>	<u>P</u>	Dennis Sebens	<u>P</u>	<u>P</u>	<u>P</u>
Brett Baker	<u>P</u>	<u>P</u>	<u>P</u>	Jed Mackey	<u>P</u>	<u>P</u>	<u>P</u>
Tom Bates		<u>P</u>	<u>P</u>	Rob Prather	<u>E</u>	<u>P</u>	<u>P</u>
Tim Clifton	<u>P</u>	<u>P</u>	<u>P</u>	Matt Dyer		<u>P</u>	
Brandon Dubson	<u>E</u>	<u>P</u>	<u>P</u>	Mark Mackey	<u>P</u>	<u>P</u>	<u>P</u>
Bryce Dubson	<u>P</u>	<u>P</u>	<u>P</u>	Cole Hunt		<u>P</u>	<u>P</u>
Jeremy Dunlap	<u>P</u>	<u>E</u>	<u>P</u>	Brian Morrow	<u>E</u>	<u>E</u>	<u>E-CLASS</u>
Brad Hettinger	<u>P</u>	<u>P</u>	<u>P</u>	Adam Kulp	<u>E</u>	<u>E</u>	<u>E-CLASS</u>
John Rupkey	<u>P</u>	<u>P</u>	<u>E</u>	Bill Kallembach	<u>P</u>	<u>E</u>	<u>P</u>

Week 1 - LOAD HOSE ON NEW RESCUE TRUCK. INSTALL MATTING IN COMARTMENT OF NEW TRUCK

Week 2 -
MOUNT TOOLS AND FITTINGS ON NEW TRUCK

Week 3 -
AG-TRAUMA - TRACTOR ROLLOVER

Fire Calls:	<u>4</u>	Medical Calls:	<u>28</u>	Water Used:	<u>325</u> Gallons
Accident:	<u>1</u>	Odor Invest.	<u>4</u>	Alarms:	<u>3</u>
Truck Runs:	Engine 1: _____	Engine 3:	<u>6</u>	Rescue 1:	<u>32</u>
				Spills:	

Squad 1: 1

Call Summary: 40 calls for the month of March, 100 calls from January 1.
Furnace motor smoking, yard waste fire, pick-up truck on fire



**CITY COUNCIL
MEMORANDUM**

ITEM: An Ordinance Renewing an Existing Electric Franchise Agreement with Ameren Illinois. (Ordinance 2016-19).	DEPARTMENT: City Administration
AGENDA SECTION: Old Business	SUBMITTED BY: Bob Mahrt
ATTACHMENTS: (X) ORDINANCE () RESOLUTION () OTHER SUPPORTING DOCUMENTS	DATE: April 11, 2016

BACKGROUND:

The City of Monticello has an Electric Franchise Agreement with Ameren Illinois for operation and maintenance of electric services within the City. The current fifty year agreement had expired on March 19, 2015. In general, the agreement allowed use of public right-of-way with compensation reflected through a 50% reduction in the cost of street lighting. Based on current street light service rates, compensation would have totaled approximately \$44,355.00 per year.

Discussions had been held between City Staff and Ameren Illinois representatives to outline the potential agreement terms and potential compensation adjustments. Generally, there were two different agreement term periods (i.e. 20 years or 30 years) and two compensation methods (i.e. City or Ameren customer covering compensation adjustment to maintain the 50% street light “discount” standard). City Administration had tentatively considered a standard 20 year agreement with a phased-in reduction of compensation over the first five years and a “locked-in” compensation over years 5-20. Ameren had offered compensation, as follows: Year 1 - \$44,355.00, Year 2 – \$40,605.00, Year 3 - \$36,855, Year 4 - \$33,105, and Year 5 and all remaining years \$29,350. This tentative agreement includes the Excess Municipal Franchise Compensation Adjustment paid by Ameren’s customers and does allow for the City to request a revision to the compensation amount after five years from the date of passage of the Ordinance (and every five year period thereafter), based on the number of Ameren customer accounts.

The phased-in Excess Municipal Franchise Compensation Adjustment is applied based on kWh usage per Ameren customer. There are approximately 2,130 residential customer accounts and 319 commercial customer accounts within the City. On average, the annual residential customer account costs would increase, as follows: Year 1 - \$0, Year 2 – \$.72, Year 3 – \$1.44, Year 4 - \$2.16, and Year 5 and all remaining years \$2.87. On average, the annual commercial customer account costs would increase, as follows: Year 1 - \$0, Year 2 – \$5.62, Year 3 – \$11.24, Year 4 - \$16.86, and Year 5 and all remaining years \$31.69.

RECOMMENDED ACTION:

It is recommended that the City Council review and take formal action on Ordinance No. 2016-19, “An Ordinance Renewing an Existing Electric Franchise Agreement with Ameren Illinois”. (A copy of Ordinance No. 2016-19 is attached for City Council review).

ORDINANCE NO. 2016-19

AN ORDINANCE

EXTENDING THE AUTHORIZATION TO

Ameren Illinois Company
d/b/a/ **Ameren Illinois**

ITS SUCCESSORS AND ASSIGNS
TO CONSTRUCT, OPERATE AND MAINTAIN
AN ELECTRIC UTILITY SYSTEM

IN THE

City of Monticello

COUNTY OF PIATT

AND

STATE OF ILLINOIS

PASSED _____

EXPIRES _____

ORDINANCE NO.

AN ORDINANCE RENEWING AN EXISTING FRANCHISE AND GRANTING FOR A PERIOD OF 20 YEARS TO AMEREN ILLINOIS, A CORPORATION, ITS SUCCESSORS AND ASSIGNS, THE FRANCHISE, RIGHT, PERMISSION AND AUTHORITY TO CONSTRUCT, RECONSTRUCT, EXCAVATE FOR, PLACE, REMOVE, EXTEND, MAINTAIN, AND OPERATE AN ELECTRIC UTILITY SYSTEM IN THE CITY OF MONTICELLO, COUNTY OF PIATT AND STATE OF ILLINOIS.

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF MONTICELLO, COUNTY OF PIATT, AND THE STATE OF ILLINOIS, AS FOLLOWS:

SECTION 1. It is the intent of the parties by this Ordinance to extend for an additional term, subject to the terms and conditions here stated, the authorization to Ameren Illinois, its successors and assigns, to construct, operate and maintain a utility system within the City as originally authorized by an Ordinance approved on March 9, 1965. The parties acknowledge that by so doing they are continuing an existing relationship authorizing the services of a utility for the provision of electric energy and other utility purposes within the City for the benefit of its citizens and residents as well as other consumers of electric energy located within its corporate limits. For purposes of construing the terms, rights and obligations of the parties this authorization is granted pursuant to Section 14 of the Electric Supplier Act, 220 ILCS 30/14, and the Illinois Municipal Code, 65 ILCS 5-1-1-1, et seq.

The following terms have the meanings ascribed to them in this Section:

Emergency. An event involving the System that (i) poses an imminent threat to the public health or safety within or around the Municipality or (ii) is likely to result in a prolonged and unplanned interruption of gas service to a significant number of customers within or around the Municipality.

Requirements of Law. Any generally applicable ordinance now existing in the Municipality or enacted in the future requiring Company to obtain written permits or other approval from the Municipality prior to commencement of construction of facilities within the streets, avenues, alleys, bridges, easements, rights of way and other places dedicated or commonly used for utility purposes (collectively the "Public Right-of-Way") thereof, except Company shall not be required to obtain permits or other approval from the Municipality for the maintenance, upgrading and repair of its constructed facilities.

SECTION 2. Subject to the requirements herein described, there is hereby given and granted to Ameren Illinois, its successors and assigns (hereinafter referred to as the "Company"), the right, privilege and authority to construct, operate, maintain and/or extend within the corporate limits, as the same now exists or may hereafter be extended, of the City of Monticello (hereinafter referred to as "Municipality"), an electric utility system for the transmission, distribution and/or sale of electric energy and other utility purposes (the "System"), together with the right, privilege and authority to erect, construct, install, operate and/or maintain all poles, conductors, wires, cables, conduits, equipment and/or other apparatus (collectively

Facilities) as may be necessary or convenient for the System, in, upon, along, over, under, through and/or across each and all of the Public Right-of-Way.

SECTION 3. All Facilities placed or installed under this Ordinance in the Public Right-of-Way, shall be so placed as not to interfere unnecessarily with travel on such Public Right-of-Way. The Company authorizes the Municipality to remove prohibited materials, including signs, posters, advertising, political or commercial messages, except informational signs relating to the Company's equipment placed by the Company, from the Company's Facilities. All Facilities placed or installed under this Ordinance shall be so located as not to injure unnecessarily any pipes, conduits, sewers, drains, pavement or other like public improvements, and said Company shall forthwith repair any damage caused to such improvements to the satisfaction of the official or officials of said Municipality having charge of the supervision thereof and in compliance with the Requirements of Law, and in default thereof said Municipality may repair such damage and charge the cost thereof to, and collect the same from, the Company. All facilities of Company in said Municipality shall be installed and maintained in accordance with the applicable rules and regulations of the Illinois Commerce Commission and, to the extent not in conflict therewith, the Requirements of Law.

When any Public Right-of-Way shall be graded, curbed, paved or otherwise changed or when there is a relocation of such right-of-way, so as to make the resetting or relocation of any Facilities placed or installed under this Ordinance necessary, the Company shall make such resetting or relocation, at the Company's cost and expense, and at no cost to the Municipality. Municipality shall provide the Company with a reasonably suitable location for the resetting or relocation of such Facilities, and the Company's obligation shall be limited to resetting or relocating Facilities of the same type and configuration as the displaced Facilities. Company shall make such resetting or relocation within a reasonable time after receiving written notice of the need for the same from the authorized representative of the Municipality, and the establishment by the Municipality of the permanent grade at the new location. Except as expressly stated, nothing in this Section requires the Company to bear responsibility for any costs or expenses to relocate its Facilities for any other reason or cause.

SECTION 4. In order for Company to render efficient, safe, and continuous services, it will be necessary for Company to conduct vegetation management activities, including the trimming or pruning and cutting down of the trunks and branches of trees and/or vines and shrubs along or over the Public Rights-of-Way in said Municipality, and areas dedicated to the Municipality for public utility use, wherever the same are likely to interfere with its equipment; therefore, Company is hereby granted the right to conduct such vegetation management activities so as to enable it to erect, operate and maintain its equipment in a regular and consistent form and manner and to enable it to provide the most efficient, safe, and continuous service that the circumstances will permit; provided, however, that Company shall exercise proper care and discretion in its vegetation management activities. Company shall conduct its vegetation management activities in accordance with applicable law, including without limitation, 220 ILCS 5/8-505.1, and any amendments thereto. Notwithstanding the foregoing, to the extent applicable law may be superseded or modified by an agreement between Municipality and Company, Municipality and Company reserve the right to enter into such an agreement.

SECTION 5. The rates to be charged by the Company for electric service rendered under this Ordinance shall be such as are approved from time to time by the Illinois Commerce Commission of the State of Illinois and/or such other duly constituted governmental authority as shall have jurisdiction thereof. All Rules and Regulations of the Illinois Commerce Commission of the State of Illinois applicable to the rights, privileges and authority granted by this Ordinance, in the event of conflict herewith, shall govern.

SECTION 6. As a further consideration for the rights, privileges and authorities granted by this ordinance, the Company shall furnish municipality compensation in the amount of \$44,355, payable annually, within 30 days of the anniversary date of this ordinance. The Standard Compensation for this ordinance would normally be paid on the following graduated scale: Year 1 - \$44,355; Year 2 - \$40,605; Year 3 - \$36,855; Year 4 - \$33,105; and Year 5 and all remaining years - \$29,350. The Municipality understands that the Company, in order to agree to the compensation at this level, will activate the Excess Municipal Franchise Compensation Adjustment provisions as permitted under the Rider EF tariff, now in effect and as amended from time to time. This will allow the Company to recover from the customers of said Municipality taking service from the Company within the boundaries of said Municipality, the difference between the annual franchise payments and the standard compensation amounts on a per customer basis. Municipality may request a revision to the compensation amount after five years from the date of passage of this ordinance if Municipality has a reasonable belief that the number of customers served by the System within Municipality's corporate limits has increased or decreased by 3% or more. Municipality must request the revision at least 60 days prior to the next anniversary date. If Company confirms that the number of customers served by the System within Municipality's corporate limits has increased or decreased by 3% or more, the compensation amount will be revised by that percentage for the next and succeeding payments. Municipality may request similar revisions to compensation amounts under these criteria in additional five year periods throughout the term of this ordinance.

SECTION 7. If, at any time, during the term of this contract, Municipality permits another entity or person to provide electric distribution or similar services, and Company reasonably believes the other entity or person is granted more favorable treatment, terms, or conditions, then Company shall notify Municipality of such treatment, terms, or conditions. Alternatively, if Municipality reasonably believes the other entity or person grants Municipality more favorable treatment, terms, or conditions, then Municipality shall notify Company of such treatment, terms, or conditions.

Upon receipt of such notice, Municipality and Company shall negotiate in good faith to amend this ordinance to provide Company or Municipality such more favorable treatment, terms or conditions on an equivalent basis. Such amendment shall take into consideration all circumstances that distinguish between Company and the entity or person receiving the more favorable or less favorable treatment, terms, or conditions.

SECTION 8. The Company shall be exempt from any special tax, assessment, license, rental or other charge during the term of this Ordinance, on all poles, conductors, wires, cables, conduits, equipment and other apparatus placed in the Public Rights-of-Ways within the corporate limits of Municipality. Nothing herein shall exempt the Company from complying with any municipal utility tax ordinance of general applicability.

SECTION 9. The Company shall indemnify and save harmless the Municipality and all contractors, officers, employees and representatives thereof from all claims, demands, causes of action, liability, judgments, costs and expenses or losses for injury or death to persons or damage to property owned by, and Worker's Compensation claims against any parties indemnified herein, arising out of, caused by, or as a result of the Company's construction, erection, maintenance, use or presence of, or removal of any poles, wires, lines, cables, conduit, appurtenances thereto, or equipment or attachments thereto. The foregoing indemnification shall not apply to the extent any such claim, demand, cause of action, liability, judgment, cost, expense or loss arises out of, is caused by, or results from the negligent or wrongful willful act or omission of the Municipality or any contractor, officer, employee or representative thereof, for which the Municipality may be found liable under the laws of the State of Illinois.

Company shall be obligated under this ordinance to maintain through the Term of this ordinance, at its sole cost and expense, to maintain the following insurance coverages which shall name Municipality as an additional insured:

A. Comprehensive General Liability. Comprehensive General Liability insurance, including contractual liability with limits of \$2,000,000 per occurrence for bodily injury and property damage. Exclusions "X," "C," and "U" must be deleted. Railroad exclusions must be deleted if any work is to be performed within 50' of an active railroad track.

B. Comprehensive Automobile Liability. Commercial Auto Liability insurance with a limit of liability for bodily injury and property damage of not less than \$2,000,000. Such policy shall include owned and blanket non-owned and hired coverage.

C. Workers' Compensation. Workers' compensation coverage in accordance with statutory limits.

D. General Standards for All Insurance. All commercial insurance policies obtained by the Company to satisfy this obligation must be written by companies customarily used by public utilities for those purposes, including policies issued by a captive insurance company affiliated with the Company. Upon written request, the Company shall provide Municipality with evidence of insurance. The above requirements maybe satisfied with primary insurance, excess insurance or a combination of both.

E. Self-Insurance. Company shall have the right to self-insure any or all of the above-required insurance coverage.

SECTION 10. The rights, privileges and authority hereby granted shall inure to and be vested in Company, its successors and assigns, successively, subject to all of the terms, provisions and conditions herein contained, and each of the obligations hereby imposed upon Company shall devolve and be binding upon its successors and assigns, successively, in the same manner.

SECTION 11. This Ordinance shall confer no right, privilege or authority on Company, its successors or assigns, unless Company shall within ninety (90) days after due notice to the Company of the enactment of this Ordinance, file with the City Clerk an acceptance of the terms and provisions hereof; provided, however, that if such acceptance be not so filed within said period of ninety (90) days, all rights, privileges, and authority herein granted shall become null and void.

SECTION 12. All rights, privileges and authority given and granted by this Ordinance are granted for a term of 20 years from and after the acceptance of this Ordinance as hereinafter provided (the "Initial Term"), and thereafter on a year-to-year basis (each a "Subsequent Term") unless either the Company or Municipality notifies the other in writing of its desire to terminate this Ordinance at least six (6) months prior to the expiration of the Initial Term or any Subsequent Term. Notwithstanding anything to the contrary, in no event shall the Initial Term and all Subsequent Terms extend for a period greater than thirty (30) years.

SECTION 13. The Municipality acknowledges that Company is vested in rights, permissions and authority independent of this Ordinance. Neither acceptance of this Ordinance nor compliance with its provisions shall impair in any way or waive any right, permission or authority which Company may have independent of this Ordinance. In addition, neither use by Company of public property or places as authorized by this Ordinance nor service rendered by Company in said Municipality shall be treated as use solely of the rights, permission and authority provided for by this Ordinance and in no way shall indicate non-use of any right, permission or authority vested in the Company independent of this Ordinance. In the event the Municipality vacates any streets, avenues, alleys, easements, rights of way, bridges or other public places during the term of this Ordinance, Municipality agrees to reserve unto Company the rights, privileges and authority herein given and granted to the Company in upon, along, over and across each and all of such vacated premises which are at the time in use by the Company.

SECTION 14. All ordinances and parts of ordinances in conflict with this Ordinance or with any of its provisions are, to the extent of such conflict, hereby repealed.

SECTION 15. This Ordinance shall not relieve Company of the obligation to comply with any ordinance now existing in the Municipality or enacted in the future requiring Company to obtain written permits or other approval from the Municipality prior to commencement of construction of facilities within the Public Rights-of-Way thereof, except Company shall not be required to obtain permits or other approval from the Municipality for the maintenance, upgrading and repair of its constructed facilities. Company shall provide notice of excavation hereunder in accordance with the Illinois Underground Utility Damage Prevention Act (220 ILCS 50/1, et seq.)

SECTION 16. If any provision of this Ordinance, or the application of such provision to particular circumstances, shall be held invalid, the remainder of this Ordinance, or the application of such provision to circumstances other than those as to which it is held invalid, shall not be affected thereby.

SECTION 17. Any conflict between the Franchise Ordinance and the provisions contained in the Electric Service Customer Choice and Rate Relief Law of 1997 (Public Act 90-561) will be resolved by giving the state statute mandatory priority over any contrary language contained in the Franchise Ordinance.

SECTION 18. In addition to every other right or remedy provided to the Municipality under this Ordinance, if the Company fails to comply in a material respect with any of its material obligations under this Ordinance (for reason other than force majeure), then the

Municipality may give written notice to the Company specifying that failure. The Company will have 30 calendar days after the date of its receipt of that written notice to take all necessary steps to cure such material non-compliance, unless the cure cannot reasonably be achieved within 30 calendar days but the Company promptly commences the cure and diligently pursues the cure to completion.

Neither the Company nor the Municipality will be held in violation or breach of this Ordinance when a violation or breach occurred or was caused by (a) riot, war, earthquake, flood, terrorism, or other catastrophic act beyond the respective Party's reasonable control or (b) governmental, administrative, or judicial order or regulation other than, in the case of the Municipality, an order or regulation issued by the Municipality not in the exercise of its police powers in order to protect the public in the case of fire, disaster or other emergency.

SECTION 19. GENERAL PROVISIONS.

A. Notice. Any notice that (a) requires a response or action from the Municipality or the Company within a specific time frame or (b) would trigger a timeline that would affect one or both of the parties' rights under this Ordinance must be made in writing and must be sufficiently given and served on the other party by hand delivery, first class mail, registered or certified, return receipt requested, postage prepaid, or by reputable overnight courier service and addressed as follows:

If to Municipality:

City Clerk
City of Monticello
210 N. Hamilton
Monticello, IL 61856

If to Company:

Ameren Illinois Company d/b/a/ Ameren Illinois
President
6 Executive Drive
Collinsville, IL 62234

For other notices regarding the general business between the parties, e-mail messages and facsimiles will be acceptable when addressed to the persons of record specified above.

B. Entire Agreement; Interpretation. This Ordinance embodies the entire understanding and agreement of the Municipality and the Company with respect to the subject matter of this Ordinance and the Franchise. This Ordinance supersedes, cancels, repeals, and shall be in lieu of the Previous Agreement.

C. Governing Law; Venue. This Ordinance has been approved and executed in the State of Illinois and will be governed in all respects, including validity, interpretation, and effect, and construed in accordance with, the laws of the State of Illinois. Any court action against the Municipality may be filed only in Piatt County, Illinois, in which the Municipality's principal office is located.

D. Amendments. No provision of this Ordinance may be amended or otherwise modified, in whole or in part, to be contractually binding on Municipality or Company, except by an instrument in writing duly approved and executed by the Municipality and accepted by the Company.

E. No Third-Party Beneficiaries. Nothing in this Ordinance is intended to confer third-party beneficiary status on any person, individual, corporation, or member of the public to enforce the terms of this Ordinance.

F. No Waiver of Rights. Nothing in this Ordinance may be construed as a waiver of any rights, substantive or procedural, the Company or the Municipality may have under federal or State of Illinois law unless such waiver is expressly stated in this Ordinance.

SECTION 20. This Ordinance shall take effect and the rights, privileges and authority hereby granted and renewed shall vest in Company upon its filing of an acceptance with the City Clerk according to the terms prescribed herein and as provided for in Section 11 and in 35 ILCS 645/5-4. This Ordinance shall be in full force from and after its passage, approval and ten (10) day period of publication in the manner provided by law.

PASSED this _____ day of _____, 2016.

VOTE:

AYES: _____

NAYS: _____

ABSTAIN: _____

APPROVED this _____ day of _____, 2016

Mayor, City of Monticello, Illinois

[SEAL]

ATTEST:

City Clerk

STATE OF ILLINOIS)
CITY OF MONTICELLO) SS
COUNTY OF PIATT)

I, _____, City Clerk within and for the City of Monticello, in the State and County aforesaid, do hereby certify that:

(1) the foregoing constitutes a full, true and correct copy of Ordinance No. _____ of said City as:

(a) introduced before the City Council on the ____ day of _____, 2016; and

(b) passed by the City Council and approved by the Mayor on the ____ day of _____, 2016, as fully as the same appears of record in my office;

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of the City of Monticello, Illinois, at my office in said City this ____ day of _____, 2016.

[SEAL]

City Clerk

ACCEPTANCE

Ameren Illinois (“Company”), in consideration of the rights and privileges granted by Ordinance No. _____ of the City of Monticello, Illinois, passed _____, A.D. 2016, approved _____, A.D. 2016, and entitled "An Ordinance extending the authorization to Company, its successors and assigns, to construct, operate and maintain an electric utility system in the City of Monticello, County of Piatt, and State of Illinois", hereby accepts said Ordinance and all the provisions thereof.

In Witness Whereof, Company, as aforesaid has caused these presents to be signed by its President or a Vice President and attested by its Secretary or an Assistant Secretary and its corporate seal to be affixed this ____ day of _____, A.D. 2016.

Ameren Illinois

By _____
Richard J. Mark
President

(Corporate Seal)

Attest:

Assistant Secretary



**CITY COUNCIL
MEMORANDUM**

ITEM: An Ordinance Renewing an Existing Gas Franchise Agreement with Ameren Illinois. (Ordinance 2016-20).	DEPARTMENT: City Administration
AGENDA SECTION: Old Business	SUBMITTED BY: Bob Mahrt
ATTACHMENTS: (X) ORDINANCE () RESOLUTION () OTHER SUPPORTING DOCUMENTS	DATE: April 11, 2016

BACKGROUND:

The City of Monticello has a Gas Franchise Agreement with Ameren Illinois for operation and maintenance of natural gas services within the City. The current fifty year agreement had expired on March 19, 2015. In general, the agreement allowed use of public right-of-way with annual compensation by providing 10,500 free therms of gas to the City. The 10,500 free therms of gas equates to compensation in an approximate amount of \$7,045 per year.

Discussions had been held between City Staff and Ameren Illinois representatives to outline the potential agreement terms. City Administration had tentatively considered a standard 20 year agreement with cash compensation in the amount of \$12,320.00 per year. The tentative agreement does allow for the City to request a revision to the compensation amount after five years from the date of passage of the Ordinance (and every five year period thereafter), based on the number of Ameren customer accounts.

RECOMMENDED ACTION:

It is recommended that the City Council review and take formal action on Ordinance No. 2016-20, "An Ordinance Renewing an Existing Gas Franchise Agreement with Ameren Illinois". (A copy of Ordinance No. 2016-20 is attached for City Council review).

ORDINANCE NO. 2016-20

AN ORDINANCE

EXTENDING THE AUTHORIZATION TO

Ameren Illinois Company
d/b/a/ **Ameren Illinois**

ITS SUCCESSORS AND ASSIGNS

TO CONSTRUCT, OPERATE AND MAINTAIN
A GAS UTILITY SYSTEM

IN THE

City of Monticello

COUNTY OF PIATT

AND

STATE OF ILLINOIS

PASSED _____

EXPIRES _____

ORDINANCE NO. _____

AN ORDINANCE RENEWING AN EXISTING FRANCHISE AND GRANTING FOR A PERIOD OF 20 YEARS TO AMEREN ILLINOIS, A CORPORATION, ITS SUCCESSORS AND ASSIGNS, THE FRANCHISE, RIGHT, PERMISSION AND AUTHORITY TO CONSTRUCT, RECONSTRUCT, EXCAVATE FOR, PLACE, REMOVE, EXTEND, MAINTAIN, AND OPERATE A GAS UTILITY SYSTEM IN THE CITY OF MONTICELLO, COUNTY OF PIATT AND STATE OF ILLINOIS.

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF MONTICELLO, COUNTY OF PIATT, AND THE STATE OF ILLINOIS, AS FOLLOWS:

SECTION 1 It is the intent of the parties by this Ordinance to extend for an additional term, subject to the terms and conditions here stated, the authorization to Ameren Illinois, its successors and assigns, to construct, operate and maintain a gas utility system within the city as originally authorized by an Ordinance approved on March 9, 1965. The parties acknowledge that by so doing they are continuing an existing relationship authorizing the services of a utility for the provision of gas energy and other utility purposes within the city for the benefit of its citizens and residents as well as other consumers of gas energy located within its corporate limits.

The following terms have the meanings ascribed to them in this Section:

Emergency. An event involving the System that (i) poses an imminent threat to the public health or safety within or around the Municipality or (ii) is likely to result in a prolonged and unplanned interruption of gas service to a significant number of customers within or around the Municipality.

Requirements of Law. Any generally applicable ordinance now existing in the Municipality or enacted in the future requiring Company to obtain written permits or other approval from the Municipality prior to commencement of construction of facilities within the streets, avenues, alleys, bridges, easements, rights of way and other places dedicated or commonly used for utility purposes (collectively the "Public Right-of-Way") thereof, except Company shall not be required to obtain permits or other approval from the Municipality for the maintenance, upgrading and repair of its constructed facilities.

SECTION 2. Subject to compliance with the conditions herein described, there is hereby given and granted to Ameren Illinois, its successors and assigns (hereinafter referred to as the "Company"), the right, privilege and authority to construct, operate, maintain and/or extend within the corporate limits, as the same now exists or may hereafter be extended, of the City of Monticello (hereinafter referred to as "Municipality"), a gas utility system for the transmission, distribution and/or sale of gas energy and other utility purposes (the "System"), together with the right, privilege and authority to lay, erect, construct, install, operate and/or maintain all necessary mains, pipes, valves, equipment and/or other apparatus (collectively Facilities) as may be necessary or convenient for the System, in, upon, along, over, under, through and/or across each and all Public Rights-of-Way.

SECTION 3. All Facilities shall, so far as practicable, be placed underground and shall be so located and laid as not to interfere unnecessarily with any pipes, conduits, sewers, drains, pavements, public places, or right-of-way existing at the time of such location, and said Company shall forthwith repair any damage caused to such improvements to the satisfaction of the official or officials of said Municipality having charge of the supervision thereof and in compliance with Requirements of Law, and in default thereof said Municipality may repair such damage and charge the cost thereof to, and collect the same from, the Company. There shall be no unnecessary obstruction to the Public Right-of-Way of said Municipality in the laying, installation, operation or maintenance of any of said Facilities. All facilities of Company in said Municipality shall be installed and maintained in accordance with the applicable rules and regulations of the Illinois Commerce Commission and, to the extent not in conflict therewith, the Requirements of Law.

Section 4. When any Public Right-of-Way, upon which or in which any Facilities of Company have been placed or installed, shall be graded, curbed, paved or otherwise changed or when there is a relocation of such Public Right-of-Way, so as to make the resetting or relocation of any Facilities placed or installed under this Ordinance necessary, the Company shall make such resetting or relocation, at the Company's cost and expense, and at no cost to the Municipality. Municipality shall provide the Company with a reasonably suitable location for the resetting or relocation of such Facilities, and the Company's obligation shall be limited to resetting or relocating Facilities of the same type and configuration as the displaced Facilities. Company shall make such resetting or relocation within a reasonable time after receiving written notice of the need for the same from the authorized representative of the Municipality, and the establishment by the Municipality of the permanent grade at the new location. Except as expressly stated, nothing in this Section requires the Company to bear responsibility for any costs or expenses to relocate its Facilities for any other reason or cause.

SECTION 5. The rates to be charged by the Company for gas service rendered under this Ordinance shall be such as are approved from time to time by the Illinois Commerce Commission of the State of Illinois and/or such other duly constituted governmental authority as shall have jurisdiction thereof. All Rules and Regulations of the Illinois Commerce Commission of the State of Illinois applicable to the rights, privileges and authority granted by this Ordinance, in the event of conflict herewith, shall govern.

SECTION 6. As a further consideration for the rights, privileges and authorities granted by this ordinance, the Company shall, throughout the period in which Company shall exercise the rights, privileges and authority granted by this ordinance furnish to the said Municipality, compensation in the amount of \$12,320, payable annually, within 30 days of the anniversary date. Municipality may request a revision to the compensation amount after five years from the date of passage of this ordinance if Municipality has a reasonable belief that the number of customers served by the System within Municipality's corporate limits has increased or decreased by 3% or more. Municipality must request the revision at least 60 days prior to the next anniversary date. If Company confirms that the number of customers served by the System within Municipality's corporate limits has increased or decreased by 3% or more, the compensation amount will be revised by that percentage for the next and succeeding payments. Municipality may request similar revisions to compensation amounts under these criteria in additional five year periods throughout the term of this ordinance.

SECTION 7. The rights, privileges and authority hereby granted shall inure to and be vested in Company, its successors and assigns; successively, subject to all of the terms, provisions and conditions herein contained, and each of the obligations hereby imposed upon Company shall devolve and be binding upon its successors and assigns, successively, in the same manner.

SECTION 8. The Company shall indemnify and save harmless the Municipality and all contractors, officers, employees and representatives thereof from all claims, demands, causes of action, liability, judgments, costs and expenses or losses for injury or death to persons or damage to property owned by, and Worker's Compensation claims against any parties indemnified herein, arising out of, caused by, or as a result of the Company's construction, erection, maintenance, use or presence of, or removal of any mains, pipes, valves or other appurtenances thereto, or equipment or attachments thereto. The foregoing indemnification shall not apply to the extent any such claim, demand, cause of action, liability, judgment, cost, expense or loss arises out of, is caused by, or results from the negligent or wrongful willful act or omission of the Municipality or any contractor, officer, employee or representative thereof, for which the Municipality may be found liable under the laws of the State of Illinois.

Company shall be obligated under this ordinance to maintain through the Term of this ordinance, at its sole cost and expense, to maintain the following insurance coverages which shall name Municipality as an additional insured:

A. **Comprehensive General Liability.** Comprehensive General Liability insurance, including contractual liability with limits of \$2,000,000 per occurrence for bodily injury and property damage. Exclusions "X," "C," and "U" must be deleted. Railroad exclusions must be deleted if any work is to be performed within 50' of an active railroad track.

B. **Comprehensive Automobile Liability.** Commercial Auto Liability insurance with a limit of liability for bodily injury and property damage of not less than \$2,000,000. Such policy shall include owned and blanket non-owned and hired coverage.

C. **Workers' Compensation.** Workers' compensation coverage in accordance with statutory limit.

D. **General Standards for All Insurance.** All commercial insurance policies obtained by the Company to satisfy this obligation must be written by companies customarily used by public utilities for those purposes, including policies issued by a captive insurance company affiliated with the Company. Upon written request, the Company shall provide Municipality with evidence of insurance. The above requirements maybe satisfied with primary insurance, excess insurance or a combination of both.

E. **Self-Insurance.** Company shall have the right to self-insure any or all of the above-required insurance coverage.

SECTION 9. This Ordinance shall confer no right, privilege or authority on Company, its successors or assigns, unless Company shall within ninety (90) days after due notice to the Company of the enactment of this Ordinance, file with the City Clerk an acceptance of the terms and provisions hereof; provided, however, that if such acceptance be not so filed within said period of ninety (90) days, all rights, privileges, and authority herein granted shall become null and void.

SECTION 10. All rights, privileges and authority given and granted by this Ordinance are granted for a term of 20 years from and after the acceptance of this Ordinance as hereinafter provided (the "Initial Term"), and thereafter on a year-to-year basis (each a "Subsequent Term") unless either the Company or Municipality notifies the other in writing of

its desire to terminate this Ordinance at least six (6) months prior to the expiration of the Initial Term or any Subsequent Term. Notwithstanding anything to the contrary, in no event shall the Initial Term and all Subsequent Terms extend for a period greater than thirty (30) years.

SECTION 11. The Municipality acknowledges that Company is vested in rights, permissions and authority independent of this Ordinance. Neither acceptance of this Ordinance nor compliance with its provisions shall impair in any way or waive any right, permission or authority which Company may have independent of this Ordinance. In addition, neither use by Company of public property or places as authorized by this Ordinance nor service rendered by Company in said Municipality shall be treated as use solely of the rights, permission and authority provided for by this Ordinance and in no way shall indicate non-use of any right, permission or authority vested in the Company independent of this Ordinance. In the event the Municipality vacates any streets, avenues, alleys, easements, rights of way, bridges or other public places during the term of this Ordinance, Municipality agrees to reserve unto Company the rights, privileges and authority herein given and granted to the Company in upon, under, along, over and across each and all of such vacated premises which are at that time in use by the Company.

SECTION 12. All ordinances and parts of ordinances in conflict with this Ordinance or with any of its provisions are, to the extent of such conflict, hereby repealed.

SECTION 13. This Ordinance shall not relieve Company of the obligation to comply with any ordinance now existing in the Municipality or enacted in the future requiring Company to obtain written permits or other approval from the Municipality prior to commencement of construction of facilities within the Public Rights-of-Way thereof, except Company shall not be required to obtain permits or other approval from the Municipality for the maintenance, upgrading and repair of its facilities. Except in cases of emergency, prior to engaging in any excavation activity that is expected to create an obstruction or other hazardous condition in any street avenue, alley or public place, the Company shall notify Municipality of the location and extent of the planned excavation. In cases of emergency, Company shall notify Municipality of the location and extent of any such activity as soon as practicable after the emergency has been abated. Company shall provide notice of excavation hereunder in accordance with the Illinois Underground Utility Damage Prevention Act (220 ILCS 50/1, et seq.).

SECTION 14. If any provision of this Ordinance, or the application of such provision to particular circumstances, shall be held invalid, the remainder of this Ordinance, or the application of such provision to circumstances other than those as to which it is held invalid, shall not be affected thereby.

SECTION 15. If, at any time, during the term of this contract, Municipality permits another entity or person to provide gas distribution or similar services, and Company reasonably believes the other entity or person is granted more favorable treatment, terms, or conditions, then Company shall notify Municipality of such treatment, terms, or conditions. Alternatively, if Municipality reasonably believes the other entity or person grants Municipality more favorable treatment, terms, or conditions, then Municipality shall notify Company of such treatment, terms, or conditions.

Upon receipt of such notice, Municipality and Company shall negotiate in good faith to amend this ordinance to provide Company or Municipality such more favorable treatment, terms or conditions on an equivalent basis. Such amendment shall take into

consideration all circumstances that distinguish between Company and the entity or person receiving the more favorable or less favorable treatment, terms, or conditions.

SECTION 16. The Company shall be exempt from any special tax, assessment, license, rental or other charge during the term of this Ordinance, on all Facilities placed under the Public Rights-of-Ways within the corporate limits of Municipality. Nothing herein shall exempt the Company from complying with any municipal utility tax ordinance of general applicability.

SECTION 17. In addition to every other right or remedy provided to the Municipality under this Ordinance, if the Company fails to comply in a material respect with any of its material obligations under this Ordinance (for reason other than force majeure), then the Municipality may give written notice to the Company specifying that failure. The Company will have 30 calendar days after the date of its receipt of that written notice to take all necessary steps to cure such material non-compliance, unless the cure cannot reasonably be achieved within 30 calendar days but the Company promptly commences the cure and diligently pursues the cure to completion.

Neither the Company nor the Municipality will be held in violation or breach of this Ordinance when a violation or breach occurred or was caused by (a) riot, war, earthquake, flood, terrorism, or other catastrophic act beyond the respective Party's reasonable control or (b) governmental, administrative, or judicial order or regulation other than, in the case of the Municipality, an order or regulation issued by the Municipality not in the exercise of its police powers in order to protect the public in the case of fire, disaster or other emergency.

SECTION 17. GENERAL PROVISIONS.

A. Notice. Any notice that (a) requires a response or action from the Municipality or the Company within a specific time frame or (b) would trigger a timeline that would affect one or both of the parties' rights under this Ordinance must be made in writing and must be sufficiently given and served on the other party by hand delivery, first class mail, registered or certified, return receipt requested, postage prepaid, or by reputable overnight courier service and addressed as follows:

If to Municipality: City of Monticello
City Clerk
City of Monticello
210 N. Hamilton
Monticello, IL 61856

If to Company: Ameren Illinois Company d/b/a/ Ameren Illinois
Ameren Illinois Company d/b/a/ Ameren Illinois
President
6 Executive Drive
Collinsville, IL 62234

For other notices regarding the general business between the parties, e-mail messages and facsimiles will be acceptable when addressed to the persons of record specified above.

B. Entire Agreement; Interpretation. This Ordinance embodies the entire understanding and agreement of the Municipality and the Company with respect to the subject matter of this Ordinance and the Franchise. This Ordinance supersedes, cancels, repeals, and shall be in lieu of the Previous Agreement.

C. Governing Law; Venue. This Ordinance has been approved and executed in the State of Illinois and will be governed in all respects, including validity, interpretation, and effect, and construed in accordance with, the laws of the State of Illinois. Any court action against the Municipality may be filed only in Piatt County, Illinois, in which the Municipality's principal office is located.

D. Amendments. No provision of this Ordinance may be amended or otherwise modified, in whole or in part, to be contractually binding on Municipality or Company, except by an instrument in writing duly approved and executed by the Municipality and accepted by the Company.

E. No Third-Party Beneficiaries. Nothing in this Ordinance is intended to confer third-party beneficiary status on any person, individual, corporation, or member of the public to enforce the terms of this Ordinance.

F. No Waiver of Rights. Nothing in this Ordinance may be construed as a waiver of any rights, substantive or procedural, the Company or the Municipality may have under federal or State of Illinois law unless such waiver is expressly stated in this Ordinance.

SECTION 18. This Ordinance shall take effect and the rights, privileges and authority hereby granted and renewed shall vest in Company upon its filing of an acceptance with the City Clerk according to the terms prescribed herein. This Ordinance shall be in full force from and after its passage, approval and ten (10) day period of publication in the manner provided by law.

PASSED this _____ day of _____, 2016.

VOTE:

AYES: _____

NAYS: _____

ABSTAIN: _____

APPROVED this ____ day of _____, 2016

Mayor, City of Monticello, Illinois

[SEAL]

ATTEST:

City Clerk

STATE OF ILLINOIS
CITY OF MONTICELLO) SS
COUNTY OF PIATT

_____, City Clerk within and for the City of Monticello, in the
State and County aforesaid, do hereby certify that:

(1) the foregoing constitutes a full, true and correct copy of Ordinance No. ____
of said City as:

(a) introduced before the City Council on the ___ day of
_____, 2015; and

(b) passed by the City Council and approved by the Mayor on the ___ day
of _____, 2015, as fully as the same appears of record in my
office;

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of
the City of Monticello, Illinois, at my office in said City this ___ day of _____
2015.

[SEAL]

City Clerk

ACCEPTANCE

Ameren Illinois, ("Company") in consideration of the rights and privileges granted by Ordinance No. _____ of the City of Monticello, Illinois, passed _____, A.D. 2015, approved _____, A.D. 2015, and entitled "An Ordinance extending the authorization to Company, its successors and assigns, to construct, operate and maintain a gas utility system in the City of Monticello, County of Piatt and State of Illinois", hereby accepts said Ordinance and all the provisions thereof.

In Witness Whereof, Ameren Illinois, Company as aforesaid has caused these presents to be signed by its President or a Vice President and attested by its Secretary or an Assistant Secretary and its corporate seal to be affixed this __ day of _____, A.D. 2015.

Ameren Illinois

By _____
Richard J. Mark
President &
CEO

(Corporate

Seal) Attest:

Assistant Secretary

ORDINANCE No. 2016-21

**ORDINANCE
OF THE CITY OF MONTICELLO
REPEALING ORDINANCE No. 2012-35**

WHEREAS, by Ordinance No. 2012-35, adopted September 25, 2012, the City Council amended Schedule IV of Title VII of the Municipal Code of the City of Monticello creating a School Zone and speed limit for the school at 1202 ½ N. State St.; and

WHEREAS, the school at that location has closed and the School Zone speed limit is no longer required;

NOW THEREFORE BE IT ORDAINED, by the Mayor and City Council of the City of Monticello, that Ordinance No. 2012-35 is hereby repealed, and City staff is authorized and directed to remove any signs designating a School Zone speed limit in the area of the former school.

BE IT FURTHER ORDAINED that this Ordinance shall be in full force and effect from and after its passage, approval and publication according to law.

PASSED this 11th day of April, 2016

VOTE:

AYES: _____

NAYS: _____

ABSTAIN: _____

APPROVED this 11th day of April, 2016

Mayor

ATTEST:

City Clerk

**CITY OF MONTICELLO
PIATT COUNTY, ILLINOIS**

ORDINANCE NO. 2016-22

“AN ORDINANCE AMENDING CHAPTER 111
OF TITLE XI OF THE CITY OF MONTICELLO MUNICIPAL CODE
TO MODIFY THE CITY’S CLASS H LIQUOR LICENSE REGULATIONS”

ADOPTED BY THE

CITY COUNCIL

CITY OF MONTICELLO

THIS 11TH DAY OF APRIL 2016

Published in pamphlet form by authority of the City Council of the City of Monticello, Piatt County, Illinois, this 12TH day of April, 2016.

**CITY OF MONTICELLO
PIATT COUNTY, ILLINOIS**

ORDINANCE NO. 2016-22

**AN ORDINANCE AMENDING CHAPTER 111
OF TITLE XI OF THE CITY OF MONTICELLO MUNICIPAL CODE
TO MODIFY THE CITY’S CLASS H LIQUOR LICENSE REGULATIONS**

WHEREAS, the City of Monticello (the “City”) is an Illinois municipal corporation organized and operating pursuant to Article VII of the Illinois Constitution of 1970 and the Illinois Municipal Code (65 ILCS 5/1-1-1, *et seq.*) (the “Code”); and

WHEREAS, the Illinois Liquor Control Act (235 ILCS 5/1-1, *et seq.*) (the “Act”), establishes the general framework for liquor regulation in Illinois; and

WHEREAS, the Act (235 ILCS 5/4-1) authorizes the Mayor and City Council to establish such conditions, regulations, and restrictions upon the issuance of local liquor licenses not inconsistent with the law and as the public good and convenience may require; and

WHEREAS, the City previously established a Class H Liquor License designation authorizing the sale and consumption of alcoholic liquor on public sidewalks adjacent to a premises already possessing a certain class of liquor license, subject to compliance with certain conditions; and

WHEREAS, the City now wishes to amend its Class H Liquor License regulations to accommodate additional outdoor alcoholic liquor service opportunities; and

WHEREAS, the Mayor and City Council find that amending the City’s Class H Liquor License regulations will encourage the City’s continued healthy economic growth;

NOW, THEREFORE, BE IT ORDAINED by the Mayor and City Council of the City of Monticello, Piatt County, Illinois, as follows:

Section 1. RECITALS. The foregoing recitals are incorporated as though fully set forth herein.

Section 2. SECTION AMENDED. The following changes are made to Section 111.031 of the City of Monticello Municipal Code (additions underlined and deletions noted with ~~striketrough~~ text):

§ 111.031 CLASSES OF LICENSE.

The Local Liquor Control Commissioner shall issue no class of license or permit other than the following:

[. . .]

(I) *Class H License.*

(1) A Class H license may be issued to the holder of a Class A, B, ~~or C, or J~~ license, as defined in this chapter, A Class H license and shall allow the holder of the license to may sell alcoholic liquor at retail by the drink, and not in package, for consumption only, as defined in § 111.003, upon the sidewalk immediately adjacent to the establishment holding the license and not extending to areas abutting the neighboring property (hereinafter "license area"), except as provided in Section 111.031(I)(3) below, only to patrons, seated at tables provided by the licensee, who have ordered or are eating a meal, as defined herein, prepared on the premises of the licensee, during the licensee's hours of operation. For purposes of this section, a **MEAL** shall constitute an item or items from the licensee's lunch or dinner menu which are customarily considered to be an appropriate amount of food for a single person to consume as a meal. Not more than 5 such licenses shall be issued.

(2) During all times the license is in effect, the licensee shall:

- (a) Not allow or permit any customer, employee, or other person to remove alcoholic liquor from the license area;
- (b) Post upon each table located within the license area information clearly describing the boundaries of the license area and informing patrons that they are prohibited from removing alcoholic liquor from the license area;
- (c) Keep the license area free of litter, cans, bottles, and spills at all times. The licensee shall promptly collect and dispose of all litter, trash, and other waste materials associated with the service of alcoholic liquor. The licensee shall dispose of this waste in his, her, or its own trash containers only;

- (d) Only serve, and not prepare or cook food or meals in the license area;
- (e) Not obstruct the use of the sidewalk by the general public; and

(f) Procure and maintain, for the duration of the ~~permit~~ license, public liability and property damage insurance pertaining to the license area in a minimum amount of \$1,000,000 per person and \$1,000,000 in the aggregate per occurrence and property damage in a minimum amount of \$1,000,000, which shall name the City of Monticello, its officers, and employees as additional insureds, and the same shall provide that the policy shall not terminate or be canceled prior to the expiration date without 30 days' advance written notice to the city. Proof of this insurance, issued by an insurance company licensed to do business in the State of Illinois in the form of a certificate of insurance, shall be attached to the application.

(3) A Class H license holder may sell alcoholic liquor at retail by the drink, and not in package, for consumption upon sidewalk abutting a property adjacent to the licensed premises (the "extended license area") subject to compliance with the following conditions:

(a) The license holder shall submit a plan in a form acceptable to the Local Liquor Commissioner detailing the location, area, and dimensions of the extended license area, including, without limitation, the location and number of tables, chairs, and other personal property proposed to be located in the extended license area, and the location of the entrance to the licensed premises; and

(b) The license holder shall obtain and submit the written consent of the owner and occupant of the property adjoining the extended license area on a form acceptable to the Local Liquor Commissioner; and

(c) The extended license area shall not extend farther than one hundred (100') feet from the entrance to the licensed premises; and

(d) The extended license area shall be accessible by a clear, unrestricted path leading from the licensed premise's entrance through the extended license area; and

(e) The license holder shall procure and maintain insurance coverage in the amounts, duration, and specifications required by Section 111.031(I)(2)(f) naming as additional insureds the owner and occupant of the property adjoining the extended license area; and

(f) The license holder and the extended license area shall comply with all provisions of this Code, including, without limitation, those conditions set forth in Section 111.031(I)(2); and

(g) The license holder and the extended license area shall comply with all conditions deemed necessary and imposed by the Local Liquor Commissioner to protect the public health, safety, and welfare, in and around the extended license area, including, without limitation, erecting and maintaining appropriate barriers and/or fencing separating the extended license area from the sidewalk reserved for use by the general public.

Section 3. SECTION AMENDED. The following changes are made to Section 111.040 of the City of Monticello Municipal Code (additions underlined and deletions noted with ~~strikethrough~~ text):

§ 111.040 POSSESS ONLY 1 LICENSE.

Except as otherwise expressly provided in this Chapter 111, no ~~No~~ person, firm, partnership, corporation, or club who possesses a valid license to sell alcoholic liquor shall apply for or be issued any other class of license by the Local Liquor Control Commissioner.

Section 4. SUPERSEDER AND SEVERABILITY. In the event a conflict exists between the terms of this Ordinance and any other ordinance of the City, the terms of this Ordinance shall govern. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions hereof.

Section 5. EFFECTIVE DATE. This Ordinance shall be in full force and effect from and after its passage, approval and publication as provided by law.

Passed by the City Council of the City of Monticello, Piatt County, this 11th day of April, 2016, by the following roll-call vote:

AYES:

NAYS:

ABSENT:

Pamela Harlan, City Clerk
City of Monticello, Piatt County, Illinois

Approved by the City of Monticello this 11th day of April, 2016.

Larry Stoner, Mayor

ATTEST:

Pamela Harlan, City Clerk
City of Monticello, Piatt County, Illinois

4847-8526-6736, v. 1



BE IT RESOLVED, by the City Council Resolution 2016-23 of the Council or President and Board of Trustees City of Monticello Illinois that the following described street(s) be improved under the Illinois Highway Code:

Table with 4 columns: Name of Thoroughfare, Route, From, To. Rows include Allerton Road, Marion Street, Washington Street, Piatt street, Independence Street.

BE IT FURTHER RESOLVED,

1. That the proposed improvement shall consist of HMA surface removal, HMA resurfacing, sidewalk ramp construction, removal and replacement of deteriorated concrete curb and gutter, installation of pavement markings and seeding with a project length of 2.03 miles

and shall be constructed 22' to 36' wide and be designated as Section 14-00023-00-RS

2. That there is hereby appropriated the (additional Yes No) sum of four hundred thousand four hundred Dollars (\$400,400.00) for the improvement of said section from the municipality's allotment of Motor Fuel Tax funds.

3. That work shall be done by Contract Specify Contract or Day Labor ; and,

BE IT FURTHER RESOLVED, that the Clerk is hereby directed to transmit two certified copies of this resolution to the district office of the Department of Transportation.

Approved
Date
Department of Transportation
Regional Engineer

I, Pamela Harlan Clerk in and for the City of Monticello County of Piatt, hereby certify the foregoing to be a true, perfect and complete copy of a resolution adopted by the City Council Council or President and Board of Trustees at a meeting on April 11, 2016 IN TESTIMONY WHEREOF, I have hereunto set my hand and seal this 11th day of April, 2016 (SEAL) City, Town, or Village Clerk

**CITY OF MONTICELLO
PIATT COUNTY, ILLINOIS**

ORDINANCE NO. 2016-____

“AN ORDINANCE AMENDING CHAPTER 111
OF TITLE XI OF THE CITY OF MONTICELLO MUNICIPAL CODE
TO MODIFY THE CITY’S CLASS J LIQUOR LICENSE REGULATIONS”

ADOPTED BY THE
CITY COUNCIL
CITY OF MONTICELLO
THIS _____ DAY OF _____, 2016

Published in pamphlet form by authority of the City Council of the City of Monticello, Piatt County, Illinois, this _____ day of _____, 2016.

**CITY OF MONTICELLO
PIATT COUNTY, ILLINOIS**

ORDINANCE NO. _____

**AN ORDINANCE AMENDING CHAPTER 111
OF TITLE XI OF THE CITY OF MONTICELLO MUNICIPAL CODE
TO MODIFY THE CITY’S CLASS J LIQUOR LICENSE REGULATIONS**

WHEREAS, the City of Monticello (the “City”) is an Illinois municipal corporation organized and operating pursuant to Article VII of the Illinois Constitution of 1970 and the Illinois Municipal Code (65 ILCS 5/1-1-1, *et seq.*) (the “Code”); and

WHEREAS, the Illinois Liquor Control Act (235 ILCS 5/1-1, *et seq.*) (the “Act”), establishes the general framework for liquor regulation in Illinois; and

WHEREAS, the Act (235 ILCS 5/4-1) authorizes the Mayor and City Council to establish such conditions, regulations, and restrictions upon the issuance of local liquor licenses not inconsistent with the law and as the public good and convenience may require; and

WHEREAS, in 2013, the City passed Ordinance 2013-62 creating a Class J Liquor License designation authorizing the retail sale and consumption of beer manufactured on the premises, subject to compliance with certain conditions; and

WHEREAS, the City now wishes to amend its Class J Liquor License regulations to accommodate a brew pub concept; and

WHEREAS, the Mayor and City Council find that amending the City’s Class J Liquor License regulations will encourage the City’s continued healthy economic growth;

NOW, THEREFORE, BE IT ORDAINED by the Mayor and City Council of the City of Monticello, Piatt County, Illinois, as follows:

Section 1. RECITALS. The foregoing recitals are incorporated as though fully set forth herein.

Section 2. SECTION AMENDED. The following changes are made to Section 111.031 of the City of Monticello Municipal Code (additions underlined and deletions noted with ~~striketrough~~ text):

§ 111.031 CLASSES OF LICENSE.

The Local Liquor Control Commissioner shall issue no class of license or permit other than the following:

[. . .]

(K) *Class J license.*

(1) A Class J license shall permit the retail sale of beer manufactured on the premises, by the drink and in its original package, for consumption on or off the premises, and the retail sale of alcoholic liquor, by the drink and in its original package, for consumption on or off the premises. Not more than 1 such license may be issued.

(2) A Class J licensee shall meet and operate in compliance with the following requirements:

(a) Beer must be manufactured on the premises; and

~~(a)(b)~~ The retail sale, display and consumption of beer and alcoholic liquor shall only be permitted in an area not exceeding ~~25%~~ 70% of the gross square footage of the licensed premises, ~~and in no event shall the area for retail sale, display and consumption of beer and alcoholic liquor exceed 1,250 square feet; and~~

~~(b)(c)~~ Any portion of the licensed premises used for beer manufacturing, storage and/or shipping shall be segregated and secured from the remainder of the premises, and public access shall not be allowed except during supervised tours of the premises; and

(d) Consumption of beer and alcoholic liquor shall not occur in any portion of the licensed premises used for beer manufacturing, storage and/or shipping, except during supervised tours and private parties; and

~~(e)(e)~~ The licensee shall comply with all federal, state and local laws, rules and regulations, including, but not limited to, procurement of any required federal brewer's notice, Illinois manufacturer's liquor license, Illinois craft brewer's license, and all required licenses and

permits concerning manufacturing, packaging, storing, selling and distributing beer and alcoholic beverages; and

(f) The licensee shall maintain and operate a commercial kitchen on the premises where meals are actually and regularly prepared and offered principally for purchase and consumption on the premises.

Section 3. SUPERSEDER AND SEVERABILITY. In the event a conflict exists between the terms of this Ordinance and any other ordinance of the City, the terms of this Ordinance shall govern. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions hereof.

Section 4. EFFECTIVE DATE. This Ordinance shall be in full force and effect from and after its passage, approval and publication as provided by law.

Passed by the City Council of the City of Monticello, Piatt County, this ____ day of _____, 2016, by the following roll-call vote:

AYES:

NAYS:

ABSENT:

Pamela Harlan, City Clerk
City of Monticello, Piatt County, Illinois

Approved by the City of Monticello this ____ day of _____, 2016.

Larry Stoner, Mayor

ATTEST:

Pamela Harlan, City Clerk
City of Monticello, Piatt County, Illinois

4847-6304-9776, v. 1

CITY OF MONTICELLO, ILLINOIS
RULES FOR MEETINGS OF THE CITY COUNCIL

BE IT RESOLVED by the Mayor and City Council of the City of Monticello that the following Rules are adopted, supplementary to the Code of Ordinances and Illinois Municipal Code, for the governance of meetings of the City Council.

1. COUNCIL MEETINGS

A. Calling Meetings. Regular and special meetings of the City Council meetings shall be held as set forth in the Code of Ordinances.

B. Quorum. A quorum of at least five (5) members of the Council must be present before a meeting can begin. The Council, by ordinance, may provide for telephonic attendance at a meeting in accordance with the Open Meetings Act.

C. Presiding Officer. The Mayor shall preside at each meeting, unless the Mayor is absent, in which case the Council shall elect from its members a Temporary Chair or Mayor Pro Tem.

D. Robert's Rules. Robert's Rules of Order shall govern where applicable in any situation not provided for by law or these Rules.

E. Agenda.

i. The agenda for each regular and special meeting of the Council shall be prepared by the City Clerk under the direction of the Mayor and Superintendent of City Services. The order of the agenda shall be in accordance with the Order of Business specified in the Code of Ordinances. The agenda for each regular or special meeting shall be posted by the Clerk not less than 48 hours prior to the meeting in a place which is continuously accessible to the public for the entire 48 hour period. Any person or media service who has requested notification of meetings in accordance with the Open Meetings Act shall receive a copy of the agenda from the Clerk.

ii. Any **two** Aldermen may place any item on the agenda by notifying the City Clerk, the Superintendent of City Services and the Mayor not later than 12:00 P.M. noon on Thursday before any regular meeting or 12:00 P.M. noon at least two (2) business days prior to any special meeting

iii. The agenda and all supporting and reference documents shall be delivered by the City Clerk to all elected and appointed officials by deposit in their office mailboxes on the Friday before each regular meeting, or not less than 48 hours before each special meeting, and may be emailed to each official over the City email system, provided that the system is working properly. Delivery by deposit in the **office mailbox** is the official and primary method of distributing agenda documents. If back up documents necessary for consideration of an agenda item are not distributed on time, the Mayor may strike the item from the agenda; provided, however, a majority of the Council may, on motion, approve consideration of the item. It is the responsibility of each member of the Council to review all documents to be considered at each Council meeting, in advance of the meeting. Council members are encouraged to seek clarification or answers to questions about agenda items from the Mayor or Superintendent prior to the public meeting. Failure to review agenda items prior to a meeting may delay the conduct of public business while officials review documents for the first time at meetings, and deprives the official of the opportunity to ask for clarification of issues prior to the meeting.

iv. Each agenda shall include a period for public comment in accordance with the Code of Ordinances and the Open Meetings Act. The Mayor may place reasonable limits on the time allowed each speaker. The standard time limit for each speaker shall not exceed **five** minutes, which may be extended at the discretion of the Mayor or by majority vote of the Council.

F. Discussion and Debate; Action. Discussion of agenda items shall take place in the Order of Business prescribed by the Code of Ordinances; provided that, by ruling by the presiding officer or by a motion, second and majority vote of the Council, an item may be considered out of order. If there are no items to be considered under any order of business, the presiding officer may move on to the next order of business. Any matter being considered for

formal action shall be initiated by a motion and second. Any ruling by the presiding officer may be overruled by motion, second and majority vote.

G. Action and Voting. Action on any item shall require a motion, a second, discussion (unless non-debatable) and a vote. In any case in which a roll call vote is required, voting shall be by individual “ayes” and “nays.”. The City Clerk shall call the roll and record the votes. An abstention shall be counted with the prevailing side. Voice voting shall be allowed if a roll call is not required. The Mayor shall not vote except in those cases provided for in the Illinois Municipal Code or otherwise as provided by law.

H. Motion to Table, to Defer, to Postpone or To Reconsider.

(i) Any member may make a motion to table any item on the agenda. A motion to table requires a second and is non-debatable. If the motion is passed by majority vote, the matter shall remain on the table indefinitely until taken from the table by subsequent motion, second and majority vote.

(ii) Any member may make a motion to postpone a matter to a date certain. A motion to postpone to a date certain requires a second and is debatable. If the motion is passed by a majority vote, it will again be placed on the agenda on the specified date.

(iii) Upon motion and second, any report of a committee of the Council shall be deferred for final action thereon to the next regular meeting of the Council after the report is made, in accordance with the Code of Ordinances and the Illinois Municipal Code. No vote is required on a motion to defer action on a committee report.

(iv) Any matter on which the Council has taken final action may be reconsidered at the same meeting or at the next regular meeting; provided however, that no matter may be reconsidered if, in the interval preceding the time for reconsideration, any person has acquired any vested interest as a result of final action by the Council. Any member may make a motion to reconsider; such motion shall require a second and a majority vote for approval and is debatable. If a motion to reconsider is adopted, the matter shall again be open for consideration and final action, as though no final action

had previously been taken. No motion to reconsider any item may be made more than once.

2. ORDINANCES AND RESOLUTIONS

A. Adoption of an ordinance shall normally require two “readings.” Upon first consideration (“first reading”) of a proposed ordinance, the Council may discuss the matter, and may direct the City Attorney to prepare the written ordinance. On second reading, the Council may discuss the matter and may vote upon adoption of the ordinance as written or as the Council may, by motion, direct its amendment. The Council may, by motion, take other appropriate action, such as that the motion be tabled or postponed to a date certain.

B. If an ordinance is in final written form on first reading, the Council may by motion waive the second reading and take final action on first reading. A resolution in final form may be adopted on first reading.

C. The number of votes required to approve an ordinance shall be as determined by the Illinois Municipal Code. A resolution may be approved by majority vote.

D. On any matter which does not require a second reading the Council may take final action at any time.

3. OPEN MEETINGS ACT

A. Simultaneous reciprocal communication about City business among three (3) or more elected officials may constitute a “meeting” subject to the OMA. Unless the requirements of the OMA are met, such a meeting is prohibited.

B. Sending an email or text message to all elected officials simultaneously is functionally equivalent to making nine copies of a paper letter and dropping them in a mailbox to be delivered by the U.S. Post Office. This is not a “meeting” under the OMA and is not prohibited. Using the “reply all” function in an email or text message system is the same situation. HOWEVER, if three (3) or more elected officials are on line at the same time, and are

communicating back and forth in real time by email, instant messaging or text message, the situation is more like a telephone conference call and is prohibited.

C. Telephone calls, texting or emailing by an elected official to any person about public business during a public meeting is prohibited. Emailing and texting by an elected official about non-public business during a meeting can create the appearance of a violation of this provision, is discourteous and is discouraged.

D. Every elected official shall comply with the training requirements of the Open Meetings Act.

This Resolution shall be in full force and effect from and after its passage, approval and publication according to law.

PASSED this ____ day of _____, 2016

VOTE:

Ayes: _____

Nays: _____

Abstain: _____

APPROVED this ____ day of _____, 2016

Mayor

ATTEST:

City Clerk



CITY COUNCIL MEMORANDUM

ITEM: City Administrator's Report.	DEPARTMENT: City Administration
AGENDA SECTION: City Administrator's Report.	SUBMITTED BY: Bob Mahrt, City Administrator
ATTACHMENTS: <input type="checkbox"/> ORDINANCE <input type="checkbox"/> RESOLUTION <input type="checkbox"/> OTHER SUPPORTING DOCUMENTS	DATE: April 11, 2016

GENERAL ACTIVITIES:

- Boards/Commissions/Committee Activities:

Scheduled Planning & Zoning Board Meeting on April 18, 2016 with Public Hearings regarding a Setback Variance application for 4002 Applewood Drive (Harman) and Conditional Use applications for 212 South Independence Street (Monarch Brewing Company, LLC). Please contact the Community Development Director for additional information.

- General Office Activities:

First week in the position. Working closely with Gary Sebens on familiarizing myself with the Community. Meeting individually with Department Heads on personnel and projects. Gaining an understanding of Capital Improvement Project programming for FY 2016. Review and preparation of City Council agenda items.

COMMUNITY NEWS:

- Concerns have been raised by area residents regarding the recent rate change for the waste sticker program offered by Advanced Disposal. The City currently has three Licensed Haulers including Area Disposal, Advanced Disposal and Young's Disposal Services. Advanced Disposal had apparently increased the waste sticker price from \$3 to \$16. Area Disposal had previously eliminated their waste sticker program. And Young's Disposal continues to offer the waste sticker program at a reduced cost (\$3.50). The current Residential Waste Ordinance does not appear to address a requirement for Licensed Haulers to provide a waste sticker program and/or establish a maximum purchase price.