

**MINUTES**  
**WOODSTOCK CITY COUNCIL**  
December 1, 2015  
City Council Chambers

The regular meeting of the Woodstock City Council was called to order at 7:00 PM by Mayor Brian Sager on Tuesday, December 1, 2015 in the Council Chambers at City Hall. Mayor Sager explained the consent agenda process and invited public participation.

A roll call was taken.

**COUNCIL MEMBERS PRESENT:** Daniel Hart, Maureen Larson, Mark Saladin, Joseph Starzynski, RB Thompson, and Mayor Sager

**COUNCIL MEMBERS ABSENT:** Michael Turner

**STAFF PRESENT:** City Manager Roscoe Stelford, City Attorney Ruth Schlossberg, Finance Director Paul Christensen, Public Works Director Jeff Van Landuyt, and Economic Development Director Garrett Anderson.

**OTHERS PRESENT:** City Clerk Cindy Smiley

**FLOOR DISCUSSION**

**Public Comments**

Lydia Baltalbos, 621 Dean Street, stated she spoke with an individual who wanted to find out a little bit more. She noted bonds were discussed regarding road repair. She also noted home rule as an option would probably mean taxes would be raised. She asked the Mayor to discuss this further.

Mayor Sager stated the City would be happy to provide more information to anyone who is interested but that this is not a topic for discussion at this meeting.

Ms. Baltalbos stated the reason she brought this up is potentially this is an issue that needs to be openly discussed if Home Rule gives the option to increase taxes to finance road repair. She asked if this would be business or gas taxes or what kind of taxes would be raised. She stated she would like this placed on an agenda so people can find out more.

Mayor Sager clarified that Home Rule status is automatic for a municipality in Illinois that reaches 25,000 in population. He noted this is provided for in the state statutes. He further stated that there is no question Home Rule status does provide a municipality with the opportunity for certain tax options it would not have as a non-Home Rule municipality. He invited anyone wanting greater detail to contact City staff who would be happy to provide more information.

Ms. Baltalbos stated it is her understanding that while Home Rule automatically comes with 25,000, the population does have an opportunity if they feel this is not beneficial to in some way counteract this. She asked if this is correct.

Mayor Sager stated that a referendum could be placed on a ballot that, if passed, would eliminate Home Rule status even with a population of 25,000.

Ms. Baltalbos stated the individual she has spoken with is interested and she has the understanding there is a concern about backdoor taxes being implemented with this process.

Mayor Sager stated there are no backdoor taxes. He noted taxes are always implemented in a public forum with the public having an opportunity to voice its concerns and opinions. He stated further that this is a process provided for in the Illinois State Statutes for budgeting.

Ms. Baltalbos noted that she believes there is going to be a discussion or not this evening that involves the tax levy. She stated if no member would like to see this removed from the Consent Agenda, she is interested but doesn't have any specific questions. She feels there are a lot of issues that haven't been discussed and would like to see that discussion take place.

There were no further public comments forthcoming.

### **Council Comment**

J. Starzynski noted this past weekend was Rotary Tag Days to benefit Christmas Clearing House. He stated they did really well, raising more money than ever before and he thanked everyone who participated and donated.

M. Larson thanked staff and the community for the wonderful Lighting of the Square event. She noted this event involved weeks of work by staff and commended them for it.

### **CONSENT AGENDA**

Motion by M. Saladin, second by M. Larson, to approve the Consent Agenda.

- D. Hart requested the removal of item D-1 from the Consent Agenda
- M. Saladin requested the removal of items D-3 and D-5
- A member of the public requested removal of item D-7 which was supported by M. Larson

A roll call vote was taken on Consent Agenda items A through C and items D-2, D-4 and D-6:

#### **A. MINUTES OF PREVIOUS MEETINGS**

November 17, 2015 Regular City Council Meeting

#### **B. WARRANTS: 3690 3691**

#### **C. MINUTES AND REPORTS:**

Plan Commission Meeting – November 19, 2015

Liquor Commissioner Meeting – November 23, 2015

#### **D. MANAGER'S REPORT NO. 58**

2. **Board and Commission Appointments** – Approval of the appointments to various Boards and Commissions.
4. **Award of Bid – Water Treatment Salt** – Approval of award of contract for the purchase and delivery of water softener salt to the low bidder, Compass Mineral, Inc. at the bid unit price of \$108.26 per ton for all purchases throughout calendar year 2016.
6. **Award of Bid – Wastewater Treatment Liquid Alum** – Award of contract for the purchase of liquid alum to the lowest responsible bidder, USALCO Michigan City Plant

LLC at the bid unit prices of \$337.905 per dry ton for all purchases throughout calendar year 2016.

A roll call vote was taken. Ayes: D. Hart, M. Larson, M. Saladin, J. Starzynski, RB Thompson, and Mayor Sager. Nays: none. Absentees: M. Turner. Abstentions: none. Motion carried.

Mayor Sager noted that this evening Council had the opportunity to appoint representatives to the new Old Courthouse Advisory Commission. He stated this will be an exciting opportunity for the City of Woodstock and Council is looking forward to this opportunity to work with the Commission. He recognized those new commission members present, including Linde Anderson, Jim Campion, Dennis Sandquist, Tammy Townsend Kise, and David Stumpf. He noted that the additional members appointed this evening include Joseph White, Trisha Doornbosch, Jodie Kurtz-Osborne, and Jim Prindiville. He expressed his gratitude to all members of this new Commission.

Mayor Sager then recognized and introduced Jackie Speciale who was appointed this evening as the newest member of the Plan Commission and thanked her for her willingness to serve.

D. Hart recused himself at 7:16 PM.

**Item D-1 – Liquor License Application – Fores Banquets, Inc.**

Motion by M. Larson, second by J. Starzynski, to adopt Ordinance No. 15-O-65, identified as Document No. 1, amending Section 3.3.6, Classification of Licenses, Number and Fees, of the Woodstock City Code, increasing the number of Class A-5 (Banquet Hall) liquor licenses for Flores Banquets, Inc., 240 N. Throop, Suite B, Woodstock, Illinois.

A roll call vote was taken. Ayes: M. Larson, M. Saladin, J. Starzynski, RB Thompson, and Mayor Sager. Nays: none. Absentees: D. Hart and M. Turner. Abstentions: none. Motion carried.

D. Hart returned to the Chamber and rejoined proceedings at 7:19 PM.

M. Saladin recused himself at 7:20 PM

**Item D-3 First Amended Plat of Serenity Creek Subdivision**

Motion by J. Starzynski, second by RB Thompson, to adopt Ordinance No. 15-O-66, identified as Document No. 1, approving the First Amended Plat of Serenity Creek Subdivision.

Mayor Sager stated the ordinance includes three conditions as follows:

- 1) The term “Lot 1” located generally north of Lot 5 be removed to avoid confusion with the southernmost lot of this project;
- 2) The title of the plat be changed to “First Amended Plat of Serenity Creek Planned Development” to correctly refer to the plat being amended;
- 3) The covenants, restrictions, and association documents be approved by City staff prior to recording of the final plat.

In response to a question from Mayor Sager, Attorney Tom Zanck, appearing on behalf of the petitioner, confirmed that his client understands and accepts these conditions.

A roll call vote was taken. Ayes: D. Hart, M. Larson, J. Starzynski, RB Thompson, and Mayor Sager. Nays: none. Absentees: M. Saladin and M. Turner. Abstentions: none. Motion carried.

**Item D-5 – Award of Bid – Wastewater Treatment Sludge Removal**

Motion by J. Starzynski, second by RB Thompson to award a two-year contract for calendar years 2016 and 2017 to Dahm Enterprises, Inc. for land application of sewage sludge for the City of Woodstock at the bid unit price of \$12.00 per cubic yard for dry solids disposal, \$0.036 per gallon for liquid solids disposal, and \$0.029 per gallon for transportation of liquid solids between the Northside and Southside wastewater treatment facilities.

A roll call vote was taken. Ayes: D. Hart, M. Larson, J. Starzynski, RB Thompson, and Mayor Sager. Nays: none. Absentees: M. Saladin and M. Turner. Abstentions: none. Motion carried.

M. Saladin returned to Chambers and rejoined the proceedings at 7:26PM.

**Item D-7 – Property Tax Levy Ordinance**

Mayor Sager stated for the 5<sup>th</sup> year in a row, the City of Woodstock is electing not to take advantage of the opportunity afforded to it by the Property Tax Extension Limit Law (PTELL) which gives the City the opportunity to increase taxes by the cost of living. He repeated that this is the 5<sup>th</sup> year in a row the City is not increasing taxes as allowed by PTELL. He noted the only area that is being extended is for new growth because with new growth and new residents, comes increased services for which the City still must pay. The City has determined that it is proper to extend the taxes for this new growth only. Mayor Sager went on to explain that the agenda item provides an estimate for the 2015 Tax Levy in accordance with the Truth in Taxation Act. He stated the City is required by State statute to do this in December, but that this can only be an estimate because the EAV is unknown on all parcels until verified by the County which occurs in January. He noted once this is received, the actual numbers will be known but the City must estimate at this time. He stated the City is very proud of the fact that it has again been determined not to extend the increase which the City is legally allowed to impose.

Mayor Sager noted this was removed by Councilwoman Larson at the request of a member of the public.

M. Larson stated she would like to honor the request from a member of the public and hear her concerns.

Barb Gessert, 810 Gerry Street, asked if it is correct that there is a slight increase of .67%.

R. Stelford stated the total number reflects the City's new growth but is an estimate. He stated the City must file this ordinance with the County in December but does not get accurate numbers from the assessor until January. Consequently, for the past two years, the City has, in the spring, held a special meeting to abate anything over the actual number so that the levy is the actual number reflecting only the new growth.

Ms. Gessert asked if there is an approval at that time or is this the approval.

Mr. Stelford stated this is the time, under the law, that the City must file the tax levy increase for the new growth but because the accurate numbers are not available, this must be estimated. Then, when the City receives the exact number it will be abated.

Ms. Gessert asked if it will probably be less to which Mr. Stelford replied that it most certainly will

be less.

P. Christensen noted that the City is capturing only new growth with the goal being that there will be no tax increase in totality.

Mr. Stelford noted that another factor must be considered for the individual, that being how his EAV changes when compared to his neighbor's. He stated this will affect the individual property owner's taxes even through the City has frozen the levy. He stated property taxes are a combination of the City's levy and the individual homeowner's EAV.

In response to a question from Ms. Gessert concerning whether any Councilmember voted for the full increase, Mr. Stelford noted that staff did not make a recommendation to take the full PTELL so there never was an opportunity for such a vote. Mayor Sager noted the City Council has taken a firm stand in regard to financing and wishes to have a stable, non-extended PTELL budgetary situation. He further stated that this has been Council's direction to staff and that no Councilmember has ever recommended extending the PTELL. In response to a question from Ms. Gessert concerning whether any member has ever recommended a tax decrease, Mayor Sager stated no.

Lydia Baltalbos, 621 Dean Street, stated it is her understanding if the City goes over a certain amount the state gets involved. She further stated that at this point the City is under that ceiling and once it reaches a certain level the state takes a look at the books. She asked if this is not correct.

Mayor Sager stated no, it is not correct. He noted there is a 5% tax cap and, as a municipality in a collar county, this applies to Woodstock.

Ms. Baltalbos asked if it is correct that this is part of the tax cap strategy that was implemented in the 90s.

R. Stelford stated these are two separate issues. He stated the Truth in Taxation Act is a separate law that states if, when you do your estimate, you go over the 5% this triggers a whole series of things that the municipality must do to stay in compliance. Then, Mr. Stelford stated, there is the actual law that tells the City how it can levy the property taxes. He noted that neither of these are under state control.

Ms. Baltalbos stated she is not so sure about that because at the last meeting one of the benefits as outlined by Mayor Sager for Home Rule is that if a proposed development that was approved by the Plan Commission is not approved by the State under the current structure with Home Rule the municipality can override that and doesn't have to worry about the state coming in.

Mayor Sager stated Ms. Baltalbos is confusing multiple things and that the current discussion concerns property taxes.

Ms. Baltalbos stated the reason she brings this up is because the City is looking at expansion as a solution to the City's problems.

Mayor Sager stated Ms. Baltalbos is still confusing the issues. He noted that her question at a previous meeting was what are the advantages of Home Rule status and that part of the response had to do with issues of zoning. He stated in certain circumstances if the City is a non-Home Rule community, if the state feels there is a need for a zoning change other than what has been approved by the municipality, the state has the right to come in and supersede the municipality's decision. If

the municipality is Home Rule, however, the state does not have this authority to override zoning. Mayor Sager continued stated that zoning in this instance is not for purposes associated with residential, retail, manufacturing, or open space, but is more associated with a situation where the state believes the City needs to zone certain areas in a certain way for potential transportation uses by the state. He stated this is not a residential concern. He further noted this is not the topic on the table, which is the Property Tax Levy Ordinance.

Ms. Baltalbos stated she appreciates this is very confusing but wishes to backtrack to why she brought this up. She noted that the Mayor has stated the City has an obligation to facilitate road work for new development as a mandate. She noted that roads at this point are at a point of no return at least 40%. She stated as someone who does maintenance, she knows there is a tipping point, which she has learned the hard way. Then, she noted, this becomes a re-do issue. When you have taxes coming in from she doesn't know where, but the roads have not been properly maintained and are at the tipping point.

Mayor Sager asked if she is suggesting that taxes be increased in order to maintain the roads and so she is making the argument that rather than pass this document tonight that would keep taxes lower, the City should increase the tax rate in order to provide for those improvements to the roadways.

She stated that she doesn't have a clue but it is not logical.

Mayor Sager stated the topic at hand is not road improvements and that it was the topic last week. He stated this evening the current discussion is concerning the 2015 Tax Levy Ordinance and the purpose of the ordinance is to not increase the PTELL.

Ms. Baltalbos stated this means no roadwork.

Mayor Sager stated this is not what this means and it is not appropriate for her to interpret it as such. He noted this action is to not extend the tax levy but to provide the flexibility the City needs for certification coming from the county so that the schedule of the state in the Truth in Taxation Act will be followed.

Ms. Baltalbos thanked Council for their time.

M. Saladin stated the process the City must abide by this evening is a backwards process because the City must do the tax levy in December in order to obtain funding for next year's budget as that is when the money will come to the City. He further stated that the City will go through a lengthy discussion of the budget in the next few months which will include opportunities for the public to get involved to tell Council their priorities. He noted tonight is the night the Tax Levy Ordinance must be passed on an estimated basis to provide information to the County Clerk.

R. Stelford noted this City has had a great partnership with the County who has worked with the City to allow for an abatement ordinance at the last minute in order to save the taxpayers money.

Cindy Hemauer, 1301 Winslow Circle, stated both the school board and MCC did not raise their levy and does not understand why the City cannot follow what they are doing.

Mayor Sager that Ms. Hemauer is mistaken and that the City of Woodstock was the first governmental body in the county to forego the PTELL and maintain a flat tax levy and has done so for five years in a row. He stated other governmental bodies have not done this or have just begun

considering this and emphasized that Woodstock has done this for the past five years which is the point.

M. Larson noted the State allows a municipality to take a certain amount of increase every year without the need for a referendum and it was previously just a matter of course to take this. But, she noted, for the past five years the City has turned down this opportunity and kept taxes flat other than to capture new growth.

Ms. Hemauer asked where the growth has occurred. M. Saladin noted examples in the Sonatas and Sweetwater where a number of homes have been built during the past year. RB Thompson noted there has also been growth at Woodstock Commons. M. Larson stated the City is just capturing this new growth.

Ms. Hemauer asked when this will happen. R. Stelford stated it will impact next year's taxes as residents pay one year behind so 2015 taxes are paid in 2016.

Ms. Hemauer stated then the City is expecting people to come and buy property here. R. Stelford stated these are not expectations as the growth has already happened. He noted this is for the past year, for growth that has already occurred, but the City does not yet have the numbers.

Ms. Hemauer asked why the City does not have the numbers. R. Stelford stated the City must forward its levy in December but the township assessors, who are responsible for capturing all this data and transmitting the information to the County, but do not have to submit their work until January. This results in a delay where the City does not have the information to know what was the actual EAV and the actual new growth for the City. He noted the City works with the County and the County Assessor does the best job they can to provide the City with an estimate of what they think the EAV and new growth will be, but this is an educated estimate, not the actual numbers. Mr. Stelford noted again this must be an estimate because the City must determine its levy in December when the actual numbers are not yet available.

Ms. Hemauer asked what happens if the numbers are not there. R. Stelford stated then in April Council holds a special meeting to abate, meaning to get rid of the difference, and the tax levy is lowered to be exactly what the numbers needs to be, so only the new growth is captured because at that time the exact information is known and the City knows what the dollars are that will come from new growth.

Ms. Hemauer asked how much this is. R. Stelford stated the City will not know this until the actual numbers are available from the County. He noted there is an estimate in the Staff report for this evening's meeting. In response to a question from Ms. Hemauer as to how much the estimate is, P. Christensen stated it is \$3.162 million.

Ms. Hemauer asked where the new growth has occurred. R. Stelford stated it has occurred in the Sonatas, Sweetwater, Woodstock Commons and any new infill building that has occurred. He also explained that some new growth may be reported over two years due to the construction season.

Ms. Hemauer asked if the City is positive this is going to happen and, if so, how can it be positive. R. Stelford stated yes the City is positive this is going to happen. J. Starzynski stated it is because permits have been issued for this growth. Mayor Sager stated further that this levy is based on what has already occurred, permits that have been issued and property that has been built out.

R. Stelford stated the City's Building and Zoning Department works with the township assessors to provide information on new permits that have been issued. He stated that the assessors also go out to inspect and find out new growth that has occurred and that it is the assessors who are responsible for identifying the new growth that has occurred.

Following a question from Ms. Hemauer, further discussion occurred concerning unoccupied housing and how that can affect the levy with it being noted that the assessor is responsible for taking this into account based on the current housing market in Woodstock.

A brief discussion occurred concerning impact fees, with Mayor Sager stating the City has looked at lowering these as an incentive to get people to invest in residential units. He also noted that the City has been working with other units of government to see how this can be managed across the board to encourage this investment which will help hold the line on taxes.

Ms. Hemauer noted she is concerned about all of the vacant and for sale homes she sees in Woodstock. In response to a question from Ms. Hemauer, Mayor Sager stated the City does take this into consideration and this is one reason they do not wish to raise the property taxes.

Mayor Sager stated the Council has had a very focused approach to try to manage the portion of the property tax bill that it can and so it is the fifth year in a row that Woodstock will not extend the additional amount related to PTELL. In addition, the City is trying to do more with less and the overall budget has been decreased significantly from past years. Mayor Sager also noted the City is trying to look at opportunities for collaborative efforts with other governmental bodies to share resources and accomplish more with less and use the money more efficiently.

Ms. Hemauer thanked the Council for its time.

P. Christiansen clarified new growth is estimated for the 2015 Property Tax Levy at \$1.7 million. The previous number related to the actual new growth reported for the 2014 Property Tax Levy.

Dennis Sandquist, 1022 Harrowgate, thanked Council for doing its best to hold the line on taxes and not taking the tax extension on current property owners but taking it on new growth. He believes this is justified and that other jurisdictions are making mistakes. He expressed his opinion that some are going too far by not adjusting their levies for new growth as this is not sustainable, and the community cannot continue to provide services by not extending it for new growth. He further stated that others are continuing to take the full PTELL which is also a mistake. He approves of the City Council's approach and applauds them for continuing to hold the line on property taxes for existing property tax owners and encouraged them to continue to work with other jurisdictions to do the same.

There were no further comments on this item.

Mayor Sager stated there is a motion on the floor to approve Ordinance 15-O-67, The 2015 Property Tax Levy Ordinance, identified as Document No. 3. A roll call vote was taken. Ayes: D. Hart, M. Larson, M. Saladin, M. Starzynski, RB Thompson, and Mayor Sager. Nays: none. Absentees: M. Turner. Abstentions: none.

## **DISCUSSION ITEMS**

### **Woodstock Celebrates Inc. Presentation**

Greg Gantner, Co-Chairman of the 2015 Orson Welles Centennial Festival, made a presentation to the City Council reviewing the festival which took place over an extended 14-day period in April and

May of 2015 and noted Welles' birthday was May 6<sup>th</sup>.

Mr. Gantner cited several quotes touting the event that were published in national media and described some of the specific aspects of the event. He indicated that festival attendees came from throughout the country and Europe.

Mr. Gantner stated as a result of the enthusiastic response to this event, Woodstock Celebrates has decided to launch an annual festival dedicated to the legacy of Orson Welles to coincide with his birthday each year.

**Quarterly Financial Reports**

The Second Quarter Financial Reports for the City of Woodstock consisting of the Revenues & Expenditure Report and the Investment Report were presented to and accepted by the City Council.

**FUTURE AGENDA ITEMS**

There were no changes or additions to the Future Agenda.

**ADJOURN**

Motion by M. Saladin, second by RB Thompson, to adjourn this meeting of the Woodstock City Council to the Special City Council Workshop on Monday, December 7, 2015 at 3:30 PM at the Stage Left Café. Ayes: D. Hart, M. Larson, M. Saladin, J. Starzynski, RB Thompson, and Mayor Sager. Nays: None. Absentees: M. Turner. Abstentions: None. Meeting adjourned at 8:12 PM.

Respectfully submitted,

Cindy Smiley  
City Clerk