

MINUTES
WOODSTOCK CITY COUNCIL

August 16, 2016
City Council Chambers

The regular meeting of the Woodstock City Council was called to order at 7:00 PM by Mayor Pro-Tem Michael Turner on Tuesday, August 16, 2016 in the Council Chambers at City Hall. Mayor Pro-Tem Turner welcomed those present and explained the consent calendar process and invited public participation.

City Clerk Smiley confirmed that the agenda before the Council was a true and correct copy of the published agenda.

A roll call was taken.

COUNCIL MEMBERS PRESENT: Maureen Larson, Joseph Starzynski, RB Thompson, and Mayor Pro-Tem Michael Turner.

COUNCIL MEMBERS ABSENT: Daniel Hart, Mark Saladin, and Mayor Brian Sager

STAFF PRESENT: City Manager Roscoe Stelford, City Attorney Ruth Schlossberg, Assistant City Manager/Finance Director Paul Christensen, Public Works Director Jeff Van Landuyt, Human Resources Director Debbie Schober, Planning and Zoning Director Joe Napolitano, Economic Development Director Garrett Anderson, and City Planner Nancy Baker.

OTHERS PRESENT: City Clerk Cindy Smiley

Mayor Pro-Tem Turner noted that a quorum was present.

TELEPHONIC ATTENDANCE

Motion by J. Starzynski, second by M. Larson, to allow Mayor Sager to attend the August 16, 2016 meeting of the Woodstock City Council via telephone.

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

ROLL CALL

A roll call was taken.

COUNCIL MEMBERS PRESENT: M. Larson, J. Starzynski, RB Thompson, Mayor Pro-Tem Turner, and Mayor Sager.

COUNCIL MEMBERS ABSENT: Daniel Hart and Mark Saladin

A. FLOOR DISCUSSION

Public Comment

There were no comments forthcoming from the public

Council Comment

J. Starzynski made a statement thanking those who assisted with the Let's Square Dance event, noting there were great performers. He stated his wish that this become an annual event, noting he looks forward to growing the event.

Mayor Pro-Tem Turner thanked Councilman Starzynski for his leadership in starting and organizing this new event.

RB Thompson stated he recently visited Lucky Bernie's, noting it is a very nice new business.

M. Larson thanked all involved with the recent Keep Woodstock Beautiful event, especially organizer Laura Witlox Middaugh. She also noted she was pleased to see that there was not that much garbage to be collected.

RB Thompson noted the last two weekends saw the resumption of the Mozart Festival, which was very successful.

Mayor Pro-Tem Turner stated tomorrow evening there will be an invitation-only movie premier at Woodstock Classic Cinemas of a new movie written and directed by Woodstock resident Chris Parrish.

Mayor Pro-Tem Turner noted tomorrow evening there will also be a grand opening of Apple Creek Estates at 3001 Jonathon Lane, which will include a ribbon cutting. He stated it is nice to see a pickup of activity in this development.

Mayor Pro-Tem Turner noted that Economic Development Director Garrett Anderson recently held a tour of the manufacturing side of Studio 2015 for Congressman Randy Hultgren. He also noted that this business is growing and hiring employees, stating that Mr. Anderson is assisting them with finding a larger location in Woodstock.

Mayor Pro-Tem Turner stated that City Staff has been meeting with representatives of the firm supplying police body cameras and will continue the meetings leading to a decision on this issue.

B. BOND ORDINANCE

Mayor Pro-Tem Turner stated the next item before the City Council is a bond refunding ordinance. He stated it should be noted that due to City Code, any voting member who is participating by electronic means shall be considered absent for the purposes of voting on bonds. Therefore, he stated, Mayor Sager will not be able to vote on this issue. Mayor Pro-Tem Turner then asked the City Manager to provide additional information about this bond refunding for the City Council and the public.

City Manager Stelford stated the City Council is being asked to consider an Ordinance authorizing and providing for the issue of up to \$2,350,000 General Obligation Waterworks and Sewerage Refunding Bonds (Alternate Revenue Source), Series 2016, of the City of Woodstock, McHenry County, Illinois, for the purpose of refunding all or a portion of the City's outstanding General Obligation Waterworks and Sewerage Bonds (Alternate Revenue Source), Series 2008A.

R. Stelford stated this ordinance would authorize the issuance of general obligation refunding (alternate revenue source) bonds. He noted although these bonds are secured by a general obligation tax levy, unlimited as to rate or amount, they are intended to be paid solely from other sources including:

- a) The Net Revenues derived from the operation of the waterworks and sewerage utility system of the City,
- b) A certain distributive share of proceeds from the State of Illinois income taxes imposed by the Illinois Income Tax Act and distributed pursuant to the State Revenue Sharing Act, and
- c) A certain distributive share of proceeds of the Retailer's Occupation Taxes, Service Occupation Taxes, Use Taxes and Service Use Taxes distributed pursuant to applicable law, and that this ordinance authorizes the issuance of such bonds.

Mr. Stelford stated we are issuing these bonds in order to reduce the City's costs for existing debt while interest rates are favorable. He noted we have included this ordinance in its entirety in the Council's packet and it has been available on the City's website where the agenda and packet information is posted.

City Manager Stelford provided the Council and the public with additional information, stating these are the bonds previously discussed. He stated it was originally planned to hold-off until Home Rule status was reached as this was expected to provide more favorable rates. Mr. Stelford stated that thanks to Great Britain voting to leave the European Union; however, there is a huge demand for municipal bonds. He stated the City's bond advisor feels that it is no longer wise to wait and recommended refunding at this time. Mr. Stelford stated the savings will be more than double the norm, making this a clear-cut decision. In response to a question from Mr. Stelford, Finance Director P. Christensen stated this will be a savings of \$112,900 net present value over the remaining life of the bonds.

Mayor Pro-Tem Turner stated if there were no other questions, he would entertain a motion to pass this ordinance as presented. He stated when the Clerk calls the roll, he asks that she indicate that pursuant to City Code, Section 1.5.7, Mayor Sager be noted as "absent" for purposes of this roll call vote.

Motion by M. Larson, second by J. Starzynski, to approve Ordinance 16-O-47, identified as Document No. 1, *An Ordinance Authorizing and Providing for the Issue of Up to \$2,350,000 General Obligation Waterworks and Sewerage Refunding Bonds (Alternate Revenue Source), Series 2016, of the City of Woodstock, McHenry County, Illinois for the Purpose of Refunding All or a Portion of the City's Outstanding General Obligation Waterworks and Sewerage Bonds (Alternate Revenue Source), Series 2008A.*

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

CONSENT AGENDA

In response to a question from Mayor Pro-Tem Turner, City Attorney Ruth Schlossberg confirmed that all remaining items may be voted on by all members present and by Mayor Sager telephonically.

Motion by J. Starzynski, second by M. Larson, to approve the items on the Consent Agenda.

The following items were removed from the Consent agenda at the request of Council members:

- Item F-1 – Ordinance – Speed Reduction by RB Thompson
- Item F-2 – Award of Bid – Old Courthouse Windows by RB Thompson
- Item F-6 – Policy – New City Incentives by Mayor Pro-Tem Turner

Mayor Pro-Tem Turner asked if any members of the Council or members of the Public had any questions on any of the items remaining on the Consent Agenda.

Item F-3 – Resolution – Final Change Order – Sheriff’s House Windows

RB Thompson noted the City began restoration of the Old Courthouse and Sheriff’s House very effectively with the dome and roof. He stated the choice of the copper roof was brilliant and solved the water and pigeon problem. He opined that this will last 100 years. He also noted the Council was very participatory in the process.

Mr. Thompson stated he is disappointed with the windows in the Sheriff’s House. He noted that not only did the original deadline for the project pass, but the project went beyond the extension that was granted as well. In addition, he stated he is not pleased with the colors used for the windows and discussed this further.

Mr. Thompson discussed the architecture and color choices/contrasts of the Opera House and Stage Left, comparing those buildings to the Old Courthouse and Sheriff’s House.

Mr. Thompson stated in the future, he would like to make sure that Council is more participatory and is not only approving the expenditures, but also the vision, so that the buildings are standing and attractive for 100 more years. He asked that Council think long-term and not cut corners.

There were no further questions or comments from the Council or the Public on the items remaining on the Consent Agenda.

Mayor Pro-Tem affirmed the Consent Agenda to include the following items:

C. MINUTES OF PREVIOUS MEETINGS:

August 2, 2016 Regular Meeting Minutes

D. WARRANTS: 3724 3725

E. MINUTES AND REPORTS:

Human Resources Monthly Report – July 2016

F. MANAGER'S REPORT NO. 73

3. **Resolution – Final Change Order – Sheriff's House Windows** – Adoption of Resolution 16-R-14, identified as Document No. 3, *A Resolution Authorizing Change Order 002 in the Contract for the Sheriff's House and Jail Window Project*, resulting in a decrease in Change Order 1 of the contract of \$2,320 and a completion date of July 24, 2016.
4. **Waiver of Competitive Bids and Award of Bid – Well #8 Preventative Maintenance** – Approval of the following
 - a) Authorization to waive the requirement for competitive bids;
 - b) A proposal from Layne Christensen Company to provide materials, labor, and equipment to pull, inspect, and reinstall Well #8 (as described in their proposal dated August 3, 2016) for a total estimated cost not to exceed \$35,847.
5. **Waiver of Competitive Bids and Award of Bid – Reusable Bids** – Approval of the following:
 - a) Authorization to waive the requirement for competitive bids;
 - b) A proposal from American Ad Bag for the purchase of 15,000 Reusable Bags for a total estimated cost not to exceed \$39,750.

A roll call vote was taken to approve Consent Agenda Items C through E and F-3 through F5. Ayes: M. Larson, J. Starzynski, RB Thompson, Mayor Pro-Tem M. Turner, and Mayor Sager. Nays: none. Abstentions: none. Absentees: D. Hart and M. Saladin. Motion carried.

Item F-1 – Ordinance – Speed Reduction in the Ponds of Bull Valley

In response to a question from RB Thompson, J. Van Landuyt stated this action comes before the Council as a result of a resident of this subdivision who has asked to have this speed limit reduced many times. He noted it is this gentleman's opinion that the current speed limit is too fast considering the large number of children who are playing in the neighborhood, going back and forth to each other's homes.

In response to a comment from Mr. Thompson that no warrants were met supporting the proposed change, Mr. Van Landuyt stated that the requested change is not significant and that the City has the right to reduce the speed limit for the reasons stated in the request. In response to a question from M. Larson, Mr. Van Landuyt stated that, while no other residents have come forward with this request, the person making the request indicated several of the neighbors are in agreement.

A discussion ensued of the playgrounds located in the neighborhood and of the impact this change will have on traffic and the perception of the neighborhood.

In response to a question from M. Larson, J. Van Landuyt stated a survey of the neighborhood was not completed as the change was not considered to be significant. M. Larson agreed that this will not have a huge impact.

In response to a question from Mayor Pro-Tem Turner, J. Van Landuyt further explained the results of two speed studies that were conducted by the Woodstock Police Department.

Motion by M. Larson, second by J. Starzynski, to approve Ordinance No. 16-O-48, identified as Document No. 2, *An Ordinance Amending Section 5.3.2, Schedule I Speed Limits, of The Woodstock City Code*, creating a maximum speed limit of 25 miles per hour on all streets within the Ponds of Bull Valley Development.

Item F-2 – Award of Bid – Old Courthouse Windows

RB Thompson stated he has spent time studying the Old Courthouse and can see no pattern in the windows, with many styles and sizes present. In response, N. Baker agreed the windows are inconsistent and discussed the variety of windows and why there is such a variety.

Mayor Sager stated he agrees that the windows are inconsistent, but questioned whether this is part of the way the building was constructed over time. He opined that it might not be appropriate for the City to come in and change everything. He stated he, too, likes things to be consistent, but noted there is architectural interest in the diversity represented in these historic buildings.

RB Thompson noted the 2nd floor is much more consistent and the windows have more panes. He stated the first floor is different, stating there seems to be a pattern within a particular level. He noted he is not saying all windows should be the same, but stated he would like a review.

N. Baker stated the pattern is based upon when the windows were replaced over the years and provided more information in response to this concern.

RB Thompson noted the City agreed to restore the building to the 1905 time period. He stated that people seem to really like the window in the bar area of the Public House, which is a large, single-pane window and is different than the 1905 timeframe.

Councilman Thompson stated he would like the Council to adopt a plan so that everyone would know what the windows and the various components of the restoration will be like. He expressed concern that without a plan, the restoration could be started in one direction and then change part-way through the project, particularly as Councils change over the years.

Councilman Thompson stated he would also like to see what it will look like if pine is used vs. mahogany. He also asked for an explanation of the muntins, which N. Baker provided, stating they will be simulated. She further explained this and the reason for using these, noting that structurally these are such big panes that wood strips can't be made to support them. In response to a question from M. Turner, N. Baker stated they will look real.

Mayor Pro-Tem Turner stated he appreciates Councilman Thompson's concerns and also appreciates Mayor Sager's comments that there are elements that are inconsistent but architecturally correct.

In response to a question from Mayor Pro-Tem Turner as to whether there is a solid plan in place as to how these windows will look and be related to 1905, N. Baker stated the windows will go back to what they looked like at that time. Concerning the timetable for window replacement, N. Baker stated the priorities have been set based upon the condition of the windows.

RB Thompson again stated he would like Council to adopt a plan for the entire building, with N. Baker stating the plan is to go back to the 1905 appearance.

M. Larson stated she shares some of Councilman Thompson's concerns. In response to a question from Councilwoman Larson, N. Baker stated the windows will be constructed in the same way and further explained the actual process. She stated the windows will look the way they did in 1905, only better.

In response to further questioning, N. Baker then explained what aluminum clad windows are and why they are being used. Councilman Pro-Tem Turner stated this will protect the wood and give a far better finish for the product over time. N. Baker stated this is one of the few replacement windows the Historic Preservation Commission approves. In response to a question as to whether this cladding will defer deterioration for 100 years, N. Baker stated no windows would come with that guarantee, but she would expect a 50-year life for aluminum-clad pine with a longer life for mahogany-clad because it will resist water better.

In response to a question from M. Larson concerning whether Council can take more time to review this or must vote tonight, N. Baker stated there is a considerable construction time for the windows. Stating she feels contrast is important, Councilwoman Larson asked if the windows can be approved with the paint colors chosen later. N. Baker stated the colors currently designated pick up two colors on the dome, cream and tan. M. Larson stated she would prefer the dark green. N. Baker stated the color used on the dome is dark red but noted the color choice does not need to be made tonight. Councilwoman Larson stated she would like to see the windows and some colors before making a decision.

Mayor Pro-Tem Turner agreed stating he would like to be provided with a look at the color choices for the windows. He opined that this is important enough for Council to review.

A discussion followed of deferring the decision, with Mayor Sager stating he does not have a problem with deferring the decision and would also like the final improvements to last 100 years. He stated some Council members have expressed concerns, noting all should feel comfortable with the decisions being made at tonight's meeting. He also agreed that the City should follow a vision for this project and noted he has complete confidence in staff.

City Manager R. Stelford stated the bid documents have a 30-day requirement to accept the bid based upon an August 3rd date. He stated staff could approach the contractor to see if he will hold the price beyond this date until the next Council meeting.

In response to a question from Mayor Sager, N. Baker stated staff could prepare and deliver a report to Council addressing Council's comments and concerns assuming the architect is available. In response to a question from Mayor Pro-Tem Turner, N. Baker stated she is concerned about delaying the decision because the City only received a single bid, which contained a really good price, noting the contractor may not be willing to hold the bid price.

M. Larson stated she would like to see one of the windows and one of the muntins. Mayor Sager stated Council has been diligent thus far and should remain diligent and should feel comfortable with the decision.

Motion by B. Sager, second by RB Thompson, to postpone consideration of the award of bid for the Old Courthouse windows to a time specific, the first meeting in September.

Discussion occurred with Mayor Pro-Tem Turner stating his concern that the bidder now knows he is the only bidder, noting this presents a risk. In response to a suggestion from Finance Director P. Christensen that the bid be approved contingent upon choice of colors with the Mayor having final approval, Mayor Sager stated he did not find this an acceptable option. He noted the City has a good bid and if the majority of Council feels that this risk should be taken, then it should be discussed further.

Mayor Pro-Tem Turner questioned if the bid is approved, could the City still question colors and design vision, with Mayor Sager noting there is a bid on the table with certain specifications. In response to a question concerning approval with contingencies, City Attorney R. Schlossberg stated the City is allowed to negotiate certain items, but cannot change the terms before approval. She stated, for example, that colors could be changed as long as pricing, materials, or timing is not changed.

In response to a question from Mayor Pro-Tem Turner as to whether Councilman Thompson is talking about changing configurations on the south side, Councilman Thompson confirmed that he is. M. Larson asked whether the design is based upon the architect's recommendations to which N. Baker replied the design is based upon looking at 1905 photos of the building and duplicating that appearance. In answer to Councilman Thompson's concerns, N. Baker stated nothing is being done with the windows on the ground level.

In response to a question from Mayor Pro-Tem Turner as to whether this alleviates his concerns, Councilman Thompson stated he would still like Council to adopt an overall plan and would like to work on the south and west sides first.

Discussion continued of the choices available to the City Council. R. Stelford suggested meeting with the contractor to ask if he is willing to hold the bid through September 6th to determine whether Council could consider this item at the first Council meeting in September. It was the consensus of the City Council that staff do this.

Motion by Mayor Sager, second by RB Thompson, to amend his previous motion on its face to postpone Item F-2 – Award of Bid – Old Courthouse Windows to time indefinite.

In response to a question from J. Starzynski as to whether this will cost more money, Mayor Pro-Tem stated staff will reach out to the vendor to see if he will hold the bid until the next City Council meeting, making a special meeting unnecessary. He further stated should the vendor decline to do so, it is likely that Council will hold a special meeting.

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

Item F-6 – New City Incentives

Mayor Pro-Tem Turner began discussion on this item stating the policy on the table is something he thought of as he has been trying to find ways for the process of bidding and contracting work

run as efficiently as possible. He stated there are times when projects come in at costs higher than the approved bid and Council must approve change orders. He also noted there are times when projects may actually cost less than the approved bid. He stated he came up with the idea of offering an incentive to a bidder to come in below the bid prices, with the contractor and the City sharing in the difference and provided an example. He noted that some contractors may not view this as an incentive for them and may not take advantage of it, but opined that perhaps having such a policy in place might lead to some instances where the contractor would tell the City that the project came in under bid and this would save taxpayers' money. He opined that having such a policy may encourage the vendors to share the difference.

Discussion of this policy followed with it being noted that the City cannot deviate from state-mandated rules regarding bidding and award of contracts. Mayor Pro-Tem Turner stated as a project progresses a contractor may identify project efficiencies allowing his firm to share in the savings. He noted that all bid specs must be met and the cost savings could not be a result of a change in the scope of the project. He stated he cannot see a downside to implementation of this policy. Mayor Pro-Tem Turner also stated the bid process would not change and that the policy would not apply to a lone bidder. As further explanation of this, Mayor Pro-Tem Turner stated the policy language developed by staff would be placed in all appropriate bid documents as it is not known that there will be a lone bidder at the time the bid specs go out. He stated should there be a lone bidder, this policy would not apply, noting it is meant for projects bid competitively.

City Manager Stelford stated staff has discussed any risks that may be associated with such a policy and did not really see any downside or risks. He noted that there is nothing currently in the vendor contracts that encourage efficiencies and this option may encourage this behavior. He also noted this may allow a contractor to finish a project early and move to another project.

Motion by J. Starzynski, second by Mayor Sager, to direct staff to work with the City Attorney's Office to draft appropriate language and include this provision within future bid documents and contracts in a manner consistent with state law and as document in Item F-6.

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

FUTURE AGENDA ITEMS

There were no additions or corrections to the Future Agenda Items.

ADJOURN

Motion by M. Larson, second by J. Starzynski, to adjourn this regular meeting of the Woodstock City Council to the next regularly-scheduled City Council Meeting on Tuesday, September 6, 2016, at 7:00PM in the Council Chambers at City Hall. Ayes: M. Larson, J. Starzynski, RB Thompson, Mayor Pro-Tem M. Turner, and Mayor Sager. Nays: none. Abstentions: none. Absentees: D. Hart and M. Saladin. Meeting adjourned at 8:50PM.

Respectfully submitted,

Cindy Smiley
City Clerk