

# THE CITY COUNCIL

## OFFICIAL PROCEEDINGS

### REGULAR MEETING

Quincy, Illinois, July 11, 2011

The regular meeting of the City Council was held this day at 7:30 p.m. with Mayor John A. Spring presiding.

The following members were physically present:

Ald. Goehl, Mann, Duesterhaus, Bauer, Moore, Havermale, Farha, Sassen, Lepper, Musolino, Brink, Heinecke, Holtschlag. 13.

Absent: Ald. Rein. 1.

Ald. Lepper moved Alderman Rein be excused from this meeting. Motion carried.

The minutes of the regular meeting of the City Council held July 5, 2011 were approved as printed on a motion of Ald. Duesterhaus. Motion carried.

#### **The Deputy City Clerk presented and read the following:**

#### **PETITIONS**

By Machinists Lodge 822 Retirees asking permission to conduct a raffle and have the bond requirement waived from now through 9/5/11. The City Clerk recommends approval of the permit.

Ald. Moore moved the prayer of the petition be granted. Motion carried.

By St. Jude Runs requesting permission to hold a run on August 5th starting at 6:00 p.m. They are requesting “no parking” signs be set up on August 5th Maine, 7th to 8th and Maine, 21st to 22nd, from 5:00 p.m. to 7:00 p.m. to aid in the parking of motor homes via Runner stops and to close Hampshire, 5th to Jail Alley, on August 4th from 6:00 p.m. to 6:30 p.m. on August 5th. The run will begin at 5th & Hampshire, go south on 5th to Maine, east on Maine to 54th, north on 54th to Broadway, and continuing out on 104. The Adams County Sheriff’s Department will escort them to the city limits.

Ald. Havermale moved the prayer of the petition be granted and the proper authorities notified. Motion carried.

By Quincy Boat Club, Front & Spring, requesting permission to waive Section 18.030(1)(sell outside licensed premises); Section 18.039(1)(consumption and possession of liquor on public street, public alley, public sidewalk or public parking lot); and Section 18.039(4)(permitting open liquor to leave licensed premises) on Friday, August 5th and Saturday, August 6th from 4:00 p.m. to midnight and close Lumber Avenue in the area immediately in front of the club each day for their annual inter-club picnic.

Ald. Mann moved the prayer of the petition be granted and the proper authorities notified. Motion carried.

By Stubby’s Tavern, 1517 N. 3rd, requesting permission to waive Section 18.039(4)(permitting open liquor to leave licensed premises) on July 24th for a fundraiser for the Quincy Volunteer Emergency Corp with live music and alcohol outside in a fenced in area with one entrance to and from tavern from noon to 9:30 p.m., with proper permits being obtained.

Ald. Goehl moved to amend the petition by also waiving Section 18.039(1) (consumption and possession of liquor on public street, public alley, public sidewalk or public parking lot), seconded by Ald. Mann. Motion carried.

Ald. Goehl moved the prayer of the petition be granted as amended and the proper authorities notified. Motion carried.

#### **NOTICE OF PRE-HEARING**

Notice of hearing conference by the Illinois Commerce Commission on its own motion vs. Atmos Energy Corporation on reconciliation of revenues collected under gas adjustment charges with actual costs prudently incurred to be held at the offices of the Commission, Springfield, IL on July 13, 2011 at 10:00 a.m.

Ald. Havermale moved the notice be referred to the Legal Department. Motion carried.

#### **RESOLUTION**

WHEREAS, the following expenditures are in excess of the \$3,000.00 limitation on spending:

Integrays	Utilities 3-23-11 to 4-21-11	\$15,529.12
Integrays	Utilities 3-23-11 to 4-21-11	6,065.71
Integrays	Utilities 4-8-11 to 5-9-11	4,239.73
AmerenCIPS	Utilities multiple accounts Mar-Apr	4,822.81

THEREFORE BE IT RESOLVED THAT the Utilities Committee recommends to the Mayor and Members of the City Council that the above bills be approved for payment.

David Kent  
Director of Utilities

Ald. Bauer moved for the adoption of the resolution, seconded by Ald. Brink, and on the roll call each of the 13 Aldermen voted yea, with 1 absent. Motion carried.

#### RESOLUTION

WHEREAS, the Department of Utilities did advertise for replacement of an 8 mgd rated raw water centrifugal pump and a 6 mgd rated finished high service pump located at the water treatment plant main pump station based on plans and specifications prepared by Klingner & Associates PE; and,

WHEREAS, the following bids were received:

Steve Lammers Plumbing                   \$220,000.00

Quincy, Illinois

Prairie State Plumbing & Heating   \$205,440.00

Athens, Illinois

; and,

WHEREAS, the low bid of Prairie State Plumbing & Heating was below the engineer's estimate of \$295,000.00 and meets all specification requirements; and,

WHEREAS, funding for this expenditure has been incorporated within the Utilities Department current fiscal year operating budget; now,

THEREFORE BE IT RESOLVED, that the Directors of Purchasing and Utilities recommend to the Mayor and Members of the Quincy City Council that the low bid of Prairie State Plumbing & Heating in the amount of \$205,440.00 be accepted.

Ann Scott  
Director of Purchasing  
David M. Kent  
Director of Utilities

Ald. Bauer moved for the adoption of the resolution, seconded by Ald. Brink, and on the roll call each of the 13 Aldermen voted yea, with 1 absent. Motion carried.

#### RESOLUTION

WHEREAS, the Department of Utilities did advertise for a solids handling pump to replace an existing unit located in the first flush return wastewater treatment process at the city's wastewater plant based on plans and specifications prepared by Klingner & Associates P.E.; and,

WHEREAS, the following bid was received:

Hydro Kinetics Corporation

St. Louis, Missouri                       \$20,175.00   ; and,

WHEREAS, the bid of Hydro Kinetics Corporation was below the engineer's estimate of \$20,500.00 and meets all bid specification requirements; and,

WHEREAS, funding for this expenditure is available from the Sewer Equipment Replacement Fund.

THEREFORE BE IT RESOLVED, that the Directors of Purchasing and Utilities recommend to the Mayor and Members of the Quincy City Council that the bid of Hydro Kinetics Corporation in the amount of \$20,175.00 be accepted.

Ann Scott  
Director of Purchasing  
David M. Kent  
Director of Utilities

Ald. Bauer moved for the adoption of the resolution, seconded by Ald. Brink, and on the roll call each of the 13 Aldermen voted yea, with 1 absent. Motion carried.

#### RESOLUTION

WHEREAS, in December of 2006, the Federal Energy Regulatory Commission ("FERC") issued the City of Quincy a 3-year preliminary permit to study the feasibility of developing hydroelectric power on Mississippi River Lock and Dam No. 21; and

WHEREAS, in December of 2009, the City formed Mississippi River No. 21 Hydropower Company (the "Hydropower Company"), with the City being the sole shareholder thereof, for the purpose of making the City eligible for the US Treasury Department's Section 1603 financial grant opportunities; and

WHEREAS, in March of 2010, the Hydropower Company formed Great River Hydropower, LLC (the “Great River LLC”), with the Hydropower Company being the sole member thereof, for the purpose of seeking private investors in the City’s hydropower project, while still remaining eligible for the Section 1603 grant; and

WHEREAS, also in March of 2010, Great River LLC filed with FERC its notice of intent to file for a license to develop hydropower on Lock and Dam No. 21; and

WHEREAS, in July of 2010, Great River LLC filed its license application with FERC to develop hydropower on Lock and Dam No. 21; and

WHEREAS, on February 17, 2011, FERC dismissed the Hydropower Company’s application for another 3-year permit and dismissed the Great River LLC’s application for a license on the basis that the City had misused its “municipal preference;” and

WHEREAS, the City, Hydropower Company and Great River LLC subsequently filed a Petition for Rehearing FERC’s dismissal order of February 17, 2011, and on May 19, 2011, FERC denied the Petition for Rehearing, leaving the City, Hydropower Company and Great River LLC with a deadline of July 18, 2011, to seek any further appeal of FERC’s orders with the U.S. Courts of Appeal for either the Seventh Circuit or the D.C. Circuit; and.

WHEREAS, VanNess Feldman, legal counsel who have represented the City, Hydropower Company, and Great River LLC and prosecuted the Petition for Rehearing, have advised the City that FERC’s actions are within the scope of its allowed discretion under the Federal Power Act and, accordingly, an appeal of FERC’s dismissal order to the United States Court of Appeals would have no reasonable prospect of success; and

WHEREAS, based on this advice, the City’s administration and the officers of the Hydropower Company and Great River LLC have not taken any steps to pursue a further appeal and have no intention of pursuing such an appeal; and

WHEREAS, the City Council has now been asked to join in and ratify the decision not to pursue any further appeal.

NOW, THEREFORE, BE IT RESOLVED by the City Council of Quincy, Illinois that the City, Mississippi River No. 21 Hydropower Company and Great River Hydropower, LLC, its officers, attorneys and other agents shall not bring or seek an appeal of FERC’s dismissal of the City’s preliminary permit and license applications by the order of February 17, 2011, and FERC’s denial of the Petition for Rehearing by the order of May 19, 2011, to the United States Court of Appeals.

Ald. Brink moved for the adoption of the resolution, seconded by Ald. Moore, and on the roll call each of the 13 Aldermen voted yea, with 1 absent. Motion carried.

#### **ORDINANCE**

Adoption of an ordinance entitled: An Ordinance Amending Article V (Parking Rules) Of Chapter 20 (Traffic And Vehicles) Of The Municipal Code Of A The City Of Quincy Of 1980. (Adds: “No Parking” 2nd, west side, York to Kentucky)

Ald. Holtschlag moved for the adoption of the ordinance, seconded by Ald. Heinecke, and on the roll call each of the 13 Aldermen voted yea, with 1 absent.

The Chair, Mayor John A. Spring, declared the motion carried and the ordinance adopted.

#### **ORDINANCE**

Adoption of an ordinance entitled: An Ordinance Amending The District Map Which Is Made A Part Of Section 29.102 Of The Municipal Code Of The City Of Quincy Of 1980. (R1A to NR1, 2130 Harrison (partial)

Ald. Lepper moved for the adoption of the ordinance, seconded by Ald. Brink, and on the roll call each of the 13 Aldermen voted yea, with 1 absent.

The Chair, Mayor John A. Spring, declared the motion carried and the ordinance adopted.

#### **ORDINANCE**

First presentation of an ordinance entitled: An Ordinance Amending Article III (Rules Of The Road) Of Chapter 20 (Traffic And Vehicles) Of The Municipal Code Of the City Of Quincy Of 1980. (“Speed” increased from 30mph to 35mph, North 12th Street between Westwood Drive and Koch’s Lane)

Ald. Goehl moved the ordinance be read by its title, seconded by Ald. Mann. Motion carried.

The City Clerk read the ordinance by its title.

#### **ORDINANCE**

First presentation of an ordinance entitled: An Ordinance Amending Article V (Parking Rules) Of Chapter 20 (Traffic And Vehicles) Of The Municipal Code Of The City Of Quincy Of 1980. (Adds: “Fire-Lane No Parking”, Chestnut, between 18th and 20th)

Ald. Bauer moved the ordinance be read by its title, seconded by Ald. Duesterhaus. Motion carried.

The City Clerk read the ordinance by its title.

**ORDINANCE**

First presentation of an ordinance entitled: An Ordinance Amending The 2011-2012 Fiscal Year Budget. (Increase Airport Hangar Fund #513 Loan Payments by \$99,535)

Ald. Duesterhaus moved the ordinance be read by its title, seconded by Ald. Sassen. Motion carried.

The City Clerk read the ordinance by its title.

Ald. Duesterhaus moved the requirements of Section 2.207 of the Code of the City of Quincy be waived and the ordinance adopted, seconded by Ald. Bauer, and on the roll call each of the 13 Aldermen voted yea, with 1 absent. The Mayor cast a vote of yea.

The Chair, Mayor John A. Spring, declared the motion carried and the ordinance adopted.

**ORDINANCE**

First presentation of an ordinance entitled: An Ordinance Adopting The Ward Map And Amending Article III (Wards) Of Chapter 2 (The City Council) Of The Municipal Code Of The City Of Quincy.

Ald. Duesterhaus moved the ordinance be read by its title, seconded by Ald. Bauer. Motion carried.

The City Clerk read the ordinance by its title.

Ald. Brink moved to amend the ordinance to substitute a map titled “2011 Redistricting Ward Map of the City of Quincy, Illinois – Alderman Dan Brink Proposed Map” in lieu of the proposed “2011 Redistricting Ward Map of the City of Quincy, Illinois – Bipartisan Aldermanic Redistricting Committee Proposed Map”, seconded by Moore, and on the roll call the following vote resulted: Yeas: Ald. Mann, Moore, Havermale, Farha, Sassen, Lepper, Musolino, Brink, Heinecke. 9. Nay: Ald. Goehl, Duesterhaus, Bauer, Holtschlag. 4. Absent: Ald. Rein. 1. Motion carried.

Ald. Holtschlag moved to table this ordinance for two weeks and send back to the re-districting committee with the opportunity to have input in any changes to be made, seconded by Duesterhaus, and on the roll call the following vote resulted: Yeas: Goehl, Duesterhaus, Bauer, Holtschlag. 4. Nay: Ald. Mann, Moore, Havermale, Farha, Sassen, Lepper, Musolino, Brink, Heinecke. 9. Absent: Ald. Rein. 1. Motion failed.

Ald. Brink moved the requirements of Section 2.207 of the Code of the City of Quincy be waived and the ordinance adopted as amended, seconded by Ald. Moore, and on the roll call the following vote resulted: Yeas: Ald. Mann, Moore, Havermale, Farha, Sassen, Lepper, Musolino, Brink, Heinecke. 9. Nay: Ald. Goehl, Duesterhaus, Bauer, Holtschlag. 4. Absent: Ald. Rein. 1.

The Chair, Mayor John A. Spring, declared the motion carried and the ordinance adopted.

**REPORT OF FINANCE COMMITTEE**

Quincy, Illinois, July 11, 2011

	Transfers	Expenditures	Payroll 7/15/11
City Hall .....		84.71	42,105.18
Planning & Dev .....	20,000.00		
9-1-1.....	44,000.00		
Transit .....	76,229.00		
Airport .....	3,000.00		
Central Services.....	65,000.00		
Building Maintenance.....		5,857.29	
Legal Department .....		114.67	8,009.24
Fire and Police Comm. ....			572.02
IT Department.....			12,164.37
Police Department.....		3,871.41	219,284.20
Fire Department .....		3,802.86	150,409.58
Engineering.....		409.83	20,030.36
Eng-Landfill .....		16.05	
Eng-Street Light & Signs .....		1,323.05	
Tax Distribution .....		75,584.17	
<b>GENERAL FUND SUBTOTAL .....</b>	<b>208,229.00</b>	<b>91,064.04</b>	<b>452,574.95</b>
Planning and Devel.....		407.10	21,611.69
911 System .....		445.92	34,908.45
Housing Resource Fund .....		400.00	

Transit Fund .....		729.98	28,474.43
Capital Projects Fund .....		600.00	
Special Capital Funds .....		146.50	
Water Fund .....			
Utilities Dept .....			25,563.26
Central Services .....			20,048.61
Sewer Fund .....			
Central Services .....			12,935.44
Utilities Dept .....			8,367.26
Quincy Regional Airport Fund .....		1,443.10	7,964.76
Titan Hangar Fund .....		72.00	
Municipal Dock .....		158.32	1,077.86
Central Garage .....		13,231.40	10,194.06
Central Services Fund .....		42,495.65	30,655.58
Self Insurance .....		1,062.12	7,092.77
Tourism Tax Fund .....		72,367.92	
<b>BANK 01 TOTALS .....</b>	<b>208,229.00</b>	<b>224,624.05</b>	<b>661,469.12</b>
2009 G/O Hydro Proj Fund .....		175.00	
<b>ALL FUND TOTALS .....</b>	<b>208,229.00</b>	<b>224,799.05</b>	<b>661,469.12</b>

Steve Duesterhaus  
Michael Farha  
Anthony Sassen  
Jack Holtschlag  
**Finance Committee**

Ald. Duesterhaus, seconded by Ald. Sassen, moved the reports be received and vouchers be issued for the various amounts and on the roll call each of 13 Aldermen voted yea with 1 absent. Motion carried.

Ald. Duesterhaus moved the City Council now sit as Shareholders of the Mississippi River No. 21 Hydropower Co., seconded by Ald. Lepper. Motion carried.

**SPECIAL SHAREHOLDERS AND DIRECTORS MEETINGS OF MISSISSIPPI RIVER NO. 21 HYDROPOWER COMPANY**

Attorney Joe Duesterhaus explained to the Council the following agenda items to be voted on by the Special Shareholders and Directors of the Mississippi River 21 Hydropower Co.

**Special Shareholders Meeting of Mississippi River No. 21 Hydropower Company**

1) Approving Board’s resolutions amending Articles of Incorporation and Bylaws to allow City Council and Mayor as new Board of Directors.

Ald. Duesterhaus moved for the adoption of the resolution, seconded by Ald. Lepper, and on the roll call each of the 13 Aldermen voted yea, with 1 absent. Motion carried.

2) Waiver of annual meeting set for May 2, 2011.

Ald. Duesterhaus moved that the annual meeting date be waived, seconded by Ald. Lepper, and on the roll call each of the 13 Aldermen voted yea, with 1 absent. Motion carried.

3) Ratification of new Board of Directors for 2011-2012.

Ald. Duesterhaus moved the new Board of Directors be ratified, seconded by Ald. Lepper, and on the roll call each of the 13 Aldermen voted yea, with 1 absent. Motion carried.

4) Adoption of resolution on not seeking appeal of FERC’s Orders.

Ald. Duesterhaus moved for the adoption of the resolution, seconded by Ald. Lepper, and on the roll call each of the 13 Aldermen voted yea, with 1 absent. Motion carried.

The meeting resumed its sitting as a City Council on motion of Ald. Duesterhaus.

Ald. Duesterhaus moved to sit as new Board of Directors of new Board of Directors of Mississippi River No. 21 Hydropower Company, seconded by Ald. Lepper. Motion carried.

**Special Meeting of new Board of Directors of Mississippi River  
No. 21 Hydropower Company**

The Special meeting of the new Board of Directors of Mississippi River No. 21 Hydropower Company City Council was held this day at 8:00 p.m. with Mayor John A. Spring presiding.

The following members were physically present:

Ald. Goehl, Mann, Duesterhaus, Bauer, Moore, Havermale, Farha, Sassen, Lepper, Musolino, Brink, Heinecke, Holtschlag. 13.

Absent: Ald. Rein. 1.

1) Waiver of annual board meeting set for May 2, 2011.

Ald. Duesterhaus moved to waive the annual board meeting set for May 2, 2011, seconded by Ald. Lepper, and on the roll call each of the 13 Aldermen voted yea, with 1 absent. Motion carried.

2) Election of Company officers for 2011-2012.

Ald. Duesterhaus moved to affirm the Company officers stated the by-laws, seconded by Ald. Lepper, and on the roll call each of the 13 Aldermen voted yea, with 1 absent. Motion carried.

3) Adoption of resolution on not seeking appeal of FERC's Orders.

Ald. Duesterhaus moved for the adoption of the resolution, seconded by Ald. Lepper, and on the roll call each of the 13 Aldermen voted yea, with 1 absent. Motion carried.

The meeting resumed its sitting as a City Council on motion of Ald. Duesterhaus.

**MOTIONS**

Ald. Havermale referred to the Street Lights/Right-Of-Way Committee the placement of a street light at 4924 Lake Ridge Dr. and to report back the cost with 3rd Ward potentially paying the amount. Motion carried.

Ald. Sassen referred to the Traffic Commission the alley between 18th & 20th Broadway, north side, east of 18th Street making it a two way instead of a one way. Motion carried.

The City Council adjourned at 8:25 p.m. on a motion of Ald. Havermale. Motion carried.

**JENNY HAYDEN, CMC**

City Clerk

By Laura Hirt, Deputy City Clerk