

City Council Minutes: October 1, 2007

CITY OF FULTON

COUNCIL MEETING MINUTES

OCTOBER 1, 2007

Mayor Van Zuiden called the meeting to order and directed the clerk to call the roll. On roll call vote, Mayor Howard Van Zuiden, Aldermen Charles Dykstra, Gene Field, Merle Sterenberg, Charlie Letcher, Warren Juist, Wes Letcher and Ron Roels answered present. Alderman Bill Loerop was absent. Also present Randy Balk - City Administrator, Heather Bennett - Tourism Director, Clink Kettler - Zoning Officer and Jim Rhoades - Chief of Police.

Ald. Sterenberg moved, seconded by Ald. C. Letcher to approve the regular council meeting minutes of September 17, 2007. Roll call vote/all yes/motion carried.

Attorney Bill Shirk reviewed the Smoke Free Illinois Act which will go in to effect January 1, 2008, with regard to the City's obligations. The City must enforce the no smoking ban and all requirements in the act or be subject to fines. The City is required to post in every public place or place of employment where smoking is prohibited a "No Smoking" sign or an international "No Smoking" symbol. A sign must also be posted at every entrance or exit to a public place or place of employment indicating that smoking is prohibited. All ashtrays are required to be removed from any area where smoking is prohibited. The City can also establish a non-enclosed area as a non-smoking area.

The Act applies to every public place, public vehicle and the area within 15 feet from an entrance, exit, window that will open, and ventilation intakes that serve an enclosed area where smoking is prohibited. The only specific exceptions to the act are private residences not used as a child care/day care health care facility or any other home based business open to the public, certain retail tobacco store meeting specific requirements and in existence prior to January 1, 2008, certain rooms in nursing homes and designated hotel/motel rooms with certain restrictions.

Attorney Shirk next addressed the unfinished building project issue which has been discussed at previous meetings. If a project is started and then abandoned, it would be necessary to obtain another permit before the project is resumed. Under current City ordinance (Section 150.20) it is possible to deem a building as dangerous and a nuisance. The Chief

of Police or the Fire Chief can deem a building dangerous; after which they would notify the Clerk who would then notify the owner by certified mail that they have 10 days to remedy the situation or demolish the building,

Attorney Shirk spoke to the council regarding previous discussions on sidewalk snow removal. The biggest issue may be the difficulty in enforcing a snow ordinance and how to single out certain properties near schools as a safety zone with sidewalks that are required to be shoveled. Mayor Van Zuiden reiterated his concern over the safety of children walking to and from school and having to walk out in the street when sidewalks are not shoveled.

Shirk informed the council of the Illinois Snow and Ice Removal Act which grants limited immunity to any owner and occupant of a residential property who attempts to remove snow and ice. If someone falls on the snow and ice after they have attempted to clear it, they cannot be held liable unless the person removing the snow and ice willfully and wantonly did some act to cause the injury. The immunity does not apply to commercial land owners.

The next item discussed was burning. Mary Buikema, who lives in the first ward, stepped up to the podium and read a letter asking the council to enforce a complete burn ban for the health of residents and to encourage the use of the Moring yard waste pick up. Bill Wiersema went to the podium and asked the council to allow burning of leaves to continue. He stated he has too many leaves to mulch or bag. Other residents present voiced opinions both for and against a burn ban.

Ald. Roels moved, seconded by Ald. Juist to have an ordinance prepared to ban burn barrels. Roll call vote/Ald. Roels, W. Letcher, Juist, C. Letcher, Sterenberg, and Field voted yes/Ald. Dykstra voted no/motion carried.

The council asked Balk to contact Moring Disposal about increasing the yard waste pick ups from 1 per week to 2 per week for a couple of months in the fall so that residents can better get rid of leaves. Morrison has the yard waste pick up twice per week for the months of October and November. The council expressed hope that more residents will use the

yard waste pick up, mulching of leaves if possible and burning leaves only when they are dry and will burn quickly in order to cut down on the smoke in the air.

Jody Borgman, who resides at 1210 10th Avenue stepped to the podium and claimed the water in Fulton is radioactive. Randy Balk stated our water is safe and in compliance with the Illinois Environmental Protection Agency standards.

Ald. Dykstra moved that the city publish the quarterly newsletter on a strict quarterly time schedule. The motion died for lack of a second.

Ald. Field moved, seconded by Ald. Sterenberg to adjourn. The meeting adjourned at 6:45PM.

Minutes recorded by,

Linda Hollis

City Clerk

