

CITY OF WASHINGTON, ILLINOIS

City Council Meeting

Monday, March 15, 2021 at 6:30 p.m.

Five Points, Washington Banquet Room

Call to Order	Mayor Manier called the regular meeting of Monday, March 15, 2021 to order at 6:30 p.m. in a banquet room at Five Points, Washington, 360 N. Wilmore Road, Washington, Illinois
Roll Call	Present and answering roll call were Aldermen Adams, Blundy, Brownfield, Butler, Cobb, Dingledine, Stevens and Yoder.
Also Present	City Administrator Ray Forsythe, City Engineer Dennis Carr, Public Works Director Kevin Schone, Police Chief Mike McCoy, Deputy Police Chief Jeff Stevens, and City Clerk Valeri Brod
Present Remotely	Finance Director Joanie Baxter and P & D Director Jon Oliphant
Pledge of Allegiance	All present stood for the Pledge of Allegiance.
Agenda Review	The Agenda was reviewed and stood as presented.
Approve Consent Agenda	Mayor Manier presented the Consent Agenda for approval of the following items: a.) Approval of minutes of March 1, 2021 Regular City Council Meeting b.) Bills and Payroll Alderman Dingledine moved and Alderman Brownfield seconded. On roll call on the motion to approve was: <u>Ayes: 8</u> Adams, Blundy, Brownfield, Butler, Cobb, Dingledine, Stevens, Yoder <u>Nays: 0</u> <u>Motion declared carried.</u>
Announcements and Proclamations	None at this time.
Audience Comments	Bob and Allison Montgomery provided comments about an issue that they are having regarding a misaligned street light near their farm property and a drainage issue involving the new bike path. They mentioned that they provided a FOIA request to the City and are awaiting reply. They provided their comments that are attached and made part of these minutes.
Standing Committee-Finance & Personnel Committee	Chairman Daniel Cobb, Finance & Personnel Committee, shared that there are no agenda items for this meeting

Standing Committee-
Public Safety
Committee

Chairman Brian Butler, Public Safety Committee, shared that there are no agenda items for this meeting and introduced Chief McCoy to share any updates. Chief McCoy reminded Council that a couple weeks ago, he provided a statement to watch distracted driving habits and now the police department has written eleven tickets two weeks ago and last week they wrote fourteen tickets.

Standing Committee-
Public Works
Committee

Chairman Mike Brownfield, Public Works Committee, invited Public Works Director, Kevin Schone to provide updates. Mr. Schone stated more branches fell in the wind and they are planning the April brush in pick up. City Engineer Dennis Carr shared that construction is getting ready to start. Bobolink should start in April and Construction on Lawndale should start soon. Mr. Rittenhouse shared that valve turning is taking place throughout the City and noted some of the valves are buried.

Mayor

Mayor Gary Manier provided the Appointment of Lisa Uphoff to the Economic Development Commission.

Alderman Dingledine moved and Alderman Brownfield seconded.

On roll call on the motion to approve was:

Ayes: 8 Adams, Blundy, Brownfield, Butler, Cobb, Dingledine, Stevens, Yoder

Nays: 0

Motion declared carried.

City Administrator
Budget Review

City Administrator Forsythe provided the Proposed Budget Review including the Water and Sewer Funds and introduced Finance Director Joannie Baxter to present budget. Ms. Baxter stated that we are going into our third year of the fixed increase. This is reflected by an additional \$3.00 per account increase. Ms. Baxter introduced Public Works Director Schone who noted the increase in part time salaries is due to an increase in City Hall personnel. Ms. Baxter shared that the Water Department happens to have a few retirees, so the expenses are up from years past. Mr. Schone noted that operations costs have decreased by 21%. He also noted that there is a small account with a 167% increase but since it is a small account, an increase is more noticeable. Alderman Cobb asked if the painting of Water Tower Two was included in the Capital. Mr. Schone confirmed and stated that the inspection will be done in April. Mr. Schone stated that the repainting of the Water Tower could not wait due to peeling paint and it was last painted in 2010. It was noted that Sewer has a \$1 increase per year which provides about \$65,000 per year and Sewer and that these are subject to weather and usage. Mr. Schone added that personnel was added to distributions and collection. Mr. Rittenhouse shared that with extra employees, the goal is to do more work in-house and provide help with valve turning as well. He also noted the need of a third employee to help at the water treatment plant. Alderman Dingledine asked for clarification about the 86% in Commodities. Mr. Rittenhouse noted that there will be UV bulbs that will be replaced. He noted that these are on a rotation and the increase will happen every couple years. Alderman Butler asked about the plan for the private side of Hilldale. Mr. Schone said that only connections will be provided. Discussion took place regarding the process and providing private side services. City Administrator Ray Forsythe stated that this will be brought forward to Council separately to receive policy directions. Alderman Cobb suggested that the City look at the Ordinance to clarify the wording. Ms. Baxter shared details about Subdivision Development Fees. Alderman Stevens asked about sewer lining and if there is money in the budget. Mr. Rittenhouse shared that it is under Capital Wastewater and noted

the use of cameras reveal crushed pipes therefore there is a need to reline those before something major happens. Ms. Baxter noted that staff removed some of the smaller projects and kept the higher priority projects. She noted that Freedom Parkway was reconsidered due to the use of PPUAT funding. Ms. Baxter also shared that the Fire Department saw increases and the TC3 funding changed because they are based on population not the number of calls. It was noted that there will need to be further discussion about other revenue sources which may include debt financing for Freedom Parkway. Mr. Forsythe added that we are cognizant of operational expenses and look to Council to provide feedback for any possible cuts. Alderman Butler thanked staff for the energy and effort putting the budget together and noted that the books aren't closed on this fiscal year and we are looking at over \$1,000,000 coming out of reserves. He also expressed his concern with the \$628,000 that is non-discretionary. He went on to provide his concern that Operations is up by 85% and asked why it is going up. Alderman Dingleline reminded Council that the Council directed an aggressive approach because we had the reserves and now it's time to reevaluate. There was a brief discussion about the flexibility of the TC3 and if cuts could be made in Design Engineering or Stormwater Management. Mr. Forsythe added that the City will receive over \$2,000,000 coming from the stimulus package. Alderman Cobb stated that the City should either look at additional revenue sources or make budget cuts. Mr. Forsythe reiterated that it is not staff's intent to use taxes to get out of this and there is a need for Council's direction to help prioritize cuts. There was a brief discussion concerning the new paver, where it will be stored and how it will save the City money and time in the long run. Mr. Forsythe also shared that there are a few items that seem aggressive because we went years without doing anything. Mayor provided the question about if this should be passed but resume serious discussions about future projects. He also stated that if this is adopted, Council needs to give staff direction. There was a brief discussion about the lack of project completion in the past that has caused the City to play catch up and Mr. Forsythe shared that staff has shifted to become more efficient. Alderman Dingleline explained that some roads cannot continue to be patched and need to be replaced and staffing has increased because we were undermanned. Alderman Butler shared that Capital projects are needed but personnel and operations need to be cut. There was a general consensus from Council in agreement.

Adopt Resolution:
*Enterprise Lease
Program Agreement*

City Administrator Forsythe read a resolution, by title only and brief synopsis, authorizing the Mayor and City Clerk to enter into a contract with Enterprise FM Trust to lease vehicles described in applicable schedules and authorizes staff to implement the Enterprise Lease Program in conjunction with the existing MERF program.

Alderman Dingleline moved and Alderman Cobb seconded.

Alderman Brownfield asked that after the first year, Council should review this option carefully. Alderman Stevens asked about sales tax specifics.

On roll call on the motion to approve was:

Ayes: 8 Adams, Blundy, Brownfield, Butler, Cobb, Dingleline, Stevens, Yoder

Nays: 0

Motion declared carried.

2nd Reading
Ordinance:
*Approving Tazewell
County Building
Inspection Services
Agreement IGA*

City Administrator Forsythe provided the second reading of the following ordinance, by title and brief synopsis: and ordinance authorizing an agreement between the City of Washington and County of Tazewell to provide building inspections and reviews.

Alderman Stevens moved and Alderman Cobb seconded.

On roll call on the motion to approve was:

Ayes: 8 Adams, Blundy, Brownfield, Butler, Cobb, Dingledine, Stevens, Yoder

Nays: 0

Motion declared carried.

1st Reading
Ordinance:
*Adopting of Life
Safety Codes as
Enforced by the
Office of the State
Fire Marshal*

City Administrator Forsythe provided the first reading of the following ordinance, by title and brief synopsis: an ordinance amending the Code of Ordinances of the City of Washington, Illinois by amending part of Chapter 160 entitled "Building Code" changing the current International Building Code, International Residential Code and International Mechanical Code from the 2012 edition to the 2018 edition, while exempting the requirement for sprinklers for single- and two-family residential buildings.

1st Reading
Ordinance:
*approving the First
Time Homebuyers
Program*

City Administrator Forsythe provided the first reading of the following ordinance, by title and brief synopsis: an ordinance approving the First Time Homebuyers' Program

1st Reading
Ordinance:
*approving the
Washington Chamber
of Commerce
Agreement for
provision of Tourism
and Economic
Development Services*

City Administrator Forsythe provided the first reading of the following ordinance, by title and brief synopsis: an ordinance approving the Annual Washington Chamber of Commerce Agreement between the City of Washington and the Washington Chamber of Commerce regarding tourism and economic development services for a one-year period.

Alderman Stevens referred to the coordinating of City events, specifically Meet the Candidates and if a letter will be sent and if it will happen. Mr. Oliphant shared that he spoke with the Chamber who stated that it will be held on the 30th.

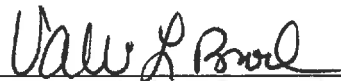
Alderman's
Comments

None were provided.

Adjournment

At 7:56 p.m. Alderman Cobb moved and Alderman Adams seconded to move.

Motion carried unanimously by voice vote.



Valeri Brod, City Clerk

March 15, 2021

Bob and Allison Montgomery 1322 N. Main

We want to thank City Engineer Dennis Carr for informing us that the street light adjacent to our field will be aligned directly over the road in the near future.

We come before the City Council to explain the FOIA requests we placed on Feb. 23rd. We have had multiple meetings with City Staff, Alderman, and IDOT to discuss our concerns with the erosion on our field adjacent to Cruger Rd. Nov. 26, 2019 the City replied to our proposal with the following request,

"the City expected to receive a written analysis from a qualified expert that provided objective evidence that the construction of the bike path along with Cruger Road altered the drainage pattern in a manner inconsistent with what is permitted under Illinois drainage law and IDOT standards."

To obtain a study that examines if the road, bike path and right-of-way were constructed in a manner inconsistent with what is permitted under Illinois drainage law and IDOT standards we couched our document request in categorical terms. We look forward to receiving the information on March 24th.

Having researched Drainage Law and IDOT standards – we are withdrawing our proposed remediation plan as it violates IDOT standards and does not address all the issues.

We believe that our expert will find the right-of-way violates Drainage Law and IDOT standards. Donald Uchtmann, in his book; Illinois Drainage Laws – Rights and Responsibilities of Highway Authorities and Landowners Adjacent to Highways (page 4) wrote;

Illinois has adopted a modified version of the "civil law rule" of drainage. Under this rule, the right of drainage is governed by the **law of nature**... The right of the dominant (higher) estate owner to drain on and over the servient (lower) estate is based on the principle that **nature has ordained such drainage**.

When IDOT removed the ditch, raised the road and extended the shoulders the law of nature was not altered. For generations, a ditch separated our farm field from Cruger Rd.

In closing, at a meeting it was said that ditches only drain roadways. We found this in the IDOT Bureau of Design and Environment (BDE) Manual - Chapter 40-3.02

Highway storm drainage facilities collect stormwater runoff and convey it along and/or away from highway right-of-way to adequately drain the roadway and minimize the potential for flooding and the **erosion to properties adjacent to the right-of-way**. Stormwater includes the **runoff from precipitation falling within the right-of-way and the surface runoff from adjacent properties** which flows into the roadside ditches or the storm drainage system...

Thank you for your attention.

Attachment – letter dated Nov. 26, 2019

CITY OFFICIALS
Gary W. Manier, *Mayor*

Patricia S. Brown, *City Clerk*

Ellen L. Dingleline, *City Treasurer*

Raymond P. Forsythe, *City Administrator*



ALDERMEN
Michael J. Brownfield, *Ward I*
Lilija V. Stevens, *Ward I*
Brett M. Adams, *Ward II*
Todd M. Yoder, *Ward II*
David Dingleline, *Ward III*
Brian H. Butler, *Ward III*
Daniel A. Cobb, *Ward IV*
Randall J. Black, *Ward IV*

November 26, 2019

Mr. and Mrs. Montgomery
1322 N. Main
Washington, IL. 61571

Dear Bob and Allison,

Alderman Brownfield forwarded me your letter dated October 28, 2019. After reviewing your request with legal counsel, the City is not in a position to consider paying for any portion of the proposal at this time. First, the City expected to receive a written analysis from a qualified expert that provided objective evidence that the construction of the bike path along with Cruger Road altered the drainage pattern in a manner inconsistent with what is permitted under Illinois drainage law and IDOT standards. So far, we have only been presented with photographs you presented us during our August 2019 meeting. Photographs alone (especially during an historically wet planting season) are insufficient for the City to use taxpayer funds to pay for the proposed improvements to your farmland. Second, the City Engineer and IDOT have certified that the construction of the bike trail was completed in accordance with IDOT standards and Illinois law. The City requests that your legal counsel provide support that the bike trail projected was completed in a manner contrary to Illinois law.

Once you have provided the information described above, the City will consider your request. My preference is that your attorney directly contact the City's attorney (Derek Schryer, Davis & Campbell L.L.C.) with this information.

Respectfully,

Ray Forsythe
City Administrator