

Committee of the Whole

Monday, September 12, 2022, at 6:30 P.M.
Library Meeting Room in Five Points, Washington,
380 N. Wilmor Road, Washington, IL

Mayor Manier called the regular Committee of the Whole meeting to order at 6:30 p.m. with a quorum present.

Present: Alderpersons Adams, Blundy, Brownfield, Butler, Dingleline, Schone, Stevens and Yoder

Also Present: City Administrator Snider, Finance Director Baxter, P & D Director Oliphant, City Engineer Carr, Public Works Director Rittenhouse, Police Chief McCoy, City Treasurer Strubhar, City Clerk Brod and Attorney Derek Schryer

MINUTES

1. *Aldermen wishing to be heard:* Nothing provided at this time.
2. *Public Comments:* Grant Jones with Midwest Video Gaming shared that they had turned gaming machines on at Mariachi's thinking that they had a license. They turned off the machines. Mr. Jones asked that Council consider increasing gaming licenses from 10 to 11 licenses and 57 machines instead of 54 machines. He shared that they are trying to help Mariachi's achieve more revenue.

Katie Beale from Felkers addition was present and shared that her husband presented at the last meeting regarding cleaning out culverts. She thanked Mr. Rittenhouse for coming out to look at the issues and asked if she can show an image to the group. Mayor Manier stated that they had seen the video. Ms. Beale shared an image on an iPad while she described several photos that show water near and around her house. She stated that she wanted to share a visual of the situation and thanked everyone for their attention to it.

Jim Bremner of Washington Township was present and shared a handout detailing the paratransit program. He stated that they plan on providing mailings for citizens and thanked Council for joining them in this endeavor. Mr. Bremner shared that CityLift provided 61 rides in their first month and the taxi service available for 65 year-olds took six months to get that ridership. He noted that he hasn't had any complaints. He also stated that this shows promise for future of the services.

Allison Montgomery, a resident from Tazewell County, came forward regarding the voting process pertaining to a majority vote versus super majority vote. She also asked why there is a 15% threshold before the vote is taken on a final plat and feels that no one on Council should be required to explain their vote. Ms. Montgomery spoke regarding Agenda Item G, asking that no final decisions be made this evening until after a final ruling is received from the Attorney General pertaining to a citizen's appeal to a FOIA response. She cited rule 6.7, that states a majority vote is needed for resolutions and motions not just ordinances. She went on to suggest text edits to the City Code. Ms. Montgomery continued, stating that Municipal Code 30.15 says that the City needs to confirm that when voting on a resolution, ordinance or official act, officials and staff are protected by the Illinois Tort Immunity Act and official should not fear personal liability when voting. Ms. Montgomery cited additional Code and shared additional text change ideas.

3. *Approval of Minutes:* Alderperson Brownfield motioned to approve the July 11, 2022 and August 8, 2022 meeting minutes, Alderperson Adams seconded. Motion passed by voice vote.
4. BUSINESS ITEMS

- A. *Request for Groundwater Use Restriction Ordinance- 305 Peoria Street* - Mayor Manier introduced Engineer Carr. Mr. Carr shared that Ms. Silzer, a representative from Midwest Environmental, approached the City regarding 305 Peoria Street which used to be a gas station. He noted that everything was removed but there was concern about tank leakage. Ms. Silzer was present and shared that the tanks were removed and the ground was excavated. She shared that in 2001, oxygen was injected to clean up contaminates. Ms. Silzer shared that the EPA has created a program to rebuy the sites. She also shared that they took soil samples and contamination has decreased since 2007 and noted that because it is stable, they can do a plume assessment. Ms. Silzer stated that the actual plume is on the site, with the exception of a small portion near Peoria Street. She shared that they calculated ground water models and it shows that migration would happen towards the viaduct and to the south. Ms. Silzer shared that the current owner is Koury's and they would create a border area where no well can be dug there in the future. It was noted that the City restricts any well digging. Alderperson Dingleline asked if it is ground water or surface water. Ms. Silzer clarified that it is the water table. Alderperson Dingleline shared that this doesn't affect wells and there are guidelines to follow to protect wells. The water table and well depths were discussed. Alderperson Dingleline shared his professional experience as a water contractor. Mayor Manier asked Engineer Carr to share his opinion. He stated that there are two example ordinances and he would recommend Davis and Campbell review them to make sure it fits our City prior to bringing it to the next council meeting. Ms. Silzer stated that the EPA follows their model document strictly. Engineer Carr gave information regarding the size of the area and stated that it also may need to add more railroad property. The outlined area might change a little. It was noted that no contaminations were found across the street in 1998. Alderperson Dingleline shared that there was a diesel spill years ago in that area from the rail road.
- B. *City 223 Property Conceptual Development and Future Good Neighbor Days Site* – Planning and Development Director Oliphant shared that a benefactor, who grew up in Washington, came to the City in hopes to construct an amphitheater on the 223 property. He noted that this is very conceptual, but wanted to get Council's feedback whether they would be interested in pursuing this. Mr. Oliphant that they would need to keep in mind the realignment of Nofsinger Road and noted that the property does not have internal infrastructure yet. Nofsinger is estimated at over \$6.5 million and internal infrastructure for the property could be around \$10 million. Mr. Oliphant also noted a future need for a Good Neighbor Days site and this may provide about 10-12 acres. Mr. Oliphant provided a few specifics about the improvements to the property. Mayor Manier shared that gentleman who brought this concept forward would pay \$12 million towards the project. Alderperson Dingleline stated that he liked the concept however, he was concerned about the City's responsibility. Mayor Manier noted that feasibility studies haven't been done yet but the developer has paid for all the pre-work. Improvements to stormwater management on the property was briefly discussed. Mr. Carr explained that this won't remove all the water, but this would decrease the flow significantly. He noted that there were rapids coming out of the culverts previously and there would be a great benefit of having a retention pond on the site this could help lower the impact of stormwater issues. Alderperson Yoder asked if this developer will buy the area and develop it. Mayor Manier said if the developer does wants to do this project, he could buy it and choose the contractors. The acreage of the property was briefly discussed and fountains in the detention ponds were suggested. Alderpersons Yoder, Blundy and Mayor Manier discussed the cost of the project and how it was determined. Mayor Manier noted that they first thought it would be \$10 million but it turned out to be \$12 million. Alderperson Blundy expressed concern for a business plan and stated that it is worth looking into. Mayor Manier explained that we'd have to look at the return on investment and ways to generate income from fees and event taxes. Alderperson Adams said this could be a creative way to bring in the money without making the residents fund it. It was noted that this may bring future hotels and outside people. He would like more information before deciding. Alderperson Brownfield asked if the developer would want to have a say in running it. Mayor Manier shared that the developer does not have an interest in running it, but wants to give it to the city. Alderperson Brownfield agreed with Alderperson Adams. Alderperson Stevens asked if there is a proposal in writing from the benefactor and asked about how it relates to the plan that Mr. Borders presented. Mayor Manier stated that the Comprehensive Plan may change like the plan for Five Points did. Mr. Oliphant noted that Mr. Borders had a little more

residential in his plan than what we were hoping but showed that this property should be flexible with multi-uses and this concept follows that idea. Alderperson Stevens asked for clarification regarding working with the park district and if there was a verbal agreement for concessions. Mayor Manier said it hasn't gotten that far, and this is for the building. Ownership of the facility and the competition with Five Points was discussed. Engineer Carr confirmed that the proposed water tower would be in its originally planned location. Alderperson Stevens asked why this hasn't been brought up earlier because it had been mentioned before. Mayor Manier noted that the needs of Good Neighbor Days and the Bicentennial have brought this to the forefront. Alderperson Stevens expressed that she doesn't want tax payers to pay for the feasibility study. Alderperson Blundy and Mr. Oliphant discussed the increasing difficulties in acquiring a location for Good Neighbor Days. It was noted that the Chamber was invited to this discussion but could not attend. Mayor Manier also noted the consideration of the farm-lease timing. Alderperson Schone expressed that he doesn't want tax payers to pay for the study but thinks the idea looks good conceptually. Alderperson Adams agreed with Alderperson Schone and is glad that they are talking about potential development on 223. Alderperson Butler noted the Nofsinger realignment. Mr. Oliphant shared that they have submitted for a grant but there has been no announcement thus far. Alderperson Butler expressed his financial concerns without the realignment guarantee. He thinks the feasibility study needs to be done by an expert in outdoor venues. It was clarified that the developer is only interested in this concept and it will be named after his wife. Mayor Manier noted that area colleges and schools could use the venue. Alderperson Stevens stated that she thought Eureka had an amphitheater. Mayor Manier was not aware of one. It was decided that Mr. Oliphant would explore this further.

- C. *ITEP Project Application Consideration* – Mr. Oliphant shared that the clock is ticking and the applications need to be submitted by the end of September. He shared a few concepts for the use of the funds but noted that will most likely be impacted by the improvements to BR24. He stated that replacing the street lights on BR24 could receive 50/50 funding. He also shared that IDOT has not yet selected an engineer for the rebuild of BR24 and it could be about four years away. He noted that lighting, sidewalks and streetscapes could all be impacted if chosen and he does not feel confident going after this grant. Alderperson Adams agreed with Mr. Oliphant, that it is not worth putting money into something that will be dug up three years later. Alderperson Butler expressed his appreciation for Mr. Oliphant's work but asked everyone to consider another type of grant that would look outside of the square and into the business corridor. Alderperson Blundy stated they could start in Sunnyland and take it up towards CEFCU or maybe do something in the Washington Plaza area. Mr. Oliphant shared that it will be challenging, with only 18 days left, requiring Council to pass a resolution at next weeks meeting. Alderperson Stevens asked if it could be considered next year.
- D. *Jackson Street Pedestrian Bridge Discussion* – Engineer Carr shared that it was Public Works project, to replace the pedestrian bridge and parts of the bridge are beginning to fail. The replacement cost would be \$100,000-\$150,000 if they chose a prefabricated project. Mr. Carr explained a few concepts that would provide alternatives such as, spending \$500,000 to connect Jackson to Hamilton with a box culvert. Mr. Carr noted that ADA Law states that we can not just tear it down without replacing it. Alderperson Brownfield said it would get rid of dead ends improving safety. He noted the price difference but it would also save on vehicle wear-and-tear. Alderperson Brownfield requested more numbers. Alderperson Dingleline suggested polling the people who live there. Alderperson Blundy asked if we can do repairs to the bridge. Engineer Carr shared that it had been repaired. It was clarified that if you have ADA accessibility, you have to put it back. Attorney Schryer stated that he could look further into it. Alderperson Stevens asked about extending it all the way to Kingsbury and shared that she stopped by there to talk to the homeowner about it. She noticed a manhole in the creek near the bridge. She also expressed her approval for extending the road because the streets are already tight. Engineer Carr said he can look at extending to Kingsbury but we'd have to talk about land acquisition. Alderperson Stevens stated that she thinks this is a good spot for detention work. Alderperson Schone asked if this were to qualify for a Safe Routes to School grant. Engineer Carr said we could apply for it but the plan would have to go through IDOT and that would increase cost. Alderperson Schone expressed favor to loop it to Hamilton if we cannot do a Safe Routes to School grant. Alderperson Butler said we have so many dead-

end streets and he can't see spending \$150,000 on a pedestrian bridge. Alderperson Adams agreed with Alderperson Butler. Engineer Carr was given direction to look into abandoning it.

- E. *Sidewalk Replacement Programs Discussion* - Engineer Carr shared that this was brought to Public Works and noted that we have two programs that are 50/50 funding programs. One is volunteer and the other is city mandated. He shared that we have \$16,000 budgeted for the volunteer program and we have never done the city mandated program, but it is in our ordinance that Council can target certain areas to mandate. Engineer Carr noted that there are ways of establishing an SSA around it. He also shared that we can provide outreach to push the volunteer program idea. Engineer Carr went on to share that much of the sidewalks in the older part of town would qualify. He stated that staff is looking for discussion about the programs and if we should remove the mandated program ordinance. Alderperson Stevens asked if a resident came to complain, have we tried forcing them to fix it. Alderperson Adams said he would not want to break the record of not using the city mandated program. Alderperson Yoder agreed with Alderperson Adams. Alderperson Adams noted that this is a bad economic time to force people to do work. Alderperson Stevens stated that we have to deal with what is brought to us and referenced a specific complaint where they brought a photo of a little boy. Alderperson Blundy suggested when people complain then share with them that we have the program. It was noted that some driveways might be in worse shape than the sidewalks. Alderperson Blundy says the complaint-based option could put neighbor against neighbor. Alderperson Brownfield asked how it is currently handled. Mr. Rittenhouse shared that they usually address the homeowner but he doesn't believe we have charged the homeowners at this point. Handling complaints and future budgeting was briefly discussed. Mayor Manier noted some difficulties in the mandated program and feels advertising the program might help. Engineer Carr asked if there is interest in a program where a single home would share the expense 50/50 but a full block might get a 70/30 reimbursement. Alderperson Adams said he might be interested in creating a window of time for people to take care of issues to receive the greater reimbursement, otherwise it would be 50/50. Alderperson Dingleline favors creating a pilot program with a special price. Engineer Carr said we can start this year by making the program known. Alderperson Schone and Engineer Carr clarified that only the ramps have been rated. They also discussed the larger areas with issues are likely on the East side of town. Administrator Snider shared that the current fiscal budget provides \$16,000 and if we were looking to expand this, we would need Council's guidance. Changes to Code were noted in order to create a 70/30 program.
- F. *Chapter 152, 160, and 96 Draft Code Amendments* – Planning and Development Director Oliphant stated that there are three draft amendments that have all been discussed previously. The first amendment, Chapter 152, is regarding plat filing, making failure to meet the deadline, reason to void the plat. This also would include if a percentage of units in the subdivision plat, increases or decreases by 15% or changes were made to the street layout, the plat would have to be reconsidered. The second amendment, Chapter 160, would provide for a reimbursable \$2,000 grading fee that would help assure that grading was done appropriately. This would allow the City to draw upon the fee to fix any incorrect grading. Third, Chapter 96, would set the distance of all sump pump lines and downspouts at a setback of ten feet. This would also allow the City Administrator to call upon a nuisance should lines drain onto a sidewalk. Mr. Oliphant further explained that the amendment to Chapter 152 would require a public hearing because it pertains to the subdivision code. It was clarified that these amendments would apply to new preliminary plats. Mr. Oliphant said he would have to look into Alderperson Butler's concern about what might happen if someone wanted to change AG to R-1, it was approved, then if someone wants to make another change. Attorney Schryer stated that the 15% modification was brought forward to consider multi-phase developments. Alderperson Butler expressed concern if we have a change in zoning and the resulting effects on the first preliminary. Attorney Schryer noted that this does not capture Alderperson Butler's concern. Alderperson Butler expressed additional concern for the risks this might bring. Alderperson Stevens and Mr. Oliphant briefly discussed the need for a percentage of change and Mr. Oliphant said the number will help quantify what "substantial" means. Alderperson Stevens and Mr. Oliphant discussed changes from single-family to duplex and what the currently R-1 allows. Mr. Oliphant noted that with zoning requests, we have to think about all the potential uses when considering a zoning change.

General consensus was to continue to review Chapter 152, but move forward with the other two.

- G. *Discussion on City Council Rules & Procedures 6.7 and City Code Chapter 31.58* – City Administrator Snider shared that Alderperson Blundy asked for this to be brought forward. He shared the city code being reviewed and opened it for discussion. Alderperson Blundy asked when you would use abstain versus pass during voting. Attorney Schryer shared that abstentions are used when there is a reason, and pass appears to be no reason. Alderperson Stevens shared the example that she can pass and the clerk would then come back to her. Alderperson Stevens asked to clarify the phrases “concurrence of a majority of all Aldermen present” in Chapter 31 of the Municipal Code versus the Rules of Procedure that states “an affirmative vote of at least a majority of Council should be necessary to pass an ordinance”. Attorney Schryer stated that this code needs to be clarified. Alderperson Stevens said the word concurrence means the abstentions goes with the majority. Alderperson Blundy said the point for bringing this up is to correct differences. Attorney Schryer stated that it is important to consider the hierarchy of the action and further stated that he doesn’t feel this is a common action for other items like resolutions or an action taken by a vote. It was noted that under Item 6.7 of Rules of Procedure, a simple majority of those voting will carry the vote and this is supported by Roberts Rules. Alderperson Blundy gave an example of seven people abstaining and one voting, asking if the one was the majority? Attorney Schryer noted the example was extreme. Alderperson Butler clarified that Council should first decide what we want then make them the same. It was noted that in the Code requiring a “concurrence of a majority of all Aldermen” doesn’t make sense because the mayor is not an alderperson and in the Rules of Procedure is says “all members of Council” which includes mayor. It was discussed if this affects whether the mayor can break a tie. Alderperson Brownfield feels it should specify “all those that are present” stating if someone is missing for months, can we not vote? Alderperson Adams and Stevens agreed with Alderperson Brownfield. Schone agreed as well. Mayor asked if this can be done easily. Attorney Schryer likes Butler’s idea that would incorporate city code into the Rules of Procedure. He also feels there should be no distinction between passing a resolution or an ordinance. Alderperson Butler asked about Illinois Code and Mr. Snider shared that it is included. The general consensus was to use “city council members”, “all those present” and reference it in the Rules of Procedure.
- H. *Stormwater Project Priorities* - Engineer Carr shared that this has been discussed previously and the only direction given was that the 223 basin should not be a priority. Staff noted that with the lack of consensus with stormwater projects, bonding would be difficult and we could be over or under the bond amount. Engineer Carr asked that if Council does not choose priority, can staff begin the design, which will allow us to go to bonding when we are ready. Staff is asking for direction to move forward with a priority list or move forward with design. Alderperson Brownfield said it makes sense to move forward with the design, as we are not ready. Alderperson Adams agreed. Engineer Carr asked if we design all the \$5 million projects, then we can start talking about budgeting or bonding. Alderperson Stevens noted the removal of the regional item and asked about the Michael Street storm sewer. Engineer Carr stated this will take care of the overflow coming off the yards and provided details about Michael Court. Alderperson Stevens asked if the rocks on Muller Road are the project. Engineer Carr shared that due to all the overgrowth, they did not have the piping in the plan and it was removed from the project. Engineer Carr will put out an RFQ for drainage designs.

5. OTHER BUSINESS

Alderperson Adams shared that he wants to move forward with a gaming license.

6. EXECUTIVE SESSION

At 8:38 Alderperson Dingleline motioned and Alderperson Brownfield seconded to move into executive session.

7. ADJOURNMENT

At 9:18 p.m. Alderman Dingleline moved and Alderman Adams seconded to adjourn. Motion carried unanimously by voice vote.

A handwritten signature in cursive script, reading "Valeri L. Brod". The signature is written in dark ink and is positioned above a horizontal line.

Valeri L. Brod, City Clerk