



City Council Meeting Minutes
Tuesday, January 3, 2023 at 6:30 p.m.

In the library meeting room at Five Points, 360 N. Wilmor Road, Washington, Illinois

Call to Order: Mayor Manier called the regular meeting to order at 6:32 p.m. with a quorum present.

Roll Call: Present: Alderpersons Adams, Blundy, Brownfield, Butler, Dingledine, Schone, Stevens and Yoder

Also Present: Mayor Gary Manier, City Administrator Jim Snider, City Engineer Dennis Carr, Planning and Development Director Jon Oliphant, Public Works Director Brian Rittenhouse, Finance Director Joanie Baxter, Deputy Police Chief Jeff Stevens, City Treasurer Abbey Strubhar, Deputy City Clerk Lisa Anderson, City Attorney Derek Schryer, and Press

Pledge of Allegiance: All stood for the Pledge of Allegiance led by Mayor Manier. Mayor Manier asked for a moment of silence to honor the passing of City Treasurer, Abbey (Scott) Strubhar's grandmother who was a longtime Washington resident.

Citizens Wishing to be Heard: None provided at this time.

Review Agenda for Deletions or Additions: Alderperson Blundy motioned to remove Items A&B from the Ordinance section of the agenda and place it on the next Committee of the Whole meeting for discussion; Alderperson Stevens seconded.

Ayes: 4 Adams, Blundy, Stevens, Yoder

Nays: 5 Brownfield, Butler, Dingledine, Schone, Mayor Manier

Motion failed by roll call vote.

Mayor Manier broke the tie vote.

Consent Agenda: Mayor Manier presented the Consent Agenda for approval of the following items:
A. Approve Minutes of the December 19, 2022 Regular City Council Meeting
B. Approve Amended Minutes of the November 21, 2022 Regular City Council Meeting

Alderperson Brownfield motioned to approve the Consent Agenda; Alderperson Adams seconded. Mayor Manier expressed concern over Item B on the agenda stating that the clerks had listened to the recording and verified that the minutes were accurate as originally presented.

Ayes: 7 Adams, Blundy, Brownfield, Dingledine, Schone, Stevens, Yoder

Nays: 1 Butler

Motion carried by roll call vote.

Announcements and Proclamations: None at this time.

Finance & Personnel Committee: Finance and Personnel Committee Chairman Butler shared that there are no reports or business items.

Public Safety Committee: Public Safety Committee Chairman Adams shared that they are presenting a first reading ordinance amending Chapter 136 of the City Code regarding video game licensing and introduced Deputy Police Chief Jeff Stevens for further updates. Deputy Chief Stevens shared that the 10 a.m. siren testing went flawlessly and the outlying siren heard at 2 p.m. was not a Washington siren. He said a new officer has been hired who is starting academy training tomorrow. He shared that Text to 911 is now available in Tazewell County and ETSB will announce further details. He explained that text has become a primary means of communication for many people and this helps us keep up technologically with other regions already using this system. Mayor Manier and Alderperson Adams introduced the Fire Chief present in the audience for updates, who shared that there was a small fire at Kroger that resulted in \$3,500-\$4,000 in damages.

Public Works Committee: Public Works Committee Chairman Brownfield introduced staff who provided the following updates:

Public Works Director Brian Rittenhouse updated Council on the status of large equipment purchases. He said a backhoe is expected to be delivered tomorrow, a skid steerer for the wastewater treatment plant in February, two plow trucks on order are slated for a second and third quarter build this year, and delivery for the wastewater treatment plant generator was changed to February 28th from December 1st. He noted that these dates are not set in stone and he will provide updates as he learns more. He added that he's spoken to the Public Works

Committee regarding a failure issue with Well 11. The well was placed in 2003 and the recommendation is to replace the motor and 20 year old pump. City Administrator Jim Snider added that consensus shows the best path is to proceed with replacement of these parts. He noted that updates including actual replacement amount will be reported to Council. Chairman Brownfield then introduced City Engineer Dennis Carr who updated Council that Hilldale is complete, with the next section under design. He shared they are trying to fit two sidewalks inside the right of way and it gets tight in the final section between Main St. and West with the 3:1 slope into the creek. He's working with a homeowner that has trees in the right of way. In an effort to be good neighbors, they're discussing the idea of planting a new tree for each that is removed. Additionally, they're looking at next year's MFT project and getting paperwork ready to send to IDOT. They were also notified the last of the Public Works vehicles are at market now getting aftermarket additions and will arrive in the next couple weeks. He added there is still a wait for the police vehicles. Chairman Brownfield introduced Planning and Development Director Jon Oliphant who shared there are no updates. Mayor Manier and Chairman Brownfield expressed appreciation for the crews that handled snow plowing and salting in the recent winter storm.

Mayor: Nothing additional at this time.

City Administrator: City Administrator Jim Snider shared that the upcoming Strategic Planning meeting will take place on January 23, 2023 from 12 p.m. – 3 p.m. at the Washington Fire Department with lunch provided for the participants and he hopes everyone will be able to join.

2nd Reading Ordinance: City Administrator Jim Snider provided the following Ordinance: An ordinance amending the ordinance passage procedure and voting approval standard in Section 31.56 and 31.58 of the municipal code of the City of Washington.
Amending the Ordinance Passage Procedure and Voting Approval Standard in Sections 31.56 and 31.58 of the City Code

Aldersperson Dingedine motioned to accept the ordinance, Aldersperson Brownfield seconded.

Aldersperson Blundy questioned if it's a conflict of interest having the presiding officer determine what qualifies as an abstention. He referenced City Code 31.25 that defines conflict of interest and shared his concern that if the two ordinances pass, they won't align with City Code 31.25. He feels the ordinance up for vote should be changed to reflect the language in 31.25 without language related to the presiding officer determining if a reason qualifies as an abstention. He feels they should not vote on the ordinance tonight. Aldersperson Stevens said that things are different this week. She said the ordinance says the presiding officer will have the power to make a decision and she saw in the news that Mayor is considering appointment for a state position. She added that if appointed, she's not sure if he's staying on as Mayor or retaining both positions. She feels this is something they haven't considered and another reason to wait to vote. She doesn't want to keep changing the ordinances.

Aldersperson Adams asked Attorney Schryer for clarification of City Code 31.25 and how it compares to what they're voting on. Attorney Schryer shared that City Code 31.25 continues onto three pages and addresses if an alderperson has a financial interest in a contract. He stated that in response to Aldersperson Blundy's comment it does not address if someone has conflict of interest or not, which is an issue fundamentally. He provided the example of Aldersperson Yoder abstaining in the circumstance of anything related to a liquor license. He added that it's coming to a head because of Council's policy direction to count an abstention as a no vote and trying to ensure they don't create a situation where something that's controversial doesn't pass. He expressed his hope that someone makes a determination if a conflict is a conflict of interest rather than someone avoiding a difficult vote. He doesn't care if the policy directs that is the remaining council members or the presiding officer and says generally speaking the presiding officer is given power to make those judgment calls. He said this is why they drafted the letter that is before Council for vote. Aldersperson Adams asked if the ordinance were to pass tonight, whether anything in 31.25 is contradictory or opens a door for a situation where they have two conflicting ordinances. Attorney Schryer invited Aldersperson Blundy to interject and then read aloud from City Code 31.25. He added that it refers to conflict of interest generally but does not address the process of making a decision to abstain from a vote due to conflict of interest. He asked Aldersperson Blundy if he saw something different.

Aldersperson Blundy responded that if 31.25 meets that criterion, there's no reason to have the portion about the presiding officer determining whether it's a conflict of interest. He feels they can default to 31.25. Attorney Schryer said he disagrees because there is a significant amount of discretion whether something is a conflict of interest. He explained it's not as simple as wanting to sell a parcel of real estate to the City of Washington, which is clearly a conflict of interest. He said they can discuss hypotheticals for an hour, but it wouldn't be a good use of time and hopes that as elected officials they only state conflict of interest if there's a truly a conflict and not as a means for avoiding a difficult vote. Aldersperson Stevens referenced section B number 3 of 31.25 and used Aldersperson Yoder's situation as an example saying he's part of the quorum but his vote doesn't count against it. She wanted to make sure this is correct. Attorney Schreyer responded saying that's exactly what's before Council.

Aldersperson Stevens expressed that she feels this section hasn't been talked about and warrants further discussion. Attorney Schryer responded that they've been discussing the proposed changes in 31.58 since September. He reinforced that the draft of 31.58 in the agenda packet for second reading says that a member of City Council who abstains from voting will be considered present for the purpose of determining the result of the vote if 1. A member fails to state a reason for abstention or 2. abstains for a reason other than a legitimate or potential conflict of interest. He said this is the functional equivalent of a no vote and believes the provisions are entirely consistent. Aldersperson Yoder asked for clarification from Attorney Schryer if the term no vote means nay vote to which Attorney Schryer responded in the affirmative. Attorney Schryer continued by explaining that under the direction of the two ordinances up for approval that if a council member abstains without a reason offered, it

becomes the functional equivalent of a no vote. He said it's now a majority of alderpersons present and members are considered present unless they have a legitimate conflict of interest. Alderperson Butler added that 31.25 also addressed prohibited conflicts of interest and an abstention doesn't relieve a council member from that prohibited conflict of interest. He said those are two separate issues and what we're talking about with the proposed ordinance is for somebody to make determination whether a person abstaining is part of the quorum/voting member or not. He said this doesn't indict or question anyone's character but is for the rare occasion where it has to be determined whether that person is voting. He added the matter has been over analyzed since October and they have heard from the attorney with 31.25 being properly addressed. He feels that the second reading is proper and will serve Council well.

Ayes: 5 Brownfield, Butler, Dingledine, Schone, Mayor Manier

Nays: 4 Adams, Blundy, Stevens, Yoder

Motion carried by roll call vote.

Mayor Manier broke the tie vote.

2nd Reading Ordinance:

*Amending the Rules of
Procedure in Sections 6.2
and 6.7*

City Administrator Jim Snider provided the following Ordinance: An ordinance amending Sections 6.2 and 6.7 of the Rules of Procedure to establish rules governing the conduct of City Council meetings.

Alderperson Dingledine motioned to accept the ordinance, Alderperson Schone seconded.

Ayes: 5 Brownfield, Butler, Dingledine, Schone, Mayor Manier

Nays: 4 Adams, Blundy, Stevens, Yoder

Motion carried by roll call vote.

Mayor Manier broke the tie vote.

1st Reading Ordinance:

*Amending Chapter 136 of
the Washington City Code
Regarding Video Game
Licensing*

City Administrator Jim Snider provided the following Ordinance: An ordinance amending Chapter 136 of the City Code clarifying rules regarding the applicability of a waiting period for gaming licensure for the purchaser of an existing licensed establishment.

**Alderperson's
Comments:**

Alderperson Stevens cited 6.1 of the Rules of Procedure and said she wants a legal opinion as to how the mayor can refuse discussion before a vote. She stated she feels that he moved on too quickly for her to say point of order. Mayor inquired which portion and she responded it was Item 5 Review Agenda. She referred to text allowing Council members to seek advice from the City Attorney when Council is in session. Attorney Schryer asked for clarification of her request. Alderperson Stevens stated that there is normally a discussion before a vote and the mayor refused to do so. She asked that this be provided in the future. Alderperson Blundy asked if the rule can be explained at the next Committee of the Whole meeting because he made a motion and thought they would discuss. He would like the rule explained.

Adjournment:

At 7:02 p.m. Alderperson Brownfield moved; Alderperson Schone seconded to adjourn.

Motion carried unanimously by voice vote.



Lisa Anderson, Deputy City Clerk



Valeri L. Brod, City Clerk