



City Council Meeting Minutes

Monday, August 7, 2023 at 6:30 p.m.

Washington Fire Department Training Room - 200 N. Wilmor Road, Washington, Illinois

Call to Order Mayor Manier called the regular meeting to order at 6:30 p.m. with a quorum present.

Roll Call Present: Alderpersons Adams, Martin, Smith and Stevens
Absent: Alderpersons Brownfield and Butler
Remote: Alderpersons Blundy and McIntyre

Also Present City Administrator Jim Snider, City Engineer Dennis Carr, Public Works Director Brian Rittenhouse, Finance Director Joanie Baxter, Police Chief Mike McCoy, City Treasurer Abbey Strubhar, City Clerk Valeri Brod, City Attorney Derek Schryer and Press

Pledge of Allegiance All stood for the Pledge of Allegiance led by Mayor Manier.
Mayor thanked firefighter Jakob Spitzer for helping with the audio/visual this evening.

Approval of Electronic Attendance Alderperson Adams motioned to approve participation via electronic attendance;
Alderperson Martin seconded.
5 Ayes: Adams, Martin, Smith, Stevens and Mayor Manier
0 Nays:
Motion carried by roll call vote.

Citizens Wishing to be Heard Troy Pudik, representing Protea Place LLC and the proposed new development on US24, came forward and stated that his client is excited about the property. He shared that they have met some great people in the area and noted the changes in the proposed ordinance that inserts a restriction of 56 units. Mr. Pudik stated that the rezoning process involves submitting paperwork before a lot of research is done and shared that they provided a basic concept plan to the City per request. He noted that it was not very specific. He shared that their client is willing to live with the proposed limit of 56 units but they would appreciate a little wiggle room that allows for adjustment after research is done. He noted that the developer is willing to build a private road which the City will not have to maintain and they hope to be back in six months to show a more comprehensive plan.

Washington Township Supervisor Jim Bremner provided a second quarter report for the Disability and Senior Transportation Services for Council review. He stated that the numbers show strong support and they have added a few items to help decrease wait times. He thanked the Council for their support and shared the demographics for ridership to Peoria and East Peoria. He noted that they continue to get the word out and express that they would appreciate knowing of any upcoming events where he can share information about this program. He shared that the Mayor, Police Chief and himself attended a meeting regarding becoming a Dementia Friendly Community which will bring more awareness about dementia. He shared that his own father dealt with it and stated that this is our community's chance to get involved. He shared that meetings occur on the second Wednesday of every month at noon and everyone is welcome to attend.

Allison Montgomery resident of Washington Township provided a statement regarding her attendance at meetings, voting on the Trails Edge preliminary plat, voting law and the inclusion of items on the agenda from the previous Planning and Zoning meeting. Her statement is attached and made part of these minutes.

Walter Ruppman, a resident on Main Street, stated that at the Committee of the Whole meeting on July 17, 2023, Howard Hamilton submitted a smoke test report. Mr. Ruppman stated that he found points of research. Strand recommended the City address stormwater inflow into the sanitary sewer. The City code requires the removal of illegal connections. Hamilton found 816 defects. The map in Hamilton's report on page 48 caught his attention as it had red dots which he assumes are the defects. Mr. Ruppman stated there is a document on the website that is smoke testing FAQs. He read from the document on the website. He stated that the city contacted Strand for the decommissioning of the treatment plant. He said instead of smoke testing, a larger sewer was designed. Mr. Ruppman shared the location of the proposed sewer and read questions and answers from the FAQ on the website. He stated that on the July 18, 2022 agenda, Engineer Carr identified 453 defects and at a meeting in October Mr. Carr stated that staff recommends removing downspouts and clean off caps and repairing faulty laterals. He did not find any follow up to that. He asked if property owners have been notified of illegal connections.

Leri Slonneger, a resident on High Street asked why the neighbors in her area haven't been more informed as to what is going on and the costs of the Brewpub development.

She stated that the Historical Society has incurred costs caused by the project and shared that Marlene Miller has experienced a cut in her waterline. Ms. Slonneger noted that there has been unmarked, black trucks hauling away concrete and feels it is the wild west of construction. She shared that she has been around construction and has rehabbed several houses. She stated that the developer will not put anything in writing but they stated that they are very nice people. Ms. Slonneger asked if the City is allowing them to run wild. Ms. Slonneger continued by reading a statement provided by Nancy Swearingen regarding the Prevailing Wage Act. She read the definition of the act and its responsibility. She read guidelines provided by the State of Illinois about projects funded by TIF funds. She stated that funds received from TIF funding do not qualify as public funds and a private project receiving TIF funds is not covered by the Prevailing Wage Act unless it receives funds from another public source. She asked if the city has read it and if they care.

Review Agenda for Deletions/Additions Nothing was added or deleted at this time.

Consent Agenda Mayor Manier presented the Consent Agenda for approval of the following items:
A. Approve Minutes of the July 17, 2023 Regular City Council Meeting
B. Payment Authorization for Hilldale Phase 3 Request #3
Aldersperson Stevens motioned to approve; Aldersperson Smith seconded.
6 Ayes: Adams, Blundy, Martin, McIntyre, Smith and Stevens
0 Nays:
Motion carried by roll call vote.

Announcements and Proclamations Nothing presented at this time

Mayoral Communications/ Requested Actions Mayor Manier congratulated the St. Jude runners and shared that the Washington Run raised \$554,016 towards a total of \$82 million over the past 42 years, when Police Chief McCoy started the run. A round of applause was given.
Mayor Manier shared that the estate of Dorothy G. Roth donated money to the perpetual care of Glendale Cemetery. He thanked the family for the gracious gift.

City Administrator Communications/ Staff Reports/ Requested actions City Administrator Snider shared that they sent out a notice for a work session to take place next Monday, August 14th at 6:00 p.m., to discuss wastewater treatment options and the Strand B Alternative line.
Administrator Snider reported they are adjusting ways to streamline City meetings and he contacted local schools who do not have a program that could help us.
Administrator Snider shared that he and Mr. Oliphant met with developer Nathan Watson along with five individual Council members. Mr. Watson provided details about items that they will bring to Council regarding the development of the remainder of the property.
Aldersperson Stevens stated that the Aptim engineer is not available. She made a motion to move the work session to September to accommodate the Aptim engineer. Aldersperson Smith seconded the motion.
6 Ayes: Adams, Blundy, Martin, McIntyre, Smith and Stevens
0 Nays:
Motion carried by roll call vote.

Item A: Approve Bid Award for WWTP Generator Installation Administrator Snider shared that we have received a bid for \$158,725 to replace the generator from Impirium Group.
Aldersperson Adams motioned to approve; Aldersperson McIntyre seconded the motion. McIntyre asked for clarification regarding the lead time because generators are hard to get right now. Mr. Rittenhouse said it is in at Altorfer and this will help get a pad for it to sit on.
6 Ayes: Adams, Blundy, Martin, McIntyre, Smith and Stevens
0 Nays:
Motion carried by roll call vote.

Item B: Approve Bid Award for WTP2 Loop Water Main Administrator Snider shared that we have received a bid for \$122,543.12 and materials change that would reduce the cost another \$10,000, from Walker Excavating.
Administrator Snider noted that we have \$143,000 budgeted for this.
Aldersperson Adams motion to approve; Aldersperson Smith seconded the motion.
6 Ayes: Adams, Blundy, Martin, McIntyre, Smith and Stevens
0 Nays:
Motion carried by roll call vote.

Resolutions Nothing presented at this time.

Second Reading Ordinance 3508: City Administrator Snider provided the following Ordinance for consideration:
Request by Protea Place, LLC, to Rezone Vacant Land on Washington Rd. West of Cummings Ln. from C-2 to R-2
Synopsis: Adoption of this ordinance would rezone part of a property near the intersection of Business Route 24 and Cummings Lane from C-2, General Retail to R-2, Multi-Family Residential.
Title: A Request by Protea Place, LLC, to Rezone Vacant Land on Washington Road West of Cummings Lane from C-2 to R-2
Administrator Snider explained that this has been discussed at the Planning and Zoning Commission meeting. He introduced Planning and Development Director Oliphant who shared that this is located at US24, Lakeshore Drive and Cummings Lane and this is the

southern half which is about 11 acres. He noted that C-2 allows for mixed usage and the uses will be separated from the front half to the back half which requires a zoning change. Mr. Oliphant shared that our zoning code allows for up to 72 units and this proposed adjustment was based on feedback from our last meeting. He also noted that there is a final plat to be recorded within 18 months of an approval, allowing for a traffic study and after 24 months from being recorded, landscaping would be placed along Canterbury Drive and the development.

Alderson Martin asked to clarify the berm, fence and storm water runoff that was mentioned by a resident. Mr. Oliphant said the proposed landscaping is the traditional buffer because fences are usually frowned upon. He noted that items can be inserted if desired by Council. City Engineer Carr stated that as for stormwater, they are committed to City Code which means they can't contribute to the flow of water. There will be a detention basin on the proposed property, then the water will outfall.

Alderson McIntyre noted that this is a rezoning request and they are not approving a preliminary plat at this time. Mr. Oliphant confirmed that they would then require a preliminary plat if approved. He also noted that staff would not be objected to the property being developed to its maximum number of units. Alderson McIntyre stated that he would like to look at tightening up the City Code but not this way.

Attorney Schryer stated that if Council approves this with the limited units, Council could adjust their vote based on what the developer brings forward. He also noted that without the restriction, you have to be comfortable with the maximum of 72 units which Code allows.

Alderson Stevens motion to approve the request using the language from the first reading; Alderson McIntyre seconded the motion.

Alderson Adams wanted to clarify that a final plat will be recorded within 18 months. Mr. Oliphant clarified that the preliminary plat would be required before that 18-month mark. Alderson Adams asked to clarify that if they vote tonight based on original ordinance to rezone, and the preliminary plat is submitted but they don't agree with it, can still be voted on that preliminary plat. Mr. Oliphant confirmed that they could vote but like the Trails Edge plat, if it meets all the regulations, it comes back as a ministerial decision.

Alderson Martin motion to table the vote until the next meeting to give more time for research; Mayor Manier clarified that Alderson Stevens would have to amend her motion to allow the tabling. The original motion stood.

6 Ayes: Adams, Blundy, Martin, McIntyre, Smith and Stevens

0 Nays:

Motion carried by roll call vote.

First Reading
Ordinance: *Ground-Mount Solar Array Zoning Code Text Amendment*

City Administrator Snider provided the following Ordinance for consideration:
Synopsis: Adoption of this ordinance would amend the solar energy code to allow for ground mount solar energy systems on real property that has non-residential uses.
Title: A Ground-Mount Solar Array Zoning Code Text Amendment

Alderson Stevens stated that it does not say "also for certain residential properties" but yet there is a future meeting to approve a ground-mount solar array for a residential property. She would like to see language add "for certain residential properties".

Alderson Stevens also noted concerns for a residential property next to a business property with ground-mount solar arrays.

Mr. Oliphant stated that this is the direction provided by Council whose desire was to not allow ground-mounts on residential properties. He shared that a request for a variance is going to the PZC but they don't have the authority to approve it as they are only an advisory board. It will come before Council after their recommendation.

Alderson Stevens would like it to say "certain residential properties" because if she were a homeowner with the proper lot size, and she read the code, she would not think she could go to Council or PZC to get a variance. Alderson Blundy agreed because it could be allowed in a special case.

Mr. Oliphant shared that if there is a desire to have them on residential properties, spacing should be clarified for the allowance.

Mayor Manier stated that this will be brought back to the Committee of the Whole meeting.

First Reading
Ordinance: *Providing for the issuance of General Obligation Bonds and the levy and collection of a direct annual tax sufficient for the payment of the principal of and interest on said bonds.*

City Administrator Snider provided the following Ordinance for consideration:
Synopsis: Adoption of this ordinance would provide for the issuance of not to exceed \$5,000,000 General Obligation Bonds, Series 2023, of the City of Washington, Tazewell County, Illinois, and providing for the levy and collection of a direct annual tax sufficient for the payment of the principal of and interest on said bonds.
Title: An ordinance providing for the issuance of not to exceed \$5,000,000 General Obligation Bonds, Series 2023, of the City of Washington, Tazewell County, Illinois, and providing for the levy and collection of a direct annual tax sufficient for the payment of the principal of and interest on said bonds.

Administrator Snider explained that this bond will allow Council to choose \$5 million group of projects to complete. He shared that if approved the bond sale would be September 19th with the closing in late September. They are anticipating a rate of 3.6% and an annual debt payment of \$500,000. Mr. Snider stated that we have sufficient funds built up in the fund and this allows us to go beyond the \$5 million if the Council chooses. There is a 1.5% issuance cost. He also shared that this ordinance also authorizes the Mayor and Finance Director to approve the sale of the bonds. Mr. Snider noted the title mentions the tax levy which is part of the legal document. If any bonding is backed by

good faith of the EAV of the City, we use our credit rating to back these bonds. The alternate revenue would not be the tax levy but the sales tax. Administrator Snider stated that there will be an abatement ordinance every December which is standard to duly note the alternative source for these bonds.

**Aldersperson's
Comments**

Aldersperson Stevens stated that we have a well-respected fire department and EMS personnel and we need to support them.

Aldersperson Stevens motion to tighten up our municipal code, Chapter 103, titled Standards for the Operation of Ambulances, to state that there is one ambulance license in the City of Washington. That license is for the Washington Fire Department because the City has a contract with the Washington Fire Department for all ambulance services. No other than the Washington Fire Department ambulances can be stationed, housed or run calls in Washington; Aldersperson McIntyre seconded the motion.

Administrator Snider explained that this has been a contentious issue and we have received legal guidance clarifying that the obligation for ambulances for emergency services and non-emergency services is with the Washington Fire Department. Mr. Snider noted there is an entity looking at housing ambulances in the City and won't respond to emergency calls or serve Washington residents. He stated that our code is clear. He stated that a company can place ambulances in the city, so long as they don't provide services. Legal team has reviewed this. Aldersperson Stevens would like to add the language that other ambulances cannot be stationed, housed, or run here. She stated that she saw and ad on Indeed.com for Stark County Ambulance, who say they are a competitor, and they are seeking people to work in Washington. Mr. Snider agreed but wanted to clarify the legal opinion.

City Attorney Schryer stated Aldersperson Stevens' motion is out of order as she has requested to amend the City code and it is not on tonight's agenda. Aldersperson Stevens clarified that she would like her motion to reflect that she would like to bring this for discussion at the next Committee of the Whole meeting for further discussion.

6 Ayes: Adams, Blundy, Martin, McIntyre, Smith and Stevens

0 Nays:

Motion carried by roll call vote.

Aldersperson Adams stated that Mr. Snider had previously mentioned an opportunity to meet with the Brewpub to get more information about the project. He noted that there has been an uproar online and he thinks placing the blame on Mr. Snider is out of place.

Aldersperson Adams stated that Mr. Snider tried to be more open than any other administrator and alderpeople have asked for more information yet they get the opportunity and act like it is something horrible to do. Aldersperson Adams stated that Council has a duty to get as much information as possible and he hopes that Facebook information isn't questioning anyone's integrity for meeting to get more information. He feels to throw Administrator Snider under the bus for information that Council has been asking for for years, is inappropriate.

Aldersperson Martin asked if social media posts can violate OMA if multiple Alderspersons interact. Attorney Schryer stated that it can if more than a quorum has responded. His advice is to not engage in discussions with other alderpersons in that manner.

Aldersperson Martin made a motion to add a discussion to review social media guidelines; Aldersperson Stevens seconded the motion.

6 Ayes: Adams, Blundy, Martin, McIntyre, Smith and Stevens

0 Nays:

Motion carried by roll call vote.

Aldersperson Blundy asked if the water line on the square is it the city's expense if there is an issue. Mayor Manier feels it is the contractor's responsibility similar to Hilldale. Blundy noted that it is inconvenient but not an added expense.

Adjournment

At 7:32 p.m. Aldersperson Adams moved to adjourn; Aldersperson McIntyre seconded.

Motion carried unanimously by voice vote.



Valeri L. Brod, City Clerk

I am Allison Montgomery, I live within the City's 1.5 mile jurisdiction and I have attended City meetings, on a regular basis for years.

Bob and I could only attend the 6pm Special Council Meeting on July 17, 2023. Having missed the meeting, I read the draft Minutes attached to tonight's agenda. On page 2, there was a 1st reading of an Ordinance to rezone vacant land on Washington Road. The minutes state,

"Aldersperson Butler noted the Trails Edge preliminary plat change that took place two years ago where **state law and the way our ordinances are written required Council to approve it.**

I attended the many meetings surrounding the Trails Edge project and I heard Alderspersons state they were abstaining from voting out of fear of personal liability. The approved Minutes from a special City Council Meeting held September 10, 2021 states,

Aldersperson Butler noted that this is beyond city code, **there is law surrounding preliminary plats**, and that this is a **ministerial duty of the Council to approve and to say no would be unlawful**. Aldersperson Butler also stated that everyone here has taken an oath to uphold the Constitution of the United States and State of Illinois..."

In 2021, no one on Council asked what exact law the Aldersperson was referencing.

Since this has come up again, and myself and many Washington citizens are not legal scholars I would ask that the law or laws (state or federal) be identified at an upcoming City Council Meeting (not a Comm of Whole Meeting).

- What law dictates how a Council member can vote on an Ordinance or Plat?
- What City Ordinance dictates how a Council member can vote on an Ordinance or Plat?
- Where does one read what is the ministerial duty of the Council regarding Ordinances or plats?

Also, Item XII A & B – how are these on the agenda when the Planning and Zoning meeting never closed the Public Hearing and the meeting was adjourned without a motion and second?

Thank you. I ask that this statement be attached to the meeting minutes. A meeting 10/10/2022 has attached statement read by public.