



City Council Meeting Minutes

Monday, February 5, 2024 at 6:30 p.m.

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

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

Roll Call *Present:* Alderpersons Adams, Blundy, Brownfield, Butler, Martin, McIntyre, Smith, Stevens

Also Present City Administrator Jim Snider, Finance Director Joanie Baxter, Planning and Development Director Jon Oliphant, City Engineer Dennis Carr, Public Works Director Brian Rittenhouse, Police Chief Mike McCoy, City Treasurer Abbey Strubhar, City Clerk Valeri Brod, Attorney Jay Scholl and Press

Pledge of Allegiance All stood for the Pledge of Allegiance led by Mayor Manier.

Audience Comments Bill Atkins came forward to speak about a memo provided by Contessa Brundridge to Administrator Snider. He stated there are inaccuracies. He shared that he was present when Alderpersons Blundy and Stevens met with Ms. Brundridge and he recorded it. He assumed that Alderperson Stevens had turned over everything that was asked. He feels it was clear that there was no violation. He feels it was questionable whether emails that were private are discoverable. He noted additional items provided by Alderperson McIntyre. He noted that after further discussion, Alderperson Stevens said she had received the email on December 17, 2023 and Alderperson Blundy gave the same response. Mr. Atkins said that Ms. Brundridge doesn't identify what they are not being forthcoming about. He said the recording is available to the public because it was sent through city email. He re-read a portion of the memo from Ms. Brundridge and feels it is misleading. He said she had to be aware that they received the December email so he thinks her factual statements are incorrect. Mr. Atkins feels that Ms. Brundridge criticized Alderperson McIntyre worse than Alderpersons Blundy and Stevens.

Jim Bremner, Washington Township Supervisor, thanked everyone for being valued partners to help meet senior transit needs. He shared that they have provided more than 3000 rides to City and township areas. He noted the initial funding started with a six-month trial, they have gone a year and half and there is still money to get them through the summer. He hopes they are included in the next budget to keep it going. He noted that a rider can pay \$6 to go to Peoria or East Peoria. They are trying to service the Sunnyland area through partnership with East Peoria. He provided a flyer which is attached to these minutes. He also noted that the community is growing and the citizens are aging. He shared the recent announcement that the City was recognized as one of 30 dementia friendly cities in the State of Illinois. He shared that there are meetings on the second Wednesday of each month at the fire station, at noon and everyone is welcome to attend.

Leri Slonneger from High Street noted the first reading of the square parking lot purchase and referred to inspections and grading plans. She noted it has been surveyed and she was a prior owner. She shared her concern about drainage from the church. She said it was regraded after the trees were removed. She stated that it is causing flooding in her basement. Josh has tried to move dirt and plant grass to help the drainage. She is asking if the alley from Walnut will still be accessible and noted businesses use the alley. She noted people without garages park in the alley off S. High and S. Elm. She also shared that traffic includes semis and Ameren. She wants everyone to understand that there are water issues.

Curt Reynolds, owner of Brunks on the Square stated that he thought they would be discussing the lot behind his business. He noted that the Attorney's office near his business will hire more people this year and the parking is running out. He addressed snow removal on the Square. He noted that snow is pushed to the outside until it ends up on the sidewalk. He also noted that there is no need for garbage cans and planters during the wintertime. He shared that there are 7-8 parking spots being missed during snow removal. He recommended reversing the snow plow direction in the middle of the night. He said no one should be parked on the square during the night. He shared that there is a car outside his building with a flat tire and there was an abandoned car on Zinser for eight months. He said the owner is from Metamora and they can't reach them.

Luke Sawicki, a resident of ward four asked to create a prohibition for excessive braking and place warning signs on the bypass. He thinks that the engine braking noise may increase with the new Nofsinger intersection. He recognized that there are requirements for the state route and pointed out language in the state language allowing the municipality to place road signs regrading braking.

Review Agenda for Deletions/Additions Nothing 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 January 16, 2024 Regular City Council Meeting
- B. TIF Pay Request #2- Sentimental Journey, 123 Washington Square
- C. Accept Police Pension Fund Actuarial Report for Fiscal Year Ending April 30, 2023

Aldersperson Brownfield motioned to accept the consent agenda; Aldersperson Butler seconded.
8 Ayes: Adams, Blundy, Brownfield, Butler, Martin, McIntyre, Smith, Stevens
0 Nays:
Motion carried by roll call vote.

Announcements/ Presentations/ Proclamations None provided at this time.

City Administrator Communications *OMA and FOIA Investigation Follow-up*

City Administrator Snider shared information regarding a memo provided by an independent attorney addressing an OMA/FOIA using violation investigation when certain alderpersons used their personal email accounts to communicate with the Pudik family. He noted that the trunkline project has been ongoing and Pudik's are affected with its location. He noted that on October 9th a Washington citizen provided a FOIA request for every communication between Council members and the Pudiks. Administrator Snider shared that the search of emails showed some members of Council using personal emails to communicate with the Pudik family. He shared that since the use of personal emails was found he reached out to a third-party to do an investigation. The third-party then reached out to the three Council members and interviews were done with Alderspersons Blundy, Stevens and Adams. He further shared that Council received a report on December 18, 2023 sharing the FOIA violations. He shared that the report notes there is no serious crime but it is important for council to use city email accounts and look into further training. Administrator Snider shared that Aldersperson McIntyre then provided additional emails that weren't previously provided from a personal email account. Administrator Snider reached out to Alderspersons Stevens and Blundy about another meeting to discuss the completely new set of emails that are different. Aldersperson Adams was forthcoming therefore, not asked to interview again. He had fully complied by forwarding the email to his city email account. Attorney Brundridge provided a second report regarding the investigation. The leading attorney Michael Lowenbaum, who was present for questions, has a 35-year history with Lowenbaum Law. He is well known in the St. Louis area and represents many municipalities.

Michael Lowenbaum shared that Ms. Brundridge works for him. He said that Ms. Brundridge was originally ambivalent but they gave the advice that all emails conducting City business go to their City email address so they are discoverable. He shared that they discovered additional emails that could lead to individual liability and be bad for the City and he is here to answer any questions.

Aldersperson Martin asked if it is okay to use personal emails so long as there is not a quorum. Mr. Lowenbaum explained that forming a quorum is an OMA issue not a FOIA issue. Mayor Manier noted that working outside of Council chambers has been discussed previously for which we have no authority. He stated that we need to be careful about what is discussed and he is worried about what has been discussed that has not been discovered.

Aldersperson Butler shared that he found approximately 20 emails from the Pudik family in his emails and in almost every instance they are asking for City staff information. His emails only used city email addresses. He asked why would the Pudiks be sending emails to private email accounts and creating a smaller group. Aldersperson Butler shared concern, noting a central theme that they are using private email addresses because they can't be FOIA'd. He feels the content of the emails is outside the prevue but it is obvious that individual council members are being coached. He stated that he has heard speak in open meeting that is almost verbatim to what appears in these emails. There are instances that attempt to get council members to vote a certain way. He noted that the trunkline issue has been going for four years and we are duty bound to act in the best interest of the citizens.

Aldersperson Brownfield expressed concerned about some of the FOIA requests and shared that some have touted transparency, yet they didn't provide information. He feels it is deceiving and they appear to be coached. He asked what the Attorney General could do if they look into this. Mr. Lowenbaum said there could be fines up to \$5,000.00 per request. Aldersperson Brownfield said looking back at hot topics and it makes you question if it has been going on longer than this issue.

Aldersperson Adams clarified the timing of the requests and read what was provided to him in the requests. He said he does not use his city device and he didn't respond, explaining that he provided what he thought was right. Administrator Snider clarified that in the initial request, we showed personal email accounts showing evidence. With this evidence, we asked for personal email communications as well. He noted concern that there is more and there is no way for the City to discover them on private emails. Administrator Snider said he is ethically bound to protect the City.

Aldersperson McIntyre struggled with the process and released additional emails after receiving additional information. He provided what he had and he hadn't opened with them. He struggles with understanding that when they are outside of this room, they are not Council. Mr. Lowenbaum clarified that if emails discuss city business, they are responsive.

Aldersperson Martin clarified the number that makes a majority of a quorum and noted that it is concerning from an OMA view.

Administrator Snider noted a concern with Pudik telling which emails they would send to certain alderpersons versus other people. He also noted that as long as you don't create a two-way conversation it is fine but sending an email to the whole council will violate OMA. Mr. Snider shared that he had provided additional training and only one alderperson had completed it. He feels this is about protecting the city and protecting Council. Alderperson Martin clarified that three council members cannot email back and forth without violating OMA. Alderperson Butler feels that if someone gets a personal email they should forward it to their City email address and tell the person to use their City email. He shared that no one told the Pudiks to not do this and the content of their emails is vitriolic. They insult our City engineer and no one defended City staff in responses. We should have more respect of our City employees.

*Purchase Auth. for
WWTP Water Pressure
Tanks Bladder
Replacement*

Public Works Director Brian Rittenhouse explained the vessels hold bladders and staff noted that one was leaking. He also noted that the water is corrosive. He shared that to install one bladder would be about \$8,800 and both would be about \$17,000. He shared that these have been in service for about 15 years and staff would like to replace both bladders. Once the bladders are removed, if the tanks need replacement, it would be \$35,684 for both tanks. They would like to only do the bladders but won't know until they get the tanks.

Alderperson McIntyre motioned to approve; Alderperson Smith seconded.

8 Ayes: Adams, Blundy, Brownfield, Butler, Martin, McIntyre, Smith, Stevens

0 Nays:

Motion carried by roll call vote.

**First Reading
Ordinance**
*Square Parking Lot
Acquisitions*

Administrator Snider provided the following ordinance for consideration:

Synopsis: Adoption of this ordinance would approve the purchase of real estate commonly known as 105 S. High Street and a portion of the real estate commonly known as 107 S. High Street in the total amount of \$95,000 to be used for future public parking opportunities.

Title: Approving Square Parking Lot Acquisitions

He introduced P&D Director Oliphant and Attorney Scholl to provide details. Mr. Oliphant explained that this is an agreement to purchase two properties from Frank Boley. 105 S. High Street lot is currently a parking lot on private property but it is used by the public. The other lot on 107 S. High Street has a single-family house on the front half and Mr. Boley wishes to sell the back half of the lot. The 105 S. High lot has about 40 spaces. He noted that it would need to be reconstructed. It is important to note that there is a separate transaction that would be with the Mr. Boley to sell the church to Cana Event Center. Also, there is a requested easement to use the 105 S. High lot for parking on Sundays by church goers. The language would run with the land in perpetuity, so long as the church is used for religious purposes. The total purchase price is \$95,000. Mr. Oliphant further explained that the intention is for \$75,000 to come from the TIF funds for the 105 S. High parcel and the remaining would come from the General Fund. Mayor Manier invited City Engineer Carr who shared information about water runoff. He explained that the alleys will remain in service. If council wants to vacate the alley, it could be a future discussion but he doesn't recommend it. They have had internal talks regarding repavement of the north/south alley. Then the north side of the east/west alley would be repaved. He noted the lot can be regraded to help address water runoff.

Alderperson Blundy favors the purchase but is concerned with taking tax dollars to purchase but directing when public can park there. He noted the times the brewpub would need additional parking. He asked about parking enforcement. Mr. Oliphant said the church could place optional signage to detail use and enforcement would go through the police department. Attorney Scholl explained that it is not an exclusive easement and the public could still park there. This just allows access to parking, not that they have exclusive use of the lot.

Alderperson Blundy clarified that if someone parks there during the off hours, the City couldn't tow them. Attorney Scholl said no, not for this agreement. Alderperson Blundy stated that he is then only concerned for using the General Fund. Mr. Oliphant noted that the other lot is not in the TIF and would not use the General Fund.

Alderperson Stevens expressed concern for the parking controversy. She does not have issue with parking in 107 because it is in the TIF district but she feels the other lot should be a separate vote. She referenced other lots in the TIF district and feels we should concentrate on purchasing lots in the TIF district with TIF money. She does not support the easement for the church. She questioned the signage for the church and noted that Attorney Schryer was not present because he attends this church.

Alderperson Brownfield noted that the "Skill Sprout" parking lot, received 4-8 spots with signs and post office parks there now. He feels 107 High is an opportunity to have the property for the future. He is in favor.

Alderperson Butler feels it should be kept together as one ordinance. He is in favor.

Alderperson Martin is in favor and would like an effort to fix the runoff.

**Alderperson's
Comment**

Alderperson Blundy provided photos of roads in Trails Edge showing excess aggregate that didn't adhere to the road. He said he has received feedback from neighbors that have appreciated the cleanup. He would like to monitor this in the future so it doesn't happen again. He mentioned the water rate that was brought forward by Brian Tibbs who provided additional information.

Alderperson Blundy motioned to discuss the park district water rate at next meeting; Alderperson Smith seconded.

Administrator Snider shared that he can pull together the information.

Engineer Carr shared some detail and stated that he will pull together additional information for the discussion.

Alderperson Stevens asked if the request was for a percentage or the whole thing forgiven.

Administrator Snider interprets it as a request to just cover the cost.

Aldersperson Brownfield shared concern with providing one taxing body a discount and tax payers would like a discount also. He noted that the water fund was discussed at the last meeting.

Alderspersons Stevens and Brownfield discussed the difference between Five Points not being a taxing body and the Park District is a taxing body.

Administrator Snider noted that water is a utility that is supported statutory by user fees and it is not economic development funds. It is owned by customers. He noted that Illinois American water is higher because they make a profit.

Water is for-profit and the City doesn't make dividends.

7 Ayes: Adams, Blundy, Butler, Martin, McIntyre, Smith, Stevens

1 Nays: Brownfield

Motion carried by roll call vote.

Aldersperson Smith and Engineer Carr noted that there is no new information regarding the lagoon feasibility study.

Aldersperson Blundy motioned to discussed a solution for loud breaking; Aldersperson Stevens seconded.

Engineer Carr shared that it is a divided highway so he will run it by IDOT to see if it is possible.

8 Ayes: Adams, Blundy, Brownfield, Butler, Martin, McIntyre, Smith, Stevens

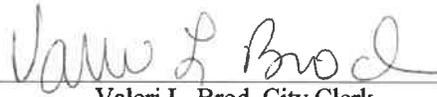
0 Nays:

Motion carried by roll call vote.

Aldersperson Stevens shared that, regarding Aldersperson Butler comment about not defending staff to the Pudiks, there was not back and forth so she didn't violate OMA.

Aldersperson Brownfield requested that people watch the video and read the report to learn more about the Lowenbaum report.

Adjournment At 7:48 p.m. Aldersperson Brownfield moved to adjourn; Aldersperson McIntyre seconded. Motion carried unanimously by voice vote.



Valeri L. Brod, City Clerk