

**CITY OF CHILLICOTHE
COUNCIL MEETING
MINUTES OF A REGULAR MEETING
July 27, 2020**

A regular meeting of the City Council of the City of Chillicothe, Peoria County, Illinois, met in Regular Session in person and via conference call July 27, 2020 at 7:00 P.M with Mayor Donald Z White presiding and with proper notice having been posted.

Electronic Attendance:

In accordance to Governor JB Pritzker’s Executive Order members of the Council were allowed to attend by teleconference. Those members attending the meeting via phone shall be declared present.

To comply with these recommendations and requirements, the City is complying with the spirit of the Open Meetings Act by permitting this meeting open to the public by teleconference using Zoom Meeting to help prevent the spread of COVID-19 and to comply with the recommendations and requirements of Executive Order.

Mayor Donald Z. White called the meeting to order at 7:00 P.M.

The Pledge of Allegiance, to the Flag of the United States of America, was recited.

Chairman White directed Clerk Hurd to take roll.

Physically Present:

**Mayor Donald Z. White
City Clerk Margaret Hurd
Treasurer B. L. Bredeman
Alderman Braun,
Alderman Connor, Alderman Dennis Gould,
Alderman Jeff Jenkins, Alderman Gary Sharp**

Attending by Phone:

**Alderman Bredeman, Alderman Hughes
City Engineer Ken Coulter**

Also, Physically Present:

**City Attorney Seghetti, Office Manager Denise Passage
Police Chief Scott Mettille,
Superintendent Shawn Sutherland
Economic Development Director Amanda Beadles**

Absent:

None

Chairman White declared a Quorum present.

The Minutes of the Regular Council Meeting held on July 13, 2020 were presented.

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Motion Alderman Braun , second Alderman Gould that the Council dispense with the reading of the Minutes of the July 13, 2020 Regular Council Meeting and approve the Minutes as presented.

Roll Call Vote was:

Ayes: **Braun, Bredeman, Connor
Gould, Hughes, Jenkins, Sharp**

Nays: **None**

Chairman declared motioned carried

Clerk Hurd presented the following Committee Minutes:

Cemetery and Parks:	July 21, 2020
Public Works:	July 22, 2020

Clerk Hurd read the following letter from Jackie Guiliani:

Dear Mrs. Hurd,

I am enclosing my story regarding water billing system. Please read at the council meeting on 7-27. My name is Jackie Guiliani and I paid a previous bill on my current property in order to have water turned on in my name. When I originally contacted the city to inform them I was purchasing the property of 1521 w Leonard there was nothing to report regarding an old bill. Upon receiving the first bill I realized they had entered the address incorrectly. A different home in the neighborhoods (1621 I believe) bill had been put in my name. I called to rectify the error and was told my correct address had a previous bill of \$158 that I was required to pay before I could get water turned on. I didn't feel I should have to pay the bill of the previous owner due to a clerical error, however I did because I didn't think there was a choice. Previously I had been told if there was an old water bill on the property I was purchasing, it was my responsibility to pay it if I didn't catch it before closing. I didn't know it wasn't my responsibility to pay this bill at all. I am requesting my money back in full.

Thank you for your time,

Jackie Guiliani

1521 w Leonard Dr

Chillicothe, IL 61523

Chairman White asked Clerk Hurd to refer the letter to the Public Works Committee.

Clerk Hurd presented the written response from City Attorney Seghetti in regards to the letter presented to the Council from Jerry Donnelly dated July 13, 2020. The letter was in regards to his (Mr. Donnelly) concerns with the city attorney. All members of the Council received a copy of the letter in the meeting agenda packet. The letter reads as follows:

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*Margaret Hurd
City Clerk
City of Chillicothe
908 N. Second St.
Chillicothe, IL 61523*

Re: Jerry Donnelly July 13, 2020 Letter

Dear Margaret:

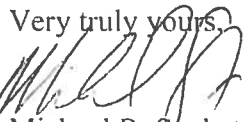
I feel that it is appropriate to respond in writing to the charges made by Jerry Donnelly in his July 13, 2020 letter. Mr. Donnelly charged that the dispute with Bob Bushell "blew up" because of erroneous legal advice, that I charged the City thousands of dollars in legal fees and suggested that I intentionally prolonged the dispute to run up legal fees.

The dispute with Mr. Bushell began, I believe, in May of 2019. The City had asserted that Mr. Bushell was liable for a preexisting water bill for 1513 Fifth St., a property that he had recently acquired. The City's position was based on Section 98-57 of the City Code, which provides that if water service is disconnected due to nonpayment of bills, service will not be reinstated until the bills are paid, even if ownership of the property has changed hands.

I first became involved in July, 2019, responding to freedom of information requests from Mr. Donnelly regarding Mr. Bushell's situation and the water bill collection process generally. My first involvement directly with the dispute with Mr. Bushell was just before the August 7, Public Works Committee meeting. I advised the City that I agreed that Section 98-57 applied to Mr. Bushell's situation. A related section, Section 98-56, however, provided that the City was to file a lien for delinquent charges, which the City had not done with respect to the Bushell property. I advised the City that this unfulfilled requirement would likely make it difficult to enforce the provisions of Section 98-57 in this case. My advice on these points is not erroneous, and I don't believe that it in any way prolonged the dispute. At its August 7 meeting, the Public Works Committee recommended waiving the City's portion of the bill, and the City Council approved that waiver at its August 12 meeting.

With respect to fees, I have reviewed my bills for the time period of this matter. Fees for the Bushell dispute were \$760.00. Fees for responding to Mr. Donnelly's FOIA requests were \$1,120.

Mr. Donnelly also referenced my discussions with Alderman Hughes regarding the CEFCU lease at 616 N. Foulh. When Alderman Hughes called, I took a quick look at the lease and then discussed it with the mayor. When Alderman Hughes called me again to question my response, I told him I would review the lease again, and did so more thoroughly. I then called Alderman Hughes back - that same day - to tell him that I agreed with him.

Very truly yours,

Michael R. Seghetti

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Chairman White referenced Mr. Donnelly's letter. Chairman White stated that Mr. Donnelly accused the Attorney of being incompetent or purposely running up thousands of dollars in legal fees. Chairman White informed the Council that Attorney Seghetti received \$760.00 in the Bushell dispute plus \$1,120.00 responding to Mr. Donnelly's FOIA requests. Additionally, the council voted to waive the water costs Plus pay a little over \$2,000.00 in lost rent and other associated costs to Mr. Bushell.

Chairman White explained that due to the dispute it prompted the City to improve and clarify the city's ordinance and the procedures for unpaid water bills .

Chairman White referenced Mr. Donnelly's other issue about mowing of the City-owned lot where the CEFCU ATM is installed. He explained that in the June 6 Finance/EDC Committee meeting he stated that he felt that as the landlord the city would be responsible for the mowing of the property. The EDC Committee asked that he look into the lease agreement to get a clear answer as to who was responsible for the mowing of the property. Chairman White spoke with Attorney Seghetti and they decided that the language of the contract could have been clearer, Chairman White contacted CEFCU to clarify that CEFCU was responsible for mowing the property.

Chairman White informed the Council that while he was looking into the lease agreement , Alderman Hughes had contacted the City Attorney and questioned the CEFCU lease.

A brief discussion was held then Clerk Hurd asked that her communications be approved any further discussion be held later.

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Motion Alderman Jenkins, second Alderman Gould that the Council accept the donation of \$8,000.00 from the Chillicothe Foundation for the purpose of the Bike Path Development.

Roll Call Vote was:

Ayes: **Braun, Bredeman, Connor
 Gould, Hughes, Jenkins, Sharp**

Nays: **None**

Chairman declared motioned carried

Motion Alderman Jenkins, second Alderman Gould that the Council approve the contract between the City of Chillicothe and Midwest Engineering for \$7,800.00 for a Bike Path Study/Masterplan. Payable from the General Fund.

Roll Call Vote was:

Ayes: **Braun, Bredeman, Connor
 Gould, Hughes, Jenkins, Sharp**

Nays: **None**

Chairman declared motioned carried

Motion Alderman Jenkins, second Alderman Gould that the General Fund priority one project Cemetery Trees be approved and brought forward as a project and approve an expenditure not to exceed \$5,500,00 for the purchase of trees for the cemetery. Payable to Schaub Nursery. Payable from the General Fund.

Roll Call Vote was:

Ayes: **Braun, Bredeman, Connor
 Gould, Hughes, Jenkins, Sharp**

Nays: **None**

Chairman declared motioned carried

Motion Alderman Jenkins, second Alderman Connor that the Council authorize Economic Development Director Beadles to prepare and submit the application for the Trees Forever Grant.

Roll Call Vote was:

Ayes: **Braun, Bredeman, Connor
 Gould, Hughes, Jenkins, Sharp**

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Nays: **None**
Chairman declared motioned carried

Motion Alderman Jenkins, second Alderman Sharp that the Council approve an expenditure of \$1,200.00 payable to T.C. Gill for the carving of an Eagle from the tree located at Walnut and Third Streets. Payable from the Shademakers account.

Roll Call Vote was:

Ayes: **Braun, Bredeman, Connor**
Gould, Hughes, Jenkins, Sharp

Nays: **None**
Chairman declared motioned carried

Motion Alderman Gould, second Alderman Sharp that the Council approve the application for the Sidewalk Program from Michele Pomberg of 723 Truitt Ave in the amount of \$1,000.00 Payable from the Road and Bridge Fund.

Roll Call Vote was:

Ayes: **Braun, Bredeman, Connor**
Gould, Hughes, Jenkins, Sharp

Nays: **None**
Chairman declared motioned carried

Motion Alderman Gould, second Alderman Sharp authorize Superintendent of Public Works Sutherland to advertise in the Chillicothe Times Bulletin that the city will be accepting applications for a full time public works position. Discussion was held in regards to advertising in the The Chronical as well. Alderman Gould then amended his motion to include advertising in The Chronical. Alderman Sharp seconded the amended motion.

Roll Call Vote was:

Ayes: **Braun, Bredeman, Connor**
Gould, Hughes, Jenkins, Sharp

Nays: **None**
Chairman declared motioned carried

Alderman Gould withdrew agenda item Cemetery Priority One Project – Overlay

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Motion Alderman Braun, second Alderman Gould that the Council approve the appointment of Alderman Connor as interim Chairman of the Finance/ED Committee.

Roll Call Vote was:

Ayes: **Braun, Bredeman, Connor
Gould, Hughes, Jenkins, Sharp**

Nays: **None**

Chairman declared motioned carried

Motion Alderman Jenkins, second Alderman Braun that the Council approve the appointment of the following people to the Bike Path Task Force.

Brent Cranford	Term: 2021
Amanda Beadles, ED Director	Term: 2021
Jeff Jenkins, Alderman	Term: 2021

Andy Ruhland	Term: 2022
Mike Ratcliff	Term: 2022
Adam Leiner	Term: 2022

Jeff Admire	Term: 2023
Troy Mitchell	Term: 2023
Kevin Yates (Park District)	Term: 2023

Roll Call Vote was:

Ayes: **Braun, Bredeman, Connor
Gould, Hughes, Jenkins, Sharp**

Nays: **None**

Chairman declared motioned carried

Council adjourned at 7:55 pm.


Margaret E. Hurd, City Clerk

