

**CITY OF CHILLICOTHE
COUNCIL MEETING
MINUTES OF A REGULAR MEETING
July 13, 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 13, 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 Barry Bredeman,
Alderman Connor, Alderman Dennis Gould,
Alderman Hughes, Alderman Jeff Jenkins,
Alderman Gary Sharp**

Attending by Phone:

None

Also, Physically Present:

**City Attorney Seghetti, Office Manager Denise Passage
Police Chief Scott Mettille, Superintendent Shawn**

Sutherland

Economic Development Director Amanda Beadles

Absent:

Alderman Colwell, City Engineer Ken Coulter

**CITY OF CHILICOTHE
COUNCIL MEETING
MINUTES OF A REGULAR MEETING
July 13, 2020**

Chairman White declared a Quorum present.

The Minutes of the Regular Council Meeting held on June 22, 2020 and the Minutes of the Public Hearing held on June 22, 2020 were presented.

Motion Alderman Braun , second Alderman Gould that the Council dispense with the reading of the Minutes of the June 22, 2020 Regular Council Meeting and the Minutes of the Public Hearing held on June 22, 2020 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:

Finance/EDC:	July 6, 2020
Public Works:	July 8, 2020
Public Safety:	July 7, 2020
Marketing and Tourism:	July 7, 2020
Plan Commission:	July 7, 2020

Clerk Hurd presented the following reports:

- City Collectors Report for the month of June 2020
- Annual City Treasurer Report ending April 2020
- City Treasurer Report for the month of June 2020
- City Engineer Report dated July 10, 2020

Clerk Hurd read the following letter from Rich Underwood, Chairman of the Police Commission:

July 7, 2020

To: Chief Mettillie Chillicothe Police Department,

Mayor White and members of the Chillicothe City Council

**CITY OF CHILlicoTHE
COUNCIL MEETING
MINUTES OF A REGULAR MEETING
July 13, 2020**

The Chillicothe Police Commission is pleased to announce that Justin Kitts has accepted our offer of employment as a probationary officer. Per Chief Mettille's request, Justin will begin his employment on July 22, 2020.

Please join us in welcoming Justin to our Department, his hiring will fill the opening created by the resignation of Officer Brown and will return our department to full capacity.

*Best regards,
Rich Underwood
Chairman, Chillicothe Police Commission
Cc. Margaret Hurd, City Clerk*

Clerk Hurd read the following notarized letter of resignation from Second Ward Alderman Danny Colwell:

*"Dear Mayor White,
Effective Immediately, I hereby resign my position as 2nd Ward Alderman for the city of Chillicothe. It has been an honor to serve the residents of the 2nd ward and I wish you, the council and all city staff success for the future of Chillicothe.*

*Best Regards,
Danny Colwell*

Clerk Hurd read the following letter from Jerry Donnelly:

*July 13, 2020
Chillicothe City Council Members:*

I would like to take a few minutes of your time to address recent concerns I have regarding our city attorney, Mike Seghetti.

As you may recall, approximately one-year ago, there was a dispute between the City and Mr. Bob Bushell regarding an outstanding water bill. The outstanding water bill was accrued by the previous homeowner of a rental property Mr. Bushell had just purchased. That dispute, which blew up because of erroneous legal advice by Mr. Seghetti, ended up costing the city and its taxpayers thousands of dollars. In that case, Mr. Seghetti informed Denise Passage that the City's policy, and the way "we have always done it," is to require the new homeowner to pay any debts associated with a prior owner's water bill. For support, he cited to one subsection of the City ordinance. However, he failed to advise all of you that in order to hold a new homeowner liable, by the very terms of the City's own ordinance, the City was required to place a lien on the property, which it did

**CITY OF CHILlicoTHE
COUNCIL MEETING
MINUTES OF A REGULAR MEETING
July 13, 2020**

not do. At that point, rather than advising you to simply turn the water on at Mr. Bushell's property, he continued to stand firm in his erroneous conviction that Mr. Bushell owed this debt. After several months of Mr. Bushell disputing the City's contention that he was liable for someone else's past due bill, Mr. Bushell hired his own attorney and made plans to file suit in the circuit court. It was only at that point that you, presumably with the tardy but finally proper advice of legal counsel, decided to settle. As you are well aware, the City and its taxpayers ended up settling the dispute by paying Mr. Bushell more than \$2,000 in compensatory damages – all of which could have been avoided had legal counsel properly advised you in the very beginning. In addition to the more than \$2,000 paid to Mr. Bushell to cover his damages, the City and its taxpayers also paid Mr. Seghetti and his law firm thousands of dollars in legal fees. I simply do not feel that this is a good use of taxpayer money or the time that you all had to invest because of poor legal advice. In my opinion, you could have thrown a stone at a group of 100 attorneys and any one of them would have advised you from the get go that, under the facts revolving around Mr. Bushell's issue, he was not responsible for the debt of the prior homeowner. I don't know if Mr. Seghetti is incompetent, was trying to prolong the dispute to run up his legal fees, or was acting at the direction of some other person or persons, but in any event, he was not then nor is he now, doing a sufficient job when it comes to providing legal representation to you council members.

In addition, I recently learned that Mr. Seghetti had issues determining the scope of the City's responsibility regarding mowing and maintaining of landscaping at the new CEFCU ATM location. From my understanding, he originally told council members that under the lease agreement, the City was responsible for mowing and maintaining the landscaping. I personally read this lease and, based on its terms, clearly understood that such responsibility lies with CEFCU, not the City. After Mr. Seghetti learned that other individuals were going to have their own attorneys look at the lease, he decided that he should review the lease again. After reviewing the lease the "second" time, he changed his mind and informed some council members that the City was not responsible for maintaining the lawn and landscaping at the CEFCU ATM property. This is one more example where the City and its taxpayers are paying Mr. Seghetti for inaccurate legal advice. This is yet another sign that he is either incompetent, lazy, and/or engaging in unethical practices, but in any case, he is not acting in the best interest of this town.

While these are just two examples of which I am personally aware, I believe there are likely multiple situations like this. I implore all of you to take a hard look at Mr. Seghetti and his law firm. Investigate his billing practices. Consider alternative motives that he may have for padding his bills or catering to the request or demands of one or more persons rather than what is best for this town.

I also ask that you seriously consider terminating your employment agreement with Mr. Seghetti and his law firm and looking for new representation from an attorney or firm that will better serve the interests of this town. In addition, I feel that it would be appropriate for city council to demand that Mr. Seghetti and his firm reimburse the City for all legal expenses and damages it incurred as a result of the water debacle with Mr. Bushell.

**CITY OF CHILlicoTHE
COUNCIL MEETING
MINUTES OF A REGULAR MEETING
July 13, 2020**

If you feel that more taxpayer input would help to support a change of legal representation, please say so. I would be happy to start a petition and seek out others to speak regarding their concerns with respect to poor legal advice counsel seems to be getting lately.

Finally, in addition to asking you to consider terminating your employment agreement with Mr. Seghetti and his law firm, I plan to file a complaint with the Illinois Attorney Disciplinary Commission for what I perceive to be unethical practices by Mr. Seghetti and his firm.

*Sincerely,
Jerry Donnelly*

Chairman White stated that there was not an appropriate committee to direct the communications to therefore he and the attorney will review the letter. Alderman Connor then questioned if it could be reviewed by the Human Resource Committee. Chairman White informed her that he appoints the City Engineer, City Attorney and Department Supervisors and that the HR Committee is for the Supervisors. Alderman Connor stated that she thought the City Attorney would be considered an employee therefore go to Human Resource.

Motion Alderman Gould, second Alderman Braun to approve the communications as presented by Clerk Hurd be accepted and placed on file.

Motion carried via voice vote.

Alderman Jenkins reported that he had been contacted by a citizen in regards to I 3 Broadband tearing up their yard. A short discussion was held. Chairman White informed the council that he would be having a meeting on Wednesday with them and would address their concerns.

Chairman White informed the council that the 2020 Summer Camp has been cancelled.

Chairman White informed the council that he has approved the residential electrical aggregate with Homefield Energy. It will start in December. All residents will get the option to opt out sometime in August.

Motion Alderman Braun second Alderman Jenkins to approve the communications as presented by the Alderman and Mayor be accepted and placed on file.

Motion carried via voice vote.

Alderman Sharp, Chairman of the Public Safety Committee reported that discussion was held on building permit fees and was referred to the Judicial Committee. Chairman Sharp informed the council that the committee addressed the request from Mr. Farrell to rescind Ordinance #20-04-12 12 (violation of governors' executive order) that was presented at the April 27th council meeting. He reported that Mayor White explained that the city follows IML suggestions and that it was

**CITY OF CHILICOTHE
COUNCIL MEETING
MINUTES OF A REGULAR MEETING
July 13, 2020**

expressed to him that if these orders were not followed it was possible that the city could lose funding or grants.

Alderman Jenkins announced that the next Cemetery and Parks Committee meeting will be held on July 21 at 4:30pm and that there will be discussion held on forming a Bike Path Task Force.

Mr. Jerry Donnelly of 523 W Walnut Street, Chillicothe addressed the council. He questioned the city's policy on water collection. He questioned why the city does not have documentation (a list) on the accounts that have had payment made on charges that were not incurred by the new owner but were incurred by the previous owner. Mr. Donnelly had several other questions he presented in regards to charges for water service.

Motion Alderman Braun, second Alderman Gould that the bills as presented be paid and the payrolls and transfers be approved.

Roll Call Vote was:

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

Nays: **None**

Chairman declared motioned carried

Motion Alderman Sharp, second Alderman Bredeman that the Council accept the resignation of Alderman Colwell and thank him for over 11 years of service to the City. Alderman Sharp then read a short statement thanking Alderman Colwell and wishing him the best in the future.

Motion carried via voice vote.

Motion Alderman Braun, second Alderman Sharp that the Council concur with Mayor White as interim Chair of the Finance/EDC Committee, due to Alderman Colwell's resignation. A lengthy discussion was held. Mayor White informed the council he will be meeting with possible replacement for Chairman Colwell next week, however he would like to lead the committee since he may not have an appointment until the next stated meeting or the following. Alderman Connor questioned what other committees Alderman Colwell chaired and was member of. Alderman Hughes questioned the legality of having the Mayor as Chairman. He feels it is unethical if not illegal. He suggested that Alderman Connor take the position as Chairman. Chairman White explained that he was "knee deep" in all this stuff anyway. Alderman Connor questioned the Attorney on the legality. Attorney Seghetti stated there is not much law on committees and that he

**CITY OF CHILICOTHE
 COUNCIL MEETING
 MINUTES OF A REGULAR MEETING
 July 13, 2020**

believes the Mayor is an ex officio member of that committee. He stated that he does not know that there is a strict legal answer on the question. Alderman Connor then stated that she would be willing to serve in an interim position. Mayor White then stated that the motion was for him to take the position as chairman and if the motion is voted down there would not be an August EDC meeting. Chairman White called for the vote.

Motion failed via voce vote.

Motion Alderman Connor, second Alderman Gould that the Council approve an expenditure of \$6,600.00, payable to Peters Landscaping for the landscaping of the area around the Video Message Center at 616 Fourth St. Payable from the TIF Plaza Fund.

Roll Call Vote was:

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

Nays: **Hughes**

Chairman declared motioned carried

Motion Alderman Connor, second Alderman Jenkins that the TIF Plaza priority one projects – Trees, 4th Street Improvement, Gateway Sign and Christmas Decorations, be approved and brought forward as projects.

Roll Call Vote was:

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

Nays: **Hughes**

Chairman declared motioned carried

Motion Alderman Connor, second Alderman Jenkins that the TIF Business priority one project – Christmas Decorations in the amount of \$5,000, be approved and brought forward as a project and approve an expenditure of \$2,539.00 payable to Display Sales for the purchase of 7 Christmas snowflake pole decorations.

Roll Call Vote was:

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

Nays: **None**

Chairman declared motioned carried

**CITY OF CHILLICOTHE
COUNCIL MEETING
MINUTES OF A REGULAR MEETING
July 13, 2020**

Motion Alderman Connor, second Alderman Jenkins that the Council approve an expenditure of \$3,258.00 payable to Display Signs for the purchase of 10 Christmas snowflake pole decorations. Payable as follows: \$2,939.00 TIF Plaza Account and \$319.00 from General Fund.

Roll Call Vote was:

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

Nays: **None**

Chairman declared motioned carried

Motion Alderman Connor, second Alderman Jenkins that the Council approve the revised decorative light poles policy as presented.

Motion carried via voce vote.

Motion Alderman Connor, second Alderman Gould that the Council instruct Economic Development Director Beadles, to advertise for Request for Proposals for 4 - city owned lots located First and Walnut. Parcel Numbers – 0521358024, 0521358023, 0521359005, 0521359006.

Motion carried via voce vote.

Motion Alderman Connor, second Alderman Sharp that the City Council direct the City Attorney to begin legal proceedings to foreclose the mortgage on the real estate and lien on the vehicle and collect amounts due on the loans from the City to Andrew Myers if the loans are not brought current on or before August 1, 2020. A short discussion was held in regards to the \$117,000.00 owed.

Motion Alderman Sharp, second Alderman Braun that the Council accepts the letter from Rich Underwood, Chairman of the Board of Police Commissioners, stating that Justin Kitts has been appointed to fill the position of Probationary Patrolman on the City's Police Department at a starting wage of \$24.80 hourly, effective July 22, 2020. Discussion was held on the need for the Officer. Alderman Hughes spoke against hiring another Officer while Alderman Sharp spoke in favor.

Roll Call Vote was:

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

Nays: **Gould, Hughes**

Chairman declared motioned carried

**CITY OF CHILLCOTHE
COUNCIL MEETING
MINUTES OF A REGULAR MEETING
July 13, 2020**

Motion Alderman Gould, second Alderman Sharp that the Council approve an expenditure of \$1,875.00, payable to Engbrecht Concrete, for the repair of Truitt Avenue. Payable from the Road & 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 Bredeman that the Council approve an expenditure not to exceed \$3,400.00 for insurance and flagging expense associated with the overlay of streets adjacent to or crossing the Iowa Interstate Railroad. Payable from the Road & Bridge Fund – priority on project Street overlay/curb improvement.

Roll Call Vote was:

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

Nays: None

Chairman declared motioned carried

Council adjourned at 8:02 pm.


Margaret E. Hurd, City Clerk

