

March 4, 2020

## WINCHESTER CITY COUNCIL MEETING

The Winchester City Council held their monthly meeting March 4, 2020 at the new City Hall now relocated at 1 East Market St.

Mayor McIntire called the meeting to order at 7 pm with the following in attendance: Ron Bell, Lawrence Coultas, Cathy Debold, Terry Gregory, Bill Jacquot, Jeff Pittman, and City Clerk Brenda Robinson.

Also in attendance were: Amy Brown, City Treasurer; George Lindsey, Police Chief; John Simmons, Supt. of Public Works; John Paul Coonrod, City Attorney; Carmen Ensinger, *Scott County Times* and Greg Hillis, Benton & Associates.

**MOTION:** Lawrence Coultas moved and Jeff Pittman seconded to pay bills as presented. Roll call resulted in all yeas. Motion carried.

**MOTION:** Bill Jacquot moved and Lawrence Coultas seconded to approve and dispense with the reading of the minutes with one correction on page 2. Roll call resulted in all yeas. Motion carried.

**Katie Gregory** passed out the Civic Group and Parks and Recreation Committee plans for the season.

1. April 25, 10 am to noon will be clean up of Monument Park. They would like access of the pavilion, if available. Plans include raking out existing mulch; place benches around pavilion and the pool; basic yard work, and paint picnic tables and shelter area.
2. Spring Fling – May 30, 9 am to 2 pm. The use of the pavilion if available; Cookout fundraiser (in shelter area); 3 on 3 basketball tournament? Bounce house; yard games; there will be no raffle this year.
3. Local 5K run tentatively set for September 26. Details to follow.
4. They would like to hold a meeting for those involved in current park improvements to get an overall picture of expectations. Park and rec committee, city park board members, city pool board members, city council members and legion members will be invited to attend. The next meeting will be March 20 at 7 p.m. at the Farmer's State Bank Community room or City Hall.

**Greg Hillis, Benton & Associates** asked for council approval for Phase I of the pool project. Doyle Plumbing & Heating Company of Jacksonville was the low bidder at \$160,876. Other bidders were: Trotter Contracting, Industry, bid \$199,000 and Laverdiere Construction, Inc, Macomb bid \$240,135. They were shooting for bids of \$210,000 to \$230,000. Hillis suggested Doyle Plumbing for the project. Also a split wall phase will be added for \$12,600. This will be constructed of block which will last 30 – 40 years. So low bid for Phase I will be \$173,476.

**Hillis** said Phase II of the pool will let bids out in May and will be opened in June. Preliminary plans will be for a 100-bather bath house with a family bath. It will be 1500 square feet. Projected cost will be \$300,000 to \$400,000 back into the original money.

The completion for Phase I will take 7 weeks and possibly 10-12 weeks for the filters. We do not have IDPH permit yet. Decided to go with standard filters (10-foot) which are in stock. Going with a smaller filter. The filter house was made three (3) foot bigger for backwash. All the bidders were in attendance during the bid opening.

**MOTION:** Bill Jacquot moved and Ron Bell seconded to approve the low bid of \$160,876 + 8-inch split face CMU for filter building for \$12,600, for total low bid of \$173,476 from Doyle Plumbing & Heating Company, Jacksonville. Roll call resulted in 5 yeas and 1 nay. Motion carried. Lawrence Coultas voted nay.

**George Lindsey, Police Chief** passed out his monthly report, along with Lee Winners's animal control report. Lindsey said the police department plans to sponsor a Red Cross Blood Drive along with Winchester EMS in May. Must have 30 signatures. Bill Jacquot suggested they contact Central Illinois Blood Center because they support our area. Lindsey's report is as follows: Lifeline call – 1; Drive off – 1; Runaway – 1; Speak to officer – 13; Suspicious person – 1; Well-being check – 3; Domestic reports – 3; Fire alarm (high school) – 1; Traffic crash – 1; Gas spill – 1; Disabled motorist – 1; Burglar alarm – 1. Traffic Citations are as follows: Speeding – 13; Driving while license suspended – 1; Disobeyed stop sign – 1; Disobeyed police officer – 1; Expired driver's license – 2; Uninsured motorist – 4; Illegal Trans/Alcohol – 1; Expired registration – 1. In 60 days, 24 citations were issued.

Animal Control officer as presented: 5 – dog calls received with 1 going to vet. There was 1 call on a cat. There were 2 fines issued with fines of \$40, 1 running at large and 1 impounded at SCDR.

**Amy Brown, City Treasurer** passed out her monthly report. She stated the general fund was down with 65% of audit coming from it. The bill for the yearly audit came in at \$23,000, when it is usually around \$10,000 to \$12,000. It was discussed to find another accountant for next year. The majority of general entries have been taken care of, different accounts have been added per Cindi with the help of Locis. There was a \$43,000 loan payment from sewer fund and had \$9,000 for improvement to new city hall. There will be a refund to gas customers since January the bills were not correct. Lindsey came up and for some reason the amount jumped to line 2 and added \$39 to all bills. Many bills will be credit \$39 which will amount to \$25,000 - \$30,000.

**Brown** said since we are going ahead with pool project we can use some of the pool money. Next month she will have figures to put the pool and library in the positive. She has to do that every year until the library gets their tax money in the fall.

**John Simmons, Supt. of Public Works** passed out his monthly report as follows: Monthly brush pickup; Meter reading – 3 days; Changed out 2 gas meters; JULIE locate tickets – 6; Work orders – 11; Grave openings – 2; No gas leak calls; Filled pot holes with cold patch and CA6 rock; Moved city hall to new location; Bid work done on swimming pool; Doing testing for gas

certification; Ordered street salt; Plowed snow 3 times and spread salt; Wrote several ordinances violations, updates.

**Simmons** said 2 people had cleaned up after receiving a violation. Simmons said he had been laughed at for giving them violations. He said it is hard since there is no follow through on it. He has been doing this during the day and takes pictures when he can. He thought one person had cleaned up only to find they moved everything to the back yard. **McIntire** asked if they could 1- give a citation to clean up, 2<sup>nd</sup> give a written warning, and 3<sup>rd</sup> go in & clean up then add fee to city bill. McIntire stated most of them are deadbeats. **Attorney Coonrod** said you couldn't just add fee to billing to charge separate and fill lien. If you own property that is your right. **McIntire** asked about charging everyone for trash pickup on their bills. He said they couldn't do that. The city has had several city-wide clean-ups and some people do not take advantage of it.

**Simmons** wanted to hire Austin Axley as a full time employee. He was hired earlier and worked a few days then went back to his former employer. Axley has called Simmons several times to ask about the job. Also, Simmons would like to hire Charlie Shelts back to mow.

**Mayor McIntire** said municipalities could add 3¢ per gallon on gasoline if legislation is passed. He said he didn't know what the citizens would think after the governor doubled the state gas tax.

**McIntire** asked Jill Cox, Pool Board President, to think of someone to replace Donna Daws on the board. She mentioned Molly Traw, and since she is a teacher and wondered if she would consider being pool manager for the summer.

**MOTION:** Ron Bell moved and Cathy Debold seconded to appoint Molly Traw to the pool board to replace Donna Daws. Roll call resulted in all yeas. Motion carried.

**McIntire** asked all department heads to have their fiscal budgets ready for the April meeting. Cathy Debold asked if the library needs a budget. Every other department has one. Maybe next year. Should the pool have a budget? Coonrod said to work with current departments this year and then look at the rest next year.

**Ron Bell** asked if the police, fire and streets & alley would be splitting the bills for utilities in the old city hall, since they will be working there.

**McIntire** said there was a request from the WGS PAT asking for a donation. This is the first year they have asked. Also, the Winchester After Prom was asking for a donation, which we have donated for years. Lawrence Coultas was asked what the PAT did. He said they purchase thing for teachers the school can't afford and help with field trips. A suggestion was made to donate \$50 to each group.

**MOTION:** Lawrence Coultas moved and Terry Gregory seconded to donate \$50 to the WGS PAT and donate \$50 to the Winchester After Prom. Roll call resulted in all yeas. Motion carried.

**McIntire** said Nicole Mason is in need for help with the parade for the Winchester Celebration this year.

**McIntire** said Lindsey Enlow, USDI, where we get out natural gas, came to the office to look at errors in natural gas billings in January. Enlow could not explain how the billing mistake was made. A flat rate of \$39.15 was added to all gas customers that used over the minimum amount. How are the bills prepared? Enlow calls the office and gives Angie the price per therm. Angie said that was how Barb Hoots showed her to do it. Lindsey did not understand it. It is billed per thermal unit plus cost to maintain gas lines and all other expenses. Enlow sent a letter to the mayor, which said he did an audit for the last 4 years (2016 – 2019.) The audit showed a net loss over the 4 years of \$36,811. The utility needs \$225,000 above gas cost to break even. The city ordinance states a charge of \$3 when a customer doesn't use the minimum amount of gas. We need to add a maintenance fee to make a profit. Currently we add \$2.46 service fee and Lindsey said we need to go to \$3.15 a month, but don't do until after he comes up. Lindsey will explain it all next month. John Simmons said this summer if he has the help, he will be having to lower the gas main. He should have done it a couple of years ago. This will cost \$60,000 to \$70,000 to lower plus replacing 4 valves. All of this has been previously approved.

Last month on the agenda we discussed legal fees to fight the possible increase for maintenance fee from Panhandle of 400%. John & Mayor talked to Ron Reagan and he said if we do not fight this it could mean an increase of \$110,000 a year just for gas. Mayor was not interested in signing an open-ended agreement, but the city has been told that the cost would be around \$7,000. We can opt out at any time. So he needed council approval to get this started. The more towns or municipalities included in this the cheaper. Right now we are the only town that has not signed on. Mr. Coonrod will contact them tomorrow with a cap of \$7,000. It will be on the agenda next month.

**Mayor and John Simmons** discussed a new speed limit for around the square to 15 MPH. It would cover all streets from Cherry to Cross, West to Mechanic then North to Cherry and Cross St to Walnut and back to Cherry. Or one (1) block East or West around the square. This will be passed next month.

**John P Coonrod, City Attorney** music in the park will continue its 5<sup>th</sup> year in June & July. Stuart Smith & John Coonrod are looking for bands with four (4) people or more in them with limited spots. Coonrod said they will put a blurb on Facebook looking for bands. They would like to have two (2) larger groups.

**Coonrod** reported on the USDA Facilities grant and thinks within a couple of weeks we will awarded it. There is a wooden lip on the front door to comply with handicap requirements. Coonrod will send off the paperwork tomorrow. Labor law notices and anti-discrimination notices will be posted on the bulletin board. When the concrete sidewalk is complete this will be taken care.

**Ron Bell** suggested if you wanted to have a bigger band at music in the park look at the businesses that are open and maybe block off Hill St at Cross Street. The Pitt Stop will be open as well as the Bowling Alley. Coonrod said nothing was definite but Farm Bureau will be celebrating their 100 years in business and would like to have their party on Thursday night

during music in the park and maybe they would pay for the band. He hasn't talked to Blake Roderick yet. Maybe have a trailer set up and make more room for people in the park.

**Coonrod** said the zoning board met February 12 to consider two (2) questions rezoning the Coultas field, stretch along Main Street and a strip along Old Highway 36 and not dealing with the middle. The zoning board considered rezoning the strip along Main Street to SR1 (Single Family Residence) and they voted to approved to rezoning this. Then they considered rezoning a strip of land along the highway as being a Highway Business District. They voted to approve that. So if this council votes to rezone it, it's rezoned. So just to make it clear they are not touching the middle. Just the strip on Main Street and a strip along the highway were all that would be rezoned. The depth of the strip along the highway was left undefined. So this council would decide how deep to make the Highway Business District. The SR1 strip would be the same depth as the rest of the lots along N. Main St 120-feet. This is already parceled off as a parcel number, so this just defines it. It was discussed to leave the strip along the highway to 500-foot deep. Jacquot asked about the Subway and McIntire said they would only need 100-foot deep. McIntire has talked to Casey about putting a truck stop in there and said they might want to go 250-foot deep. They have not gotten back to him if they are interested or not. The length of the strip along the highway is approximately 1,500 feet long. If the city would pick a number of feet deep now then we could have it rezoned later if needed. They are looking to rezone the parcel on Main St for now and consider selling it later. It was decided to go 450-foot deep for the strip along the highway. Cathy Debold said she had something on the Subway. The Subway was sold. They were getting the loan for Winchester. They needed to have their business reappraised and someone offered to buy it. She told Cathy she thought the new owners would be interested in coming to Winchester. There were questions on the work the city would do with the utilities and they were kind of upset with that, so that is why they backed out.

**MOTION:** Ron Bell moved and Cathy Debold seconded to adopt Ordinance 896, An Ordinance Amending the Zoning Districts Map of Revised Code of Ordinances of the City of Winchester, Scott County Illinois. Roll call resulted in all yeas. Motion carried.

**McIntire** forgot to mention there were two (2) new businesses on the South Side of the Square, Alice's Attic which is a second hand store and another shop that sells baby clothes. Gwen Hardy opened Alice's Attic in the former Fabulous Flowers building. Jennifer has moved her business to her home and still does arrangement but does not use fresh flowers.

**Coonrod** passed out An Ordinance to Establish a System of Administrative Adjudication of Violations and Ordinances for the City of Winchester. This is a thick piece of work. Cities can create a court system out of thin air. Question being, why would we want to start our own system? Problem is we can't enforce our ordinances. We used to do this but it ended up costing us over \$2,000 for the court & city attorney. How can we do this cheaper? He has talked to a possible municipal judge, he has given his cost for a hearing and he has added of legal services at an hourly rate times portion of an hours he would be involved. The cost would be around \$380 per hearing rather than the \$2,000+ to enforce an ordinance. How can this be done so cheap? If you go through the circuit court system you have a first appearance hearing which can take about an hour and half after you draw up the complaint plus paying \$300 filing fee and you are at \$600 before talking to the judge. If the case(s) aren't settled the case then the judge will schedule a

case management hearing to clean up the mess and add additional \$250. Then you will have a final hearing and the mess won't be cleaned up and they won't agree to do it. So then you will have to have a trial then spend three (3) hours preparing and bring in witnesses and prove your case. The court will not give you an award of a fine on the person you are wanting to cite. It takes hours and hours, weeks and months to prove the case. The proposed new process would start with John Simmons doing informal efforts with a letter telling them to clean up the property, if this is not done there will be a follow up with the ordinance enforcement officer who brings the violation to the council. The council could decide to give them more time or vote to issue a citation. The citation would be a form that Coonrod would draw up. Then John would use them to add the section number and code that is being violated along with a brief description and pictures and he would sign it. This citation would be given to the police office to serve it when he sees them home. This citation would list a court date for a hearing then they would work out a schedule with the municipal judge when he could come in once every other month and once a month in the summer. Only have a hearing when citations are served. The hearing would be about 20 minutes more or less. The Enforcement officer (John Simmons) would state his case. Someone could show up with an attorney and Coonrod said he would be in his office if needed. If no one shows up it would be a default judgement. Basically the city is looking for a court order to fix something or a fine. If they don't show up they basically go to the fine. What if they don't clean up, could we go in and clean it up then put a lien on their property? If found guilty the judge gives a fine and is enforceable as any other fine. How do we collect? It is split in two (2) ways; Tenants versus homeowners – State Comptroller Susana Mendoza came up with this idea of debt recovery, if someone is fined and doesn't pay we submit their names to the Comptroller twice a year. When the tenants file their state income taxes, their tax refund would come to the city to pay on their fines. It may take a few years to get the full fine. If it is a homeowner the same applies. If they don't pay then we can put a lien on their property. If the local debt recovery doesn't get us the money, you need a judgement by a court to file a lien. You take the court judgment and add a brief legal description of the property with the memorandum of the lien to the county clerk. Liens are good for seven (7) years and can renew it twice. If the property is sold the loaning institution will need a clear title to give a loan, so the city would be paid first. It would be best if we could collect through the local debt recovery program. The biggest offenders are the ones getting a tax refund. After talking to the possible municipal judge, (who is a retired judge from the area) most of the time the city would receive their money. He is currently doing this in another county. The judgement would not be enforceable for thirty (30) days. The offender can appeal to the circuit court but this is very rarely done. The appeals are very costly and the fines are for only a few hundred dollars. Our standard fines are \$25 day not to exceed \$750. The summons needs to be served ten (10) days before the hearing. The council could pass the ordinance tonight but Coonrod suggested they look it over and come back next to discuss it if needed. This ordinance details it in depth. Coonrod suggested all citations come before council for approval. In the future other villages may want to join this.

#### **ALDERMAN REPORTS: None**

**PUBLIC COMMENTS:** Jeff Pittman didn't have a public comment but he had a work comment. The air conditioning unit in the west room has one tile that is brown, rotted and water drips on it. Do we need someone to come in & see why there is so much condensation? It is not wet now but when you look in there it is all corroded & rotted and is coming from the air

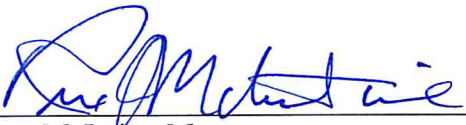
conditioning. When we have people bid on the new air conditioning through the grant have a separate bid to fix that.

**MOTION:** Terry Gregory moved and Lawrence Coultas seconded to go into closed session to discuss personnel, seasonal fulltime help & potential sale of city property. Roll call resulted in all yeas. Motion carried. Went into closed session.

**MOTION:** Terry Gregory moved and Jeff Pittman seconded to come out of closed session. Roll call resulted in all yeas. Motion carried. Came out of closed session at 11:05 pm.

**MOTION:** Lawrence Coultas moved and Terry Gregory seconded to submit a letter of agreement granted an option to buy city property on the old Coultas Property up to three (3) acres at \$15,000 per acre; contingent upon the proposed cultivation company receiving their growing license. Roll call resulted in 4 yeas and 2 nays. Motion carried. Ron Bell and Cathy Debold voted nay.

**MOTION:** Lawrence Coultas moved and Jeff Pittman seconded to adjourn the meeting. Roll call resulted in all yeas. Motion carried. Meeting adjourned at 11:10 p.m.

  
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Rex McIntire, Mayor

  
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Brenda Robinson, City Clerk

