

The Rock Island City Council met in Study Session at 6:00 p.m. in Council Chambers of Rock Island City Hall. Present were Mayor Mike Thoms presiding, and Aldermen Dave Geenen, Ivory D. Clark, Virgil J. Mayberry, James Spurgetis, Stephen L. Tollenaer, and Dylan Parker. Also present were Interim City Manager Randy Tweet, other City staff and City Attorney Dave Morrison and Attorney Hector Lareau. Alderman Joshua Schipp arrived at 6:10 p.m.

CITY LEGAL DEPARTMENT: OPEN MEETINGS, FOIA AND OFFICIAL ETHICS

Attorney Hector Lareau who works with City Attorney Dave Morrison introduced himself. He said the presentation will focus on the Open Meetings Act, the Freedom of Information Act and Ethics laws. The Open Meetings Act (OMA) and Freedom of Information Act (FOIA) are the “sunshine laws.” He said the Attorney General requires newly elected officials to complete the Attorney General’s training on OMA and FOIA.

Mr. Lareau explained that a meeting is a majority of a quorum and is then subject to all the restrictions of the Open Meetings Act. A quorum is four members of a public body and a majority is three. So if an elected official is discussing public business with two other Council members or another alderman and the Mayor, it constitutes a meeting. Even at social gatherings, if three elected officials are discussing public business, it becomes a meeting. The requirements of the Open Meetings Act for a meeting are that it must be convenient and open to the public; it must take place within the corporate boundaries (within the city limits); and it must not occur on a legal holiday as defined by the public body.

Alderman Geenen asked when the laws were enacted. Mr. Lareau said the sunshine laws came into being in the mid-70s with significant history. Council members have the option to attend meetings electronically according to the policy if they have a family emergency, for work reasons or for illness. They can attend via Skype or telephone; however, first there must be a physical quorum present for the meeting. Alderman Geenen asked if a family vacation is a reason for attending electronically. Mr. Lareau said a vacation is not an acceptable reason for electronic attendance.

The problem with electronic meetings is not the Council meetings, but rather if Skyping with two other members or on a conference call or chatting online; that constitutes a meeting. Mr. Lareau said email is on the edge. Some case authority says email is just mail. However, there is a growing consensus among practitioners that because email is so fast, it can become a contemporaneous meeting. Alderman Tollenaer asked if email was legal or illegal. Mr. Lareau said don’t send out a broadcast email that asks for an immediate response. Announcement emails are okay as long as there is no discussion. He would recommend emailing each member one at a time. The City Manager emails all members of the public body individually when he wants an opinion. Alderman Parker asked if using blind carbon copy was okay. Mr. Lareau does not recommend using blind carbon copy. Discussing public business with staff is permitted as long as there are no more than two members of the public body; that does not constitute a meeting under the Open Meetings Act. Mr. Lareau emphasized in social situations to steer clear of discussing public business.

Mr. Lareau next discussed notice requirements. He said in cases of situations where an emergency meeting must be called such as with a tornado or flooding; the City must give notice as soon as possible. The notice must be posted at the building and on the website. He said Council members may discuss items beyond the limits of the items on the agenda, but may not take any action if it is not on the agenda.

Mr. Lareau discussed minutes which must be kept of both open and closed meetings. The minutes must include who is in attendance; a summary of the discussion; the date, time and location; and a record of the votes. Minutes are not a verbatim summary of the meeting. There is a verbatim recording of executive session meetings.

Mr. Lareau reviewed the topics that are allowed in closed session: employment, litigation, land acquisition and collective bargaining (employment). These are strictly construed by the statute for going into closed session. Mr. Lareau said departing from the specific reason for the closed session is almost certainly unlawful and a bad practice. Alderman Spurgetis asked if employment includes personnel. Employment discussions must focus on the performance, compensation, or the dismissal of a specific employee or a specific group of employees. The specifics do not need to be announced in open session; for example, the name of the person or the group of employees. Mr. Lareau said a meeting must be started in open session; the exception needs to be stated for why the body is going into closed session; a vote must be taken to go into closed session; and then the body can go into executive session. Council must also vote to come out of closed session. If any action is needed, it must occur in open session after Council comes out of closed session.

Mr. Lareau explained the litigation exception: the litigation must have been filed; probable or imminent of being filed. The status of lawsuits, strategies for dealing with litigation or settlement options may all be discussed in closed session. Talking about possible lawsuits must be discussed in open session. Litigation must be overt such as a demand letter to be able to go into closed session for litigation. If imminent, it must be entered into the record in closed session the reasons why the public body believes it is imminent. Verbatim recordings must be kept of closed sessions. Minutes must be approved to start the clock in order to eventually destroy the verbatim recordings.

Mr. Lareau reviewed three things to remember: Open Meetings Act requirements are the bare minimum; always err by doing more than is required; and if you have to ask if it's a problem; then it is. Alderman Geenen asked what happens with violations of the Open Meetings Act. Criminal charges can be filed and there are penalties. Alderman Tollenaer asked what part of the statute prohibits listing all four reasons on the agenda for executive session. Mr. Lareau responded that you must cite the specific reason for going into executive session; it can't just be a free-ranging conversation. The statute requires it and case law supports it. Alderman Tollenaer asked why the change after doing it wrong for so many years. City Attorney Morrison said he has been bringing up the issue since he became the City Attorney in 2014; also with the new Council coming on, it seemed like a good time to make the changes regarding executive session. Alderman Tollenaer asked if you had to go into executive session to discuss personnel or acquisition or litigation or can you discuss it in open session. Mr. Lareau said you can discuss those items in open session, but it is not recommended. He said it would be better to schedule an

emergency meeting if it's an emergent situation. Mr. Lareau said Council is the policymaker, but matters of land acquisition, personnel or collective bargaining are best handled in closed session.

Mr. Morrison said with reference to Alderman Geenen's question about violations; it's possible to be charged with a Class C misdemeanor and receive up to 30 days in jail; that would be atypical. Alderman Geenen asked who that would apply to when there is a violation. Mr. Morrison responded the persons who were involved in the meetings violation. He also said someone may go to the court and ask for an injunction. The judge or the Attorney General could make a ruling and make the minutes public and potentially the verbatim recordings. Mr. Lareau said another potential result of violations could make ordinances rendered null.

Mr. Lareau explained that text messages could be records and may be subject to the Freedom of Information Act. He cautioned Council that all electronic communications are subject to FOIA. An elected official's personal communications are not public records and are not subject to FOIA.

Mr. Lareau reviewed the State Officials and Employees Ethics Act which has been incorporated into the City's Code of Ordinances including prohibited sources of gifts. If an elected official pays market value for something, that is not prohibited under the law. Food and refreshments up to \$75 in value are allowed as long as it's consumed on the premises. He reviewed prohibited political activity conducted while doing work for the City or acting as an elected official. He also discussed a case with a ruling of indirect benefit of "good will." Elected officials should not make decisions that could result in a personal advantage or disadvantage. Mr. Lareau said to always exercise caution and call them with questions or concerns.

Alderman Parker asked if they had received the state required training. Mr. Lareau responded that the state training is online. Mr. Morrison said the link for the online training was in their packet they received; it must be completed with 90 days of May 1; and the certificates of completion must be returned to the City Clerk.

ADJOURNMENT

There being no other business, the Study Session adjourned at 6:34 p.m.

Judith H. Gilbert, City Clerk

Rock Island City Council met in regular session at 6:45 p.m. in Council Chambers of Rock Island City Hall. Present were Mayor Mike Thoms presiding, and Aldermen Dave Geenen, Ivory D. Clark, James Spurgetis, Stephen L. Tollenaer, Dylan Parker, and Joshua Schipp. Also present were Interim City Manager Randy Tweet and City Attorney Dave Morrison. Alderman Virgil J. Mayberry was absent.

Introductory Proceedings

Mayor Thoms called the meeting to order and led in the Pledge of Allegiance. Alderman Schipp gave the Invocation.

Agenda Item #5

Minutes of the meeting of May 8, 2017.

It was moved by Alderman Clark and seconded by Alderman Geenen to approve the Minutes as printed. The motion carried by the following Aye and No vote; those voting Aye being; Alderman Geenen, Alderman Clark, Alderman Spurgetis, Alderman Tollenaer, Alderman Parker, and Alderman Schipp; those voting No, none.

Agenda Item#6

Minutes of the Executive Session of May 8, 2017.

It was moved by Alderman Spurgetis and seconded by Alderman Clark to approve the Executive Session Minutes. The motion carried by the following Aye and No vote; those voting Aye being; Alderman Geenen, Alderman Clark, Alderman Spurgetis, Alderman Tollenaer, Alderman Parker, and Alderman Schipp; those voting No, none.

Agenda Item #7

Update Rock Island by Mayor Mike Thoms.

Spring into Summer 5K – On Saturday, May 20, 2017 at 9:00 am the Spring Forward Learning Center, Martin Luther King, Jr. Community Center and the Rock Island Library are partnering to put on a 5K run which will fight the summer slide and bring learning to more than 500 children at Spring Forward enrichment camps. Race Day Registration will be from 7:30 a.m. to 8:45 a.m. at Sunset Park at the Main Shelter and the race begins at 9:00 am. Please enter the 31st Avenue entrance to park. Chip timing for all participants, t-shirt and a fun quarter mile run for kids 12 years old and younger.

Citizen of the Year – Do you know someone that deserves to be recognized for what they do for the community? If so, this is your opportunity to nominate them for the 2017 Citizen of the Year Awards, sponsored by the Mayor and City Council. There are seven categories for Rock Island Citizens; Business, Professional, Education, Individual, City Employee, Organization and Youth. There is a special category for someone that does not live in Rock Island but has contributed to the good of the community. This person/organization is not eligible for the overall Citizen of the Year award, but may be nominated as the Honorary Citizen of the Year. To learn more and

nominate someone go to www.rigov.org/COY. The deadline for receiving nominations is June 9, 2017. If you have questions, please call Committee Co-Chairpersons/Aldermen Dylan Parker at (309) 738-3416 or Dave Geenen at (309) 738-4569 or City Clerk Judith Gilbert at (309) 732-2010.

Augustana Music Festival Concert – The Augustana Symphony Orchestra, Augustana Symphonic Band and the Augustana Choir will perform a grand festival concert in Dr. Daniel Culver’s final appearance on the Centennial Hall Stage. The concert is free and will be held May 20, 2017 and starts at 7:00 p.m. For more information please call (309) 794-7323.

Cardinals/Dodgers Bus Trip – Baseball fans are sure to have a good time at this Cardinals – Dodgers game on Monday, May 29, 2017 at Busch Stadium in St. Louis. The Rock Island Parks and Recreation Department sponsored trip will leave at 7:00 a.m. for a 1:15 p.m. game. The cost is \$95.00 which includes a seat on a deluxe motor coach and third base line ticket to the game. Register online at www.rigov.org or call (309) 732-7275 or stop by the RIFAC Park office at 4303 24th Street in Rock Island.

Agenda Item #8

Presentation of the Rock Island Historic Preservation Awards.

Mr. Martin Bush, President of the Rock Island Preservation Society thanked Mayor Thoms and Council for allowing the society to present their awards in honor of Historic Preservation Month. He said the 2016 awards are to recognize and commend individuals and organizations who have worked to restore and preserve historic structures. The awards are primarily for exterior improvements. Mr. Bush and Mayor Thoms presented the awards.

A certificate of recognition was presented to Josh and Dr. Annie Wren of 740 22nd Street for their front porch restoration of their 1914 bungalow home.

John Snow, Director of the Karpeles Manuscript Museum at 700 22nd Street, received a preservation award for the replacement of the building’s dome that recreates the original dome.

Eric Mathis of 1320 20th Street received a preservation award for the work he did himself on his home including repainting the clapboard and rebuilding windows.

Dennis and Alicia Harker of 847 21st Street received a preservation award for removing the shingles and restoring the original 1890s clapboard on their home.

A preservation award was presented to John Brown of 736 17th Street for major repair, restoration and landscaping for transforming the exterior of his home.

John Gotilla, Automotive Expert Garage at 547 20th Street, received a preservation award for restoring an original abandoned gas station and maintaining much of the building including the stair step gable while adapting it for his business use.

Erik Reader, Executive Director of Downtown Rock Island Partnership, accepted a preservation award to Rock Island Economic Growth Corporation for the restoration of the historic storefronts exterior of the three buildings known as Star Block at 1721-1729 2nd Avenue. The interior was also adapted for housing.

A special award was presented to Friends of Hauberg Civic Center Foundation in recognition of their efforts to save the Hauberg Civic Center as a publically owned building. President Deb Kuntzi accepted the award and the board members of the Friends of Hauberg Civic Center were also recognized.

Pictures were taken of the award winners.

Agenda Item #9

Proclamation declaring May, 2017 as Preservation Month.

Mayor Thoms read the proclamation. Martin Bush accepted on behalf of the Rock Island Preservation Society. Alderman Parker said he was a proud member of the preservation society; he encouraged everyone to join. He said the society does wonderful and necessary work in the city to preserve Rock Island's history.

Agenda Item #10

Proclamation declaring May 21 through May 27, 2017 as National Public Works Week.

Mayor Thoms read the proclamation. Interim Public Works Director Larry Cook accepted the proclamation and thanked the Mayor and Council. Mr. Cook said the Public Works staff is second to none with their dedication, pride and perseverance; and the city is well served. Alderman Schipp thanked the Public Works staff.

Agenda Item #11

Claims for the week of May 5 through May 11 in the amount of \$666,100.81 and payroll for the weeks of April 24 through May 7, 2017 in the amount of \$1,476,976.00.

It was moved by Alderman Clark and seconded by Alderman Spurgetis to allow the claims and payroll. The motion carried by the following Aye and No vote; those voting Aye being; Alderman Geenen, Alderman Clark, Alderman Spurgetis, Alderman Tollenaer, Alderman Parker, and Alderman Schipp; those voting No, none.

Agenda Item #12

Report from the Public Works Department regarding the emergency purchase of a rebuilt Cummins ISL long block from MJ Diesel Engine Specialist Inc. of Yakima, WA in the amount of \$13,899.50.

It was moved by Alderman Spurgetis and seconded by Alderman Schipp to approve the purchase as recommended.

Alderman Parker said he appreciates that the Public Works Department tries to shop local when possible.

The motion carried by the following Aye and No vote; those voting Aye being; Alderman Geenen, Alderman Clark, Alderman Spurgetis, Alderman Tollenaer, Alderman Parker, and Alderman Schipp; those voting No, none.

Agenda Item #13

Report from the Public Works Department regarding bids for the purchase of valve box parts, recommending the bid be awarded to Zimmer and Francescon, Inc. of Moline, IL in the amount of \$10,844.30.

It was moved by Alderman Geenen and seconded by Alderman Schipp to award the bid as recommended and approve the purchase. The motion carried by the following Aye and No vote; those voting Aye being; Alderman Geenen, Alderman Clark, Alderman Spurgetis, Alderman Tollenaer, Alderman Parker, and Alderman Schipp; those voting No, none.

Agenda Item #14

Report from the Public Works Department regarding bids for the 41st Avenue Court and 45th Street Court Reconstruction Project, recommending the low bid of Donald R. Bealer Family Limited Partnership, L.P. of Moline, IL be rejected due to non-responsiveness and the bid be awarded to Walter D. Laud, Inc. of East Moline, IL in the amount of \$309,814.60.

It was moved by Alderman Schipp and seconded by Alderman Clark to reject the low bid and award the bid as recommended and authorize the City Manager to execute the contract documents. The motion carried by the following Aye and No vote; those voting Aye being; Alderman Geenen, Alderman Clark, Alderman Spurgetis, Alderman Tollenaer, Alderman Parker, and Alderman Schipp; those voting No, none.

Agenda Item #15

Report from the Community and Economic Development Department regarding the sale of City-owned property at the northwest corner of IL 92 and Andalusia Road for the development of a Casey's General Store Mini Truck Stop at the site.

It was moved by Alderman Schipp and seconded by Alderman Parker to approve the sale of the property as recommended and direct CED staff to complete the negotiations with the applicant and prepare a purchase agreement for future City Council action.

Alderman Schipp said this was a big win for the City and is a perfect location for Casey's which he said is a great establishment. Community and Economic Development Director Chandler Poole said it is a fantastic corner and being City-owned made it possible to seek out potential buyers. They asked Casey's to incorporate a corporate fueling station in the development and Casey's agreed. Mr. Poole said in response to Alderman Spurgetis' question about the shape of the parcel that the site is irregularly shaped and most of it is undevelopable due to flooding.

The motion carried by the following Aye and No vote; those voting Aye being; Alderman Geenen, Alderman Clark, Alderman Spurgetis, Alderman Tollenaer, Alderman Parker, and Alderman Schipp; those voting No, none.

Agenda Item #16

Report from the Traffic Engineering Committee regarding a request for installation of a handicapped parking space on 6th Street for the home at 523 14th Avenue.

It was moved by Alderman Clark and seconded by Alderman Tollenaer to approve the request as recommended and refer to the City Attorney for an ordinance. The motion carried by the following Aye and No vote; those voting Aye being; Alderman Geenen, Alderman Clark, Alderman Spurgetis, Alderman Tollenaer, Alderman Parker, and Alderman Schipp; those voting No, none.

Agenda Item #17

Report from the Traffic Engineering Committee regarding a request to replace the yield signs with stop signs at the intersection of 40th Street and 26th Avenue.

It was moved by Alderman Geenen and seconded by Alderman Tollenaer to approve the request as recommended.

Alderman Schipp asked City Attorney Dave Morrison to clarify if the correct motion was made. The staff recommendation was to deny the request. Attorney Morrison recommended withdrawing the previous motion and restating it as a motion to deny the recommendation from staff and allow the stop signs. Alderman Geenen and Alderman Tollenaer withdrew their motion and second respectively.

It was moved by Alderman Geenen and seconded by Alderman Schipp to deny the staff's recommendation as presented and approve the applicant's request for the replacement of the yield signs with stop signs.

Resident Travis Spriet of 2609 40th Street presented a petition from 18 neighbors requesting the stop signs. He said their goal is for a four-way stop at the corner. He explained why the residents want stop signs.

Alderman Spurgetis stated he received an email from one person in opposition to stop signs at the intersection. Alderman Geenen said he spoke with the families involved and also the gentleman who is opposed. Alderman Geenen said the standards do not include city engagement and being reflective of what the community and neighbors want.

The motion carried by the following Aye and No vote; those voting Aye being; Alderman Geenen, Alderman Clark, Alderman Spurgetis, Alderman Tollenaer, Alderman Parker, and Alderman Schipp; those voting No, none.

Agenda Item #18

Report from the Traffic Engineering Committee regarding a request from Joseph Lemon, Rock Valley Office Park, for City Ordinance (Section 9-42) control of each of their parking lots at 4703 44th Street, 4705 44th Street, 4709 44th Street, and 4711 44th Street.

It was moved by Alderman Tollenaer and seconded by Alderman Spurgetis to approve the request as recommended and refer to the City Attorney for an ordinance. The motion carried by the following Aye and No vote; those voting Aye being; Alderman Geenen, Alderman Clark, Alderman Spurgetis, Alderman Tollenaer, Alderman Parker, and Alderman Schipp; those voting No, none.

Agenda Item #19

Report from the Mayor regarding reappointments to the Beautification Commission.

It was moved by Alderman Geenen and seconded by Alderman Tollenaer to approve the reappointments as recommended. The motion carried by the following Aye and No vote; those voting Aye being; Alderman Geenen, Alderman Clark, Alderman Spurgetis, Alderman Tollenaer, Alderman Parker, and Alderman Schipp; those voting No, none.

Sandra Hass was reappointed to serve another 4-year term to expire June, 2021.

Todd Linscott was reappointed to serve another 4-year term to expire June, 2021.

David VanLandegen was reappointed to serve another 4-year term to expire June, 2021.

Agenda Item #20

Report from the Mayor regarding an appointment to the Bi-State Regional Commission.

It was moved by Alderman Schipp and seconded by Alderman Clark to approve the appointment as recommended. The motion carried by the following Aye and No vote; those voting Aye being; Alderman Geenen, Alderman Clark, Alderman Spurgetis, Alderman Tollenaer, Alderman Parker, and Alderman Schipp; those voting No, none.

Dave Geenen, 7th Ward Alderman, was appointed to fill the current vacancy.

Agenda Item #21

Report from the City Clerk regarding a request from Radicle Effect Brewerks for live entertainment outdoors with sound amplification and the consumption of alcohol outdoors on Friday, July 14, 2017 from 7:00 to 11:00 p.m. at 1340 31st Street.

It was moved by Alderman Schipp and seconded by Alderman Parker to approve the event and request as recommended, subject to complying with all liquor license regulations, and subject to being closed down early if noise complaints are received.

Alderman Spurgetis voiced a concern about the hours and the noise. He said citizens in the neighborhood should call the non-emergency police department number if it gets too loud.

The motion carried by the following Aye and No vote; those voting Aye being; Alderman Geenen, Alderman Clark, Alderman Spurgetis, Alderman Tollenaer, Alderman Parker, and Alderman Schipp; those voting No, none.

Agenda Item #22

Other Business

Alderman Parker said he serves as the co-chair along with Alderman Geenen on the Citizen of the Year Committee and there is now a form on the City website that can be completed online to nominate a neighbor, a business, an employee or whoever has been an outstanding citizen. Alderman Geenen said this is an opportunity to nominate fellow citizens and celebrate the gifts that everyone brings to Rock Island. He said we all make what the city is.

No one signed up to address Council to speak on a topic.

Agenda Item #23

Executive Session: 5 ILCS 120/2 (c)(1) The appointment, employment, compensation, discipline, performance, or dismissal of specific employees of the public body

A motion was made by Alderman Spurgetis and seconded by Alderman Schipp to go into Executive Session for the exception cited. The motion carried by the following Aye and No vote; those voting Aye being; Alderman Geenen, Alderman Clark, Alderman Spurgetis, Alderman Tollenaer, Alderman Parker, and Alderman Schipp; those voting No, none.

Agenda Item #24

Adjourn

Mayor Thoms reconvened the meeting at 7:52 p.m. A motion was made by Alderman Geenen and seconded by Alderman Schipp to adjourn the meeting to 6:45 p.m., Monday, May 22, 2017. The motion carried by the following Aye and No vote; those voting Aye being; Alderman Geenen, Alderman Clark, Alderman Spurgetis, Alderman Tollenaer, Alderman Parker, and Alderman Schipp; those voting No, none. The meeting was adjourned at 7:52 p.m.

Judith H. Gilbert, City Clerk