

15 August 2017 Minutes of the Regular and Committee of the Whole Meetings of the Silvis City Council held in Silvis City Hall, Council Chambers, 121 11th Street Silvis at 6:30pm.

1) Pledge of Allegiance:

Mayor Matt Carter called the 15 August 2017 Regular meeting of the Silvis City Council to order at 6:30pm and led the Silvis City Council in the Pledge of Allegiance.

2) Roll Call:

Mayor Matt Carter asked City Clerk Jim Nelson to call the Roll.

Members present: Tony Trulson, Ian Pavelonis, Larry York, Kathy Hall, Caryn Unsicker, Todd Malmstrom, Bob Rockwell, Rick Lohse.

Member absent: None

3) Proclamations:

Mayor Matt Carter introduced Michael W. Walter and Nicklus J. Kavanaugh the City of Silvis' new Police Officer recruits. Mayor Matt Carter swore in Michael W. Walter and then Nicklus J. Kavanaugh.

4 Guest Speaker: None

5) Public Comment:

Alderwoman Caryn Unsicker read the Resolution affirming Silvis to be a safe, welcoming and diverse community. (See attached)

6) Consent Agenda:

Mayor Matt Carter asked City Clerk Jim Nelson to read the Consent Agenda dated 15 August 2017. Clerk Nelson read the Consent Agenda dated 15 August 2017. Mayor Carter asked if anything needed to be removed from the Consent Agenda dated 15 August 2017. Mayor Carter asked for a motion to accept the Consent Agenda dated 15 August 2017.

Motion:

Alderwoman Caryn Unsicker made a motion to approve the Consent Agenda dated 15 August 2017. Motion was seconded by Alderwoman Kathy Hall.

Vote:

Members voting aye: Tony Trulson, Ian Pavelonis, Larry York, Kathy Hall, Caryn Unsicker, Todd Malmstrom, Bob Rockwell, Rick Lohse.

Motion carried 8 ayes 0 nays 0 absent

7) Items removed from the Consent Agenda: None

8) Special Non-Consent:

A) Parks Building & Grounds

Item 1) Outdoor Music Policy for the City of Silvis revised 15 August 2017

Motion:

Alderman Tony Trulson made a motion to approve the Outdoor Music Policy for the City of Silvis revised 15 August 2017. Motion was seconded by Alderwoman Kathy Hall.

Vote:

Members voting aye: Tony Trulson, Ian Pavelonis, Larry York, Kathy Hall, Caryn Unsicker, Todd Malmstrom, Bob Rockwell, Rick Lohse.

Motion carried 8 ayes 0 nays 0 absent

Regular Meeting of the Silvis City Council

15 August 2017

9) Mayor's Report: None

10) Attorney's Report:

Attorney Gray Lee gave a report on abandoned property action. Attorney Lee said he had ordered abstract work on the old Clark Station and 116 9th Street.

11) City Administrator's Report:

12) City Engineer report: None

13) City Treasurer Report:

Treasurer Diana Armstrong asked if anyone had any questions since she handed out the Treasurer's report on the 1st of August. There was no response.

14) City Clerk's Report:

City Clerk Jim Nelson announced that the Municipal Clerks of Illinois is having their annual training the week of October the 8th. Clerk Nelson announced he would like to send his Clerk to attend year 2 and he would like to attend MCI Academy. Clerk Nelson noted that these are continuing education opportunities. Clerk Nelson noted that this is a budgeted item and would like the Public Service committee to meet to approve.

Clerk Nelson then read a letter from the Attorney General informing the City of Silvis we have has a complaint filed with the Public Access Counselor that we are being accused of violating the Open Meetings Act. City Clerk Jim Nelson read a letter dated August 4th from Assistant Attorney General Matt Hartman from the Public Access Bureau. This was a second request letter. (see attached). Clerk Nelson stated he contacted AG Hartman immediately and he understood that we did not receive the first request. Clerk Nelson assured AG Hartman he would get all the information he requested from the City of Silvis as soon as possible. Clerk Nelson read a copy of the 1st request that was enclosed in the second request letter. The only explanation was this was somehow lost in the mail. (see attached). Clerk Nelson said he was making Council aware that they have had another complaint filed with the Public Access Counselor for violating the Open Meetings Act. Clerk Nelson noted that he had given AAG Hartman everything he had asked for. I sent out everything he asked for last Thursday and assured him we meant no disrespect by not answering the first request. Clerk Nelson noted we just did not receive the 1st request. Attorney Lee asked who receives that mail. Clerk Nelson [REDACTED] sorts the mail daily. Attorney Lee also noted that this is also the [REDACTED] who filed the complaint.

15) Call for adjournment from the Regular Meeting of the Silvis City Council.

Mayor Matt Carter said if there was no more business to be brought before the 15 August 2017 Regular Meeting of the Silvis City Council he would entertain a motion to adjourn.

Motion:

Aldерwoman Caryn Unsicker made a motion to adjourn from the 1 August 2017 Regular Meeting of the Silvis City Council. Motion was seconded by Alderman Rick Lohse.

Vote:

Motion carried via voice vote.

The Regular Meeting of the Silvis City Council adjourned at 6:51pm.

Committee of the Whole

15 August 2017

16) Call Committee of the Whole to Order & Roll Call

Mayor Matt Carter called the 15 August 2017 Silvis City Council Committee of the Whole Meeting to order at 6:51pm and asked City Clerk Jim Nelson to call the Roll.

Roll Call

Members present: Tony Trulson, Ian Pavelonis, Larry York, Kathy Hall, Caryn Unsicker, Todd Malmstrom, Bob Rockwell, Rick Lohse.

Members absent: None

17) Public Comment: None

18) Agenda items for discussion:

A) Public Works

Item 1) Leaf Vacuum

Discussion:

Alderman Larry York discussed the purchase of a leaf vacuum from Anchor Lumber at a cost of \$3,539. Alderwoman Kathy Hall asked if there was a plan to use this for curbside pickup. Mr. Jim Grafton said the plan is to use this vacuum for pickup in the parks. Mr. Grafton mentioned there is no intent to start picking up residential leaves on the street, that type of an apparatus would cost a lot more than \$3,539. Mr. Grafton noted that we are replacing an existing vacuum.

Motion:

Alderman Larry York made a motion place the purchase a leaf vacuum from Anchor Lumber at a cost of \$3,539 on the 5 September 2017 agenda for approval.

Motion was seconded by Alderman Rick Lohse.

Vote:

Members voting aye: Tony Trulson, Ian Pavelonis, Larry York, Kathy Hall, Caryn Unsicker, Todd Malmstrom, Bob Rockwell, Rick Lohse.

Motion carried 8 ayes 0 nays 0 absent

19 City Staff Reports:

A) Fire Department: None

B) Inspections:

Inspector Tom Lupinski informed Council that the Commercial Building at the M3 Development has begun and another new housing start in the Shamsie addition. Alderman Larry York asked about the Inspector about the grass that needs to be cut at Hynd Farm. Alderman York mentioned he would like to see the City get some sort of resolution with our developers on cutting their grass. Alderman York noted that there are certain tracts throughout the city where the grass is shoulder high. Alderman Todd Malmstrom said he did not think the Inspector had anything to do with that. Alderman York answered he was just talking about commercial properties and the Inspector is responsible for contacting them.

C) Police Department:

Chief Mark VanKlaveren thanked Council for allowing him to hire 2 new Police Officers.

D) Public Works/Parks: None

20) Comments from the Alderpersons:

Alderman Tony Trulson noted that Parks Building and Grounds has a meeting scheduled for Wednesday 23 August 2017 at 4:30pm to discuss Hibbs Park. Alderman Trulson asked about Trunk or Treat and he was informed that the Library. Alderwoman Kathy Hall said she would be out of town for 10 days to go on an Alaskan Cruise. Alderwoman Hall explained that the new

Committee of the Whole

15 August 2017

flower pots along 1st Avenue are all trimmed except 2 of the pots. Alderwoman Hall announced that there were 14 entries for the Moonlight Parade Miss Zinnia contest. Alderwoman Caryn Unsicker called a Public Service meeting at 3:50pm on Wednesday August 23rd to discuss allowing the Clerk and Deputy Clerk to attend Municipal Clerks continuing education.

Alderman Todd Malmstrom checked with the Chief to make sure the new vests are all in place. Alderman Rick Lohse wanted to make sure that the demoed house on 13th Street is still on the radar. Mayor Carter reminded everyone the ribbon cutting for Julia's had been moved up to Saturday August 19th at 9:30am. Also a reminder for the Moonlight Parade cleanup on Sunday 27 August 2017 at 9:00am

21) Closed Session-None

22) Adjournment

Mayor Matt Carter asked for a motion to adjourn from the 15 August 2017 Committee of the Whole meeting of the Silvis City Council.

Motion:

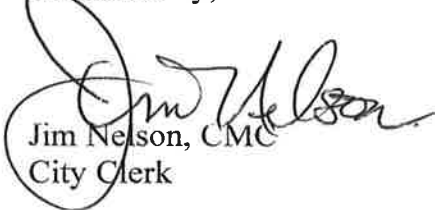
Alderman Todd Malmstrom made a motion to adjourn from the 15 August 2017 Silvis City Council Committee of the Whole meeting.

Motion was seconded by Alderman Tony Trulson.

Motion carried via voice vote:

The 15 August 2017 Committee of the Whole meeting of the Silvis City Council adjourned at 7:03pm

Submitted by,



Jim Nelson, CMC
City Clerk

RESOLUTION: 2017-31-R

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SILVIS, ILLINOIS,
AFFIRMING A SAFE, WELCOMING AND DIVERSE COMMUNITY.**

WHEREAS, equality, inclusion and safety for all persons is a core value in the City of Silvis, as is the condemnation of any hateful verbal rhetoric or physical acts of hatred, discrimination, violence, or other forms of prejudice by any individuals or groups; and

WHEREAS, we know that communities succeed and achieve their best potential when all persons are welcomed; and

WHEREAS, we are committed to the human rights provisions of the constitutions of the United States of America and the State of Illinois that protect civil liberties and provide equal protection under the law; and

WHEREAS, we celebrate our community's diversity, and welcome all residents who live here, regardless of their national origin, color, religion, sexual orientation or gender identity, race, age, disability, or financial and socioeconomic status.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and City Council of the City of Silvis, that we reaffirm our community's shared values of compassion, inclusion, respect and dignity; and our commitment to building a community in which diversity is valued and everyone has the opportunity to thrive; and we encourage the citizens of Silvis to likewise affirm these values of inclusion and to condemn all acts of hatred and violence of any kind.

Approved this 15th day of August, 2017.

Adopted this 15th day of August, 2017.

Mayor of the City of Silvis, Illinois

ATTEST:

City Clerk of the City of Silvis, Illinois



OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

Lisa Madigan
ATTORNEY GENERAL

July 13, 2017

Via electronic mail
The Honorable Matt Carter
Mayor
City of Silvis
121 11th Street
Silvis, Illinois 61282
mcarter@silvisil.org

RE: OMA Request for Review – 2017 PAC 48646

Dear Mr. Carter:

The Public Access Bureau has received a Request for Review under section 3.5(a) of the Open Meetings Act (OMA) (5 ILCS 120/3.5(a) (West 2016)) from [redacted] alleging that City of Silvis City Council (Council) violated OMA. Specifically, [redacted] alleged that on May 2, 2017, the Council improperly entered closed session at its Committee of the Whole meeting in violation of section 2a of OMA (5 ILCS 120/2a (West 2016)) by failing to publicly disclose the citation to the specific exception in section 2 of OMA (5 ILCS 120/2 (West 2016)) that authorized the closed meeting and by failing to enter that citation into the minutes of the meeting.

The Public Access Bureau has determined that further action is warranted. In order to evaluate this matter, we request that the Council or its representative to respond in writing to [redacted] allegation that the Council held a closed session on May 2, 2017, without properly citing the specific closed meeting exception in violation of section 2a of OMA. In its response, the Council should clarify what the Council stated to the public before entering closed session. The Council should also provide this office with copies of the agenda, minutes, and any recordings, including the verbatim recording of the closed session, from the May 2, 2017, Committee of the Whole meeting.

As required by section 3.5(b) of OMA (5 ILCS 120/3.5(b) (West 2016)), please provide this information to our office within 7 working days after receipt of this letter. As we

The Honorable Matt Carter
July 13, 2017
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conduct our review of this matter, we will notify you if we need to review additional records or information. Please note that under the Act, we are required to forward a copy of any response from a public body to the requestor and provide the requestor an opportunity to reply. 5 ILCS 120/3.5(c) (West 2016). The Act also permits a public body to provide a redacted version of any response for release to the requestor. If you believe that other documents or information would be helpful to us as we review the issues, you may submit additional records or affidavits.

If you have any questions, you may contact me at (217) 782-9054, mhartman@atg.state.il.us, or the Springfield address below.

Very truly yours,



MATT HARTMAN
Assistant Attorney General
Public Access Bureau

Enclosure

cc: *Via electronic mail*



OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

Lisa Madigan
ATTORNEY GENERAL

August 4, 2017

Via mail and electronic mail
The Honorable Matt Carter, Mayor
City of Silvis
121 11th Street
Silvis, Illinois 61282
mcarter@silvisil.org

RE: OMA Request for Review – 2017 PAC 48646
SECOND REQUEST

Dear Mr. Carter:

On July 13, 2017, the Public Access Bureau sent you the attached letter requesting a response to the above-referenced Request for Review. As of the date of this letter, this office has not received your response. Please respond by providing the requested information as soon as possible. Section 3.5(b) of OMA (5 ILCS 120/3.5(b) (West 2016)) provides: "Within 7 working days after receipt of the request for review, the public body shall provide copies of the records requested and shall otherwise fully cooperate with the Public Access Counselor." If we do not receive your response, this office may be compelled to conclude that the City of Silvis City Council violated OMA by improperly entering closed session at its May 2, 2017, Committee of the Whole meeting.

If you have any questions, you may contact me at (217) 782-9054, mhartman@atg.state.il.us, or the Springfield address below.

Very truly yours,

A handwritten signature in black ink that reads "Matt Hartman".

MATT HARTMAN

Assistant Attorney General
Public Access Bureau

The Honorable Matt Carter
August 4, 2017
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Enclosure

cc: *Via electronic mail*