



**City of Wilmington
1165 South Water Street
Wilmington, IL 60481**

**Agenda - Regular City Council Meeting
Wilmington City Hall - Council Chambers
January 2, 2024 at 7:00 p.m.**

A. CALL TO ORDER

1. Pledge of Allegiance
2. Roll Call

Mayor Ben Dietz

Alderpersons: Kevin Kirwin, Ryan Jeffries, Dennis Vice, Ryan Knight

Leslie Allred, Jonathan Mietzner, Thomas Smith, Todd Holmes

B. CITIZENS COMMENT *(State your full name clearly; limit 3 minutes each)*

C. CONSENT AGENDA

All items listed on the Consent Agenda are considered to be routine by the City Council and will be acted upon with one motion. There will be no separate discussion of these items unless a Council member requests, in which event, the items will be removed from the consent agenda and discussed separately.

1. Approval of the Regular Meeting Minutes from December 19, 2023
2. Approval of the Accounts Payable Report

D. MAYOR'S REPORT

E. ORDER OF BUSINESS

1. Consideration and Approval of Ordinance No. 24-01-02-01, An Ordinance Declaring Rules and Regulations Regarding Unscheduled Intercity Buses

F. REPORTS AND COMMUNICATION FROM CITY OFFICIALS

City Attorney – Bryan Wellner

City Administrator – Jeannine Smith

Finance Director – Nancy Gross

Public Works Director – James Gretencord

Police Department – Chief Zink

G. ALDERMEN COMMENTS

Aldersperson Kirwin Aldersperson Vice

Aldersperson Allred

Aldersperson Holmes

Aldersperson Jeffries Aldersperson Knight

Aldersperson Mietzner

Aldersperson Smith

H. EXECUTIVE SESSION

1. Appointment, Employment, Dismissal, Compensation, Discipline, and Performance of an Employee of the City of Wilmington [ILCS 120/2(c)(1)]
2. Collective negotiating matters between the City of Wilmington (public body) and its employees [ILCS 120/2(c)(2)]

*Posting Date:
12/29/2023 11:25 AM jz*

3. Matters of Land Acquisition [ILCS 2(c)(5) and 2(c)(6)]
4. Probable or Imminent Litigation and Pending Litigation [ILCS 2(c)(11)]

I. POSSIBLE ACTION OF EXECUTIVE SESSION ITEMS

J. ADJOURNMENT

***This public body may adjourn to a closed session to discuss matters so permitted
and may act upon such matters returning to the open session.***

***So that all may concentrate on the proceedings,
please silence cell phones during City Council meetings.***

The next regularly scheduled City Council meeting is January 16, 2024.

**MINUTES OF THE REGULAR MEETING OF THE WILMINGTON CITY COUNCIL
DECEMBER 19, 2023**

MAYOR BEN DIETZ CALLED TO ORDER THE REGULAR MEETING OF THE WILMINGTON CITY COUNCIL AT 7:00 P.M.

ROLL CALL

After the pledge of allegiance, the following answered to Roll Call: Alderpersons Kevin Kirwin, Ryan Jeffries, Dennis Vice, Ryan Knight, Jonathan Mietzner, Thomas Smith, and Todd Holmes. Absent Leslie Allred. The number present constitutes a quorum.

Also present: City Administrator Jeannine Smith, Finance Director Nancy Gross, Public Works Director James Gretencord, Chief of Police Adam Zink, City Attorney Bryan Wellner, and Deputy City Clerk Joie Ziller.

CITIZENS COMMENT

No comments were made.

MAYOR'S REPORT

Mayor Dietz recognized the 2023 Wilmington Wildcat High School Football Team for Winning the IHSA Class 2A State Championship and Declaring December 22, 2023 Wildcat Football Day

Mayor Dietz administered the oath of office to New Police Officers - Matthew Sheldon, Joshawa Ryan, and Aaron McMurtrey

PUBLIC HEARING

Aldersperson Vice made the motion and Aldersperson Holmes seconded to open the public hearing at 7:13 PM to Consider Request by Petitioner Rich Kane, Consolidated Pipe & Supply Company, Inc., for Annexation, Annexation Agreement, Variance from 150.111 to allow crushed stone or gravel surfaces in all yards, and Map Amendment to I2-Light Industrial approximately 4.76 acres of property located at 23920 Stripmine Road, Wilmington, IL 60481 (PIN 03-17-27-300-022-0000)

Upon roll call, the vote was:

AYES: 7 Vice, Holmes, Kirwin, Jeffries, Knight, Mietzner, Smith

NAYS: 0

ABSENT: 1 Allred

The motion carried.

Administrator Smith stated that the variance for the fence didn't make the published notification and that it will need to go through the process of a public hearing but a motion related to annexation will be made this evening.

Aldersperson Knight requested clarification on the utility easement. It was explained that City utilities are currently not available at the site but in the future when they are made available the easement will be in place and ready.

No public comments were made.

Aldersperson Vice made a motion and Aldersperson Mietzner seconded to close the public hearing at 7:16 PM.

PLANNING & ZONING

Aldersperson Holmes made the motion and Aldersperson Knight seconded to Approve Ordinance No. 23-12-19-01, An Ordinance Annexing Certain Territory to the Corporate Limits of the City of Wilmington, Will County, Illinois, Approving an Annexation Agreement Between the City of Wilmington and Consolidated Pipe & Supply Company, Inc., Approving a Map Amendment to be Zoned as I-2 Light Industrial District, and Approving a Variance For Approximately 4.76 Acres to the Corporate Limits of the City of Wilmington, Will County, Illinois (23920 Stripmine Road, Wilmington, IL 60481 - Affected Pin No: 03-17-27-300-022-0000)

Upon roll call, the vote was:

AYES: 8 Vice, Knight, Holmes, Kirwin, Jeffries, Mietzner, Smith and Mayor Dietz

NAYS: 0

ABSENT: 1 Allred

The motion carried.

Aldersperson Smith made a motion and Aldersperson Knight seconded to Approve the Wilmington Fire Protection District's Proposed Site Plan, with Conditional Uses, and Variances with the understanding that a sidewalk on N. Kankakee Street be added to the site plan and constructed on the tract of property comprising approximately 1.696 acres of land located at 201 N. Kankakee Street (PIN No. 03-17-25-341-001-0000) as recommended by the Planning & Zoning Commission

Discussion: Aldersperson Knight stated to Fire Chief Zlomie that currently when you (the WFPD) get a call you are quiet (the sirens) the first few blocks on Main Street. Fire Chief Zlomie stated that yes, typically at nighttime we try to be good neighbors but we will lay on the sirens if we have to.

Upon roll call, the vote was:

AYES: 7 Smith, Knight, Vice, Holmes, Kirwin, Jeffries, Mietzner

NAYS: 0

ABSENT: 1 Allred

The motion carried.

CONSENT AGENDA

1. Approval of the Regular Meeting Minutes from December 5, 2023
2. Approval of the Accounts Payable Report
3. Approve Ordinance No. 23-12-19-02, An Ordinance for the Levy and Collection of Taxes for the Fiscal Year Beginning May 1, 2023 and Ending April 30, 2024
4. Approve Ordinance No. 23-12-19-03, An Ordinance Abating The Tax Hereto Levied For The Year 2023 To Pay The Principal of and Interest On \$6,530,000 General Obligation Refunding Bonds (Alternate Revenue Source), Series 2020
5. Approve the 2023 TIF District Pay As You Go Summary and Eligible Expenses
6. Approve Pay Request #2 & Final in the amount of \$12,406.46 made to Gallagher Asphalt Corp for the Water Street Reconstruction Project
7. Approve Pay Request #2 & Final in the amount of \$29,565.57 made to Gallagher Asphalt Corp for the FY 2023-2024 MFT Maintenance
8. Approve the Purchase of the Described Signs from Roadway Signs, as Quoted for \$12,776
9. Approve Ordinance No. 23-12-19-04, An Ordinance Amending Chapter 93 Article 4 of the City of Wilmington Code of Ordinances to Regulate Open Burning
10. Approve Ordinance No. 23-12-19-05, An Ordinance Regarding the Illinois Paid Leave for All Workers Act for the City of Wilmington
11. Approve Resolution 2023-13, A Resolution to Dispose of Surplus Property (2004 GMC Sierra 3500)
12. Approve the Purchase of Residential Water Meters from Utility Pipe Sales for a Total Cost of \$30,900
13. Approve the Temporary Site License for Power Agreement at 601 E. Kankakee River Drive with New Cingular Wireless PCS, LLC

Aldersperson Kirwin made a motion and Aldersperson Holmes seconded to approve the Consent Agenda for the December 19, 2023, City Council meeting as presented

Upon roll call, the vote was:

AYES: 7 Kirwin, Holmes, Jeffries, Knight, Mietzner, Smith, Vice

NAYS: 0

ABSENT: 1 Allred

The motion carried.

ORDER OF BUSINESS

N/A

REPORTS AND COMMUNICATION FROM CITY OFFICIALS

City Attorney – Bryan Wellner – Provided a recap of the Paid Leave for All Workers Act and that the finalized IDOL rules should be in place before the end of March 2024.

City Administrator – Jeannine Smith – Reminded us that the Illinois Department of Commerce & Economic Opportunity will have a float in the Rose Parade on January 1, 2024 and wishes everyone a Merry Christmas.

Finance Director – Nancy Gross – No Report

Public Works Director – James Gretencord – No Report

Chief of Police – Adam Zink – No Report

ALDERPERSON COMMENTS

Aldersperson Kirwin – No Comment

Aldersperson Vice – No Comment

Aldersperson Allred – Absent

Aldersperson Holmes – No Comment

Aldersperson Jeffries – No Comment

Aldersperson Knight – No Comment

Aldersperson Mietzner – No Comment

Aldersperson Smith – No Comment

EXECUTIVE SESSION

Aldersperson Jeffries made a motion and Aldersperson Kirwin seconded to go into Executive Session at 7:27 PM to discuss Collective negotiating matters between the City of Wilmington (public body) and its employees [ILCS 120/2(c)(2)] and Probable or Imminent Litigation and Pending Litigation [ILCS 2(c)(11)]

Upon roll call, the vote was:

AYES: 7 Jeffries, Kirwin, Mietzner, Knight, Smith, Vice, Holmes

NAYS: 0

ABSENT: 1 Allred

The motion carried.

Aldersperson Mietzner made a motion and Aldersperson Jeffries seconded to close Executive Session at 8:06 PM

Upon roll call, the vote was:

AYES: 7 Mietzner, Jeffries, Holmes, Knight, Kirwin, Smith, Vice

NAYS: 0

ABSENT: 1 Allred

The motion carried.

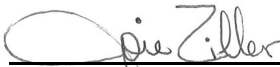
POSSIBLE ACTION OF EXECUTIVE SESSION ITEMS

No action taken

ADJOURNMENT

The motion to adjourn the meeting was made by Alderperson Knight and seconded by Alderperson Jeffries. Upon the voice vote, the motion carried. The City of Wilmington City Council's regular meeting on December 19, 2023, adjourned at 8:07 p.m.

Respectfully submitted,



Joie Ziller, Deputy City Clerk

Ordinance No. 24-01-02-01

**AN ORDINANCE DECLARING RULES AND REGULATIONS
REGARDING UNSCHEDULED INTERCITY BUSES**

Whereas, the City of Wilmington, Illinois (“City”) is committed to protecting the health, safety, and welfare of the individuals residing in and visiting the City; and

Whereas, it is in the best interest of the City, its employees, and its residents to establish a policy for the stopping, standing, and parking of intercity buses and the discharge of passengers with the City (“City”); and

Whereas, the unloading of passengers in inclement weather or severe weather without a coordinated plan poses a significant threat to the health, safety, and welfare of said passengers; and

Whereas, bus operators have been attempting to avoid compliance with the policies of neighboring municipalities regarding permitting requirements for unscheduled intercity buses; and

Whereas, it is in the best interest of the City, its employees, residents, and visitors that the City implement additional rules and regulations (the “Rules and Regulations”) regarding unscheduled intercity buses and hold non-compliant bus operators accountable for endangering the safety and welfare of their passengers; and

Now, Therefore, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF WILMINGTON, WILL COUNTY, ILLINOIS, AS FOLLOWS:

SECTION 1: RULES AND REGULATIONS

This ordinance hereby authorizes the City, its Police Department, and its employees to implement the Rules and Regulations as outlined in Exhibit A, attached hereto and incorporated herein.

SECTION 2: SEVERABILITY

This Ordinance and every provision thereof shall be considered severable. In the event that any court of competent jurisdiction may find and declare any word, phrase, clause, sentence, paragraph, provision or section or part of a phrase, clause, sentence, paragraph, provision, or section of this Ordinance is void or unconstitutional, the remaining words, phrases, clauses, sentences, paragraphs, provision and sections and parts of phrases, clauses, sentences, paragraph, provisions, and section not rules void or unconstitutional shall continue in full force and effect.

SECTION 3: EFFECTIVE DATE

This Ordinance shall be in full force and effect from and after its passage, approval, and publication as provided by law.

PASSED this 2nd day of January 2024 with _____ members voting aye, _____ members voting nay, the Mayor voting _____, with _____ members abstaining or passing and said vote being:

Kevin Kirwin	_____	Ryan Jeffries	_____
Dennis Vice	_____	Ryan Knight	_____
Leslie Allred	_____	Jonathan Mietzner	_____
Todd Holmes	_____	Thomas Smith	_____

Approved this 2nd day of January 2024

Ben Dietz, Mayor

Attest:

Joie Ziller, Deputy City Clerk

EXHIBIT A

RULES AND REGULATIONS OF THE CITY OF WILMINGTON REGARDING UNSCHEDULED INTERCITY BUSES

I. **Definition**

For the purposes of these Rules and Regulations, these definitions shall apply.

- a. "Application" means a form that the Wilmington Chief of Police makes available for receiving and reviewing proposed intercity bus operations.
- b. "Approval" means written notice that the Chief of Police has received, reviewed, and determined that an application satisfies the requirements of the City and the Policy.
- c. "Chief of Police" means the Wilmington Chief of Police
- d. "Regularly scheduled service" means intercity bus service that operates trips on a predictable and recurring basis, following a schedule that is published in advance and available to the general public, and provides service in exchange for paying a fare.
- e. "Unscheduled intercity bus" means any bus used for the transportation of persons between the City of Wilmington and locations outside of the Chicago-Naperville-Joliet area that is not operating pursuant to authorization of the Chief of Police authorization via (i) an approved letter of permission or (ii) an approved schedule and/or approved pick up/drop-off zone, as of the effective date of the Policy.
- f. "City" shall mean the City of Wilmington, Illinois.

II. **Applicability**

The Chief of Police's preexisting application, review, and approval process for intercity buses, as may be amended from time to time shall apply to (i) applicants for regularly scheduled service and (ii) operators with an approved letter of permission to schedule and/or approved pick-up/drop-off zone as of the effective date of this Policy.

III. **Notice and Application Required**

The operator of any unscheduled intercity bus must make an application for approval to arrive and load/unload passengers in the City on the appropriate form made available by the Chief of Police. All applications for unscheduled intercity bus service must be received by the Chief of Police a minimum of five (5) full business days before the requested date of arrival in the application.

All applications shall include the proposed passenger list, and the operator shall be required to perform background checks on each passenger over the age of eighteen and shall provide copies of the same to the Chief of Police as part of the application.

Each application for an unscheduled intercity bus drop-off must include an order authorizing the drop-off executed by the head of the public body originating the transfer of such passengers.

IV. **Processing and Approval of Applications**

Application for unscheduled intercity buses will be reviewed on a first-come, first-serve basis. No more than one (1) application, regardless of operator, shall be approved by the Chief of Police for a given date, time, and location.

V. **Days and Hours of Operation**

Unscheduled intercity buses shall local/unload passengers within the City only between the hours of 10:00 a.m. and 4:00 p.m. Monday through Friday, and not at any time on Saturdays, Sundays, or designated City Holidays.

VI. **Passenger Pick-Up/Drop-Off Locations**

Unscheduled intercity buses shall only load/unload passengers at locations designated by the Chief of Police which shall be listed on the approved application.

VII. **Punctuality**

For any given approval, unscheduled intercity buses must arrive no sooner than, and no later than 30 minutes after, the approved arrival time, otherwise the application shall be considered invalidated. Any loading/unloading of passengers outside of this scheduled window shall result in a \$750.00 fine per passenger to the operator.

VIII. Proof of Application and Approval

Operators of unscheduled intercity buses must carry a physical or electronic copy of an approved application and present it for inspection at the place of loading/unloading upon request by any employee or designee of the City.

IX. Penalty

Any operator of an unscheduled intercity bus that attempts to or does in fact load/unload passengers without an approved application shall be subject to a \$750.00 fine per passenger upon the intercity bus operator.

X. Criminal Charges

The Chief of Police is hereby authorized to pursue criminal charges against any (i) unscheduled intercity bus operator, (ii) unscheduled intercity bus driver, or (iii) third-party employees who are charged with the oversight of the passengers when such individual attempts to or does discharge passengers where such actions endanger the health, safety, or welfare of passengers.

The Chief of Police shall consider the following when determining whether to pursue criminal charges:

- a. The location of the discharge or attempted discharge of passengers;
- b. Extreme weather conditions, including temperatures below freezing, snowfall, severe rain, or other inclement weather that poses a risk to passengers;
- c. Whether any of the passengers are minors; and
- d. The time of day and access to shelter or transportation for passengers.

XI. Civil Remedies

The City's attorneys are hereby authorized and directed to pursue any and all civil remedies against intercity bus operators that fail to comply with the Policy or these Rules and Regulations. Such civil remedies include but are not limited to, injunctive relief, declaratory judgments, and debt collection payments.

**CITY OF WILMINGTON, ILLINOIS
APPLICATION FOR UNSCHEDULED INTERCITY BUS**

All unscheduled intercity buses must use this application form and receive approval from the City of Wilmington, Illinois before loading/unloading any passengers within the City limits.

APPLICANT INFORMATION

Bus Company Name: _____

Bus Company Address: _____

Bus Company State of Incorporation: _____

Primary Contact Name: _____

Title/Position of Primary Contact: _____

Primary Contact Phone: _____

Primary Contact Email: _____

Bus Driver Full Name (including middle): _____

Bus Driver's Date of Birth: _____

Bus Driver's Phone: _____

Bus Driver's Operator's License #: _____

State Of Issuance: _____ Expiration Date: _____

Other employees (Bus Company or 3rd party contractors or individuals assisting with the transportation of passengers: (attach a separate page if needed)

Full Name of any 3rd parties: _____

Date of Birth: _____

PASSENGER INFORMATRION

- A. The Applicant **must** attach a proposed passenger list of all proposed passengers (including any employees of a 3rd party involved in the transportation of passengers) to this Application.
- B. The Applicant **must** provide background check information for all proposed passengers (including 3rd party contractors or individuals assisting in the transportation of passengers) over the age of eighteen (18) years. Attach background check information to this Application-failure to attach background information will result in the Application being denied with no further processing.
- C. Any passenger or 3rd party employee/individual not listed on the Application who exits the bus will be considered in violation of City Policy (failure to submit a background check with the application) and will result in a \$750.00 fine, per person, assessed to the bus operator.

