

City of Litchfield
120 E. Ryder, Litchfield, Illinois
Regular Council Meeting Minutes
January 7, 2021

These meetings were offered remotely due to the COVID-19 public health emergency.

Public Hearing

Mayor Steven Dougherty called the Public Hearing to order at 6:30 p.m. to address the following items:

1. An Ordinance amending chapter 150 of the Litchfield Zoning Ordinance pertaining to Adult Use Cannabis in the City of Litchfield, IL.
2. An Ordinance establishing a retail Cannabis Sales License in the City of Litchfield, IL.
3. An Ordinance amending section 39 of the Municipal Code of the City of Litchfield, Montgomery County Illinois by the addition of this ordinance imposing a municipal cannabis retailers occupation tax of 3%.

Darin Ashby stated that in November the citizens of Litchfield had voted in favor of moving forward with the sale of adult use cannabis and asked why there had been no movement. He remarked that since the citizens elect the Council, wouldn't the Council then do what the people request. City Attorney Hantla stated that this had been voted on twice previously and failed, so attempts have been made. He agreed that the Council is elected to represent the people.

There were no further comments or discussion. The Mayor adjourned the Public Hearing at 6:10 p.m.

Regular Meeting

Mayor Steven Dougherty called the Regular Meeting on to order at 6:32 p.m. The Pledge of Allegiance was recited. Present on roll call were Alderpersons Dwayne Gerl, Marilyn Sisson, Dave Hollo, Mark Brown, Cassidy Paine, Tim Wright, Woodrow Street and Ray Kellenberger (remote). The Mayor declared that a quorum was present.

Appointments:

Alderman Street made a motion, seconded by Alderman Gerl to accept the appointment of Beth Cherry to the Tourism Advisory Committee to fill the unexpired term of Maggie Sinclair with a term to expire May 2022 and the appointment of Neal Francis to the Tourism Advisory Committee to fill the unexpired term of Rebecca Snow Grimm with the term to expire May 2023.

The Mayor directed a roll call vote.

Aye: Gerl, Sisson, Hollo, Brown, Paine, Wright, Street, Kellenberger.

Nay: None.

Motion carried.

Police Chief Kenny Ryker introduced Police Officer Andrew Wakefield who was then sworn in by City Clerk Carol Burke.

Interim Fire Chief Joe Holomy introduced new firefighter/paramedics Ben Black and Tyler Daniels who then shared some information about themselves, their experience, and their families.

Public Participation Comments:

Ed Wernsing addressed the Council as Chairman of the Planning Commission. He stated that the consideration for adult-use cannabis had been presented to the Commission four times and approved each time. He remarked that he felt the revenue generated from the adult-use cannabis would save the residents taxes and asked that the Council honor the wishes of the people of Litchfield and pass the adult-use cannabis ordinances.

Other Business:

Alderman Street made a motion, seconded by Alderman Brown to accept the minutes from the December 17, 2020 meeting.

The Mayor directed a roll call vote.

Aye: Gerl, Sisson, Hollo, Brown, Paine, Wright, Street, Kellenberger.

Nay: None.

Motion carried.

Alderman Wright made a motion, seconded by Alderman Gerl to direct the City Clerk to transfer funds from the city sales tax to the City's general fund to issue checks and authorize to pay the bills.

The Mayor directed a roll call vote.

Aye: Gerl, Sisson, Hollo, Brown, Paine, Wright, Street, Kellenberger.

Nay: None.

Motion carried.

Old Business:

Pulled from the Agenda: Discussion with possible action regarding a request by Endrizzi Contracting for the Lake Yaeger Watershed Implementation Project construction contract. Update from Ted LaBelle.

Alderman Hollo made a motion, seconded by Alderman Street to forgive the late fee of \$1,050.31 for Henderson Water District on a one time basis.

The Mayor directed a roll call vote.

Aye: Gerl, Sisson, Hollo, Brown, Paine, Wright, Street, Kellenberger.

Nay: None.

Motion carried.

New Business:

Alderman Kellenberger made a motion, seconded by Alderman Wright to to approve an “Ordinance Amending Chapter 150 of the Litchfield Zoning Ordinance Pertaining to Adult Use Cannabis” in the City of Litchfield, Illinois. Alderman Hollo amended the motion to make the proposed districts as special use. Alderman Street seconded the motion.

City Attorney Hantla stated that amending the ordinance to special use would require starting the whole process over, and that he did not feel this situation fit the definition of special use which is reserved for areas not zoned for the type of activity requested. He indicated that it could be done and could work as special use, but that ultimately the Council would be voting on the same ordinance after additional time and expense. Hantla said that additional concerns would be handled in the application in order to enforce the regulations.

Alderman Street inquired if the City was in a place of liability by not going with the special use, to which Hantla replied, “No.” Alderpersons Brown and Wright each expressed concern about giving the issue back to the planning commission, stating that they have already heard it several times. Alderman Street said that if the City is protected, then he isn’t concerned.

The Mayor directed a roll call vote on amending the motion.

Aye: Hollo.

Nay: Gerl, Sisson, Brown, Paine, Wright, Street, Kellenberger.

Amended motion failed.

The Mayor then directed a roll call vote on the original motion.

Aye: Gerl, Sisson, Brown, Paine, Wright, Kellenberger.

Nay: Hollo, Street.

Motion carried.

Alderman Kellenberger made a motion, seconded by Alderman Wright to approve an “Ordinance Establishing a Retail Cannabis Sales License” in the City of Litchfield, Illinois. Alderman Street stated that he was against the sale of adult-use cannabis because of his concern for the citizens of Litchfield, not because he is a Christian. He said he just could not bring himself to vote for it.

The Mayor then directed a roll call vote.

Aye: Gerl, Sisson, Brown, Paine, Wright, Kellenberger.

Nay: Hollo, Street.

Motion carried.

Alderman Kellenberger made a motion, seconded by Alderman Brown to approve an “Ordinance Amending Section 39 of the Municipal Code of the City of Litchfield, Montgomery County, Illinois by the Addition of this Ordinance Imposing a Municipal Cannabis Occupational Tax of 3%.”

The Mayor directed a roll call vote.

Aye: Gerl, Sisson, Hollo, Brown, Paine, Wright, Street, Kellenberger.

Nay: None.

Motion carried.

Lake:

Alderman Hollo made a motion, seconded by Alderman Street to approve an Ordinance Authorizing the City of Litchfield's intent to lease property located in Eagle Ridge Subdivision. The Mayor reported that there is already interest in the lots and that the streets and lighting are complete. He said that the money raised through the leases would help pay for the waterline to Solar Circle. Alderman Brown said that the lake should have always been and should always be the number one priority for the City, and that things should have been done years ago to preserve the lake. City Administrator Flannery stated that now that the project is completed, that passing the ordinance was vital in order to begin leasing the lots and recouping some of the money invested in the project.

The Mayor directed a roll call vote.

Aye: Sisson, Hollo, Paine, Wright, Street, Kellenberger.

Nay: Gerl, Brown.

Motion carried.

Alderman Hollo made a motion, seconded by Alderman Wright to approve a sixth amendment to the operating agreement with Grand Rental for boat rental services at Lake Lou Yaeger.

The Mayor directed a roll call vote.

Aye: Gerl, Sisson, Hollo, Brown, Paine, Wright, Street, Kellenberger.

Nay: None.

Motion carried.

Tourism:

Alderwoman Sisson made a motion, seconded by Alderman Hollo to approve the expenditures and the hiring of temporary employees for the Litchfield Pickers market in the amount not to exceed \$31,000 and authorize the Mayor to sign any contracts associated with the event. When Alderman Kellenberger asked if the final decision had been made to hold the Pickers Market, the Mayor stated that the Tourism department is targeting May for the first market.

The Mayor directed a roll call vote.

Aye: Gerl, Sisson, Hollo, Brown, Paine, Wright, Street, Kellenberger.

Nay: None.

Motion carried.

Streets:

Alderwoman Paine made a motion, seconded by Alderman Kellenberger to approve a repair estimate on a 2009 Ford F250 Water Tech Truck from Gerl's Auto Body for \$2,105.27.

Alderman Hollo stated that there is a certain amount of business that an alderman can do for the City and thought it was between \$4,000 and \$5,000 annually. He remarked that, in his opinion, this action could be considered impropriety.

The Mayor directed a roll call vote.

Aye: Gerl, Sisson, Brown, Wright, Street, Kellenberger.

Nay: Hollo, Paine.

Motion carried.

Executive Session:

Alderman Hollo made a motion, seconded by Alderman Street to Enter into Executive Session, as allowed under the Illinois Open Meetings Act, as found in Chapter 5 of the Illinois Compiled Statutes, Section 120, to address these certain and restricted items:

“The setting of a price for sale or lease of property owned by the public body.” (5ILCS 120/2(2)(6))

The Mayor directed a roll call vote.
Aye: Gerl, Sisson, Hollo, Brown, Paine, Wright, Street, Kellenberger.
Nay: None.
Motion carried.

Executive Session was entered at 7:15 p.m.


Alderman Street made a motion, seconded by Alderman Gerl to return to open session at 7:35 p.m.
The Mayor directed a roll call vote.
Aye: Gerl, Sisson, Hollo, Brown, Paine, Wright, Street, Kellenberger.
Nay: None.
Motion carried.

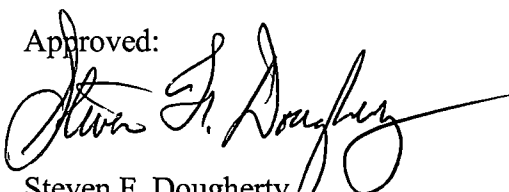
New Business:

Alderman Hollo made a motion, seconded by Alderman Gerl to approve the minimum suggested bid amounts for the lots at Eagle Ridge Subdivision.
The Mayor directed a roll call vote.
Aye: Gerl, Sisson, Hollo, Brown, Paine, Wright, Street, Kellenberger.
Nay: None.
Motion carried.

Having no further business, Alderman Street made a motion, seconded by Alderman Wright to adjourn the regular meeting of the Litchfield City Council. The Mayor called for a voice vote, motion carried, and the regular meeting adjourned at 7:37 p.m.

Attest:


Carol E. Burke

Approved:

Steven F. Dougherty