

March 6, 2025

A Special Meeting of the Wood River City Council was called to order by Mayor Tom Stalcup at 5:00 p.m. on Thursday, March 6, 2025, in the Council Chambers at City Hall, 111 N. Wood River Avenue, with the recital of the Pledge of Allegiance. The Clerk called the roll and reported that the following members were:

PRESENT: David Ayres  
Bill Dettmers  
Jeremy Plank  
Scott Tweedy  
Tom Stalcup

and that a quorum was present and in attendance.

Mayor Stalcup stated that the purpose of this Special Meeting is to discuss and vote on an amendment to the City Ordinance regarding the requirements for calling a Special Meeting. The proposed amendment would increase the requirement from two Councilmembers to three in order to request a Special Meeting, aligning City policy with State Law.

CITIZEN/CITY OFFICIAL COMMENTS:

Bill Rogers voiced strong opposition to the proposed ordinance change. He argued that the timing of the amendment was highly suspicious, as it followed a contentious discussion during the last Council Meeting regarding a forensic audit and City administration transparency. Mr. Rogers claimed the amendment was an attempt to suppress discussions and prevent a motion for the removal of City Manager Steve Palen. He accused the Council of manipulating procedural rules to avoid difficult conversations and called for a vote to terminate the employment of the City Manager. He further alleged that City Officials were trying to silence opposing voices and stack the deck by scheduling the meeting at a time inconvenient for certain residents. He also claimed that Chief Wells is not doing his job properly and stated that he should be fired as well. Mr. Rogers concluded by expressing support for Councilmembers who are standing up to what he described as intimidation tactics.

Councilman Ayres stated that the majority of the City Council has found it necessary to reduce TIF requirements after the contracts have been made.

Mayor Stalcup stated that changing TIF requirements has nothing to do with this Special Meeting.

Councilman Ayres then stated that some Councilmembers have found it necessary to change the ordinance to increase the requirements for Special Meetings after allowing a Special Meeting to take place two weeks ago.

Mayor Stalcup explained that the reason for following this process is that the City has been thoroughly reviewing all of its ordinances with the City Clerk and legal counsel. During this review, the City discovered that current practices were not in compliance with a specific State Statute, which requires a different approach than what the City was previously following.

City Manager Steve Palen stated that as mentioned in the agenda item, the Illinois Compiled Statutes (ILCS) are clearly referenced and anyone can review them. The requirements are straightforward and plainly outlined.

Councilman Dettmers stated that he disagrees with that assertion. The notice for tonight's Special Meeting states that the purpose is to bring Section 32.15(B) into compliance with State Law by requiring that a Special Meeting be called by either the Mayor or three Councilmembers. However, the state statute does not require three Councilmembers to make this request. He then stated that on February 20, 2024, the City adopted the spending policy, which included a detailed discussion with the City Attorney. The State Statute mandates that change orders cannot exceed \$25,000.00. During that discussion, Councilman Dettmers specifically asked if the City could raise the spending policy limit above \$25,000.00, and the City Attorney's response was no. He then asked if the City could lower the limit to \$10,000.00, and the answer was yes. Therefore, the State Statute does not require the City to have three Councilmembers request a Special Meeting. The current policy, which allows two Councilmembers to make this request, is already in compliance with State Law.

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City Attorney Kathryn Warren respectfully disagreed with that assessment. She referred directly to 65 ILCS 5/3.1-40-25, the State Statute cited within this proposed ordinance. The plain language of the statute states that Special Meetings of the City Council can be called by the Mayor or any three aldermen. Illinois courts have had at least one opportunity to interpret this statute. In a 1983 First District Appellate Court case, which was later affirmed by the Illinois Supreme Court, the court evaluated the validity of a Special Meeting. The case involved a much larger city where the meeting in question was deemed valid because it met the statutory requirement despite involving 24 aldermen, far more than the minimum of three required by the statute. The court emphasized that the meeting's actions were valid specifically because the meeting itself was properly called in accordance with the statute.

Councilman Dettmers asked if the requirement for that city was more than the state statute requires.

City Attorney Kathryn Warren explained that the courts have interpreted the statute, and their position is clear. The plain language of 65 ILCS 5/3.1-40-25 states that a Special Meeting of the City Council may be called only by the Mayor or any three aldermen. According to the Illinois Constitution, non-Home Rule municipalities, like Wood River, possess only those powers specifically granted by State Law. This means the City cannot take any action beyond what State Law expressly permits. If a Special Meeting were held without a request from either the Mayor or at least three Councilmembers, any action taken at that meeting would be invalid under Illinois Law. The courts have explicitly stated that failing to meet this statutory requirement renders the meeting and any resulting actions legally void. Therefore, if the City were to proceed with a Special Meeting called by fewer than three Councilmembers or without the Mayor's request it would be in violation of State Law. As the City Attorney, she cannot advise the City to move forward under such circumstances. This is not a matter of interpretation or opinion as the law is unambiguous. The City can hold a Special Meeting, but only if the Mayor calls it or if three Councilmembers make the request. As of now, neither condition has been met for the meeting scheduled for Monday, March 10, 2025. Consequently, in her professional opinion, any actions taken at that meeting would be legally invalid and unenforceable. Should the matter be challenged in court, she believes the court would reach the same conclusion based on established case law, which confirms that plain language means plain language, three Councilmembers or the Mayor must call the meeting.

Councilman Dettmers stated that the reason he made that statement is that he was referencing exactly to what happened on February 20, 2024. At that time, he specifically asked about the \$25,000.00 statute requirement for change orders. If the statute applies to non-Home Rule entities, Special Meetings and the policies the City adopted for the spending policy regarding change orders, why would the City receive conflicting legal opinions. At that meeting, the Councilmembers were told that the City could adopt a lower spending threshold for change orders, even though the statute explicitly sets it at \$25,000.00. However, tonight, Councilmembers are being told the opposite, that the threshold cannot be lower than the statute requires. He is genuinely confused by the inconsistent advice that the City Council is receiving from legal counsel.

City Attorney Kathryn Warren stated that Councilman Dettmers is discussing an entirely different statute from February 2024 with City Attorney Mike McGinley. The statute referenced from February 2024 is not the same statute that is being addressed now. She has not specifically researched the issues discussed between Councilman Dettmers and City Attorney Mike McGinley at that time, so she cannot speak to the details of that conversation or what Mr. McGinley understood from those questions. She was not present, and she has not personally reviewed that particular statute. What she is saying is just because a court interprets one statute a certain way does not mean that interpretation applies universally to all statutes. Two completely different legal provisions are being discussed, which makes it an apples-to-oranges comparison. She has specifically researched this statute and how it relates to the Open Meetings Act. Based on her understanding of the law, any action taken at a Special Meeting called by fewer than three Councilmembers would be found invalid.

Councilman Dettmers stated that once again, he wants to point back to the conversation from February 20, 2024, which is publicly available on Facebook for anyone who want to watch it. During that discussion, he specifically asked if the City could increase the \$25,000.00 threshold for change orders to \$50,000.00 or \$100,000.00 and the answer was no. He then asked if the City could lower the threshold to \$10,000.00 and the answer was yes, because it does not exceed the \$25,000.00 threshold.

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City Attorney Kathryn Warren stated that she did not have the specific statute that Councilman Dettmers is referring to in front of her, so she cannot speak to its exact plain language. Without reviewing the statute directly, she cannot fully address why there might be confusion regarding this issue.

Councilman Dettmers stated that he was not confused, and he is very clear on this issue. He distinctly remembers the February 20, 2024, meeting because he raised this point specifically and that was exactly the conversation that took place.

ORDINANCE NO. 25-4: AMENDING CITY CODE 90-7, TITLE III: ADMINISTRATION, CHAPTER 32: CITY COUNCIL, SECTION 32.15 MEETINGS, IN ORDER TO BRING SECTION 32.15(B) INTO COMPLIANCE WITH STATE LAW BY REQUIRING THAT ANY SPECIAL MEETING BE CALLED BY EITHER THE MAYOR, OR THREE (3) MEMBERS OF THE CITY COUNCIL, PURSUANT TO 65 ILCS 5/3.1-40-25:

Councilman Plank moved to approve an ordinance amending City Code 90-7, Title III: Administration, Chapter 32: City Council, Section 32.15 Meetings, in order to bring Section 32.15(B) into compliance with State Law by requiring that any special meeting be called by either the Mayor, or three (3) members of the City Council, pursuant to 65 ILCS 5/3.1-40-25, seconded by Councilman Tweedy

Councilman Ayres referenced Section B of the proposed ordinance that states a summons or written notice signed by the Mayor shall be served to each Councilmember either in person, by email to the Councilmember's City email address, or by notice left at their residence. Councilman Ayres recommended adding an asterisk that if notice is sent by email, a confirmation response should be required to ensure the message was received. This could help prevent situations where important notices are missed due to unforeseen issues.

Councilman Ayres and Mayor Stalcup agreed that requiring a confirmation response would ensure the recipient received the message and reduce the risk of missed communications.

Councilman Dettmers asked if the State Statute requires notice of Special Meeting to be sent via email or if this is something the City inserted.

City Attorney Kathryn Warren stated that the State Statute at issue here, which she has already cited, explicitly states that the City Council may, by ordinance, prescribe the times and places of Council Meetings and determine the manner in which Special Council Meetings are called.

Councilman Dettmers stated that he is very uncomfortable with email notification. He argued that email-based notifications could fail due to technical issues, such as power outages or email server problems, and suggested that official notices be delivered in person or left at a council member's residence.

Councilman Dettmers made a motion to amend the ordinance by removing the language in Section B "or by email to the Councilmember's City email address", seconded by Councilman Ayres

Councilman Plank stated that he believes the City should keep the notification options open and less restrictive. He believes that it is important to leave email notification in the ordinance because it can be an efficient option and if the email notification is not received, notice can be left at the Councilmember's residence.

Councilman Dettmers asked if that is considered proper notification.

Mayor Stalcup asked if notifications can be sent via email and hard copy.

City Manager Steve Palen explained that most of the communications are hard copies or deliveries to the Councilmembers' residence. If a Councilmember chooses to have the notices sent via email, the option is in the ordinance to do so.

Councilman Plank stated that there is a benefit of the email notification because of the time and date stamp on when it was sent.

Councilman Dettmers asked for clarification and asked if proper notification does not include emails if Councilmembers opt out of emails or if it is proper notification if it is sent by email.

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City Manager Steve Palen stated that it was his understanding that Councilman Dettmer's amendment was to strike notice by email from the proposed ordinance.

The amendment was denied by the following vote:

AYES: Dettmers (1)

NAYS: Ayres, Plank, Tweedy, Stalcup (4)

Councilman Plank stated that he has always been a strong advocate for transparency and has no issue voting for or against the desire for a Special Meeting. However, considering that the City already has two regular meetings per month where agenda items can be addressed, he questions the necessity of frequent Special Meetings. For instance, the City recently handled the same issue in a Special Meeting, only to revisit it seven days later during a regular Council Meeting. Perhaps it is time to move past the "Jerry Springer Show" approach to City Council proceedings and focus on conducting City business more efficiently.

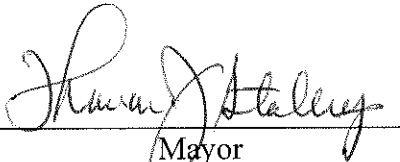
Councilman Dettmers responded by referencing a May 2023 Special Meeting in which Councilman Plank had supported calling a special session due to an issue with agenda control. Councilman Dettmers questioned the consistency of Councilman Plank's position on the necessity of Special Meetings.

The ordinance was approved by the following vote:

AYES: Plank, Tweedy, Stalcup (3)

NAYS: Ayres, Dettmers (2)

ADJOURNMENT: Councilman Tweedy moved to adjourn, seconded by Councilman Plank. The meeting adjourned at 5:22 p.m.

  
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Mayor

  
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City Clerk