
**PROCEEDINGS OF THE REGULAR MEETING
OF THE CITY COUNCIL OF THE CITY OF PEKIN, ILLINOIS,
HELD IN THE COUNCIL CHAMBERS OF CITY HALL
111 SOUTH CAPITOL STREET**

ON MONDAY, AUGUST 8, 2011 AT 5:30 O'CLOCK P.M.

LAURIE L. BARRA, MAYOR PRESIDING

**PRESENT: COUNCIL MEMBERS, ABEL, BLANCHARD, NEUMANN, SCHMIDGALL,
HENDRICKS, AND MASSAGLIA**

ABSENT: NONE

The **Pledge of Allegiance** was led by Mayor Barra.

Roll was called and all Council Members were physically present. A quorum was present.

AGENDA

Motion by Council Member Blanchard, seconded by Council Member Massaglia that **the agenda be approved as presented**. On roll call vote all present voted Aye.

MINUTES

Motion by Council Member Blanchard, seconded by Council Member Abel, that the **minutes of the Regular City Council Meeting of Monday, July 25, 2011 be approved as written**. On roll call vote, all present voted Aye.

PUBLIC INPUT

George Ohnemus 1417 Willow Street, addressed Council with several concerns and comments on the following:

- Restriction of limiting public comment to 5 minutes and the inability of tracking the next speaker if the total 5 minutes of the sand in the hour glass timer was not used up
- The down time of city information on government channel 22
- Opinion that Home Rule government was not working
- Wasted money in City Manager search when in-house employee was selected
- Talking to the City was like an ostrich with his head in the sand
- Pekin had a good-ole-boy attitude

Steven Moore 2010 Westgate Drive, encouraged the Council to repeal the vehicle search and seizure ordinance but not to throw away provisions that were working. He felt the new members of the present administration had fresh ideas and new input and the mix of remaining members had knowledge of what was going on.

Richard Reeves 1416 S. 12th Street stated he would like to see the ordinance repealed because the \$500 fine was a possible catastrophic experience to working people. He felt the law was beyond fixing and that its only purpose was a police department revenue generator.

Bernie Gobbel 208 Dogwood Lane spoke in objection of repealing the Seizure and Impoundment Ordinance. He felt the ordinance sent a message to violators of drug and alcohol use. Owners of vehicles should be held accountable. He suggested if necessary table the vote but for Council not to scrap the provisions completely. He asked Council to listen to the responders that took the time to complete a police community survey asking for aggressive means of DUI enforcement. People against the ordinance were those that had been fined for violating it.

Carole Martin 1401 Peoria felt the towing ordinance was wrong and spoke in favor of repeal.

Bobby Mans 15827 Red Shale Hill advised the Council of his experience in front of the Hearing Officer for seizure and repossession of his tractor. He stated there was nothing wrong with impoundment but

impounding farm equipment was wrong. Several times he referred to a document he had in his possession of the language in State law for Special Mobile Equipment.

CONSENT AGENDA

Motion by Council Member Massaglia, seconded by Council Member Blanchard that the **CONSENT AGENDA be approved as presented**. Mayor Barra presented the following for consideration of the Consent Agenda items by Omnibus Vote.

7.1 Receive and File Monthly Reports and Minutes: Police June Report and Liquor Commission Minutes June 23, 2011.		5
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On roll call vote, all present voted Aye.

NEW BUSINESS

ORDINANCE NO. 2643-11/12

REPEALING THE SEIZURE AND IMPOUNDING OF VEHICLES ORDINANCE

Motion by Council Member Massaglia, seconded by Council Member Blanchard, that Ordinance No.2643-11/12 be adopted. Mayor Barra extended time to each Council Member to speak to their decision before voting. Council Member Massaglia stated he was the member who asked that the impoundment ordinance be repealed. He felt the provisions were unconstitutional in that they implied a person was guilty and fined before being hearing. He felt the expense to retrieve an impounded vehicle was unacceptable in the present economy. Council Member Blanchard stated he voted in favor of the original ordinance when it was sold as a tool to fight against drunk drivers. He requested several time that the provisions be amended for the innocent vehicle owner. He stated he was told by retired officers that it was a revenue generator. He would now support the repeal. Council Member Hendricks read from a prepared statement. He felt there was no proof in the reports that the ordinance deterred driving without a license or under the influence of drugs or alcohol. He agreed with Blanchard and Massaglia that it was created to be a revenue generator. Council Member Neumann supported the Impound Ordinance on its merits but felt also there were issues that could be fixed. He countered previous comments as to it constitutionality being up held. It's purpose was not a revenue generator but offset the extra services of the police by those that violate the law. He advised the City did not set the towing rate but asked that Council consider amending the ordinance as to the \$500 fine being a bondable fee.

Council Member Neumann then made a motion, seconded by Council Member Abel, that Ordinance No.2643-11/12 be tabled until the 2nd meeting in October. He requested also the Council meet as a Committee of the Whole with strategic staff members to review suggested changes. Council Member Schmidgall questioned the use of a City employed Hearing Officer determining guilt or innocence. He was not in favor continual revisions and would vote to repeal the present ordinance. Council Member Abel was willing to lessen the burden of the fine by paying only 10% upfront and the remainder on the basis of guilt and also to provide for the innocent owner of a vehicle. He stated the ordinance was not meant as a revenue enhancer.

Mayor Barra called for the vote to table. On roll call vote, Ayes, Abel, Neumann, Barra; Nays, Blanchard, Schmidgall, Hendricks, Massaglia. Motion failed.

On roll call vote to repeal the Seizure and Impound Ordinance, Ayes, Blanchard, Schmidgall, Hendricks, Massaglia; Nays, Abel, Neumann, Barra. Motion carried.

Council Member Schmidgall asked the Police Chief to research Mr. Mans contentions that he was unjustly charge for towing of his tractor by an unlicensed driver. He also expressed appreciation to the Chief for his well explained report to Council regarding the facts of the Seizure and Impoundment Ordinance.

Motion by Council Member Schmidgall, seconded by Council Member Abel, that **CHANGE ORDER #5 WITH WILLIAMS BROTHERS CONSTRUCTION, INC.** for the Wastewater Treatment Plant Phase I, in the amount of \$27,476.00, be approved. City Manager Joseph Wuellner updated the Council on the site evaluation and demolition items to the upgrade portion of Phase I at the Wastewater Treatment Plant. He advised it had always been anticipated there would be need for field changes, drawing modifications, additional ground support to keep existing plant in operation. Items covered in change orders and project contingency amounts were available for Council. On roll call vote, all present voted Aye.

Motion by Council Member Hendricks, seconded by Council Member Blanchard, that the **AGREEMENT WITH HANSEN PROFESSIONAL SERVICES, INC.** for Veterans Drive Project support in an amount not to exceed \$35,000.00 be approved. City Manager Joseph Wuellner advised that the land acquisition process for 25 properties needed for right of way on the Veterans Drive project was progressing on the smaller parcels. Assistance was needed on the larger parcels and where relocation was involved. He recommended the firm based on similar support in several communities and one of IDOT's approved negotiators. Cost would be reimbursed from the Veterans Drive Capital Bill funding. On roll call vote, all present voted Aye.

RESOLUTION NO. 10-11/12
ESTABLISHING PUBLIC HEARING DATE AND PLACE
FOR THE TIF REDEVELOPMENT PLAN & PROJECT IPC AREA

Motion by Council Member Neumann, seconded by Council Member Hendricks, that Resolution No.10-11/12, establishing a public hearing September 26, 2011 at City Hall Council Chambers @ 5:30 p.m., be adopted. Council Member were informed of scheduling matters to receive comments from the public for the consideration and adoption of the Tax Increment Finance Redevelopment Plan in the Industrial Park Conservation Area. On roll call vote, all present voted Aye.

ORDINANCE NO. 2644-11/12
AMENDING THE CITY OF PEKIN CODE TITLE 4, CHAPTER 11

Motion by Council Member Neumann, seconded by Council Member Blanchard, that Ordinance No. 2644-11/12, be adopted. City Clerk Sue McMillan advised the Council of the bookkeeping issue needing correction as to two ordinances being tracked in the code as Chapter 11. Ordinance No. 2097-97/98 Telecommunication Infrastructure Maintenance Fee would remain as Chapter 11 and provisions for the Registration of Landlords, Ordinance No. 2521-06/07 would be documented as Chapter 12. On roll call vote, all present voted Aye.

Motion by Council Member Abel, seconded by Council Member Massaglia, that the **LICENSE AGREEMENT WITH TAZEWell & PEORIA RAILROAD FOR EFFLUENT DISCHARGE LINE** in the amount of \$1,750.00, be approved. Council took action on an agreement recommended by City Manager Joseph Wuellner. He explained the upgrade to the Wastewater Treatment Plant and the storm lagoon would increase the capacity, therefore, a new 48" line would be installed to the river under the existing tracks. The work would necessitate a onetime fee and license agreement. On roll call vote, all present voted Aye.

ANY OTHER BUSINESS TO COME BEFORE THE COUNCIL

Council Member Abel questioned staff regarding the timeframe for extension of Griffin Avenue to Veterans Drive. He was informed that the next PPUATS project funding consideration would be 2018. Attorney Dancey was asked to research the possibility of utilizing Hotel/Motel funding for the design fees.

Council Member Neumann asked that staff review code enforcement requirements and cooperation of Police Department and Code Enforcement/Inspections employees in remedying the contradictory provision of responsibility in enforcing parked abandon vehicles in the streets or in driveways. He suggested meeting as a Committee of the Whole if sitting down with all to discuss would help.

Council Member Blanchard express appreciation for the well organized motorcycle and St. Jude Run events that ran through Pekin on Saturday. He recognized and appreciated the hosting of a previous Larry's Casting Kids fishing event Police Chief Greg Nelson expressed appreciation to the participants for the safe events.

Council Member Neumann questioned when the new school signs would go up and was informed it would not be before the start of the school year.

City Manager Joseph Wuellner advised the public that the sewer liner project and the Wastewater Treatment Plant project would necessitate closing streets in the next few weeks.

Mayor Barra advised the Council Members of two anticipated special meetings: Economic Development Advisory Committee Monday, August 15, 2011 and bid award for Wastewater Treatment Plant Phase II Tuesday, August 30, 2011.

Bobby Mans, Richard Reeves, Bernie Gobbel, George Ohnemus, and Dale Kuntz all addressed Council again with issues of the Impoundment Ordinance, mandates, hiring of the City Manager, and concern of weed areas.

No further business to come before the Council, Mayor Barra adjourned the meeting in open session.

COUNCIL ADJOURNED AT 7:10 P.M.

Sue E. McMillan
City Clerk