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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, JULY 13, 2009 AT 5:30 O'CLOCK P.M.
RUSTY DUNN MAYOR PRESIDING

PRESENT: COUNCIL MEMBERS, ABEL, BLANCHARD, STRAND, KORTKAMP, BARRA, AND SCHMIDGALL

ABSENT:

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The **Pledge of Allegiance** was led by Chief Timothy Gillespie's grand children Kristen Connor and Cameron Gillespie.

Roll was called and all Council Members were present.

AGENDA

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

MINUTES

Motion by Council Member Barra, seconded by Council Member Blanchard, that the **minutes of the Regular City Council Meeting of June 22, 2009 and the meeting of June 12, 2009 be approved as written.** On roll call vote, all present voted Aye.

PUBLIC INPUT ON AGENDA ITEMS

Rich Root, 717 South 7th Street addressed Council regarding his support of the purchase of Hoyle Bus Operations and read from a prepared letter that was submitted to the City Clerk for public record.

CONSENT AGENDA

Motion by Council Member Blanchard, seconded by Council Member Barra, that the Consent Agenda be approved as presented.

Mayor Dunn read presented the following for consideration of the Consent Agenda items by Omnibus Vote.

1. **Receive and File Monthly Reports and Minutes:** Police Department June Report, Building Department Reports, Traffic Safety Committee Minutes Work Session dated June 19, 2009, Liquor Commission Minutes dated May 28, 2009.

2. **Charitable Solicitation:** "Jesse Brown Memorial" August 1, 2009
   " Pekin Union Mission Tag Days" October 23, 24, 25, 2009

3. **Receive and File** bids for James Field Sidewalk Project opened June 25, 2009

4. **Receive and File** bids for Sale of Property 300 Block of Court Street opened July 10, 2009

5. **Resolution No. 11-09/10** – Mayor's Appointment of Kyle Peebles to the Pekin Planning Commission to fill the unexpired term of Michele Long until May 15, 2011.

On roll call vote, all present voted Aye.

COMMUNICATIONS, PETITIONS, REPORTS

A **PUBLIC HEARING** was opened by Mayor Dunn at 5:41 p.m. to discuss the potential sale of Municipally Owned Property in the 300 Block of Court Street, Block 46 of Original Town Lots 12, 13, 14 containing 0.16 acres. Comments were given to Council by City Manager Dennis Kief. He advised that sealed bids were sought for a minimum amount of $40,000.00 and opened July 10, 2009 at 10:00 a.m. City and TIF standards were required of all improvements to the property. One bid was received in the amount of $42,500.00. After seeing the advertisement Mr. Kief also received a written request to purchase 25 ft in Block 46 east of the interested party's business. Council Member Blanchard commented that it might be to the City's advantage to sell the three lots individually. Todd Thompson, Manito, questioned if the property discussed was the unimproved gravel lots next to the old Shipper-Block Building. He inquired what the bidder's end use of the lots would be. No other comments were received and the Public Hearing was closed at 5:43 p.m.

RETIRING POLICE CHIEF TIMOTHY GILLESPIE was presented a City watch by City Manager Dennis Kief in recognition of his 39 years of dedicated service to the City of Pekin and his 12 years as Chief of the Pekin Police Department. Since 1970 the Chief was promoted in the ranks of patrol, sergeant, chief, severed several administrations, and was chief under 4 mayors in the last 5 years. Deputy Chief/Interim Police Chief Ted Miller honored the Chief with accolades of his commitment to the City and the department. He was presented a memorable plaque his badges from each rank served. Council Member Strand spoke highly of the Chief through her experience serving on the Fire & Police Commission and through his support with the Children's Advocacy Center.

Mayor Dunn announced that the signing of the State's Capitol Plan meant Pekin would receive the $30 million dollars of 100% State Funding to improve Veterans Drive South. He expressed appreciation to Bill Fleming, Chamber of Commerce, the Transportation Committee, Senators and Representatives, Koehler, Schock, Smith, and City Manager Dennis Kief for their continuous work and support of the project. Mr. Kief explained that the $30 million dollars would complete the 5 lanes from Mall Road west on VFW Road to Rt. 29. Court Street would then be renovated, truck route removed, and become a City Street. He felt the project, which received support in 1992 from Senator Luft through Carole Shields, was included in the Plan because it was a "shovel ready" project. He expressed appreciation to all administrations for Council support and to the legislators through the years.

NEW BUSINESS

Motion by Council Member Abel, seconded by Council Member Barra, that the **AMENDMENT TO CITY OF PEKIN/EAST COURT VILLAGE I DEVELOPMENT AGREEMENT WITH EAST COURT VILLAGE, LLC,** be approved. City Manager Dennis Kief addressed the next two agreements. East Court I was the old Mall and East Court Village II was the abandoned Shopko building. Goodys and Steve & Barrys exits were a result of national decisions unrelated to Pekin economy. The developer requested a new amortization schedule extended on 6% loan to Cullinan Properties as incentive to fill available retail square footage remaining. A large retailer had expressed interest in the East Court Village II property. Development Manager Jeff Giebelhausen told Council he appreciated their support and asked that they continue the partnership by voting to extend the agreements. He then announced the planned opening of Dunham Discount Sports in the old Goodys location in late October. On roll call vote, all present voted Aye.

Motion by Council Member Abel, seconded by Council Member Strand, that the **AMENDMENT TO CITY OF PEKIN/EAST COURT VILLAGE II DEVELOPMENT AGREEMENT WITH EAST COURT VILLAGE II, LLC,** be approved. On roll call vote, all present voted Aye

Motion by Council Member Schmidgall, seconded by Council Member Kortkamp, that the **ILLINOIS DEPARTMENT OF TRANSPORTATION LOCAL AGENCY AGREEMENT FOR FEDERAL PARTICIPATION – PARKWAY PAVEMENT REHABILITATION, local share in the amount of $17,724.00,** be approved. Public Works Director Joe Wuellner recommended approval of the City share to the $432,276.00 received as part of the American Recovery and Reinvestment Act to mill and overlay a portion of Parkway Drive from Court to Willow. State would bid the project in the Fall with completion of work Spring of 2010. On roll call vote, all present voted Aye.

<u>RESOLUTION NO. 12-09/10</u>

RESOLUTION TO ADOPT IMRF EARLY RETIREMENT INCENTIVE AND RESOLUTION TO ADOPT AMORTIZATION PERIOD FOR IMRF EARLY RETIREMENT INCENTIVE

Motion by Council Member Barra, seconded by Council Member Abel, that Resolution No. 12-09/10 be adopted. The City Manager advised Council that the resolution enabled Illinois Municipal Retirement Fund employees to purchase up to 5 years of service time to receive 45% pension. Twenty-three employees were eligible to opt into the plan during the CY2010 January 1-December 31, 2010. Though the Manager's recommended restructuring was not mandatory to the ERI, the increase in the City's IMRF liability costs estimated at $1,820,988.00 would be offset by consolidation of positions. Council Members discussed details of the employee and employer's participation. Questions were deferred to Cindy Lambin IMRF Field Representative. Council Members Blanchard and Stand expressed concern of repayment and using taxpayer funds to have employees retire. Council Member Kortkamp questioned the advantage of a 10-year amortization over the proposed 5-year plan to repay the liability of the program. Council Member Abel offered an amendment to the resolution, seconded by Council Member Schmidgall that the amortized cost of the incentive be over a period of 10 years. On roll call vote, Ayes, Schmidgall, Kortkamp, Barra, Abel, and Dunn; Nays, Strand and Blanchard. Motion Carried. On roll call vote for the adoption of Resolution No. 12-09/10 as amended, Ayes, Schmidgall, Kortkamp, Barra, Abel, and Dunn; Nays, Strand and Blanchard. Motion Carried.

Motion by Council Member Kortkamp, seconded by Council Member Abel, that **STAFF BE AUTHORIZED TO ENTER INTO AN AGREEMENT FOR ACQUISITION OF HOYLE BUS SYSTEM in the amount of $300,000.00.** Mayor Dunn read portions of a letter of support from Superintendent of School District 108 Bill Link and the following was requested to be made a part of the record:

July 3, 2009

Rusty Dunn
Mayor of the City of Pekin
111 South Capitol
Pekin, IL 61554

Dear Mayor Dun and Members of the Pekin City Council:

As you are aware Mr. Frank Hoyle will be retiring at the conclusion of the upcoming school year and selling his student transportation business. It is my understanding that the City of Pekin has an opportunity to purchase Hoyle Transportation. As the superintendent of schools, community resident, and parent of three elementary school aged children, I am encouraged by this prospect for several reasons.

The opportunity to contract our student transportation service through local Pekin providers has alleviated the extensive burden of District 108 operating a transportation service. This has allowed us to allocate more time, energy, and resources toward the business of education and our primary mission of serving the children of the Pekin community. As a result of a mutual commitment to children and a partnership approach, a very strong working relationship has been established with the City of Pekin and Hoyle Transportation that has yielded a high degree of collaboration and ongoing quality customer service.

We have been fortunate to utilize the expertise of entities and individuals who specialize in the student transportation business to provide safe and dependable busing for nearing three thousand students on a daily basis. It is reassuring to have the confidence that our local transportation providers place a high priority on attention to detail by thoroughly addressing all state and federal regulations, and consistently going above and beyond regarding measures to ensure students safety.

The ongoing relationship with the local transportation providers has not only addressed the well-being of our children, it has also benefited all Pekin residents. The current student transportation contracts with the City of Pekin and Hoyle Transportation beginning in 2007, afford District 108 approximately $425,000 savings per year when compared to the cost for the same services if provided by a commercial student transportation company. Over the life of the five years of the contracts this is a savings of more than $2.1 million. This venture keeps more local tax dollars in the community, brings revenue into the city, and helps hold down costs for the school district.

As there are many important issues that come before you, this one undoubtedly will require careful thought as a course of action is determined. Therefore, I respectfully request that you keep the fore mentioned points in mind as you deliberate on this matter.

Bill Link
Superintendent of Schools

Director of Transportation Greg Ranney recommended the expansion of the school bus transportation operation by acquiring the Hoyle School Bus Transportation Company in the amount of $300,000. The City would provide service while keeping the cost down substantially for both school districts and taxpayers. Generally the Council spoke in support of the opportunity. Council Member Blanchard expressed concern that he was not provided complete information of cost of employees and condition of inventory. He questioned the action of the motion to negotiate a possible agreement or expend $300,000.00 for the bus company. It was stated the intention was to purchase and Council agreed that they should be presented the contract document with Hoyle for adoption at the next Council meeting. On roll call vote, Ayes, Strand, Kortkamp, Schmidgall, Abel, Barra, and Dunn; Nay, Blanchard. Motion Carried.

Motion by Council Member Blanchard, seconded by Council Member Strand, that the **BID FOR SIDEWALK IMPROVEMENT JAMES FIELD PROJECT** be accepted in the amount of $17,304.00 and the contract be **AWARDED TO KNAPP CONCRETE CONTRACTORS, INC.** Public Works Director Joe Wuellner explained the improvement included grading, compact sub-base, install concrete and aggregate base for future brick pavers at three entrances of James Field Complex, 800 Block of Broadway paid from the TIF budget. He assured Council that he was comfortable with the contractor references and their awareness of the complete project after receiving the significantly low bid. On roll call vote, all present voted Aye.

ORDINANCE NO. 2588-09/10

ACCEPTING AN AGREEMENT TO PURCHASE AND AUTHORIZING THE PURCHASE OF REAL PROPERTY 128 ST. MARY STREET

Motion by Council Member Schmidgall, seconded by Council Member Blanchard, that Ordinance No. 2588-09/10 be adopted. City Manager Dennis Kief advised that the City was acquiring properties as they became available and this was one of the last 2 lots in the targeted area for marketing a large developable parcel at the riverfront. He explained that there was no specific plan but the residence was in very good condition with the potential to lease or relocate the structure. Council Member Blanchard was not in favor of spending funds for no immediate need. Motion by Council Member Blanchard, seconded by Council Member Schmidgall that “purchase price not to exceed $60,000.00” be included in the stated motion. On roll call vote, Ayes, Blanchard and Schmidgall; Nays, Strand, Kortkamp, Barra, Abel, and Dunn. Motion failed. On roll call vote of the original motion to adopt the Ordinance, Ayes, Schmidgall, Strand, Kortkamp, Barra, Abel, and Dunn; Nay, Blanchard. Motion carried.

ORDINANCE NO. 2589-09/10

AMENDING TITLE 6 OF THE CODE OF THE CITY OF PEKIN 1995 REGARDING SEIZURE AND IMPOUNDMENT OF MOTOR VEHICLES

Motion by Council Member Barra, seconded by Council Member Abel, that Ordinance No. 2589-09/10 be adopted. Deputy Chief Ted Miller explained that the Deputies and the Chief followed the directive of the Council and reviewed the concerns for the innocent voiced by the public regarding possible amendments to the language of the ordinance. It was felt the original Ordinance was in the spirit of the law as intended but on rare occasions where the Secretary of State Office, due to clerical or computer errors, had provided inaccurate driver’s license validity a small number of vehicles were impound. The proposed amendment would allow reimbursement if such an error occurred. The department had also adopted internal policy in regards to the discretion of the officers in determining the owner’s accountability for the conduct-giving rise to the impoundment. Council discussed the ordinance at length. Members commented on the intent to deter DUI drivers and the owner as the responsibly party. It was generally felt it was not the job of the Council to mandate police policy or set a bad precedent of including internal department policy in the Code. Council Member Schmidgall stated he was supportive of an amendment where reimbursement of innocent party was paid by restitution of the guilty party. Council Member Blanchard felt the proposed amendment did nothing to remedy the request that had been recommended for a more fair ordinance for the innocent victims. He then made the motion to amend the Ordinance to incorporate herein by this reference the police procedure policy into the Code, seconded in the interest of discussion by Council Member Schmidgall. On roll call vote, Nays, Strand, Kortkamp, Barra, Abel, Schmidgall, and Dunn; Aye, Blanchard. Motion Failed

On roll call vote to adopt Ordinance No. 2589-09/10 as presented, Ayes, Strand, Kortkamp, Barra, Abel, and Dunn; Nays, Schmidgall and Blanchard. Motion Carried.

ANY OTHER BUSINESS TO COME BEFORE THE COUNCIL

Council Member Abel asked that drivers be cautious when driving through the maze of construction barricades as the State completes the maintenance to Court Street.

Council Member Blanchard noted several burglaries had taken place on the Southside and advised vacationers to leave their lights on. He asked that the Police Department publicize a list of how to keep your house safe.

Council Member Kortkamp congratulated Main Street for the success of their Friday Night on Court Street event complete with nice night and great music. She asked that the public mark their calendars for August 14 to attend the Wind Symphony on the Riverfront.

Council Member Schmidgall addressed several remarks made at the June 22nd Council Meeting presentation of the ordinance to reduce the speed on Broadway Road from Hickory Lane to California Road. He recommended Traffic Safety Committee reconsider the failed ordinance to transition the speed from 35 to 45. Council Member Strand spoke in favor of Council Member Schmidgall's request.

Christal Dagit 1413 Charlotte Street invited Council and the public to attend the Art Festival on Saturday July 18 and Sunday July 19 from 10:00 a.m. to 5:00 p.m. for food, art, music and family entertainment at the Riverfront Park.

Director of Main Street, Leigh Ann Matthews thanked the public for the success of the Downtown Event on Friday and encouraged everyone to attend the next event on Saturday July 25. Main Street would host a Cruise Inn on Court Street with free admission from 3:00-9:00 p.m. There would be entertainment and food.

Daniel DeHoog 619 S. 12th Street addressed Council on the subject of towing and impounding vehicles. He suggested the repeal of the Seizure and Impoundment Ordinance be placed on the ballot for Referendum vote of the public. Council Member Blanchard asked that staff research the feasibility of utilizing City property for impounded vehicles.

EXECUTIVE SESSION

Motion by Council Member Kortkamp, seconded by Council Member Strand, that **Council move to Executive Session** at 7:40 P.M. to discuss 5 ILCS 120/2 (c.) 2. Collective negotiating matters between the public body and its employees or their representatives, or deliberations concerning salary schedules for one or more classes of employees. 5 ILCS 120/2 (c) 5. the purchase or lease of real property for the use of the public body. 5 ILCS 120/2 (c) 6. The setting of a price for sale or lease of property owned by the public body. On roll call vote, all present voted Aye.

No further business to come before the Council, in open session, Mayor Dunn called the meeting closed.

COUNCIL ADJOURNED AT 8:40 P.M.

Sue E. McMillan
City Clerk