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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, JUNE 13, 2011 AT 5:30 O'CLOCK P.M.
LAURIE L. BARRA, MAYOR PRESIDING

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

ABSENT: COUNCIL MEMBER ABEL

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

Roll was called and all Council Members were present except Council Member Abel. A quorum was present.

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

MINUTES
Motion by Council Member Hendricks, seconded by Council Member Blanchard, that the **minutes of the Regular City Council Meeting of Monday, May 23, 2011, the Special Council Meeting of May 27, 2011 and the Special Council Meeting of June 2, 2011 be approved as written.** On roll call vote, all present voted Aye.

PUBLIC INPUT ON AGENDA ITEMS: Jim Mangan, 1200 Parkway, provided council with his opinion on two articles from the Pekin Times regarding economic development within the City of Pekin. Mr. Mangan does not feel Big R is a true "big box store" and the sales projected from Big R are not actually new sales; it is robbing Peter to pay Paul. He is all for Big R coming to Pekin; however he feels their request for funds does not meet the requirements stated by the City two years ago.

CONSENT AGENDA
Motion by Council Member Hendricks, 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.

<table>
<tr><td>7.1 Receive and File Monthly Reports and Minutes: April Police Report; Liquor Commission Minutes of May 26, 2011; and Human Rights Committee Minutes of March 23 and February 23, 2011. Council Member Massaglia requested year to date totals on the police reports.</td><td></td><td>5</td></tr>
<tr><td>7.2 Resolution No. 4-11/12 – Annual Prevailing Wage</td><td></td><td>6</td></tr>
<tr><td>7.3 Receive and File IEPA Waste Water Treatment Plant NPDES Final Permit No. IL0034495 Expiration May 31, 2016. Council Members Schmidgall and Blanchard asked Joe for updated report and timeline for the Waster Water project.</td><td></td><td>3</td></tr>
<tr><td>7.4 Receive and File Pekin Public Library Annual Report.</td><td></td><td>4</td></tr>
<tr><td>7.5 Receive and File Bids for 2nd Street and State Street Combined Sewer Rehabilitation opened May 26, 2011.
<table>
<tr><td>HOERR CONSTRUCTION, INC.</td><td>INSITUFORM TECHNOLOGIES USA, INC.</td><td>KENNY CONSTRUCTION</td></tr>
<tr><td>$224,322.00</td><td>$178,540.00</td><td>$386,610.00</td></tr>
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On roll call vote, all present voted Aye.

NEW BUSINESS

Motion by Council Member Schmidgall, seconded by Council Member Massaglia, that the **PARTICIPATION AGREEMENT WITH ILLINOIS DEPARTMENT OF TRANSPORTATION DIVISION OF AERONAUTICS REHABILITATION EAST PORTION OF THE GENERAL AVIATION RAMP AT THE PEKIN MUNICIPAL AIRPORT, be approved.**

> **DESCRIPTION:** Wuellner stated this is the annual funding for the work is divided with FAA providing 95% and the State and City 2.5% each. The City's budgeted share for this project is $11,212. The cost could be covered from a refund for previous purchase of property for the airport. Schmidgall pointed out that the total project is over $440,000. and our portion is only $11,212.00. Neumann noted this is part of the funding that requires the City to keep the airport open.

On roll call vote, all present voted aye.

Motion by Council Member Schmidgall, seconded by Council Member Hendricks, that the **INTERGOVERNMENTAL AGREEMENT WITH TAZEWELL COUNTY FOR ORTHOPHOTOGRAPHY in the City's share of $5,834.00 be approved.**

> DESCRIPTION: The agreement provides for updated aerial photos for the City's Geographic Information System (GIS). This early scheduled imagery, in conjunction with the Tazewell and Woodford Counties, gives opportunity to save ¼ of cost by not waiting until 2012. The City share is $5,834 of the $12,000 budgeted. Wuellner noted this is under budget and explained at the request of Blanchard that GIS helps the City to locate property lines, infrastructure and also helps with development and planning projects

On roll call vote, all present voted aye.

Motion by Council Member Schmidgall, seconded by Council Member Massaglia, that the **BID FOR THE SANITARY SEWER LINER INSTALLATION ON N. 2ND AT STATE STREET** in the amount of $178,540.00, be approved and the contract awarded to Insituform Technologies USA, Inc.

> DESCRIPTION: Wuellner stated we have a major collector (60") that runs down 2nd Street and he has been observing the condition of the line and it is getting worse. This is a non-budget item. Three bids for lining a major collector sanitary sewer that has deteriorated were opened on May 26, 2011. The low bidder meets all requirement s and it is recommended to award the contract. Expenditure funded by reallocating a budgeted screening system for State Street until next year.

On roll call vote, all present voted yes.

Motion by Council Member Massaglia, seconded by Council Member Blanchard, that the **ENGINEERING AGREEMENT WITH FOTH INFRASTRUCTURE & ENVIRONMENT LLC** to provide engineering services for sanitary sewer line at North 2nd and State Street project in the amount of $17,500.00, be approved.

> DESCRIPTION: Wuellner stated the techniques involved in installation of the liner on 2nd street are specialized and he prefers the engineering firm oversee to protect our investment.

On roll call vote, all present voted aye.

Motion by Council Member Massaglia, seconded by Council Member Hendricks, that the **CHANGE ORDER FOR THE WASTE WATER TREATMENT PLANT PHASE 1 PROJECT** in the amount of $31,202.00, be approved.

> DESCRIPTION: Wuellner explained this is change order # 4 and we are at 1/3 of the allotted funds for contingencies. Barra noted we have $500,000 left in contingency.

On roll call vote, all present voted yes.

Motion by Council Member Massaglia, seconded by Council Member Blanchard, that the **TRAFFIC SIGNAL MASTER INTERGOVERNMENTAL AGREEMENT** with the Illinois Department of Transportation be approved.

DESCRIPTION: Wuellner said this is a trend he is seeing with IDOT; they are having the municipality pay the engineers and then IDOT reimburses the City.

On roll call vote, all present voted aye.

Motion by Council Member Blanchard, seconded by Council Member Massaglia that the **LOAN AGREEMENT WITH EASTERN BIG R STORES, INC** for redevelopment of property located at 3315 Court Street in the amount of $225,000.00 be approved.

DESCRIPTION: Mackaman spoke on behalf of Andy Sparks and Leigh Ann Matthews of the Economic Development Committee. The BigR agreement has been fully vetted. The information was then given the Economic Development Board, where it received a unanimous vote. Essential features of the agreement: 1. The City will loan $225,000 at 3% interest with 3 annual installments 2. BigR expects to generate $112,500 in sales tax revenue; right now the property produces zero 3. BigR has been a solid citizen in other cities.

On roll call vote, Blanchard and Hendricks voted no, all others present voted yes.

Motion by Council Member Blanchard, seconded by Council Member Schmidgall that the **TAX INCREMENT FINANCING EXPENDITURE FOR FAÇADE PROGRAM FOR HAWAIIN SUN in the amount of $1,378.40** be approved.

DESCRIPTION: Mackaman explained this is an authorization for work not an appropriation. This action will set aside the funds $1,378.40. Blanchard remembered doing a grant for the same company several years ago and Mackaman noted it would be nice for a history to be provided with the façade grant applications.

On roll call vote, all present voted yes.

ORDINANCE NO. 2640-11/12
AMENDING TITLE 1, CHAPTER 5, SECTION 5
OF THE CODE OF THE CITY OF PEKIN 1995
REGARDING CONDUCT OF COUNCIL MEETING

Motion by Council Member Blanchard, seconded by Council Member Massaglia, that Ordinance No. 2640-11/12 be adopted.

DESCRIPTION: Dancey explained this formalizes provisions for the public speaking to topics related to City business to do so with time parameters and allows presiding officers conducting less structured meetings to recognize public speakers. This puts a five minute limit per person and a two hour time limit on public speaking and limits speakers to three minutes if there are more than twenty speakers. Hendricks will vote not because he doesn't think we should limit freedom of speech. Blanchard stated he doesn't agree with stifling the public. Neumann stated it is necessary to listen, but, also, to be able to conduct the City's business.

On roll call vote, Blanchard and Hendricks voted no, Schmidgall, Neumann, Massaglia and Barra voted yes.

Motion by Council Member Blanchard, seconded by Council Member Schmidgall, that **RESOLUTION NO. 5-11/12 – ILLINOIS MUNICIPAL RETIRMENT FUND** Out-of-State Service Credit Authorization be adopted.

DESCRIPTION: Newcomb explained that a current full time employee, previously working for KDOT and earning 1.25 years of service, would like to roll the funds he contributed into IMRF for service credit and retirement and death benefits. IMRF reciprocates with other Illinois agencies and most other state municipal retirement funds. The cost to the City would be less than $5.00 and the employee would be transferring $2,325.33 of his own funds. Blanchard was concerned about setting a precedent. Mackaman noted the precedent had already been set because Police and Firefighters

already do this. Neumann said he had a problem with the amount of money and the principle as well.

On roll call vote, Blanchard, Neumann, Hendricks and Massaglia voted no, Schmidgall and Mayor Barra voted yes. Motion fails

Motion by Council Member Neumann, seconded by Council Member Massaglia, that **the City Manager be authorized to prepare modifications to the email policy**.

DESCRIPTION: Mackaman is requesting council vote on action by setting a committee to determine best practices and draft a policy statement regarding the City's current email policy. The time frame will not allow this to be completed under Mackaman's watch. Barra stated she is concerned about the amount of staff time that would be put into something we already have a policy for. Schmidgall inquired about our current policies. Hendricks is against the policy change; it would be time consuming and could become political. Neumann noted his intent is not that someone actually read emails, but monitor what is being done on the computers. Blanchard said we have a policy now; he noted he was randomly selected and censured as a result of the policy. He doesn't agree with the policy and he understood it took two council members to put something on the agenda. Massaglia is willing to look at the policy.

On roll call vote, Blanchard, Schmidgall and Hendricks voted no and Neumann, Massaglia and Mayor Barra voted yes. Motion is tied.

ANY OTHER BUSINESS TO COME BEFORE THE COUNCIL

Dale Kuntz of 5 Fox Point spoke about the article in the Peoria Journal Star by Phil Luciano. Kuntz thinks we should improve the look of the City streets. We should be appealing to the middle aged managers and do things to attract them to the City. He provided the Council with a sheet showing them 20 suggestions for improving Pekin.

EXECUTIVE SESSION

Motion by Council Member Neumann, seconded by Council Member Schmidgall, that **the City COUNCIL MOVE TO EXECUTIVE SESSION** to discuss 5ILCS 120/2 (c) (1) Personnel and 5ILCS 120/2 (c) (5) Acquisition of Property.

On roll call vote, all present voted aye.

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

COUNCIL ADJOURNED AT 8:27 P.M.

Sarah J. Newcomb
Acting Deputy City Clerk