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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 TUESDAY, MAY 26, 2015 AT 5:30 O'CLOCK P.M.
JOHN McCABE * MAYOR * PRESIDING

PRESENT: COUNCIL MEMBERS, ABEL, GOLDEN, LUFT, ORRICK, RITCHASON
ABSENT: NONE

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The **Pledge of Allegiance** was led by Boy Scout Group 65.

Roll was called. All members were physically present. A quorum was present.

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

MINUTES
Motion by Council Member Golden, seconded by Council Member Able that the **minutes of the Regular City Council Meeting of May 11, 2015, approved as written.** On roll call vote all present voted Aye.

PUBLIC INPUT
Sally Johnson asks the Mayor why he is choosing Mr. Dunn as opposed to Mr. Juchems who received the next highest votes in the general election. Mr. McCabe says it will be addressed in the action items.

Bob Bramham thanks the Mayor for running the meetings by the Robert's Rules of Order and he discusses his concern about appointing Rusty Dunn to the Council instead of Jason Juchems. He is also Concerned about gravel lots throughout the City of Pekin and asks the new Council to take action.

Ann Witzig asked the new Council to address the issue of Mr. Bramham's home issues compared to the home on Sheridan and requests another inspection of Bramham's property. Mr. Dancey, City Attorney addresses this issue and states that he has spoken to Mr. Brahmam's attorney and that Mr. Brahmam's attorney understands the City's position on the issue.

Gerald Witzig begins to address the Council and Mayor McCabe stops Mr. Witzig from filing a complaint against a City employee. Mr. Witzig continues to ask for a meeting with the City Manager and the Mayor asks him to bring his concern to the City Manager.

Ed Schwinn expresses concern about bringing a complaint to the City staff and nothing was done about the situation he had with the Hearing Officer over a parking ban issue. Mr. Schwinn asks that the language be changed in the snow ban.

Jim Mangan reminds the council of his statements regarding the fire and police pension funds and he is concerned with this debt and urges the City to pay down its debt. Mr. Orrick does not recall anything about penalty's regarding pensions. Mayor McCabe asks that Mr. Wolf look into the matter for clarification

Larry Wolfer is concerned about the recycling center and the cameras in the area are apparently still not working. He says the $20 large item fee may be making the issue of illegal dumping even worse. Mr. Wolfer asks that the five minutes be reinstated.

CONSENT AGENDA
A motion by Council Member Golden, seconded by Council Member Abel that the **CONSENT AGENDA be approved as presented.** The following was presented for consideration of the Consent Agenda items by Omnibus Vote.

7.1 Receive and File Monthly Reports: Traffic Safety Committee Minutes May 1, 2015
7.2 Resolution No. 4-15/16: Mayor's appointments to Economic Development Committee and Electrical Commission.
7.3 Receive and File: Zoning Board of Appeals Minutes Dated May 13, 2015.
7.4 Receive and File: Resignation of Barry McGinnis from the Zoning Board of Appeals

On roll call all members vote Ayes. Motion Carried.

COMMUNICATIONS, PETITIONS, REPORTS

8.1 Presentation: Firefighter of the Year 2015 to Michael Shane Gardner
8.2 Carl Adams Book Award William Maddox

UNFINISHED BUSINESS

A motion to **Receive and File Monthly Reports and Minutes** by Council Member Golden for the Annual Police Pension Fund's Municipal Compliance Report, Liquor Commission draft minutes April 23, 2015 and Tazewell County Animal Control April 2015 reports with a second by Council Member Ritchason. Council Member Orrick asks again for Mr. Wolf to clarify the pension questions. Mr. Golden asks why the council has not seen this report before [Police Pension report]. Mayor McCabe says it is simply for receipt and filing as the decisions are all made by the Police & Fire Pension Boards respectively. Mr. Orrick discussed this matter with Mr. Wolf and says the City is gaining by the amount of about $300,000 to 400,000 annually and points out that pensions are mandated by the State and are not negotiated locally. Council Member Golden discusses the levy and asks what would the rate be to fully fund the police and fire pension funds. Council Member Abel says you can count on one hand the number of cities that have fully funded pensions. He points out that we are making progress. Mayor says he will have Mr. Wolf look into finding out what kind of tax increase would be necessary to catch up the unfunded liability. Council Member Luft points out this issue will take years to make the pension funds 100% funded. On roll call members Orrick, Abel, Ritchason, Luft and McCabe voted Aye, Golden voted No. Motion Carried.

NEW BUSINESS

Motion by Council by Member Abel and a second by Luft **Resolution No. 5-15/16** The Mayor's appointment with Consent of Council to fill the vacancy due to the resignation of Council Member John McCabe pursuant to statutory requirements 65 ILCS 5/5-212 (g.) and the City of Pekin Code 1-5-1 within 60 days of resignation be approved. Council Member Golden comments that he does not believe that Mr. Dunn is an appropriate appointment and feels the next highest vote getter is the most fair option for the seat. Mayor McCabe says it was not an easy decision among the seven people who expressed interest. McCabe points out that he was not selected as the fourth highest vote getter, he was not seated; nor was Mr. Tebben in a former election. He looked at the situation very closely at understands the issues the City of Pekin is facing and he Mr. Dunn and appreciates that Mr. Dunn is willing to serve and make difficult situations. On roll call members Abel, Orrick, Ritchason, Luft and McCabe voted Aye, Golden voted No. Motion Carried.

City Clerk Sue McMillan administered the Oath of Office to Rusty L. Dunn. Council Member Dunn was seated on the Pekin City Council and is hereafter considered present for City of Pekin business.

Motion by Council Member Orrick second by Council Member Ritchason that the **Ordinance No. 1462-341-15/16** Amending the Traffic Code of the City of Pekin regarding No Parking **be approved.** The Traffic Safety Committee brings forth a recommendation to restrict parking on the north side of Starcevich Court. Council Member Golden asks if there was input with the neighbors and asks how many houses there are on the Court. It is pointed out there are only about seven houses. Council Member Ritchason says congestion has been an issue for more than twenty years and the recycling and garbage trucks cannot even get down the street. Mayor McCabe points out that all of the residences have a driveway and a garage. On roll call vote all present voted Aye.

A motion by Council Member Ritchason, second by Council Member Orrick that the **CHANGE ORDER #8** for the Waste Water Treatment Plant for a credit in the amount of $4,216.00 **be approved.** City Engineer Mike Guerra these credits are due to punch list items and a request at the initial phase of the construction and it was found that in the final phases of construction that item is no longer necessary, therefore will serve as a credit to the project cost. Council Member Golden asks what the date of substantial completion for Phase 2 and about product warranties; Mr. Guerra states the final completion is awaiting punch list item completions which should be completed with two months and Mr. Guerra points that there are warranty items that started earlier in order for the City to be able to continue with operations and remain in compliance with the EPA permit and notes that record drawings are kept on site and official final record drawings will be presented in whole upon final completion of the entire project On roll call vote all members voted Aye.

Motion by Council Member Ritchason, second by Council Member Orrick that the **CHANGE ORDER #7** for the Waste Water Treatment Plant in the amount of $276.00 **be approved.** Council Member Golden points out that the contractor has to design to meet code and Guerra points out that there are a lot of code iterations regarding the eye wash station and the shut off valve and there is difference in opinion of how you can achieve compliance. Guerra points out this change order also includes a credit on a retaining wall as well as the changes to the shut off valve. On roll call vote members Ritchason, Abel, Dunn, Orrick, Luft, and McCabe voted Aye, Golden voted No.

Motion by Council Member Luft, second by Council Member Orrick that the **CONTRACT WITH THE PEKIN HOUSING AUTHORITY** for the Rehabilitation Consultant in the amount of $2,708.34 per month for fiscal year May 1, 2015- April 30, 2016 **be approved.** Pamela Anderson, Community Development Director says this payment was approved in the Action Plan. Golden points out that Exhibit was not included. Anderson shares the job description with the Council. Council Member Golden says based on the drive-bys he has does in the past on the projects by HUD/CDBG and he points out that he noticed there were issues with compliance in the past. Dunn asks what services we receive for the contract and Anderson explains the program cannot afford a full time inspector and the contracted employee ensures compliance with the requirements of the HUD projects and this is a good inter-governmental agreement with the Pekin Housing Authority. Orrick points out that the benefits for the employee are paid by the Pekin Housing Authority. On roll call vote Luft, Orrick, Ritchason, Abel, Dunn, McCabe present voted Aye, Golden voted No.

ANY OTHER BUSINESS TO COME BEFORE THE COUNCIL

Anderson commented that along with Julie Herzog from Tazewell County they will be presenting the Bridges Out of Poverty two day seminar with more than 65 registered on May 27 and 28.

City Engineer advised the Council and Public Veterans Drive construction is ongoing and to be aware of intersections of 5th and 14th Streets. Please exercise caution in the work zones. Also, Mr. Orrick asked about the maintenance agreement with IDOT and Guerra says that contract expires in June and he is working on mileage issues regarding changes due to Veterans Drive construction and IDOT feels we are in compliance with the maintenance of Court Street at this time. Guerra is more than happy to answer further questions regarding the maintenance.

Council Member Golden was approached by a landlord who was disappointed that she was stuck with a $200.00 waste water and garbage fee when a tenant moved out on her. He asks that a senior citizen discount be made available and McCabe says there would need to be some research on the topic. He also asks about the status of the street report. He questions the mowing contract being extended and is concerned with the quality of work. McCabe points out that he discussed the number of properties the City does mow with the Code Enforcement Department. Golden also doesn't know why the cameras are not working at the Recycling Center.

Council Member Abel asks what the traffic control is going to be at the 14th Street and Veterans. Guerra says both 14th and 5th street will be stop signed intersections per IDOT specifications. Abel agrees there are properties that haven't been mowed all year and asks the Code Enforcement Department enforce compliance.

Council Member Orrick asks a fine system be set up instead of the lien process. He also notes that there are a lot of pot holes and they need to be filled. He would like to see a plan by the administration to fill the potholes. He also wants the $20 large item fee to be looked at again. He wants Wolf to compare the median income of the comparable cities.

Council Member Dunn thanks Mayor McCabe for the opportunity to serve the Citizens of Pekin

Mayor McCabe requests that citizens write down their questions that they want answered in the future on the cards provided on the lectern. The $20 large sticker fee is debatable and points out that the Spruce Out Pekin was very successful this year of all years and the Mayor thanks the employees and staff that worked and volunteered that day and he also thanks the citizens for responsibly disposing of items that day and for their patience in the long lines. He also thanks the City Staff for the gavel they presented to him and he looks at that gavel as a symbol of order and decorum. He discusses that the meetings should be respectful with appropriate behavior and asks that the folks attending meetings remember decorum. He will also be having Coffee with the Mayor on Tuesday morning and will be glad to listen to people and try to find answers for them.

EXECUTIVE SESSION
Motion by Council Member Dunn, seconded by Council Member Abel, that the Council adjourn into Executive Session at 7:07 p.m. to discuss 65 ILCS 120/2 (c) (11.) Litigation. On roll call vote, all present voted Aye.

Sue E. McMillan
City Clerk
Via Sarah J Newcomb
Sarah J Newcomb
Deputy City Clerk