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PROCEEDINGS OF THE REGULAR MEETING
OF THE CITY COUNCIL OF THE CITY OF PEKIN, ILLINOIS,
CITY HALL COUNCIL CHAMBERS
111 SOUTH CAPITOL STREET
PEKIN, ILLINOIS 61554
ON MONDAY, MARCH 28, 2016 AT 5:30 O'CLOCK P.M.
JOHN MCCABE, MAYOR PRESIDING

PRESENT: COUNCIL MEMBERS, GOLDEN, ORRICK, RITCHASON, ABEL, LUFT AND MCCABE
ABSENT: DUNN

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The **Pledge of Allegiance** was led by Mayor McCabe. He asked for a moment of silence for the casualties following the cowardly suicide bomber act on Easter.

Roll was called and all Council Members were physically present except Council Member Dunn. A quorum was declared.

AGENDA
Motion by Council Member Luft, seconded by Council Member Orrick that the agenda be approved as presented. Council Member Golden noted he could not support approving the agenda. On roll call vote, Ayes, Orrick, Abel, Ritchason, McCabe; Nays, Golden and Luft. Motion Carried.

MINUTES
Motion by Council Member Luft, seconded by Council Member Ritchason that the **minutes of the Regular City Council Meeting of March 14, 2016 be approved as amended.** On roll call vote all present voted Aye.

PUBLIC INPUT
Ann Witzig made the following comments: recommended the Budget be cut 10-15%; reject city code scheme to stifle a council member; in-house attorney would represent the truth; corruption so deep within the City.
John McNisch informed the Council of the death of a local service member Martin Rosenswipe. He stated it was time for a change to in-house corporation counsel. He felt the efficiency study topic needed more public discussion.
Bob Bramham voiced his displeasure with the City Attorney. Question why $130,000.00 could not be used to fix the streets from the MFT fund.

CONSENT AGENDA
Council Member Golden asked that 7.2 of the consent agenda be removed and placed under new business for discussion. Motion by Council Member Golden, seconded by Council Member Orrick that the **CONSENT AGENDA be approved as modified.** The following was read and presented by Mayor McCabe for consideration of the Consent Agenda items by Omnibus Vote.

7.1 Receive and File Monthly Reports and Minutes: Liquor Commission Minutes dated February 25, 2016.
7.2 Proclamation: "Parkinson's is the pits month" April, 2016.

On roll call vote all present voted Aye.

COMMUNICATIONS, PETITIONS, REPORTS

QUARTERLY FINANCIAL REPORT
Treasurer James Wolf presented to the Council the 9 Month ended January 31, 2016 Financial Report. In the same format he had been using he commented on highlighted areas for Council's attention to the report on Revenues Over Expenses – All City Funds. He felt actual department numbers over budget and comparison of balance as of January 2015, gave insight to how City was progressing. Without a source of funding the Stormwater Department continued to draw on the General Fund. Solid Waste continues shortfall resulting in losses. Sewer operation loss would generate losses if there were no rate increases. Next Mr. Wolf highlighted

Major Revenue Sources. Sales taxes had been below budget due to %540,000 refund claim granted by the Illinois Department of Revenue. The Gaming Tax was a strong income source. Council spoke in favor of limiting gaming facilities. Investment Earnings not encouraging in Mr. Wolf's report.

IN-HOUSE CORPORATION COUNSEL DSICUSSION

Council Member Golden opened the discussion and after reviewing the legal expenses for last year felt a need to discuss advantages and disadvantages of hiring and in-house attorney. Discussion followed. Council Member Luft had contacted Galesburg and was told their in-house counsel was a 40 hour per week employee for $100,000. He questioned why the cities of Galesburg and Freeport were not used in the Interim City Manager's distributed document information. The Council Member indicated it was not about cost. Council Member Golden read from a prepared statement that a reliable, timely, trustful in-house attorney would reduce inefficiencies. Attorney Dancey stated he would be in favor of an RFP for attorney services be sent out. Council Member Golden stated it was his opinion, not an attack of the attorney. He then read from an Ancel Glink memo that the city attorney had no statutory right to speak. Attorney ask the floor and addressed the Council, he rejected the criticism that was expressed and stated he was retained to protect the City and had the legal and ethical right to speak. The Interim City Manager would continue to address comparable cities and send out RFPs.

NEW BUSINESS

ORDINANCE NO. 2741-15/16
AMENDING TITLE 1, CHAPTER 5, SECTION 3 D.
OF THE CODE OF THE CITY OF PEKIN 1995
REGARDING SPECIAL MEETINGS

Motion by Council Member Abel, seconded by Council Member Luft that Ordinance No. 2741-15/16 be adopted. Mayor McCabe explained to the Council that the modifications to the provisions of the City Code were to comport with State Statutes. The provisions for 2 members of the Council to call a special meeting should have been changed at the time the City increased from 5 to 7 members in 2007. Council Member Luft expressed concern that a policy suddenly came before the Council when he and Council Member Golden had asked recently for special meetings and they were not set. Council Member Ritchason questioned what the impetus was that the change was just being addressed. Council Member Luft stated it was an effort to stifle two of the Council Members in calling a meeting to discuss potential litigation. On roll call vote, Ayes, Abel, McCabe; Nays, Orrick, Ritchason, Golden and Luft. Motion Failed.

RESOLUTION NO. 20-15/16
ILLINOIS DEPARTMENT OF TRANSPORTATION RESOLUTION FOR MAINTENANCE OF STREETS AND HIGHWAYS AND
MUNICIPAL ESTIMATE OF MAINTENANCE COSTS

Motion by Council Member Ritchason, seconded by Council Member Abel that Resolution No. 20-15/16 be adopted. City Engineer Michael Guerra recommended appropriating Motor Fuel Tax Funds in the amount of $130,000.00 for costs of General Maintenance of operations of the street department to purchase salt. Council Member Luft spoke in support of utilizing MFT funds to purchase the salt in answer to the public's question of why it was not used to fix the streets. On roll call vote all present voted Aye.

Motion by Council Member Orrick, seconded by Council Member Ritchason that the **CITY OF PEKIN EFFICIENCY STUDY BE AWARDED TO BAKER TILLEY.** The Interim City Manager presented both firms that had responded to the request for proposals and also attended Council Meetings to answer question directly from the Council regarding their work. Pricing was delivered to the Council on February 3, 2016. Expenditure would total $26,000 to $69,192.00 dependent on the choice of firms for the unbudgeted item. Council Members discussed and spoke generally in favor of GovHR. Council Member Orrick withdrew his motion. Motion by Council Member Orrick, seconded by Council Member Ritchason that **GOV/HR BE AWARDED THE EFFICIENCY STUDY FOR THE CITY OF PEKIN** not to exceed $30,000.00 with the Council being on the Steering Committee. It was the Council's decision to proceed with consulting firm GovHR the chosen firm. A contract would be presented back to the Council for approval and will contain their request at the next regular meeting. On roll call vote, all present voted Aye.

7.3 RESOLUTION NO. 19-15/16

The Mayor's Appointments of Brett A. Crist and Brian Larson to fill unexpired terms of Mark Reeder and Marvin Spiczka to the Electrical Commission for a term until the first Monday in May 2016.

Motion by Council Member Golden, seconded by Council Member Ritchason that Resolution No. 19-15/16 be adopted. Council Member Golden questioned if Brian Larson's 14th Street address was his home or his business. On roll call vote, Ayes, Orrick, Abel, Ritchason, McCabe; Nays, Golden and Luft. Motion Carried.

OTHER BUSINESS TO COME BEFORE THE COUNCIL

Bill Griffin informed the Council that he had witnessed previous meetings and told the members they had to be professional. In reference to the discussion on in-house attorney he said he would not want an attorney of $48.00 an hour quality.

Ann Witzig stated her public input was not considered an attack of employees. She felt it was disheartening to see corruption so deep in City business. She felt things had been swept under the rug by the Mayor like a dictator and asked that the Mayor be censured.

Bob Bramham voiced concern of employees' behavior during Council meetings. Mr. Bramham cited several matters he felt the attorney had not handled properly.

John McNish reported to the Council that the riverfront was trashed.

Sarah Newcomb advised the Council that the City renewed its contract with Good Energy as consultant for electricity aggregation. A renewed contract was signed with Homefield Energy as the City's retail electric supplier. The opt-out period for eligible residents would begin April 1, 2016. Yard Waste collection would begin the first full week of April. Ms. Newcomb advised the Council that the public would have the opportunity to review other Cities in-house Corporation Counsel Analysis on the City website.

Attorney Burt Dancey stated the public's indication of his corruption was slander. He told the Council he was proud of the list of managers and mayors that the firm Elliff, Keyser, Oberle & Dancey had worked with.

City Engineer Michael Guerra informed the public that the contractor resumed work on VFW Road, Veterans Drive South, closing the section to through traffic from 14th Street to Towerline. The railroad crossing was set to be installed in June with opening of IL29 to 5th to traffic in July and estimated completion of the project anticipated for early fall.

Council Member Golden read from a prepared list of items of concerns to him.

- clarified he did not put people up to speaking for him during the public's time to address the Council.
- voiced concern that a logical explanation could not be given for checks paid out seemingly twice for the Sheridan Road Bridge project after the contractor was paid for additional services. Council Member Golden was asked to arrange time to meet with the city engineer. Michael Guerra would addressed the liquidated damages imposed beyond the contracted completion date.
- expressed concern that the contract for Court Street Project excluded NEPA Review.
- questioned the location and position of the detention pond on the Derby Street property purchase. He pointed out his concern of property lines, fencing, toters and towed vehicles on property owned by the City or A-Z.
- disagreed with the option for a manager search involving non-elected members of a committee formed to choose applications for Council approval. Spoke in support of the full Council deciding on the next manager, a process used in hiring the first City Manager.
- expressed concern that changing the code to require 3 members to call a meeting wasted efforts that should have been expended in moving forward to hire a manager utilizing a full Council interview team.
- stated the provisions in the code for maintenance of sidewalks was conflicting and referenced an IDOT standard that didn't exist. He felt no one was enforcing restrictive subdivision covenants and gave an examples of 5ft to 4ft widths of sidewalks, curb ramp at Summit and Highwood that led to no sidewalk.
- commented that the Veterans Drive south completion project expired October31, 2015. Mr. Guerra advised the Council Member efforts were in getting the project completed. Staff was scheduling meetings with the contractor to deal with contract issues.

Council Member Ritchason was advised that no date had been set for Spruce Up Pekin.

Council Member Orrick requested that a policy addressing restrictions to two or more employees attending seminars or training together be created He suggested a trip reports be reviewed. Council Member Orrick

requested that a policy be written for Council approval. Motion by Council Member Orrick, seconded by Council Member Luft that the tow fee be placed in a restricted account. Council Member Orrick suggested the possibility of having the Peoria Economic Development group be responsible for the marketing and efforts to bring and retain business in Pekin since they are consisted regional and that the City's Economic Development Department be ¼ of the department as it is now. Council Member requested that the policy be changed that would allow Council to be able to attend agenda setting meetings. The Council Member thanked Bill Griffin for the reminder of being professional.
Mayor McCabe read the proclamation declaring April as "Parkinson's is the pits month." National AAU title champions, Pekin Flyers Mites were recognized by the Mayor for their "Mighty" outstanding achievement in winning the gold medal in hockey.

No further business to come before the Council motion by Council Member Orrick, seconded by Council Member Ritchason to adjourn. Motion carried viva voce. Mayor McCabe adjourned the meeting.

COUNCIL ADJOURNED AT 9:05 P.M.

Sue E. McMillan
City Clerk