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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, FEBRUARY 8, 2016 AT 5:30 O'CLOCK P.M.
JOHN H. MCCABE * MAYOR * PRESIDING

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

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

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

AGENDA
Motion by Council Member Ritchason, 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 Ritchason, seconded by Council Member Luft that the **minutes of the Regular City Council Meeting of January 25, 2016 and the Special Council Meeting of January 28, 2016 and the Special Council Meeting of February 1, 2016 be approved as written.** On roll call vote all present voted Aye.

PUBLIC INPUT
Bob Bramham voiced concern the dollar figure in the Interim City Manager Agreement was unclear as to the salary paid to Sarah Newcomb included her Human Resources position.
Larry Wolfer spoke to Council with his concern of the salary contained in the Interim City Manager Employment Agreement.
Ann Witzig stated she did not support Court Street Improvement Project. She felt the City did not have the money to fund the project. Mrs. Witzig expressed her displeasure with the response she received from a filed Freedom of Information Request for documents pertaining to the purchase of an officer chair.

CONSENT AGENDA
Motion by Council Member Ritchason, seconded by Council Member Abel that the **CONSENT AGENDA be approved as presented.**
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: Draft Liquor Commission Minutes dated January 28, 2016 and Tazewell County Animal Control January Report.		5

On roll call vote, all present voted Aye.

COMMUNICATIONS, PETITIONS, REPORTS

PRESENTATION COURT STREET IMPROVEMENTS

City Engineer Michael Guerra advised the Council that the City contracted with Hanson Engineering to gathering information and provide options available for a Council decision to maintain Court Street. Once the option was determined estimates would be given. Funding for the project could be derived from Motor Fuel Tax Fund, money left from the Veterans Drive Project and other sources over 4-5 years.

Representatives from Hanson Engineering Cindy Loos, Becca Wagner and Kurt Bialobreski presented several different options that were requested from the City to improve Court Street. The company was tasked with goals for maintaining existing traffic volumes, reducing long term maintenance cost, improve road conditions, limit ROW acquisition, and improve access and safety for all modes. The visual presentation was divided into 5 distinctive sections of Court Street from 5th Street to 8th street; 8th Street to 14th Street; 14th to Stadium Drive; Stadium to Valle Vista; and Valle Vista to Veterans Drive.

Several concerns and issues pertaining to the project were discussed:
181 power line poles and accessibility
Construction of curbs, sidewalks and ramps
14th Street to Stadium Drive – kept as 5 lanes
Installing bike lanes was Council option
Liability of reconstructing intersections without connecting accessibility of sidewalk, curbs, ramps.
Traffic light at a four way stop at Stadium Drive was recommended
Documentation that a road diet would reduce accidents
Businesses' concerns that less lanes would reduce customers
Funding not an excuse for not having compliance with transition plan over 20 years for parts of the options presented
Suggestion made to place barrels in the reduced lanes to gage the public's opinion of the road diet

Mr. Guerra told the Council there was not enough funding to fully cover all options at one time but guidance would set the direction the City would seek for future improvements. He asked that the form for choices distributed be completed for each section by each Council Member by February 15, 2016.

NEW BUSINESS

Motion by Council Member Golden, seconded by Council Member Orrick that the **ILLINOIS DEPARTMENT OF TRANSPORTATION LOCAL AGENCY RAILWAY GRADE CROSSING AMENDMENT 1 be approved.** City Engineer Michael Guerra informed the Council that the IDOT and Genesee & Wyoming Railroad agreement was approved August 2013. The amendment presented was needed because the bids for the grade crossing improvement at Broadway Road came in higher than the estimate agreed upon. Cost would be borne by the State. By signing the document the City agrees to approve the use of federal funds on City Streets. On roll call vote all present voted Aye.

Motion by Council Member Luft, seconded by Council Member Orrick that the **AGREEMENT WITH ILLINOIS CENTRAL RAILROAD COMPANY for crossing improvement VFW Road in the amount of $478,608.00 be approved.** The City Engineer informed the Council that an agreement with the Railroad was approved by Council April 14, 2014 pending final cost for grade crossing improvements. With approval of the cost of $478,608, the railroad would be able to install the crossing to be in compliance with the ICC order of June 30. The completed section of VFW/Veterans Drive from IL 29 to 5th Street would be opened once signals and gates were installed. Mr. Guerra addressed Council's questions and comments regarding the supervision of the construction and reporting by the Railroad. On roll call vote all present voted Aye.

Motion by Council Member Dunn, seconded by Council Member Abel that the terms of the **AGREEMENT WITH LHF COMPOST, INC. for extension of two option years, be approved.** Council was asked to approve the City's request for LHF to accept extending the agreement for two optional years with list of prices and terms of the original agreement of April 2013. Council discussed and expressed several concerns. It was noted the term of the agreement had expired the previous year and due diligence had not been completed for other providers and facilities for the disposal of yard waste.

Motion was then made by Council Member Golden, seconded by Council Member Luft that the terms of the **AGREEMENT WITH LHF COMPOST, INC. for extension of two option years be amended to one year, be approved.** On roll call vote all present voted Aye.

Mayor McCabe called for the vote on the agreement and a motion was then made by Council Member Dunn, seconded by Council Member Abel that the terms of the **AGREEMENT WITH LHF COMPOST, INC. for one additional year at the rate set forth in Section 5 in the schedule of the Agreement date April 30, 2013 for Optional Year April 1, 2016 through January 15, 2017 at $10.43 per cubic yard of yard waste be approved.** On roll call vote all present voted Aye.

Motion by Council Member Orrick, seconded by Council Member Ritchason that **AN EFFICIENCY STUDY** be discussed. In response to Council's request, proposals were sought for scope of work and estimated hours to complete an efficiency study to evaluate operations and potentially save money as well as quotes for dollars and expenses. Pricing was received from Baker Tilly and GovHR USA.

Information from two companies was brought forth to the council. Council agreed to postpone a decision until a presentation by each organization was made to the Council. Council Member Orrick suggested waiting for the new City Manager to be able to weigh in on what was needed for the study.

Mayor McCabe said the study was something he heard over and over from Council that it needed to be done. He was dismayed that members had not taken the opportunities to contact the companies or staff on the information that was available or to make inquiries about each proposal.

ORDINANCE NO. 2738-15/16

AN ORDINANCE TO APPROVE INTERIM CITY MANAGER EMPLOYMENT AGREEMENT

Motion by Council Member Abel, seconded by Council Member Dunn that **ORDINANCE NO. 2738-15/16 be adopted.** The language in the ordinance provided for Council to approve an Interim City Manager Employment Agreement between the City of Pekin and Sarah Newcomb through July 30, 2016 or until the appointment of a City Manager was made. Discussion followed on concerns of the clarity of the salary; requirements for residency of a manager; authority of an interim manager entering in to contracts. In response to member's comment that the interim manager was a placeholder position for communications sake until a manager was hired, Attorney Dancey advised that the interim had full powers of a manager by the form of government the City of Pekin had adopted. The Council was treading on inappropriate action in the council's limit into operations of manager form of government if they amended the agreement to limit Ms. Newcomb's duties in signing contracts. Attorney Dancey advised that the salary for services rendered was clearly defined in paragraphs 2 and 5 of the agreement. Council Member Golden commented that the language in the document of following "general" rules, gave wiggle room to responsibility. He felt the Council needed to define Interim City Manager. Council Member Golden requested that language be added to the agreement that the manager not enter into any contracts without the consent of Council. Attorney Dancey voiced the opinion that the Council cannot change the manager form of government by redefining the responsibilities of an interim manager who had full powers by statutes as the manager.

Motion by Council Member Golden, seconded by Council Member Luft that the Employment Agreement **be amended** by adding verbiage to clarify the salary of $10,416.66 included services as Interim City Manager as well as Human Resources Director salary**.** On roll call vote, Ayes, Golden, Orrick, Luft, Ritchason; Nays, Dunn, Abel, McCabe. Motion carried.

Motion by Council Member Golden, seconded by Council Member Luft that the word "general be stricken from the agreement**.** On roll call vote, Ayes, Golden, Orrick, Luft, Ritchason; Nays, Dunn, Abel, McCabe. Motion carried.

Mayor McCabe asked that the Clerk call the roll on the ordinance approving the agreement as amended. On roll call vote all present vote Aye.

ANY OTHER BUSINESS TO COME BEFORE THE COUNCIL

Larry Wolfer addressed his concerns and comments – that the Council continued to be not fully informed by staff; had not seen bidding process was used to purchase vehicles that were funded in a bond issue; felt it wrong that the interim manager did not have to live in Pekin; questioned the Corporation Counsel's purpose and felt he looked like the manager's personal attorney.

Robert Bramham and Ann Witzig called for the dismissal of the City Attorney. Both voiced their opinion that there was no reason to take on the expense of Court Street. Mrs. Witzig spoke of her displeasure in an unanswered Freedom of Information Act request.

Interim City Manager Newcomb told the Council that staff has continued to work on the budget and would be meeting with each department in the next 2 weeks. Attorney Dancey stated that the manager had full authority to spent $5,000 as provided in the language of the Code. Fire Chief Nelson expressed condolences from the City on the death of a retired firefighter Gary McCulley. Police Chief John Dossey announced the officers and himself would be a Dunkin Donuts for "Coffee with a Cop" on Saturday and encouraged Council and the Public to attend.

Council Member Golden pointed out a number of issues of disregard for rules by the City which he had continued to bring to council's attention: Eastside Fire Station improvement project, Wastewater Treatment Plant construction Change Orders, Sheridan Road Bridge construction, IHSA funding; gravel parking lots, County parking, lack of handicapped parking at the Speakeasy

Council Member Abel requested that the Interim Manager move forward with bids for the airing of the Council Meetings and the proper equipment for quality replays. Ms. Newcomb advised that she had directed the IT Department to submit RFP and RFQ to vendors.

Council Member Orrick again requested that barrels be placed on Court Street to simulate the traffic pattern of the options for Court Street Improvements in order to receive the public's opinions. He expressed his disappointment in the news media report on the new impoundment provisions that if you are stopped in Pekin by the police department you would lose your car. He asked to consider that revenues be placed in a restrictive fund. He noted accountability of staff needed to be brought to a higher level. He questioned the status of the Pekin Hospital Board's agreement regarding the language in the loan agreement with the City as to bank balances falling below $10 million.

Council Member Luft commented that it was discouraging to hear of Peoria's ability to provide their Council a 3 year budget. He felt that the bar needed to be raised in staff's performance. Referring to a document submitted to the Council by Mr. Mangan, Council Member Luft asked that the back and forth of documentation, accusations, and remarks of illegal actions by council and staff needed to have a final answers and to know the truth in order for the City and public to move forward.

Mayor McCabe distributed The City Manager Qualities Exercise designed to help draft the job description and job opening announcement for Council's review.

EXECUTIVE SESSION

Motion by Council Member Golden, seconded by Council Member Ritchason, that the Council move to Executive Session at 8:58 p.m. to discuss 5 ILCS 120/2 (c) (1.) The appointment, employment, compensation, discipline, performance, or dismissal of specific employees of the body and 5 ILCS 120/2 (c) 11. Litigation when the public body finds that an action is probable or imminent. On roll call vote, all present voted Aye. Council reconvened in open session.

No further business to come before the Council, motion by Council Member Abel seconded by Council Member Orrick that Council adjourn. Motion carried voice vote. Mayor McCabe adjourned the meeting in open session.

COUNCIL ADJOURNED AT 9:50 P.M.

Sue E. McMillan
City Clerk