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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, JANUARY 25, 2010 AT 5:30 O'CLOCK P.M.
RUSTY L. DUNN, MAYOR PRESIDING

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

ABSENT: NONE

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The **Pledge of Allegiance** was led by Holden Neiukirk, grandson of Police Chief Ted Miller.

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 Kortkamp, seconded by Council Member Barra, that the **minutes of the Regular City Council Meeting of January 11, 2010 be approved as written.** On roll call vote, all present voted Aye.

PUBLIC INPUT ON AGENDA ITEMS

Mark Smith, 607 Washington Street, read from a prepared statement his concerns on two items under New Business. He expressed regret in that the establishments were not informed of changes occurring to the Liquor Code. He also spoke on the minimal maintenance at best to Court Street and streets in the area of the Mall.

Steve Moore, 2020 Westgate, spoke in support of the appointment to the Housing Authority of his mother Shirley Moore.

CONSENT AGENDA

Motion by Council Member Schmidgall, seconded by Council Member Kortkamp, that the **Consent Agenda be approved as presented.**

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

1. **Receive and File Monthly Reports and Minutes:** Traffic Safety Minutes dated January 8, 2010, Tazewell County Animal Control December Report, EDAC Minutes dated December 15, 2009, Tourism Committee Minutes dated December 15, 2009, and Fire Department Annual Report 2009.

2. **Charitable Solicitation:** "Benefit for Eric Albers", February 12, 2010.

3. **Resolution No. 33-09/10 -** Regarding Minutes of Executive Session Meetings.

4. **Resolution No. 34-09/10 –** Mayor's Appointment of Shirley Moore to the Pekin Housing Board for a 5 year term until January 14, 2015.

5. **Receive and File –** Revised Final Recorded Plat of Lakeview Estates Subdivision.

On roll call vote, all present voted Ayes.

COMMUNICATIONS, PETITIONS, REPORTS, PRESENTATION

Council and Chambers hosted a series of **Retirement Recognitions** with friends, family and fellow employees in attendance. The following were presented retirement watches:

- Dawn Breaden began work for the Library in 1977 and transferred to the Accounts Payable department in 2005. She was recognized by Personnel Director Patricia Pollock and Assistant Finance Director Angie Evans for her eagerness to learn, quick wit and a extraordinary sense of humor.
- Police Chief Ted Miller spoke of Mary Bourdeau's 25 years in the department and her efficiency as legal assistant to the courts. She was recognized for her assistance to the judges.
- Etta Martis career with the City of Pekin spanned 41/2 decades from crossing guard, meter maid, and 13 years at the front desk.
- A veteran of 21 years to the police force, Lt. Timothy Gleason moved fast through the ranks and was noted as a special officer when dealing with the public. He was wished luck in his new position in Springfield.
- Not in attendance was David Pagliaro, retiring after 25 years of service to the City. City Manager Dennis Kief displayed a photo of him receiving his watch and spoke of his exceptional job as Street Superintendent.

Mayor Dunn addressed the retirees and told them to take pride in their accomplishments. He expressed appreciation from the Council and the community for their 142 years of collective service to the City of Pekin.

The City Manager read from an Official Statement what had been the **status of the Police and Fire** departments after the retirement of Timothy Gillespie and Chuck Lauss. He explained that during the time for which an interim police chief and fire chief were named he aw continued back-up structure grow in each department. He stated he was then pleased to announce that effective immediately the following were no longer "interim" but were, Police Chief Ted Miller and Fire Chief Kurt Nelson.

NEW BUSINESS

<u>ORDINANCE NO. 1462-A295-09/10</u>
AMENDING TITLE 8 OF THE CODE OF THE CITY OF PEKIN 1995
REGARDING STOP SIGNS

Motion by Council Member Abel, seconded by Council Member Schmidgall, that **Ordinance No. 1462-A295-09/10 be adopted.** Traffic Safety Chairman Joe Wuellner reported from Council's direction at the previous meeting the Traffic Code amendments were being presented to make a 3 Way Stop at the intersection of Alameda and Gingoteague. The code was also being changed to reflect cleanup of stop signs in existence but not listed. On roll call vote, all present voted Aye.

<u>ORDINANCE NO. 1462-A296-09/10</u>
AMENDING TITLE 8 OF THE CODE OF THE CITY OF PEKIN 1995
REGARDING THROUGH STREETS AND YIELD SIGN

Motion by Council Member Barra, seconded by Council Member Kortkamp, that **Ordinance No. 1462-A296-09/10, be adopted.** Mr Wuellner advised the Council that the Traffic Safety Committee recommended Hawthorne and Redwood as through streets now that a new subdivision had been built in the area. With the designation all intersecting streets would be required to stop. On roll call vote, all present voted Aye.

<u>ORDINANCE NO. 2606-09/10</u>
AMENDING TITLE 6, CHAPTER 3, OF THE CODE OF THE CITY OF PEKIN 1995
ON ANIMALS

Motion by Council Member Blanchard, seconded by Council Member Strand, that **Ordinance No. 2606, be adopted.** Attorney Dancey briefed Council on the changes to the section of the Code that would address the need to define the location of the doghouse, shelter, kennel, and/or dog run used to house dogs deemed vicious. Council Member Blanchard expressed concern that the change only addressed dogs. Corporation Counsel was willing to review the definition if Council so desired. On roll call vote, all present voted Aye.

ORDINANCE NO. 2607-09/10
AMENDING TITLE 3, CHAPTER 3 OF THE CODE OF THE CITY OF PEKIN 1995 REGARDING LIQUOR CONTROL

Motion by Council Member Kortkamp, seconded by Council Member Blanchard, that **Ordinance No. 2607-09/10, be adopted.** Council received a recommendation from the Liquor Commission to revise the definition for Beer Gardens and it provisions. Attorney Dancey advised the Council on the changes that were a result of visits and review of several establishments with non complying structures for unobstructed view

- enclosed by a permanent barrier with a minimum height of five feet
- affords an unobstructed view of the enclosed area with an emergency means of egress
- entry into the Beer Garden through the initial licensed premises
- no live entertainment or unreasonable noise allowed
- administrative costs of initial application $250 and $100.00 annual renewal

It was noted that the draft ordinance did not contain in the definition entry through the initial licensed premises. Motion by Council Member Strand, seconded by Council Member Abel, that **Ordinance No. 2607-09/10, be amended** to reflect the final language. On roll call vote, all present voted Aye.

Council expressed the need to be informed of the Commission's activities and recommendations prior to changes. Discussion followed regarding exceptions to entertainment in non-residential areas and those beer gardens in existence being grandfathered in. Council requested that the Liquor Commission minutes be sent to them in a timely manner. Council Member Blanchard asked if Council felt it best to table for additional information.

Roll was called on the amended Ordinance. On roll call vote, Ayes, Strand, Kortkamp, Barra, Abel, Dunn; Nays, Schmidgall and Blanchard. Motion carried.

Motion by Council Member Schmidgall, seconded by Council Member Blanchard, that the **IMPOUNDMENT HEARING OFFICER AGREEMENT BETWEEN THE CITY OF PEKIN AND ATTORNEY THOMAS HIGGINS** to perform duties as Hearing Officer at a rate of $110.00 per hour for the year 2010, be approved. Attorney Dancey recommended continuing the service based on Attorney Higgins experience. On roll call vote, all present voted Aye.

RESOLUTION NO. 35-09/10
AMENDING THE CITY EMPLOYEE PERSONNEL POLICY WITHIN THE EMPLOYEE HANDBOOK

Motion by Council Member Barra, seconded by Council Member Abel, that **Resolution No. 35-09/10 be adopted.** Personnel Director Patricia Pollock explained to the Council that there were two changes to the Personnel Policy for non represented employees consistent with the benefits ratified in the Teamsters Contracts.

- Allow employees who are retiring to be able to use 100% of the balance of their sick time hours (not to exceed 1,920 hours) to pay for health insurance premiums or to extend their IMRF service credit.
- Allow employees with 15 years to go from 4 to 5 weeks vacation

Council was told that there would be no additional expense for the vacation benefit that an additional 4 non-union employees would receive and that the additional 50% of sick time dollars were budgeted for approximately 7 expected retirees. On roll call vote, all present voted Aye.

Motion by Council Member Blanchard, seconded by Council Member Kortkamp that the **BID FOR UPGRADE TO TRAFFIC SIGNALS AT COURT STREET AND MALL ENTRANCE BE APPROVED AND THE CONTRACT AWARDED TO ADVANCED ELECTRIC CO. IN THE AMOUNT OF $42,972.01.** Public Works Director Joe Wuellner explained that over the years there had been failures of the 30 year old signals at the intersection and that the signals needed to be brought up to standards. Funds would be expended out of the savings of last year's street maintenance funds. Council Member Schmidgall noted the bid submitted was $43,056.01. It was explained that there was an multiplication error in the submitted bid and Advanced Electric desired not to withdraw. On roll call vote, all present voted Aye.

Motion by Council Member Strand, seconded by Council Member Abel, that the **EASEMENT BETWEEN THE CITY OF PEKIN AND PARCO, LTD. FOR NON-ACCESSORY SIGN FOR WENDY'S be approved.** Council was advised for visibility of the new Wendy's Restaurant the corporate office requested they be permitted to place their store sign in the retention area the same as Menards and Stables. The easement stipulates if the City has use for the parcel the signage would have to be relocated. On roll call vote, all present voted Aye.

Council Member Strand made note of the poor condition of the frontage road in that area and asked that the owners be required to repair the potholes and damage.

Motion by Council Member Abel, seconded by Council Member Strand, that the **JOINT AGREEMENT WITH THE ILLINOIS DEPARTMENT OF TRANSPORTATION** for terms of commitment to improvements to Veterans Drive, containing revised section 2 and revised section 3, as received at 4:00 p.m. on January 25, 2010, **be approved.** City Manager Dennis Kief informed Council that he had received a final version of the agreement from IDOT just prior to the meeting that he wished to present.
Motion was made by Council Member Schmidgall, seconded by Council Member Blanchard that the language received to amend the joint agreement with IDOT be replaced in the agreement. On roll call vote, all present voted Aye.

Mr. Kief summarized the bypass construction plan activities as early as 1960 through the $30 million funded from the State Capital Plan. The agreement would provide for the southerly section of VFW becoming Route 9 and jurisdictional transfer of Court Street to the City. Council Member Abel supported the agreement with the intention of eliminating trucks through town. Mayor Dunn called for the vote on the agreement. On roll call vote, all present voted Aye.

FY 2011 BUDGET UPDATE
City Manager Dennis Kief gave Council a status report of the proposed Budget and began with a chronology of its preparation from the November Treasurer's Report on the revenue shortfall, draft for Council input, to proposed Budget utilizing general fund reserves. In his Power Point Presentation he covered comparable communities, property taxes, revenue sources and reductions. Discussion followed on threshold for amounts left in reserves. Mayor Dunn felt there was a need to write a policy on percentage amounts for reserves.

Council Member Schmidgall expressed concern that core services should not be cut and suggested the possibility of using more reserves for street maintenance. Council Member Strand noted when the Levy was set the Council knew there would then be hard decisions to also cut expenditures. Both Council Members Strand and Abel supported the used of reserves in the event there was a deficit in the budget. Council Member Kortkamp stated time was right for utilizing reserves and was satisfied with the proposed Budget. Council Member Barra expressed appreciation to the staff for the budget's preparation. She was not in agreement with using anymore reserves than recommended because next year would be equally as challenging. Council Member Blanchard noted this was the first year of his 5th budget review that the expenditures had not been discussed in depth. He requested a meeting to discuss further spending cuts.

After discussing timing for the members, a Special Work Session was scheduled for Monday, February 8, 2010 in the City Hall Council Chambers at 4:00 p.m.

ANY OTHER BUSINESS TO COME BEFORE THE COUNCIL
Christal Dagit, President and Director of Tazewell County Historic Places and Tazewell County Museum and Educational Center read a letter to the Mayor and Council asking for a commitment of $8,000.00 a year to expand the facility in the Sunset Shopping Plaza.

Council Member Strand asked that Ms. Dagit to provide more specific information for the use of the money and any request that the Director had made to other government entities or organization in order for the Council to make an informed judgment.

Mike Smith, 607 Washington asked that the Council be transparent and post more information on the City Web Site. He felt Council should look at priorities like sidewalk repair and providing better service rather than expenditures on economic development.

John McCabe, 1407 Glendale, asked that Council consider time set for meetings or special work sessions be convenient to the public who the Council serves.

There was an announcement that members of Kiwanis and Rotary would be soliciting donation for the victims of the Haiti earthquake by ringing the bell for the Salvation Army on Friday, February 5, 2010

Chief Nelson announced that Firefighters Local 524 for be sponsoring a Charity Dance on March 27, 2010 at the Moose Lodge. Donation to benefit the community throughout the year. He also expressed his gratitude for the efforts in receiving a Public Safety lighting grant that provided the completed lighting upgrade propjets at the fire station.

EXECUTIVE SESSION
Motion by Council Member Kortkamp, seconded by Council Member Blanchard, that the Council move to Executive Session at 7:50 p.m. to discuss:
5 ILCS 120/2 9c) 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 9c) 11
Litigation, when an action against, affecting or on behalf of the particular public body has been filed and is pending before a court or administrative tribunal, or when the public body finds that an action is probable or imminent.
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 8:25P.M.

Sue E. McMillan
City Clerk