
**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, DECEMBER 14, 2015 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

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 Luft, seconded by Council Member Orrick that the **agenda be approved as presented**. Council Member Golden asked that 7.3 Receive and File City of Pekin Public Library Fund Financial Statements prepared by Willock Warning and Co., P.C. April 30, 2015 be removed from the Consent Agenda and be placed under New Business as 9.11 for discussion. On roll call vote to approve the agenda as amended, all present voted Aye.

MINUTES

Motion by Council Member Luft, seconded by Council Member Abel that the **minutes of the Regular City Council Meeting of November 23, 2015 and the Special City Council Meeting of November 21, 2015 be approved as written**. On roll call vote all present voted Aye.

PUBLIC INPUT

Jim Mangan addressed the Council with his comments regarding the Levy and the impoundment ordinance. He told the members the City was wasting tax dollars and without the proof from an efficiency study that sufficient dollars were not already available, the levy should not be increased. He stated Council would be approving extortion by reinstating the impound ordinance and seizing property without a person having their time in a court of law first. Ann Witzig stated the minutes for the packet were not available to the public.

CONSENT AGENDA

Motion by Council Member Luft, seconded by Council Member Ritchason that the **CONSENT AGENDA be approved as amended removing 7.3 and placing it under New Business as item 9.11**.

The following was presented for consideration of the Consent Agenda items by Omnibus Vote.

7.1 Receive and File Monthly Reports and Minutes: Traffic Safety Committee Minutes dated December 2, 2015
7.2 Resolution No. 11-15/16 – Mayor's appointment of Neal C. Johnson to the Mayor's Advisory Committee for Persons with Disabilities until the first Monday in May 2018 to fill the unexpired term after the resignation of Melanie Psinas.

On roll call vote all present voted Aye.

NEW BUSINESS

ORDINANCE NO. 2735-15/16

MAKING, LEVYING AND ASSESSING MUNICIPAL TAXES

Motion by Council Member Orrick, seconded by Council Member Dunn that Ordinance No. 2735-15/16 **MAKING, LEVYING AND ASSESSING MUNICIPAL TAXES in the amount of \$6,179,563.00 FOR FISCAL YEAR FROM MAY 1, 2015 TO APRIL 30, 2016** be adopted. Proposals were given to the Council Members from City Manager Darin Girdler for a proposed levy of \$6,479,563.00 a 4.9% increase over the 2014 levy and the \$6,179,563.00 a 0% increase. City Engineer Mike Guerra addressed the proposed increase for street maintenance of 4th Street from Broadway to Derby Street. He estimated costs associated per lane mile to rebuild roadways and suggested moving away from utilizing chip seal and to fix what was needed with correct applications needed. Discussion followed and reasons stated for electing to vote for no increase. It

was suggested a more structured plan for all expenses before dedicating funding for streets would have benefited support for a 4.9% increase; Council needed to review the efficiency study before moving forward on increasing taxes; that spreading the cost of operations in a gas tax would be easier on the public. Mayor McCabe spoke in support of the increase stating the City should not be cut short because a complete plan was not submitted. On roll call vote, Ayes, Dunn, Orrick, Luft, Ritchason, Abel, Golden; Nay, McCabe. Motion Carried.

RESOLUTION NO. 12-15/16
ABATEMENT OF TAXES ORDINANCE NO. 2667-12/13
GENERAL OBLIGATION BOND SERIES 2012 \$2,100,000.00 /
ORDINANCE NO. 2673-12/13 \$1,975,000.00 LEVY AND COLLECTION ORDINANCE

Motion by Council Member Orrick, seconded by Council Member Luft that Resolution No. 12-15/16 be adopted. The resolution authorized that taxes not be levied against taxable real property in the City of Pekin in the amount of \$319,300.00 provide in bond ordinance and levy and collection ordinance issued for Capital Projects through Bernardi Securities, Inc. Council was advised on both abatements that the City had sufficient funds to make the principal and interest payments. On roll call vote all present voted Aye.

RESOLUTION NO. 13-15/16
ABATEMENT OF TAXES ORDINANCE NO. 2625-10/11 SERIES 2010 \$7,110,000.00

Motion by Council Member Orrick, seconded by Council Member Luft that Resolution No. 13-15/16 be adopted. The resolution authorized that taxes not be levied against taxable real property in the City of Pekin in the amount of \$587,530.00 provided in bond ordinance issued for Sewer Treatment Improvements through Bernardi Securities, Inc. On roll call vote all present voted Aye.

ORDINANCE NO. 2734-15/16
AMENDING TITLE 6, CHAPTER 2, SECTION 13
OF THE CODE OF THE CITY OF PEKIN 1995
REGARDING THE IMPOUNDMENT ORDINANCE

Motion by Council Member Dunn, seconded by Council Member Able that Ordinance No. 2734-15/16 be adopted. Police Chief John Dossey presented details of the reinstatement of a revised impound ordinance for the seizure and impoundment of vehicles and the proceeding for hearings. An original ordinance had been adopted in 2008 and repealed in 2011 and revised in 2014 but failed to be adopted. The Chief confirmed that the ordinance would go into effect February 1, 2016 to allow the time for paperwork setup and seeking rotational list of qualified tow companies. He stated the ordinance was one tool for community policing to achieve safer roadways and not intended as a revenue generator. It would hold owners responsible who utilize their vehicles for specific crimes. Council Members Dunn, Abel, Luft, Ritchason thanked the Chief for the efforts in providing a comprehensive memo request to Council for action that included statistics and data from neighboring jurisdictions. Council Member Golden stated the information raised questions and had issues. He questioned where the accountability of people enforcing the law was when he witnessed police vehicles with wipers on and headlights not; he asked for written opinion of Attorney Dancey the reason why a similar distractive driving ordinance could not be imposed over state provisions. Additional concerns and comments: why revenues generated could not be predicted; missing statistic on meth use and drive by shooting increases or decreases after the ordinance was repealed; if language in the “whereas” sections of the ordinance were fluff; the use of the word “in” the vehicle being applicable to motorcycles. Council Member Golden stated there were better ways to make streets safer than impoundment of vehicles. Council Member Dunn stated there had been sufficient time for Council Member Golden’s comments. He addressed the Mayor and called for the question. By voice vote, those replying in favor, Abel, Orrick, Dunn, Luft, Ritchason, McCabe; Nay, Golden. Motion Carried. **On the motion to adopt Ordinance No. 2734-15/16 roll was called as follows:** Ayes, Abel, Orrick, Luft, Ritchason, Dunn, McCabe; Nay Golden. Motion Carried.

ORDINANCE NO. 1462-A342-15/16
AMENDING TITLE 8, CHAPTER 2, SECTION 9 OF THE CODE OF THE CITY OF PEKIN 1995
REGARDING AUTHORIZED STOP SIGNS AND
AMENDING TITLE 8, CHAPTER 2, SECTION 2.G. OF THE CODE OF THE CITY OF PEKIN 1995
REGARDING TRAFFIC CONTROL SIGNAL LEGEND

Motion by Council Member Dunn, seconded by Council Member Luft that Ordinance No.1462-A342-15/16 be adopted. Recommendation was made by the Traffic Safety Committee to remove traffic signals and substitute traffic stops at the intersections of Court Street and Fourth Streets and Court Street and Capitol Streets. Comments received by the TSC indicated during the trial period traffic flowed better and motorists slowed down in the area. On roll call vote, Dunn, Abel, Orrick, Luft, Ritchason, McCabe; Nay, Golden. Motion Carried.

ORDINANCE NO. 1462-A343-15/16

**AMENDING TITLE 8, CHAPTER 4, SECTION 1.G.OF THE CODE OF THE CITY OF PEKIN 1995
REGARDING NO PARKING PLACES**

Motion by Council Member Dunn, seconded by Council Member Ritchason that Ordinance No. 1462-A343-15/16 be adopted. A recommendation was made by the Traffic Safety Committee to extend no parking space for bus loading on Capitol Street at Court Street.
On roll call vote all present voted Aye.

Motion by Council Member Abel, seconded by Council Member Luft that the **ASSIGNMENT AND AMENDMENT OF RECYCLING DISPOSAL AGREEMENT WITH MIDLAND DAVIS CORPORATION TO AREA RECYCLING, INC. be approved.** Assignment of the terms and conditions of the agreement with Midland Davis Corporation to Area Recycling, Inc. for the disposal of recyclables from residential building at the facility on Route 29. Kevin Cassulo of Peoria Disposal Company was present to address the purchase. Mr. Cassulo told the Council that the company planned to improve the operations and to not change employees. On roll call vote all present voted Aye.

Motion by Council Member Abel, seconded by Council Member Orrick that the **AMENDMENT TO THE SERVICE AGREEMENT WITH GOOD ENERGY, L.P. be approved.** Amends the agreement of September 26, 2011 with Good Energy, L.P. to renew and extend consulting services and procurement of power for Pekin residents and small commercial businesses. City Manager Darin Girdler explained to the Council that Homefield Energy was the supplier of energy and that Good Energy, L.P.. was the company representing the City for consulting energy aggregation. On roll call vote all present voted Aye.

RESOLUTION NO. 14-15/16

**AUTHORIZING THE EXECUTION OF A SERVICE AGREEMENT FOR THE SUPPLY OF
ELECTRICITY FOR RESIDENTIAL AND SMALL COMMERCIAL RETAIL CUSTOMERS
WHO DO NOT OPT OUT OF A SUCH A PROGRAM**

Motion by Council Member Ritchason, seconded by Council Member Orrick that Resolution No. 14-15/16 be adopted. The action authorized the City Manager to receive and review bids and accept the bid most beneficial rate for the City. The manager was authorized to execute the service agreement for electrical aggregation with the lowest cost energy supplier. On roll call vote all present voted Aye.

Motion by Council Member Ritchason, seconded by Council Member Abel that the **COUNCIL MEETING OF DECEMBER 28, 2015 BE CANCELLED.** On roll call vote all present voted Aye.

Motion by Council Member Golden, seconded by Council Member Ritchason that item Receive and File City of Pekin Public Library Fund Financial Statements prepared by Willock Warning and Co., P.C. April 30, 2015 be discussed. Questions from Council Member Golden regarding dollar amounts in the renovation project of the library building were addressed by Jeff Brooks, Library Director. Any remaining funds listed on page 12 of the audit were balances as of April 30, 2015. The Library was holding 10% construction cost until closeout of the project would be in March 2016.

Motion by Council Member Orrick, seconded by Council Member Luft to Receive and File City of Pekin Public Library Fund Financial Statements prepared by Willock Warning and Co., P.C. April 30, 2015. On roll call vote all present voted Aye.

ANY OTHER BUSINESS TO COME BEFORE THE COUNCIL

Roxy Dryer and Roger Greer told the Council of the court order they were served from the City regarding the property at 601 Prince Street. The temporary restraining order was a hardship to be kept from their existing home prior to the holiday. They opposed having the property inspected as a hotel to bring up to code. Freda Greer spoke in support of her son's request.

Jim Mangan stated the Council had illegally adopted a Levy ordinance by not posting notice to the public of figures for 0% increase. It was Attorney Dancey's opinion that posting of an agenda that included Council's consideration and action on a levy fulfilled the notice requirement of the Open Meetings Act.

Ann Witzig voiced her opinion that the Council lacked knowledge. She asked when her questions on the reprimand of personnel involved in March Madness sponsorship misuse of funds and the profits of the Bus Department would be answered. She stated the City needed legal representation and had no plan for roads.

Mayor McCabe told Mrs. Witzig matters of personnel would not be answered to the public.

Steve Moore gave "pat on the back" to the City employees for use of purchased equipment and working after hours on a sewer issue on Sheridan Road.

Police Chief Dossey reported to Council the statistic of the department's video of the 12 Days of Christmas. The short clip was of a positive nature for the City in an attempt to reach out to the public on the softer side of community policing.

Council Member Orrick asked that the Manager look into CityLink's unacceptable bus route change without Council knowledge. The Council Member also asked the status of the RFPs for an efficiency study and was told the decision would come on January 14, 2016. Council Member Golden stated he had 6 points he wanted to bring forward but would hold over until the next Council Meeting. Mayor McCabe expressed appreciation for the organization by the Chamber of Commerce Transportation Committee of a bus tour of the City and area projects. He felt Mainstreet Christmas on Court gave the opportunity to see that Court Street business activities were coming back.

EXECUTIVE SESSION

Motion by Council Member Golden, seconded by Council Member Ritchason, that the Council move to Executive Session at 8:45 p.m. to discuss 5 ILCS 120/2 (c) (2.) Collective negotiations between the public body and its employees and 5 ILCS 120/2 (c) 6. Setting of a price for sale or lease of municipally owned property. On roll call vote, all present voted Aye.

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

COUNCIL ADJOURNED AT 9:10 P.M.

Sue E. McMillan
City Clerk