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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, DECEMBER 10, 2012 AT 5:30 O'CLOCK P.M.
LAURIE L. BARRA, MAYOR PRESIDING

PRESENT: COUNCIL MEMBERS, ABEL, SCHMIDGALL, HENDRICKS, BLANCHARD, MCCABE, MASSAGLIA, AND BARRA

ABSENT: NONE

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The **Pledge of Allegiance** was led by Mayor Laurie Barra.

Mayor Barra welcomed Council Member Massaglia back to City Hall following his illness.

Roll was called and all Council Members were physically present. A quorum was present.

AGENDA

Motion by Council Member McCabe, seconded by Council Member Blanchard that the agenda be approved as presented. On roll call vote, all present voted Aye.

MINUTES

Motion by Council Member McCabe, seconded by Council Member Hendricks, that the **minutes of the Regular City Council Meeting of November 26, 2012, be approved as written.** On roll call vote, all present voted Aye.

PUBLIC INPUT ON AGENDA ITEMS

Jim Costello, 9708 Windermere, representing Midwest Fiber addressed the Council and asked for their support in awarding the Recyclable Materials project to the company. He stated Midwest Fiber accepted a wider range of materials than Midland Davis proposal.

Martin Davis, representing Midland Davis, 14379 IL Rt 9, thanked the Council for consideration of the company proposal. He felt a contract with Midland Davis would pay the City a consistent amount that could be budgeted for 3 years.

CONSENT AGENDA

Motion by Council Member McCabe, seconded by Council Member Abel, that the **CONSENT AGENDA be approved as presented.** Mayor Barra presented the following for consideration of the Consent Agenda items by Omnibus Vote.

7.1 Receive and File Monthly Reports: Lake Arlann Drainage District Minutes of November 28, 2012.
7.2 Proclamation: "Drunk and Drugged Driving (3D) Prevention Month" December 2012.
7.3 Receive and File Pekin Public Library Fund Financial Statements April 30, 2012 prepared by Willock Warning & Co.,P.C.
7.4 Scheduled Council Meeting Dates Set for 2013

On roll call vote all present voted Aye.

COMMUNICATIONS, PETITIONS, REPORTS

Mayor Barra gave special **RECOGNITION OF A.J. SALMON,** recipient of the National Philanthropy Day award for his efforts in raising $8,000 for St. Jude Children's Research Hospital. The 12 year old told the Council that the death of his friend Lexi to cancer in 2004 was his motivation to design and sell t-shirts.

City Treasurer James Wolf **PRESENTED A 6 MONTH CITY FINANCIAL REPORT.** He distributed the following reports: Revenues Over Expenses, Major Revenue Sources, and Investment Earnings. Highlighted areas of concern were addressed, major difference from previous year were compared, and explanations of the numbers were given to Council during the presentation. Wolf advised the Council that the State was getting more consistent in payments from taxes.

NEW BUSINESS
Motion by Council Member Massaglia, seconded by Council Member Abel that **COUNCIL AUTHORIZE THE CITY OF PEKIN TO ENTER INTO AN AGREEMENT WITH EAST COURT VILLAGE, LLC IN THE AMOUNT OF $2,000,000.00.** Assistant City Manager Darin Girdler informed the Council that Cullinan Companies, LLC requested a loan as part of a pass through to Bergner's and part for capital upgrades to the overall East Court Village shopping center. He recommended the project as an investment for the City of Pekin as well as an inducement for Bergners to upgrade the retail facility. Improvements to the interior of the department store had been a request of the community for some time. Modifications to be completed by November 2013. Mr. Girdler advised $1.2 million of the amount to be amortized was over 10 years, and the $800,000 balanced over 20 years. The City would borrow funds at approximately 2% and loan them at 4% giving the City a net gain of over $325,000. The investment would be guaranteed both corporately and personally.

Diane Cullinan Oberhelman addressed the Council's questions and concerns. She felt enhancing the shopping center would assure a continued and increased sales revenue stream to the City budget. The extended Bergners lease and presence in Pekin through 2022 would send message of commitment to other potential retailers.

Council Member Blanchard spoke in non-support of lending money to the project as it was structured. Council Member McCabe also questioned why Cullinan did not seek a loan from local bankers. He stated that in his recent research that because of the risk factor, cities should not be getting into trying to prevent empty store fronts.

Motion by Council Member Blanchard, seconded by Council Member McCabe to table the authorization. On roll call vote, Ayes, Blanchard and McCabe; Nays, Abel, Schmidgall, Hendricks, Massaglia, and Barra. Motion Failed. Discussion continued. Diane Cullinan-Oberhelman stated time was of the essence and to delay would send wrong message to developers.

Council Member Abel called the question. Motion by Council Member Schmidgall, seconded by Council Member McCabe to close discussion. On roll call vote, Ayes, Abel, Schmidgall, Massaglia, and Barra; Nays, Blanchard, McCabe, and Hendricks. Motion Carried.

Mayor Barra asked for the vote on the motion to authorize the City to enter into an agreement. On roll call vote, Ayes, Abel, Schmidgall, Hendricks, Massaglia, and Barra; Nays Blanchard and McCabe. Motion Carried.

Motion by Council Member Massaglia, seconded by Council Member McCabe that the **PROPOSAL FOR RECYCLABLE MATERIALS BE ACCEPTED AND THE CONTRACT BE AWARDED TO MIDLAND DAVIS.** Proposal for the project were received by Council at the meeting of November 26, 2012 but pending additional information, the agreement with Midwest Fiber, Inc. was removed from the agenda. City Manager Joseph Wuellner presented his recommendation of Midland Davis for the processing of the recyclable materials collected in the City. He recommended the guaranteed rate per ton for the first three years over the company based on market value only. The agreement also had provisions for an initial 5 year term with the option for two 1 year extensions. On roll call vote, all present voted Aye.

ORDINANCE NO. 2675-12/13
MAKING, LEVYING, AND ASSESSING MUNICIPAL TAXES FOR TH FISCAL YEAR FROM MAY 1, 2012 TO APRIL 30, 2013
THE LEVY ORDINANCE

Motion by Council Member Hendricks, seconded by Council Member Abel that **Ordinance No.2675-12/13 be adopted.** City Manager Joseph Wuellner presented to Council a proposed 2012 Levy Ordinance of $6,182,748.00, a 4.9% higher amount than the 2011 Levy. The estimated rate (based on estimated EAV) would be 1.45476. A 0% option was compared.

Motion by Council Member Schmidgall, seconded by Council Member Hendricks that the Levy be amended to the O% option numbers. Council Member McCabe questioned the motion of 100% opposite being out of order. It was Attorney Dancey's opinion that it was an appropriate amendment. On roll call vote, Ayes, Blanchard, Schmidgall, and Hendricks; Nays, Abel, McCabe, Massaglia, and Barra. Motion failed.

Motion by Council Member Blanchard, seconded by Council Member Hendricks that the Levy be amended to 1.7%. Council Member Blanchard supported the 1.7% increase as being more in line with the rate of inflation. Members debated the use of money to provide services needed; the increase to taxpayers not being a huge difference; money needed to rebuild reserves; revenues not covering personnel and pension costs; additional property tax being another burden. On roll call vote, Ayes, Blanchard, Abel, Schmidgall, and Hendricks; Nays, McCabe, Massaglia, and Barra. Motion Carried. Council Member McCabe objected to the motion being carried and stated from Robert's Rules that an amendment required a super majority vote.

Mayor Barra called for the vote on the original motion to adopt the Levy Ordinance at 4.9%. On roll call vote Ayes, Abel, McCabe, Massaglia, and Barra; Nays, Blanchard, Schmidgall, and Hendricks. Motion Carried.

Council Member Blanchard left the meeting at 7:25 p.m.

City Clerk Sue McMillan explained the language in the outstanding WWTP Bond Issue and the new Capital Projects Bond Issue through Bernardi Securities, Inc. provided for the levy of taxes to pay principal and interest amounts on the bonds. She stated that the two resolutions being presented were intended to authorize that taxes not be levied against taxable real property in the City of Pekin because there were sufficient funds to make those payments.

RESOLUTION NO. 59-12/13
ABATEMENT

Motion by Council Member Abel, seconded by Council Member Massaglia that Resolution No. 59-12/13, abatement of taxes Ordinance 2667-12/13 (Levy Ordinance No. 2673-12/13 General Obligation Bond Series 2012 $2,100,000 in the amount of $318,004.17 be adopted. On roll call vote Ayes, Abel, Schmidgall, McCabe, Hendricks, Massaglia, and Barra; Absent, Blanchard. Motion Carried.

RESOLUTION NO. 60-12/13
ABATEMENT

Motion by Council Member Abel, seconded by Council Member Massaglia that Resolution No. 60-12/13, abatement of taxes Ordinance No. 2625-10/11 Series 2010 $7,110,000 in the amount of $601,130.00 be adopted. On roll call vote Ayes, Abel, Schmidgall, McCabe, Hendricks, Massaglia, and Barra; Absent, Blanchard. Motion Carried.

Motion by Council Member Schmidgall, seconded by Council Member Massaglia that the **INTERGOVERNMENTAL AGREEMENT WITH TAZEWELL COUNTY FOR ANIMAL & RABIES CONTROL SERVICES in the amount of $45,046.00, be approved.** City Manager Joseph Wuellner requested approval of the contract for the County to pick up and properly disperse / disposal of lost or stray animals. He stated the County had the facilities and personnel to provide a service that the City was not equipped to do. On roll call vote Ayes, Abel, Schmidgall, McCabe, Hendricks, Massaglia, and Barra; Absent, Blanchard. Motion Carried

ORDINANCE NO. 2676-12/13
RENAMING STREET WITHIN THE CITY OF PEKIN, ILLINOIS,
FROM "PETRI LANE" EAST/WEST TO "HANNA DRIVE"

Motion by Council Member Schmidgall, seconded by Council Member Abel that Ordinance No. 2676-12/13 be adopted. Council was advised that the ordinance approves the street name change of the completed Petri Drive extension from South 5th Street to South 14th Street of Hanna Drive. Council questioned and were told that the three residents had been contacted and aware the new addresses would align with existing City block numbering. Council Member Abel asked from citizens request to install lighting at the 14th street access. On roll call vote Ayes, Abel, Schmidgall, McCabe, Hendricks, Massaglia, and Barra; Absent, Blanchard. Motion Carried.

SUPPLEMENTAL RESOLUTION NO. 47-12/13
RESOLUTION FOR MAINTENANCE OF STREETS AND HIGHWAYS

Motion by Council Member Massaglia, seconded by Council Member Schmidgall that Supplemental Resolution No.47-12/13 be adopted. City Engineer Mike Guerra informed the Council the additional Illinois Department of Transportation IDOT document was needed to supplement the original MFT appropriation passed July 23, 2012 in the amount of $27,392.33 for street seal coating that was not calculated for the Motor Fuel Tax Funds. On roll call vote Ayes, Abel, Schmidgall, McCabe, Hendricks, Massaglia, and Barra; Absent, Blanchard. Motion Carried.

ANY OTHER BUSINESS TO COME BEFORE THE COUNCIL

Council Member Massaglia thanked those that sent him get well cards and encouragement.

Mayor Barra announced that the Council agreed to cancel the regular meeting of December 24, 2012. The next Council meeting would ne January 14, 2013.

Assistant City Manager Darin Girdler asked for Council's direction in continuing discussion for the disposal of city owned property, a two acre parcel proposed for multi-family dwellings. The Council was general in favor of continued discussions.

City Clerk Sue McMillan asked for Council's attention to the list of scheduled Council Meetings for 2013 that was received under Consent Agenda items.

Attorney Burt Dancey sent words of congratulations to his parents on their 68th wedding anniversary.

EXECUTIVE SESSION

No business to come before the Council.

No further business to come before the Council, motion by Council Member Massaglia, seconded by Council Member McCabe to adjourn. Unanimously approved by voice vote.

COUNCIL ADJOURNED AT 7:40P.M.

Sue E. McMillan
City Clerk