City of Pekin

REGULAR COUNCIL MEETING MONDAY, NOVEMBER 9, 2015
5:30 P.M.

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1.0 CALL TO ORDER		
2.0 PLEDGE OF ALLEGIANCE *Mayor John McCabe*		
3.0 ROLL CALL *Clerk to Call the Roll*		
4.0 APPROVAL OF AGENDA ***ACTION:*** *Motion to approve the meeting agenda.* ***VOTE REQUIRED***		
5.0 APPROVAL OF MINUTES ***ACTION:*** *Motion to approve minutes of the Regular Council Meeting of October 26, 2015.* ***VOTE REQUIRED***		
6.0 PUBLIC INPUT		
7.0 CONSENT AGENDA		
7.1 Receive and File Monthly Reports and Minutes: Draft Liquor Commission Minutes dated October 22, 2015.		
ACTION: *Motion to approve all items listed on the Consent Agenda by Omnibus Vote.* ***VOTE REQUIRED TO APPROVE CONSENT AGENDA***		
8.0 COMMUNICATIONS, PETITIONS, REPORTS		
9.0 NEW BUSINESS		
9.1 Intergovernmental Agreement for Animal Control **DESCRIPTION:** A service with the County that has the facilities and manpower to provide the service of responding to the City Code for stray domestic animals. The cost remains the same as the 2 previous years. **ACTION:** Motion to approve the Agreement with Tazewell County Animal Control Services for the coming year (2016) in the amount of $45,046.00. **VOTE REQUIRED**	DG	5

9.2 Ordinance No. 2733-15/16 - Authorizing the Execution of the IMLRMA Minimum/Maximum Contribution Agreement **DESCRIPTION:** Authorizes Illinois Municipal League Risk Management Association agreement of premiums for work comp, liability, and property insurance. Rates are based on claim history of a pool of municipalities rather than individual claims. The option allows the City to pay a lower premium as long as costs stay below the minimum amount. **ACTION:** Motion to adopt the Ordinance. **VOTE REQUIRED**	DG	5
10.0 ANY OTHER BUSINESS TO COME BEFORE THE COUNCIL		
11.0 EXECUTIVE SESSION **65 ILCS 120/2 (c)** 11. Pending litigation and 6. The setting of a price for lease of municipally owned property.		
12.0 ADJOURN **NO VOTE REQUIRED**		

Column 1 Key:

DG City Manager Darin Girdler

Column 2 Key:

1 **A Prosperous Community.** To promote and sustain a balanced economy that supports expansion and retention of family-wage jobs.
2 **A Safe Community.** To protect community life and property by providing effective, principled police and fire services.
3 **A Strong Foundation.** To improve and maintain existing infrastructure and leverage opportunities for new infrastructure.
4 **A High Quality of Life.** To support or provide services that improve the quality of life for Pekin's residents.
5 **An Effective Government.** To deliver effectively the services that Pekin's residents want, need, and are willing to support.

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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, OCTOBER 26, 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

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The **Pledge of Allegiance** was led by Mayor McCabe. Mayor McCabe introduced the new Chief of Police John V. Dussey who was sworn in earlier in the day.

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 objected to the agenda description for censure and contented Council Member Orrick did not have authority to act but to recommend to Council. Attorney Dancey gave the opinion that Council Member Orrick acting as Mayor Pro Tem on the investigation of allegations against the Mayor McCabe had indicated what language he wanted on the agenda. On roll call vote, Ayes, Orrick, Luft, Dunn, Abel, Ritchason, and McCabe; Nay, Golden. Motion carried.

MINUTES

Motion by Council Member Luft, seconded by Council Member Ritchason that the **minutes of the Regular City Council Meeting of October 13, 2015 be approved as written.** On roll call vote all present voted Aye.

PUBLIC INPUT

Melinda Figge Executive Director of the Pekin YWCA, Lyn Johnson Social Services Coordinator Salvation Army and Greg Ranney Director United Way all spoke in appreciation of the recommended allocation of the Community Development Block Grant Public Services activities to their agencies and encouraged the Council Members to vote yes for approval.

Jim Mangan spoke in opposition of allocation amendment to the CDBG Action Plan. He reminded Council of the discussion in July of HUD integrating into all neighborhood which jeopardized Pekin homeowners and allows for more crime. Mr. Mangan presented his opposition to the impoundment of vehicles as extortion and against 4th amendment rights.

He felt censure without a penalty was just a word game and a written reprimand was an insult to the public's intelligence.

Ann Witzig encouraged the Council to vote no on Business Items involving HUD dollars. She told Council the airport was mismanaged and that was why the department was in the red each year.

CONSENT AGENDA

Motion by Council Member Golden, seconded by Council Member Abel that the **CONSENT AGENDA be approved as presented.** The following was presented for consideration of the Consent Agenda items by Omnibus Vote. Council Member Golden pointed out typos with in International Alpha Delta Kappa Month document. Mayor McCabe read the proclamation and presented Marge Melchers with the proclamations honoring members of the teachers' sorority.

7.1 Receive and File Monthly Reports and Minutes: Minutes Liquor Commission dated August 27, 2015 and Tourism Committee Minutes dated October 13, 2015.
7.2 Proclamation: "International Alpha Delta Kappa Month" October 2015

On roll call vote all present voted Aye.

UNFINISHED BUSINESS
The unfinished business item tabled July 13, 2015 was presented and motion was made by Council Member Golden, seconded by Council Member Ritchason that the **2015 ACTION PLAN AMENDMENT #1B TO COMMUNITY DEVELEMENT BLOCK GRANT be approved.** Community Development Director Pamela Anderson recommended the reallocation of $294,382.31 CDBG dollars for the 2015 Action Plan tabled July 12, 2015. She informed the Council that since July HUD recommended additional dollars to be allocated to the FY programs. There were no questions or comments from the Council. On roll call vote, Ayes, Orrick, Luft, Dunn, Abel, Ritchason, and McCabe; Nay, Golden. Motion carried.

NEW BUSINESS
Motion by Council Member Dunn, seconded by Council Member Orrick that the **COMMUNITY DEVELOPMENT BLOCK GRANT PUBLIC SERVICES ACTIVITIES be approved.** Community Development Director Pamela Anderson presented the recommended allocation of 8 activities from 5 Pekin agencies that were submitted. Seven were eligible activities. Request for proposals were sent on August 25, 2015 to not-for-profit social service agencies that serve the City of Pekin with a due date of September 11, 2015. The following were recommended:

- 17% Pekin Salvation Army
- 40% Center for Prevention of Abuse Carol House of Hope
- 23% Pekin YWCA
- 20% Driven Church

Comments were received from Council Members that without CDBG the City did not have funding source nor could some agencies survive. Springfield's cuts also had effected programs. Council Member Golden commented negatively on the amount of HUD funds used for coordinating programs. He stated the City needed to wean itself from federal programs that were able to direct dollar use. On roll call vote Ayes, Orrick, Luft, Dunn, Abel, Ritchason, and McCabe; Nay, Golden. Motion carried

ORDINANCE NO. 2730-15/16 B
AMENDING TITLE 1, CHAPTER 5, SECTION 3A.
OF THE CODE OF THE CITY OF PEKIN 1995
REGARDING CITY COUNCIL MEETINGS

Motion by Council Member Dunn, seconded by Council Member Abel that Ordinance No.2730-15/16 be adopted. City Manager Darin Girdler informed the Council that the amendment removed Columbus Day as an exception to the language that provided Council meet for its regular scheduled Monday meetings the following Tuesday on a legal holiday. City Hall was open on Columbus Day each year so there was no direct reason that Council could not meet on Monday. On roll call vote all present voted Aye.

Motion by Council Member Abel, seconded by Council Member Dunn that the **IMPROVEMENT AMENDMENT TO EXISTING AIRPORT LEASE be approved.** Airport Manager Clayton Stambaugh requested that Council approve an amendment to the existing Hangar E Lease of Holzwarth-Flexenhar LLC allowing lessee reimbursement through the form of rental fee waiver not to exceed (5) years for approved costs associated with improvements made not to exceed a total of $43,308.17. Council discussed the safety/liability, heating efficiency, financial effectiveness of the improvement associated with the large door system on the hangar which needed replacement. Council Member Golden commented on the door failure and lack of planned maintenance of ageing infrastructure. He questioned Mr. Stambaugh why the door was not noted on the January 2014 renewal lease. On roll call vote Ayes, Orrick, Luft, Dunn, Abel, Ritchason, and McCabe; Nay, Golden. Motion carried.

ORDINANCE NO. 2731-15/16
AMENDING TITLE 6, CHAPTER 2, SECTION 11
OF THE CODE OF THE CITY OF PEKIN 1995
REGARDING IMPOUNDMENT OF VEHICLES

Motion by Council Member Abel, seconded by Council Member Luft that Ordinance No.2731-15/16 be adopted. City Manager Darin Girdler advised the Council that the amendment reinstated provision for seizure and impoundment of vehicles for the citation charging violation of offenses including weapons, controlled substance, suspended vehicle license, etc. the last amendment to reinstate the procedure Ordinance No. 2695-13/14 failed to be adopted February 24, 2014. Council Member Dunn felt the Council was not prepared to vote on the matter without input from the new Police Chief. Council Member Orrick suggested language be considered for a maximum storage fee and reimbursement for towing if found innocent. Council Member Golden requested a report of reduced crime statistics when in effect. He felt consideration of a nuisance driving ordinance would be more beneficial for safety. He had requested previously that consideration be given to donating abandoned vehicles from the towing ordinance be given to the needy. Motion by Council Member Luft, seconded by Council Member Orrick that Ordinance No.2731-15/16 be laid over in the Office of the City Clerk until December 14, 2015, the first meeting after the Retreat. On roll call vote all present voted Aye.

ORDINANCE NO. 2732-15/16
AMENDING TITLE 5, CHAPTER 2A SECION 1-5
OF THE CODE OF THE CITY OF PEKIN 1995
REGARDING GARBAGE, REFUSE, AND LITTERING

Motion by Council Member Ritchason, seconded by Council Member Abel that Ordinance No.2732-15/16 be adopted. Council was told the language in the amendment removed the $20.00 fee for the City to provide residential garbage collection for oversized items that was established April 14, 2014. Council Member Luft suggested to the public that agencies, churches, organizations such as the Hope Chest be contacted if larger items for pickup were still usable prior to the City solid waste department picking them up for the landfill. On roll call vote all present voted Aye.

Motion by Council Member Orrick, seconded by Council Member Dunn that the **WRITTEN REPRIMAND FOR MAYOR JOHN MCCABE be approved.** Council Member Orrick presented his results of the inquiry of unprofessionalism in making a call to Illinois American Water Company Roger Goodsen to discuss Council Member Mark Luft. As provided in the Council Code of Conduct council Member Orrick as Mayor pro-tem acted with a written reprimand of the Mayor but ask that Council approve his action. Mayor apologized for the call, McCabe and Luft accepted and concurred in the decision and both indicated their desire to put the matter behind and move forward. On roll call vote, Ayes, Orrick, Luft, Golden, Abel, Dunn, Ritchason; Abstaining McCabe. Motion Carried

ANY OTHER BUSINESS TO COME BEFORE THE COUNCIL

Carl Hauk a resident of California Road spoke in opposition to the construction of a structure next to him as a single family home as provided for in the Lakeview Subdivision covenants where he lived. He informed the Council that the request to rezone 8 empty lots from R-1 was withdrawn at the Planning Commission stage after several residents stated their case against a zoning change to the Board and the developer. Mr. Hauk had the perception that the owner was still building a duplex with 2 septic systems and a 4 car garage.

Ann Witzig voiced her disappointment that Council voted to accept an amended lease at the Airport and felt the airport loses were a result of continued poor management. Mrs. Witzig spoke in disfavor of HUD money and questioned Ms. Anderson on amount of allocations that were approved to each agency.

Jim Mangan asked the Council Members how many calls were received by them in favor of the allocated CDBG funds. He accepted that the parties in the censure reprimand were satisfied but asked when the public would be satisfied and receive the reprimand results from the parties' misuse of tourism funds.

Brian Brummitt also addressed the matter of the construction of a home on California Road. He felt there was acceptance of construction by the City if the word "duplex" was not used.

Pamela Anderson confirmed that there was always a plan in the use of HUD dollars and that the Council adopted the 5 Year spending program of CDBG Action Plan funds at t March 2015 meeting.

Council Member Dunn congratulated the sports teams of the Pekin Community High School and wish them well in moving possibly through regionals, sectionals and State events.

Council Member Luft felt the Council needed more public input from those who chose not to attend the meetings and encouraged the public to contact the Council to comment on business of the City by email.

Council Member Orrick presented the following items for the new Police Chief's consideration:

1. Report on pedestrian fatality at the corner of Derby and 7th Streets if anything could have been done to prevent as far as a Traffic Safety matter. 2. Enforcement of cell phone use in vehicles and littering

He praised the upcoming Council Retreat as an opportunity to meet as a team, develop a plan for the City and to move forward.

Council Member Ritchason welcomed the new Police Chief to the City and expressed appreciation to Deputy Chiefs Baxter and Kaminski for their efforts in running the department during the search.

Council Member Golden asked for a copy of the Ameren Franchise Agreement. He warned of the establishment of group homes from the demands of HUD in all neighborhoods. He stated he had received complaints of the noise on Veterans Drive and questioned why a noise barrier wall was not part of the original plan. Council Member Golden welcomed the new chief and asked if the officers while patrolling could identify street light outages which would enhance safety. He noted that Kouri's parking lot had been paved and expressed appreciation.
McCabe again apologized for his actions and extended his hand to Council Member Luft in solidarity of putting the past behind them.

No further business to come before the Council, motion by Council Member Orrick, seconded by Council Member Luft that Council adjourn. Motion to adjourned carried voice vote.

COUNCIL ADJOURNED AT 7:25 P.M.

Sue E. McMillan
City Clerk

LIQUOR COMMISSION MINUTES
THURSDAY, OCTOBER 22, 2015 AT 4:00 P.M.
CITY HALL CONFERENCE ROOM
111 SOUTH CAPITOL STREET
PEKIN, ILLINOIS 61554

Liquor Commissioner John McCabe called the meeting to order at 4:07 p.m.

PLEDGE of ALLEGIANCE

ROLL CALL
The following members were present for roll call: Liquor Commissioner John McCabe, Fire Chief Kurt Nelson, Commission Member Buster Hanley and Commission Member Dale Vonderheide.

Absent: Deputy Liquor Commissioner Rick VonRohr and Deputy Police Chief Don Baxter
Also present: Attorney Sue Bosich

APPROVAL OF AGENDA
Motion made by Fire Chief Kurt Nelson to approve the agenda for October 22, 2015, seconded by Commission Member Dale Vonderheide. On roll call vote all present voted Aye. Motion carried.

APPROVAL OF LIQUOR COMMISSION MINUTES
Motion made by Commission Member Buster Hanley to approve the August 27, 2015 liquor commission minutes, seconded by Commission Member Vonderheide. On roll call vote all present voted Aye. Motion carried.

PUBLIC INPUT/COMMENTS/QUESTIONS
Casey's store manager Tara Davis was present and asked about if the Liquor Commission had a chance to discuss recommending that the Liquor Code be changed to allow alcohol sales in gas stations. They are doing remodeling at their N. 8th Street store and was planning on adding a beer cave and they also bought the gas station at the corner of Court and Parkway. She stated they were also considering a third location on Veteran's Drive if alcohol would be allowed. Ms. Davis has 10 store under her supervision. They've only had one incident where they were cited for selling alcohol to a minor. That employee was fired and they were suspended on their liquor license for a weekend. Casey's Corporate office has their own training and they also set up their own stings. Casey's Corporate offices will abide by all rules and regulations of the City of Pekin Liquor Code.

Discussion: Liquor Commissioner McCabe stated our liquor code does not allow selling of alcohol in gas stations right now. It has been brought up many times in the past to allow this. Will research this further.

John Shibu, with SSH Food Mart, 1502 Sheridan inquired about the shop next door to them. They would like to apply for a liquor license to open a liquor store. There are three businesses in this plaza with separate addresses.

Discussion: Liquor Commissioner McCabe stated this is a gray area and will look into it and have an answer at the next meeting.

NEW BUSINESS

HSB ENTERPRISES, INC. DBA BREAKING POINT
HEATHER BALZAR
17 N. 4TH STREET SUITE A
PEKIN, ILLINOIS 61554

Discussion: Attorney Bosich stated the site plan is okay. Ms. Balzar will need to fill in the Agent section on the liquor application. There was also a hit on her background check and Attorney Bosch placed a call down to the Court House in Palmyra, MO to get additional information. Ms. Balzar has no idea why a felony would show on her record. She states she was never arrested, never went to court, never received a fine. Attorney Bosich will call when she clears this up. Fire Chief Nelson will stop in and re-measure for her occupancy permit.

Fire Chief Kurt Nelson made a motion to approve the liquor license for HSB Enterprises, Inc. dba Breaking Point at 17 N. 4th Street, Suite A contingent upon completion of the agent section on the liquor application and information on her background check, Seconded by Commission Member Buster Hanley. On roll call vote all present voted Aye. Motion carried.

Discussion: Commission Member Dale Vonderheide asked she will be serving food. Ms. Balzar stated they are approved by the Tazewell County Health Department to have Missy's Café food to be brought in her establishment. If a customer wants to order food through Missy's and sit at our place they can. Liquor Commissioner McCabe suggested a sign above the door stating "No Alcohol Beyond this Point".

CONSTAR, INC. DBA THE HIGH NOTE
CHAD BALL
431 ½ COURT STREET
PEKIN, IL 61554

Attorney Bosich read the charges into record: Attorney Bosch stated Mr. Ball plead guilty of the charges. Mr. Ball was charged with 3-3-9 – telephone on premises, 3-3-5-3 – closed circuit video, and 3-3-5-3 – sprinkler system of our Liquor Code. For their 1st offense; $500.00 fine, costs and Attorney fees. A person called in to the Clerk's Office stating they were Mr. Ball's silent partner (which is another violation that we can look at later). She left and took certain things with her which left the High Note with several violations. In a separate incident Mr. Ball plead guilty to non-payment of our 2% Food and Beverage tax.

Commission Member Hanley made a motion to charge Cornstar, Inc. dba The High Note $500.00 and cost for above mentioned charges and to re-visit other charges, seconded by Commission Member Vonderheide. On roll call vote all present voted Aye. Motion carried.

ANY OTHER BUSINESS

Attorney Sue Bosich emailed the information regarding the new Happy Hour law to the Liquor Commission members. Also noted was Friends Tap was fined for the 2% Food and Beverage, she is caught up with her 2%, but gave her until November 3rd to pay her $500 fine and cost. If she does not come into the office to pay, we will prepare to go to court. There was a mishap on serving Chuck Geier from Roxy's his papers for being late on the 2% Food and Beverage tax. Mishap on serving Chuck Geier Roxy's court papers instead of his own. In the meantime Chuck Geier from Roxy's came in and paid up his taxes. All court papers that need to be served from our Police Department will now go back to the attorney's office instead of the City Clerk's office.

Liquor Commissioner McCabe asked about the no smoking in Beer Gardens. Tazewell County Health Department is in charge of enforcing. If more complaints come in can we bring this to the Liquor Commission? Attorney Bosich stated we can.

Commission Member Hanley noticed at the Slot Spot at 424 Derby, right inside the door to the right there is a door that was open. He thought there can't be a door to the existing business? There is a door at the back of the building that goes to the restrooms and inside that hall there is another door to enter the other business, but that door is locked to patrons. Fire Chief Nelson will go and check this out.

Fire Chief Nelson made a motion to adjourn.

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Meeting adjourned at 4:43 P.M.

Next Regular Meeting will be Thursday, November 19th, 2015 at 4:00 P.M. instead of our regular 4th Thursday because of Thanksgiving falling on November 26th.

Respectfully submitted, Paula Gensel, Liquor Commission Secretary

INTERGOVERNMENTAL AGREEMENT
FOR
ANIMAL & RABIES CONTROL SERVICES

THIS AGREEMENT, entered into this 1st day of January, 2016, by and between the County of Tazewell, Illinois, a body politic and corporate (hereinafter referred to as "County") and the City of Pekin, a unit of local government of the State of Illinois (hereinafter referred to as "Municipality"), this Agreement being entered into pursuant to Article 7, Section 10 of the Constitution of the State of Illinois of 1970.

In consideration of the payment by Municipality to the County of the sum of $45,045.96, County agrees to provide the following Animal and Rabies Control services through the Tazewell County Animal & Rabies Control Department, its administrator, director, deputies, and agents as follows.

1. The County shall respond to calls and attempt to pick up animals running at large within the corporate limits of the Municipality between the hours of 8:00 a.m. and 4:00 p.m. seven (7) days a week, including weekends, but not including regularly scheduled County Holidays.
2. The County shall, on an emergency basis only, attempt to pick up animals running at large between the hours of 4:00 p.m. and 8:00 a.m. the next morning seven (7) days a week including weekends. During these times, the County has no obligations under this contract unless an emergency exists.
3. On regularly scheduled County Holidays, the County shall, on an emergency basis only, attempt to pick up dogs running at large both day and night. On regularly scheduled County Holidays, the County has no obligations under this contract unless an emergency exists.
4. For the purposes of this Agreement, an emergency shall be considered to include but not be limited to the following situations: a) a person in immediate danger of an animal; b) sick or injured domestic animals running at large; c) sick or injured wild animals; d) aggressive animals running at large; e) animal bite reports; f) providing necessary assistance to police, fire or EMS agencies; g) wildlife present in the living quarters of a home/apartment/business however removal of such wildlife from attics, walls or closed interiors areas of a building of any kind is not provided by Tazewell County Animal Control; h) animals in extreme elements without proper shelter or access to water (e.g. a dog in frigid temperature with no access to shelter or an animal left in a hot car)
5. Emergency calls shall be placed by the City or Village authorities or a citizen of the Municipality to either the Sheriff's Department (346-4141) or the Tazewell County Animal & Rabies Control facility (925-3370). All calls placed by citizens, police, or governmental bodies will be answered as soon as possible during regularly scheduled working days between the hours of 8:00 a.m. and 4:00 p.m., Monday thru Friday. Responses to emergency calls shall be made by the Tazewell County Animal Control Warden who is then on duty.

6. The County of Tazewell shall accept and make reasonable response to complaints of citizens concerning dogs running at large within the corporate limits of the Municipality.
7. The County may make regular and irregular patrols thru the corporate limits of the Municipality one day a week at regular and irregular hours.
8. The County shall take custody and impound animals apprehended within the corporate limits of the Municipality at the Tazewell County Animal & Rabies facility.
9. The County of Tazewell shall require proof of payment of Municipal reclamation fees to the Municipality by owners of animals sought to be redeemed before releasing said animal from custody.
10. The County of Tazewell shall provide humane treatment of animals removed from the corporate limits of the Municipality during the period of impounding.
11. The County of Tazewell shall make reasonable efforts to locate the owner or owners of any impounded animal providing that said animal is wearing a collar or rabies tag capable of identifying ownership. Upon identifying the owner or any such animal, an attempt will be made for immediate notification to said owner. A letter shall be mailed to the last known address of the owner notifying him of the impoundment of his animal. Said notification will give notice to the owner that the animal shall be destroyed, adopted, or transferred after the passage of seven (7) days if not reclaimed in accordance with law by the owner. An affidavit or testimony of the Administrator, or his authorized agent, who mails such notice shall be prima facie evidence of the receipt of said notice by the owner of such animal.
12. It is mutually understood and agreed that any animal apprehended from within the corporate limits of the Municipality and impounded at the Tazewell County Animal and Rabies Control Shelter, with respect to whom the owner is unknown but which unknown owner has failed to claim the animal within four (4) working days, shall be humanely dispatched or placed for adoption at the discretion of the Director of the Tazewell County Animal & Rabies Control Department pursuant to the provisions of the Animal Control Act of the State of Illinois.
13. It is further understood and agreed that the consideration payable by the Municipality to the County may at the option of the Municipality be paid in equal monthly installments.
14. This Agreement shall become effective on the 1st day of January, 2016, and shall be in full force and effect for a period of one (1) year.
15. This contract shall be governed by the interpreted in accordance with the laws of the State of Illinois. All relevant provisions of the laws of the State of Illinois applicable hereto and required to be reflected or set forth herein are incorporated by reference.
16. No waiver of any breach of this contract or any provision hereof shall constitute a waiver of any other or further breach of this contract or any provision thereof.
17. This contract is severable, and the invalidity, or unenforceability of any provision of this contract, or a part thereof, should not render the remainder of the contract invalid or unenforceable.
18. This contract may not be assigned by either party without the written consent of the other party.

19. This contract shall be binding upon the parties hereto and upon the successors in interest, assigns, representatives and heirs of such parties.
20. This contract shall not be amended unless in writing expressly stating that it constitutes an amendment to this contract, signed by the parties hereto.
21. The parties hereto agree that the foregoing constitutes all the agreement between the parties and in witness thereof the parties have affixed their respective signatures on the date above first noted.

PASSED this ___________ day of ____________, ___________.

____

Tazewell County Board Chairman

ATTEST:

____

Tazewell County Clerk

MUNICIPALITY:

____

Mayor or Village Board President

TAZEWELL COUNTY ANIMAL & RABIES CONTROL:

____

Director

ANNUAL AMOUNT: $45,045.96

MONTHLY AMOUNT $3,753.83

Tazewell County
Animal Control

October 20, 2015

To Whom It May Concern:

Please find enclosed the Intergovernmental Agreement for Animal & Rabies Control for 2016. Tazewell County proposes a continuation of the contract at the same fee as 2015.

I would be happy to speak with a representative on this issue at your convenience or attend a Village Board or City Council meeting to discuss the animal control contract. Please contact me at 309-925-3370 if you have any questions or comments. I look forward to hearing from you.

Sincerely,

Ryan Sanders

Ryan Sanders
Director of Animal Control

21314 Illinois Route 9
P.O. Box 158
Tremont, IL 61568
309-477-2270
309-925-3370

REQUEST FOR COUNCIL ACTION

To: Mayor & Council Members

CC: City Manager & City Clerk

From: Angie Evans

AGENDA ITEM: IL Municipal League Risk Management Association contribution for Work Comp, Liability and Property Insurance.

AGENDA DATE REQUESTED: November 9, 2015

ACTION REQUESTED: Membership renewal in IMLRMA's min/max program

BACKGROUND: We have been members of IMLRMA since April, 2001. Premiums are based on claim history of a pool of municipalities, rather than our individual claims. This alone has proven to be a substantial cost savings. The Min/Max option allows us to pay a lower premium as long as costs stay at or below the minimum amount allowed. If claims go over the minimum, we pay dollar for dollar until we reach a cap of the maximum premium amount. In the 11 years we have been in the pool, we have gone over three times. The City accepted bids from four other insurance companies four years ago to ensure that we are not overspending for insurance. The min/max program with IMLRMA came in low bidder.

FINANCIAL IMPACT: IMLRMA offers two premium options, the annual membership contribution of $1,201,419 or the Min/Max contribution of $986,665, which is actually down $13,249.00 from last year.

IMPACT IF APPROVED: The Min/Max option will save $214,754.

IMPACT IF DENIED: Costs in excess of $1,201,419.

ALTERNATIVES: Higher premiums.

REQUIRED SIGNATURES

Department Director		10-28-15 Date
Finance Department	(Certification of Availability of Funds)	10-28-15 Date
Corporation Counsel	(Certification of Review)	Date
City Manager		Date

ORDINANCE NO. <u>2733-15/16</u>

AN ORDINANCE AUTHORIZING THE EXECUTION OF THE IMLRMA MINIMUM/MAXIMUM CONTRIBUTION AGREEMENT

WHEREAS, the City Council of the City of Pekin, Illinois, a member in good standing of the Illinois Municipal League Risk Management Association and party to the IMLRMA Intergovernmental Cooperation Contract, has been fully apprised of the IMLRMA Minimum/Maximum Contribution Agreement which amends and supplements the IMLRMA Declarations pages dated 12/31/2014 to 12/31/2015 and all endorsements thereto; and,

WHEREAS, the City Council of the City of Pekin finds it to be in the best interest of the municipality to make its IMLRMA contribution in accordance with the IMLRMA Minimum/Maximum Contribution Agreement.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PEKIN, ILLINOIS AS FOLLOWS:

<u>SECTION ONE</u>: That the execution of the IMLRMA Minimum/Maximum Contribution Agreement for a one (1) year period beginning 12/31/2015 and ending 12/31/16 is hereby authorized.

<u>SECTION TWO</u>: That the Mayor and the City Clerk are hereby granted authority to execute the IMLRMA Minimum/Maximum Agreement which amends and supplements the IMLRMA Declarations pages dated 12/31/2014 to 12/31/2015 and all endorsements thereto.

<u>SECTION THREE</u>: That this Ordinance shall be effective immediately upon its passage and approval as required by law.

PASSED AND APPROVED at a regular meeting of the City Council of the City of Pekin, this 9th day of November, 2015; and upon roll call the vote was as follows:

AYES: Dunn, Orrick, Luft, Ritchason, Golden, Abel and McCabe

NAYS: None

ABSENT: None

ABSTAINING: None

MAYOR

ATTEST:

Sue M. McMillan

CITY CLERK

ILLINOIS MUNICIPAL LEAGUE RISK MANAGEMENT ASSOCIATION

PO BOX 5180, SPRINGFIELD, IL 62705-5180
Ph: 217-525-1220 Fax: 217-525-7438

2016 MIN/MAX CONTRIBUTION: $986,665

Date: 10/26/2015

MEMBER:
CITY OF PEKIN

Account #: 0461

$559,950	Work Comp
$291,436	Auto Liability & Comprehensive General Liability
$4,739	Portable Equipment
$49,199	Auto Physical Damage
$81,341	Property
$986,665	**TOTAL MIN/MAX CONTRIBUTION**

PAYMENT OPTIONS – Please Check One Box

The signed MIN/MAX agreement must be returned with your payment.

☒ **OPTION #1 – BEST VALUE!**
Early Pay 1% Discount

Invoice Amt:	$986,665.00
Minus 1%	$9,866.65
Total due	$976,798.35

Total due by: 11/20/15

☐ **OPTION #3**

PAY FULL AMOUNT

Invoice Amt:	$986,665.00

Total due by: 12/18/15

☐ **OPTION #2 – Pay in Two Installments**
Early Pay 1% Discount
(Includes 1% Installment Fee)

Invoice Amt	$986,665.00
Minus 1%	$9,866.65
	$976,798.35
1% installment fee	$9,767.98
Total Invoice	$986,566.33

$493,283.17 due by : 11/20/15, and
$493,283.16 due by : 5/13/16

☐ **OPTION #4 – Pay in Two Installments**
(Includes 1% Installment Fee)

Invoice Amt	$986,665.00
1% Installment Fee	$9,866.65
	$996,531.65

$498,265.83 due by : 12/18/15, and
$498,265.82 due by : 5/13/16

PAYMENT ENCLOSED: $ 976 798.35

Please return this invoice with payment.

Make Check Payable To:

IML Risk Management Association
PO Box 5180
Springfield, IL 62705-5180

*** If you select Option 2 or Option 4 for Pay in Two Installments, please read and sign Acknowledgement below before returning invoice.**

On behalf of the city/town/village named above ("Member"), I hereby warrant that I have the authority to sign this agreement on the Member's behalf. I acknowledge and understand that the installment option is afforded only as a benefit for budgeting purposes and is not meant to allow for mid-term withdrawal. I acknowledge and understand that Article 5 of the Intergovernmental Cooperation Contract ("Contract") prohibits termination of the Intergovernmental Cooperation Contract prior to the last day of December of any given year. Per Article 5, I warrant that the Member will adhere to the Contract and pay the second installment when due.

Mayor/Village President or Other Municipal Officer (Please Sign)	Title: Mayor	Date: November 9, 2015

IMLRMA MINIMUM/MAXIMUM CONTRIBUTION AGREEMENT

This Agreement is between the Illinois Municipal League Risk Management Association (IMLRMA), an intergovernmental association formed pursuant to Article VII, Section 10 of the Illinois Constitution of 1970 and the **CITY OF PEKIN**, a member of the IMLRMA. This Agreement amends and supplements the Declarations Pages dated January 01, 2016 to January 01, 2017 and all endorsements thereto.

1. **DEFINITIONS**

The following definitions shall apply for purposes of this Agreement:

"Loss Fund" -- Those dollars set aside for the payment of claims excluding reinsurance and excess premiums and administrative costs.

"Minimum Loss Fund" -- 75 percent of those dollars set aside for the payment of claims excluding reinsurance and excess premiums and administrative costs.

"Maximum Loss Fund" -- 120 percent of those dollars set aside for the payment of claims excluding reinsurance and excess premiums and administrative costs.

"Paid Claim Dollars" -- Those payments made by IMLRMA on claims including defense costs against the **CITY OF PEKIN** minus recovery from subrogation, deductible or salvage credited against those claim payments.

"Minimum Contribution" -- Minimum Loss Fund including reinsurance and excess premiums and administrative costs.

"Maximum Contribution" -- Maximum Loss Fund including reinsurance and excess premiums and administrative costs.

2. **MINIMUM/MAXIMUM CONTRIBUTION BREAKDOWN**

The **CITY OF PEKIN** hereby agrees to the following schedule of contributions:

		Minimum Contribution		Maximum Contribution
Reinsurance and Excess Premiums and Administrative Costs		$ 342,404		$ 342,404
Loss Fund	@ 75%	$ 644,261	@ 120%	$1,030,818
Contribution		$ 986,665		$1,373,222

3. Based upon a comparison of paid claim dollars against the Loss Fund, IMLRMA will determine whether additional contributions beyond the minimum contribution will be required up to the maximum contribution.

4. For purposes of determining paid claims, IMLRMA will complete a semi-annual review of paid claim dollars.

2 East Main | 3rd Floor Towne Centre | Danville, IL 61832 | Phone: 217.446.1089 | Fax: 217.443.0927 | **www.imlrma.org**

5. **NOTICE**

IMLRMA hereby agrees to send, through its agents, written notice when paid claim dollars are equal to or greater than 60 percent of the Minimum Loss Fund.

IMLRMA agrees, through its agents, to send a second written notice when paid claim dollars equal or exceed 85 percent of the Minimum Loss Fund.

6. **BILLING/PAYMENT** -- The parties to this Agreement hereby agree to the following terms:

When paid claim dollars reach or exceed 100 percent of the Minimum Loss Fund, billing will be instituted on a yearly basis for those paid claim dollars in excess of the Minimum Loss Fund and billing will continue on a yearly basis until the Maximum Loss Fund limit is attained or all claims initiated during the coverage period are closed. Billings will be completed in July of each year for paid claim dollars through June 30.

The **CITY OF PEKIN** hereby agrees to make payment within 30 days of its receipt of billing.

7. All other definitions, conditions and coverages of the IMLRMA remain the same under this Agreement, including the handling of all claims.

8. This Agreement is to be interpreted and construed in accordance with the laws of the State of Illinois.

9. If any one portion or portions of this Agreement is found to be invalid or unenforceable, the remainder shall remain valid and binding on the parties.

The undersigned hereby affirm that they are duly authorized as agents to bind the parties to this Agreement.

______________________ November 9, 2015
Mayor/Village President — Date

James D. Wolf — 11/9/2015
Treasurer/Comptroller/RMC — Date

______________________ ______________
IMLRMA, Managing Director — **Date**

CERTIFICATE

I, SUE E. MCMILLAN, CITY CLERK IN AND FOR THE CITY OF PEKIN, IN THE COUNTIES OF TAZEWELL AND PEORIA, IN THE STATE OF ILLINOIS, AND KEEPER OF THE RECORDS AND FILES THEREOF, AS PROVIDED BY STATUTE, DO HEREBY CERTIFY THE ATTACHED TO BE A TRUE, PERFECT AND COMPLETE COPY OF ORDINANCE NO. 2733-15/16 ADOPTED BY THE CITY COUNCIL OF THE CITY OF PEKIN AT ITS COUNCIL MEETING HELD ON November 9, 2015.

GIVEN UNDER MY HAND AND SEAL THIS 9th DAY OF November, 2015.

(SEAL)

Sue E. McMillan

SUE E. MCMILLAN
CITY CLERK