

CITY OF PERU REGULAR COUNCIL MEETING DECEMBER 26, 2018

A regular meeting of the Peru City Council was called to order by Mayor Scott J. Harl in the Peru City Council Chambers on Wednesday, December 26, 2018 at 7:00 p.m.

City Clerk Dave Bartley called the roll with Aldermen Potthoff, Ferrari, Waldorf, Lukosus, Radtke, Sapienza and Ballard present; Alderman Payton absent; Mayor Harl present.

All joined in the Pledge of Allegiance to the Flag of the United States of America.

PUBLIC COMMENT

Ms. Julie Ajster addressed the council questioned the following regarding the proposed amendments to the Public Comment Policy ordinance:

- Questioning the 3 minute rule
- If there is a policy and why it is not codified
- Questioned why the proposed public comment ordinance was not in the website packet
- Sharing of time
- Limiting public comment to 30 minutes
- Readdressed the issue of requesting to be on the agenda
- Questioned the new establishment of procedures of placing items on the regular meeting agendas.
- Questioned whether or not the Mayor is being selective on who goes on the agenda

PRESENTATION

MINUTES

Mayor Harl presented the minutes of the Regular Meeting of December 10, 2018. Alderman Potthoff made a motion that the minutes be received and placed on file. Alderman Waldorf seconded the motion; motion carried.

FINANCIAL REPORTS

Mayor Harl presented the Treasurer's Report for November 2018; City Clerk's Report of Cash Received for November 2018; Sales, Home Rule, Use and Telecommunication Tax Receipts for October 2018 and the Peru Recreation Fund Cash Accounts Summary for November 2018. Alderman Potthoff noted sales tax was down 2% and noted the decrease in sales due to car sales. Alderman Ferrari made a motion the reports be received, placed on file. Alderman Payton seconded the motion; motion carried.

ACTIVITY REPORTS

Mayor Harl presented the Peru Volunteer Ambulance Service Inc. Activity Summary for November 2018. Alderman Ferrari made a motion the reports be received and placed on file. Alderman Radtke seconded the motion; motion carried.

FINANCE AND SAFETY COMMITTEE

Alderman Radtke presented the following disbursements for payment on December 26, 2018:

<u>FUND NAME</u>	<u>TOTAL EXPENSES</u>
General Fund	\$790,408.70
Insurance Fund	79,389.01
Garbage Fund	31,701.48
Recreation Fund	422.32
Utility Fund	2,147,453.20

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Landfill Fund	1,005.00
Airport Fund	<u>6,270.23</u>
Total	\$3,056,649.94

Alderman Radtke made a motion that the report be received, placed on file and the bills be paid in the usual manner. Alderman Ferrari seconded the motion. City Clerk Dave Bartley called the roll with Aldermen Potthoff, Ferrari, Waldorf, Lukosus, Radtke, Sapienza and Ballard voting aye; Alderman Payton absent; motion carried.

Alderman Potthoff made a motion to approve the reinvestment of the following funds:

- É *Touchmark National for 12 mos at 2.75% for \$250,000*
- É *First National Bank of OH for 22 mos at 2.9% for \$100,000*
- É *First Internet Bank for 24 mos at 3.00% for \$250,000*
- É *Independent Bank for 26 mos at 2.90% for \$250,000*
- É *Central Bank (local) for 36 mos at 3.20% for \$100,000*

Treasurer Jackson Powell explained the laddering of funds collateralized through FDIC. Alderman Ferrari seconded the motion. City Clerk Dave Bartley called the roll with Aldermen Potthoff, Ferrari, Waldorf, Lukosus, Radtke, Sapienza and Ballard voting aye; Alderman Payton absent; motion carried.

Alderman Ferrari made a motion to approve \$500 donation to North Central Illinois ARTworks. Alderman Radtke seconded the motion. City Clerk Dave Bartley called the roll with Aldermen Potthoff, Ferrari, Waldorf, Lukosus, Radtke, Sapienza and Ballard voting aye; Alderman Payton absent; motion carried.

PUBLIC SERVICES COMMITTEE

Alderman Lukosus made a motion to approve necessary repairs to well #8 in the amount of \$111,050 to Layne Christensen Company. Alderman Waldorf seconded the motion. City Engineer Eric Carls stated the repairs are a budgeted item and added electrical work that needed to be done. City Clerk Dave Bartley called the roll with Aldermen Potthoff, Ferrari, Waldorf, Lukosus, Radtke, Sapienza and Ballard voting aye; Alderman Payton absent; motion carried.

Alderman Ballard made a motion to approve quote from Chapman's Mechanical Systems, Inc., in the amount of \$9,747.00 for new HVAC system for Map Room at the Public Works Building to be funded by the Utility Fund. Alderman Waldorf seconded the motion. City Clerk Dave Bartley called the roll with Aldermen Potthoff, Ferrari, Waldorf, Lukosus, Radtke, Sapienza and Ballard voting aye; Alderman Payton absent; motion carried.

Alderman Waldorf made a motion to accept \$100,000 donation to the Peru City Cemetery from the Estate of Anita R. Copeland. Alderman Lukosus seconded the motion. City Clerk Dave Bartley called the roll with Aldermen Potthoff, Ferrari, Waldorf, Lukosus, Radtke, Sapienza and Ballard voting aye; Alderman Payton absent; motion carried.

City Clerk Dave Bartley presented the proposed resolution entitled:

RESOLUTION NO. 2018-22

RESOLUTION AUTHORIZING THE CONNECTIONS OF SANITARY SEWER SERVICE FOR RT. 251 AND SHOOTING PARK ROAD

Alderman Waldorf made a motion the resolution be adopted as written and read. Alderman Sapienza seconded the motion. City Clerk Dave Bartley called the roll with Aldermen Potthoff, Ferrari, Waldorf, Lukosus, Radtke, Sapienza and Ballard voting aye; Alderman Payton absent; motion carried.

Alderman Sapienza made a motion to authorize permanent chain with NO Parking sign at McKinley Park. Alderman Waldorf seconded the motion. City Clerk Dave Bartley called the roll with Aldermen Potthoff, Ferrari, Waldorf, Lukosus, Radtke, Sapienza and Ballard voting aye; Alderman Payton absent; motion carried.

REPORT OF CITY ATTORNEY/ORDINANCES AND RESOLUTIONS

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Assistant Corporate Counsel Scott Schweickert presented a proposed ordinance entitled:

ORDINANCE NO. 6332

AN ORDINANCE ADOPTING A MANAGEMENT AND SUPERVISION AGREEMENT FOR WASTEWATER TREATMENT PLANT AND WATER TREATMENT PLANTS OF THE CITY OF PERU WITH T.E.S.T., INC.

Alderman Waldorf made a motion the ordinance be adopted as written and read. Alderman Lukosus seconded the motion. City Engineer provided a letter of recommendation in favor of extending the contract for another five years. (see below). Alderman Radtke story. Alderman Potthoff commented. Alderman Ferrari commented. Alderman Sapienza commented. City Clerk Dave Bartley called the roll with Aldermen Potthoff, Ferrari, Waldorf, Lukosus, Radtke, Sapienza and Ballard voting aye; Alderman Payton absent; motion carried.

LETTER OF RECOMMENDATION FROM CITY ENGINEER ERIC CARLS:

December 26th, 2018

City of Peru
Attn: Mayor & Council
1901 4th St.
Peru, IL 61354

SUBJECT: TEST, Inc. Contract

Dear Mayor & City Council,

Over the course of the last four and one-half years I have been monitoring the City's consulting services for engineering, architectural, and water/waste water services. In this time period I have observed the various consultants the City has employed, I have managed and negotiated service contracts, and I have made recommendations to the Mayor and City Council regarding those outside services.

On December 31st, 2018 the City's contract with TEST, Inc. is scheduled to expire, and I am recommending the terms (as revised) of this contract be extended for an additional five-year period. One of the most important components of the City is to provide safe drinking water and manage City waste for regulated discharge. TEST has continually shown the level of expertise and professionalism to manage these very important and vital services for our community.

The December 26th, 2018 Council Agenda contains an action item to renew a contract with TEST, Inc. Below is an outline of some of the changes within the contract:

- 1.) Removed the table for waste water limits; and revised the language to reference the current NPDES permits. These limits are ever changing with IEPA and the contract will reflect those potential future changes.
- 2.) Added operation of the Splash Pad to maintain the water quality standards of IDPH and other regulatory agencies.
- 3.) Revised the number of waste water plant operations from one to two, to include the West Waste Water Treatment Plant.
- 4.) Revised the number of required qualified staff from five full-time to six full-time.

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- 5.) Revised compensation to remove the annual increase. The total annual compensation will be equal to the 2018 rate of \$606,622.34 and paid at a rate of \$23,331.63 bi-weekly. The annual rate, for the contract scope of services, will remain the same for the five-year term.

In addition to the water and waste water operations TEST has managed the City of Peru's pre-treatment program for our industrial users. This is an in-depth program requiring a high level of expertise and technical assistance for our industrial community. TEST recently completed a program audit by the US EPA successful and with positive feedback.

TEST, Inc.'s office being located in the City of Peru and many of the employees, working within our water and waste water facilities, being residents of Peru has added an extra level of service. The level of local expertise and certifications of the individuals within our community is not only a value but an asset to the City.

I have continually been impressed and pleased with the consulting services and personnel TEST, Inc. provides to the City of Peru for our water and waste water operations and I am favorably recommending the contract extension. If there are any questions or concerns, please do not hesitate to contact me.

Sincerely,



Eric Carls, P.E.
City of Peru - City Engineer

cc: Clerk - David Bartley
ASM - Douglas Bernabei
Finance Officer - Justin Miller
City Atty. - Douglas Schweickert

Assistant Corporate Counsel Scott Schweickert presented a proposed resolution entitled:

RESOLUTION NO. 2018-23

A RESOLUTION AUTHORIZING RIGHT-OF-WAY ENCROACHMENT LICENSE LICENSE AGREEMENT BETWEEN THE CITY OF PERU AND SANDRA L. PLATT, 1425 CROSS STREET, PERU, ILLINOIS

Alderman Waldorf made a motion the resolution be adopted as written and read. Alderman Sapienza seconded the motion. City Clerk Dave Bartley called the roll with Aldermen Potthoff, Ferrari, Waldorf, Lukosus, Radtke, Sapienza and Ballard voting aye; Alderman Payton absent; motion carried.

Assistant Corporate Counsel Scott Schweickert presented and read a proposed ordinance entitled:

AN ORDINANCE AMENDING PROCEDURES FOR PUBLIC COMMENT AT CITY MEETINGS

Alderman Sapienza made a motion the ordinance be adopted as written and read. Alderman Radtke seconded the motion. Alderman Potthoff stated he didn't think any of the council members objected to having two public comment periods. Clerk Bartley stated he had attended two of the Open Meeting Act seminars at the Illinois Municipal League and the recommendation was to have one public comment period. City Clerk Dave Bartley called

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the roll with Aldermen Potthoff, Ferrari, Waldorf, Lukosus, Radtke, Sapienza and Ballard voting aye; Alderman Payton absent; motion carried.

Assistant Corporate Counsel Scott Schweickert presented a proposed ordinance entitled:

ORDINANCE NO. 6333

AN ORDINANCE ESTABLISHING PROCEDURES FOR PRESENTATION OF AGENDA ITEMS

Alderman Potthoff made a motion the ordinance be adopted as written and read. Alderman Waldorf seconded the motion. City Clerk Dave Bartley called the roll with Aldermen Potthoff, Ferrari, Waldorf, Lukosus, Radtke, Sapienza and Ballard voting aye; Alderman Payton absent; motion carried.

Assistant Corporate Counsel Scott Schweickert presented a proposed ordinance entitled:

ORDINANCE NO. 6334

AN ORDINANCE ABATING 2018 TAX LEVIES AS PROVIDED BY \$3,105,000 GENERAL OBLIGATION REFUNDING BONDS, SERIES 2011B, BOND ORDINANCE NO. 4835 DULY PASSED AND ADOPTED SEPTEMBER 7, 2011

Alderman Potthoff made a motion the ordinance be adopted as written and read and noted the abatements saves the residents money. Alderman Radtke seconded the motion. City Clerk Dave Bartley called the roll with Aldermen Potthoff, Ferrari, Waldorf, Lukosus, Radtke, Sapienza and Ballard voting aye; Alderman Payton absent; motion carried.

Assistant Corporate Counsel Scott Schweickert presented a proposed ordinance entitled:

ORDINANCE NO. 6335

AN ORDINANCE ABATING 2018 TAX LEVY AS PROVIDED BY BOND ORDINANCE NO. 6188 ENTITLED: "AN ORDINANCE OF THE CITY OF PERU, LASALLE COUNTY, ILLINOIS, PROVIDING THE ISSUANCE OF GENERAL OBLIGATION REFUNDING BONDS, SERIES 2017" DULY PASSED AND ADOPTED OCTOBER 31, 2016

Alderman Ferrari made a motion the ordinance be adopted as written and read. Alderman Radtke seconded the motion. City Clerk Dave Bartley called the roll with Aldermen Potthoff, Ferrari, Waldorf, Lukosus, Radtke, Sapienza and Ballard voting aye; Alderman Payton absent; motion carried.

Assistant Corporate Counsel Scott Schweickert presented a proposed ordinance entitled:

ORDINANCE NO. 6336

AN ORDINANCE ABATING 2018 TAX LEVY AS PROVIDED BY GENERAL OBLIGATION BONDS, SERIES 2010, "RECOVERY ZONE ECONOMIC DEVELOPMENT BONDS-DIRECT PAYMENT" BOND ORDINANCE NO. 4692 DULY PASSED AND ADOPTED ON FEBRUARY 15, 2010

Alderman Ferrari made a motion the ordinance be adopted as written and read. Alderman Lukosus seconded the motion. City Clerk Dave Bartley called the roll with Aldermen Potthoff, Ferrari, Waldorf, Lukosus, Radtke, Sapienza and Ballard voting aye; Alderman Payton absent; motion carried.

Assistant Corporate Counsel Scott Schweickert presented a proposed ordinance entitled:

ORDINANCE NO. 6337

AN ORDINANCE ABATING 2018 TAX LEVY AS PROVIDED BY \$3,035,000 BOND ORDINANCE NO. 4657 ENTITLED: "AN ORDINANCE AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION

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BONDS, SERIES 2009A, OF THE CITY OF PERU, ILLINOIS" DULY PASSED AND ADOPTED OCTOBER 26, 2009

Alderman Waldorf made a motion the ordinance be adopted as written and read. Alderman Radtke seconded the motion. City Clerk Dave Bartley called the roll with Aldermen Potthoff, Ferrari, Waldorf, Lukosus, Radtke, Sapienza and Ballard voting aye; Alderman Payton absent; motion carried.

PROCLAMATIONS

UNFINISHED BUSINESS

NEW BUSINESS

Alderman Ferrari asked for condemnation procedures for 309 Peru Street and wanted to make a motion to have corporate counsel proceed with demolition of the building. Mayor Harl stated there needed to be more discussion before the city could take action. Mayor Harl stated since we don't own the property and need to push the owner into doing it. Assistant Corporate Counsel Scott Schweickert stated said it needed to be handled by the Building and Zoning department first. Alderman Radtke stated they should treat the situation the same way as what they did when the former Fridays building on Water Street collapsed, by trying to force the owner to demolish the building. Mayor Harl stated it still took about six or seven months, and nothing happens overnight. Mayor Harl stated everything has to go through the legal process.

PETITIONS AND COMMUNICATIONS

PUBLIC COMMENT

Resident Gina Martin stated her concern for the children in the area of 309 Peru Street and asked if the city could put fencing up around the fire damaged building. Ms. Martin stated she would hate to have a child get in there and go through the floor or worse or get killed. Ms. Martin stated that is why she asked if is the city going to go ahead and, regardless of who owns the building, are they going to put a fence up around this location, so the kids can't get into it. Mayor Harl stated the city cannot do anything until the state fire marshal has completed an investigation. Mayor Harl stated the property is tied up right now and will have to wait and see what happens there. Mayor Harl stated he didn't know what type of investigation they're in or how long it would take.

Resident Art Geise questioned the extension of the T.E.S.T. contract without a competitive bid process. Noted they and had the no bid contract for 30 years. Noted he believe the City had previously detoured a would be bidder.

Ms. Julie Ajster expressed her concerns regarding violation of the Open Meetings Act and urged the council to adhere to the act and that she is putting the council on notice regarding following the act.

Kristen McDaniel, alderman candidate, stated she was disappointed because to add an agenda item will take 15 working days. Ms. McDaniel stated she thinks it crazy that if she wanted something added to the agenda, she would wait through the next meeting, all the way for another month.

Resident Art Giese took issues with inconsistencies with the policy adherence with public comment. Mr. Geise sated he believes the public should have a voice in its government. because we are the taxpayers.

Resident Sherry Mayszak, a former alderman, spoke in regard to ordinance passed for agenda procedures and asked what if there was something that happened at the meeting that you wanted to talk about. Ms. Mayszak questioned that if you wanted to speak about something that happened at the meeting, you would to wait until the next meeting in two weeks

Doug Schweickert spoke in favor of T.E.S.T. based on the 41 years he had served, even in conflict, they are the best option.

Resident Art Giese took issue again with former dealings with management of our water and waste water operations.

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Alderman Potthoff spoke in favor of two public comment periods.

Alderman Sapienza spoke in favor of following the rules.

Ms. Julie Ajster questioned the procedure again regard use of time.

CLOSED SESSION

ADJOURNMENT

Alderman Ferrari made a motion that the meeting be adjourned. Alderman Lukosus seconded the motion and motion carried. Meeting adjourned 7:32 p.m.