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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 THE CITY HALL
111 SOUTH CAPITOL STREET
ON MONDAY, OCTOBER 27, 2003 AT 5:30 O'CLOCK P.M.
LYNDELL N. HOWARD * MAYOR * PRESIDING

PRESENT: COMMISSIONERS, MADDOX, RICHMOND, JONES, AND MASSAGLIA

ABSENT: NONE

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The **Pledge of Allegiance** was led by Mayor Howard.

Roll was called and all commissioners were present.

Agenda

Motion by Com'r. Maddox, seconded by Com'r. Massaglia, that the **agenda be approved as presented.** On roll call vote, all present voted Aye.

Motion by Com'r. Maddox, seconded by Com'r. Massaglia, that the **Minutes of the Regular City Council Meeting of October 13, 2003 be approved as written**. Correct date of October 13 was noted. On roll call vote, all present voted Aye.

Public Input on Agenda Items

Tim Pleasants Manager Continental Carbonic Products, Inc. told Council from a prepared statement that the company was a good corporate citizen. He asked to go on record, voicing alarm at the size of the proposed wastewater increase and the speed of implementation of December 1. He understood the position of the City but doubling the industry's user fees in addition to increased surcharges required time to explore usage or pretreating. He encouraged Council to look at other options or phase-in the $3.00 per month minimum plus $1.99 per 1000 gallons user rate.

Council discussed mandates that the system operates from, needed repairs to the treatment facility, and the costs to televise sewers to correct problems.

Public Works Director Dennis Kief told Council the plant was designed for domestic waste not triple the waste threshold of some commercial users. He recommended the increase be enacted now to cover operations in the red and to pay fees to the State that were not budgeted.

John Reed 1112 S. 18th Street first thanked Dick Hierstein for his work before leaving his position as City Manager. He then addressed Council regarding their direction to the Public Works Department to find source of waste backup problems in the 18th Street and Derby Street areas. He requested an update on findings. He was informed the briefing had taken place at a previous meeting. Mayor Howard pledged to meet with Mr. Reed to inform him of the impact of the televising of that problem area.

Dennis Crotty approached Council to disagree that there was a deficit in operating the treatment plant. He sited balances in all City funds from audits he requested 3 years ago. Council disagreed with Mr. Crotty's figures.

Motion by Com'r. Maddox, seconded by Com'r. Massaglia, that the C**onsent Agenda be approved as presented.**

1. Receive and File Monthly Reports: Inspections, Airport
2. Proclamation: "Scott Altman" October 28, 2003
   "Make a Difference Day" 2003
3. Charitable Solicitation: South Pekin Police Department December 14, 2003
   Pekin Union Mission Tag Days October 31, November 1 & 2, 2003

4. Receive and File Resignation of Jack Kluever from the Zoning Board of Appeals

5. Receive and Accept Warranty Deed from Maincamp L.P. for Audubon Drive Right-of-Way

6. Receive and File Treasurers Annual Report Combined Statement Revenues, Expenditures and Changes in Fund Balance Fiscal Year 2002 as of April 30, 2003

7. Pekin Planning Commission Minutes Dated October 8, 2003

8. Pekin Planning Commission Hearings and Recommendations:
   #1594 – approval of the site plan for a twelve unit apartment building to be built in the 1000 block of Edgewater Drive, in a RM-2 Zoning District
   #1596 – approval of the ordinance change, of 9-4b-2A in the RT Zoning District, which will provide a more restrictive side yard setback when you are using a RM (multi-family Zone) as an R Zone (single family zone).

On roll call vote, all present voted Aye.

New Business
Motion by Com'r. Maddox, seconded by Com'r. Massaglia, that the **SITE PLAN FOR A TWELVE UNIT APARTMENT BUILDING** to be built in the 10000 block of Edgewater Drive in a RM-2 Zoning District be approved. City Engineer Joe Wuellner told Council it had been standard practice to bring site plans of apartments before them for approval. Council was told no variances were being requested. On roll call vote, all present voted Aye.

ORDINANCE NO. 2343-OA
AMENDING ARTICLE 9, BEING THE ZONING CODE

Motion by Com'r. Massaglia, seconded by Com'r. Maddox that Ordinance No. 2343 be adopted. Mr. Wuellner explained the change in the RT Zoning District which would provide a more restrictive setback when using a RM (multi-family zone) as an R Zone (single family zone). On roll call vote, all present voted Aye.

RESOLUTION NO. 24-03/04
FINAL PLAT SUNSET HILLS EXTENSION 32

Motion by Com'r. Massaglia, seconded by Com'r. Richmond that Resolution No. 24-03/04 be adopted. Mr. Wuellner informed Council that Sunset 32 was formerly extension 26. The plat was an example of the change just adopted for zoning where the developer intended to now build more single-family dwellings. On roll call vote, all present voted Aye.

ORDINANCE NO. 2344
AMENDING TITLE 4, CHAPTER 4C, SECTION 2
OF THE CODE OF THE CITY OF PEKIN 1995
REGARDING SEWER USER CHARGES

Motion by Com'r. Massaglia, seconded by Com'r. Richmond that Ordinance No. 2344 be adopted. Com'r. Maddox questioned Mr. Pleasants desire to phase-in the increase for industrial users. Mr. Hierstein explained the costs of televising, mandated IEPA permits, upgrades and first flush study. Council questioned Finance Director Bob Reis regarding generated funds and were told the increased fees would bring an additional 1.2 million into the wastewater fund per year. Mr. Kief recommended enacting the ordinance. On roll call vote, all present voted Aye.

ORDINANCE NO. 2345
AMENDING TITLE 4, CHAPTER 4C, SECTION 2
OF THE CODE OF THE CITY OF PEKIN 1995
REGARDING SEWER USER CHARGE AVERAGING

Motion by Com'r. Massaglia, seconded by Com'r. Maddox that Ordinance No. 2345 be adopted. In discussion Council and staff emphasized the amendment would allow 8 month averaging of wastewater bills. The accounting practice would keep residential customers from being billed when filling pools and watering lawns in summer months. It would be no longer necessary to sell separate meters. On roll call vote, all present voted Aye.

ORDINANCE NO. 2346

PROVIDING FOR THE APPROVAL OF AN AMENDMENT TO DEVELOPMENT AGREEMENT WITH JPG COMMERCIAL REAL ESTATE COMPANY, LLC

Motion by Com'r. Jones, seconded by Com'r. Maddox that Ordinance No. 2346 be adopted. Attorney Pat Oberle told Council the developer of the property west of Hardee's needed an additional 30 day extension of his purchase/development agreement of the old City Hall parking lot. On roll call vote, all present voted Aye.

ORDINANCE NO. 2347

AUTHORIZING THE EXECUTION OF THE IMLRMA MINIMUM/MAXIMUM CONTRIBUTION AGREEMENT

Motion by Com'r. Jones, seconded by Com'r. Massaglia that Ordinance No. 2347 be adopted. Mr. Hierstein explained to Council that the City had been a participant in the cooperative effort of communities for insurance through the Illinois Municipal League Risk Management Association. He recommended paying the reduced premium for early payment. Council discussed the additional risk and significant savings of minimum/maximum contribution terms. On roll call vote, all present voted Aye.

RESOLUTION NO. 25-03/04

HERGET NATIONAL BANK A DEPOSITORY AND AUTHORIZED SIGNATURES

Motion by Com'r. Jones, seconded by Com'r. Maddox that Resolution No. 25-03/04 be adopted. Finance Director Robert Reis presented procedural action to remove Dick Hierstein as an authorized person to sign checks and add Dennis Kief as new Assistant/Interim City Manager. On roll call vote, all present voted Aye.

Motion by Com'r. Jones, seconded by Com'r. Massaglia, that the **5-YEAR CAPITAL PLAN** be approved. Mr. Reis presented the plan as recommended by staff. Com'r. Jones requested that Council set a time to go through the proposed expenditures line by line. Council was informed that the first year is locked to the budget but all out years get tweaked. A special work session meeting was suggested. On roll call vote, all present voted Aye.

Council heard Mayor Howard present the proposal to have an additional space available at the library for visitors' inquiries. There would be no additional cost and cross training of employees would be provided. This would allow for visitors to the City to obtain information at hours the Tourism Office at City Hall was not open. He asked for action on the item in order that the directional signage that was being ordered for City Hall and the Library could be completed.

Motion by Com'r. Richmond, seconded by Com'r. Massaglia, that a **SECONDARY LOCATION OF THE VISITORS BUREAU, IN THE PEKIN PUBLIC LIBRARY,** be approved. On roll call vote, all present voted Aye.

Other Business

Council agreed to meet to discuss the line items of the budget. The Mayor directed the Clerk to post a Special Work Session for Monday, November 17, 2003 at 5:00 p.m.

Mr. Crotty again asked to address Council regarding the 25 million dollars he felt was in reserves. He was told reserves were used toward the construction of the new City Hall and other projects. Mayor Howard directed Mr. Crotty to contact the Finance Director to review the audits. Mr. Crotty also questioned why Pekin Lake was not being dredged while it is dry. Mr. Hierstein responded to the question. He confirmed Illinois Department of Natural Resources owns the lake and the funding was coming from the Army Corps of Engineers. Because of the involvement of two agencies and the requirement for environmental study, the procedure had been slow. Mr. Crotty asked a third question regarding several traffic lights. Response was given as follows by the Public Works Director Dennis Kief:

Broadway and Parkway upgrade	decision not to pursue - matching funds not available
Park Avenue and 14th Street	projects is in 2006 PUATTS funding
Cottage Grove and Court Street	intersection did not meet warrants

Mr. Crotty requested Council approve painting double yellow lines on Parkway at Court where west bound traffic turning on to Parkway does not merge properly to enter County Market. Council referred the matter to the Traffic Safety Committee and invited Mr. Crotty to attend on Friday, November 7, 2003 @ 8:30 a.m. Mr. Crotty asked why the Council chooses not to release executive session minutes. The procedure by statutes for release of minutes was explained to Mr. Crotty.

Reporters from the *Peoria Journal Star, Pekin Daily Times* Johnathan Ahl, WCBU were given the opportunity to ask questions.

Com'r. Richmond extended his best wishes to Mr. Hierstein in his new position as City Administrator in Marshalltown Iowa. He thanked Dick for his leadership and work over the last 8 years. Com'r. Maddox also bid Mr. Hierstein well.

Motion by Com'r. Richmond, seconded by Com'r. Massaglia that Council move to **Executive Session** at 6:55 P.M. to discuss Collective Bargaining. ILCS 120/2 (C.) (2.) and Sale of Real Estate (C.) (6.). On roll call vote, all present voted Aye.

No further business to come before the Council, a motion was made by Com'r. Richmond, seconded by Com'r. Jones that Council adjourn. On roll call vote, all present voted Aye.

COUNCIL ADJOURNED AT 7:30 P.M.

Sue E. McMillan
City Clerk