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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, 2009 AT 5:30 O'CLOCK P.M.
RUSTY L. DUNN, MAYOR PRESIDING

PRESENT: COUNCIL MEMBERS, ABEL, BLANCHARD, BARRA, KORTKAMP, SCHMIDGALL, STRAND AND DUNN

ABSENT: NONE

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

Roll was called and all Council Members were present.

AGENDA

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

MINUTES

Motion by Council Member Blanchard, seconded by Council Member Kortkamp, that the **minutes of the Regular City Council Meeting of October 13th, 2009 be approved as written.** On roll call vote, all present voted Aye.

No **PUBLIC INPUT** received on agenda items.

CONSENT AGENDA

Motion by Council Member Kortkamp, seconded by Council Member Abel, that the Consent Agenda be approved as presented.

Mayor Dunn read and presented the following for consideration of the Consent Agenda items by Omnibus Vote.

1. **Receive and File Monthly Reports and Minutes:** Mayor's Advisory Committee for Person's with Disabilities Minutes dated August 13th, 2009, Building Department reports.

2. **Proclamations:** "International Alpha Delta Kappa Month" October 2009

3. **Charitable Solicitation:** Pekin Kiwanis Club Peanut Days Friday, October 30, 2009

4. **Resolution No. 19-09/10**-Appointment of Norman Bosley to the Mayor's Advisory for Persons with Disabilities to fill a vacancy until the First Monday in May, 2012.

5. **Receive and File** Sewage Fund Financial Statements April 30, 2009 prepared by Willock and Warning & Co. P.C.

6. **Receive and File** Pekin Planning Commission Minutes Dated October 14, 2009

7. **Receive and File Pekin Planning Commission Hearings and Recommendations:**
   a. Hearing #09-1784-Recommendsd to approve Annexation and Classification of the Estates at Lakeview Subdivision 131.908 acres east of Broadway Road between California Road and Veterans Road.
   b. Hearing #09-1785-Recommend the approval of the Re-Zoning Assignment of Lots 1-14 to R-1 (Single Family Residential) and Lots 15 & 16 to B-3 (General Business District) for the Estates at Lakeview Subdivision.
   c. Hearing #09-1786-Recommends the approval of the Preliminary Plat for Estates at Lakeview Subdivision.

On roll call vote, all present voted Aye.

COMMUNICATIONS, PETITIONS, REPORTS
A Public Hearing was opened by Mayor Dunn at 5:34 p.m. for the purpose of presenting information and to take testimony on the proposed amendments and modifications to the Pekin/Tazewell County Enterprise Zone including the zone boundaries. City Manager Dennis Kief presented the amendment to the current 10.71 square mile area. He informed Council that pursuant to the terms of the Rail Splitter Wind Farm project agreement the temporary 0.7336 square mile extension would be eliminated once the project was completed. The territory in the Tazewell County Intergovernmental Agreement with respect to the deduction to 10.15 square miles was amended. There were no additional comments received and the hearing was closed at 5:40 p.m.

UNFINISHED BUSINESS
Motion by Council Member Strand, seconded by Council Member Blanchard, that **Resolution No. 14-09/10 be removed from the table.** On roll call vote, all present voted Aye.

Motion by Council Member Strand, seconded by Council Member Abel, that **Resolution No. 14 A 09/10 – Appointments to the Human Rights Committee be amended by substituting new text and be identified as Resolution No. 14 A-09/10.** On roll call vote, all present voted Aye.

Community Development Director Pam Anderson offered explanation of the process taken to arrive at the recommended appointments to the Human Rights Committee. As directed by Council in August applications were open to the citizens of Pekin. Ms. Anderson read highlights of each of the 9 members to be appointed by the Mayor.

Council Members expressed appreciation for the efforts to bring together a well rounded mix of committee members to advise on public policy issues and promote public awareness, related to diversity, equality and human rights. Council Member Blanchard stated he originally abstained from voting on the resolution, was not satisfied with the goal, mission, or need for such a committee, but would vote affirmative on the Mayor's appointments. Council Member Barra indicated she supported the process and the qualified members but would be consistent in her voting based on her feeling that all appointees needed to be residents of the City.

Motion by Council Member Strand, seconded by Council Member Kortkamp, that **Resolution No. 14 A-09/10 – Appointments to the Human Rights Committee, be adopted.** On roll call vote, Ayes, Strand, Schmidgall, Blanchard, Kortkamp, Abel, Dunn; Nay, Barra. Motion Carried.

NEW BUSINESS

ORDINANCE NO. 2599-09/10
AMENDING TITLE 1, CHAPTER 10 OF THE CODE OF THE CITY OF PEKIN REGARDING THE ENTERPRISE ZONE

Motion by Council Member Schmidgall, seconded by Council Member Strand, that **Ordinance No. 2599-09/10, be adopted.** City Manager Dennis Kief recommended the amendment to decrease the boundary to include only the Horizon Wind Farm permanent Project. On roll call vote, all presented voted Aye.

ORDINANCE NO. 2598-09/10
FRANCHISE AGREEMENT

Motion by Council Member Abel, seconded by Council Member Blanchard, that **Ordinance No. 2598-09/10 be adopted.** Council Member Blanchard expressed concern that Council was made aware of changes to the draft just prior to the meeting and requested vote on the agreement be postponed for 2 weeks. Motion by Council Member Blanchard, seconded by Council Member Schmidgall, that **Ordinance No. 2598-09/10 be tabled.** On roll call vote, Nays, Strand, Schmidgall, Kortkamp, Barra, Abel, Dunn; Aye, Blanchard. Motion failed.

Council Member Schmidgall asked for explanation of significant difference to the final agreement. Attorney Burt Dancey advised Council that the document contained the terms for which Bitwise Communications, Inc. dba OmniLEC would operate cable business within the City. Provisions of the

Comcast Franchise were incorporated to place Family Video on a level playing field of providers of home video service. There were concerns expressed from Council regarding the benefits of a 25 year term. Public Works Director Joe Wuellner indicated that the City would receive better connectivity between the City owned facilities, faster service to internet, and connections to remotes lift station sites which would improve productivity and reliability. The service at no cost estimated at $9,000 would be above the franchise fee which may be of little significance as they compete for same customers as Century Tel and Comcast. Michael Schuler Regional Director for OmniLEC / Family Video addressed Council regarding the additional option that would be provided to the community.

Motion by Council Member Schmidgall, seconded by Council Member Abel, that **Ordinance No. 2598-09/10 be amended by substitution Exhibit A as Ordinance No. 2598-09/10.** On roll call vote, all present voted Aye.

Motion by Council Member Abel, seconded by Council Member Barra, that **Ordinance No. 2598-09/10 as amended be adopted.** Ayes, Strand, Schmidgall Barra, Kortkamp, Abel, Dunn; Nay, Blanchard. Motion Carried.

ANY OTHER BUSINESS TO COME BEFORE THE COUNCIL

Council Member Kortkamp offered praise for the success of the Main Street Halloween Parade. Mayor Dunn also acknowledged the events that took place for Astronaut Scott Altman's return to Pekin. Interim Police Chief Ted Miller encourage the public to attend Night Out Against Crime activities at the Dome on Thursday.

Tony Hall, District Manager Illinois American Water Company, responded to the questions in respect to water running in the Sheridan Road/Rainbow Drive area. He explained that pressure relief at hydrants was the best option and least disruption to customers as the company completes maintenance on the water storage tank.

Council Member Blanchard requested report on the savings to the City's energy bills over the period of the agreement with Sempra verses CILCO. Appreciation was extended to workers involved in fighting the Holiday Inn fire. Interim Fire Chief Kurt Nelson briefed Council on the fire response and costs.

City Manager Dennis Kief, referring to the Consent Agenda for receiving the Financial Statement, advised Council the audit supports the savings to the City for in-house operations of the Sewer Treatment Plant.

Garnet Meischner, 1401 Janssen, questioned the objectives of the Human Rights Committee. He also requested that Traffic Safety Committee review the danger he saw in the private property owner's barrier placement at 8th Street and the ATM.

Valerie Umholtz encouraged the community to join in the celebration of the completion of the revitalized James Field on Saturday, October 31 @ 10:00 a.m.

Bill Gilroy, 1311 South 11th Street, addressed Council on his concerns on the term of the discussed franchise.

EXECUTIVE SESSION

Motion by Council Member Barra, seconded by Council Member Blanchard, that **Council move to Executive Session** at 6:40 P.M. to discuss 5 ILCS 120/2 (c.) 5. The purchase or lease of real property for the use of the public body. 5 ILCS 120/2 (c) 6. The setting of a price for sale or lease of property owned by the public body. 5 ILCS 120/2 (c) 2. Collective negotiating matters between the public body and its employees or their representatives. On roll call vote, all present voted Aye.

No further business to come before the Council, in open session, Mayor Dunn called the meeting closed.

COUNCIL ADJOURNED AT 7:30 P.M.

Sue E. McMillan
City Clerk