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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
ON MONDAY, OCTOBER 23, 2000, AT 5:30 O'CLOCK P.M.
R. DAVID TEBBEN * MAYOR * PRESIDING

PRESENT: COMMISSIONERS, ORRICK, BARRA, JONES, AND RICHMOND

ABSENT: NONE

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The **Pledge of Allegiance** was led by Bob Blackwell, Director Pekin Park District.

Roll was called and all commissioners were present.

Agenda
Motion by Com'r. Jones, seconded by Com'r. Richmond, that the **Agenda**, **be approved as presented.** On roll call vote, all present voted Aye.

Motion by Com'r. Jones, seconded by Com'r. Barra, that the **Minutes of the Regular City Council Meeting of October 9, 2000, be approved as written**. On roll call vote, all present voted Aye.

Consent Agenda
Motion by Com'r. Jones, seconded by Com'r. Richmond, that the C**onsent Agenda be approved as presented.**

1. Receive and File Monthly Reports: Wastewater Treatment

2. Proclamation:

Proclamation:	"National Young Reader's Day"	November 8, 2000
	"Medical Assistants Recognition Week"	October 16-20, 2000
	"Great American Smokeout"	November 16, 2000

3. Receive and File Bids for De-Icer opened October 16, 2000 @ 10:00 a.m.

4. Receive and File the Pekin Planning Commission Minutes Dated October 11, 2000

5. Receive and File Planning Commission Recommendations and Hearings:
   a. #1446 – Approval of Rezoning request of R-2 (single-family residential District) from AG (Agriculture District), submitted by the Pekin Church of God, for the property at 1010 El Camino Drive
   b. #1447 – Approval of Special Use request for a Church in a R-2 Zone (residential district), submitted by the Pekin Church of God, with provision that the rezoning request of R-2 is approved by the Pekin City Council
   c. #1448 – Approval of Site Plan submitted by the Pekin Church of God, 1010 El Camino Drive
   d. #1449 – Approval of Special Use request for a drive-thru window for Pack and Mail, 505 Parkway Drive, submitted by JPG Commercial
   e. #1450 – Approval of Site Plan for the Pack and Mail, 505 Parkway Drive, submitted by JPG
   f. #1451 – Approval of Preliminary Plat submitted by Gene Whitehurst, for Lake Whitehurst Cliffs, Section #2, subject to curb-cuts on the lots having a B-1 Zoning designation, be limited on curb-cuts

On roll call vote all present voted Aye.

Communications, Petitions, Reports
Mayor Tebben opened a **Public Hearing** was opened at 6:35 p.m. for the purpose of discussing the sale or exchange of property. The clerk noted that the proper legal notice to interested parties was published in the Pekin *Times* on October 7, 2000. The City Manager Richard Hierstein reported the the City entered into a Development Plan with RER Enterprioses L.L.C. for commercial development of Market Square area and to achieve the objectives of the developing area it was necessary to install a roadway connecting Cottage Grove Avenue. To faciltate the construction the City needed to exchange tract of land with property owner Daniel J. Beers. No other persons appeared to be heard or filed comments concerning the proposed sale of property. The public hearing was closed at 6:37 p.m.

New Business

ORDINANCE NO. 1568-A117
PROVIDING FOR THE ZONING OF CERTAIN PROPERTY
PEKIN CHURCH OF GOD/1010 EL CAMINO DRIVE

Motion by Com’r. Jones, seconded by Com'r. Orrick, that Ordinance No. 1568-A117 be adopted. (note # on agenda incorrectly stated at A116) Code Enforcement Officer Jack Kluever informed Council of the Planning Commission’s recommendation to rezone the property from AG to R-2. Discussion followed on the special use request conditioned on rezoning and the site plan consideration of the Church being aware that when El Camino Drive is extended to the west there would be the possibility that the 12’ drive to the main entrance could be lost. Further input was received from public Works Director Dennis Kief on the carport becoming a non-comforming structure and the requirement for screening if the property to the east were developed residential. On roll call vote, all present voted Aye.

Motion by Com'r. Jones, seconded by Com'r. Richmond, that the **SPECIAL USE REQUEST FOR A CHURCH** in a R-2 Zone, submitted by the Pekin Church of God, be approved. With the provision that the rezoning request of R-2 is approved by the Pekin City Council. On roll call vote, all present voted Aye.

Motion by Com'r. Jones, seconded by Com'r. Richmond, that the **SITE PLAN SUBMITTED BY THE PEKIN CHURCH OF GOD ,1010 EL CAMINO DRIVE,** be approved with the understanding that the church will dedicate the right-of-way as shown on the plat and participate in the cost of extending El Camino Drive if and when such extension occurs. On roll call vote, all present voted Aye.

Motion by Com'r. Jones, seconded by Com'r. Barra, that the **SPECIAL USE REQUEST FOR A DRIVE-THRU WINDOW** for Pack and Mail, 505 Parkway Drive, submitted by JPG Commercial, be approved. On roll call vote, all present voted Aye.

Motion by Com'r. Jones, seconded by Com'r. Orrick, that the **SITE PLAN SUBMITTED BY JPG COMMERCIAL, 505 PARKWAY DRIVE,** be approved. Mr. Kluever stated the recommendation was for the strip-mall not just Pack and Mail. Council expressed concern of the ingress and egress of the entire project. Discussion followed on the traffic patterns for the site. On roll call vote, all present voted Aye.

RESOLUTION NO. 87
PRELIMINARY PLAT SUBMITTED BY GENE WHITEHURST
FOR LAKE WHITEHURST CLIFFS, SECTION #2

Motion by Com’r. Jones, seconded by Com'r. Barra, that Resolution No. 87, subject to curb-cuts on the lots having a B-1 Zoning designation, be limited on curb-cuts, be adopted. On roll call vote, all present voted Aye.

RESOLUTION NO. 88
FINAL PLAT SUBMITTED BY ROBERT MONGE
FOR SUNSET HILLS SECTION #31

Motion by Com’r. Orrick, seconded by Com'r. Barra, that Resolution No. 88, subject to approval of construction drawings, be adopted. With no objections from Council members, Gene Whitehurst’s request to address the members was honored by the Chair. Mr. Whitehurst asked that he be permitted to begin construction immediately to avoid bad weather. Discussion followed regarding the condition of issuing permits and the site plans of the frontage lots. Commission Orrick asked if provisions could be addressed if sufficient information was gathered from records that confirmed plans for three of the lots had been previously approved. Dennis Kief expressed concern in setting bad precedence. Mayor Tebben stated Council nor staff could authorize violation of the requirements of the building code. The Chair called for the vote for the motion on the floor, adoption of Resolution No. 88. All present voted Aye.

Motion by Com’r. Orrick, seconded by Com'r. Barra, that Mr. Whitehurst’s request to begin construction in Sunset Hills Section #31 be granted with the belief that Lots 2, 3, 4 based on previous construction plans were approved. On roll call vote; Ayes, Orrick, Jones; Nays, Barra, Richmond, Tebben. Motion failed.

RESOLUTION NO. 89
ENDORSING THE PUBLIC TAZEWELL COUNTY SAFETY SALES TAX REFERENDUM

Motion by Com’r. Orrick, seconded by Com'r. Richmond, that Resolution No. 89, be adopted. On roll call vote, all present voted Aye.

RESOLUTION NO. 90
REQUESTING TAZEWELL COUNTY BOARD ACTION TO PROCEED WITH A NEW LANDFILL

Motion by Com’r. Orrick, seconded by Com'r. Richmond, that Resolution No. 90, be adopted. On roll call vote, all present voted Aye.

RESOLUTION NO. 86
AUTHORIZING AN ECONOMIC DEVELOPMENT FINANCIAL ASSISTANCE PROGRAM LOAN TO GOODFELLAS

Motion by Com’r. Orrick, seconded by Com'r. Barra, that Resolution No. 86, be adopted. Community Development Director Jill Ellestad explained the terms of the EDFAP loan to assist M.M.S. Inc. in financing a pizza and pub restaurant project. There was discussion on the City’s collateral for the project. Particular concern was given the dollar amounts of the mortgages on the residential homes of the applicants, Dennis Mullen and Craig Swoik. Mr. Mullen addressed the questions of Council.

Motion by Com’r. Richmond, seconded by Com'r. Barra, that Resolution No. 86, be amended to reflect in (1) a second mortgage of $20,000 on the residential property and in (2) a second mortgage of $20,000 on the residential property from Pekin Savings Bank. On roll call vote, all present voted Aye.

The Chair called for the vote on the adoption of Resolution No. 86 as amended. On roll call vote; Ayes, Orrick, Jones, Richmond, Barra; Nay, Tebben. Motion carried.

ORDINANCE NO. 2209
PROVIDING FOR EXECUTION OF AN AGREEMENT TO EXCHANGE - BEERS

Motion by Com’r. Orrick, seconded by Com'r. Barra, that Ordinance No. 2209 be adopted. On roll call vote, all present voted Aye.

ORDINANCE NO. 2210
PROVIDING FOR THE EXECUTION OF A DEVELOPMENT AGREEMENT AND TRANSFER OF PROPERTY – RER ENTERPRISES, L.L.C.

Motion by Com’r. Orrick, seconded by Com'r. Barra, that Ordinance No. 2210 be adopted. On roll call vote, all present voted Aye.

Motion by Com'r. Richmond, seconded by Com'r. Barra, that the **FIVE PLATS INVOLVING OWNERSHIP CHANGES AND TEMPORARY CONSTRUCTION EASEMENTS FOR THE CHERRY LANE EXTENDED PROJECT TO MARKET SQUARE,** be approved. On roll call vote, all present voted Aye.

Motion by Com'r. Richmond, seconded by Com'r. Orrick, that the **JOINT PETITION TO OPEN CROSSINGS WITH PEKIN UNION RAILWAY COMPANY FOR THE BIKE TRAIL,** be approved. On roll call vote, all present voted Aye.

Motion by Com'r. Richmond, seconded by Com'r. Orrick, that the **TEMPORARY CONSTRUCTION AGREEMENT WITH PEORIA AND PEKIN UNION RAILWAY,** be approved. On roll call vote, all present voted Aye.

Motion by Com'r. Richmond, seconded by Com'r. Barra, that the **AGREEMENT WITH WHITNEY AND ASSOCIATES SUBSURFACES SOILS AND GROUND WATER INVESTIGATION FOR CITY HALL/POLICE STATION COMPLEX,** in the amount not to exceed $9,633.80, be approved. On roll call vote, all present voted Aye.

Motion by Com'r. Richmond, seconded by Com'r. Barra, that the **AGREEMENT WITH CLARK ENGINEERS, INC. TOPOGRAPHIC AND BOUNDARY SURVEY FOR DOWNTOWN BLOCKS,** bounded by Sabella, east-west alley between Court and Elizabeth, Capitol, third Streets, in an amount not to exceed $5,500.00, be approved. On roll call vote, all present voted Aye.

Motion by Com'r. Richmond, seconded by Com'r. Barra, that the **FIVE YEAR STREET MAINTENANCE PLAN 2001-2005,** be approved. On roll call vote, all present voted Aye.

Motion by Com'r. Barra, seconded by Com'r. Orrick, that the **CHANGE ORDER WITH WIEGAND AND STORRER INC. FOR LICK CREEK INTERCEPTOR SEWER,** be approved. On roll call vote, all present voted Aye.

Motion by Com'r. Barra, seconded by Com'r. Orrick, that the **AGREEMENT WITH MAUER STUTZ FOR ENGINEERING SERVICES ON BROADWAY @ PARKWAY INTERSECTION IMPROVEMENT** in the amount not to exceed $62,000.00, be approved. On roll call vote, all present voted Aye.

Motion by Com'r. Barra, seconded by Com'r. Richmond, that all bids received October 16, 2000 for the purchase of **DE-ICER BE REJECTED,** and the purchase of road salt by way of the State bid be increase from 1,000 to 2,500 ton. On roll call vote, all present voted Aye.

ORDINANCE NO. 1462-A179

AMENDING TITLE 8, CHAPTER 3, SECTION 3 OF THE CODE OF THE CITY OF PEKIN 1995 REGARDING SPEED LIMITS/BROADWAY @ SCHRAMM DRIVE

Motion by Com’r. Barra, seconded by Com'r. Orrick, that Ordinance No. 1462-A179 be adopted. On roll call vote, all present voted Aye.

Other Business

Bill Hanover voiced his concerns to Council on the following: problems with street maintenance of manhole covers on 2nd Street; City ordinance restricting the sale of autos by owners on residential property; bicycle traffic control. The Council suggested he contact the police department for enforcement of violations to the traffic code for bicycles and informed Mr. Hanover that the Planning Department was working on a recommendation to change the zoning code regarding sale of vehicles.

Russel Godby, 2438 Willow, reguested that Council consider restriping the center line of Willow Street and replacing the curb reflective warning plates for traffic safety. Public Works Director Dennis Kief stated he would take that into consideration for the fall projects of the Street Department.

Commissioner Orrick thanked the members of the FLOW committee for their efforts in promoting a yes vote on the November 7th advisory referendum for the City to pursue the purchase of the water company. He encouraged citizens to make a business decision and not be swayed emotionally by the media campaign attack of Illinois American Water Company. Commissioner Barra felt the purchase of the water company was this administration’s greatest issue and hoped the community would support the recommendation. Dennis Kief stated his position in support of purchase of the water company and read his supporting facts from a prepared statement. City Manager Richard Hierstein advocated the City buyout and urged residents to stand behind the findings and recommendation of the Water Study Committee.

Reporters from the *Peoria Journal Star, the Pekin Daily Times* and news media stations were given the opportunity to ask questions.

Motion by Com’r. Barra, seconded by Com’r. Orrick, that Council move to **Executive Session to discuss Pending Litigation** at 7:20 p.m. On roll call vote, all present voted Aye.

No further business to come before the Council, a motion was made by Com’r. Barra, seconded by Com’r. Orrick, that Council adjourn. Motion carried by voice vote.

COUNCIL ADJOURNED AT 7:35 P.M.

Sue E. McMillan
City Clerk