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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, SEPTEMBER 28, 2009 AT 5:30 O'CLOCK P.M.
RUSTY L. DUNN, MAYOR PRESIDING

PRESENT: COUNCIL MEMBERS, ABEL, BLANCHARD, BARRA, KORTKAMP, STRAND, SCHMIDGALL, 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 Abel, that the **agenda be approved as presented.** Council Member Blanchard made a motion and it was seconded by Council Member Schmidgall that items 9. and 10. be removed from the agenda. Council Member Blanchard felt more discussion and background were needed on the topics of the Economic Development Investment Policy and the commission paid on sale of City property. It was suggested that open discussion, once the motions were brought to the table, would accomplish the council member's request. Council Member Blanchard withdrew his motion and Council Member Schmidgall receded his second. On roll call vote, all present voted Aye to approve the agenda as presented.

MINUTES

Motion by Council Member Schmidgall, seconded by Council Member Kortkamp, that the **minutes of the Regular City Council Meeting of September 14th, 2009 and the Council/EDAC Work Session of September 2, 2009, be approved as written.** On roll call vote, all present voted Aye.

PUBLIC INPUT ON AGENDA ITEMS

Bob Beyer, 2 Lisa Court, presented a prepared statement for the record with respect to the unfinished business to restrict parking in cul-de-sacs. He stated he understood the concerns of providing services, busing, garbage collection, snow removal, and emergency vehicle access but requested that Council only consider situational no parking.

Brian Addy, 1835 Valencia, also addressed Council on cul-de-sac parking. He expressed concern that statistics of vehicle accidents backing out of streets with cul-de-sac parking were not documented. He felt there were more important issues for Council to consider.

Mary Ann Ladendorf, 3604 Eagle Bend, suggested Council consider hiring a professional realtor to sell commercial city owned property. From her business experience, she did not support the proposed policy to pay 2% of sale price for property sold in Riverway Business Park.

Carl Powell, 2629 Arlington Circle, spoke in opposition to the proposed paint ball facility location near residential properties in Marigold Estates.

Mike Ghidina, 2616 Sidney, opposed the planned paint ball location and sited that the noise would not be buffered.

Ron Simpson, 21 Cape Court, presented his opposition to restricting parking in cul-de-sacs. He felt the difficulty and risk to city vehicles was over stated.

Mike McKinley, 4124 N. Rochelle, addressed Council regarding his intentions to construct a paint ball facility on Parkway Drive. He indicated the following:

- Interstate 474 access
- large enough wooded area buffer from the residential properties to disclaim the noise concerns
- best use of property located in a flood plane and near other recreational parks
- Parkway already a major arterial 4 lane highway

CONSENT AGENDA

Motion by Council Member Blanchard, seconded by Council Member Strand, 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. **Charitable Solicitation**: Benefit for Jean McGlothlin – Pekin Amvets Oct. 17, 2009

2. **Receive and File –** Bids for Sidewalk Project Derby Street Opened September 22, 2009@ 10.00am.

3. **Receive and File –** Zoning Board of Appeals Minutes Dated September 9, 2009.

4. **Receive and File** Pekin Planning Commission Minutes Dated September 9, 2009

5. **Receive and File Pekin Planning Commission Hearings and Recommendations:**
   a. Hearing #09-1782-Recommends to deny the Special Use Request for a Paint Ball Facility located off Parkway Drive PIN #04-04-25-100-022 from Michael McKinley
   b. Hearing #09-1783-Recommendation to approve the Site Plan for a Paint Ball Facility located off Parkway Drive #04-04-25-100-022

On roll call vote, all present voted Aye

COMMUNICATIONS, PETITIONS, REPORTS

Patrick Sheridan P.E. Engineering Manager, Farnsworth Group, presented in a PowerPoint, the status and issues related to the Wastewater Treatment Plant including: Phase I and II Upgrades, compliance issues for NPDES permit, long term control, age, component inefficiencies and economic feasibly. Council Members directed questions and concerns to Mr. Sheridan. Flooding issues, increases in estimates, and capacity levels. Council Member Blanchard did not see need to double capacity and again requested dollar amount of how the project would be funded. Council Member Abel stated it was not efficient to continue to band aide a facility that was beyond its intended life. Council Member Barra felt the need was there for increase capacity because of the expansion of the industrial park plans.

UNFINISHED BUSINESS:

<u>**ORDINANCE NO. 1462-A293-09/10**</u>

AN ORDINANCE AMENDING TITLE 8, CHAPTER 4, SECTION 1D OF THE CODE OF THE CITY OF PEKIN REGARDING NO PARKING SCHEDULE CUL-DE-SACS

Motion by Council Member Kortkamp, seconded by Council Member Blanchard, that the **Ordinance No. 1462-A293-09/10** be adopted. Traffic Safety Committee recommended restricted parking in all cul-de-sacs with a radius of less than or equal to 100 ft. Council requested the change be laid over from the meeting of September 14, 2009 to receive comments from the public. Each Council Member spoke in opposition. The motion on the floor for discussion purposes was to adopt the ordinance. On roll call vote, all present voted Nay. Motion failed.

NEW BUSINESS

Motion by Council Member Strand, seconded by Council Member Abel, that the **AGREEMENT FOR PROFESSIONAL SERVICES AMENDMENT NO. 3 FOR PHASE I DESIGN WITH FARNSWORTH GROUP, be approved in the lump sum fee of $16,400.00.** Public Works Director Joe Wuellner explained the improvement was necessary to strengthen some of the old structure, to allow the plant to accept the upgrades and to function while the expansion construction took place. Council Member Blanchard indicated he would be voting no until information on the total expenses and the funding source were presented. Council Member Strand spoke in support in respect to development of the planned upgrades to position the City for obtaining the EPA loan. On roll call vote, Ayes, Strand, Schmidgall, Kortkamp, Abel, Barra, and Dunn; Nay, Blanchard. Motion Carried.

Motion by Council Member Abel, seconded by Council Member Schmidgall that the **SITE PLAN FOR A PAINT BALL FACILITY** located off Parkway Drive be approved as recommended by the Pekin Planning Commission. Council Member Schmidgall spoke in support of the new business and the location. He felt the noise would not be of significance. Other Council Members voiced concern that the location was not acceptable for the business but charged staff to work with Mr. McKinley and find a suitable location for the facility. On roll call vote, Ayes, Schmidgall, Blanchard, Kortkamp; Nays, Strand, Barra, Abel, Dunn. Motion Fails and the site plan was denied over the Planning Commission recommendation to approve the site.

Motion by Council Member Abel, seconded by Council Member Strand, that the **SPECIAL USE REQUEST FOR A PAINT BALL FACILITY** located off Parkway Drive from Michael McKinley, be denied as recommended by the Pekin Planning Commission. On roll call vote, Ayes, Strand, Blanchard, Kortkamp, Barra, Abel, Dunn; Nay Schmidgall. Motion Carried and the special use request was denied.

Motion by Council Member Schmidgall, seconded by Council Member Kortkamp, that **PROGRAMMATIC AGREEMENT FOR HISTORIC PROPERTIES FOR VETERANS DRIVE NORTH be approved.** Public Works Director Joe Wuellner advised the joint agreement with the Federal Highway Administration, Illinois Department of Transportation, and the Illinois Historical Preservation Officer, was a provision to receive the federal money for the proposed corridor road extension project. On roll call vote, all present voted Aye.

Motion by Council Member Blanchard, seconded by Council Member Abel, that **the low bid for the DERBY STREET SIDEWALK PROJECT be accepted in the amount of $100,716.00 and the contract be awarded to P. A. ATHERTON**. Improvement included pavement and curb removal, excavation, construction of sidewalk/ramp/transition, and detectable warning surface. Mr. Wuellner advised Council that the City had potential to receive stimulus funds but there were no guarantees in payouts. Council discussed using general funds if the money was not available. On roll call vote, Ayes, Schmidgall, Strand, Blanchard, Kortkamp. Abel, Dunn; Nay, Barra. Motion Carried to expend the amount to contractor P.A. Atherton.

Motion by Council Member Barra, seconded by Council Member Blanchard, that **the City concur with the Illinois Department of Transportation to accept the low bid of $437,529.00 and award the contract to R.A. CULLINAN & SON TO MILL AND RESURFACE PARKWAY DRIVE FROM COURT STREET TO WILLOW STREET, and approve the expenditure of $5,252.30 to complete the project**. The difference in the funding of $432,276.70 was received through the American Reinvestment and Recovery Act (ARRA) dollars. On roll call vote, all present voted Aye.

Motion by Council Member Kortkamp, seconded by Council Member Abel, that the **2009 HEARTLAND WATER RECOURSES COUNCIL DUES in the amount of $2,500.00** be approved. City Manager Dennis explained to the Council that the organization was a public and private partnership to spearhead involvement in Illinois River Restoration efforts. He recommended the City remain financially involved as "regional support". Council Members expressed concern in paying the full $5,000 membership, the amount of participation by Pekin representatives, and results from money paid in the past. Council Member Schmidgall indicated he would choose to abstain from the vote. On roll call vote, Ayes, Strand, Kortkamp, Abel, Dunn; Nays, Blanchard, Barra; Abstain, Schmidgall. Motion Carried.

ORDINANCE NO. 2595-09/10
AMENDING THE PACKAGE LIQUOR TAX

Motion by Council Member Abel, seconded by Council Member Strand, that **Ordinance No. 2595-09/10.** be adopted. Treasurer Jim Wolf addressed the modification to the remittance of the 2% tax in order to compensate the retailers who participate in the collection payment of the tax. This change would mirror the 1% retained in the provisions of the Food and Beverage Tax Ordinance. On roll call vote, all present voted Aye.

Motion by Council Member Strand, seconded by Council Member Barra, that **CITY OF PEKIN POLICY NO. 12 AMENDED be laid over until Tuesday, October 13, 2009 Council Meeting.** Proposed change would establish the Pekin Economic Development Investment Fund (PEDIF) as recommended by the Economic Development Advisory Committee. Discussion followed. The policy of a dedicated amount to draw business was felt to be critical enough to stand alone from the policy creating the committee members. The policy should also include the implementation plan of the investment. On roll call vote, all present voted Aye.

Motion by Council Member Schmidgall, seconded by Council Member Abel, that the **CITY OF PEKIN POLICY NO. 16-09/10-PAID COMMISSIONS OF CITY OWNED PROPERTY AT RIVERWAY BUSINESS PARK be adopted.** Economic Development Coordinator Steve Brown detailed the provisions of the policy to encourage real estate agents to market property in RWBP. Council Members stated they would like to consider alternate forms of proposals and hear additional comments from commercial real estate agents and staff. Motion by Council Member Barra, seconded by Council Member Blanchard, that Policy No. 16-09/10 be laid over to a later date of November 9, 2009. On roll call vote, all present voted Aye.

ANY OTHER BUSINESS TO COME BEFORE THE COUNCIL
Mayor Dunn summarized some of the sessions attended by members and staff who attended the Illinois Municipal League Conference. Director of Public Property Greg Ranney concurred with the positive review the Mayor gave on the caliber of training received at the training sessions.

Council Member Blanchard stated the Council packet was not available on the City Web page the last two meeting and requested the availability be checked. In reviewing the bi-weekly expenditures, he noted appraisals were billed from Klopfenstein and questioned the status of the property values for Veterans Drive extended project.

City Manager Dennis Kief expressed appreciation to those who attended the successful 15th Annual community Day Events. Mr. Kief as member of the Traffic Safety Committee also commented on the direction that was given to the committee to review parking on substandard streets and reaffirmed that members had been reviewing the streets by sections and the cul-de-sacs since last August.

Reminder was given for the locations for the annual Fall Spruce Up Pekin collection sites.

EXECUTIVE SESSION
Motion by Council Member Barra, seconded by Council Member Blanchard, that **Council move to Executive Session** at 8:10 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. 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 8:35 P.M.

Sue E. McMillan
City Clerk