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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 9, 2013, AT 5:30 O'CLOCK P.M.
LAURIE L. BARRA * MAYOR * PRESIDING

PRESENT: COUNCIL MEMBERS, ABEL, HENDRICKS, MCCABE, GILLESPIE, GOLDEN, ORRICK, AND BARRA

ABSENT: NONE

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

Roll was called. All members were physically present. A quorum was present.

AGENDA

Motion by Council Member Orrick, seconded by Council Member Gillespie, that **the agenda be approved as presented**. On roll call vote all present voted Aye.

MINUTES

Council Member Hendricks asked that the minutes be amended to reflect that his correct vote on the motion to table the bid and award of the Annual Seal Coat Project was Nay. Motion by Council Member Orrick, seconded by Council Member McCabe, that the **minutes of the Regular City Council Meeting of August 26, 2013 be approved as amended.** On roll call vote all present voted Aye.

PUBLIC INPUT ON AGENDA ITEMS

Renna Hadsall, 1220 El Camino Drive, read from a prepared statement and for the record, her and husband John's objections to the development zoning proposed for El Camino Drive. The objections were density of the project, water run off, parking and garbage pickup, and no green space. A petition was submitted stating the undersigned opposed the request of Mr. Hornecker to have property on El Camino Drive to RM-3. Jeff Hornecker, 42 Oak Hill Court, responded to the concerns presented by the adjacent property owners. He asked Council to vote yes to the project and noted it would increase tax revenue. John Hadsall stated he did not oppose the project but rather the size of the development being 16 units. He felt the project did not fit the City of Pekin Comprehensive Plan.

CONSENT AGENDA

Motion by Council Member Orrick, seconded by Council Member Abel, that the **CONSENT AGENDA be approved as presented.** Mayor Barra presented the following for consideration of the Consent Agenda items by Omnibus Vote.

7.1 Receive and File Monthly Reports: Inspection and Zoning Department Reports March, April, May, June, July; Building Reports March, April May, June, July; Liquor Commission draft Minutes dated August 22, 2013; and Human Rights Committee Minutes dated July 31, 2013.
7.2 Proclamation: "Intellectual Disabilities Week" September 20-22, 2013 " Moment of Remembrance September 11th"
7.3 Receive and File Bids for Veterans Drive South Rt 9 to Rt 29 opened 8-22-13.
7.4 Receive and File Pekin Zoning Board of Appeals Minutes dated August 14, 2013
7.5 Receive and File Pekin Planning Commission Minutes dated August 14, 2013
7.6 Receive and File Pekin Planning Commission Hearings and Recommendations: a. Hearing #05-1868-recommends approval of the Rezoning of property from B-3 (General Business District) with a legal description of Sec 11 T24N R5W Tract 3 in S1/2 of W1/2 SE ¼ PIN #10-10-11-400-041 and including an additional 40' to the East of said property

On roll call vote all present voted Aye.

COMMUNICATIONS, PETITIONS, REPORTS

Financial Quarterly Report

City Treasurer James Wolf presented the Finance Report for three months ended July 31, 2013. He explained the most note worthy dollar amounts and their explanations which were highlighted on the Revenues Over Expenses – All City Funds, Major Revenue Sources, and Investment Earnings for the last quarter. New to the presentation was Supplemental Comments of Revenues Over Expenses. He noted it was a financially good 3 month report for the City.

NEW BUSINESS

Motion by Council Member Hendricks, seconded by Council Member Gillespie that the recommendation of the Pekin Planning Commission to **REZONE 1.10 ACRE PARCEL OF LAND ADJACENT AND WEST OF THE GINGOTEAGUE GENERAL STORE FROM B-3 (GENERAL BUSINESS) TO RM-2 RESIDENTIAL MULTIPLE FAMILY) be approved.** Code Enforcement Officer Ron Sieh presented the recommendation of the Pekin Planning Commission to rezone property annexed in 1989. The new zoning would allow residential multiple family for the development of condominiums by Jeff and Cindy Hornecker. He advised the purchase of 40' to the east of said property, to be re-platted in Tazewell County, was contingent upon the rezoning of the 1.10 acre parcel. Each Council Member was given the opportunity to address the motion. Council Member Hendricks questioned the reasoning for the commission members' split votes that were not detailed in the Planning Minutes. Questions and concerns were addressed by Mr. Sieh. Council was given Florence housing units and Lakeside housing units as comparable constructions to the proposed development. Mr. Sieh pointed out that the unit numbers and size (952 sq ft) were appropriate for the 2 parcel acreage of 1.33, there was a retention pond on the property, and garbage would be picked up each week from toters not stationary dumpsters. Council was advised that the consideration before them was a matter of rezoning not the project. On roll call vote Ayes, Gillespie and Barra; Nays, Golden, Orrick, McCabe, Abel, and Hendricks. Motion Failed.

ORDINANCE NO. 2688-13/14
AN ORDINANCE AUTHORIZING BORROWING

Motion by Council Member Hendricks, seconded Council Member Abel that Ordinance No. 2688-13/14 be adopted. Assistant City Manager Darin Girdler requested Council's authorization to proceed with borrowing the money that was approved by Council on August 13, 2012 as part of the agreement and project with Avanti's Dome LLC. for the Griffin Drive Project. He advised that the City had negotiated with Pekin Community Bank for obtaining funds for a portion of the agreement by financing $600,000 for a term not to exceed ten (10) years and at a rate not to exceed 3.0%. On roll call vote, Ayes, Orrick, Gillespie, McCabe, Abel, and Barra; Nays, Golden and Hendricks. Motion Carried.

Motion by Council Member Hendricks, seconded by Council Member Orrick that the **AGREEMENT WITH TAZEWELL COUNTY for acceptance of a grant in connection with recycling be approved.** City Manager Joseph Wuellner presented the terms of the agreement which provided for the City to receive $56,000.00 in grant funds to be used in support of the County approved recycling collection program. He advised that the County had interest in maintaining a recycling center in Pekin and they were looking at getting the City an additional $12,700.00 funding to operate the relocated McDonalds drop-off. On roll call vote, all present voted Aye.

Motion by Council Member McCabe, seconded by Council Member Abel that the **TIF COMMERCIAL/RETAIL INTERIOR LOAN PROGRAM** expenditure in the amount of $52,996.56 for 219 and 221 Court Street be approved. Leigh Ann Matthews, Tax Increment Financing Administrator for the Central Business District TIF, presented the recommendation for Pekin Main Street Design Committee the request to pay Maquet Inc. eligible amount of the program interior expenses addressing 219 and 221 Court properties to cover electrical, HVAC and plumbing systems. She advised Council that the money generated in the district needs to be invested back into the TIF district only. She also gave background information regarding the entire 200 Block project. Recently checked assessment records indicated that value of the area had raised $112,000.00. Discussion followed. Council Member Orrick was told that a Business Plan by the applicant was not a requirement of the program. Council was advised that the program's financial intent was

for improvements of structures not operations of applicant. Greg Ranney a Member of the Design Committee, and Todd Thompson the owner and developer of the properties, answered question directed from Council Member Golden regarding the lease. Mr. Maquet told Council that he did not have prior restaurant experience. Members Barra, Abel, McCabe and Gillespie spoke in support of the regenerated TIF money, the potential for the establishment to generate tax dollar traffic in the downtown, and the good character of the applicant. On roll call vote, Ayes, Golden, Gillespie, McCabe, Abel, Hendricks, and Barra; Nay, Orrick. Motion carried.

Motion by Council Member McCabe, seconded by Council Member Gillespie that the **TIF FAÇADE GRANT PROGRAM** expenditure in the amount of $23,975.38 for 219 and 221 Court Street be approved. Ms. Matthews next presented the Façade application for the 219 and 221 Court Street properties. She asked that the Council approve additionally the eligible project costs to cover exterior expenses for signs, lighting, awnings, and outdoor patio fence. Council Member Orrick commented that if the interior part of the project was approved then the outside should also look good as he wished Mr. Maquet much success. On roll call vote, all present voted Aye.

Motion by Council Member Golden, seconded by Council Member Orrick, that the **ASSIGNMENT OF OBLIGATION OF THE TIF GRANT FOR 404 COURT STREET** in the amount of $2,775.00 be considered. Leigh Ann Matthews, Tax Increment Financing Administrator for the Central Business District TIF, asked Council to approve the written consent from Dallas Pettingill, the new owner, of 404 Court Street to assume the obligation of the Façade Grant known as CJ's Café. Council approved the original expenditures on May 28, 2013 for a windows project. Council Member Orrick requested Ms. Matthews to provide him with the total amount invested in the property. Council Members Golden and Hendricks stated their reasons that they would be voting no or abstain from voting for a new owner to assume a project that they originally felt did not meet the intent of Façade program. Motion by Council Member Gillespie, seconded by Council Member Golden, that the **ASSIGNMENT OF OBLIGATION OF THE TIF GRANT FOR 404 COURT STREET** in the amount of $2,775.00 be approved. On roll call vote, Ayes, Orrick, Gillespie, McCabe, Abel and Barra; Nays, Golden; Abstain, Hendricks. Motion Carried.

Motion by Council Member Golden, seconded by Council Member Orrick that the **ENGINEERING AGREEMENT WITH MIDWEST ENGINEERING ASSOCIATES** for the design services for improvements to drainage areas in the amount of $68,500.00 be approved. City Engineer Michael Guerra advised the Council that the City had entered into an agreement with the firm in April and June of 2012 to perform storm water studies on the Broadmoor Heights/Park Ridge Drainage Area and the Cambridge/Shire Drainage along Derby Street storm sewers. Results were presented and it was decided during the budget sessions to fund the improvements. A practical location for the detention pond to provide storage to lessen flooding at Cambridge was selected. The agreement allowed Midwest to perform design and provide construction specifications utilized for bidding. Included in the agreement was another location at Circle Drive that needed urgent attention. Mr. Guerra answered Council's questions regarding the origin of the Circle Drive storm sewer and the eroded hillside concerns. On roll call vote, all present voted Aye.

Motion by Council Member Abel, seconded by Council Member McCabe that the bid in the amount of $19,720,001.83 for the **CONSTRUCTION OF VETERANS DRIVE SOUTH FROM COMMERCIAL DRIVE TO IL 29** be approved and the contract awarded to R.A. Cullinan & Son, Inc. City Engineer Michael Guerra recommended to Council the proposal be awarded to Cullinan from the four submitted. Cullinan met requirements, the amount was less than engineer's estimate, and the City along with IDOT felt the amount was reasonable. He informed the Council that funding came from the State Capitol plan in which $30 million was awarded to construct the portion of Veterans Drive to IL 9 and to repair Court Street to turn over to the City. Project was required to be completed by October 2015. On roll call vote, all present voted Aye.

Motion by Council Member Abel, seconded by Council Member Gillespie that the **AGREEMENT WITH MILLENNIA PROFESSIONAL SERVICES** for construction engineering services for construction inspection of Veterans Drive south, in the amount of $1,436,372.14 be approved. Mr. Guerra told the Council that this portion of Veterans Drive was funded with State funding which meant that State standards had to be followed in terms of inspections and material testing. With the size and scope of the project the City did not have the staffing to provide proper inspections required. Millennia would ensure the contractor

would construct the road per plans and specifications. Mr. Guerra answered Council Member Golden's questions as to why the services were not bid. Millennia had previously been contracted on the Veterans Drive from Broadway to Sheridan, the staff utilized worked well with the City and State for the project, and their staff was known to have a good working relationship with State construction engineer provided for Veteran's South. On roll call vote, all present voted Aye.

ANY OTHER BUSINESS TO COME BEFORE THE COUNCIL

City Engineer Michael Guerra announced that the Broadway to Sheridan Corridor would be officially opened at the Ribbon Cutting on Friday, September 13, 2013. Front Street would be closed for approximately three months for the construction of the new diversion structure and repair of the existing one.

Attorney Burt Dancey responded to Mr. Jim Mangan's request for the City to conduct audits in regards to the collection of Hotel/Motel taxes. In a prepared statement Mr. Dancey gave the opinion the Code simply states "may" examine the records of the establishments, the City's tax due was based on the establishment's financial reports to the State of Illinois Department of Revenue, and that the City would not pursue his labor intensive request.

Council Member Hendricks asked for the identity of the location where the West Nile virus was reported the previous week and was informed that the County Health Department does not release that information.

Council Member McCabe announced there were two weeks remaining for the Downtown Farmers Market and urge citizens to take advantage of the fresh local produce.

Council Member Abel extended appreciation to the many volunteers who worked the Marigold Festival.

Council Member Gillespie echoed the appreciation and complimented the organizers of the parade.

Council Member Orrick asked that a Business Plan become part of the Façade Application process. The Councilman also requested that staff review the repairs needed to make the sidewalk safe in front of CVS Drug Store at 9th and Court Streets. He also asked the status of the West Campus demolition. City Manager Joseph Wuellner reported to Council that Mr. Huff had begun cleanup slowly. If the terms discussed were not completed the owner would be sited and be required to attend a hearing on September19, 2013. Council Member Golden informed the Council that a citizen contacted him, regarding the lack of Marigolds in the City and Service Club flower beds for the Marigold Festival.

Mayor Barra expressed appreciation to the Marigold Committee Chair, Shannon Tebben Sandoval in achieving a very successive festival event.

Jim Mangan, 1220 Parkway Drive, addressed the Council on his request to place on the next Council agenda the matter of financial reports from businesses. He stated that if the Mayor was not responsive to his request than two of the Council Members were able to make that motion. Mayor Barra advised Mr. Mangan that the City had no indication that any business had short changed the State or the City in their payment of Hotel/Motel Tax.

EXECUTIVE SESSION

Motion by Council Member Gillespie, seconded by Council Member Abel, that the Council move to Executive Session at 7:30 p.m. to discuss 65 ILCS 120/2 (c) (5) Acquisition of Property. Motion approved unanimously by voice vote.

Council returned to open session. Council Member Gillespie made a motion to adjourn and it was seconded by Council Member Orrick. No further business to come before the Council, Mayor Barra adjourned the meeting.

COUNCIL ADJOURNED AT 7:35 P.M.

Sue E. McMillan
City Clerk