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PROCEEDINGS OF A SPECIAL 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, AUGUST 30, 2004 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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Proper notice was posted on August 27, 2004 of the Council's vote by motion at the meeting of August 23, 2004 to set the special meeting.

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

Roll was called and all commissioners were present.

Agenda

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

Communications, Petitions, Reports

Update on Sunset Lake Estates/IDNR Report

Corporation Counsel Burt Dancey updated Council members on the proposed Sunset Lake Estates residential development project and the Illinois Department of Natural Resource's position on the dams within the subdivision. From a prepared statement Attorney Dancey also informed residents of Sunset Hills Subdivision in attendance, that a letter received dated July 7, dated IDNR tentatively authorized and approved the developer's proposed plans subject to the developer meeting certain requirements. He advised a decision, appropriate action, authorization, approval or permits were properly with the Department. Residents were advised to direct their opposition to that department because it was their field of jurisdiction not the City's.

Mayor Howard stated the reason the update was on the agenda was to clarify that Council would not take action on approval of a subdivision until the plat was presented to them. He would allow the public to speak on the issue if they had concerns that the City was not being open with continuing information on the subject.

Leo Hall, Bill Craig, Tonya Burris, residents of Sunset Hills Subdivision addressed Council. They spoke of the concerns with safety, devaluation of their property, possible flooding resulting from changes to the lake that may affect the dam and maintenance. Mr. Craig presented excerpts from letters from IDNR and Steve Kerr of the Engineering firm to the City Manager supporting his position that IDNR has referred to permitting the upper and lower dam as one project and not separate issues. Ms. Burris presented a plat with Tax ID and current property owners in relation to Golf Club Properties ownership of the lower dam.

The motion made by Commissioner Maddox on March 22 in reference to the approval of the preliminary plat for Sunset Lake Estates Phase 1 and 2 was read to verify the intent of Council's actions to Mr. Hall. Motion by Com'r. Maddox, seconded by Com'r. Massaglia, that Resolution No. 51–03/04 be amended by adding after the word adopted, "contingent upon the developer providing satisfactory evidence, in a timely manner, to the City of Pekin, of the acquisition of or completion of all required State of Illinois and Federal licenses, permits, mandated studies applicable to but not specifically regarding the upper and lower dams. Commissioners Maddox and Massaglia reiterated that there would be future time for public hearing to address the matter. On roll call vote, all present voted Aye.

New Business

Motion by Com'r. Richmond, seconded by Com'r. Massaglia, that the **PROPOSALS FROM FINANCIAL INSTITUTIONS BE RECEIVED AND FILED FOR GENERAL OBLIGATION DEBT**. Finance Director Bob Reis requested in the packet that Council review proposals received for

GO Debt that was being considered for an current TIF I obligation plus proposed new spending of $2,925,000. Thirteen requests were sent out, six received, two declined and five no reply. Mr. Reis presented spreadsheets comparing Herget Bank that provided a bid for five years with a balloon or higher rate for nine years and Bernardi Securities Inc. that provided a traditional bond approach for nine years callable without penalty at 5 years. Mike Bowen of Bernardi spoke of the flexibility of refinancing the bonds and the ability to provide bonds to local individual purchasers. Skip Schermerhorn was given the opportunity but did not address Herget's proposal. On roll call vote, all present voted Aye.

In a related matter City Manager Dennis Kief asked for Council's consensus for total dollar amount of new money borrowed. Motion by Com'r. Richmond, seconded by Com'r. Maddox **TO INCLUDE THE DEMOLITION OF THE GRAIN ELEVATORS INTO THE TIF FINANCING.** On roll call vote, all present vote: Ayes, Maddox, Massaglia, Richmond, Howard; Nay, Jones. Motion Carried.

Motion by Com'r. Jones, seconded by Com'r. Massaglia, that the **CONTRACT WITH BEHAVIORAL HEALTH ADVANTAGES, INC. FOR EMPLOYEE ASSISTANCE PROGRAM AGREEMENT** in the amount of $20.00 per employee annually for a term of 2 years be approved. Personnel Director Patricia Pollock explained that the EAP agreement with East Peoria Psychological Associates had expired and that BHA was contacted. Services and additional benefits of the counseling service were recommended. On roll call vote, all present voted Aye.

RESOLUTION NO. 74-04/05
FINAL PLAT OUTLOT E EAST COURT VILLAGE

Motion by Com'r. Jones, seconded by Com'r. Richmond, that Resolution No. 74-04/05 be adopted. City Engineer Joe Wuellner recommended approval of the plat to expedite work on the proposed businesses in front of the Mall. On roll call vote, all present voted Aye.

RESOLUTION NO. 75-04/05
CODE EXCEPTION FOR SIZE AND HEIGHT OF DOME

Motion by Com'r. Maddox, seconded by Com'r. Massaglia, that Resolution No. 75-04/05 be adopted. Mr. Wuellner informed Council that in reviewing the building codes that apply to the construction of a dome, there were limits established for size and height in certain construction type and group categories. International Code Council gave their opinion and it was determined maximum height without fire protection was 55 feet and total area 9,500 square feet. An exception would be required. In addition the fire code states that unless there is a fire protection system installed only sporting activities with occupancy limit of no more than 300 persons would be allowed. On roll call vote, all present voted Aye.

Other Business

City Manager Dennis Kief asked and received Council concordance to proceed with an application to the Department of Natural Resources for Boat Access Area Development Grant Program. BAAD Funding if received would be used to improve the parking lot and lighting on the west side of the river,

Reporters from the *Peoria Journal Star, Pekin Daily Time* were given the opportunity to ask questions.

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

COUNCIL ADJOURNED AT 6:25 P.M.

Sue E. McMillan
City Clerk