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PROCEEDINGS OF A MEETING
OF THE CITY COUNCIL OF THE CITY OF PEKIN, ILLINOIS,
HELD IN THE COUNCIL CHAMBERS OF THE CITY HALL
ON MONDAY, AUGUST 24, 1998, AT SPECIAL TIME OF 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 Ed Basch.

Roll was called and all commissioners were present.

Agenda

Motion by Com=r. Barra, seconded by Com=r. Orrick, that the **Agenda be amended as follows: Under New Business remove item 4. Ordinance No. 2116/OA. Amending Section 9-10-6-D Being the Zoning Code of the City of Pekin 1995 Regarding Landscape Requirements and Standards. Under New Business add item 12. Street Maintenance Change Order**. On roll call vote, all present voted Aye. Motion by Com=r. Barra, seconded by Com=r. Orrick, that the **Agenda be approved as amended.** On roll call vote, all present voted Aye.

Motion by Com'r. Barra, seconded by Com'r. Richmond, that the **Minutes of the Regular City Council Meeting of August 10, 1998 be approved as written**. On roll call vote, all present voted Aye.

Consent Agenda

Motion by Com=r. Barra, seconded by Com'r. Orrick, that the following items be approved by the Council as part of the Consent Agenda:

1. Resolution No. 347 - Approving Payroll No. 17 for pay period ending 08/08/98 in the amount of $279,938.99; Manual Payables for July in the amount of $215,862.39; and Claim Schedules dated 08/21/98 in the amount of $526,586.59.

2. Receive and File Monthly Reports: Fire, Police and Wastewater Treatment

3. Charitable Solicitation: Firefighters Local 524 for MDA September 5, 1998

4. Receive and File Bids for Brentwood-Detention at Valle Vista Boulevard

Otto Baum & Sons, Inc.	Roy Frietsch & Co., Inc.	R.A. Cullinan & Son, Inc.	Engineer's Estimate
$126,584.00	**$81,820.00**	$99,950.00	$105,125.00

5. Receive and File Pekin Planning Commission Minutes Dated August 12, 1998

6. Receive and File Pekin Planning Commission Recommendations:
    a. #1289 - that Special Use request of Melody Estep, property at 351 Ann Eliza Street, to sell liquor in a B-3 Zone be denied by the Pekin City Council
    b. #1290 - that Site Pan submitted by Melody Estep, for the property at 351 Ann Eliza Street be approved subject to the Special Use request being approved by the Pekin City Council
    c. #1291 - that the Preliminary Subdivision Plat submitted by Bill Baird be approved by the Pekin City Council, subject to the water lines and retention being shown on the Final Plat
    d. #1292 - approval to the Pekin City Council of the Zoning Amendment for Landscaping, subject to changing the language to include the Planning Commission where appropriate
    e. #1293 - approval to the Pekin City Council of the Zoning Amendment for Site Plan Review

On roll call vote, all present voted Aye.

New Business

Motion by Com'r. Barra, seconded by Com'r. Orrick, that the **SPECIAL USE REQUEST OF MELODY ESTEP,** property at 351 Ann Eliza Street, to sell liquor in a B-3 Zone, be denied. Planning and Development Director Ed Basch gave background information regarding the Planning Commission's recommendation for denial of the request to open a new business. The minutes of that Planning Commission meeting reflected the thoughts of the members in evaluating the use of the property. It was felt there was a high concentration of liquor establishments in the downtown. A tavern on that site would hinder future development in the recently cleared area. Council discussed the percentage of alcohol and food to total sales and the site plan that met criteria, but only needed to be acted on if the special use was approved. On roll call vote: Ayes; Mayor Tebben, Comr's. Orrick, Jones; Nays; Comr's. Barra and Richmond. Motion to deny Special Use passed.

Motion by Com'r. Richmond, seconded by Com'r. Barra, that the **PRELIMINARY PLAT OF SURVEY OF LOT B OF BLOCK 3 OF THE RESUBDIVISION OF RIVERWAY BUSINESS PARK** be approved. The Planning Commission recommended the preliminary plat submitted by Bill Baird be approved subject to the water lines and retention being shown on the final plat. On roll call vote, all present voted Aye.

<u>RESOLUTION NO. 348</u>
FINAL PLAT OF SURVEY OF LOT B OF BLOCK 3
OF THE RESUBDIVISION OF RIVERWAY BUSINESS PARK

Motion by Com=r. Richmond, seconded by Com=r. Barra, that Resolution No. 348 be adopted. On roll call vote, all present voted Aye.

<u>ORDINANCE NO. 2117/OA</u>
AMENDING SECTION 9-10-14-(A) BEING THE ZONING CODE
OF THE CITY OF PEKIN REGARDING SITE PLAN REVIEW

Motion by Com=r. Richmond, seconded by Com=r. Orrick, that Ordinance No. 2117/OA be adopted. Com'r. Jones asked Mr. Basch to addressed the reason for continuing changes to the Zoning Code. Mr. Basch stated the code was unduly cumbersome and other amendments were in the draft stages for that section. Requirements of zoning are amended with the changing times. There would always be room for improvement. On roll call vote, all present voted Aye.

<u>ORDINANCE NO. 2118</u>
AMENDING TITLE 4, CHAPTER 2, SECTION 2B OF THE CODE
OF THE CITY OF PEKIN 1995 REGARDING STREET OPENING FEES

Motion by Com=r. Richmond, seconded by Com=r. Barra, that Ordinance No. 2118 be adopted. It was explained that the ordinance would require triple permit fees for opening streets within one year of new overlays or new construction. The Public Works Department had established a 3-5 year capital improvement plan of street maintenance for adequate notice to utility companies. On roll call vote, all present voted Aye.

<u>ORDINANCE NO. 2119</u>
PROVIDING FOR THE PURCHASE OF REAL PROPERTY BY THE CITY OF PEKIN
LINDA L. LARD, 15809 VFW ROAD

Motion by Com=r. Richmond, seconded by Com=r. Orrick, that Ordinance No. 2119 be adopted. City Manager Hierstein noted the property was the second purchased by the City in preparation for the VFW Road Corridor. He felt it was beneficial to purchase land in advance when the buyers are willing to sell. Comr. Jones asked that a professional company manage these properties being leased and that inquiries be made concerning the liability insurance coverage for the City. On roll call vote, all present voted Aye.

Motion by Com=r. Orrick, seconded by Com=r. Barra, that the **BID OF ROY FRIETSCH & CO., INC.** for the improvement known as Brentwood-Detention at Valle Vista Boulevard in the amount of $81,820.00 be approved. On roll call vote, all present voted Aye.

Motion by Com=r. Orrick, seconded by Com=r. Barra, that the City of Pekin approve and accept Illinois Department of Transportation's exercise of the option to **EXTEND THE AGREEMENT FOR MAINTENANCE OF MUNICIPAL STREETS** for a 12 month period beginning July 1, 1998. On roll call vote, all present voted Aye.

RESOLUTION NO. 349

RESUBORDINANTION REQUEST FOR EXCALIBUR SEASONINGS

Motion by Com=r. Orrick, seconded by Com=r. Barra, that Resolution No. 349 be adopted. On roll call vote, all present voted Aye.

Motion by Com=r. Orrick, seconded by Com=r. Barra, that the Standard Contract for Professional Engineering Services with **QST ENVIROMENTAL INC. TO DESIGN AND FACILITATE BIDDING PROCESS OF A NEW DETENTION BASIN** to be located south of Koch Street at the southerly boundary of KMI, not to exceed $3,500.00 be approved. On roll call vote, all present voted Aye.

Motion by Com=r. Richmond, seconded by Com=r. Barra, that the **CHANGE ORDER TO SENECA PETROLEUM** to extend the northerly limit of overlay of Parkway Drive from Marigold to the North City Limits in the amount of $50,000.00 be approved. On roll call vote, all present voted Aye.

Motion by Com=r. Orrick, seconded by Com=r. Barra, that the Council move to Executive Session to discuss Pending and Threatened Litigation at 6:15 P.M. On roll call vote, all present voted Aye.

Council returned to open session at 6:30 P.M. Com'r. Barra left the meeting.

Communications, Petitions, Reports

A **PUBLIC HEARING** was opened by Mayor Tebben at 6:30 p.m. for the purpose of discussing the sale to Howard L. Griffin and Janet M. Griffin of real estate PIN #04-04-34-417-007. The notice was properly published on August 8, 1998 in the *Pekin Daily Times*. The City Manager explained the vacant property had no value to the City for governmental purposes. The Griffins offered $14,400.00 and would use the property, adjacent to their building at 219 N. Capital Street, as a parking lot. Discussion followed on the buyer's intentions for hard surfacing and landscaping. Council requested provisions be added to the purchase agreement. The paving and landscaping should be performed in accordance with all applicable ordinances. No additional public comments were received. The hearing was closed at 6:35 p.m.

ORDINANCE NO. 2120

AUTHORIZING THE SALE OF MUNICIPALLY OWNED REAL ESTATE

HOWARD L. GRIFFIN AND JANET M. GRIFFIN

Motion by Com=r. Jones, seconded by Com=r. Orrick, that Ordinance No. 2120 be adopted subject to adding to the purchase contract provisions for the buyer to complete paving and landscaping of the premises within twelve (12) months of the date of possession. On roll call vote, all present voted Aye.

A **PUBLIC HEARING** was opened by Mayor Tebben at 6:36 p.m. for the purpose of considering and hearing testimony as to an ordinance authorizing the execution of an annexation agreement and an ordinance authorizing annexation to the City of Pekin, Lot 1 in Rosenberg Industrial Park PIN #10-10-09-400-016. All notices were properly published in the *Pekin Daily Times.* Council commented that the petition by Tazewell Machine Works, Inc. to annex approximately 100 acres of land across from Riverway Business Park indicated City services were a value for the money. No additional public comments were received. The hearing was closed at 6:40 p.m.

ORDINANCE NO. 2121

APPROVING ANNEXATION AGREEMENT

TAZEWELL MACHINE

Motion by Com=r. Jones, seconded by Com=r. Orrick, that Ordinance No. 2121 be adopted. On roll call vote, all present voted Aye.

Other Business

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

There being no further business to come before the Council, motion was made by Com'r. Jones seconded by Com=r. Richmond, that the Council adjourn. Motion carried by voice vote.

COUNCIL ADJOURNED AT 7:45 P.M.

Sue E. McMillan
City Clerk