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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**
**111 SOUTH CAPITOL STREET**
**ON MONDAY, AUGUST 23, 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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The **Pledge of Allegiance** was led by Fire Chief Chuck Lauss, T/PCCC Director Steve Thompson, District Manager Illinois American Water Company Randy West. The gentlemen were selected to lead the pledge as part of their recognition for their efforts in the City being awarded a 4 rating by the Insurance Services Organization.

**Roll** was called and all commissioners were present.

**Agenda**

Motion by Com'r. Jones, seconded by Com'r. Maddox, that the **agenda be amended by adding under Communications, Petitions, Reports, an Update on Animal Control.** On roll call vote, all present voted Aye.

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

Motion by Com'r. Jones, seconded by Com'r. Richmond, that the **Minutes of the Regular City Council Meeting of August 9, 2004 be approved as written.** On roll call vote, all present voted Aye.

**Public Input on Agenda Items**

**Larry Engle** 1311 Royal Avenue apologized for his negative remarks concerning the City's new garbage collections program and enforcement of toters. He then questioned Council on revenues from the recycling program which he was told there were no revenues. Mr. Engle also questioned why garbage had not been picked up from the residence at the corner of Sapp and Knapp. Greg Ranney Director of Solid Waste was requested to handle the situation.

**Animal Control**

Diana Williams 1600 Crescent Drive told Council in a prepared statement that the U.S. Postal System, for which she is a letter carrier, has a zero tolerance for dog bites as should the City of Pekin.

Stephanie Brandt 1402 Black Street addressed Council on the recent issues of the City's animal ordinance revisions regarding vicious animals and dog bites. Discussion by the Council followed. Commissioner Massaglia asked that the Mayor form a committee for public input in revising the provisions. Commissioners Jones and Richmond was not in support of creating another committee.

Bill Gilroy told Council there were dogs running the streets without licenses and shots. He indicated these issues should also be addressed in the revisions to the Code regarding animals.

Sara Ash questioned if the changes to the Code were to target a certain breed of dog. It was the Mayor's indication that no certain breeds of dogs would be named. The Council's concern was for the safety of the public and responsibilities of owners.

**Consent Agenda**

City Clerk Sue McMillan presented the items under consent Agenda. Motion was then made by Com'r. Maddox, seconded by Com'r. Massaglia, that the Consent Agenda b**e approved as presented.**

1. Receive and File Monthly Reports: Project Status Report, Wastewater Treatment Plant, Fire Minutes: Traffic Safety, Inspections, Electrical, Airport, Lake Arlan Drainage District

2. Charitable Solicitation: Benefit for Angel Fouts Saturday September 25, 2004

3. Resolution No. 71 - Mayor's Appointment of Ron Knautz to the Pekin Planning Commission

On roll call vote all present voted Aye.

**Communications, Petitions, Reports**

**ISO Rating**

City Manager Dennis Kief informed Council that the City of Pekin had received from the Insurance Services Organization an ISO Rating of 4. The rating is a major factor involved in determining individual and business insurance rates. Three major components: 10% Communications (T/PCCC), 40% Water Distribution (IAWC) and 50% Fire Protection were used to determine the rating through the Public Protection Classification survey process. Fire Chief Chuck Lauss who spearheaded the effort, Steve Thompson, Randy West, Kevin Cone, Dan Bonnette and City staff were extended appreciation for their involvement in lowering the 10-year rating from a 4 to 3.

**Solid Waste Collection Update**

Director of Public Property Greg Ranney told Council 4000 toters were on site and over 3000 had been sold or leased in preparation to begin solid waste collection in-house on September 1. He also reported

- 4 drivers had been hired
- there would be a holiday that would put collection one day behind beginning the first full week of the program
- informational tape addressing concerns of residents had been completed and would frequently be shown on Channel 22

There was discussion regarding the confusion of Waste Management's procedures on purchase or pick-up of their toters.

**Public Hearing**

Mayor Howard opened a Public Hearing at 6:04 p.m. for the purpose of discussing the sale to Illinois Bio-Diesel Company, LLC or its affiliates, of a part of Block 3 of Riverway Business Park commonly know as 1810 Riverway Drive PIN 10-10-10-100-009. City Clerk Sue McMillan confirmed that proper notice was published in the *Pekin Times* on August 7, 2004. Planning and Development Director Kim Uhlig presented the Council the revised Developers Agreement and pointed out the major area being revise:

- language of specific location for an easement if need arises for additional rail spur
- removal of $350,000 liability due to Enterprise Zone expiration date not being extended
- Timing change requiring new closing dates inserted

Commissioner Jones questioned if the height of the structure was in compliance with restrictions of a PUD or covenants of the RWBP. He questioned if the proper review committee had given recommendation of a variance. Discussion followed. It was the opinion of legal counsel William Streeter that the appropriate approval would be given once the RWBP Review Committee met because of the make up and the awareness of the project by it's members. It was indicated to Council that final plans would require approved site plans by the Inspections Department. There were no public comments. No additional persons wished to be heard and the hearing was closed at 6:14 p.m.

**Animal Control Update**

Corporation Counsel Attorney Sue Bosich gave update on the process of revising language in the Code in regards to dog bites. She reported she had met with well-informed letter carriers who presented her with statistic on attacks per year. She had spoken with veterinarians for input but additional research still needed to be done on tethering. Council was advised that a final draft would be completed in about a month for their consideration. Mayor Howard suggested any public input be given to the attorney by contacting City Hall to arrange appointment with Ms. Bosich.

**New Business**

**ORDINANCE NO. 2384**

**AN ORDINANCE AUTHORIZING THE SALE AND TRANSFER OF MUNICIPALLY OWNED REAL PROPERTY WITHIN THE CITY OF PEKIN ILLINOIS BIO-DIESEL, LLC. IN RIVERWAY BUSINESS PARK**

Motion by Com'r. Massaglia, seconded by Com'r. Maddox that Ordinance No. 2384 be adopted. Attorney Streeter advised Council that after reviewing the developer agreement it was now his opinion that approval by Council of the agreement also authorized the height variance. Staff was requested in the future to convene a meeting of the proper committees before submitting such an agreement to the Council. On roll call vote, all present voted Aye.

**RESOLUTION NO. 72-04/05**

**ADOPTING A NATURAL HAZARDS MITIGATION PLAN FOR THE CITY OF PEKIN**

Motion by Com'r. Massaglia, seconded by Com'r. Maddox that Resolution No. 72-04/05 be adopted. Director of T/PCCC Steve Thompson presented recommendation and explanation of the mitigation plan that was a result of Project Impact. A study of the City of Pekin's risks and vulnerabilities to storms, floods, etc, and recommendations on mitigating the effects were presented in the Plan. The plan would fulfill the federal mandate for mitigation monies and allow Pekin to receive grant for public safety projects. On roll call vote, all present voted Aye.

Motion by Com'r. Massaglia, seconded by Com'r. Richmond, that **AGREEMENT WITH GARY ALLEN FOR IMPROVEMENTS TO PETRI LANE** be approved. City Engineer Joe Wuellner explained that the agreement with developer of Deerfield Estates Section 3 would authorize the City to pay one half of the expense to upgrade the road similar to Section 1. It would establish means for the road to be brought up to standards to handle the traffic. Commissioners Richmond and Maddox were not in support of the expense in consideration of the budget cuts. Commissioner Maddox felt if there were funding it should be allocated to an older drainage issue at Parkway and Knollwood. It was the opinion of staff that it would be less expensive to accept the developer's contribution while the contractor for the subdivision was on site. Additionally Mr. Allen could not be forced into paying at a later date. On roll call vote, Richmond, Massaglia, Jones, Howard, Aye; Maddox, Nay. Motion Carried.

**RESOLUTION NO. 73-04/05**

**FINAL PLAT HICKORY HILLS # 4**

Motion by Com'r. Maddox, seconded by Com'r. Massaglia that Resolution No. 73-04/05 be adopted. City Engineer Joe Wuellner reported that construction work was completed on the streets, water line and sewers of the latest section. All work had been completed in accordance with the subdivision code and the as-built drawings received. On roll call vote, all present voted Aye.

Motion by Com'r. Maddox, seconded by Com'r. Massaglia, that the **CONTRACT WITH HEART TECHNOLOGIES FOR HARDWARE UPGRADE** at Eastside Fire Station in the amount of $9,424.00 upgrade at City Hall in the amount of $13,333.00 and $694.35/month for 36 months maintenance agreement be approved. Recommendation was given by City Manager Dennis Kief. Account Executive Kollet Wally was requested to answer Council's questions regarding maintenance and terms of the contract. It was agreed to correct the contract to extend hours of service to 5:00 p.m. and to delete language in regards to the collection of tax. On roll call vote, all present voted Aye.

Motion by Com'r. Richmond, seconded by Com'r. Maddox, that the **CITY COUNCIL MEET** in open session on Monday, August 30, 2004 at 5:30 p.m. to receive and file and consider proposals from financial institutions. On roll call vote, all present voted Aye.

**Other Business**

Com'r. Jones requested the City Engineer give status of Sunset Lakes Subdivision. Mr. Wuellner indicated IDNR approved permit to go forth with construction.

Mr. Kief responded to Com'r. Jone's inquiry as to when his organizational chart of City departments would be completed. To correspond to provisions of the code, the administration section revision would be completed for the next regular Council meeting.

Com'r. Richmond indicated that similar banners to those the Chamber was purchasing for Pekin light poles were displayed throughout East Peoria.

Mr. Kief briefed the Council on a decision of a previous administration to recommend that the City go forward with extension of Veterans Drive southerly over proceeding north. He asked Council to consider at a future meeting if their priority remained the same. Council felt they were ready to give their recommendations. Com'r. Richmond felt the City should fulfill the commitment to the township to continue with VFW Road. Com'r. Jones stated he was more in favor of expansion at that time to I-474 but that avenue was more expensive. Com'r. Massaglia spoke in favor of completing VFW Road to keep trucks off Court Street. Com'r. Maddox and Mayor Howard supported proceeding north.

Mr. Kief reported that the City would receive additional maintenance dollars from IDOT. He explained to offset the cost of a study for Veterans Drive the City agreed to give up annual allocation of maintenance funds for 8 years.. The agreement ended in 2003 so the City will receive a portion of 2003 and approximately $21,000 annually for maintenance of Route 9.

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

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

**COUNCIL ADJOURNED AT 6:55 P.M.**

Sue E. McMillan
City Clerk