
**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, JULY 26, 2004 AT 5:30 O'CLOCK P.M.
LYNDELL N. HOWARD * MAYOR * PRESIDING**

PRESENT: COMMISSIONERS, MADDOX, RICHMOND, JONES, AND MASSAGLIA

ABSENT: NONE

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

Roll was called and all commissioners were present.

Agenda

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

Motion by Com'r. Maddox, seconded by Com'r. Massaglia, that the **Minutes of the Regular City Council Meeting of July 12, 2004 and the Special Council Meeting of July 8, 2004 Tour of the Landfill, and the Special Council Meeting of July 8, 2004 Council/Staff Retreat be approved as written**. On roll call vote, all present voted Aye.

Public Input

Larry Moreland questioned the enforcement of placement of litter containers provided in Ordinance No. 2381. He expressed to Council his disappointment in the approach used to mandate toters and felt it was not in the best interest to tell the public how to package their garbage. Mr. Moreland's opinion was that the City of Pekin should not be in the private business of waste collection and questioned the dollar amounts used to justify the savings to the City to provide in-house service.

Lyn Wertz resident addressed Council on the request to rezone part of Lutticken's Cove. He indicated his concern was a safety issue on Sheridan Road for the requested zoning. Mr. Wertz was informed that the Pekin Planning Commission recommendation to deny the request would be received and filed with no intention of Council taking action to rezone the property at this meeting.

Consent Agenda

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

1. Receive and File Monthly Reports: Fire, Wastewater Monthly Report, Lake Arlan Drainage District Minutes, and Airport Minutes
2. Charitable Solicitation: Knights of Columbus Tootsie Roll Drive September 17-19, 2004
3. Resolution No. 68-04/05 - Release of Minutes
4. Receive and File Pekin Public Library Fund Financial Statements April 30, 2004 Prepared by Willock Warning & Co.
5. Receive and File Pekin Planning Commission Minutes Dated July 14, 2004
6. Receive and File Planning Commission Hearings and Recommendations:
#1636 – recommends the Rezoning of properties with the Tax ID 05-05-32-100-010 & part of 05-05-32-100-008 located in Lutticken's Cove from R-1 (One Family Residential Zoning District) to RM (Multiple Family Residential Zoning District) & R-2 (One Family Residential Zoning District) be denied, by the Pekin City Council.

On roll call vote all present voted Aye.

Communications, Petitions, Reports

A Public Hearing for Community Development Block Grant 2003 CAPER – Consolidated Annual Performance Evaluation Report Period of May 1, 2003- to APRIL 30, 2004 was opened by Mayor Howard at 5:40 p.m. Pamela Anderson Community Development Coordinator told Council the hearing was to present and receive last comments to the relationship of how the HUD monies were spent. The Plan was available to the Public from June 28 through July 16. and a Public Hearing held July 20, 2004. Council discussed with Ms. Anderson dollars allocated for Sidewalk improvement. No additional comments were received. The hearing closed at 5:44 p.m.

Unfinished Business

ORDINANCE NO. 2380

ACCEPTING AN AMENDMENT TO AN AGREEMENT

TO PURCHASE OF REAL PROPERTY /ART VALLI 199 SABELLA

Motion by Com'r. Maddox, seconded by Com'r. Massaglia, that Ordinance No. 2380 be removed from the table. On roll Call vote, all present voted Aye.

Motion by Com'r. Maddox, seconded by Com'r. Massaglia, that Ordinance No. 2380 be amended by attaching an amended Exhibit "A" to reflect in the event that the closing does not takes place on or before September 30, 2004, the purchase price will be reduced by two thousand (\$2,000.00) dollars. Attorney Oberle told Council the seller had signed the presented amendment and had made some progress in moving some items from the purchased real estate. On roll call vote, all present voted Aye.

Motion by Com'r. Maddox, seconded by Com'r. Massaglia, that Ordinance No. 2380 be adopted as amended. On roll Call vote, all present voted Aye.

New Business

Motion by Com'r. Richmond, seconded by Com'r. Massaglia, that the **CONSOLIDATED ANNUAL PERFORMANCE AND EVALUATION REPORT PERIOD OF MAY 1, 2003 TO APRIL 30, 2004** be approved. On roll Call vote, all present voted Aye.

Motion by Com'r. Richmond, seconded by Com'r. Massaglia, that the **JOINT PPUATT FUNDING AGREEMENT FY 3005** in the amount of \$8,892.51, be approved. On roll Call vote, all present voted Aye.

RESOLUTION NO. 69-04/05

APPROPRIATING MFT FUNDS FOR PEORIA-PEKIN URBANIZED AREA TRANSPORTATION OVERALL WORK PROGRAM

Motion by Com'r. Richmond, seconded by Com'r. Maddox, that Resolution No. 69-04/05 be adopted and the Mayor and City Clerk be authorized to execute and file all documentation required with the Department of Transportation. On roll Call vote, all present voted Aye.

CITY OF PEKIN POLICY NO. 4 REVISED SANITARY BACKWATER PROGRAM

Motion by Com'r. Richmond, seconded by Com'r. Massaglia, that Policy No. 4 Revised be adopted. Mr. Kief explained that the revision now applied to commercial property. On roll Call vote, all present voted Aye.

Motion by Com'r. Richmond, seconded by Com'r. Maddox, that the **AGREEMENT FOR THE TREATMENT OF LEACHATE AND GROUNDWATER RUNOFF** be laid over in the Office of the City Clerk until August 9, 2004. On roll Call vote, all present voted Aye.

ORDINANCE NO. 2381

AMENDING TITLE 5, CHAPTER 1A, OF THE CODE OF THE CITY OF PEKIN 1995 REGARDING LITTER CONTAINERS

Motion by Com'r. Richmond, seconded by Com'r. Massaglia, that Ordinance No. 2381 be adopted. On roll Call vote, all present voted Aye.

ORDINANCE NO. 2382

AMENDING TITLE 5, CHAPTER 1A, OF THE CODE OF THE CITY OF PEKIN 1995

ESTABLISHING PRICES FOR THE PURCHASE AND RENTAL OF LITTER CONTAINERS
Motion by Com'r. Massaglia, seconded by Com'r. Maddox, that Ordinance No. 2382 be adopted. On roll all vote, all present voted Aye.

Motion by Com'r. Massaglia, seconded by Com'r. Maddox, that the **EASEMENT FROM VALLE VISTA MEDICAL CONDOMINIUM ASSOCIATION PHASE 4 FOR BARNEY AVENUE** be approved. On roll Call vote, all present voted Aye.

RESOLUTION NO. 70-04/05

PARTICIPATION IN STATE OF ILLINOIS FEDERAL SURPLUS PROPERTY PROGRAM
Motion by Com'r. Massaglia, seconded by Com'r. Maddox, that Resolution No. 70-04/05 be adopted. On roll Call vote, all present voted Aye.

ORDINANCE NO. 2383

**AMENDING SECTION 6-2-2 OF THE CODE OF THE CITY OF PEKIN 1995
REGARDING TRUANCY**

Motion by Com'r. Massaglia, seconded by Com'r. Maddox, that Ordinance No. 2383 be adopted. Jennifer Booth Tazewell County Juveniles Resource Office spoke to Council on the programs offered by the Center. Sergeant Glenda Hollis supported the merits of the ordinance applying pressure and incentive to parents in the form of penalties for parents' failure to meet obligations to see that their children attend school. Attorney Dancey informed Council that penalty in the Code was increased \$75 minimum and \$750 maximum. On roll Call vote, all present voted Aye.

Other Business

Commissioner Jones announced the 40th Annual Best Ball would begin the week of July 26 and encouraged everyone to attend the event.

Commissioner Richmond questioned the process of informing the public of the change in collecting of waste beginning September 1. Greg Ranney reported on flyers being distributed and orders taken on the purchasing the toters needed for the collection of garbage.

Bill Gilroy – addressed Council on issues of concern to him.

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

Motion by Com'r. Massaglia, seconded by Com'r. Maddox that Council move to **Executive Session** at 6:30 P.M. to discuss Threatened Litigation ILCS 120/2 (c) 11. On roll call vote, all present voted Aye.

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 7:15 P.M.

Sue E. McMillan
City Clerk