

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

On roll call vote all present voted Aye.

Communications, Petitions, Reports

A Public Hearing was opened at 5:35 p.m. by Mayor Howard for the purpose of considering the annexation of a tract of land contiguous with the boundary of the City on Audubon Drive. City Manager Dick Hierstein explained that Petition for voluntary annexation from Richard D. and Cory A. McCoy was served on June 27, 2003 to proper trustees and notice of public hearing published in the *Pekin Times* on June 27, 2003. There were no comments received on the request to annex the tract in Kriegsman Subdivision 04-10-01-316-004. The hearing was closed at 5:36 p.m.

New Business

ORDINANCE NO. 2331 PROVIDING FOR THE ANNEXATION OF CERTAIN TERRITORY MCCOY / AUDUBON DRIVE

Motion by Com'r. Richmond, seconded by Com'r. Maddox, that Ordinance No. 2331 be adopted. On roll call vote, all present voted Aye.

ORDINANCE NO. 2332 ACCEPTING AN AGREEMENT AND AUTHORIZING THE PURCHASE OF REAL PROPERTY 119 SABELLA / VALLI

Motion by Com'r. Richmond, seconded by Com'r. Massaglia, that Ordinance No. 2332 be adopted. Director of Planning and Development Kim Uhlig stated the purchase would assist in achieving the objectives of the Redevelopment Plan and be paid through Downtown TIF project funding. On roll call vote, all present voted Aye.

Motion by Com'r. Richmond, seconded by Com'r. Massaglia, that the **TOURISM GRANT FOR LARRY CASTING KIDS BASS TOURNAMENT** in the amount of \$3,000 be approved. Planning and Development Director Kim Uhlig reported the Tourism Commission recommended the Council approve a grant of \$3,000. She said the event, in conjunction with the Bass Tournament to be held on July 25-26, would extend the stay of attendees to the 27th, utilizing local overnight lodging. Impact to the City was estimated at \$88,800.00. The grant would be used for advertising, t-shirts, give-a-ways. On roll call vote, all present voted Aye.

Motion by Com'r. Richmond, seconded by Com'r. Massaglia, that the **CONSOLIDATED ANNUAL PERFORMANCE AND EVALUATION REPORT** be accepted. Pamela Anderson, Community Development Coordinator, told Council the CAPER report would be available for public review through July 18, 2003. A public hearing was scheduled for July 22, 2003 at 5:30 p.m. for comments regarding those goals and objectives of Fair Housing and the CDBG program. On roll call vote, all present voted Aye.

RESOLUTION NO. 13 – 03/04 FOR PARTICIPATION STATE SURPLUS PROPERTY PROGRAM

Motion by Com'r. Maddox, seconded by Com'r. Massaglia, that Resolution No. 13 – 03/04 be adopted. It was explained that the City agrees to the terms of the program for the procurement of equipment, vehicles, commodities, the same authorization to participate in the State of Illinois program as in the past. On roll call vote, all present voted Aye.

ORDINANCE NO. 2333 AMENDING TITLE 3, CHAPTER 3, SECTION 3 OF THE CODE REGARDING LIQUOR LICENSES / PIER CLASS F

Motion by Com'r. Maddox, seconded by Com'r. Richmond, that Ordinance No. 2333 be adopted. Mayor Howard stated that he wanted good uses of the Pier for the interest of the citizens. The area served by the ordinance would run for a trial basis until the new park was completed at the Pier. Commissioner Maddox expressed his concern of allowing private enterprise use of the City owned riverfront to make money.

Motion by Com'r. Maddox that Ordinance No. 2333 be amended by deleting subsection 2. Motion received no second. Com'r. Maddox requested Council revise the ordinance to tighten-up the language creating a Class F liquor license for riverfront only alcohol sales. The wording was loose as it relates to use by entities other than non-profit organizations. Discussion followed. Com'r. Richmond said the

designation for the continuous use of City property for alcohol sales at the Pier area concerned him. He felt problems would exist because of the hours. Police Chief Gillespie stated he had recommended 10:00 p.m. cut off of alcohol sales be incorporated. Com'r. Massaglia supported the ordinance and explained the City had control of groups and alcohol served by requiring site plan and special events approval by the Liquor Commissioner and Police Chief. Additional restrictions related to health, litter, safety and security could be imposed. Com'r. Maddox felt approval, denial or requirements could be applied arbitrarily and capriciously as the ordinance was presently written. The Council asked Assistant City Attorney Burt Dancey to meet with the Mayor and commissioners individually to make the ordinance acceptable.

Motion by Com'r. Maddox, seconded by Com'r. Richmond, that Ordinance No. 2333 be tabled. On roll call vote, all present voted Aye.

ORDINANCE NO. 2334

REGARDING SALE OF BEER AND WINE ON PROPERTY OWNED BY THE CITY OF PEKIN / DREWSTERS

Motion by Com'r. Maddox, seconded by Com'r. Massaglia, that Ordinance No. 2334 be adopted. Com'r. Richmond expressed concern for persons leasing spaces the night of the event. Mayor Howard explained that he was presenting the request for sale of alcohol on adjacent City parking lot to the already liquor license holder because the designation of sales only at the riverfront had not been established yet. He then gave an overview of the meeting he had with Class A liquor license holders at which any concerns of the Liquor Code were presented to the Liquor Commissioner by tavern owners. On roll call vote, all present voted Aye.

ORDINANCE NO. 2335

AMENDING TITLE 6, CHAPTER 8C, SECTION 2 OF THE CODE OF THE CITY OF PEKIN REGARDING THE FIRE PREVENTION CODE / FIREWORKS

Motion by Com'r. Maddox, seconded by Com'r. Massaglia, that Ordinance No. 2335 be adopted. Deputy Fire Chief Bonnette told Council the ordinance was compliance for requirements of State license for explosive shooters. Council discussed the restrictions of indoor fireworks. On roll call vote, all present voted Aye.

Motion by Com'r. Massaglia, seconded by Com'r. Maddox, that the **OPTION TO EXTEND FOR ONE YEAR THE AGREEMENT FOR THE MAINTENANCE OF MUNICIPAL STREETS** with the Illinois Department of Transportation be approved. On roll call vote, all present voted Aye. Public Works Director Dennis Kief addressed Com'r. Richmond's question regarding low dollar imbursement for maintenance. He explained that the City had received upfront money for a 1996 project. On roll call vote, all present voted Aye.

POLICY NO. 9 SEWER LATERAL REPAIRS

Motion by Com'r. Maddox, seconded by Com'r. Massaglia, that the **CITY OF PEKIN POLICY NO. 9 –SEWER LATERAL REPAIRS** be adopted. Com'r. Maddox said he made the motion to get discussion on the floor but felt it was wrong for property owner to pay for repairs. Discussion followed on responsibility of homeowner, City, and shared cost changes since 1993. On roll call vote, all present voted Aye.

Motion by Com'r. Massaglia, seconded by Com'r. Maddox, that the **LOCAL AGENCY AGREEMENT FOR FEDERAL PARTICIPATION WITH THE ILLINOIS DEPARTMENT OF TRANSPORTATION FOR VETERANS DRIVE EXTENSION IN THE AMOUNT OF \$381,934** be approved. Public Works Director Dennis Kief summarized the agreement for federal funding of Veterans Drive extension and the relationship of the remaining items on the agenda to the construction project. On roll call vote, all present voted Aye.

RESOLUTION NO. 14-03/04

APPROPRIATING MFT FUNDS FOR VETERANS DRIVE COURT STREET TO MALL ROAD INTERSECTION

Motion by Com'r. Massaglia, seconded by Com'r. Richmond, that Resolution No. 14-03/04 Funding Agreement in the amount of \$400,000 be approved and the Mayor and City Clerk be authorized to execute and file all documentation required with the Department of Transportation. (Section No. 01-00165-02-RP Job No. C-94-078-03 Project M-5093 (105)). On roll call vote, all present voted Aye.

Motion by Com'r. Massaglia, seconded by Com'r. Richmond, that **JOE WUELLNER E AUTHORIZED TO SERVE AS RESIDENT ENGINEER** for Veteran's Drive Construction Supervision. On roll call vote, all present voted Aye.

Motion by Com'r. Massaglia, seconded by Com'r. Maddox, that the **AGREEMENT WITH CLARK ENGINEERS FOR CONSTRUCTION ENGINEERING FOR MALL ROAD RELOCATION** in an amount not to exceed \$66,000.00, be approved. On roll call vote, all present voted Aye.

Motion by Com'r. Massaglia, seconded by Com'r. Maddox, that **GALE VOIGHT OF CLARK ENGINEERS, INC. BE AUTHORIZED TO SERVE AS RESIDENT INSPECTOR** for Veteran's Drive Construction Project. On roll call vote, all present voted Aye.

Other Business

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

Anna Friedinger reported on activities of the Youth Council. A Battle of the Bands was to be scheduled in September. Council had been preparing for Chamber Leadership July 30, She informed Council she was resigning in 2 weeks from the organization.

John Reed 1112 S. 18th Street express worry about disease in his home from sewer backup after the weeks heavy rains. He informed Council of the expense he had incurred over the years replacing carpet. He stated he was told by the IEPA that the City was instructed to televise the sewers and their representation suggested suing the City. He felt the City was responsible to provide proper working sewer as a basic service.

Sharon Lounsberry 1116 S. 18th Street, Don Eertmoed 1113 S. 18th Street and Robert Evans 1111 S. 18th Street, each spoke in turn of the same water problems and requested Council take action to eliminate sewer backup in the neighborhood.

Public Works Director addressed the City's position and told Council the Street Department had been televising in search of an obstruction. He reported on action taken by the City to improve South Interceptor, Crescent, Veerman, and corrected problems in Sunset, Third and Winter, Park Avenue since 1993. He explained time needed to find the problem, kea a contract for repair, and to rectify.

Com'r. Massaglia indicated the 18th Street area was a high water table and some problem could be ground water infiltration. He suggested residents invest in a backflow valve and participation in City program of reimbursing ½ the cost up to \$600.00.

Com'r. Maddox concurred with the suggestion and related a personal experience. He asked that the staff to monitor the sewers and to educated the public of illegal hookups. Citizens unknowingly contribute to the problem by routing down spouts and sump pumps into sewers. Mr. Kief was given direction to make the televising of sewers from 14th Street to Sewer Treatment Plant a priority. He agreed to get information out to the public concerning hookups and city-sponsored programs.

Realtor Gary Allen addressed Council with concerns of buyer and seller regarding no recommendation by the Planning Commission for special use request for a tavern on Court Street. He urged Council to support the new liquor establishment, which intended to be a restaurant within 18 months

Motion by Com'r. Massaglia, seconded by Com'r. Richmond that Council move to **Executive Session** at 7:00 P.M. following a 10 minutes recess, to discuss Collective Bargaining. ILCS 120/2/ (C.) (2.) and Pending and Threaten Litigation 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. Richmond that Council adjourn. Motion carried by Voice Vote.

COUNCIL ADJOURNED AT 7:35 P.M.

Sue E. McMillan
City Clerk