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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, JUNE 28, 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 Pekin Public Library Director Paula Weiss and Firefighter Andrew Vice. The Mayor extended best wishes to the Director in her retirement on June 30th after 33 years of service to the community. The Mayor also congratulated Mr. Vice on his status as new fireman having taken the Oath of Office that morning and introduced he and his family to the public.

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.

Prior to presenting the next item of business on the Agenda Sue McMillan City Clerk indicated that before the Council were meeting minutes for the 14th of June not the 7th as incorrectly typed on the agenda. Motion by Com'r. Maddox, seconded by Com'r. Massaglia, that the **Minutes of the Regular City Council Meeting of June 14, 2004 be approved as written.** On roll call vote, all present voted Aye.

Consent Agenda

Mayor Howard read and presented to representatives of the Marine Corps Reserves the proclamation "Support Our Troops Day" and encouraged citizens to attend Christmas in July event to benefit Toys for tots and Local Food Pantry while honoring the Armed Services.

Motion by Com'r. Maddox, seconded by Com'r. Massaglia, that the **Consent Agenda be approved as presented.**

1. Receive and File Monthly Reports: Wastewater Monthly Report, Finance Department Investments, Inspections Minutes

2. Proclamation: "Support Our Troops Day" June 28, 2004

3. Certificate of Recognition to Paula Weiss

4. Receive and File Pekin Planning Commission Minutes Dated June 9, 2004

5. Receive and File Pekin Planning Commission Hearings and Recommendations:
   a. #1630 - that the request to rezone 2335/2337 Lakeshore Drive from B-1 Local Business Zoning to RM-3 Multiple Family Residential be denied
   b. #1631 – Site Plan VOID
   c. #1632 – the Special Use Request for Automotive Repair B-3 Zoning District at 3502 Court Street be approved (East of Culver's)
   d. #1633 – that the Site Plan for Automotive Repair B-3 Zoning District at 3502 Court Street be approved.
   e. #1634 – that the Special Use for Automotive Repair & Sales for Motorcycles, B-3 Zoning District at 315 Margaret Street be approved.
   f. #1635 – that the Site Plan for Automotive Repair & Sales for Motorcycles B-3 Zoning District at 315 Margaret Street be approved.

On roll call vote all present voted Aye.

Communications, Petitions, Reports

Mike Bowen First Vice President and Stephen Adams Investment Banking Representative of Bernardi Securities, Inc. presented a Financial Proposal to structure and underwrite bonds on behalf of the City of

Pekin for the purposes of refunding the City's outstanding TIF Bonds, Series 1992. They first introduced management of the department and the background of the firm in a PowerPoint presentation and handout. Scope of Services and marketing strategy was explained to the Council. Estimated Debt Service Schedules was given on investment assuming bonds would be insured and have "AAA" rating.

New Business

ORDINANCE NO. 1568-A147
REZONING OF CERTAIN PROPERTY
2335/2337 LAKESHORE DRIVE FROM B-1 TO RM-3

Motion by Com'r. Maddox, seconded by Com'r. Massaglia, that Ordinance No.1568-A147 be adopted. The Chair reminded Council that the motion was made to adopt the ordinance that had been recommended by Planning Commission to deny. A no vote would indicate concurrence with the committee's review not to allow rezoning of the parcel. On roll call vote, all present voted Nay. Motion Failed.

Motion by Com'r. Richmond, seconded by Com'r. Massaglia, that the **SPECIAL USE REQUEST FOR AUTOMOTIVE REPAIR** B-3 Zoning District at 3502 Court Street (East of Culver's) be approved. On Roll call vote, all present voted Aye.

Motion by Com'r. Richmond, seconded by Com'r. Massaglia, that the **SITE PLAN FOR AUTOMOTIVE REPAIR** B-3 Zoning District at 3502 Court Street (East of Culver's) be approved. On roll call vote, all present voted Aye.

Motion by Com'r. Richmond, seconded by Com'r. Massaglia, that the **SPECIAL USE REQUEST FOR AUTOMOTIVE REPAIR AND SALES OF MOTORCYCLES** B-3 Zoning District at 315 Margaret Street be approved. On Roll call vote, all present voted Aye.

Motion by Com'r. Richmond, seconded by Com'r. Massaglia, that the **SITE PLAN FOR AUTOMOTIVE REPAIR AND SALES OF MOTORCYCLES** B-3 Zoning District at 315 Margaret Street be approved. On roll call vote, all present voted Aye.

ORDINANCE NO. 2376
AMENDING TITLE 1, CHAPTER 10, SECTION 2C OF THE CODE OF THE CITY OF PEKIN 1995 REGARDING THE ENTERPRISE ZONE

Motion by Com'r. Richmond, seconded by Com'r. Massaglia, that Ordinance No. 2376 be adopted. On roll call vote, all present voted Aye.

ORDINANCE NO. 2377
EXTENDING THE DATES FOR COMPLETION OF THE DOWNTOWN TIF REDEVELOPMENT PLAN AND PROJECT

Motion by Com'r. Jones, seconded by Com'r. Richmond, that Ordinance No. 2377 be adopted. On roll call vote, all present voted Aye.

Motion by Com'r. Jones, seconded by Com'r. Maddox, that the City of Pekin participate in the **ILLINOIS RIVER COUNTRY NATURE-BASED TOURISM PROJECT** in the amount of $5,000 paid from hotel/motel fund. On roll call vote, Ayes, Jones, Maddox, Richmond, Howard; Nay, Massaglia. Motion carried.

ORDINANCE NO. 2380
ACCEPTING AN AMENDMENT TO AN AGREEMENT TO PURCHASE OF REAL PROPERTY – 119 SABELLA STREET/ART VALLI

Commission Jones asked Corporation Counsel's opinion on taking action on the proposed ordinance before making his motion. Patrick Oberle explained that he had discussed in more detail with Mr. Valli just prior to the meeting his difficulties in vacating the property by June 30 for closing. Mr. Valli proposed extending the agreement for 90 days and reducing the purchase price by $2,000 if he had not met terms of the sales contract. It was the attorney's advise to delay action until those terms were worked out and put in writing. Motion was then made by Com'r. Jones, seconded by Com'r. Richmond, that Ordinance No. 2380 be laid over. On roll call vote, all present voted Aye.

ORDINANCE NO. 2378
AUTHORIZING INTERGOVERNMENTAL MUTUAL AID AGREEMENT BETWEEN PEKIN CITY AND THE PEORIA COUNTY SHERIFF'S OFFICE

Motion by Com'r. Jones, seconded by Com'r. Richmond, that Ordinance No. 2378 be adopted. On roll call vote, all present voted Aye.

RESOLUTION NO. 66-04/05
AMENDING RIVERWAY BUSINESS PARK PROTECTIVE COVENANTS

Motion by Com'r. Jones, seconded by Com'r. Richmond, that Resolution No. 66-04/05 be adopted. On roll call vote, all present voted Aye.

RESOLUTION NO. 67-04/05
MAYOR'S APPOINTMENTS TO RIVERWAY BUSINESS PARK REVIEW COMMITTEE

Motion by Com'r. Jones, seconded by Com'r. Massaglia, that Resolution No. 67-04/05 be adopted. On roll call vote, all present voted Aye.

The Chair recommended that Council layover until the second meeting in July the next item presented. Motion was then made by Com'r. Massaglia, seconded by Com'r. Richmond, that the **LEASE TO ARTISTIC COMMUNITY THEATER, INC.** be laid over until the second meeting in July. On roll call vote, all present voted Aye.

ORDINANCE NO. 2379
AUTHORIZING DEVELOPER AGREEMENT WITH DRAGON'S DOME II. LLC

Motion by Com'r. Massaglia, seconded by Com'r. Maddox, that Ordinance No. 2379 be adopted. City Manager Dennis Kief explained breakdown of infrastructure costs eligible for City participation. With visual presentation he identified the terms of the agreement for right-of-way for Barney Avenue extension north to Allentown Road, Griffin Avenue east to Veterans, expansion of a storm water retention basin which would be oversized for future development. On roll call vote, all present voted Aye.

City Manager Dennis Kief reported on the utilization of Toters in the collection of garbage. He asked that Council consider allowing homeowners have the option to purchase the toters and recommended the proposal of Com'r. Massaglia as a compromise to citizens complaints that they would be "mandated":

Year 1 – offer toters voluntarily at a cost of $1.00/month
Year 2 – offer toters voluntarily at a slightly higher cost $1.25/month
Year 3 – require toters at a cost of $1.50/month

He stated he was seeking direction but there would need to be action taken soon. An ordinance would be prepared to present to Council. Council was in agreement.

Other Business

Com'r. Jones requested attention be given to the cleanup of junk cars in the community and the ability to enforce the Code be addressed. He recommended the City Manager for beginning succession management. It was Com'r. Jones' opinion that it was time to return negotiation process and decisions of collective bargaining back to the City Manager. As committee member for the process of the search for a City Manager, Com'r. Jones stated the committee would advertise the position in July.

Mayor Howard welcomed home local members of the Army National Guard serving 17 months in Iraq from Company F 1st Battalion 106 Aviation Regiment.

Greg Ranney reported on the success the May Clean Up Pekin. Over 863 tires, 85 ton of garbage, 90 batteries and 10000 gallons of oil were collected.

Garnet Meischner, 1401 Janssen, praised Council for their direction to requires utilization of toters for collection of garbage.

Bill Gilroy, expressed displeasure that the City used a street sweeper to clean up glass off the vacant lot left after the Fire Department completed their Extrication Training Classes. The City Manager took responsibility for the dust that was produced rather then exposing the City to possible liability.

Citizen from 1309 South 10th Street addressed Council and expressed disappointment in the action to mandate totes for collection of garbage.

Motion by Com'r. Massaglia, seconded by Com'r. Maddox that Council move to **Executive Session** at 7:00 P.M. to discuss Collective Bargaining ILCS 120/2 c 2, Employment of Specific Employee of the Public Body ILCS 120/2 (c.) 1. and Litigation ILCS 120/2 (c) 11. On roll call vote, all present voted Aye.

No further business to come before the Council, Council returned to open session and 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 8:00 P.M.

Sue E. McMillan
City Clerk