



City of Pekin

AGENDA

SPECIAL COUNCIL MEETING OF JUNE 15, 2006
6:00 P.M.

I. CALL TO ORDER

Mayor Pro-Tem Dagit

II. PLEDGE OF ALLEGIANCE

III. ROLL CALL

Clerk to Call the Roll

IV. APPROVAL OF AGENDA

ACTION: Motion to approve the meeting agenda

VOTE REQUIRED

V. NEW BUSINESS

1. Resolution No. 159-06/07 – Preliminary and Final Plats Riverway Business Park 2nd Addition

DESCRIPTION: Acceptance of plats required to complete the sale of property to the Pekin Park District. Approval recommended by the Planning Commission.

ACTION: Motion to adopt resolution.

PRESENTATION: City Manager Dennis Kief

VOTE REQUIRED

VI. ANY OTHER BUSINESS TO COME BEFORE THE COUNCIL

Council members

Staff

Public Questions

Press Time

VI. ADJOURNMENT

With no further action to come before the Council the Mayor declares meeting closed.

NO VOTE REQUIRED

RESOLUTION NO. 237

**RESOLUTION RESCINDING RESOLUTION NO. 96 AND
ESTABLISHING PROCEDURE FOR APPOINTING MAYOR PRO TEM**

WHEREAS, Section 1-5-3F of the Pekin Municipal Code provides that, should the Mayor be absent for a regular meeting, then a Mayor Pro Tem shall be selected as provided by statute to preside at the meeting; and

WHEREAS, the state statute calls for a selection by election of the council members; and

WHEREAS, the Council believes that it would be beneficial to the City and more equitable to appoint a Mayor Pro Tem on a rotational basis; and

NOW, THEREFORE, BE IT RESOLVED by the Mayor and the City Council of the City of Pekin, Tazewell County, Illinois, that in the absence of the Mayor, the Mayor Pro Tem shall preside at regular meetings of the Council and at special meetings of the Council;

BE IT FURTHER RESOLVED that the Mayor Pro Tem be selected from among the Commissioners on a rotational basis for a full month as follows:

1. The first Mayor Pro Tem selected, for the month beginning June 1, 1997 shall be the Commissioner whose last name is first alphabetically;
2. For each subsequent month, the Commissioner whose last name is next alphabetically after the preceding Mayor Pro Tem shall act as Mayor Pro Tem.
3. If the Mayor Pro Tem, as selected herein, is absent from the City, the Commissioner whose last name is next alphabetically after the absent Mayor Pro Tem shall act as Mayor Pro Tem until he or she is present in the City;
4. After completion of the rotation, the process shall be repeated as necessary for appointment of the Mayor Pro Tem.

BE IT FURTHER RESOLVED, that Resolution No. 96 establishing procedure for appointing Mayor Pro Tem, adopted November 13, 1995, is hereby rescinded and repealed.

BE IT FURTHER RESOLVED, that this Resolution shall be in full force and effect upon its passage and approval.

PASSED AND ADOPTED at the regular meeting of the City Council of the City of Pekin,

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current zoning ordi-
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dent or manager to
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members. (65 ILCS
or trustee meets the
a court may hear a
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People ex rel. Reed
15 (5th Dist. 1976).
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counties. (10 ILCS

The city council may punish its members for disorderly conduct. With the concurrence of two-thirds of the aldermen elected, it may expel an alderman, but not a second time for the same offense. (65 ILCS 5/3.1-40-15). The council also may compel the attendance of absentees at a properly called meeting, under whatever penalties, including a fine for a failure to attend, that have previously been established by ordinance. (65 ILCS 5/3.1-40-20). The same powers apply to village boards.

Mayor or President Pro Tem and Temporary Chairman

The Illinois Municipal Code provides that if, through temporary absence or disability, the mayor or president is unable to perform his or her duties, no vacancy is created in the office. (65 ILCS 5/3.1-35-35). In such a case, the council or board shall elect one of its members to act as mayor or president pro tem. The absence referred to in the statute for the appointment of a mayor or president pro tem does not apply to a mere absence from the council or board chamber while the mayor or president is in some other part of the city or village, but rather an absence from the city or village for such a length of time as would reasonably call for the appointment of a fully-empowered replacement or to an absence due to a provable physical or mental inability to perform the general functions and duties of the office. The mayor or president pro tem, during the mayor's or president's absence or disability, shall perform the duties and possess all the rights and powers of the mayor or president but that person only votes in the position as alderman or trustee. (65 ILCS 5/3.1-35-35). It is likely that a mayor or president pro-tem can exercise the power of veto. If, in the absence of the mayor or president, items are to be considered by the council or board which require the signature of the executive officer, a mayor or president pro tem should be elected in order that these matters may be properly acted upon. (*But see* section on "Mayor's Signature"). In **People v. Blair, 82 Ill. App. 570 (2d Dist. 1898), aff'd, 181 Ill. 460 (1899)**, municipal officials are warned against the indiscriminate appointment of a mayor pro tem. That case held that the mayor pro tem could remove officers whom the regular mayor had appointed, fill all vacancies in appointive offices, veto ordinances which the mayor intended to sign, and revolutionize the policies of the mayor.

However, a mayor pro tem cannot be appointed if the mayor is actually in the city and capable of performing duties although the mayor does not appear at the council meeting. In the event the mayor fails to attend a meeting, the council is given specific authority to select a temporary chairman who shall have only the power of a presiding officer and a right to vote in the capacity as alderman on any ordinance, resolution, or motion. A temporary chairman can also be elected from the council to serve in the absence of an acting mayor or a previously selected mayor pro tem. (65 ILCS 5/3.1-40-30). If the mayor's absence is of such a short duration as to require the appointment of only a temporary chairman, the mayor may accomplish certain acts at the meeting in spite of his or her absence by informing the council by written communication of appointments that have been made or other items upon which the mayor desires the council to act. **Blair v. People ex rel. Barber, 181 Ill. 460, 54 N.E. 1024 (1899)**. The same rules apply to a village president.

Pekin Planning Commission Minutes
June 14, 2006

Present:

Jim Bradshaw
Ron Knautz, Vice Chairman
Ralph Brower
Don Hild, Chairman
Michele Long
Bill Craig
Scott Nichols
Steve Huey

Absent:

Bob Schroeder

Staff Present: Joe Wuellner, Ron Sieh, Attorney Dancey and Councilman Tom Blanchard

Chairman Don Hild led the Pledge of Allegiance.

Chairman Don Hild welcomed new member Scott Nichols and announced the presence of Steve Huey to the Commission.

The regular meeting of the Pekin Planning Commission was called to order and a quorum was declared.

MOTION by Ron Knautz, Seconded by Ralph Brower to approve the agenda as corrected to Hearing #2 which should read Lots 62 thru 66 and not 68. On roll call vote, all present voted **AYE. MOTION APPROVED.**

Chairman Don Hild asked for approval of the upgraded minutes from the May 10, 2006.

MOTION by, Ron Knautz seconded by Bill Craig that the minutes be approved as corrected for the May 10, 2006 meeting to include Bob Schroeder in attendance. On roll call vote, all present voted **AYE. MOTION APPROVED.**

City Council Action Report:

The City Council approved the following:
Hearings #1710 / Preliminary Plat for Grandview Estates Subdivision #15.

Hearings #1712 & #1713 / Special Use Request & Site Plan to add a Mobile Unit to the Business Property at 2351 Broadway.

Hearing #1714 & 1715 - Preliminary Plat and Rezoning
for Marigold Estates 12A Subdivision.

PPC Correspondence: No Correspondence.

Applications and Hearings:

**Application #1: Kay McKibben & Lu Foreman,
Representatives of Central Illinois Radiological
Associates, Ltd and Pekin Orthopedic Center, Ltd.**

**Hearing #1: Site Plan to move the Mobile Unit on
the Business Property currently zoned OS-1 (Office Service
District) with the Property I.D. #04-04-36-414-008 and
commonly known as 2351 Broadway.**

Open Public Hearing: 6:39PM

Ron Sieh stated the Applicants were unable to
make it to the meeting and asked if he would
speak on their behalf and answer questions.

The purpose for the request is they could not remove the
tractor after pulling the unit in the location that was
approved at the prior meeting. A hard surface will be
provided.

Close Public Hearing: 6:42PM

Ralph Brower asked that the wording Special Use be struck
from the Agenda as the Special Use was approved at the May
10, 2006 meeting.

Site Plan Review, Ron Knautz, Chairman Pro-Temp stated
there are no issues and the Site Plan meets the
commission's goal. Ron stated the Site Plan Committee
recommends Approval by the Commission.

Chairman Don Hild called for the vote to recommend
approval to the Pekin City Council on Roll Call vote,
All present voted **AYE. MOTION APPROVED.**

**Application #2: Bill J Leman, Owner, Trustee Monge
Family Trust**

Hearing #2: Preliminary Plat for Sunset Hills Extension #33, currently zoned RM-2 (Multiple Family Residential) for Lots 43 thru 57 and Lots 60 thru 61 and R-2 (Single Family Residential) for Lots 58 thru 59 and Lots 62 thru 66.

Open Public Hearing: 6:43PM

Bill Leman was present for questions.

Close Public Hearing: 6:44PM

Subdivision Plat Review, Bill Craig, Chairman had a few questions. City notes showed concern of water run off from Lots 62-66 draining into the lower lots. Committee was interested in Bill Lemans intentions for prevention.

Bill Leman stated they would address the issue with their builder.

Bill Craig asked if Lots 60 and 61 would have a private road.

Bill Leman stated that they are flag lots; if a road were to be put in it would have to be hard surfaced. Recommendation to any buyers of the lots will be to get a cross easement with each other. This will be a privately maintained road.

Bill Craig stated that was all of the concerns of the committee. Bill Craig stated the Subdivision Plat Review Committee recommends approval.

Chairman Don Hild called for the vote to recommend approval to the Pekin City Council on Roll Call vote, All present voted **AYE. MOTION APPROVED.**

Chairman Don Hild recommended the petitioner attend the City Council meeting on June 26, 2006 at 5:30PM in the Council Chambers, as the Planning Commission is only a recommending body.

Application #3: City of Pekin, Owner

Hearing #3: Preliminary Plat for Riverway Business Park 2nd Addition currently zoned AG Agricultural District) with the Legal Description: All of the Northeast Quarter of Section 10 in Township 24N, R5W of the Third Principal Meridian, in Tazewell County, Illinois, Excepting there from, any part of said land falling within the Right of Way of the Illinois Central Railroad Company, all situated in Tazewell County, Illinois.

Open Public Hearing: 6:48PM

Attorney Dancey was available for questions.

Close Public Hearing: 6:48PM

Subdivision Plat Review, Bill Craig, Chairman stated the Committee recommends approval.

Chairman, Don Hild asked why the well was required on the property.

Ron Sieh stated it was an existing well and the anonymous donor did not want the well part of the park property.

Chairman Don Hild called for the vote to recommend approval to the Pekin City Council on Roll Call vote, All present voted **AYE. MOTION APPROVED.**

Informal Discussion:

Ron Knautz requested that the contact phone numbers be added to the end of the agenda for easy access.

Juanita VanBuskirk stated she would add the contact information to packet agendas only.

Ralph Brower asked that Chairman, Don Hild be appointed to the By-Laws Committee. Commission approved the request.

Bill Craig requested that names be indicated on the votes in the minutes.

Joe Wuellner recommended that only the opposed names be in the minutes.

Jim Bradshaw asked if there was an update on Chuck's Quad Track on Manito Blacktop.

Ron Sieh stated he received a call that the track is being used. Races are being held over the weekend and there are campers present. A shut down will take place because they have not been approved for use.

Jim Bradshaw stated preliminary changes have been made to the By-Laws and he would like the committee to meet to finish preparation so the changes could be presented to the commission.

Steve Huey commended the committee for making changes for rebuilds in non-conforming zones. Steve also inquired about the diminishment of trailer parks in the City.

Ron Sieh stated that if a Landlord registration was put into effect and inspections were done on a complaint basis for compliance to the code it would help eliminate the trailer parks.

Ron Knautz asked if anything was going to be done about West Campus as it is deteriorating fast.

Burt Dancey stated it would cost the City more to act upon it because it is a Corporation without any money. The cost would fall back on the City regardless of how it is handled.

Chairman, Don Hild adjourned the meeting.

Meeting adjourned at 7:15pm.

Juanita VanBuskirk, Secretary
Pekin Planning Commission

RESOLUTION No. 159 - 06/07

PEKIN, ILLINOIS, June 15, 2006

RESOLUTION BY COMMISSIONER _____

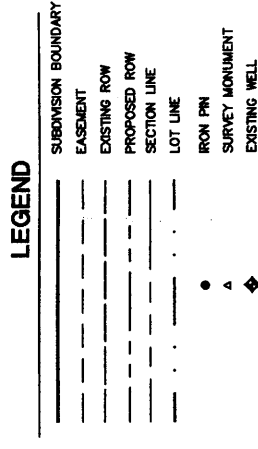
BE IT RESOLVED BY THE COUNCIL OF THE CITY OF PEKIN, ILLINOIS, THAT:
The Preliminary and Final Plats Riverway Business Park 2nd Addition are hereby
approved.



SIGNED BY _____

MAYOR.

A PART OF THE NORTHEAST QUARTER, SECTION 10, T-24-N, R-5-W,
OF THE 3RD P.M., TAZEWELL COUNTY, ILLINOIS
TOTAL ACREAGE = 158.437 ACRES±



ALL OF THE NORTHEAST QUARTER OF SECTION 10 IN TOWNSHIP 24 NORTH, RANGE 5 WEST OF THE THIRD PRINCIPAL MERIDIAN, IN TAZEWELL COUNTY, ILLINOIS, EXCEPTING THEREFROM, ANY PART OF SAID LAND FALLING WITHIN THE RIGHT OF WAY OF THE ILLINOIS CENTRAL RAILROAD COMPANY, ALL SITUATED IN TAZEWELL COUNTY, ILLINOIS.

STATE OF ILLINOIS
COUNTY OF TAZEWELL

I HEREBY CERTIFY THAT BY RESOLUTION NO. _____ ADOPTED BY THE CITY COUNCIL OF THE CITY OF PEKIN, TAZEWELL COUNTY, ILLINOIS, AT A REGULAR MEETING HELD ON THE _____ DAY OF _____, A.D. _____, THE ABOVE PRELIMINARY PLAT OF RIVERWAY BUSINESS PARK AND ADDITION SUBDIVISION WAS APPROVED.

CITY CLERK

PRELIMINARY PLAT
PART OF THE N.E. 1/4 OF SECTION 10 IN T. 24 N.,
W., OF THE 3RD P.M., IN TAZEWELL COUNTY, ILLINOIS

GMT
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License No. 164-000618
2750 W. WASHINGTON STREET
SPRINGFIELD, IL 62702
(217) 87-8050
www.gmteng.com

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I HEREBY CERTIFY THAT THE ACCOMPANYING PLAT CORRECTLY REPRESENTS THE RESULTS OF A LAND SURVEY MADE UNDER MY DIRECTION, AND THIS PROFESSIONAL SERVICE CONFORMS TO THE ILLINOIS MINIMUM STANDARDS FOR A BOUNDARY SURVEY.

PROFESSIONAL LAND SURVEYOR

3104

June 12, 2006

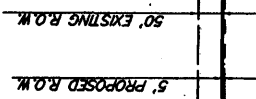
EXP/RES
11/30/2006

JOB No: 9906904

SHEET 1 OF 1 SHEETS

PATH: L:\Pekin\9906904\survey\
FILE: Preliminary Plot.dwg
UPDATE BY:
SURVEY BOOK #
XREF DWG:
XREF DWG:
DATE:

A north arrow pointing upwards, labeled "NORTH". Below it is a scale bar with markings at 0, 200, and 400, labeled "SCALE IN FEET".



ALL OF THE NORTHEAST QUARTER OF SECTION 10 IN TOWNSHIP 24 NORTH, RANGE 5 WEST OF THE THIRD PRINCIPAL MERIDIAN, IN TAZEWELL COUNTY, ILLINOIS, EXCEPTING THEREFROM, ANY PART OF SAID LAND FALLING WITHIN THE RIGHT OF WAY OF THE ILLINOIS CENTRAL RAILROAD COMPANY, ALL SITUATED IN TAZEWELL COUNTY, ILLINOIS.

IN WITNESS WHEREOF, I HERELUNDER SET MY HAND AND SEAL AT SPRINGFIELD, ILLINOIS THIS 14th DAY OF
MAY 2006 A.D.

STATE OF ILLINOIS
COUNTY OF TAZEWELL

CITY OF PEORIA, AN ILLINOIS MUNICIPAL CORPORATION, DOES HEREBY CERTIFY THAT HE (THEY, IT) IS THE PROPRIETOR(S) OF THE LAND SHOWN ON THE ACCOMPANYING PLAT, AND DOES HEREBY CERTIFY THAT HE (THEY, IT) HAS CAUSED THE SURVEY TO BE MADE AND SHOWN IN ACCORDANCE WITH THE CITY OF PEORIA, ILLINOIS, ORDINANCE NO. 10,000, AS AMENDED, AND IN ADDITION IN THE CITY OF PEORIA, ILLINOIS, KNOWLEDGE AND BELIEF, AND HE (THEY, IT) HEREBY DEDICATES THE STREET RIGHT OF WAY AS SHOWN ON SAID PLAT TO THE PUBLIC USE FOREVER INCLUDING THE RIGHT TO USE THE STREETS WHERE NECESSARY AND TO OVERLAP OR BURY ACROSS ALL LOTS SERVICE WIRES, PIPELINE AND/OR CABLES TO SERVE ADJACENT LOTS, TOGETHER WITH THE RIGHT TO ENTER UPON THE LOTS AT ALL TIMES TO INSTALL, OPERATE AND MAINTAIN SAID UTILITY FACILITIES.

WE FURTHER CERTIFY THAT, TO THE BEST OF OUR KNOWLEDGE AND BELIEF, THIS PROPERTY IS LOCATED WITHIN THE PEKIN HIGH SCHOOL DISTRICT 303 AND THE PEKIN GRADE SCHOOL DISTRICT 98.

DATED AT PEKIN, ILLINOIS, THIS _____ DAY OF _____, A.D. _____

TAX PARCEL NUMBER 10-10-10-200-001
 10-10-10-200-002

STATE OF ILLINOIS }
COUNTY OF TAZEWELL } SS
I, THE UNDERSIGNED, A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE AFORESAID, DO HEREBY CERTIFY THAT _____

(ARE) PERSONALLY KNOWN TO ME TO BE THE SAME PERSON (PERSONS) WHOSE NAME (NAMES) IS (ARE) SUBSCRIBED TO THE FOREGOING INSTRUMENT, APPEARED BEFORE ME THIS DAY IN PERSON AND ACKNOWLEDGED THAT HE (SHE-THEY) SIGNED, SEALED, AND DELIVERED THE SAID INSTRUMENT AT HIS (HER-THEIR) FREE AND VOLUNTARY ACT FOR THE USES AND PURPOSES THEREIN SET FORTH, INCLUDING THE RELEASE AND WAIVER OF HOMESTEAD, AND ALSO INCLUDING THE DEDICATION OF ALL STREETS AND HIGHWAYS TO THE USE OF THE GENERAL PUBLIC FOREVER, AND INCLUDING THE GRANT OF CERTAIN GENERAL UTILITY EASEMENTS TO THE APPLICABLE PUBLIC UTILITY COMPANIES.

STATE OF ILLINOIS
COUNTY OF TAZEWELL

_____, COUNTY CLERK OF THE AFORESAID COUNTY, DO HEREBY CERTIFY THAT I HAVE THIS DAY EXAMINED THE TAX RECORDS OF THE PROPERTY SHOWN ON THE ATTACHED PLAT, AND FIND NO DELINQUENT GENERAL TAXES, UNPAID CURRENT GENERAL TAXES, NOR DELINQUENT SPECIAL ASSESSMENTS AGAINST THE TRACT OF LAND SHOWN ON SAID PLAT.

GIVEN UNDER MY HAND AND SEAL OF THE SAID COUNTY, THIS ____ DAY OF ____
AD ____

STATE OF ILLINOIS

I HEREBY CERTIFY THAT BY RESOLUTION NO. ADOPTED BY THE CITY COUNCIL OF THE CITY OF PEKIN, TAZEWELL COUNTY, ILLINOIS, AT ITS REGULAR MEETING HELD ON THE DAY OF A.D. THE ABOVE PLAT OF RIVERWAY BUSINESS PARK ZONED ADDITION OF SUBDIVISION WAS APPROVED AND THE STREETS AND ALLEYS SHOWN THEREON WERE ACCEPTED.

REVISIONS	
NUMBER	BY

0 1 2
THIS BAR IS EQUAL TO 2"
AT FULL SCALE (34X22).

CITY OF PEKIN
PEKIN, IL

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DESIGN BY:	SPH
DRAWN BY:	KN
CHECKED BY:	DSE/MEM
APPROVED BY:	SPH
DATE:	06/14/06
JOB No:	9906904

SHEET 1 OF 1 SHEETS

IV.

MOTION BY COMMISSIONER

PEKIN, ILL June 15, 2006

MOTION BY COMMISSIONER _____

I move that the Agenda be approved as presented

Seconded by _____

MOTION BY COMMISSIONER

PEKIN, ILL June 15, 2006

MOTION BY COMMISSIONER _____

**I move that Resolution No. 159-06/07, Preliminary and Final Plats Riverway
Business Park 2nd Addition be adopted and Mayor Pro-Tem Daryl Dagit be authorized to
executed the documents.**

Seconded by _____