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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 CITY HALL
111 SOUTH CAPITOL STREET
ON A SPECIAL DATE TUESDAY, MAY 29, 2012 AT 5:30 O'CLOCK P.M.
LAURIE L. BARRA, MAYOR PRESIDING

PRESENT: COUNCIL MEMBERS, ABEL, BLANCHARD, SCHMIDGALL, MASSAGLIA, MCCABE, HENDRICKS, AND BARRA

ABSENT: NONE

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The **Pledge of Allegiance** was led by Mayor Barra.

Roll was called and all Council Members were physically present. A quorum was present.

AGENDA
Motion by Council Member McCabe, seconded by Council Member Hendricks that **the agenda be approved as presented**. On roll call vote all present voted Aye.

MINUTES
Motion by Council Member McCabe, seconded by Council Member Blanchard, that the **minutes of the Regular City Council Meeting of May 14, 2012, be approved as written.** On roll call vote, all present voted Aye.

CONSENT AGENDA
Motion by Council Member McCabe, seconded by Council Member Blanchard, that the **CONSENT AGENDA be approved as presented.** Mayor Barra presented the following for consideration of the Consent Agenda items by Omnibus Vote.

7.1 Receive and File Monthly Reports and Unapproved Minutes: Police Department, Building and Inspections, and Traffic Safety Committee Minutes dated May 4, 2012.
7.2 Receive and File Minutes of the Zoning Board of Appeals dated May 9, 2012
7.3 Receive and File Minutes of the Pekin Planning Commission dated May 9, 2012
7.4 Receive and File the Pekin Planning Commission Hearings / Recommendations: a. Hearing #05-1855 - recommends approval of the Rezoning of Five Properties addressed as follows: 281 Herman Street, 283 Herman Street, 305 Herman Street, 309 Herman Street and 311 Herman Street From B-3 (General Business District) to R-4 (Single Family Residential). b. Hearing #05-1856 - recommends approval of the Rezoning of the Property located on Velde Drive from R-2 (Single Family Residential) to RM-2 (Multiple Family Residential) due to density of the property and in regards to surrounding lots.
7.3 Resolution No. 40-12/13 – Authorization to Publish the Zoning Map of the City of Pekin

On roll call vote all present voted Aye.

COMMUNICATIONS, PETITIONS, REPORTS
Police Officer Josh Bush and Firefighter Jamie Evans were recognized by their Chiefs as Officers of the Year. The Elk's Youth Award recipient students in attendance were honored and congratulations extended from the City Council.

NEW BUSINESS
Motion by Council Member Schmidgall, seconded by Council Member Abel that the **CHANGE ORDER 2 WITH WILLIAMS BROTHERS CONSTRUCTION FOR PHASE 2A OF THE WASTEWATER TREATMENT PLANT PROJECT in the amount of $107,728.00** be approved. City Engineer Mike

Guerra advised the Council on the credit, addition, and deduction changes due to modifications that were required once construction started to make sure operation of the existing plant does not experience major interruptions. He reported contingency estimates were on track and with the work now completed the project itself is running a little ahead of scheduled. On roll call vote, all present voted Aye.

Motion by Council Member Schmidgall, seconded by Council Member Abel that the **AMENDMENT TO HANSON PROFESSIONAL SERVICE, INC. AGREEMENT FOR PETRI LANE EXTENSION PROJECT for guidance and support in the amount of $38,569.00** be approved. Council was advised the expense would be paid utilizing the remainder of the $150,000.00 MFT funds allocated for the project. Council asked that the design plan showing the access from South 14th Street be placed on the Web site for the public. On roll call vote, Ayes, Abel, Schmidgall, McCabe, Hendricks, Massaglia, Barra; Nay, Blanchard. Motion carried.

ORDINANCE NO. 1568-A190-12/13
PROVIDING FOR THE REZONING OF CERTAIN PROPERTY
PIN: 04-10-03-416-008, 04-10-03-416-009, 04-10-03-416-012,
04-10-03-416-013, 04-10-03-416-014 (CLERK NOTE: PIN 013 NOT RECORDED)
FROM B-3 (GENERAL BUSINESS TO R-4 (SINGLE FAMILY RESIDENTIAL)

Motion by Council Member Hendricks, seconded by Council Member Blanchard that Ordinance No.1568-A190-12/13 be adopted. The Planning recommendation to rezone 5 properties on Herman Street that were more properly zoned residential to adjacent homes was discussed. On roll call vote all present voted Aye.

ORDINANCE NO. 1568-~~A191~~-12/13 (CLERK NOTE: 191 NOT APPROVED)
PROVIDING FOR THE REZONING OF CERTAIN PROPERTY
PIN: 04-04-25-100-035

Motion by Council Member Hendricks, seconded by Council Member Blanchard that Ordinance No. 1568-A191-12/13 be adopted. Council Member Massaglia questioned what type of multi-family housing was intended to be developed. He expressed concern for the location of apartments in a newly developed residential area at the north entrance to the City. Discussion followed regarding PPC members split vote and density concerns. Council spoke in general agreement that until they could review a potential site plan they were unwilling to support the rezoning. On roll call vote all present voted Nay. Ayes – 0 Nays – 7 Motion Failed.

ORDINANCE NO. 1462-A313 - 12/13
AMENDING TITLE 8, CHAPTER 4, SECTION 1.D.
OF THE CODE OF THE CITY OF PEKIN 1995
REGARDING NO PARKING SCHEDULE
15-MIN SALVATION ARMY DAYCARE

Motion by Council Member Hendricks, seconded by Council Member Blanchard that Ordinance No. 1462-A313-12/13 be adopted. Council was advised of the Traffic Safety Committee's recommendation to allow 15-minute parking on Derby Street from the railroad tracks (Allen Street) to circle drive of the Salvation Army daycare for parents to drop off and pick up children. On roll call vote, all present voted Aye.

Motion by Council Member Blanchard, seconded by Council Member Hendricks that the **WATER USAGE DATA AGREEMENT WITH ILLINOIS AMERICAN WATER COMPANY** be approved. Council was informed that IAWC would no longer bill customers for wastewater disposal fee of the City based on water usage but would contract with the for the data needed estimated at $13,853. Mayor Barra stated the company decision was throughout its service area. Council Member Schmidgall suggested the City collect water use information itself through meter reading possibly by City inspectors or police officers while on the streets to reduce the IAWC charge. Council Member Blanchard disliked the fee but stated it was something the City would have to swallow. Council Member Massaglia spoke to the term in the agreement for 8 cents per customer ($880.00) opposed to a higher expense option suggested. On roll call vote, Ayes, Abel, McCabe, Hendricks, Massaglia, Blanchard, Barra; Nay, Schmidgall. Ayes – 6 Nay – 1 Motion carried.

Motion by Council Member Blanchard, seconded by Council Member Massaglia that the **WATER SHUT-OFF AGREEMENT WITH ILLINOIS AMERICAN WATER COMPANY** be approved. It was explained to the Members that the agreement was a needed step toward the in-house process for wastewater collection fees. Placing liens on property was not sufficient in collecting unpaid charges. The shut-off process to delinquent customers would also recoup associated costs. On roll call vote, all present voted Aye.

Assistant City Manager Darin Girdler presented three separate debt structure proposals in financing City obligations related to IMRF payoff of the 7.5% ERI program, purchases of capital items from an attached list, and the financing for construction of a road from the Dome to Veterans Drive.

Motion by Council Member Massaglia, seconded by Council Member Abel that the City proceed with financing up to $750,000.00 for the **PREPAYMENT OF THE ILLINOIS MUNICIPAL RETIREMENT FUND EARLY RETIREMENT INCENTIVE.**

Council Member Blanchard offered motion to amend the previous motion to cash in cd's available, seconded by Council Member Schmidgall. Council Member Blanchard stated he did not support the 2009 incentive offered and that he felt there were sufficient funds in low earning certificates of deposit without borrowing more. City Treasurer Jim Wolf recommended borrowing funds due to the current very favorable interest rates. Discussion followed on the City's reserves policy of 25 percent of the budget and approximate present balances. The Mayor asked that roll be called on the amendment. Council Member Blanchard restated his motion as to prepay ERI out of City general fund reserves, seconded by Council Member Schmidgall. On roll call vote; Ayes; Blanchard, Abel, Schmidgall, McCabe, Hendricks, Massaglia; Nay, Barra. Ayes – 6 Nay - 1 Motion Carried.

On roll call vote for the amended motion before the Council; Ayes; Blanchard, Schmidgall, McCabe, Hendricks; Nays, Abel, Massaglia, Barra. Ayes – 4 Nays, 3 Motion Carried to pay ERI out of reserves.

Motion by Council Member Massaglia, seconded by Council Member Abel that the City **PROCEED WITH FINANCING** up to $2,300,000.00 for a term not to exceed ten years for various **CAPITAL EQUIPMENT** items. Discussion followed on need for some of the items. Council Members Blanchard and Hendricks expressed their opinion that the City should not go into debt when there was money available in reserves for some needed equipment. Council Member McCabe called the question. On roll call vote, Ayes, Abel, McCabe, Massaglia, Barra; Nays, Blanchard, Schmidgall, Hendricks. Ayes – 4 Nays – 3 Motion carried.

Motion by Council Member Massaglia, seconded by Council Member Abel that the City proceed with financing up to $1,100,000.00 for a term not to exceed twenty years for completion of Griffin Drive. Council Members debated the benefit of approving to spur development along Veterans as opposed to supporting a commercial venture that would not benefit existing businesses on Court Street. On roll call vote, Ayes, Abel, Schmidgall, McCabe, Massaglia, Barra; Nays, Blanchard, Hendricks. Ayes – 5 Nays – 2 Motion carried.

ANY OTHER BUSINESS TO COME BEFORE THE COUNCIL

Council Member Abel expressed a statement that the levy just passed was close to the levy of 1994 and that costs differences between the years be considered for thought. Council Member Hendricks reminded the public that County tax payment were due.

Council Member Blanchard expressed concern on the use of calling the question. The issue of proper procedures and the use of Roberts Rules of Order was discussed among the Council Members and Attorney Burt Dancey.

Assistant City Manager Darin Girdler thanked the Council for the discussion of the proposals and direction for financing.

Dale Kuntz, 5 Fox Point, presented photos and his statement concerning Court Street as a "Rural Slum"

EXECUTIVE SESSION
Motion by Council Member Abel, seconded by Council Member Massaglia, that the Council move to Executive Session at 7:25 p.m. to discuss 65 ILCS 120/2 (c) (6) Sale of Municipally Owned Property. On roll call vote all present voted Aye.

Council returned to open session. No further business to come before the Council, motion by Council Member Abel, seconded by Council Member McCabe to adjourn. Unanimously approved by voice vote.

COUNCIL ADJOURNED AT 7:40 P.M.

Sue E. McMillan
City Clerk