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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 MONDAY, MAY 24, 2010 AT 5:30 O'CLOCK P.M.
RUSTY L. DUNN, MAYOR PRESIDING

PRESENT: COUNCIL MEMBERS, ABEL, BLANCHARD, BARRA, KORTKAMP, SCHMIDGALL, STRAND AND DUNN

ABSENT: NONE

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

Roll was called. All Council Members were present for roll call except Council Member Strand who entered the meeting at 5:40 p.m.

AGENDA

Motion by Council Member Schmidgall, seconded by Council Member Abel**,** that **the agenda be approved as presented.** On roll call vote, Ayes, Schmidgall, Blanchard, Kortkamp, Barra, Abel, and Dunn; Nay, none.

MINUTES

Motion by Council Member Schmidgall, seconded by Council Member Blanchard, that the **minutes of the Regular City Council Meeting of May 10, 2010 be approved as written.** On roll call vote, Ayes, Schmidgall, Blanchard, Kortkamp, Barra, Abel, and Dunn; Nay, none.

PUBLIC INPUT ON AGENDA ITEMS

Bill Gilroy, 1312 South 11th Street, directed concerns to Council regarding City's requirement to construct new subdivisions with separated sewers, maintenance of retention ponds on newly constructed Hanna Drive, and question of number of septic tanks in city limits. City Manager Dennis Kief answered Mr. Gilroy's questions at the end of the meeting.

CONSENT AGENDA

Motion by Council Member Schmidgall, seconded by Council Member Kortkamp, that the **Consent Agenda be approved as presented.** Mayor Dunn read and presented the following for consideration of the Consent Agenda items by Omnibus Vote.

1. **Receive and File Monthly Reports and Minutes:** Police Report April 2010, Traffic Safety Committee Minutes May 7, 2010, Mayor's Advisory Committee for Persons with Disabilities Minutes February 11, 2010 and March 11, 2010.

2. **Receive and File:** Zoning Board of Appeals Minutes dated May 12, 2010.

3. **Receive and File:** the Pekin Planning Commission Minutes dated May 12, 2010.

4. **Receive and File:** Pekin Planning Commission Hearings and Recommendations:
    a. Hearing #10-1802 – recommends approval of Rezoning of Property located at 2675 Allentown Rd from B-3 (General Business District) to R-1 (Single Family Residential District) to the City Pekin City Council.
    b. Hearing #10-1803 – #10-1804 - recommends approval of Site plan for Special Use for a Drive Thru Facility pending annexation to the Pekin City Council.
    c. Hearing #10-1805 – #10-1806 – tabled the request for a Site Plan and Special Use for a Cell Tower located at 3000 Court until documentation is provided for other site options and safety issues are resolved in the form of a letter from Mr. Thompson of TPCC.
    d. Hearing #10-1807 – recommends the approval of the following Code Amendment: 9-1-2 Definition Amending Sign Code And Code Change to include Electronic Signs with Regulations by adding 9-10-12 And including 9-10-8B-4 to the City Council.

On roll call vote, Ayes, Schmidgall, Blanchard, Kortkamp, Barra, Abel, and Dunn; Nay, none.

COMMUNICATIONS PRESENTATION

Police Department **Officer of the Year** was presented by Chief Ted Miller to Investigator Justin Fitzgerald for qualities that enhance public safety. Fire Chief Kurt Nelson presented to recipient Daniel Heisel the Fire Department's **Firefighter of the Year** award. Heisel was voted by fellow firefighters and recognized for his 22 years of service.

The City's **Quarterly Finance Report** was presented by Treasurer Jim Wolf. Showing slides of key funds, he advised Council of the Major Revenue Sources and Investment Earnings for 12 months ended April 30, 2010.

- Revenue at 93.33% of the budgeted, were at the same level as received in January.
- Though declines were anticipated, City finances steady.
- Had the 2% Food and Beverage and the 2% Package Liquor not been put in place as a new source of revenue the City would be struggling.
- State continued to be 5 payments behind on income tax revenues.
- Encouraging was that Sales Tax up from same month a year ago.
- Motor Fuel Tax lagging but positive

He summarized that revenues were down but staff was also keeping expenditures down.

Mr. Wolf stated that in 2009 interest rates were at 2.95% and at 1.98% in 2010 in order to point out that earnings were facing some stress. He would explore alternatives to investments.

Council Member Blanchard reiterated that he had requested a similar expenditure report be presented quarterly from the finance department. Mayor Dunn expressed concern on what was happening at the State level.

NEW BUSINESS

Motion by Council Member Blanchard, seconded by Council Member Abel, that the **ILLINOIS DEPARTMENT OF TRANSPORTATION JOINT AGREEMENT 10-00182-00-TL,** for safety bonding and grounding of existing traffic signal structures IL Rt 29 at (correct locations from agenda) - IL 29 @ Allentown, Parkway, Valle Vista, and Manito Blacktop, **be approved.** Public Works Director Joe Wuellner reported that Pekin's participation amounted to $537.00 for the upgrades. The State project would be let in May. On roll call vote, all present voted Aye.

RESOLUTION NO. 53-10/11

RESOLUTION FOR MAINTENANCE OF STREETS AND HIGHWAYS

Motion by Council Member Blanchard, seconded by Council Member Barra, that Resolution No. 53-10/11 **Appropriating Motor Fuel Tax in the amount of $600.00 for share of IDOT agreement** of signal upgrades to structures IL Rt 29 @ Allentown, Parkway, Valle Vista, and Manito Blacktop, **be adopted.** On roll call vote, all present voted Aye.

Motion by Council Member Kortkamp, seconded by Council Member Barra, that the **AGREEMENT WITH FARNSWORTH GROUP for bidding and construction oversight Phase I Waste Water Treatment Plant in an amount not to exceed $608,000.00**, **be approved.** Public Works Director Joe Wuellner advised that the amount of specialty equipment and size of the project was beyond what could be reasonably covered by staff and recommended support from engineering firm responsible for the design. Farnsworth would prepare documentation required by the Illinois Environmental Protection Agency. Funding activity was included in proposed bond but sufficient funds were available within the Sewer Funds.

Council Member Schmidgall expressed concern of moving forward when Council had not met to discuss how the completed project would be paid for. Council Member Abel felt the expenditure could have paid for 2 engineers. Farnsworth Project Manager Patric Sheridan advised Council on the scope of the over site, bid specifications, assistance for bond counsel, IEPA requirements. CEO Karen Jansen addressed Council's concerns. Council Member Blanchard questioned what improvements were actual mandates. He stated he was not convinced the need for the extent of the project planned and would be voting no. He asked that the agreement be laid over until the public had a chance to comment on the Council's discussion of options to pay for 5 Phases. Motion was made by Council Member Blanchard, seconded by Council Member Schmidgall, that the **Farnsworth Engineering Agreement for Wastewater Treatment Plant Phase I,** be l**aid over.** Discussion followed on the importance of Phase I construction start, NPDES permit, and staying on schedule for design Phase II improvements to obtain forgivable low interest loan funds from Illinois Environmental Protection Agency. On roll call vote, Ayes, Blanchard; Nays, Schmidgall, Strand, Kortkamp, Abel, Barra, Dunn. Motion Failed.

Discussion continued and each Council Member spoke in support or expressed concerns. Council Member Kortkamp felt Council was losing sight of the end result, cleaner water, a fundamental infrastructure component needed to sustain the community. Council Member Barra supported the phases and direction being taken to replace aged and failed components of a 70 year old treatment plant.
Roll was called on original motion to approve the agreement, Ayes, Schmidgall, Strand, Kortkamp, Barra, Abel, Dunn; Nay, Blanchard. Motion carried.

Motion by Council Member Kortkamp, seconded by Council Member Barra, that the **AGREEMENT WITH FARNSWORTH GROUP for design drawing preparation Phase II Waste Water Treatment Plant in an amount not to exceed $1,820,000.00 be approved.** Mr. Wuellner recommended Farnsworth continue with Phase II design. Because of the work on Phase I the firm had preliminary work in determining final configuration, sizing of the equipment, and support structures of the plant to fit into the existing site. On roll call vote, Ayes, Schmidgall, Strand, Kortkamp, Barra, Abel, Dunn; Nay, Blanchard. Motion carried.

Motion by Council Member Barra, seconded by Council Member Strand that **SITE PLAN REQUESTED BY SOUTHSIDE BANK FOR A DRIVE THRU at proposed bank facility on Veterans Drive, subject to annexation and zoning assignment, be approved.** Public Works Director Joe Wuellner presented the recommendation of the Planning Commission to approve the site and use for ATM for the new bank facility on Veterans Drive. A portion of the site purchased from adjacent land owner was not within corporate limits. On roll call vote all present voted Aye.

Motion by Council Member Barra, seconded by Council Member Kortkamp that **SPECIAL USE REQUEST FROM SOUTHSIDE BANK FOR A DRIVE THRU at proposed bank facility on Veterans Drive, subject to annexation and zoning assignment, be approved.** On roll call vote all present voted Aye.

ORDINANCE NO. 2618-OA-10/11
AMENDING THE ZONING CODE
TITLE 9-1-2, 9-10-9, 9-10-9E and 9-10-8B OF THE CITY OF PEKIN 1995
REGARDING MULTI MESSAGE SIGNS

Motion by Council Member Abel, seconded by Council Member Strand, that **Ordinance No. 2618-OA-10/11, be adopted.** Code Enforcement Officer Ron Sieh told Council that multi messaging signs had become more popular and were only regulated in the Industrial Zone. Additional changes were necessary to the sign ordinance to add guidelines for electronic/LED signs to regulate duration of message, transition time, brightness, spacing, and location. On roll call vote, all present voted Aye.

ORDINANCE NO. 1568-A181-10/11
PROVIDING FOR THE REZONING OF CERTAIN PROPERTY
2675 ALLENTOWN ROAD

Motion by Council Member Abel, seconded by Council Member Strand, that **Ordinance No. 1568-181-10/11, be adopted.** A recommendation was received from the Pekin Planning Commission to rezone the old TAPS property at 2675 Allentown Road containing 3.94 acres from B-3 (General Business) to R-1 (Single Family Residential). On roll call vote, all present voted Aye.

<u>ORDINANCE NO. 2619-10/11</u>
HIGHWAY AUTHORITY AGREEMENT

Motion by Council Member Abel, seconded by Council Member Barra, that **Ordinance No. 2619-10/11, be adopted.** Mr. Wuellner explained the ordinance authorized the closeout of the environment study at Parkway and Broadway for a gas station site to establish a groundwater protection area. On roll call vote, all present voted Aye.

Motion by Council Member Strand seconded by Council Member Kortkamp, that the **BID FOR EROSION CONTROL PROJECT be accepted in the amount of $26,860.00 and the contract be awarded to Edgewood Nursery.** Mr. Wuellner reported to Council that funding for the project would come from stormwater fund to stop the erosion caused by drainage onto owner's property and to stabilize the area on Linden and adjourning streets. Concerns were addressed regarding the bidding / quotes process and the advantage of awarding the estimate to a specialist company capable of completing the scope of work. On roll call vote, all present voted Aye.

Motion by Council Member Strand, seconded by Council Member Abel, that **MASTER SERVICE AGREEMENT FOR EMPLOYEE ASSISTANCE SERVICES WITH CHESTNUT GLOBAL PARTNERS, LLC at a rate of $24.00 per employee, be approved.** Personnel Director Patricia Pollock informed the Council that Chestnut Global had worked collaboratively for years with the City's present provider Behavioral Health Advantages. They offered the benefits of the partnership to all customer organizations. The agreement provided for expanded reporting capabilities, expanded network online self improvement materials, and eldercare services in addition to BHA's EAP. On roll call vote, all present voted Aye.

ANY OTHER BUSINESS TO COME BEFORE THE COUNCIL

Council Member Blanchard congratulated everyone graduating and reminded the community of the Memorial Day observances.

Council Member Abel expressed appreciation to Fire Chief Kurt Nelson and Main Street for their efforts in a successful event celebrating the Pekin Fire Department 150 Anniversary.

Fire Chief Kurt Nelson announced that the Fire Department, Kiwanis, and the Rotary Clubs were sponsoring a Bike Rodeo on Saturday at Pekin Park.

Roger Alexander, 1904 Court Street, voiced a complaint regarding the height of the grass on property at 1900 and 1902 Court Street.

EXECUTIVE SESSION

Motion by Council Member Blanchard, seconded by Council Member Strand, that the Council move to Executive Session at 7:40 P.M. to discuss:
5 ILCS 120/2 (c) 1. Personnel
5 ILCS 120/2 (c) 5. Acquisition of property owned by the Public Body
5 ILCS 120/2 (c) 6. Setting a price for sale or lease of property owned by the Public Body
5 ILCS 120/2 (c) 11. Pending and Threatened Litigation
On roll call vote all present voted Aye.

No further business to come before the Council, in open session, Mayor Dunn called the meeting closed.

COUNCIL ADJOURNED AT 8:10 P.M.

Sue E. McMillan
City Clerk