****

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, APRIL 27, 2015 AT 5:30 O'CLOCK P.M.
LAURIE L. BARRA * MAYOR * PRESIDING

PRESENT: COUNCIL MEMBERS, GILLESPIE, GOLDEN, ORRICK, MCCABE, HENDRICKS AND ABEL
ABSENT: NONE

****

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

Roll was called. All members were physically present. A quorum was present.

AGENDA
Motion by Council Member Abel, 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 Abel, seconded by Council Member Gillespie that the **minutes of the Regular City Council Meeting of April 13, 2015, approved as written.** On roll call vote all present voted Aye.

PUBLIC INPUT
Tammy Jest owner of Pekin Veterinary Clinic addressed the Council regarding her request to allow parking for 4 vehicles on Olt Avenue across from the front of the business. She stated that the business had grown since 1990 and there was not sufficient parking for customers at times in the side parking lot. That were denied by Kmart to allow the excess to park in their lot across the street and have access through the fence.

Ann Witzig expressed her disappointment on the following topics:

- Airport budget
- Inspection Department’s inconsistencies between property request from Bob Bramham regarding his construction and property posting at 304 Sheridan Road and referred to a Code of Conduct for Inspections
- Borrowing when City is too far in debt
- Council not answering the public’s questions

Larry Wolfer spoke against the construction of Veterans Drive South calling it the road to nowhere. He questioned the cost and the funds available for Court Street improvements after Veterans was completed. Mayor Barra noted that the City had never said that the estimated $6 million dollars would be sufficient for all work on Court Street.

Bob Bramham questioned the following:

- Completion of Sheridan Road Bridge over Lick Creek
- Two sets of rules for bar businesses requiring only new establishments to have video surveillance cameras
- Occupancy code requirements being different for 304 Sheridan Road and his property construction.

Jeff Blackwell asked the Council to approve agenda item for the Site Plan for his new business at 201 N. Capitol Street for the sale of used cars.

CONSENT AGENDA
Motion by Council Member Abel, seconded by Council Member Hendricks that the **CONSENT AGENDA be approved as presented.** The following was presented for consideration of the Consent Agenda items by Omnibus Vote.

7.1 Receive and File Monthly Reports: Traffic Safety Committee Minutes April 3, 2015 and Liquor Commission draft Minutes March 26, 2015.

7.2 Proclamations: “AMBUS Charity Auction May 1, 2015
“Dragon Pride Week” April 27, 2015-May 1, 2015

7.3 Receive and File: Pekin Planning Commission Minutes Dated April 8, 2015.

7.4 Receive and File: Pekin Planning Commission Hearings and Recommendations:
a. #04-1889 – Site Plan for 425 Ann Eliza Street be approved with stipulation that a corrected Site Plan showing true location of all storage in the property be presented to staff before the Hearing goes before the City Council for review.
b. #04-1890 – Special Use for Hoop House be approved located at 425 Ann Eliza Street.
c. #04-1891 – Site Plan be approved for parking as presented for a Used Car Lot with an existing Special Use for Used Car Sales located at 201 N. Capitol Street.
d. #04-1892 – Site Plan be approved for Phase 1 only for the Assisted Living Facility since it meets the code located on Windstar.
e. #04-1893 – Special Use be approved for Phase 1 only for the Assisted Living Facility since it meets the code located on Windstar.

On roll call vote Ayes, Orrick, Gillespie, McCabe, Abel, Hendricks, Barra; Present, Golden. Motion Carried.

NEW BUSINESS
Mayor Barra asked that staff address the business items that were grouped in twos on a single topic with one explanation of both motions.

Motion by Council Member Orrick, second by Council Member Gillespie that the **SITE PLAN FOR 425 ANN ELIZA STREET be approved.** Code Enforcement Officer Ron Sieh presented the recommendation of the Planning Commission to approve a modified Site Plan at 425 Ann Eliza Street for a hoop house plant nursery submitted by Dreamscapes Landscaping LLC. The stipulation to present a new Site Plan showing true location of all storage in the property was presented to staff on April 16, 2015. He addressed Council Members questions or concerns as to the owner’s plan to move bulk materials to a new site on the southside; washout of the landscaping materials into the sewers; setback requirements and considerations of wind loads for temporary structures. On roll call vote all present voted Aye.

Motion by Council Member Orrick, second by Council Member Abel that the **SPECIAL USE FOR A HOOP HOUSE AT 425 ANN ELIZA be approved.** Also presented was the recommendation of the Planning Commission to approve an expansion of the Special Use at 425 Ann Eliza Street for a hoop house plant nursery. On roll call vote all present voted Aye.

Motion by Council Member Orrick, second by Council Member Hendricks that the **SITE PLAN FOR 201 N. CAPITOL STREET be approved.** Mr. Sieh next presented the recommendation of the Planning Commission to approve the Site Plan for parking for a used car lot with existing Special Use. The Code Enforcement Officer addressed questions and noted the site was for display of cars to be sold, some detailing, but no repairs. On roll call vote all present voted Aye.

Motion by Council Member Golden, second by Council Member Orrick that the **SITE PLAN AT SE CORNER OF SOUTH 14^{TH} STREET AND WINDSTAR LANE be approved.** Council was requested to approve the recommendation of the Planning Commission for the Site Plan for Phase I of a new proposed Assisted Living Facility on a 5.8 acre tract. Council was informed the facility planned for 36 memory care tenants. The site retention basin complied with code provisions. On roll call vote all present voted Aye.

Motion by Council Member Golden, second by Council Member Orrick that the **SPECIAL USE FOR ASSISTED LIVING FACILITY at the SE corner of South 14^{th} Street and Windstar Lane be approved.** Also presented was the recommendation of the Planning Commission to approve the Special Use for Phase I of a new Assisted Living Facility at the SE corner of South 14th Street and Windstar Lane. On roll call vote all present voted Aye.

Motion by Council Member Hendricks, second by Council Member Abel that the **AMENDMENT TO THE MAURER-STUTZ AGREEMENT be approved.** City Engineer Mike Guerra provided Council with the document that would amend the February 20, 2014 Construction Engineering Services of Sheridan Road Bridge over Lick Creek Replacement. Mr. Guerra explained Maurer-Stutz provided the oversight and inspection to ensure the construction complexity of the structure and proper IDOT documentation for proper record keeping of Motor Fuel Tax audits. The contractor did not meet the construction completion deadline which required additional billing. The service costs were offset by the $23,575.00 liquidated damages charged the contractor. Council Member Golden questioned the pay of a resident construction supervisor/engineer being on site and spoke in opposition of approving without documentation of the payouts. Attorney Burt Dancey stated is opinion that he was comfortable with Mr. Guerra's oversight of the presented documents. On roll call vote Ayes, Orrick, Gillespie, McCabe, Abel, Hendricks, Barra; Nay, Golden. Motion Carried.

RESOLUTION NO 122-14/15
SUPPLEMENTAL RESOLUTION FOR MOTOR FUEL TAX FUNDS

Motion by Council Member Hendricks, seconded by Council Member Gillespie that Resolution No. 122-14/15 be adopted. The City Engineer requested Council to approve the appropriation for the expenditure of the MFT Funds in the amount of $13,272.00 for the Construction Engineering amended Agreement for the Sheridan Road Bridge over Lick Creek Replacement Project. On roll call vote Ayes, Orrick, Gillespie, McCabe, Abel, Hendricks, Barra; Nay, Golden. Motion Carried.

Motion by Council Member Hendricks, seconded by Council Member Orrick that the **LOCAL AGENCY AGREEMENT WITH IDOT FOR TRAFFIC SIGNAL MODERNIZATION in the amount of $5,520.00 be approved**. City Engineer Michael Guerra stated the agreement and the appropriation of MFT for payment allowed the City to use the funds to pay for the 10% local share estimated at $5,520.00 for the control boxes at the IL 29 and Koch Street project. Council Member Abel asked if emergency lights for public safety vehicles could be added but was told the City would be responsible for full costs of the installation and maintenance. On roll call vote all present voted Aye.

RESOLUTION NO. 123-14/15
RESOLUTION FOR MOTOR FUEL TAX FUNDS

Motion by Council Member Hendricks, seconded by Council Member Gillespie that Resolution No. 123-14/15 be adopted. The resolution appropriated the expenditure of the MFT Funds in the amount of $6,900.00 for Traffic Signal Modernization at IL 29 (2nd Street) and Koch Street. On roll call vote all present voted Aye.

ORDINANCE NO. 1462-A340-14/15
AMENDING TITLE 8, CHAPTER 4, SECTION 1.D
OF THE CODE OF THE CITY OF PEKIN 1995
REGARDING NO PARKING SCHEDULE

Motion by Council Member McCabe, seconded by Council Member Orrick that Ordinance No. 1462-A340-14/15 be adopted. The recommendation of the Traffic Safety Committee to allow parking on Olt Avenue opposite Pekin Veterinary Clinic from 8:00 a.m. to 5:00 p.m. was presented to the Council. Council Member Orrick spoke in favor of approval to support a business that was doing well. Council Member Golden questioned if the business parking met all handicapped parking requirements. On roll call vote all present voted Aye.

Motion by Council Member McCabe, second by Council Member Gillespie that the **INTERGOVERNMENTAL AGREEMENT WITH RANKIN SCHOOL DISTRICT NO 98 FOR BUSSING STUDENTS be approved.** Supervisor of Transportation Ty Whitford presented for Council's consideration the agreement and the authorization to lease 3 additional buses to provide transportation of students for a term from July 1, 2015 to June 30, 2018 for costs established in Exhibit "A" of the contract. Discussion followed regarding the savings to taxpayers to provide the service versus the private bidders and the amounts included in order for the service to be profitable for the City. Council Member Golden stated he had suggested that the garbage collect be extended outside the City limits for additional revenues. Council Member Orrick expressed concerns that cost escalators were not figured in the bid. On roll call vote Ayes, Gillespie, McCabe, Abel, Hendricks, Barra; Nays, Golden and Orrick. Motion Carried.

Motion by Council Member McCabe, second by Council Member Hendricks that the **QUOTE FOR 3 BUSES AND AUTHORIZATION TO ENTER IN A LEASE AGREEMENT WITH MIDWEST TRANSIT be approved.** Authorization was given to enter into a Lease Agreement with Midwest Transit Equipment for 3 buses in order to provide transportation services to Rankin Public School District No. 98. On roll call vote Ayes, Gillespie, McCabe, Abel, Hendricks, Barra; Nays, Golden and Orrick. Motion Carried.

ORDINANCE NO. 2720-14/15
AMENDING TITLE 3, CHAPTER 3, SECTION 9
OF THE CODE OF THE CITY OF PEKIN 1995
REGARDING VIDEO SURVEILLANCE CAMERAS

Motion by Council Member Gillespie, seconded by Council Member Orrick that Ordinance No. 2720-14/15 be adopted. Council was informed that the Liquor Code presently had no provisions for compliance to provide digital recordings of fights in liquor establishments. The ordinance would establish provisions for the proper video surveillance cameras, their maintenance and availability upon request on premises of new licensees. On roll call vote Ayes, Gillespie, McCabe, Abel, Orrick, Barra; Nays, Golden and Hendricks. Motion Carried.

ORDINANCE NO. 2721-14/15
AMENDING TITLE 3, CHAPTER 3, SECTION 6
OF THE CODE OF THE CITY OF PEKIN 1995
REGARDING "SOBER SERVER ORDINANCE"

Motion by Council Member Gillespie, seconded by Council Member Orrick that Ordinance No. 2721-14/15 be adopted. Council was presented an ordinance that would amend provisions in the Liquor Code by adding a section prohibiting a licensee, an agent, or employee to serve alcoholic beverages while under the influence of alcohol or controlled substance on the premises. Deputy Police Chief Don Baxter told the Council the ordinances were protection for bar owners as well as patrons and the public safety of the community. He addressed Council questions regarding the extent of testing of breath, blood, or urine for alcohol concentration of .04. On roll call vote Ayes, Gillespie, McCabe, Abel, Orrick, Hendricks, Barra; Nay, Golden. Motion Carried.

ANY OTHER BUSINESS TO COME BEFORE THE COUNCIL

City Engineer advised the Council and Public of the closing schedule and detour of Veterans Drive and Mall Road to enable the construction crews to build the new alignments that will connect two roads.

Council Member Orrick expressed his appreciation to Mayor Barra for her services to the City and noted that he work with her as Commissioners and Council Members over 10 years.

Council Member Golden asked and was informed of the replacement of gas lines in the Sunset Hills area by Ameren Illinois. He was told per the franchise agreement that the company submits plans for their projects and street openings and follow standards for ADA requirements for reconstruction. He stated he had seen that Harpers Gas had shut down and questioned who checks if funds were due the City for motor fuel tax. He also asked the status of the paving of a parking lot and construction of Jimmy Johns on Court Street and was advised that the project was by a private developer. The City had not been made aware of the developer timeline for completion as of this date. He indicated he had read that Maurie's candy shop had closed and questioned the status of the City loans to the owner. Council was advised by Leigh Ann Brown Economic Development Director that the owner was advised about the remaining terms of the TIF façade and interior programs.

EXECUTIVE SESSION

Motion by Council Member Gillespie, seconded by Council Member Orrick, that the Council move to Executive Session at 7:20 p.m. to discuss 65 ILCS 120/2 (c) (6.) Lease of Municipally Owned Property and (1.) Personnel. On roll call vote, all present voted Aye.

No further business to come before the Council, motion by Council Member Gillespie, seconded by Council Member Orrick that Council adjourn. Motion carried voice vote. Mayor Barra adjourned the meeting in open session.

COUNCIL ADJOURNED AT 7:45 P.M.

Sue E. McMillan
City Clerk