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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, APRIL 24, 2006 AT 5:30 O'CLOCK P.M.**
**FRANK H. MACKAMAN * MAYOR * PRESIDING**

**PRESENT: COMMISSIONERS, BLANCHARD, JONES, MADDOX AND DAGIT**

**ABSENT: NONE**

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

**Roll** was called and all commissioners were present.

**Agenda**

Motion by Com'r. Dagit seconded by Com'r. Maddox, that the **agenda be amended by removing under New Business the following: #7 Resolution No. 148-05/06 Preliminary Plat Grandview Estates Subdivision #15. Illinois Department of Transportation Municipal Bus Agreement**. On roll call vote, all present voted Aye

Motion by Com'r. Dagit seconded by Com'r. Maddox, that the **agenda be approved as amended**. On roll call vote, all present voted Aye

Motion by Com'r. Dagit, seconded by Com'r. Jones, that the **Minutes of the Regular City Council Meeting of March 27, 2006, the Special Meeting of April 3, 2006 be approved as written.** On roll call vote all present voted Aye.

**Public Input on Agenda Items**

Mayor Mackaman read comments received regarding opposition to full payment at time of renewal of annual liquor license from Jetta Christensen Yesterday's Bar & Grill.
Steve Huey explained the purpose of the Pekin Community High school-wide student recognition event which provided the opportunity to showcase the accomplishments and variety of activities performed by the students. He then accepted a proclamation declaring the week of May 8th as Dragon Pride Night and expressed appreciation to the Council for the recognition.
Ralph Mickley Principal of Good Shepherd Lutheran School accepted the proclamation in celebration of the school's 25th Anniversary as a valuable Christian educational facility in the community.
Bert Schertz addressed Council regarding a new proposal regarding the remaining mooring of the Belle of the Night. He spoke of attempts for suitable new locations, potential buyers' attempts, and future commitments. He requested Council entertain the proposal submitted under New Business.

**Consent Agenda**

**Mayor Mackaman presented and read the following items under Consent Agenda.**
Motion by Com'r. Dagit, seconded by Com'r. Blanchard, that the Consent Agenda be **approved as presented.**

1. **Receive and File Reports and Minutes:** Police, Fire, Tazewell County Animal Control, Project Status, Traffic Safety, Building, Riverway Business Park Review

2. **Proclamations:**

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| | **"National Digestive Motility Awareness Month** | **May 2006** |
| | **"National Youth Week" - Elks Lodge #1271** | **May 8, 2006** |
| | **"Municipal Clerks Week"** | **April 30 – May 6, 2006** |
| | **"Public Safety Telecommunications Week"** | **April 9-15, 2006** |
| | **"Good Shepard School 25th Anniversary"** | |
| | **"Dragon Pride Night"** | **May 2, 2006** |

3. **Charitable Solicitation: National Association of Letter Carriers Food Drive May 13, 2006**

4. **Resolution No. 146-05/06 - Appointments to Electrical Commission, Fire and Police Commission, and Fire Pension Board**

5. **Receive and File Computer Maintenance and Repair Service Bids**

6. **Receive and File Insight Communications correspondence announcing Digital 2.0**

7. **Receive and File the Resignation of Sue A. Ramirez from the Pekin Planning Commission**

8. **Receive and File Planning Commission Minutes Dated April 12, 2006**

9. **Receive and File Planning Commission Hearings and Recommendations:**
    a. Hearing #1705 – to approve Special Use request for used Car Lot located at 300 S. 2nd Street zoned B-3.
    b. Hearing #1706 - to approve Site Plan for used Car Lot located at 300 S. 2nd Street zoned B-3 with stipulation that should outside storage problems, hard service is not provided for vehicle display, if all vehicles are not operational and outside mechanical work occur the Special Use be revoked.
    c. Hearing #1707 – to approve the Preliminary Plat for Gingoteague Section Six (6) and the rezoning of Lots 1 & 2 from RT (Two Family Residential District) to RM-2 (Multiple Family Residential District).
    d. Hearing #1708 - to approve Special Use request for a Mechanic for Parkside Used Car Lot located at 1800 Court Street Zoned B-3
    e. Hearing #1709 - to approve Site Plan for a Mechanic for Parkside Used Car Lot located at 1800 Court Street Zoned B-3
    f. Hearing #1710 - to deny the Preliminary Plat for Grandview Estates Subdivision zoned R-1 (One Family Residential) due to no emergency exists provided
    g. Hearing 1710 – to approve Conceptual and Preliminary Plat for WinPak located at 201 Hanna Drive with PIN #10-10-10-100-029

Com'r. Jones commented in reference to Resolution No. 146-05/06 that some of the appointees were non-residents. On roll call vote, all present voted Aye.

**Communications, Petitions, Reports**

Finance Director Robert Reis presented a summary of the City's financial condition as of March 31, 2006 in his **Monthly Report**.. He stated the City continued to improve its position of increased revenues while expenditures remain lower than budget at 87% with one month to go. General Fund cash reserve was at 7.36 months.

City Manager Dennis Kief presented a visual PowerPoint of Riverway Business Park. He discussed its expansion, the benefit of access to rail and highways. Brief employment statistics of each of the businesses located in the original Park acreage was given.

**New Business**

The following Special Use Requests and Site Plans were approved as recommended by the Pekin Planning Commission:

Motion by Com'r. Blanchard, seconded by Com'r. Maddox, that the **SPECIAL USE REQUEST FOR USED CAR LOT LOCATED AT 300 S. 2ND STREET** be approved. The car lot would be located in an area zoned B-3 at the corner of Fayette and South 2md Street. On roll call vote, all present voted Aye.

Motion by Com'r. Blanchard, seconded by Com'r. Maddox, that the **SITE PLAN FOR USED CAR LOT LOCATED AT 300 S. 2ND STREET** be approved. On roll call vote, all present voted Aye.

Motion by Com'r. Blanchard, seconded by Com'r. Maddox, that the **SPECIAL USE REQUEST FOR A MECHANIC FOR PARKSIDE USED CAR LOT LOCATED AT 1800 COURT STREET** be approved. It was clarified that the request was for a mechanic at the dealer location across from the PCHS stadium and located in a B-3 zone. Only small repairs would take place at the site. On roll call vote, all present voted Aye.

Motion by Com'r. Blanchard, seconded by Com'r. Maddox, that the **SITE PLAN FOR A MECHANIC FOR PARKSIDE USED CAR LOT LOCATED AT 1800 COURT STREET** be approved. On roll call vote, all present voted Aye.

**RESOLUTION NO. 147-05/06**
**PRELIMINARY PLAT GINGOTEAGUE SECTION SIX**

Motion by Com'r. Blanchard, seconded by Com'r. Maddox, that Resolution No. 147-05/07 be adopted. The plat reviewed by the Planning Commission was for additional 12 homes in the 6th phase of the subdivision on El Camino west of South 14th Street. On roll call vote, all present voted Aye.

**ORDINANCE NO. 1568-A162**
**REZONING GINGOTEAGUE SECTION SIX**

Motion by Com'r. Blanchard, seconded by Com'r. Maddox, that Ordinance No. 1568-A162 be adopted. With plat approval, the next adopted an ordinance to rezone Lots 1 and 2 from RT to RM-2. On roll call vote, all present voted Aye.

**RESOLUTION NO. 149-05/06**
**CONCEPTUAL AND PRELIMINARY AND FINAL PLATS**
**WINPAK HEAT SEAL CORPORATION**

Motion by Com'r. Jones, seconded by Com'r. Dagit, that Resolution No. 149-05/06 be adopted. Public Works Director Joe Wuellner explained to Council that the project for construction of the new business in the Riverway Business Park met requirements for submittal of the Final Plat.On roll call vote, all present voted Aye.

**RESOLUTION NO. 150-05/06**
**FINAL PLAT DEERFIELD ESTATES SECTION FOUR**

Motion by Com'r. Jones, seconded by Com'r. Dagit, that Resolution No. 150-05/06 be adopted. The project met requirements for submittal of the Final Plat containing 26 lots. On roll call vote, all present voted Aye.

**ORDINANCE NO. 2470**
**AMENDING THE CODE OF THE CITY OF PEKIN 1995**
**REGARDING FIRE DEPARTMENT MEMBERS**

Motion by Com'r. Jones, seconded by Com'r. Dagit, that Ordinance No. 2470 be adopted. Council was advised by Fire Chief Chuck Lauss that the ordinance provided for the restructure of existing personnel specifically addressing Fire Prevention Officer and Maintenance Coordinator. He explained that the amendment did not change the number of firefights but gave flexibility in designating positions because it now opened up those positions to the entire department. Council discussed budgetary implications. On roll call vote, all present voted Aye.

**ORDINANCE NO. 2471**
**AMENDING THE CODE OF THE CITY OF PEKIN 1995**
**REGARDING TRAFFIC SAFETY COMMITTEE MEMBERS**

Motion by Com'r. Jones, seconded by Com'r. Dagit, that Ordinance No. 2471 be adopted. Com'r. Blanchard spoke in opposition to amending the make-up of the members that would not provide for a representative from the Council. It felt the liaison commissioner played an important role in keeping Council informed. The calendar proposed by the mayor to allow for individual Council members to attend a variety of board meetings would restrict citizen participation through elected officials. Com'r. Maddox disagreed stating the minutes were the direct informational tool that should be utilized. Allowing Council to attend any of the open meetings gave citizens a greater voice. On roll call vote, Ayes, Dagit, Jones, Maddox, Mackaman; Nay, Blanchard. Motion Carried.

**ORDINANCE NO. 2472**
**AMENDING THE CODE OF THE CITY OF PEKIN 1995**
**REGARDING PAYMENT OF LICENSE FEES**

Motion by Com'r. Maddox, seconded by Com'r. Blanchard, that Ordinance No. 2472 be adopted. Discussion followed on the intention to clean-up the language for annual payment of licenses fee to mirror the deletion of the provision for allowing ½ payments in the Liquor Code. Com'r. Maddox indicated the provision was missing from the Liquor pamphlets given the licensees after the change was thought to have been made. A recommendation was made to wait on the ordinance in order to explore ½ payment option. Corporation Counsel was asked to address the issue of payment for this year's renewal. Com'r. Jones called the question and Mayor Mackaman requested that roll call of votes be taken. On roll call vote, Nays, Maddox, Blanchard, Dagit; Ayes, Jones, Mackaman. Motion Failed.

**ORDINANCE NO. 2473-OA**
**AMENDING THE CODE OF THE CITY OF PEKIN 1995**
**REGARDING REMOVAL OF LIQUOR AS SPECIAL USE ZONING CODE**

Motion by Com'r. Maddox, seconded by Com'r. Dagit, that Ordinance No. 2473-OA be adopted. Com'r. Maddox advised that remval of the special use for liquor sales from the Zoning Code would necessitate placing the duties for hearing request for a special use in the Liquor Code.

Motion by Com'r. Maddox, seconded by Com'r. Blanchard, that Ordinance No. 2473-OA be tabled. On roll call vote, all present voted Aye.

Motion by Com'r. Maddox, seconded by Com'r. Blanchard, that the **BID FOR COMPUTER HARDWARE MAINTENANCE AND TIME AND MATERIAL SUPPORT** in an amount not to exceed $3,400 be accepted and the contract be awarded to Heart Technologies. On roll call vote, all present voted Aye.

Motion by Com'r. Maddox, seconded by Com'r. Blanchard, that the **PURCHASE AND INSTALLATION OF PLYMO-VENT SYSTEM AT A COST TO THE CITY OF $8,224.20** be approved and authorization be given for the City Manager to execute invoice related to the work. It was explained to Council that the installation mandated would be at all three fire stations. The cost to the City was 10% of the total project. After installed all citations to date from Illinois Department of Labor would be closed. On roll call vote, all present voted Aye.

Motion by Mayor Mackaman, seconded by Com'r. Blanchard, that the **CITY ATTORNEY BE AUTHORIZED TO FILE A COMPLAINT IN CIRCUIT COURT TO BEGIN EVICTION PROCEEDINGS AGAINST THE BELLE OF THE NIGHT**. Attorney Burt Dancey advised the Council of the procedure that would be followed and the estimated time and expense to the City.
Service fee for filing the complaint $130
5-7 weeks scheduled hearing
$2500 legal fees
2 months for a decision
Council was told if a viable plan for development or removal were to be received legal remedies could be pulled up to about five weeks into the court process.
On roll call vote, Ayes, Jones, Dagit Blanchard, Mackaman; Nay, Maddox. Motion Carried.

**ANY OTHER BUSINESS TO COME BEFORE THE COUNCIL**

Mayor Mackaman announced that he had distributed to Council and the press his draft version of the Conceptual Plan for their review and input.
Commissioner Blanchard

- expressed condolences in the death of Treasurer Chic Renner's mother and Bob Gardner a 20-year Street Department retiree.
- informed the public that the State would begin patching Court Street June-August
- noted the City received money through the State Treasurer unclaimed property program
- expressed appreciation to Mayor Howard and Senator Shadid in their effort in the City receiving a $50,000 grant for a self contain patching machine.

Com'r Dagit encouraged the public to attend the reestablished Policeman's Ball on Saturday May 13 at the Moose Lodge.
Com'r. Jones noted that the City continued support this year for the Pekin Municipal Band as it prepared for the transition to be funded by the Pekin Park District.

Police Chief Timothy Gillespie informed the Council that negotiates lasted only 10 hours and a 4 year agreement was signed for Tazewell County/Pekin Consolidated Communications Center contract employees.

Attorney Dancey advised that by not adopting the payment ordinance presented for all types of licenses and because of the inadvertent missing provision for full payment of liquor licenses, the liquor applications for renewal May 1 would have to be accepted with ½ payments.  It was the intentions to clean-up the language in both sections of the code for full payment requirement for 2007.

Greg Ranney Public Property Director announced that toters would be mandatory on Sept 1, 2006.
Also he announced that the event Spruce Up Pekin would take place on the first Saturday in May as was the tradition.  Locations for dumpsters and stipulations were explained.

Bill Gilroy 1312 South 11th Street requested that more information be given when a motion is read or for topics read from the agenda so the public is knowledgeable of the intended action.  He noted the Special Use Request were not both for Car Lots but one was a special use request for a mechanic at Parkside Auto Sales Lot.

Shirley Fachiney 320 State Street expressed her opinion that there was no reason for the City to drag it's feet in insistent that the Belle of the Knight be removed from the riverfront. She expressed opposition to the possibility of the City enacting a storm water fee emphasizing residents could not afford additional expenses.

Chris Schott 2507 Cherry Lane and daughter Jennifer told Council of the serious nature of digestive motility diseases and encouraged the public to become aware of these disorders.

Reporters from the *Peoria Journal Star and Pekin Daily Time* were given the opportunity to ask questions.

Motion by Com'r. Maddox, seconded by Com'r. Dagit, that Council move to Executive Session at 7:32  P.M. to discuss Personnel – Employment of a Specific Employee of the Public Body 5 ILCS 120/2 (c) 1. Sale of Property 5 ILCS 120/2 (c)   6.  Acquisition of Real Estate 5 ILCS 120/2  (c.) 5.   On roll call vote, all present voted Aye.   The Council returned to open session.

No further business to come before the Council, Mayor Mackaman called the meeting closed.

**COUNCIL ADJOURNED AT 8:15 P.M.**

Sue E. McMillan
City Clerk