
**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, MARCH 28, 2005 AT 5:30 O'CLOCK P.M.
LYNDELL N. HOWARD * MAYOR * PRESIDING**

PRESENT: COMMISSIONERS, RICHMOND, MADDOX, MASSAGLIA, AND JONES

ABSENT: NONE

The **Pledge of Allegiance** was led by Mayor Howard

Roll was called and all commissioners were present.

Agenda

Motion by Com'r. Richmond, seconded by Com'r. Massaglia, that the **agenda be amended** by removing under Consent Agenda 2. Charitable Solicitation. On roll call vote, all present voted Aye.

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

Motion by Com'r. Richmond, seconded by Com'r. Massaglia, that the **Minutes of the Regular City Council Meeting of March 14, 2005 be approved as written**. On roll call vote, all present voted Aye.

Consent Agenda

City Clerk Sue McMillan presented the following items under consent Agenda.

Motion by Com'r. Richmond, seconded by Com'r. Jones, that the Consent Agenda **be approved as amended**.

1. Receive and File Monthly Reports: Project Status, Wastewater Treatment, Airport, Inspections
3. ~~Charitable Solicitation: Jenny Miller~~ * removed by motion
4. Receive and File Bids CDBG ADA Sidewalk Handicap Ramps Project Opened 3/17/05

ESTIMATE	PEORIA COUNTY CONCRETE	STARK EXCAVATING
\$74,688.00	\$87,610.90	\$85,809.50
5. Resolution No. 100-04/05 ~~97-04/05~~ – Clerk to Publish Zoning Map
6. Receive and File Pekin Planning Commission Minutes Dated March 9, 2005
7. Receive and File Pekin Planning Commission Hearings and Recommendations:
 - a. #1653 – Recommends the approval of the Special Use for Drive-Up for property located at 1470 Valle Vista Blvd
 - b. #1654 – Recommends the approval of the Site Plan for property located at 1470 Valle Vista Blvd for Banking Services
 - c. #1657 – Recommends to deny Special Use for Roadside Stand in the Northwest Corner of the parking lot of County Market located at 2111 Court Street because it does not meet the requirements of a drive thru
 - d. #1658 – Recommends to deny the Site Plan for a Roadside Stand in the Northwest Corner of the parking lot of County Market located at 2111 Court Street because it does not meet the requirements of a drive thru
 - e. #1659 – Recommends the approval to assign Zone for Tracts 1-7 in Hollis Township, Peoria County from County (AG) to City of Pekin I-1 pending annexation
 - f. #1660 – Recommends the approval to amend the Zoning Ordinance 9-10-4-C uses not included in a specific district to include water theme parks, equestrian parks, marine parks and amusement parks
 - g. #1661 – Recommends the approval to amend the I-1 Zoning to include all special uses as permitted under agricultural district (AG)
 - h. #1662 – Recommends the approval to amend the I-1 Zoning ordinance 9-7A-2 of the Code of the City of Pekin to added as a principal use in an I-1 the following, all principal uses as permitted under the Agricultural District screening requirements for Abutting

- Residential, Office and Business Zones shall not apply to such uses
- i. #1663 – Recommends the approval to amend Zoning Ordinance 9-10B which is off street parking and loading by adding paragraph 3, The authority to enforce the provisions of Off-Street Parking and Loading shall be the joint responsibility of the City of Pekin Inspections Department and the City of Pekin Police Department

On roll call vote, all present voted Aye.

Communications, Petitions, Reports

A public Hearing was open by Mayor Howard to hear comments on the Annexation Agreements for Deppert and Amedeo, Inc.

New Business

RESOLUTION NO. 96-04/05

INTENT TO BOND

Motion by Com'r. Richmond, seconded by Com'r. Massaglia, that Resolution No. 96-04/05 be adopted.

On roll call vote, all present voted Aye.

ORDINANCE NO. 2417

Motion by Com'r. Jones, seconded by Com'r. Richmond, that Ordinance No. 2417 be adopted.

Motion by Com'r. Maddox, seconded by Com'r. Massaglia, that Ordinance No. 2417 be amended by replacing "60 days" "90 days" in Section 4 (c) of said agreement. On roll call vote, all present voted Aye.
As Amended. On roll call vote, all present voted Aye

ORDINANCE NO. 2418

AGREEMENT AMEDEO LLC

Motion by Com'r. Jones, seconded by Com'r. Massaglia, that Ordinance No. 2418 be adopted.

Motion by Com'r. Maddox, seconded by Com'r. Massaglia, that Ordinance No. 2418 be amended by deleting from the annexation agreement Section 5 in its entirety and inserting the following language:

5. REBATE OF TAXES

Until the first to occur of (a) the termination of this Agreement or (b) the Owner sells or develops the Property for use other than agricultural or agricultural building, the City shall rebate to the Owner that portion of property taxes paid by the Owner, with respect to the Property, allocated to the City and the Pekin Library District. The City shall make such rebate payment within 21 days of receipt from Owner sufficient written evidence of payment of such taxes.

On roll call vote, all present voted Aye.

As Amended. On Roll call vote, all present voted Aye.

ORDINANCE NO. 2419

ANNEXATION

Motion by Com'r. Jones, seconded by Com'r. Maddox, that Ordinance No. 2419 be adopted. On Roll call vote, all present voted Aye.

ORDINANCE NO. 1568-A-152

ZONING

Motion by Com'r. Jones, seconded by Com'r. Massaglia, that Ordinance No. 1568-A-152 be adopted. Clerk explained ordinance was incorrectly numbered on agenda. On Roll call vote, all present voted Aye.

ORDINANCE NO. 2420-OA

ZONING CODE special use Ag

Motion by Com'r. Jones, seconded by Com'r. Richmond, that Ordinance No. 2420-OA regarding the Zoning Code be adopted. On Roll call vote, all present voted Aye.

ORDINANCE NO. 2421-OA

ZONING CODE racetracks

Motion by Com'r. Massaglia, seconded by Com'r. Maddox, that Ordinance No. 2421-OA regarding the Zoning Code be adopted. On Roll call vote, all present voted Aye.

ORDINANCE NO. 2422-OA
ZONING CODE off street parking

Motion by Com'r. Massaglia, seconded by Com'r. Maddox, that Ordinance No. 2422-OA regarding the Zoning Code be adopted. On Roll call vote, all present voted Aye.

ORDINANCE NO. 2423
adjudication

Motion by Com'r. Massaglia, seconded by Com'r. Maddox, that Ordinance No. 2423 regarding the Administration Code be adopted. On Roll call vote, all present voted Aye.

ORDINANCE NO. 2424
AUTHORIZING A HEARING OFFICER AGREEMENT WITH J. BRIAN HELLER

Motion by Com'r. Massaglia, seconded by Com'r. Maddox, that Ordinance No. 2424 be adopted. On Roll call vote, all present voted Aye.

Motion by Com'r. Massaglia, seconded by Com'r. Maddox, that the **SPECIAL USE REQUEST FOR DRIVE-UP** for property located at 1470 Valle Vista Blvd by Tazewell County School Employee Credit Union, be approved. On Roll call vote, all present voted Aye.

Motion by Com'r. Massaglia, seconded by Com'r. Maddox, that the **SITE PLAN FOR DRIVE-UP** for property located at 1470 Valle Vista Blvd be approved. On Roll call vote, all present voted Aye.

Motion by Com'r. Massaglia, seconded by Com'r. Maddox, that the **RECOMMENDATION OF THE PEKIN PLANNING COMMISSION TO DENY THE SPECIAL USE REQUEST FOR ROADSIDE STAND IN THE NORTHWEST CORNER OF THE PARKING LOT OF COUNTY MARKET LOCATED AT 2111 COURT STREET BECAUSE IT DOES NOT MEET THE REQUIREMENTS OF A DRIVE THRU BE ACCEPTED AND THE REQUEST BE DENIED.** On Roll call vote, all present voted Aye.

Motion by Com'r. Maddox, seconded by Com'r. Richmond, that the **SITE PLAN FOR ROADSIDE STAND FOR PROPERTY LOCATED IN COUNTY MARKET PARKING LOT** be approved. On Roll call vote, all present voted Nay. Motion Failed and the site plan as recommended by the Pekin Planning Commission to deny because it did not meet the requirements of a drive-thru was also not approved by Council.

Motion by Com'r. Maddox, seconded by Com'r. Massaglia, that the **SIDEWALK BID IN THE AMOUNT OF \$85,809.50 BE ACCEPTED AND THE CONTRACT BE AWARDED TO STARK EXCAVATING.** Mr. Wuellner recommended/Andrew Whitaker City Engineer Between Court and Broadway East of 11th and West of 14th estimate was at 74,688.00
Final tallies submitted March 17 for a CDBG funded project
The proposed bid was a unit price bid and the acceptable total bid was calculated from the unit prices Stark Construction was the lowest bidder . The alternate item did not have a quantity associated with it, therefore it will have no effect on who the winning bidder would be.
On Roll call vote, all present voted Aye.

Other Business

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

Motion by Com'r. Maddox, seconded by Com'r. Massaglia that Council move to **Executive Session** at 6:15 P.M. to discuss 120/2 (c) 3, Collective Bargaining. On roll call vote, all present voted Aye.
Executive Session began at 6.25 p.m.

No further business to come before the Council, a motion was made by Com'r. Maddox, seconded by Com'r. Richmond that Council adjourn. On roll call vote, all present voted Aye.

COUNCIL ADJOURNED AT 6:40 P.M.

Sue E. McMillan
City Clerk