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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, FEBRUARY 13, 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 members of the Chamber of Commerce Leadership Academy.

Roll was called and all commissioners were present.

Agenda

Mayor Mackaman called for a motion on the agenda.

Motion by Com'r. Dagit, seconded by Com'r. Maddox, that the **agenda be amended by removing under New Business, #2. Ordinance No. 2459 – amending Title 3, Chapter 2, Section 5 of the Code of the City of Pekin Regarding motor fuel tax on E-85**. The Mayor explained that additional research was needed on the project to eliminate the .04 cents tax if the ethanol fuel mix is sold. On roll call vote, all present voted Aye.

Motion by Com'r. Dagit, seconded by Com'r. Blanchard, 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 January 23, 2006 be approved as written.** On roll call vote, all present voted Aye.

Public Input on Agenda Items

Denny Vaughn 2102 Marigold Drive addressed Council on the agenda item regarding water acquisition feasibility study. He questioned the Council members regarding the proportional amount of phone calls each member had received from the community voicing opposition or support in spending additional money in pursuit of the water company.

Dan Shipman 1430 Park Avenue expressed concern on the City continuing the water company feasibility. He questioned the total amount of money already spent to date. City Manager Kief explained that he dollar amount was under $600,000.

Consent Agenda

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

1. **Receive and File Reports and Minutes:** Electrical Commission, Liquor Commission 12-08-05 and 01-12-06, Pekin Lake Project, LADD, Project Status, Tazewell County Animal Control, Traffic Safety, Building, Wastewater Treatment, TPCCC, Police January Report, and Pekin Police Department 2005Year End Report

2. **Charitable Solicitation:** Lupus Tag Day Friday, October 6, 2006
   Pekin Girls American Youth Basketball AYBT Tag Days,
   April 6 and April 7, 2006
   AMVETS Post 235 Fund Raiser for Veterans, Boy Scouts, House of Hope
   March 17, March 18, November 10 and 11, 2006

3. **Receive and File Letter of Resignation-Mark Gielarowski Fire and Police Commission**

4. **Resolution No. 135-05/06 - Appointment of Michael Franks to the Fire and Police Commission To fill the unexpired term until First Monday in May, 2008**

5. **Receive and File Pekin Public Library Financial Statements Dated November 21, 2005**

Illinois State Library Accessibility Construction Grant
Grant used to construct new restrooms.

6. **Receive and File Bids for Emergency Generator Automatic Transfer Switch Wastewater Treatment Plant – Opened February 1, 2006 1:00 p.m.**

On roll call vote, all present voted Aye.

Communications, Petitions, Reports

APPLICATION FOR APPOINTMENT TO CITY OF PEKIN COMMITTEES, BOARDS, OR COMMISSIONS
Mayor Mackaman presented the new process for residents to use to apply for appointments. He explained that there were over 135 opportunities for citizens to get involved and serve the community. He announced vacancies presently on a few of the committees and advised that the application was available at City Hall or on the City home page.

A **Public Hearing** was opened by Mayor Mackaman at 5:48 p.m. for the purpose of discussing the sale of municipally owned property to Velde SuperCentre, Inc being part of Pekin Edgewater Park NW corner Lot 28 and known as Brenkman Drive and Rt 29, PIN #04-04-23-300-007. The 2800 sq ft of frontage road was determined to be excess right-of-way and not needed by the City. A legal notice was properly posted in the *Pekin Daily Times* on January 18, 2006. Persons were given the opportunity to be heard. There were no comments received from the public. The hearing was closed at 5:49 p.m.

New Business

ORDINANCE NO. 2458
AUTHORIZING THE SALE AND TRANSFER OF MUNICIPALLY OWNED REAL PROPERTY VELDE SUPERCENTRE, INC.

Motion by Com'r. Dagit, seconded by Com'r. Jones, that Ordinance No. 2458 be adopted. The agreement stated the conditions and obligations of the City and the new auto dealership regarding the purchase and utilization of .065 acres of property fronting Auto Row in the amount of $2,850.00 for the construction of additional auto space. On roll call vote, all present voted Aye.

Motion by Com'r. Jones, seconded by Com'r. Dagit that the City **CONCUR WITH THE RECOMMENDATION OF THE ILLINOIS DEPARTMENT OF TRANSPORTATION TO AWARD THE CONTRACT FOR THE IMPROVEMENT AT PARK AVENUE AND 14TH STREET INTERSECTION TO THE LOW BIDDER R A CULLINAN AND SON, INC**. in the amount of $329,980.50. Public Works Director Joe Wuellner advised Council that additional funding was required on the project after learned the State low bid on January 20, 2006 was $80,000 over estimate. It was determined the difference was due to higher asphalt prices. Com'r. Blanchard expressed concern that the excess was too much and the money could be spent wiser in other city street locations. Other Council members spoke in support of continuing the project because of it's importance in moving traffic, reducing backups onto Court Street, and for public safety. On roll call vote, Jones, Maddox, Dagit, Mackaman, Aye: Blanchard, Nay. Motion Carried.

RESOLUTION NO. 136-05/06
ALLOCATIONG MFT FUNDS FOR PARK AVENUE @ 14TH STREET PROJECT

Motion by Com'r. Jones, seconded by Com'r. Dagit, that Resolution No. 136-05/06 be adopted. Mr. Wuellner informed Council that the total project of $330,000 was funded approximately 50% Federal and 50% City, based on the original $250,000 estimate. Total MFT funding amounted to $155,750.00. On roll call vote, Jones, Maddox, Dagit, Mackaman, Aye: Blanchard, Nay. Motion Carried.

Motion by Com'r. Jones, seconded by Com'r. Dagit that the **ENGINEERING AGREEMENT WITH MAURER-STUTZ FOR BROADWAY & PARKWAY DRIVE INTERSECTION PROJECT** be approved in an amount not to exceed $37,100.00. Mr. Wuellner then briefed Council on contract proposal to complete the construction design drawings and specifications for this project. He recommended the project, which was scheduled to bid early next year because it would improve traffic flow. On roll call vote, all present voted Aye.

RESOLUTION NO. 137-05/06
ALLOCATIONG MFT FUNDS FOR BROADWAY @ PARKWAY DRIVE INTERSECTION PROJECT

Motion by Com'r. Jones, seconded by Com'r. Maddox, that Resolution No. 137-05/06 be adopted. The resolution would approve the allocation of MFT dollars to cover the Maurer-Stutz contract. On roll call vote, all present voted Aye.

ORDINANCE NO. 2460
AMENDING TITLE 10 OF THE CODE OF THE CITY OF PEKIN 1995
REGARDING SUBDIVISIONS

Motion by Com'r. Blanchard, seconded by Com'r. Maddox, that Ordinance No. 2460 be adopted. The amendment changes the number of documents and computer media required to be filed with preliminary and final plats, definitions, and general housekeeping. The action would be an attempt to cut down on paper by requiring that developers provide plat information on disc. On roll call vote, all present voted Aye.

ORDINANCE NO. 1462-A249
AMENDING TITLE 8 OF THE CODE OF THE CITY OF PEKIN 1995
REGARDING HANDICAPPED SPACES

Motion by Com'r. Blanchard, seconded by Com'r. Maddox, that Ordinance No. 1462-A249 be adopted. Com'r. Blanchard explained that the following three ordinances were presented as recommendations of the Traffic Safety Committee. The ordinance amended the list of areas designated as handicapped parking to agree with the locations and number of signs on the streets and added municipal parking lots. On roll call vote, all present voted Aye.

ORDINANCE NO. 1462-A250
AMENDING TITLE 8 OF THE CODE OF THE CITY OF PEKIN 1995
REGARDING STOPS AND THROUGH STREETS
IN DEERFIELD SUBDIVISION

Motion by Com'r. Blanchard, seconded by Com'r. Maddox, that Ordinance No. 1462-A250 be adopted. The change to the traffic code designated Petri Lane and Deerfield as through streets and designated traffic stops on Buckhaven at Fawnridge and Meadow Lane at Buckhaven. This action was a recommendation of the Traffic Safety Committee originally from a request for a stop on Deerfield. After review the members saw the need to consider the entire new development. On roll call vote, all present voted Aye.

ORDINANCE NO. 1462-A251
AMENDING TITLE 8 OF THE CODE OF THE CITY OF PEKIN 1995
REGARDING NO PARKING SECHEDULE
7TH STREET @ DERBY STREET

Motion by Com'r. Blanchard, seconded by Com'r. Maddox, that Ordinance No. 1462-A251 be adopted. The ordinance amended the No Parking Schedule to reduce the no parking distance 50' north of Derby Street, east side. This action was a recommendation of the Traffic Safety Committee. Com'r. Jones questioned the necessity when the no parking was originally enforced for safety reasons in the area of Ernie's Restaurant. It was noted the handicapped resident on 7th Street no longer lived in the area. On roll call vote, Blanchard, Maddox, Dagit, Mackaman, Aye: Jones, Nay. Motion Carried.

Motion by Com'r. Maddox, seconded by Com'r. Blanchard that the bid in the amount of $68,517.00 for the **SEWER TREATMENT PLANT TRANSFER SWITCH BE ACCEPTED AND THE CONTRACT BE AWARDED TO ENERCON ENGINEERING,** Inc. Action by Council was recommended to award the contract to ENERCON Engineering, Inc. in the amount of $68,517. The alternate bid includes the complete automatic transfer switch at the Wastewater Treatment Plant including start-up assistance and training. On roll call vote, all present voted Aye

RESOLUTION NO. 138-05/06
CITY OF PEKIN EMPLOYEES SUBSTANCE ABUSE POLICY

Motion by Com'r. Maddox seconded by Com'r. Dagit, that Resolution No. 138-05/06 be adopted. The Resolution approved the drug and alcohol policy to comply with reporting requirements of the Federal Transportation Association. On roll call vote, all present voted Aye.

RESOLUTION NO. 139-05/06
AGREEMENT FOR FEASIBILITY STUDY OF WATER UTILITY ACQUISITION

Motion by Com'r. Maddox seconded by Com'r. Jones, that Resolution No. 139-05/06 be adopted. City

Manager Dennis Kief presented to Council the resolution authorizing an agreement with the Cities of Pekin, Champaign, Urbana, and the Board of the University of Illinois to share 20% costs of a study not to exceed $100,000 to evaluate the feasibility of acquiring the Water Company's assets and other alternatives. Corporation Counsel Burt Dancey explained the agreement did not authorize the purchase of the company but the study would consider placing the cities attempts on a fairer playing field by taking out the Illinois Commerce Commission's role in acquisition. The legislative change would require lobbying at the State level. Discussion followed. Com'r. Blanchard and Com'r. Dagit expressed opposition to spending additional money. Com'r. Dagit recommended waiting for the House Bill to pass on merits of its own. Com'r. Jones and Com'r. Maddox spoke in support of continuing the efforts of the City to look at options. Mayor Mackaman spoke that the investment for the study would provide accurate information to push the City's case. On roll call vote, Maddox, Mackaman, Jones, Aye: Blanchard, Dagit, Nays. Motion Carried.

ANY OTHER BUSINESS TO COME BEFORE THE COUNCIL

Mayor Mackaman announced that the City had received $50,000 grant through the efforts of Senator Shadid and Mayor Lyn Howard to be used for a self contained patching machine.

Com'r. Blanchard expressed appreciation for the concern shown by Police Officer Guerra during a recent police call involving a 14-year-old boy. He also thanked the IT employees for their work.
Com'r. Blanchard requested that the Attorneys prepare and ordinance that provided for the employment of the Police Chief and the Fire Chief under the control of the Council not the City Manager.

Com'r. Jones expressed his concern that an ordinance would be drafted to amend the Code to place the Police or Fire Chiefs under the direction of the City Council. He felt the majority of citizens voted in agreement with the Manager Form of Government. Having the hiring and firing all department potions under the manager took the politics out of government.

Com'r. Jones noted that junk cars were still noticeable throughout the City.

John McCabe 1407 Glendale addressed Council regarding the function of the PPUATS committee for review of transportation issues.

Denny Vaughn 2102 Marigold Drive expressed concern that the Council was not listening to what the citizens were saying in opposition of purchasing the water company.

Marg Melchers 1821 Highwood told Council she represented concern citizens of Sunset Hills, Cincinnati Township and Gloriann Acres who wanted to express that they were concerned that development was allowed to occur on the Sunset Hills Executive 9 before the terms of agreement were met on the upper and lower damns.

Dan Shipman stated that it was sad that citizens did not have the change to express their views before voting on the action to authorize the feasibility study of the water utility acquisition.

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 6:50 P.M. to discuss Acquisition of Real Estate 5 ILCS 120/2 (c) 7 and Sale of Property 5 ILCS 120/2 (c) 6. On roll call vote, all present voted Aye. The Council returned to open session. The Mayor received consensus from Council members reschedule the first Planning Session to Tuesday, March 7, 2006.

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

COUNCIL ADJOURNED AT 7:25 P.M.

Sue E. McMillan
City Clerk