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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, JANUARY 26, 2004 AT 5:30 O'CLOCK P.M.
LYNDELL N. HOWARD * MAYOR * PRESIDING

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

ABSENT: NONE

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

Roll was called and all commissioners were present.

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

Motion by Com'r. Massaglia, seconded by Com'r. Maddox, that the **Minutes of the Regular City Council Meeting of January 12, 2004 be approved as written**. On roll call vote, all present voted Aye.

Public Input
Mathew Roth questioned if the agenda included any discussion of land that he owned. The City had contemplated obtaining a parcel of real property for the purpose of constructing Veteran's Drive. City Manager Dennis informed Council that the City was not being presented with a resolution to acquire the property by eminent domain at this time.

Consent Agenda
Motion by Com'r. Massaglia, seconded by Com'r. Maddox, that the **Consent Agenda be approved as presented with corrected bids tab sheet for Solid Waste Collection.**

1. Receive and File Monthly Reports: Traffic Safety, Airport Commission, Safety Committee, Zoning and Inspections (Building, Code Enforcement, Sewer & Plumbing, Electrical, HVAC), Inspections, Wastewater Treatment and Fire

2. Proclamation: "Young Authors Week" March 8, 2004

3. Charitable Solicitation: Bill Gilroy for MDA
   Lupus Tag Day Friday, October 1, 2004

4. Receive and File Bids for City of Pekin Solid Waste Collection Contract Open January 19, 2004

5. Resolution No. 38-03/04 – Regarding Minutes of Executive Session Meetings

6. Receive and File Pekin Planning Commission Minutes Dated January 14, 2004

7. Receive and File Pekin Planning Commission Hearings and Recommendations:
   a. #1610 - that the Preliminary Plat for Sunset Lake Estates submitted by Barry Erdmier and Dan Wolfe, be denied by the Pekin City Council
   b. #1611 – that the rezoning request from RE to R-2 for the proposed Hickory Hills #5, a 7.58 acre plat to be located north of Hickory Hills #4, be approved

On roll call vote all present voted Aye.

New Business

<u>ORDINANCE NO. 1568-A142</u>
<u>PROVIDING FOR THE REZONING OF HICKORY HILLS #5 FROM RE TO R-2</u>

Motion by Com'r. Maddox, seconded by Com'r. Massaglia, that Ordinance No. 1568-A142 be adopted. City Engineer Joe Wuellner reported that the rezoning of the portion of the new subdivision from Residential Estate Zoning would accomplish the commitment of Developer William Leman to construct section of new subdivision with curbs. On roll call vote, all present voted Aye.

ORDINANCE NO. 2355
PROVIDING FOR THE APPROVAL OF A SECOND AMENDMENT TO DEVELOPMENT AGREEMENT WITH JPG COMMERCIAL REAL ESTATE COMPANY, LLC

Motion by Com'r. Maddox, seconded by Com'r. Massaglia, that Ordinance No. 2355 be adopted. Corporation Counsel Patrick Oberle explained to Council that the City had received a request from Developer Jeffrey Graves to extend the agreement to close on the purchase of old City Hall parking lot. JPG's agreement with an auto parts dealer was approved but subject to favorable review of a Phase II Environmental in progress. Due diligence period to expire January 31, 2003 which coincided with JPG's first amended extension and the requirement of the City to provide acceptable plans of a single unit building or a strip-center. Com'r. Richmond expressed concern of extending a second time. On roll call vote, Ayes, Jones, Maddox, Richmond, Massaglia; Nay, Richmond. Motion Carried.

ORDINANCE NO. 1462-A217
AMENDING TITLE 8, CHAPTERS 4A, 4B AND 4C OF THE CODE OF THE CITY OF PEKIN 1995 REGARDING METERED PARKING, MUNICIPAL PARKING LOTS

Motion by Com'r. Maddox, seconded by Com'r. Massaglia, that Ordinance No. 1462-A217 be adopted. Police Chief Timothy Gillespie reported that the amendment cleaned-up language in the code to mirror the hours and days that the Parking Enforcement Officer actually tickets violators of restricted time parking. On roll call vote, all present voted Aye.

ORDINANCE NO. 1462-A218
AMENDING TITLE 8, CHAPTER 4, SECTION 1 OF THE CODE OF THE CITY OF PEKIN 1995 REGARDING NO PARKING SCHEDULE 7TH & DERBY STREETS

Motion by Com'r. Maddox, seconded by Com'r. Richmond, that Ordinance No. 1462-A218 be adopted. Com'r. Richmond reported on the recommendation of the Traffic Safety Committee to restrict parking in the area of Ernie's Restaurant. Discussion followed on the attempt to improve the traffic flow and improper parking of truck suppliers. On roll call vote, all present voted Aye.

ORDINANCE NO. 2356
AMENDING THE CODE OF THE CITY OF PEKIN 1995 REGARDING LICENSES AND PERMITS

Motion by Com'r. Jones, seconded by Com'r. Richmond, that Ordinance No. 2356 be adopted. City Clerk Sue McMillan addressed the next two amendments to the code in regards to issuing permits to individuals that have past due obligations to the City. She noted that Title 7 contained the same language that an application for any license or permit would not be accepted from an applicant that owed any payment to the City. The Building Code change was separated out to allow for the required posting time with the State of Illinois. Discussion followed by Council members and Attorney Oberle on the matter of applicants that have outstanding fees or fines that were being appealed. It was the attorney's opinion that pending litigation would not affect the operation of the ordinance. Counsel advise that an amendment with "save harbor" clause could be drafted.

Motion by Com'r. Maddox that Ordinance 2356 Amending the Code of the City of Pekin 1995 Regarding Licenses and Permits be laid over until the next regularly scheduled Council meeting. No Second was made to the motion.

The chair asked for the vote on the motion to adopt the ordinance as presented. On roll call vote Ayes, Jones, Richmond, Massaglia, Howard; Nay, Maddox. Motion Carried.

ORDINANCE NO. 2357
AMENDING TITLE 7 OF THE CODE OF THE CITY OF PEKIN 1995 REGARDING LICENSES AND PERMITS

Motion by Com'r. Jones, seconded by Com'r. Richmond, that Ordinance No. 2357 be laid over in the office of the City Clerk until March 8, 2004. On roll call vote, all present voted Aye.

The Chair called for reverse order of business on the following items as presented on the agenda.

Motion by Com'r. Richmond, seconded by Com'r. Jones, that the **AGREEMENT FOR TECHNICAL SERVICES WITH PECKHAM GUYTON ALBERS & VIETS, INC. LEGISLATIVE EXTENSION TO DOWNTOWN CENTRAL BUSINESS DISTRICT TIF I PLAN** be approved.

City Manager Dennis Kief reported that representatives from PGAV had made a presentation to the City Council in December. The presentation centered on extending the life of TIF 1 to fully develop the area and utilize revenue to create TIF III. The instruction from Council at that meeting was to start the process. The agreement would provide for the services of the company to implement the TIF changes. The technical support in extending life of TIF I - $15,000 and the proposed fee to create TIF III $28,000. The Clerk in response to Com'r. Jones' question, noted that the wording in the agreement had been change to reflect "Tazewell" County not Fayette. On roll call vote, all present voted Aye.

Motion by Com'r. Jones, seconded by Com'r. Massaglia, that the **AGREEMENT FOR TECHNICAL SERVICES WITH PECKHAM GUYTON ALBERS & VIETS, INC. PROPOSED INDUSTRIAL PARK CONSERVATION AREA TIF III** be approved. On roll call vote, all present voted Aye.

Motion by Com'r. Richmond, seconded by Com'r. Massaglia, that the **SOFTWARE LICENSING AGREEMENT, CONVERSION TRAINING, AND SERVICE WITH ABSOLUTE DATA ACCESS,** in an amount not to exceed $38,000 be approved. Finance Director Robert Reis recommended the contract with ADA for financial software. He explained the reasons that the transition on the operations would become necessary and by facing the expense now would minimize the effect on the budget. On roll call vote, all present voted Aye.

Other Business
Mayor Howard reported that the Illinois Commerce Commission denied the City of Pekin's petition seeking authority to proceed to condemn the Pekin water system. The press was told the matter would be discussed in executive session. He informed the public that the City would be receiving $1,397,200, 70% funding from PPUATS for the 2008 widening of Broadway Road from Schramm to Veterans Drive. Also announced was the award of an OSLAD grant in the amount of $400,000 for the Pekin Riverfront Park.

Commissioner Maddox announced the birth of his grandchild Lindsey Hope Riddle, 7 lbs 3 oz. and 20 inches long.

Commissioner Massaglia stated that there had been criticism of the City for not recognizing the Martin Luther King holiday. He ask that the City Manager review options and affects for implementing the change in holiday policy and return with finding within 30 days.

Com'r. Jones spoke on the recent information received that Insight Communications would be increasing their rates one again on March 1, 2004. He asked that the displeasure in the rate increases be conveyed to the Federal Legislators. Mayor Howard noted he would be meeting with the local manager regarding the City's concerns.

Com'r. Jones announced that the Council would meet on Monday, February 2, 2004 at 4:00 p.m. to discuss the FY 2005 Budget. He emphasized the importance of finding ways to meet the City's deficit.

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

Motion by Com'r. Richmond, seconded by Com'r. Jones that Council move to **Executive Session** at 6:15 P.M. to discuss Sale of Real Estate, Collective Bargaining and Litigation, ILCS 120/2 (c.) 6, 2. and 11. On roll call vote, all present voted Aye.

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

COUNCIL ADJOURNED AT 7:25 P.M.

Sue E. McMillan
City Clerk