
**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 JANUARY 8, 2007 AT 5:30 O'CLOCK P.M.
FRANK H. MACKAMAN * MAYOR * PRESIDING**

PRESENT: COUNCIL MEMBERS, BLANCHARD, JONES, MADDOX AND DAGIT

ABSENT: NONE

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

The Mayor informed the Council, staff and audience that "Commissioners" would be known as Council Members, the correct name in Manager Form of Government.

Roll was called and all Council Members were present.

Agenda

Motion by Council Member Dagit, seconded by Council Member Jones, that the **agenda be approved as presented**. On roll call vote, all present voted Aye.

Minutes

Motion Council Member Dagit, seconded by Council Member Blanchard, that the **Minutes of the Regular City Council Meeting of December 11, 2006 be approved as written**. On roll call vote, all present voted Aye.

Public Input on Agenda Items

John Geiser 3515 Cattail Cove asked Council to accept the recommendation of the Pekin Planning Commission to deny the Special Use Request for cluster housing.

John M. Kriegsman 3508 Cattail Cove echoed the request for Council to deny the use in Osbrey Court Subdivision.

Developer Gary Allen 430 State spoke in support of his request for a Special Use for cluster housing.

Kathy Schmidt 2104 Alameda spoke in support of the intention of Mr. Allen to build cluster housing similar to duplexes adjacent to Luticken's Cove.

Doug Gant 3506 Cattail Cove expressed his opinion that the Special Use Request for cluster housing was rejected on submission not hysteria of the residents of Cattail Cove.

Ron Wendelon Cattail expressed concern that the residents of Cattail bought with the knowledge that the area would be for large duplexes on larger lots.

Consent Agenda

Mayor Mackaman presented and read the following items under Consent Agenda.

Motion by Council Member Dagit, seconded by Council Member Jones, that the Consent Agenda be **approved as presented**.

1. **Receive and File Reports and Minutes:** Police Report, Fire Report, Airport Commission Minutes, LADD Minutes, Inspections Department Minutes, Building Department Report, and Tazewell County Animal Control Report
2. **Proclamation:** Dr. Martin Luther King Jr. Day January 15, 2007
3. **Charitable Solicitation:** Shade Memorial Youth Camp Tag Day - April 27, 28, 29, 2007
Dalton Blakley St. Jude Benefit - February 10, 2007
4. **Resolution No. 179-06/07 - Appointments to Mayor's Advisory Committee for Person with Disabilities**
5. **Pekin Planning Commission Minutes** Dated December 11, 2006
6. **Receive and File Planning Commission Hearings and Recommendations:**

- a. Hearing #1730 – denial of the Special Use Request for Cluster Housing in Osbrey Court
- b. Hearing #1731 – approval of the Special Use Request for Drive-Thru for Wendy's
- c. Hearing # 1732 – approval of the Site Plan for Drive-Thru for Wendy's

On roll call vote, all present voted Aye.

Communications, Petitions, Reports

A **PUBLIC HEARING** was opened by Mayor Mackaman at 5:46 p.m. for the purpose of considering testimony relative to the adoption of an ordinance providing for the voluntary annexation of territory known as 1519 California Road. Petition was received by Council from Harland D. Bessler to annex Lot 99 in Country Club Estates PIN # 05-05-32-102-013 at the meeting of December 11, 2006. No separate publication of the hearing was required. City Manager Dennis Kief told Council that the annexation was a single residential property on the South-west corner of the intersection of Sheridan and California Road.

There were no comments received from the public. The hearing was closed at 5:47 p.m.

A presentation was given by Jim Warning of Willock, Warning & Co., P.C. to summarize the **FINANCIAL STATE OF THE CITY FOR FY 2006 MAY 1, 2005 THROUGH APRIL 30, 2006**. Mr. Warning discussed the following:

- Revenues exceeded budget figures; expenditures came in under budgeted figures
- Fund balances increased
- Long-term debt increased
- Public Safety expenditures over 50% of General Fund
- 80%+ of the General Fund Revenues from taxes
- Less than 20% of City's General Fund Revenue came from Property Taxes

Finance/Treasury Functions - saw realignment and improved internal controls

Presentation of Financial Statements

Overall Performance - a healthy year

Cash Investments, Receivable and Liabilities Balances – Fire and Police pension fund liabilities deserves attention. Mr. Warning felt the matter should be addressed by future Council to develop a plan.

New Business

ORDINANCE NO. 2512-06/07
PROVIDING FOR THE ANNEXATION OF CERTAIN TERRITORY
Bessler – 1519 California Road
PIN # 05-05-32-102-013

Motion by Council Member Maddox, seconded by Council Member Dagit, that Ordinance No. 2512-06/07 be adopted. It was confirmed that the zoning classification would be residential. On roll call vote, all present voted Aye.

Motion by Council Member Maddox, seconded by Council Member Blanchard, that the **RECOMMENDATION OF THE PEKIN PLANNING COMMISSION BE ACCEPTED AND THE SPECIAL USE REQUEST FROM GARY ALLEN FOR CLUSTER HOUSING IN OSBREY SUBDIVISION** be denied.

Discussion followed based on questions from Council as to reasons for Planning Commission's recommendation to deny. Corporation Counsel gave the opinion that the application failed to meet basic requirements to fit a request for cluster housing. The commission would be out of line to grant the request.

Commissioner Maddox felt his question why the adjacent development was approved for a special use request for duplexes three years ago was not being answered.

A motion was then made by Council Member Maddox, seconded by Council Member Blanchard, that the **ACTION BE POSTPONED UNTIL THE NEXT COUNCIL MEETING ON THE RECOMMENDATION OF THE PEKIN PLANNING COMMISSION TO DENY THE SPECIAL USE REQUEST FOR CLUSTER HOUSING IN OSBREY COURT.**

On roll call vote to postpone, Nays, Jones, Dagit, Blanchard, and Mackaman; Aye, Maddox. Motion Failed.

Discussion continued. Mayor Mackaman and Attorney Burt Dancey spoke in support of voting based on the cluster housing use application and it's own merit, not on a requirement for consistency. On roll call vote to approve recommendation, Ayes, Jones, Dagit, Blanchard, and Mackaman; Abstain, Maddox. Motion Carried.

Motion by Council Member Jones, seconded by Council Member Dagit, that the **SPECIAL USE REQUEST FOR DRIVE-THROUGH FOR WENDY'S RESTAURANT IN WALTON SUBDIVISION LOT 2**, be approved. On roll call vote, all present voted Aye.

Motion by Council Member Jones, seconded by Council Member Dagit, that the **SITE PLAN FOR DRIVE-THROUGH FOR WENDY'S RESTAURANT IN WALTON SUBDIVISION LOT 2** be approved. Council Member Blanchard asked that staff follow-up on the notation that the site needed fire hydrant. On roll call vote, all present voted Aye.

City Manager Dennis Kief presented the following 3 business items and told Council that the design agreement and funding sources represent significant development of the continuation of Veterans Drive. He supported the recommendation of the Public Works Director Joe Wuellner to contract with STS in as much as the consultant had been on the project for the beginning phase.

He explained that the agreements were not a commitment to complete construction of the project south first. The funding that Senator Shadid was instrumental in securing had to be expended and this section was ready for design while north was waiting for completion of Phase I.

Motion by Council Member Blanchard, seconded by Council Member Maddox, that the **AGREEMENT WITH STS CONSULTANTS FOR DESIGN OF VETERANS DRIVE SOUTH** in the amount not to exceed \$630,000.00 be approved. On roll call vote, all present voted Aye.

Motion by Council Member Blanchard, seconded by Council Member Maddox, that the **FUNDING AGREEMENT FOR DESIGN OF VETERANS DRIVE FROM COMMERCIAL DRIVE TO ROUTE 29** in the amount of \$400,000.00 be approved. On roll call vote, all present voted Aye.

Motion by Council Member Blanchard, seconded by Council Member Maddox, that the **FUNDING AGREEMENT FOR LAND ACQUISITION OF VETERANS DRIVE FROM COMMERCIAL DRIVE TO ROUTE 29** in the amount of \$100,000.00 be approved. On roll call vote, all present voted Aye.

ANY OTHER BUSINESS TO COME BEFORE THE COUNCIL

Mayor Mackaman gave details of a community breakfast to honor Martin Luther King Jr.

Mayor Mackaman read a prepared statement regarding a preliminary ordinance presented at the December 11 Council meeting as a starting point on code revisions for landlords. It was felt the proposal was flawed and he sought remedies to make it workable. The Mayor asked Council if they would support a staff research project of the suggested changes and concerns, which would culminate in a revised draft ordinance. He asked that the work be completed before he leaves office in May. The Mayor suggested random inspections, a complaint-based system, and minimum, a list of landlords. Discussion followed with proposals to form a committee of community members, add provisions for protection of tenants, and add protection for the landlords victimized by tenant destruction. Also questioned was where the money would come from to fund more inspections.

The Mayor received consensus to further study landlord inspections. City Manager Dennis Kief was directed to have staff develop a rental property code that would protect tenants but not penalize landlords who follow building codes.

Council Member Jones commented on the completed draft of the revise Comprehensive Plan. He felt affordable housing did not match the plan in the Conceptual Plan.

Council Member Blanchard expressed appreciation for the appointments made to the Mayor's Advisory Committee for Persons with Disabilities.

Council Member Dagit congratulated Easter Seals for a successful first Easter Seals Ball event.

Council Member Maddox and Police Chief Gillespie expressed support to 2 officers involved in a fatal SWAT event.

Greg Ranney Director of Solid Waste announced that yard waste pickup would be discontinued for the season until April. He also reported on the increased recycling tons he felt was due to use of the new garbage toters.

Fire Chief Chuck Lauss reported to Council on two structural fires under investigation. He expressed appreciation to other City offices for an excellent working relationship.

Gary Allen volunteered his services for public input or on a committee to review with staff the landlord inspections ordinance. He stated he would seek going back to the Planning Commission for a special use recommendation to get development of his duplexes complete.

John Gay 1000 Lincoln addressed Council regarding the funding liabilities of the Fire and Police Pension Funds. He felt the matter needed attention. He also drew to Council's attention that answers had not been given to Dan Shipman regarding a contract with Caterpillar to provide fire protection services.

Jason Juchems 1111 South 9th Street addressed Council and noted there are 43% of children in low-income families in Pekin School District 108.

John McCabe 1407 Glendale felt there was need for more ground rules for addressing the Council and speaking after agenda business was concluded. He stated he took offense to use of the podium for personal opinions on letters to the editor. Which he felt was free speech.

Motion by Council Member Blanchard, seconded by Council Member Maddox, that Council move to Executive Session at 7:25 P.M. to discuss Pending Litigation 5 ILCS 120/2 (c.) 11. 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 in open session.

COUNCIL ADJOURNED AT 7:42 P.M.

Sue E. McMillan
City Clerk