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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 CITY HALL
111 S. CAPITOL ST
ON MONDAY OCTOBER 12, 2020 AT 5:30 O'CLOCK P.M.
MARK LUFT * CHAIR * PRESIDING

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THIS WILL BE A REMOTE MEETING HELD VIA "ZOOM MEETINGS". THE PUBLIC CAN ONLY ATTEND THIS MEETING REMOTELY; DUE TO THE GOVERNOR'S EXECUTIVE ORDER REGARDING COVID-19 AND THE RELAXING OF THE OPEN MEETING ACT REQUIREMENTS, THIS MEETING WILL BE HELD REMOTELY VIA ZOOM MEETINGS WITHOUT AN IN-PERSON MEETING LOCATION FOR THE PUBLIC TO ATTEND. YOU WILL BE ABLE TO LISTEN TO THE MEETING AND SUBMIT COMMENTS DURING THE TIME FOR PUBLIC COMMENTS BY SENDING A DIRECT MESSAGE TO THE MEETING HOST USING ZOOM MEETINGS

TO JOIN IN THE MEETING FOLLOW THIS LINK: HTTPS://ZOOM.US/J/6898035689. BY PHONE, DIAL IN AND LISTEN TO THE MEETING AS FOLLOWS: 1-312-626-6799; THEN ENTER MEETING ID 689 803 5689. PRIOR TO THE MEETING, YOU CAN ALSO SUBMIT A PUBLIC COMMENT REMOTELY BY EMAIL, BY 3 PM THE DAY OF THE MEETING, BY SENDING AN EMAIL TO THE CITY CLERK AT SMCMILLAN@CI.PEKIN.IL.US AND INSERTING IN THE SUBJECT LINE FOR THE EMAIL "PUBLIC COMMENT FOR MEETING ON OCTOBER 12, 2020".

TO VIEW MEETING ONLINE GO TO: HTTP://PEKINIL.IQM2.COM (CLICK BANNER AT THE TOP THAT STATES "VIEW LIVE MEETING") OR CHANNEL 22

PLEDGE OF ALLEGIANCE

Due to the Governor's Executive Order regarding COVID-19 and the relaxing of the Open Meetings Act requirements, this meeting was held remotely via Zoom Meetings without an in person meeting location for the public to attend. Therefore, the provisions of the City Code regarding electronic attendance did not apply. The Pledge of Allegiance was led by Councilmember Orrick.

The Clerk confirmed by roll call vote, that all Council Members were physically present.

Mayor Luft announced a special guest Elizabeth Benton, 16 years of age, and her family. Mayor presented a Declaration honoring her for calling 911 and performing CPR on her mother with guidance from the 911 District. She was declared an exemplary hero for saving her mother's life.

Attendee Name	Title	Status	Arrived
Michael Garrison	Councilman	Present	5:13 PM
Rick Hilst	Councilman	Present	5:23 PM

Karen Hohimer	Councilwoman	Present	4:59 PM
Dave Nutter	Councilman	Present	5:16 PM
Lloyd Orrick	Mayor Pro-Tem	Present	5:23 PM
John P Abel	Councilman	Present	4:55 PM
Mark Luft	Mayor	Present	5:13 PM

APPROVE AGENDA

3.1. Motion to: **Approve agenda**

Councilmember Hilst questioned why the agenda listed new business after executive session.

Mayor Luft stated that he asked to have it put last on the agenda for further discussion after the executive session dealing with personnel and public works.

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Lloyd Orrick, Mayor Pro-Tem
SECONDER:	Karen Hohimer, Councilwoman
AYES:	Garrison, Hilst, Hohimer, Nutter, Orrick, Abel, Luft

APPROVAL OF MINUTES

4.1. City Council - Regular Meeting - Sep 28, 2020 5:30 PM

RESULT:	**ACCEPTED [UNANIMOUS]**
MOVER:	Lloyd Orrick, Mayor Pro-Tem
SECONDER:	John P Abel, Councilman
AYES:	Garrison, Hilst, Hohimer, Nutter, Orrick, Abel, Luft

PUBLIC INPUT

The Clerk confirmed no public input at this time. Mayor Luft stated that there would be public input from someone during the second public input time.

CONSENT AGENDA

6.1. Proclamation "International Alpha Delta Kappa Month"

6.2. Tazewell County Animal Control Billing September 2020

Motion to: **Approve Consent Agenda**

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Lloyd Orrick, Mayor Pro-Tem
SECONDER:	Karen Hohimer, Councilwoman
AYES:	Garrison, Hilst, Hohimer, Nutter, Orrick, Abel, Luft

NEW BUSINESS

7.1. Ordinance No. 2906-20/21 Establishing the Date for a Public Hearing Regarding Proposed Business Development District

City Manager, Mr. Mark Rothert, presented to Council Ordinance No. 2906-20/21 Establishing the Date for a Public Hearing Regarding Proposed Business Development District. Mr. Rothert reminded Council that several weeks ago a public hearing was held on the BDD Ordinance and discussion included going back to a 1% motel/hotel tax. Doing so requires a reset on the hearing process. The next hearing will be October 26, 2020 at 4:30 P.M. and a public meeting scheduled for November 2, 2020 with a vote on the ordinance November 9, 2020 at the Council meeting.

Council discussed making available written responses to previous questions addressed at the hearing.

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Karen Hohimer, Councilwoman
SECONDER:	Michael Garrison, Councilman
AYES:	Garrison, Hilst, Hohimer, Nutter, Orrick, Abel, Luft

7.2. Ordinance No. 2907-20/21 Approving Execution of a TIF Redevelopment Agreement with the Collectors Zone

City Manager, Mr. Mark Rothert, presented the agenda item to Council to approve and adopt Ordinance No. 2907-20/21 Approving Execution of a TIF Redevelopment Agreement with the Collectors Zone. Mr. Rothert added that Mr. Au provided $10,000 of his own money. Economic Development Director, Mr. Matt Fick, had helped shepherd the application process with Mr. Au.

Councilmembers discussed the TIF District expiration at the end of 2021 and should Mr. Au default all funds would go to the General Fund. Council also discussed the reimbursement process after receipts are submitted.

Councilmember Hilst commented on the agenda item and agenda item 7.3 stating that on the request it stated 6 months to execute an agreement and later stated 12 months to execute an agreement. Mr. Rothert confirmed that the requests are preliminary statements and the redevelopment agreement was the controlling document.

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Karen Hohimer, Councilwoman
SECONDER:	Lloyd Orrick, Mayor Pro-Tem
AYES:	Garrison, Hilst, Hohimer, Nutter, Orrick, Abel, Luft

7.3. Ordinance No. 2908-20/21 Approving Execution of a TIF Redevelopment Agreement with Salon Renaissance

City Manager, Mr. Mark Rothert, presented the request to Council to approve and adopt Ordinance No. 2908-20/21 Approving Execution of a TIF Redevelopment Agreement with Salon Renaissance. Mr. Rothert stated that no prevailing wage was needed to paid as TIF law does not require it.

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Michael Garrison, Councilman
SECONDER:	Lloyd Orrick, Mayor Pro-Tem
AYES:	Garrison, Hilst, Hohimer, Nutter, Orrick, Abel, Luft

7.4. Ordinance No. 2909-20/21 Approving Execution of a First Amendment to a TIF Redevelopment Agreement with Hamm's Furniture, Inc.

City Manager, Mr. Mark Rothert, presented the agenda item to Council to approve and adopt Ordinance No. 2909-20/21 Approving Execution of a First Amendment to a TIF Redevelopment Agreement with Hamm's Furniture, Inc. Mr. Rothert stated that Hamm’s would be covering the difference between $15K and $27K.

Council discussed the improvements to Hamm’s thus far and agreed it has made a huge difference.

Economic Development Director, Mr. Matt Fick, passed along Mr. Hamm’s gratitude and appreciation to the City.

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Michael Garrison, Councilman
SECONDER:	Lloyd Orrick, John P Abel
AYES:	Garrison, Hilst, Hohimer, Nutter, Orrick, Abel, Luft

7.5. Ordinance No. 2910-20/21 Reimbursement of COVID19 Expenses Through FEMA/IEMA Public Assistance Funding

City Manager, Mr. Mark Rothert, presented the agenda item to Council to approve and adopt Ordinance No. 2910-20/21 Reimbursement of COVID19 Expenses Through FEMA/IEMA Public Assistance Funding. Mr. Rothert reminded Council that a resolution was passed a few weeks ago for reimbursements for personnel costs through the local CURE program. He explained that this program was similar and it makes sense to go after all the costs available through the public assistance program and whatever was not covered could go through local CURE program. The public assistance program reimburses the City at 75% and the other 25% remaining is reimbursed through local Cure. The attached ordinance is similar from one passed on the September 28th meeting allowing reimbursement of total cost of $1.4M. Staff was seeking authorization to seek funds through both programs.

Council discussed how the costs would be reimbursed 100% by utilizing both programs and how the expense had to be incurred prior to reimbursement.

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Rick Hilst, Councilman
SECONDER:	Karen Hohimer, Councilwoman
AYES:	Garrison, Hilst, Hohimer, Nutter, Orrick, Abel, Luft

7.6. Resolution No. 175-20/21 Reimbursement for COVID-19 Small Business Assistance Grants

City Manager, Mr. Mark Rothert, presented the request to Council to approve and adopt Resolution No. 175-20/21 Reimbursement for COVID-19 Small Business Assistance Grants. Mr. Rothert explained that the State of Illinois recently announced at the end of September that they are allowing up to $15M to be available statewide to local governments specifically that created economic support programs for their local businesses in their community. Council allocated up to $1M to support small business grants earlier this year to help them adjust during the pandemic. The City planned to reimburse its General Fund from CDBG Funding to provide that assistance to its small businesses, but due to the new program it made more sense to apply as a first option to seek reimbursement of the General Fund, as it aligns very well with what was done. If successful of receiving funds through this economic support program through the State the City could reallocate CDBG funds for the purposes intended such as support for low to moderate income people and reallocate back to housing rehab, infrastructure improvements, demolitions of unsafe structures or grants to non-profits. This was an additional funding stream to recoup funds given to small businesses.

Council discussed how the small business grants were paid out of the General Fund with the intention of paying the General Fund back out of CDBG Funding. This option should be sought first and if successful the City would not have to use the CDBG funds and could be used for other services. Applications were ready to be submitted.

Council also discussed the option of not receiving the funds and then the CDBG fund would reimburse the General Fund.

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Rick Hilst, Councilman
SECONDER:	Lloyd Orrick, Mayor Pro-Tem
AYES:	Garrison, Hilst, Hohimer, Nutter, Orrick, Abel, Luft

7.7. Resolution No. 176-20/21 Approve Intergovernmental Agreement between Tazewell County Animal Control and City of Pekin for Animal Control Services

City Manager, Mr. Mark Rothert, presented the agenda item to Council to approve and adopt Resolution No. 176-20/21 Approve Intergovernmental Agreement between Tazewell County Animal Control and City of Pekin for Animal Control Services. Mr. Rothert summarized the request, explained that this was an annual agreement and this years' cost was at $45,916 and some change to continue animal services for the City provided by Tazewell County. This cost included a 2% surcharge for administrative purposes. This was the first increase since 2014.

Council discussed the 24/7 service provided and the cost saving to the City.

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Rick Hilst, Councilman
SECONDER:	Lloyd Orrick, Mayor Pro-Tem
AYES:	Garrison, Hilst, Hohimer, Nutter, Orrick, Abel, Luft

7.8. Resolution No. 177- 20/21 Financial Support for Illinois Transportation Enhancement Program (ITEP) Application

City Manager, Mr. Mark Rothert, presented the request to Council to approve and adopt Resolution No. 177- 20/21 Financial Support for Illinois Transportation Enhancement Program (ITEP) Application. Mr. Rothert summarized the request to Council and added that the Park District is interested to donate land for the project as well. The funding request is requested now but will be budged next fiscal year.

Council discussed the likelihood that the funds would be granted with City Engineer, Ms. Josie Esker. Ms. Esker felt the City had a strong application with the connectivity to an existing bike trail and felt the chances were good.

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Dave Nutter, Councilman
SECONDER:	Lloyd Orrick, Mayor Pro-Tem
AYES:	Garrison, Hilst, Hohimer, Nutter, Orrick, Abel, Luft

ANY OTHER BUSINESS TO COME BEFORE THE COUNCIL

Mayor Luft announced that public comments had been submitted in writing from Ted Golden and asked that the questions get answered and submitted into the meeting. Mr. Golden's public comments were as follows:

Regarding the lack of sidewalk at the new car wash at Court St. and Valle Vista;

> Who approved the checklist that was included in the Council packet (8.26.19)? The last reviewer on the checklist is the Public Works Director. Since the City still has not filled that role, who is the "acting" Public Works Director? Who is the supervisor of the Engineer? Who reviews the Engineer's work?

> Which Engineer filled out the checklist (see attached)?

> How can the City Engineer overrule the Council action (as it appears Esker implied at the last meeting) on the plan that DID include a sidewalk?

>The plan the Council approved states that a sidewalk along Valle Vista is "**required**". The City Engineer marked up the Checklist and states that the sidewalk is "**required**". How does that align with what Esker stated at the last meeting?

> The Plan Checklist states that the plans conform with the ADA. How is that possible? What ADA elements associated with the construction of the new car wash were checked by the reviewers of the document?

> What do the subdivision restrictive covenants state for sidewalk requirements in Sunset Hills? I can tell you that 5 feet wide sidewalks are/were required in the residential areas for sure (that was to accommodate golf carts).

> Who from the City checks subdivision restrictive covenants as part of their so-called "Plan Checklist"?

> On what date did the "former City Engineer" deem the sidewalk not required since the checklist shows that the City Engineer ***is*** requiring a sidewalk?

> What is the document used to deem the sidewalk not required and how can I obtain it?

> How would it be any more of a sidewalk to "nowhere" than the curb ramp to nowhere that's been there for how many years? What is the purpose of the curb ramp if nothing connects to it?

> What about the sidewalk to nowhere at Hanna Drive and 5th St? And the sidewalk to nowhere that runs adjacent to the road to nowhere at the new Pekin Hospital?

> Isn't there a City Link bus stop at that corner (Court and Valle Vista)? If so, wouldn't access to the bus stop be facilitated by connecting to Sunset Plaza parking lot?

> How would people who are parked at Sunset Plaza parking lot be expected to walk across the street with no sidewalk in place that connects to the curb ramp to nowhere?

> Has the City Engineer ever tried crossing Court Street at Valle Vista, either on foot or by bike?

> The lack of sidewalks west of Sunset Plaza are in a residential area. Discontinuous sidewalks are noted in the lawsuit (Berardi v City of Pekin). How is conformance with the lawsuit achieved when sidewalks are not constructed as new Projects are constructed (such as the carwash)? Does this place the burden on taxpayers and not on the developer of the new Project?

> How would this be any more of a sidewalk to nowhere than the curb ramp to nowhere that was just created at S. 14th and El Camino? Why wasn't the developer of the Nursing Home facility on El Camino (and the ones south of El Camino) required to construct sidewalks but residential property owners were?!

> How does not constructing the sidewalk at the car wash dovetail with the City's Transition Plan?

> Who are the City's designated ADA coordinators? Has someone replaced Guerra and Olson?

> When was the last update to the City's Transition Plan?

> Note that the Planning and Zoning meeting minutes state "install" sidewalks. Apparently the sidewalks are prefabricated and will simply be "installed" like a new headlight in your car. The correct terminology is "***construct***". The sidewalks are ***constructed*** since they're not prefabricated.

Additionally, please correct the meeting minutes in Monday's packet to correctly reflect that Tim Golden did not submit questions for the last meeting so there should be no answers to Tim Golden's questions.

Ted Golden submitted the questions.

Mr. Jim Mangan spoke via Zoom Meetings regarding codification, an update on the Brentwood Ditch Study and Lake Kennedy erosion issue, and agenda item 10.1 Ordinance No. 2911-20/21 Reorganization of the Public Works Department and Authorization to Hire as to whether it qualifies for executive session.

City Manager, Mr. Mark Rothert, stated that the codification was still in progress, a draft was received and final adoption should be coming. Brentwood Ditch items are currently being engineered. City Engineer, Ms. Josie Esker, commented that the City is planning on spring construction.

City Attorney, Ms. Katherine Swise, stated that closed session qualified for the hiring of a particular individual with a specific candidate in mind. Mr. Rothert added that there were two personnel issues and agenda item 10.1 is a directive to hire and reorganize.

Councilmember Abel commented about citizens contacting him about front yard sewer problems and whose responsibility that falls on, the City or the residents. Ms. Esker asked that the resident reach out to her to discuss. Councilmember Abel also recognized a lost employee, Ms. Sue Thompson.

Councilmember Hohimer praised code enforcement for helping neighbors with COVID issues and cleaning up the property.

Councilmember Nutter questioned plans for sinkholes at 5th and Margaret and 2nd Street.

Councilmember Hilst questions expiration dates on permits from the State regarding the sink holes. Ms. Esker stated she would try and find out.

Councilmember Hilst asked that the tape in front of City Hall be removed.

Mayor Luft added that code enforcement was running very thin and considering that they have done a good job. Mayor Luft also reminded everyone of the construction on 14th Street from Koch to El Camino and Parkway to Schramm. Mayor Luft expressed appreciation for the completion of those projects in such a timely manner.

Mayor Luft read the two items on the Consent Agenda and read the Proclamation for the International Alpha Delta Kappa month.

EXECUTIVE SESSION 5 ILCS 120/2 (C) 1 PERSONNEL, (C) 5. PURCHASE OF PROPERTY, (C) 11. LITIGATION

9.1. Motion to: **Move to Executive Session**

A motion was made by Councilmember Abel seconded by Councilmember Hohimer to move into Executive Session at 6:28 PM. All members of the Council were present for Executive Session. Open session resumed at 7:13 PM and it was noted by the Clerk that all Councilmembers were present for the return of open session.

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	John P Abel, Councilman
SECONDER:	Karen Hohimer, Councilwoman
AYES:	Garrison, Hilst, Hohimer, Nutter, Orrick, Abel, Luft

NEW BUSINESS

10.1. Ordinance No. 2911-20/21 Reorganization of the Public Works Department and Authorization to Hire

City Manager, Mr. Mark Rothert, presented the request to Council to approve and adopt Ordinance No. 2911-20/21 Reorganization of the Public Works Department and Authorization to Hire. Mr. Rothert read the request to Council.

Mayor Luft added a history of the position, how it became dissolved and the backlash of not having a director. Mayor Luft continued to speak in favor of the position.

Mr. Rothert also added that the position will be an immense help to the City Engineer.

Councilmember Orrick spoke in favor of the director position and asked to reveal salary with no benefits. Mr. Rothert stated the salary range was $100K-$115K per year to stay competitive and ideally hire a professional engineer with any combination of education and experience. Mr. Rothert added that the Assistant City Engineer, whom is leaving, will be replaced first. The director position will be posted internally and externally.

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	John P Abel, Councilman
SECONDER:	Michael Garrison, Councilman
AYES:	Garrison, Hilst, Hohimer, Nutter, Orrick, Abel, Luft

ADJOURN

There being no further business coming to Council, a motion was made by Council Member Abel to adjourn seconded by Council Member Hohimer. Motion carried viva voce. Mayor Luft adjourned the meeting at 7:27 P.M.