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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 SEPTEMBER 13, 2021 AT 5:30 O'CLOCK P.M.
MAYOR PRO-TEM ORRICK * CHAIR * PRESIDING

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PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Council Member Cloyd. City Clerk Sue E. McMillan confirmed all members were present for roll call and logged on for electronic voting except Mayor Mark A. Luft who was absent. A quorum was declared by Mayor Pro-Tem Orrick.

Attendee Name	Organization	Title	Status	Arrived
Rick Hilst	City of Pekin	Councilman	Present	5:18 PM
Karen Hohimer	City of Pekin	Councilwoman	Present	5:09 PM
Dave Nutter	City of Pekin	Councilman	Present	5:17 PM
Becky Cloyd	City of Pekin	Councilwoman	Present	5:16 PM
Lloyd Orrick	City of Pekin	Mayor Pro-Tem	Present	5:10 PM
John P Abel	City of Pekin	Councilman	Present	5:11 PM
Mark Luft	City of Pekin	Mayor	Absent	

APPROVE AGENDA

3.1. Motion to: **Approve agenda**

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Becky Cloyd, Councilwoman
SECONDER:	Karen Hohimer, Councilwoman
AYES:	Hilst, Hohimer, Nutter, Cloyd, Orrick, Abel
ABSENT:	Mark Luft

APPROVAL OF MINUTES

Motion to: **Approval of Minutes**

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Becky Cloyd, Councilwoman
SECONDER:	Karen Hohimer, Councilwoman
AYES:	Hilst, Hohimer, Nutter, Cloyd, Orrick, Abel
ABSENT:	Mark Luft

4.1. City Council - Regular Meeting - Aug 23, 2021 5:30 PM

PUBLIC INPUT

Berns Clancy and Associates-Engineering, representing DMGL, LLC addressed the Council regarding Broadway Farms and owner Blake Lippi. He expressed concern on a controversial 5 years unresolved issues on agreement of damages to the property by storm water erosion.

Larry Edwards expressed concern of the use of his property by drivers along the side of his house next to old Railroad property at 269 Cooper Street. Mr. Edwards asked that the City put up signage for no outlet. Mayor Pro-Tem Orrick was told by the City Manager that the matter would be addressed through the Police Department, Street Department and the Traffic Safety Committee.

Phillip Lippi distributed a photo and sections of the original agreement between DMGL, LLC and the City. Mr. Lippi stated he had lost prospective sales and development of his land caused by the City.

City Manager, Mr. Mark Rothert, responded and explained the City's disagreement with Mr. Lippi and upcoming meeting with DMGL, LLC and Mr. Lippi.

CONSENT AGENDA

Motion to: **Approve Consent Agenda**

Mayor Pro-Tem Lloyd Orrick read the 7 items listed on the Consent Agenda. Council approved by Omnibus Vote.

Mayor Pro-Tem read the two proclamations listed on the Consent Agenda.

Council Member Hilst questioned an expense on the Accounts Payable Proof List described twice as emergency board up paid to two different contractors for the same property address on Prince Street. Police Chief, John Dossey, explained that some original lumber used to secure the abandon property was stolen and needed to be replaced.

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Becky Cloyd, Councilwoman
SECONDER:	John P Abel, Councilman
AYES:	Hilst, Hohimer, Nutter, Cloyd, Orrick, Abel
ABSENT:	Mark Luft

6.1. Police Department Stats - August 2021

6.2. Tazewell County Animal Control Billing - July 2021

6.3. Accounts Payable To Be Paid Proof List thru September 03, 2021

6.4. Proclamation Knights of Columbus "Intellectual Disabilities Week" September 17-19, 2021

6.5. Proclamation "Chamber of Commerce Week" September 12-18, 2021

6.6. Receive and File Bids for Maywood Ave. Storm Sewer Outfall Repair Project

6.7. Resolution No. 317-21/22 Appointments Ethics Commission

NEW BUSINESS

7.1. Resolution No. 318-21/22 Award Maywood Ave. Storm Sewer Outfall Repair Project to Illinois Civil Contractors Inc.

City Engineer Josie Esker advised the Council the project was to repair a storm sewer outfall, where significant erosion had occurred, by installing a drop manhole structure and replacing damaged storm sewer pipe. The area behind 2405 Maywood Avenue around the outfall had experienced significant erosion and needed to be repaired before it caused significant property damage. She further explained the City received 3 bids for the project ranging from $111, 100.00 to $138,875.000. With the engineer's estimate at $120,000.00, staff recommended the bid be awarded to the low bidder ICCI.

Council Member Nutter explained that he supported the project but would be voting against the support of an award to ICCI because of his opinion of the subpar work of low bid contractors on other city projects. Council Member announced that the project was on his property and another gentlemen's. Council Member Nutter was in favor of Stark Excavating.

Council discussed the provisions of the procurement policy.

City Attorney, Ms. Kate Swise, explained that there may be exceptions to the statutory provisions on Public Works with a super majority vote of the Council to not choose the low bidder.

Motion was made by Council Member Hilst and seconded by Council Member Abel to table Resolution No. 318-21/22 Award Maywood Avenue Storm Sewer Outfall Repair Project to Illinois Civil Contractors, Inc.

On roll call vote all present voted Aye. Motion carried.

RESULT:	**TABLED [5 TO 1]**
MOVER:	Rick Hilst, Becky Cloyd
SECONDER:	Karen Hohimer, John P Abel
AYES:	Hilst, Hohimer, Cloyd, Orrick, Abel
NAYS:	Dave Nutter
ABSENT:	Mark Luft

7.2. Resolution No. 319-21/22 Approval of 5 Year Service Agreement With Bluebird Network

David Hess, I.T., recommended to Council the 5 Year Service Agreement with Bluebird Network to provide Fiber Optic Service to 9 city-owned sites. City Hall would provide a redundant link that would feed our standby Firewall taking it from standby to true redundancy and help reduce congestion at times of peak traffic flow. Mr. Hess advised that the City's Emergency Operations Center would also provide a redundant link in the event of an emergency. He further explained the benefits of Bluebird Network. The Pekin Municipal Airport would be provided high speed internet to the office for connection to the City Hall network as well as be provided availability for any current and future business to have access to above 1GB speeds through Bluebird should their business model require it. Finally, the river-front cameras and all lift-stations would have fiber optic connections terminating at City Hall for connection to existing monitoring equipment. The agreement was recommended at $4,740.00 per month /$56,880.00 yearly /$284,400.00 for the entire 5 year contract.

RESULT:	**APPROVED [UNANIMOUS]**
MOVER:	Rick Hilst, Councilman
SECONDER:	Becky Cloyd, Councilwoman
AYES:	Hilst, Hohimer, Nutter, Cloyd, Orrick, Abel
ABSENT:	Mark Luft

7.3. Resolution No. 320-21/22 CDBG Program Year 2021 Public Services Funding

David Bess, Community Development Block Grant Program Manager presented the background for a $55,000.00 appropriation of CDBG funds to assist organizations and known as "Public Services" activities. In the 2021 Annual Action Plan, the City allocated CDBG-CV, the special CDBG-based CARES Act allocation, for use in funding Public Services awards.

The City provided an open application period for community organizations to submit their application which occurred from June 28, 2021 through July 30, 2021. Due to the use of CDBG-CV funds, all applicants were asked to broadly tie their proposed funding needs to coronavirus response and/or recovery consistent with HUD regulatory requirements pertaining to the use of CDBG-CV funding. In total, the City received three (3) completed applications.

City staff recommended full funding for two of the eligible organizations that submitted completed applications and whose programs were broadly associated with coronavirus response/recovery:

1. The Center for Prevention of Abuse's Carol House of Hope shelter program focuses on sheltering and providing case management services for survivors of domestic violence. To continue and expand these services, assistance from the City is being requested in the amount of $30,000.
2. The Salvation Army's Rust Center is a shelter that provides a variety of services that ensure basic needs are met and assists clients in attaining permanent and affordable housing. To continue and expand these services, assistance from the City is being requested in the amount of $25,000.

RESULT:	**APPROVED [UNANIMOUS]**
MOVER:	Rick Hilst, Councilman
SECONDER:	Karen Hohimer, Councilwoman
AYES:	Hilst, Hohimer, Nutter, Cloyd, Orrick, Abel
ABSENT:	Mark Luft

Motion to: **Remove from the Table Resolution No. 318-21/22 Award Maywood Outfall Repair to ICCI**

City Manager, Mr. Mark Rothert, announced that staff was ready to refer back to Agenda Item 7.1 regarding the Maywood Avenue Storm Sewer Outfall Repair Project. A motion was made by Council Member Cloyd seconded by Council Member Hohimer to remove from the Table Resolution No. 318-21/22 Maywood Avenue Storm Sewer Outfall Repair Project to Illinois Civil Contractors, Inc.

After Business item 7.3 Motion by Council Member Cloyd, seconded by Council Member Hohimer motioned to remove Resolution No. 318-21/22 from the table. Motion carried by voice vote.

After researching Attorney Swise stated Municipal Code required contracts for public works of contracts in excess of $25K be go out for bid and be awarded to the lowest responsible bidder. However, there was some discretion as to what was the responsible bidder and Council would need to make findings to indicate why the lowest bidder was not responsible and why a higher bidder was responsible. The other option was to reject all bids and negotiate separately with Stark Excavating. The statutory competitive bidding requirement did not have to be followed if 2/3rd's of the Council waived the bidding requirements. Ms. Swise added that it may also require changes to the ordinance and procurement policy. That was the statutory analysis.

It was noted that the City Engineering would be overseeing the project and the work performance of the contractor.

Mayor Pro-Tem Orrick stated he was confident in the City's engineering staff and that the required performance bond protection was required. Attorney Swise explained the purpose of the performance bond.

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Becky Cloyd, Councilwoman
SECONDER:	Karen Hohimer, Councilwoman
AYES:	Hilst, Hohimer, Nutter, Cloyd, Orrick, Abel
ABSENT:	Mark Luft

Motion to: **Motion to Adopt Resolution No. 318-21/22 Award Maywood Outfall Repair to ICCI**

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Rick Hilst, Becky Cloyd
SECONDER:	Karen Hohimer, John P Abel
AYES:	Hilst, Hohimer, Nutter, Cloyd, Orrick, Abel
ABSENT:	Mark Luft

7.4. Ordinance No 3013 - 21/22 An Ordinance Amending Chapter 2, Article IV, of the Pekin City Code Regarding Police officer Appointments and Lateral Transfers

Police Chief John Dossey reminded Council of his previous update on the police department personnel staffing levels in light of unexpected retirements and workforce issues. Issues surrounding COVID and new recruits training academies spaces, had limited the department's ability to fill the current voids and those that were anticipated in the future. An option Chief Dossey recommended was to pursue lateral transfer officers. A lateral candidate often would come with training and experience that the City would not have to pay for.

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Dave Nutter, Councilman
SECONDER:	John P Abel, Councilman
AYES:	Hilst, Hohimer, Nutter, Cloyd, Orrick, Abel
ABSENT:	Mark Luft

7.5. Ordinance No. 3014-21/22 Sale of City-Owned Property to Riverway Property Management, LLC

The next two items deal with the same property. City Manager Mark Rothert introduced both request to adopt Ordinance No. 3014-21/22 and Ordinance No. 3015-21/22 the sale and development of City owned property. He advised the Council that Riverway Property Management LLC was interested to move its development site location from Enterprise Drive behind PAL Health to a new location at 300 Hanna Drive. The Developer was proposing to purchase approximately 57.654 acres on the west side of the parcel PIN 10-10-400-006 for which the Developer intended to construct a cannabis dispensary and cannabis craft grower facility. The facilities would be leased to Riverway Craft Laboratories, LLC. Mr. More details of the dispensary development were given to the Council.

Mr. Rothert explained the change of locations and new special use approval were desired for this location for expansion purposes if the State ever increases its 14,000 sq. ft. max growing limitation. The Manager further advised the Developer was offering to purchase the land from the City for $100 and forgo a request to ask for additional TIF incentives beyond reimbursement for costs related to utility extensions and minimal site work, all totaling $150,000. The project should generate over $2.5-$3 million in TIF increment for the City over the remaining life of the Southern Industrial Park TIF District.

Mayor Pro-Tem Orrick questioned the average cost of the land. Council Member Nutter also questioned the worth of the land and was told possibly $500,000-$600,000 ballpark estimate. He stated his struggle in approving a sale price of $100 for the land.

Attorney for the Developer answered Councils questions regarding the project including the approval of the change of location by the Illinois Department of Agriculture, definition of cannabis facilities and tax rates. Additional medical dispensary's had not yet been announced by the State. Dr. Aaron Rossi also spoke on the project.

Councicil Member Nutter spoke against the agenda item and felt the property was being given away for free.

RESULT:	**ADOPTED [5 TO 1]**
MOVER:	Dave Nutter, Councilman
SECONDER:	Becky Cloyd, Councilwoman
AYES:	Hilst, Hohimer, Cloyd, Orrick, Abel
NAYS:	Dave Nutter
ABSENT:	Mark Luft

7.6. Ordinance No. 3015-21/22 Redevelopment Agreement with Riverway Property Management, LLC

Riverway Property Management, LLC was the Developer offering to purchase 57.6 acres of land from the City for $100 and was forgoing a request to ask for additional TIF incentives beyond reimbursement for costs related to utility extensions and minimal site work, all totaling $150,000. The project should generate over $2.5-$3 million in TIF increment for the City over the remaining life of the Southern Industrial Park TIF District. The Developer had been awarded a Special Use for a Craft Grow Facility and Dispensary by City and a Craft Grow License by the State.

Discussion followed. Council discussed the buyback provision in the contract. Council Member Hilst expressed concern of giving up fees up to $250,000.

RESULT:	**ADOPTED [5 TO 1]**
MOVER:	John P Abel, Councilman
SECONDER:	Karen Hohimer, Councilwoman
AYES:	Hilst, Hohimer, Cloyd, Orrick, Abel
NAYS:	Dave Nutter
ABSENT:	Mark Luft

7.7. Discussion - Capital Improvement Plan

City Manager, Mr. Mark Rothert, provided the Capital Improvement Plan to Council during the last meeting. No presentation was given.

Mayor Pro-Tem Orrick stated that the plan had more capital money spent in a long time but yet each year had a surplus.

Mr. Rothert answered that the surplus was taking into account new revenues. Mr. Rothert would like to present additionally revenue sources to Council at a future meeting.

Council Member Nutter pointed out adjustments in the capital plan and budget.

STAFF AND CITY COUNCIL REPORTS

Council Member Hilst questioned how to report a street light that was not working and questioned the demolitions of the two properties. Chief Dossey explained that Matilda was completed and the Park Avenue was to start this week.

Council Member Nutter questioned if landscaping was going to be finalized. Council Member Nutter also questioned the list of bordered up properties and the process for demolition for those properties. Councilmember Nutter stated that the Marigold Festival was fantastic along with the fireworks.

Council Member Cloyd also spoke regarding the success of the Marigold Festival and thanked City Engineer Josie Esker for the video posted regarding the Court Street Project. City Engineer explained the various reasons of adding a median to the road.

Council Member Abel reminded the community to thank the local businesses that participated in the Marigold Festival.

Council Member Hohimer spoke about the Friday Night football game and Marigold Festival and how it was a success.

Mayor Pro-Tem Orrick thanked the Marigold Committee and volunteers to help make the Marigold Festival a success.

EXECUTIVE SESSION 5 ILCS 120/2 (C) 11. LITIGATION

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

A motion was made by Council Member Abel seconded by Council Member Hohimer to move into Executive Session to discuss 5 ILCS 120/2 (c) 11. Litigation and 5 ILCS 120/2 (c) 5. Purchase or Lease of Property for Use of the Public Body at 7:25 P.M. Motion carried viva voce. Mayor Pro-Tem Orrick announced that no action would be taken after Executive Session.

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

ADJOURN

The Council returned to open session and without further action to come, motion was made by Council Member Hohimer, seconded by Council Member Abel to adjourn. Motion carried viva voce. Mayor Luft adjourned the meeting at 8:40 P.M.