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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 AUGUST 22, 2022 AT 5:30 O'CLOCK P.M.
MAYOR MARK LUFT PRESIDING

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PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Councilmember Orrick.

CALL TO ORDER

City Clerk, Sue McMillan, confirmed by roll call that all Councilmembers were physically present. Mayor Luft declared a quorum and opened the meeting at 5:30 PM.

Attendee Name	Organization	Title	Status	Arrived
Rick Hilst	City of Pekin	Councilman	Present	5:07 PM
Karen Hohimer	City of Pekin	Councilwoman	Present	5:06 PM
Dave Nutter	City of Pekin	Councilman	Present	5:06 PM
Becky Cloyd	City of Pekin	Mayor Pro tem	Present	5:07 PM
Lloyd Orrick	City of Pekin	Council Member	Present	5:07 PM
John P Abel	City of Pekin	Councilman	Present	5:06 PM
Mark Luft	City of Pekin	Mayor	Present	5:07 PM

APPROVE AGENDA

RESULT:	**APPROVED [UNANIMOUS]**
MOVER:	Lloyd Orrick, Council Member
SECONDER:	Becky Cloyd, Mayor Pro tem
AYES:	Hilst, Hohimer, Nutter, Cloyd, Orrick, Abel, Luft

APPROVAL OF MINUTES

RESULT:	**APPROVED [UNANIMOUS]**
MOVER:	Lloyd Orrick, Council Member
SECONDER:	John P Abel, Councilman
AYES:	Hilst, Hohimer, Nutter, Cloyd, Orrick, Abel, Luft

4.1. City Council - Regular Meeting - Aug 8, 2022 5:30 PM

PUBLIC INPUT

Jim Mangan spoke regarding the discussion of the appropriation ordinance on the agenda how he felt it was better for the public and Council. Mr. Mangan also urged Council to vote no regarding the downtown Pekin Reinvestment Strategy Proposal and the ordinance regarding sidewalk and snow removal policy.

Matthew Johnson spoke on the sidewalk and snow removal policy and felt that there were compelling arguments on both sides and urged Council to vote on what was right for the citizens of Pekin.

Ted Golden spoke regarding the accounts payable run and questioned expenses for the handicap ramp and Judo Training. Mr. Golden passed around pictures to Council of the sidewalk conditions on Broadway Road and spoke about other roads in Pekin not being crossable.

Bailey Gambetti requested Council vote no on the sidewalk and snow removal policy and spoke in favor of the downtown revitalization.

Ann Witzig addressed and spoke against the reinvestment strategy for downtown, potholes in the City and stated that sidewalks should be fixed before worrying about a snow removal policy.

Amy McCoy gave a brief overview of the Pekin Chamber of Commerce's function helping businesses succeed and how the Chamber was tasked with the events for the 4^{th} of July and Marigold Festival. Ms. McCoy pointed out that the Chamber's office has not been closed as posted on Facebook. The Chamber hosted the Downtown Street Party last Saturday, and after clearing up confusion of it being canceled, it was a success. Ms. McCoy also announced the launch of the new Discover Pekin website and that the next Street Party was scheduled in October. Additionally, Ms. McCoy spoke in favor of Agenda Item 7.7 regarding the Downtown Pekin Reinvestment Strategy Proposal and success of working with the Pekin Main Street group.

CONSENT AGENDA

RESULT:	**APPROVED [UNANIMOUS]**
MOVER:	Rick Hilst, Councilman
SECONDER:	Becky Cloyd, Mayor Pro tem
AYES:	Hilst, Hohimer, Nutter, Cloyd, Orrick, Abel, Luft

6.1. Ordinance No. 4006-22/23 Rezoning Request for 100 N. 14th Street (Case RZ 2022-05)

6.2. Ordinance No. 4007-22/23 Site Plan Review Request for Two-Family Dwellings at Velde and Parkway (Case SPR 2022-01)

6.3. Ordinance No. 4008-22/23 Rezoning Request for Lot 215 on Velde Drive (Case RZ 2022-04)

6.4. Ordinance No. 4009-22/23 Variance & Map Amendment Request for 706 & 708 S 7th Street (Case V 2022-06)

6.5. Accounts Payable To Be Paid Proof List thru August 19, 2022

6.6. Resolution No. 466-22/23 Appointment of Authorized IMRF Agent

6.7. Resolution No. 467-22/23 Intergovernmental Agreement Between the Pekin Park District and the City of Pekin Board Room/ Fire Department Training Room

6.8. Receive and File Bids from 2022 Asphalt Patching Project

NEW BUSINESS

7.1. Resolution No. 468-22/23 Award 2022 Hot-Mix Asphalt Patching Project to Tazewell County Asphalt Co.

City Manager, Mr. Mark Rothert, presented the request to Council to approve and adopt a resolution awarding the 2022 Hot-Mix Asphalt Patching Project to

Tazewell County Asphalt Co., Inc. Mr. Rothert explained that the project was to patch the roads with hot-mix asphalt in the approved 2022 Street Maintenance Plan in advance of a future chip seal project. The City had received two bids for the project and the low bid was 24% under the engineer's estimate and 9% less than 2021 prices. Staff recommended the low bidder from Tazewell County Asphalt.

Councilmember Nutter asked if the project would be completed this year and the City Engineer responding that it would.

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Rick Hilst, Councilman
SECONDER:	Lloyd Orrick, Council Member
AYES:	Hilst, Hohimer, Nutter, Cloyd, Orrick, Abel, Luft

7.2. Resolution No. 469-22/23 Approve Task Order with Terra Engineering for Broadway Rd.

City Manager, Mr. Mark Rothert, presented the request to Council to approve and adopt a resolution approving a task order with Terra Engineering for Broadway Road. Mr. Rothert explained that the Council had approved a master services agreement with Terra Engineering Ltd. for roadway design engineering professional services previously and that the request was the second task order for services on Broadway Road between 3d Street and Parkway Drive. Mr. Rothert added that the project would be split into sections and funded out of the Business Development District.

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

7.3. Resolution No. 470-22/23 Authorizing Payment to Enviroserve for Remediation at 912 S. 2nd Street

City Manager, Mr. Mark Rothert, presented the agenda item to Council to approve and adopt a resolution authorizing payment to Enviroserve for remediation at 912 S. 2^{nd} Street. Mr. Rothert explained that in the Spring of 2021, the Pekin Fire Department responded to multiple incidents involving the strong smell of gasoline in residents and businesses. The incidents occurred in the area of South Second Street, Melvina Street, Davis Street and the immediate surrounding area. Upon investigation a possible source was located at a manhole. Mr. Rothert continued to explain that in the same time the waste water treatment plan had several occasions of explosive vapor limit alarms setting off due to hydrocarbon vapors, which resulted in the waste water treatment plant diverting incoming water to protect the plant. Due to the potential threat and an ongoing investigation, it was decided that emergency remediation efforts were needed. The City therefore contacted Enviroserve to conduct emergency remediation of the area. Any attempt to recover costs associated with cleanup would be pending the results of the investigation as it was still ongoing.
Council discussed the timeline of the investigation by the federal government.

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

7.4. Resolution No. 471-22/23 Approval of Agreement with Voltus

Public Works Director, Mr. Justin Reeise, presented the request to Council to approve and adopt a resolution approving an agreement with Voltus. Mr. Reeise explained that through this partnership, the city would participate in the MISO Demand Response Program, getting paid to shift electricity usage to the treatment plant's standby generator at times the grid was projected to not have sufficient electricity resources. The City could opt to participate by shifting to generator power or opt out of participating. The participation in the program with Voltus, the waste water treatment plant was forecasted to generate up to $22,000 annually in MISO Demand Response. It was a no cost demand response program with revenue potential for the City.

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

7.5. Resolution No. 472-22/23 Approving Lease with Trajectory Solar

City Manager, Mr. Mark Rothert, presented the request to Council to approve and adopt a resolution approving a lease agreement with Trajectory Solar, LLC, through its parent company Trajectory Solar, to lease approximately 29 acres of property owned by the City south of Hanna Drive for purposes of constructing and operating a community solar system. The lease included provisions regarding the following: a due diligence period of 12 months, with up to 4 additional 12-month diligence periods; rent in the amount of $1,000 for each diligence period; an initial lease term of 25 years, with 2 successive 5 year renewal terms; annual rent of $1,000 per acre for the first year increased by 2.5% for each successive year; and a right of first refusal for the purchase of the Hanna Drive property. Mr. Rothert also explained that the lease also provided for the demolition and removal of the solar installation upon the expiration or termination of the lease. Mr. Rothert added that revenue to the City would come in several forms which included property taxes, utility savings and subscription plan to save 10-20% of energy costs.

Tyler Morris, presented a slide show of the information included in the Council Packet. Mr. Morris encouraged the City and residents to subscribe to save an average of $10 per month.

Council discussed the cost of disposing the panels and the steps involved with obtaining a building permit with IDNR. Mr. Morris explained that by State law they would enter into an agreement that would ensure that no matter what had a happened there would be funding available to restore the land to the original use.

Mr. Rothert felt it would be a good use of the land explaining that there would be an access road heading up to Hanna Drive where the solar panels would be built.

Mr. Morris answered Councilmember Nutter's question explain that there would not be a lottery but they would be scored where attributes of the project would matter. Trajectory prided itself on being able to work with cities to the full law to score well and obtain incentives. Mr. Morris also included that there would be crop compensation on all the farm leases if they are not notified by a certain date.

Mr. Rothert added that construction would not begin until after the crops were harvested.

City Attorney, Ms. Kate Swise, interjected to state that there was a five-year due diligence period and that the city could still lease for farming until notification of panels were to be constructed. Trajectory would then compensate the farmer for loss of crops if they had to break down in the summer.

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

7.6. Resolution No. 473-22/23 Demolition 209 Henrietta

City Manager, Mr. Mark Rothert, presented the request to Council to approve and adopt a resolution regarding the demolition of 209 Henrietta authorizing code enforcement to move forward with an emergency demolition of the property. Mr. Rothert explained that in 2019 code enforcement began receiving complaints regarding the condition of the structure and at that time the building was boarded up for safety along with appropriate code violations issued. The property was deemed to be an unsafe structure and being unfit for human occupancy. Mr. Rothert continued to explain that recent inspections had shown the property to be in such disrepair that the Chief Building Official deemed the property dangerous and further inspection revealed that the interior had been severely damaged and the building was in imminent danger of collapse. Due to the danger of the collapse, the building official stated that testing for asbestos placed staff at risk, therefore making it an emergency demolition in order to comply with EPA requirements. Two proposals were received, one from Litwiller and one from Burling, with Litwiller being the lowest bid. Staff recommended to move forward with Litwiller Excavating to conduct the demolition.

City Attorney, Ms. Kate Swise, advised Council that the owner of the land was not deceased as the property was transferred with their Will, but did not know who the owners were. The property had gone through the judicial process and once it had been demolished the city could then file a lien and foreclose. Ms. Swise added that the land was a small nonconforming lot.

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	John P Abel, Councilman
SECONDER:	Becky Cloyd, Mayor Pro tem
AYES:	Hilst, Hohimer, Nutter, Cloyd, Orrick, Abel, Luft

7.7. Resolution No. 474-22/23 Downtown Pekin Reinvestment Strategy Proposal

Economic Development Director, Mr. Matt Fick, presented the request to Council to approve a resolution authorizing the approval of a proposal with Reader Area Development, Inc. to evaluate the current market, provide a current building inventory and provide a current building stock condition report. The company would also engage downtown business stakeholders to aid in business retention, growth, expansion and attraction as well as provide direction on public improvement projects. The Council had agreed to undergo a strategic planning process to engage members of the community to help develop goals and objectives for issues ranging from population attraction, green space development, roadway improvements and public safety. Reader Area Development would provide a more targeted strategy separate from the comprehensive plan. Mr. Fick continued to explain that the project lead, Mr. Eric Reader, would work with business owners, the Pekin Chamber of Commerce, Pekin Mainstreet, City staff and elected officials to help build a coalition of individuals all focused on making downtown Pekin vibrant and an investible market. Mr. Fick added that surveying, data collection and interviews will begin in September 2022 with the final Strategy produced by mid-January, 2023 for presentation and adoption by the Council.

Mr. Reader provided his personal background and connection to Pekin.

Mayor Luft and Councilmember Abel both spoke in favor of the proposal. Mayor Luft felt the timing was good.

Councilmember Orrick requested actionable recommendations from Mr. Reader.

Mr. Reader explained that downtown was never a finished product and provided the City of Havana as an example of great building improvements. The plan bridges the gap by working with business owners to make sure it could work with them and not creating a program for the sake of creating a program. Mr. Reader stated that people look for charming downtown experiences and surprisingly people traveling through the area stop off similarly to Pekin.

Mr. Rothert added that the City was at risk losing investment downtown because the City did not have a plan.

Councilmember Hilst discussed a draft document created by Mr. Fick and provided to EDAC as well as a discussion of the County's plans.

Councilmember Nutter spoke in support of the agenda item asking if there were specific buildings to be addressed.

RESULT:	**ADOPTED [6 TO 1]**
MOVER:	John P Abel, Councilman
SECONDER:	Karen Hohimer, Councilwoman
AYES:	Hohimer, Nutter, Cloyd, Orrick, Abel, Luft
NAYS:	Rick Hilst

7.8. Ordinance No. 4010-22/23 Amending Chapter 5, Article IV, Division 2, Section 1-7 of the Pekin City Code Regarding the Sidewalk Snow Removal Policy

City Manager, Mr. Mark Rothert, presented the request to Council to approve and adopt an ordinance amending the city code regarding sidewalk snow removal. Mr. Rothert explained that the item was previously before Council to amend the policy as it related to the ADA Class Action Consent Decree. The major change proposed was to add a provision requiring residential property owners to clear snow and ice from the sidewalks adjacent to their property. The Council had rejected the previous version of the ordinance expressing concerns about the burdens placed on residential homeowners, particularly those who were elderly or disabled and unable to comply with the snow removal requirements. Mr. Rothert further explained that based on subsequent input from both the public and the Council, staff had revised the proposed ordinance to address those concerns to provide homeowners two warnings and opportunities to comply before imposing any fines or penalties for failing to remove snow and ice. The first notice would be served giving the homeowner 48 hours to remove the snow and ice with a second notice served that would give an additional 48h hours should the homeowner fail to comply. Additionally, the second notice would include a list of contractors and volunteers available to assist with snow removal. Mr. Rothert added that staff would send out a letter to all residents notifying them of the code change and that staff also recommended purchasing one piece of equipment for snow removal on sidewalks for major corridors like Court Street and Parkway that would be presented at a future meeting. Mr. Rothert clarified that the intent was only to require snow removal after the snow falls and the roads were cleared or after the last fall reaching 2 inches.

City Attorney, Ms. Kate Swise, confirmed that snow removal would only be required within the 48 hours that the street had been cleared that allowed for an additional 48 hours after the first warning had the sidewalks not been cleared with an additional 48 hours after the second warning.

Mayor Luft explained the history of the ADA issues that had begun with previous Councils that led to an ADA lawsuit against the City. Mayor Luft also spoke in favor of the ordinance and proposed allowing for accommodations for those people that are unable to remove snow.

Councilmember Hilst concurred with the Mayors comments and commented that there was no provisions for contracting the snow removal service.

City Engineer, Ms. Josie Esker, clarified that the decent decree did not call out for residential sidewalk snow removal and the City Code was silenced on the isue. ADA stated that all sidewalks needed to be cleared.

Mr. Rothert added that even if there was no decent decree the City would still fall under ADA regulations that would be applicable to every city because it does state that the sidewalks need to be cleared and maintained and that included snow and ice removal.

Ms. Swise again clarified that snow and ice removal was not the City's only obligation but requires the City keep sidewalks free of obstructions, it does not state that the City has to clear residential sidewalks. The consent decree was not the only consideration.

Councilmember Orrick stated that the ordinance was not what he supported.

RESULT:	**ADOPTED [4 TO 3]**
MOVER:	Karen Hohimer, Councilwoman
SECONDER:	John P Abel, Councilman
AYES:	Karen Hohimer, Becky Cloyd, John P Abel, Mark Luft
NAYS:	Rick Hilst, Dave Nutter, Lloyd Orrick

ANY OTHER BUSINESS TO COME BEFORE THE COUNCIL

Police Chief John Dossey thanked the community for participation in Cop on a Rooftop and particularly thanked Officer Rabe. Chief Dossey also announced that the department had raised $4,400 for the Special Olympics and was continuing to collect. The department will be raising money at Schnuck's this weekend.

Public Works Director, Mr. Justin Reeise, gave an update on the riverfront stating that the trees were down and that the brush piles would be cleaned up in the coming weeks.

Councilmember Nutter thanked everyone who participating and came down for the Downtown Concert Series.

Councilmember Orrick stated that he would like to see City Manager enforce that the agenda be complete on Wednesdays by 5pm before a Council meeting.

Councilmember Hilst questioned staff regarding the grant that was not obtained for the downtown project. City Engineer, Ms. Josie Esker, stated that the original plan for the downtown project was to do a mill and overlay for asphalt and ramps that included sidewalk improvements as needed. Since the City did not receive the grant, they would proceed with Terra. The grant was applied for in hopes to increase the scope of the project.

Councilmember Hilst expressed his disappointment that the survey previously discuss regarding snow removal was not provided in the wastewater bill for residents. Councilmember Hilst requested to the City Manager that a discussion be put on the agenda, which would have been the last meeting, and it was not.

Councilmember Cloyd questioned Councilmembers if they would be willing to put up a tent at the Marigold Festival to answer questions from the public.

Chief Building Official, Mr. Nic Maquet, announced that the old pawn shop was turning into a privately owned laundry mat, Dollar General was opening a new location at the old Family Video on Broadway, site plans were received for La Fiesta restaurant and that a gaming café was opening across from Pekin Insurance.

Mr. Rothert added that Panda Express was also under construction.

8.1. Discussion - Use of Appropriation Ordinance

Councilmember Nutter led the discussion regarding the use of an appropriation Ordinance. Councilmember Nutter stated that the issue had been an ongoing question for two years and felt that the only way to put the question to bed was to have a discussion. Councilmember continued stating that he had reviewed the appropriation ordinance and was in support.

Councilmember Orrick concurred with Councilmember Nutter.

8.2. Discussion End of Year Financial Review

Finance Director, Mr. Bruce Marston, provided Council with a report and review of last fiscal years information. Mr. Marston explained that the numbers were preliminary year end figures. Mr. Marston pointed out the distinction between the General Fund and the Non-General Fund. Mr. Marston stated that the General Fund was in excess of approximately $4M and the Non-General Fund was in excess of approximately $1.3M. Mr. Marston clarified that as the end of July 2022 it was determined that $1.17M was of unallocated cash reserves.

Mr. Rothert added that the city was financially sound having excess cash and meeting its obligations.

Mr. Marston added that adjusting any entries before the audit would impact the numbers but not a material amount.

EXECUTIVE SESSION 5 ILCS 120/2 (C) 11. PENDING LITIGATION AND 21. DISCUSSION OF MINUTES LAWFULLY CLOSED UNDER THE OMA

A motion was made by Councilmember Hohimer seconded by Councilmember Cloyd to move into Executive Session to discuss 5 ILCS 120/2 (c) 11. Pending Litigation and 21. Discussion of minutes lawfully closed under the OMA possible adding 5 ILCS120/5 Purchase of property also collective bargaining at 8:38 PM. Motion carried viva voce vote.

Mayor Luft announced that no action would be taken after Executive Session.

ADJOURN

There being no further business of the Council, a motion was made by Councilmember Orrick seconded by Councilmember Nutter to adjourn the meeting. Motion carried voice vote. Mayor Luft adjourned the meeting at 9:30 PM.