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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 9, 2021 AT 5:30 O'CLOCK P.M.
MARK LUFT * CHAIR * PRESIDING

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PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Councilmember Orrick. City Clerk Sue. E. McMillan confirmed all members were present and logged on for electronic voting. A quorum was declared by Mayor Luft.

Attendee Name	Organization	Title	Status	Arrived
Rick Hilst	City of Pekin	Councilman	Present	5:01 PM
Karen Hohimer	City of Pekin	Councilwoman	Present	4:56 PM
Dave Nutter	City of Pekin	Councilman	Present	4:59 PM
Becky Cloyd	City of Pekin	Councilwoman	Present	4:59 PM
Lloyd Orrick	City of Pekin	Mayor Pro-Tem	Present	5:02 PM
John P Abel	City of Pekin	Councilman	Present	4:58 PM
Mark Luft	City of Pekin	Mayor	Present	4:58 PM

APPROVE AGENDA

3.1. Motion to: **Approve agenda**

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

APPROVAL OF MINUTES

4.1. City Council - Regular Meeting - Jul 26, 2021 5:30 PM

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

PUBLIC INPUT

Harlon Shields thanked Mayor Luft, City Clerk Sue McMillan and the Street Department for the great honor bestowed on his wife, Carol Shields.

Mr. Jim Mangan confronted the Council regarding solid waste department transfers, the ethics ordinance and questioned Councilmember Cloyd's opinion on ethics.

Mr. Robert Killian spoke in favor of the demolition of 1025 park Avenue and pointed out that 1027 Park Avenue also had a problem.

Mr. Chase Teal introduced himself to Council and explained that he owns a demolition company called CMT Excavating and True Service. Mr. Teal informed Council that his company was one of the bidders on the agenda item regarding the demolition and expressed his desire to do work in Pekin.

Ms. Charity Gullett spoke in favor of Agenda Item 8.1 regarding the demolition of 1062 Matilda and explained to Council the amount of her personal funds spend on pest control due to that property.

Mr. John McNish spoke against agenda item 8.6 with regards to the request to approve spending authority for change orders on Court Street. Mr. McNish spoke in favor of the ethics ordinance and felt it needed to be more substantial. Mr. McNish also spoke in favor of the demolitions and commented that 112 Orchard was still standing and had been on the demo list for 10 years despite wild live living in it. Lastly, Mr. McNish stated that a driveway at Sunset Hills had PVC pipe and felt that it was not legal.

Mayor Luft directed staff to give Mr. McNish a full understanding of the demolition procedure.

City Manager, Mr. Mark Rothert, added that there had been changes in staff and different opinions on the structure at 112 Orchard. Mr. Rothert explained that 1600 Matilda was an emergency demolition and 112 Orchard went through the court process.

City Attorney, Ms. Kate Swise, gave an update on 112 Orchard, stating that a notice was sent to homeowners on July 23rd and the required 15 days passed on Saturday, August 7th. Ms. Swise added that the complaint was drafted and once served must wait 30 days. The owner of the property was deceased and believed that a surviving spouse had been located. There was a tax buyer and the only other lienholder was the Illinois Department of Revenue.

CONSENT AGENDA

Motion to: **Approve Consent Agenda**

Mayor Luft read the 4 items listed on the Consent Agenda.

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

6.1. Proclamation "Payroll Week" First Full Week of September

6.2. Tazewell County Animal Control Billing - June 2021

6.3. Accounts Payable To Be Paid Proof List thru August 6, 2021

6.4. Financial Reports May 2021

PUBLIC HEARING

7.1. Public Hearing - 2020 CDBG Consolidated Annual Performance and Evaluation Report

Mayor Luft opened the Public Hearing at 6:05 PM.

CDBG Program Manager, Mr. David Bess, explained that the CAPER was used to report back to HUD and the public on how CDBG funds were used and what accomplishments had occurred during the previous program year. HUD required a public hearing before submitting the report in order to inform and engage the public on those CDBG activities. Originally, the City had anticipated utilizing nearly its entire CDBG reserves and allocation for assistance to Pekin businesses. A grant was secured from the Department of Commerce and Economic Opportunity to cover more than 90% of the cost associated with that business program. In total, Pekin provided 143 businesses with funding to assure their stability and their ability to retain or hire employees. In addition to the business grant program, the City's CDBG Department also offered a utility assistance program to assist households with overdue and unpaid electrical, water, and wastewater bills, in an effort to avoid utility shutoff and eviction based on lack of those utilities. The City assisted 83 households with that program. In response to the risk of Coronavirus transmission, the City used CARES Act funds to make renovations to the fire department living areas to reduce the potential spread of the coronavirus within those facilities to ensure the availability and continued sustainability of fire response services within the City. Mr. Bess also explained that the City provided grants to two non-profit organizations to help fund their critical work within the community. Both of which focused on ensuring safe shelter and casework services for the City's vulnerable population. In addition, the CDBG department had revamped internal procedures to improve efficiency, improve tracking of project information and compliance with regulatory requirements.

Council thanked Mr. Bess for his passion and hard work.

Mayor Luft closed the hearing at 6:20 PM.

NEW BUSINESS

8.1. Resolution No. 302-21/22 Award Contract for Demolition of Residential Structure and Accessory Buildings at 1025 Park and 1600 Matilda to Wayne Litwiller Excavating, Inc.

City Manager, Mr. Mark Rothert, presented the request to Council to award a contract for the demolition of 1025 Park and 1600 Matilda to Litwiller Excavating, Inc. Mr. Rothert that code enforcement had been working on several properties the past 18 months that were uninhabitable and in condemned status. Many elected officials had received complaints regarding the property located at 1025 Park Avenue and had gone through court procedures and now was ready for demolition. The property located at 1600 Matilda had gone through an emergency procedure that moved the property up to the top of the demolition list due to infestation and other issues concerning life and safety. Four bids were received with Litwiller being the low bid for 1025 Park Avenue and the second low bid for 1600 Matilda. Due to the small difference in cost staff selected Litwiller to handle the demolition of both properties in an effort to be more efficient.

Council discussed whether tipping fees were included in contracts, the state of the properties, why the demolitions were not separate resolutions, and what happens to the property after it was demolished.

Mr. Rothert explained that it would be determined by Council what would happen to the properties after demolition.

Councilmember Hilst spoke in favor of demolishing the properties but spoke against the demolition procedure.

The consensus of Council was not to put the properties up for bid when the deed was acquired.

Mr. Chase Teal from CMT Excavating, asked Council to consolidate the demolitions next time as the tipping fees would be lower.

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

8.2. Ordinance No. 3002-21/22 Approving and Authorizing the Execution of a TIF Redevelopment Agreement By and Between the City of Pekin and Delivered Efficiency Opus, Inc.

City Manager, Mr. Mark Rothert, read the request to Council to approve and authorize the execution of a TIF redevelopment agreement between the City and Delivered Efficiency Opus, Inc. Mr. Mel Johnson, the owner of the company sought funding to assist with remodeling the existing building to include an ADA restroom, break-room, reception area and showroom. The redevelopment agreement was a “pay-as-you-go” basis which proposed a rebate of 75% of the incremental increase in real estate taxes paid by Mr. Johnson each year beginning in 2022 and ending in 2042. Mr. Rothert explained that the City’s TIF consultant estimated the total reimbursement to Mr. Johnson over the life of the agreement would be approximately $25,000.

Mr. Mel Johnson gave some background on his company and how he specialized only in HVAC and electrical.

Mr. Matt Fick addressed the Council stating that there was a miscommunication on the way the paperwork was completed that seemed like the work was already done but he still had work to be done.

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

8.3. Ordinance No. 3003-21/22 Accept Land Donation from Morton Community Bank

City Manager, Mr. Mark Rothert, addressed the Council to approve the request by Morton Community Bank to donate a parcel of land next to the Avanti’s Dome to the City. The property was accessible through a right of way for Barney Road but the road was never constructed. Mr. Rothert explained that the land was being farmed and could be developed in the future for commercial purposes.

City Engineer, Ms. Josie Esker, explained that Barney Road had not been looked at as future expansion plans had been focused by Council on Court and Derby Street.

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

8.4. Resolution No. 300-21/22 Annual Support of Peoria Area Convention and Visitors Bureau

City Manager, Mr. Mark Rothert, presented to Council the annual support of the Peoria Area Convention and Visitors Bureau rebranded as DISCOVER PEORIA. Mr. Rothert some background on the organization and summarized the services offered by them to the City which included but were not limited to, promotion of all hospitality businesses in Pekin, city landing page on their website, Marigold

Festival landing page on their website, support for Christmas on Court, discounted rate for full-page advertisement in the Discovery Guide, and seat on their Discover Peoria Board.

Council discussed that the Pekin Chamber of Commerce was the liaison to make sure information was communicated.

RESULT:	**APPROVED [6 TO 1]**
MOVER:	Dave Nutter, Councilman
SECONDER:	Lloyd Orrick, Mayor Pro-Tem
AYES:	Hohimer, Nutter, Cloyd, Orrick, Abel, Luft
NAYS:	Rick Hilst

8.5. Resolution No. 299-21/22 Approve Purchase of Network Licenses, Hardware and Support Services From SHI International Corp.

City Manager, Mr. Mark Rothert, advised that the network licensing and hardware support package was critical to the City's network and computer systems providing 24/7 technical support with industry leading engineers, configuration, troubleshooting, attack analysis, remote inspection hardware testing, threat mitigation and next business day hardware replacement. Also provided was continued software and firmware upgrades and VPN connectivity software upgrades.

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

8.6. Resolution No. 301-21/22 Approve Spending Authority for Change Orders on Court Street

City Manager, Mr. Mark Rothert, informed Council that with the two current Court Street construction projects it was necessary to allow up to $100,000 of spending authority for change orders to the City Engineer cumulatively to allow for quick decisions needed on a daily basis to keep from delaying construction. Requiring Council action for each change order was very inefficient, especially on a fast paced roadwork job. The spending authority would be contingent upon two approvals from the City Manager and the Public Works Director or Finance Director.

City Engineer, Ms. Josie Esker, advised that $100,000 was reasonable and would give her room to through the expenses efficiently.

Councilmember Nutter requested that any change orders be listed in the City Manager's weekly update. City services would be still be used when possible.

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

8.7. Resolution No. 303-21/22 Authorizing Coverage Agreement with Illinois Municipal League Risk Management Association (RMA)

City Manager, Mr. Mark Rothert, advised Council that the City's RMA-appointed attorney had requested authority from RMA to enter into settlement negotiations with the plaintiffs in the case of Calloway, et al v. City of Pekin, et al, which alleged violations of the Americans with Disabilities Act. Mr. Rothert explained that RMA had agreed to make settlement payments on the City's behalf pursuant to the terms of the coverage agreement.

City Attorney, Ms. Swise, informed Council that the underlying lawsuit had not been settled and that the agreement between the City and the insurance carrier was about coverage so they can talk about it, settlement discussion would be the next step.

Ms. Swise further explained that the agreement between RMA and the City had to do with reservation rights. Ms. Swise said that RMA stated that there were certain things they were not paying for if the City acted “willfully and wantfully”. To the extent that there was a finding of that in a lawsuit, RMA agreed to pay for the defense. Ms. Swise continued to explain that the agreement now was to say despite any reservation of rights or objection to coverage, they are going to agree to enter into settlement negotiations and pay a settlement agreement even though could claim they do not have to pay. The City and the insurance company would come to an agreement on what was covered and how much they would pay to monetary settlement. RMA would agree to withdraw their reservation rights, the City would cover mitigation efforts and not turn in RMA if the City were sued for the same thing down the road. Should the case not settle and go to trial, the agreement would then go away and back to RMA reserving their right at a later time by not paying any settlement if there was a finding at trial that the City acted “willfully, with fraud, malice, etc.”

Council discussed the lack of numbers in the agreement and it was explained that RMA was paying the settlement, not the City, and RMA would fill in those figures.

RESULT:	**APPROVED [UNANIMOUS]**
MOVER:	Becky Cloyd, Councilwoman
SECONDER:	Lloyd Orrick, Mayor Pro-Tem
AYES:	Hilst, Hohimer, Nutter, Cloyd, Orrick, Abel, Luft

Motion to: **Amend Ordinance No. 3004-21/22 to remove the last sentence in Section 2-8-8**

Mr. Rothert informed Council that the City Attorney advised to amend the penalty section to remove the last section referring to adjudication.

Councilmember Hilst motioned to amend the ordinance to remove the last sentence in Section 2-8-8 of the ordinance seconded by Councilmember Cloyd.

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

8.8. 2717 : Ordinance No. 3004-21/22
Amending the City Code to Create Chapter 2 Article VIII Regarding the City's Ethics Ordinance as amended

City Manager, Mr. Mark Rothert, presented the request to Council explaining that the Illinois General Assembly enacted the State Officials and Employees Ethics Act, as amended in December 2003. The Act required all units of local government and school districts, within six months after the effective date of the Act, adopt ordinances or resolutions regulating the political activities of, and the solicitation and acceptance of gifts by, the officers and employees of such units in a manner no less restrictive than the provisions of the Act. Mr. Rothert further explained that on May 10, 2004 the Pekin City Council approved an ordinance in response to legislative updates made to the State Officials and Employees Ethics Act. That ordinance referenced a repealed state statute and did not reflect the "Model Ethics Ordinance" provided by the Illinois Attorney General's Office. Mr. Rothert added that the ordinance called for the ability to create an ethics commission appointed by the Mayor. The previous discussion with Council was that any violations would be held through adjudication. The ordinance had an optional section to create the ethics committee but it would be decided by Council.

Mayor Luft and Councilmember Cloyd spoke in favor of the ordinance.

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

8.9. Resolution No. 304-21/22 Amending the City's Code of Ethics & Conduct
No discussion was held by Council.

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

ANY OTHER BUSINESS TO COME BEFORE THE COUNCIL

Councilmember Abel gave a shout out to Steven Bresnahan for the Bike Night and Super Cruise event. Councilmember Abel also commented that Pekin picked up a new resident previously from Galesburg. Councilmember Abel was sad to see the tumbling organization on Broadway move to Peoria.

Councilmember Nutter questioned the City Engineer as to why Parkway had priority over 5th Street on the sidewalk project. Ms. Esker explained that 5th Street was bid differently and it was an IDOT project which tends to take longer. Ms. Esker felt Parkway was more pressing but ultimately the contractor decides which to do unless specifically written in the contract.

Mayor Luft ended the meeting with an inspirational quote.

EXECUTIVE SESSION 5 ILCS 120/2 (C)

ADJOURN

There being no further business to come before the Council a motion was made by Council Member Hohimer, to adjourn, seconded by Council Member Orrick. Motion carried viva voce. Mayor Luft adjourned the meeting at 7:36 P.M.