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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 JULY 27, 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: TOLL-FREE 1-888-788-0099 OR 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 JULY 27, 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 Meeting 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 Mayor Mark Luft. The Clerk confirmed by roll call vote, that all Council Members were physically present.

Attendee Name	Title	Status	Arrived
Michael Garrison	Councilman	Present	5:30 PM
Rick Hilst	Councilman	Present	5:30 PM
Karen Hohimer	Councilwoman	Present	5:30 PM
Dave Nutter	Councilman	Present	5:30 PM
Lloyd Orrick	Mayor Pro-Tem	Present	5:30 PM
John P Abel	Councilman	Present	5:30 PM

Mark Luft	Mayor	Present	5:30 PM

APPROVE AGENDA

Motion was made by Council Member Orrick, seconded by Council Member Abel to approve the Agenda.

Motion to: **Amend Agenda to Remove Consent Agenda Item 6.6 Resolution No. 15-20/21 Appointment to the Library Board of Trustees**

RESULT:	**ADOPTED [UNANIMOUS]**
AYES:	Garrison, Hilst, Hohimer, Nutter, Orrick, Abel, Luft

3.1. Motion to: **Approve agenda as amended**

RESULT:	**ADOPTED [UNANIMOUS]**
AYES:	Garrison, Hilst, Hohimer, Nutter, Orrick, Abel, Luft

APPROVAL OF MINUTES

4.1. Motion to: **Approve the Minutes**

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

4.2. City Council - Regular Meeting - Jul 13, 2020 5:30 PM

4.3. City Council - Special Meeting - Jul 20, 2020 5:30 PM

PUBLIC INPUT

City Clerk Sue McMillan confirmed there were no written comments received or request to be heard from the public.

CONSENT AGENDA

6.1. Bid for the 14th Street & Willow Street Mill & Overlay Project

6.2. Financial Reports May FY 2021

6.3. Accounts Payable To Be Paid Proof List thru July 24, 2020

6.4. Resolution No. 143-20/21 Appointments to the Human Rights Committee

6.5. Resolution No. 144-20/21 Appointment to Liquor Commission

Motion to: **Approve Consent Agenda**

Mayor Luft presented and read items 1-5 from the Consent Agenda for consideration

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

NEW BUSINESS

7.1. Resolution No. 146-20/21 Addition of Sheridan Road from Redwood to Lick Creek Bridge to the 2020 Chip Seal Program

City Engineer Josie Esker advised the Council that the Street Department recently completed a patching project on Sheridan Road. In addition, the City recently awarded a bid for the 2020 Chip Seal Program, which was under the budgeted amount for the expense. She therefore recommended for the City to chip seal a portion of Sheridan Road between Redwood and the Lick Creek Bridge. The road was not originally included in the 2020 Street Maintenance Plan approved by the City Council on November 25, 2019 by Resolution No. 39-19/20. Mayor Luft spoke of the necessity of prolonging the life of the patch improvement. Council Member Orrick supported the utilization of the budgeted funds realized from the lower bid received. He felt it was logical to protect the extensive patching that was necessary to the road at the bridge location. Council Member Hilst felt if funds were available to extend the Chip Seal Program that there were other needed places far worse than a recent completed patching project. Council Member Nutter's question was addressed regarding the reason for stopping at the bridge with the additional chip seal. Council Member Nutter also asked for clarification that a previous policy was to wait that patching sealed completely before applying chip seal.

RESULT:	**ADOPTED [5 TO 2]**
MOVER:	Michael Garrison, Councilman
SECONDER:	Karen Hohimer, Councilwoman
AYES:	Garrison, Hohimer, Orrick, Abel, Luft
NAYS:	Rick Hilst, Dave Nutter

7.2. Resolution No. 147-20/21 Awarding Contract for the 2020 Mill & Overlay project to United Contractors Midwest

The Council was advised that the City received the bid from R.A. Cullinan and Son, a Division of United Contractors Midwest, Inc. for the Street Maintenance Section 20-00000-01-GM Mill & Overlay Project 2020. The scope of work was to mill and overlay S. 14th Street and Willow Street as approved in the 2020 Street Maintenance Plan by Resolution No. 39-19/20. The City only received the one bid, which had been typical for the type of project due to the limited amount of companies that perform the type of work in this area. It was reported that the bid total was $1,069,239.74, which was 4% under estimate. City Engineer Josie Esker reviewed the bid, felt it reasonable and responsible and recommended that the contract be awarded. Council Member Nutter questioned when the work would start and was informed that the city would receive approval from Illinois Department of Transportation in approximately 2 weeks to begin.

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

7.3. Resolution No. 148-20/21 Approving an Engineering Agreement with Farnsworth Group for the Court Street Drainage Study

City Engineer Josie Esker explained to the Council that Court Street had a history of flooding between 14th Street and Parkway Drive during heavy rain events. It was imperative that any underground drainage upgrades be completed prior to resurfacing of the road so as not to patch the new asphalt surface. She recommended the study be completed this year so that necessary drainage improvements were completed in advance and not delay road improvements plans. She also recommended utilizing the Farnsworth Group master service agreement with the City. The company services had experience on storm water related projects as well as the software and staff necessary to complete the study in a timely manner. Council Member Hilst raised the question of the massive blacktop parking lot in the park contributing to the drainage. Discussion followed on suggestion for an intergovernmental agreement and contribution for expenses from the Pekin Park District and Pekin High School District 303. Council was told that talks had been initiated but the high school was not going to participate in the study. Council Member Nutter questioned the affect on Lake Arlann and the Drainage District's involvement. Council Member Hilst questioned if the money already spent with Hanson Engineering for Court Street Road Improvements Study would have already produced drainage area results. Mayor Luft asked that the Council be updated in a month on further talks for an intergovernmental agreement with the park and school districts. Council Member Nutter indicated he would be voting no without an agreement. Council Member Hilst indicated he struggled with the option to proceed undertaking the full study utilizing Sewer Fund cash balances to make up the difference in funds needed.

Mayor Luft made a statement to the Council Members regarding their understanding of their role as a member of the Council and their ability to initiate and make various motions. He advised that they could process an action not only by denying but by making a motion to layover, amend, adopt, etc. He suggested they had that right and should utilize those tools given to them.

RESULT:	**ADOPTED [5 TO 2]**
MOVER:	Rick Hilst, Councilman
SECONDER:	Michael Garrison, Councilman
AYES:	Garrison, Hohimer, Orrick, Abel, Luft
NAYS:	Rick Hilst, Dave Nutter

7.4. Resolution No. 149-20/21 Lease with Ameren Illinois for Use of City Property

City Manager Rothert told the Council that Ameren Illinois wished to enter into a Material Storage Lease to utilize approximately 6 acres of City owned property along Hanna Drive more specifically PIN 10-10-10-400-006 for such purposes consistent with the construction and maintenance of electric transmission line. Ameren was currently leasing the property for its equipment for operations through its gas utility. Council was advised the terms of the lease with the City were for 11 months commencing on September 1, 2020 and extending to July 31, 2021, a $5,500 rent payment, and an option for Ameren to extend the lease for a 2-month period for a payment of $1,000.

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

7.5. Resolution No. 150-20/21
Approval of Settlement Agreement with Pierce Manufacturing, Inc. as Amended

City Manager Rothert explained to the Council the history behind the Settlement Agreement before them with Pierce Manufacturing, Inc. Three fire apparatus, two engines and a ladder, were built during 2000 and 2010 by the company. Within the warranty period the City discovered corrosion on the frame rails and considered pursuing legal action but opted to settle with terms negotiated late 2018 and 2019. The settlement needed to be ratified to begin the repairs to the apparatus. Council was advised the scope of the work to replace the frame rails and recoat the ladder truck, at a cost of $65,304, an established repair pricing model from Pierce, was reasonable compared to legal proceedings. The Manager also recommended additional repairs to bring the vehicle into safety compliance. An executed copy of the 2019 Settlement Agreement was disseminated to the Council to replace the blank agreement in the packet upon legal counsel discussion and an amendment requested for the resolution to give the Manager authority to spend up to $100,000 to address any unforeseen repairs that were needed.

City Attorney Joshua Herman, Miller, Hall & Triggs, representing the City in negotiating the settlement, was present and addressed questions Council presented regarding the responsibility of Pierce or pursuing litigating the warranty. He spoke of a class action law suit but it was his opinion the action would remain in litigation for years. The settlement was accommodating with reduced repair costs and the warranty would be extended.

Council further discussed the availability of backup equipment while trucks were being repaired, if the repairs were budgeted, and the responsible person for the change orders if there were not to come back before the Council for approval each time.

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

Motion to: **amend the motion for approval to include authorizing the City Manager to spend up to $100,000 for repairs**

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

ANY OTHER BUSINESS TO COME BEFORE THE COUNCIL

There was no Public Input or Comments received on Non-agenda items.

Council Member Hilst noted the amount of weeds on Court Street in the East Bluff area in particular and questioned the extent of the City's contract with Gulf Green for weed spraying. He also pointed out the vacant private property at the corner of Parkway and Court Street was again overgrown with weeds. It was his understanding Code Enforcement had ordered the property to be seeded this past Spring and was not. Council Member Hilst asked for updates. The Manager stated the owner would be contacted again.

Council Member Hilst questioned the City Engineer as to the determination which manholes were repaired and which were repaired with Mr. Manhole and which with asphalt. Ms. Esker advised that the most traveled roads had been driven and were priority over those not examined yet in residential areas.

Council Member Hilst stated it was his understanding that 6 employees were approved in the budget to work seasonally for the Street Department but only 4 were hired because of budget constraints. He asked that any other amendments in the budget to that effect be brought before the Council. He would have not reduced street department employees with the amount of streets that need repair when we continue to hire in other departments.

Council Member Hilst presented an inquiry he received from the public asking the process for bus passes for the upcoming school year and why the same pricing when not riding every day.

Council Member Nutter's question met with response that the city received no word again on the Fast Track grant application funding. Council Member Nutter noted after review of the Accounts Payable report that there was an alarming 30 plus items with no budgeted amounts. The Council Member next asked the Manager when Council and Staff would be getting back on track with working on achieving the Priority Goals set by Council in 2019.

Council Member Orrick asked that the remaining funds to be allocated in the CDBG funding of over $400,000 be expedited. He stated the money should go back to those businesses that had applied. Mayor Luft stated there need to be conversation regarding the eligible activities such as demolitions, public assistance needs, not for profits, and other small businesses that had not originally applied. The Mayor asked that the Members furnish a list of their priorities. Council Member Orrick asked that the Illinois Department of Transportation Annual Maintenance Agreement be brought back for further discussion in August before the City would need to plow the state Highways listed. His recommendation would be to discontinue the agreement.

Council Member Abel noted in talking to local restaurants that they were fearful of possibly being shut down again in the COVID-19 orders. Council Member Abel asked again that the corner of Capitol and Ann Eliza receive attention for Code Enforcement cleanup. He gave a shout-out to Charity Gullett and all volunteers on the outstanding work of cleaning up the downtown area of weeds over the weekend.

EXECUTIVE SESSION 5 ILCS 120/2 (C) 6, SETTING PRICE FOR SALE OF PROPERTY OWNED BY THE PUBLIC BODY

9.1. Motion to: **move to Executive Session to discuss 5. the purchase of property and 6. the setting of a price for sale of property**
Council moved to closed session at 6:40 p.m. The Mayor announced that no action would be following in in open session.

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

ADJOURN

There being no further business coming to Council, a motion was made by Council Member Orrick to adjourn seconded by Council Member Nutter. Motion carried viva voce. Mayor Luft adjourned the meeting at 7:00 P.M.