



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 26, 2021 AT 5:30 O'CLOCK P.M.
MARK LUFT * CHAIR * PRESIDING

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	5:13 PM
Karen Hohimer	City of Pekin	Councilwoman	Present	5:06 PM
Dave Nutter	City of Pekin	Councilman	Present	5:11 PM
Becky Cloyd	City of Pekin	Councilwoman	Present	5:11 PM
Lloyd Orrick	City of Pekin	Mayor Pro-Tem	Present	5:07 PM
John P Abel	City of Pekin	Councilman	Present	5:09 PM
Mark Luft	City of Pekin	Mayor	Present	5:10 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 12, 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

Mr. John Marshall informed Council that his neighbors have had a pig on their property for the last three years and despite requests made to the City for removal, nothing had been done. Mr. Marshall also reported that his neighbors had a dead tree along with 16 foot weeds.

Mayor Luft responded to Mr. Marshall stating that the individual with the pet pig had been addressed and was determined that the pig was an emotional pet approved by the State of Illinois. Mayor Luft also stated that he would look into the possible code violations.

Mr. Jim Mangan, spoke against the solid waste bid from the City and stated that the City's proposed annual increase of 2.5% was inaccurate and deceptive. Mr. Mangan spoke in favor of the solid waste bid from PDC and felt it would give taxpayers relief. Additionally, Mr.

Mangan spoke regarding the City's proposed franchise fee and how he felt it was illegal. Mayor Luft questioned why Mr. Mangan felt the franchise fee was illegal and explained to him that if the bid was awarded to PDC it would have a franchise fee within it, therefore, the reason it was included.

CONSENT AGENDA

Motion to: **Approve 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. Pekin Public Library Annual Report 2021**
- 6.2. Police Department Stats - June 2021**
- 6.3. Accounts Payable To Be Paid Proof List thru July 23, 2021**
- 6.4. Ordinance No. 2994-21/22 Parking Variance for Property Located at 1016 Court Street**
- 6.5. Ordinance No. 2995-21/22 Front Yard Setback Deck Variance Request for Property Located at 721 13th Street**
- 6.6. Ordinance No. 2996-21/22 Special Use Request for Open-Front/Walk-Up Food Service for Kenzi Hibachi Express, LLC Located at 3322 Court Street**
- 6.7. Ordinance No. 2997-21/22 Rezoning Request for 283 Herman Street from B-3 General Business to R-4 One-Family Residential**
- 6.8. Receive & File Bids for 5th St. Mill & Overlay Project**
- 6.9. Receive and File Bids for Solid Waste Collection Services**

UNFINISHED BUSINESS

- 7.1. Ordinance No. 2958-20/21 An Ordinance Amending Chapter 5 Article 1 Division 1 and Division 2 to Create a Business Registration License for the City of Pekin Illinois**

City Manager, Mr. Mark Rothert, introduced the request to Council summarizing that the requirement would be to require all businesses to register with the City. Mr. Rothert reminded Council of past discussions and running into operational issues with businesses that were out of code compliance.

Councilmember Cloyd expressed concern as a small business owner that a fee would be added to the registration in the future. Councilmember Cloyd advised that the purpose of the business registration was to bring integrity to professions and that all registration would be completed online similar to car registration.

Councilmember Orrick agreed with Councilmember Cloyd and advised that he now supports the license to help address businesses that do not do things properly.

Councilmember Abel spoke in favor of the agenda item.

Councilmember Nutter informed Council that he had received an email from the Pekin Chamber of Commerce and that they were not in favor of the license.

Mr. Rothert explained the process to set up an online portal over the next 5 months giving businesses a grace period. City staff will be in charge of the process with the help of the Chamber to help with the registration process.

Councilmember Nutter expressed concern about not being able to communicate the registration requirement to businesses.

City Attorney, Ms. Swise, explained that if a business refused to register for a license than they would be subject to code violations and fines.

Ms. Swise also pointed out that the Council packet and proposed ordinance under Section 2 had the incorrect chapter and that it should be Chapter 5.

Mayor Luft commented on communicating the registration through the media, newspapers, facebook, the website and possibly the waste water billings.

Councilmember Hohimer suggested an outline portal accessible for residents to access businesses by specialty. Mr. Rothert added that the City would need permission from each business.

Ms. Swise added that the information given from businesses to the City would still be subject to the FOIA Act.

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

NEW BUSINESS

8.1. Resolution No. 295-21/22 Authorization to Enter into Agreements for Expenditures Under \$15,000

City Manager, Mr. Mark Rothert, advised Council that the City had adopted its Procurement Policy on January 28, 2019 where purchases under \$15,000 were allowed to be made by the City Manager or designated purchasing agent but the policy was silent on how to treat any associated contracts or service agreements for such purchases under \$15,000. Mr. Rothert explained that the resolution in the packet clarified and amended the Procurement Policy to delegate the authority to sign contracts or agreements for purchases under \$15,000 to the City Manager. He added that the amendment also addressed right of way or easement purchases as it related to capital projects, similarly to the major construction with Court Street.

City Engineer, Ms. Josie Esker, informed Council that there were over 100 parcels on Court Street, but the amendment would include all capital projects, and it was her opinion that it was not necessary to bring those right of way or easement purchases to Council each time. Council requested a list of those purchases be provided should a member have questions.

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

8.2. Resolution No. 296-21/22 Award Street Department Painting Project to RP Coatings

City Manager, Mr. Mark Rothert, introduced the request to award the Street Department painting projects to RP Coatings. The project consisted of a thorough cleaning, scraping, and pressure washing the building prior to priming and coating the exterior and interior. The City did not use the formal RPP process as it fell under the procurement procedure for Public Facility

Improvements. The City received 3 proposals. Council discussed not having knowledge of RP Coatings previous jobs. Mr. Rothert informed Council that funds were budgeted out of the CBD TIF but explained that all TIF improvements were aggregated together and comingled in the capital budget. If no funding was available in the Court Street TIF it would likely come from the CBD TIF as listed in the packet. Council discussed amending the budget to allow for such transfer if necessary.

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

8.3. Resolution No. 297-21/22 Bid Award for Solid Waste Collection Services to City of Pekin

City Manager, Mr. Mark Rothert, presented the request to Council regarding the bid award for solid waste collection services to the City of Pekin. The city accepted sealed bids for residential solid waste collection through an RFP solicitation at the request of Council. The city received two bids, one from Peoria Disposal Company, and the other from the City's Solid Waste Division of Public Works. Bid proposals were reviewed by staff and it was determined that the PDC bid excluded the landfill disposal cost from their submitted bid price. Staff projected those monthly tipping fees based on current fees paid by the City; estimated to be \$3 per household. Bids were evaluated for their full operational cost with the City's being the most economically favored.

Council compared the garbage can bins, recycling bins and bulk item pickup cost of PDC and the City as listed on the bid tabulation included in the packet. It was stated that PDC chose to deny the option to purchase the City's vehicles and would not guarantee hiring any of the City's current employees. Council also discussed proposing a policy that required a 5% franchise fee agreement to be used for roads. Council discussed other considerations such as how the cost of PDC's employees' pensions and fuel costs would directly be paid by residents of the City should they be awarded the bid. The request also included within the RFP an increase in fees over several years and it was discussed by Council to determine instead those increases if any each year. Finance Director, Mr. Bruce Marston, addressed the Council regarding the transfer from the Solid Waste Fund to the General Fund made at the end of each year.

RESULT:	APPROVED [5 TO 2]
MOVER:	Karen Hohimer, Councilwoman
SECONDER:	Becky Cloyd, Councilwoman
AYES:	Hohimer, Cloyd, Orrick, Abel, Luft
NAYS:	Rick Hilst, Dave Nutter

8.4. Ordinance No. 2998-21/22 Amending the City Code Chapter 3 Article I Division 2 Section 3-1-2-2 Related to Fee Schedule for Solid Waste Collection Services

City Manager, Mr. Mark Rothert, requested that the City's bid for solid waste collection be treated as any other bid and asked Council for consideration of the fee structure.

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

8.5. Ordinance No. 2999-21/22 Amending the City Code to Create Chapter 5 Article IV Division 2 Subdivision 1 Section 5-4-2-1-8 to Require Sidewalk Construction Permits

The Council was advised that based their consensus during a past discussion item on the agenda brought forward by the City Engineer, the city code would need revised to require sidewalk permits for new construction and replacement of existing sidewalk within the City's right-of-way. The permit would be at no cost to the contractor or resident. The permit would allow for staff to oversee all sidewalk construction to ensure compliance with the Americans with Disabilities Act.

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

8.6. Ordinance No. 3000-21/22 Amending the Liquor Code to Create Chapter 5 Article II Section 5-2-25 to Allow Class A Licensed Establishments to Allow Carry Out or Delivery of Mixed Drinks, Cocktails, and Single Servings of Wine

City Manager, Mr. Mark Rothert, explained that cocktails to go was allowed at restaurants and bars during the pandemic and the ordinance brought forth was a permanent continuation of that.

Mayor Luft advised that a bill was passed on the house floor regarding the request in which he was a co-sponsor.

Councilmember Cloyd expressed some concern as to why during the last meeting the request to allow alcohol to be sold in fuel stations was denied but the current request to allow cocktails to go was on the agenda. She felt it was an oxymoron.

Police Chief John Dossey advised Council that there had been no adverse action to allowing cocktails to go or the sale of alcohol in gas stations. The numbers of any adverse effects have been lower nationally because of the use of technology.

Council continued the discussion stating that the ordinance was to help businesses and that adding alcohol to gas stations would create more entities that sell liquor and only wanted to help those that are current local businesses.

RESULT:	ADOPTED [5 TO 2]
MOVER:	Rick Hilst, Councilman
SECONDER:	Lloyd Orrick, Mayor Pro-Tem
AYES:	Hohimer, Nutter, Orrick, Abel, Luft
NAYS:	Rick Hilst, Becky Cloyd

8.7. Ordinance No. 3001-21/22 Amending the Zoning Code Chapter 2 Article VI Division 10 Section 2-6-10-1 to Combine Zoning Board of Appeals with Planning Commission into a Single Body

City Manager, Mr. Mark Rothert, informed Council that the Pekin Planning Commission had recommended an amendment of the zoning code to combine the functions of the Zoning Board of Appeals and the Planning Commission into a single body to be called the city of Pekin Zoning Board of Appeals to make it more efficient.

City Attorney, Ms. Kate Swise, advised that the Zoning Board of Appeals handled two primary functions: recommending an application for a variance to the Council and zoning determinations. All recommendations by the Zoning Board of Appeals would still be voted on by Council. Council discussed the number of appointed members and that current members on the committee will finish serving their term to allow for staggered terms.

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

8.8. Resolution No. 298-21/22 Annual Appointments

The Council was informed that the annual appointments were in the packet for consideration and review.

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

8.9. Discussion - Amendments to Ethics Ordinance and City Council Code of Conduct

Councilmember Cloyd led the discussion regarding amendments to the ethics ordinance and City Council code of conduct. Mr. Rothert gave the Council a historical context on the background of the ordinance to be repealed and replaced. The request would repeal the 2004 ordinance with an new ordinance that touches on political activity and gift bans. Additionally, the code of ethics adopted in 2011 needed revised with more substance. Council discussed creating an ethics commission for violations but the discussion led to having an ethics advisor. The item will be placed on the next agenda at the request of the Mayor and Council. City Attorney, Ms. Kate Swise, advised Council to review Section C regarding compliance and sanctions.

8.10. Resolution No. 294-21/22 Award 5th Street Mill & Overlay Project to UCM

City Engineer, Ms. Josie Esker, presented the request to Council to award the 5th Street mill and overlay project to UCM. The project was approved by Council in the 2021 Street Maintenance Plan. The company is located out of Tremont, Illinois and the bid total was 3% under the engineer's estimate.

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

CITY COUNCIL OR STAFF REPORTS

Councilmember Orrick requested an updated staff telephone pocket card for Council.

Councilmember Hohimer thanked the Conway family for donating an air conditioner to a resident that had their unit go out and thanked Pekin residents for helping facilitate.

Councilmember Abel acknowledged that the City did not have a full summer crew and yard crew but informed staff that the weeds on the island streets were knee high near 10th and Court and 13th and Broadway. Property Manager, Mr. Jayson Brien explained that he spoke with Golf Green and they did not realize they had a three year contract with the City. The weeds will be sprayed and removed.

Councilmember Hilst informed staff that the furniture store on Court Street had a couch and chair on the sidewalk in front of their building. Sunset Golf Course hosted Best Ball last weekend and presented a Community Hero award to John Campbell.

Councilmember Cloyd shared her Wastewater Treatment Plant tour experience and suggested everyone take a look at the video she created on her facebook page. Councilmember Cloyd added that the Wastewater Treatment Plant was also hiring for a 5th employee.

Mayor Luft announced that Bike Night and the Downtown Super Cruise will be next weekend on Court Street. Mayor Luft also asked that everyone think about utilizing wastewater bills as a way of providing communication to residents. Lastly, Mayor Luft reminded Council and residents that 80% of staff present at the meeting had only been here for five years or less.

City Manager, Mr. Mark Rothert, happily reported that the Discover Pekin's facebook page had 55,000 impressions on the Bike Night and Super Cruise posting with the Chamber's efforts.

EXECUTIVE SESSION 5 ILCS 120/2 (C) 1. PERSONNEL

A motion was made by Councilmember Nutter seconded by Councilmember Abel to move into Executive Session to discuss 5 ILCS 120/2 (c) 1. Personnel at 8:21 P.M. Motion carried viva voce. Mayor Luft announced that no action would be taken after Executive Session.

ADJOURN

The Council returned to open session and without further action to come, motion was made by Council Member Orrick, seconded by Council Member Hohimer to adjourn. Motion carried viva voce. Mayor Luft adjourned the meeting at 8:45 P.M.