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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 24, 2023 AT 5:30 O'CLOCK P.M.
MAYOR MARY BURRESS PRESIDING

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PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Council Member Hohimer.

CALL TO ORDER

City Clerk, Sue McMillan, called the roll and confirmed all Council Members were present except for Council Member Cloyd who was absent.

Attendee Name	Organization	Title	Status	Arrived
Rick Hilst	City of Pekin	Councilman	Present	5:39 PM
Karen Hohimer	City of Pekin	Councilwoman	Present	5:39 PM
Dave Nutter	City of Pekin	Councilman	Present	5:39 PM
Becky Cloyd	City of Pekin	Mayor Pro tem	Absent	5:39 PM
Mary Burress	City of Pekin	Mayor	Present	5:39 PM
Lloyd Orrick	City of Pekin	Council Member	Present	5:39 PM
John P Abel	City of Pekin	Councilman	Present	5:39 PM

APPROVE AGENDA

RESULT:	**APPROVED [UNANIMOUS]**
MOVER:	Lloyd Orrick, Council Member
SECONDER:	Karen Hohimer, Councilwoman
AYES:	Hilst, Hohimer, Nutter, Burress, Orrick, Abel
ABSENT:	Becky Cloyd

APPROVAL OF MINUTES

RESULT:	**APPROVED [UNANIMOUS]**
MOVER:	Lloyd Orrick, Council Member
SECONDER:	Karen Hohimer, Councilwoman
AYES:	Hilst, Hohimer, Nutter, Burress, Orrick, Abel
ABSENT:	Becky Cloyd

4.1. City Council - Regular Meeting - Jul 10, 2023 5:30 PM

PRESENTATION MOVED BEFORE PUBLIC INPUT

LAUTHERBACH & AMEN - FY20 AUDIT

Mayor Burress announced that the presentation by Lautherbach & Amen was moved to before public input. Mayor Burress announced that the representatives were attending via phone attendance.

Bob Grogran stated that the audit was available to the Council and introduced Courtney Moore from Lautherbach & Amen.

Courtney Moore stated that she was one of the audit consultants with Lautherbach & Amen and thanked Mr. Grogan and Mr. Beckham for their help. Ms. Moore explained the purpose of the audit and explained that their firm gave the City of Pekin a clean opinion for the FY20 audit, which is the highest opinion that can be given. Ms. Moore continued to explain the details of the audit results and referred to the Management Discussion and Analysis at the front of the report to explain all the details. Ms. Moore touched on comments related to the funds and deficit net position, negative cash position and interfund receivables payable. Ms. Moore alluded that the City had a negative ending net position for FY20. Ms. Moore suggested getting those negative positions corrected over the long term. Another recommendation give was to update the funds balance policy as it was outdated and only covered the general funds.

Council followed up with questions regarding budget amendments and the legal debt margin.

Mr. Grogan spoke on the city's progress with the audit and future audits.

PUBLIC INPUT

Jim Mangan spoke regarding the Open Meetings Act, Freedom of Information Act and the Attorney General's office.

Ann Witzig addressed the Council against Ordinance No. 4092-23/24 regarding public input time, the behavior of the Council and hiring of a City Manager. Ms. Witzig also requested that closed session be kept at the end of the meetings.

Elaine Ritchey spoke against Ordinance No. 4092-23/24 regarding public input time.

John McNish spoke regarding agenda item 7.5 on the Consent Agenda regarding the audit and encouraged the City to complete the audits and spoke regarding Ordinance 4092-23/24 public input time and requested that questions from the public be answered by the Council. Mr. McNish also spoke in favor of the Beautification Committee.

Jodie Baker spoke about the upcoming Veteran's parade in East Peoria encouraging Veteran's to attend. Ms. Baker also spoke about the Veteran of the Year , Steven Saal. Ms. Baker applauded Council for getting along and encouraged the public audience to be respectful.

CONSENT AGENDA

RESULT:	**APPROVED [UNANIMOUS]**
MOVER:	Lloyd Orrick, Council Member
SECONDER:	Karen Hohimer, Councilwoman
AYES:	Hilst, Hohimer, Nutter, Burress, Orrick, Abel
ABSENT:	Becky Cloyd

7.1. Accounts Payable To Be Paid Proof List thru June 23, 2023

7.2. Receive and File Bus Department DigiTalk Radio System Request for Proposal

7.3. Receive and File Derby Street Project Loan Bid

7.4. Pekin Public Library Annual Report 2023

7.5. Lauterbach & Amen City of Pekin Audits For the Year Ended April 30, 2020

7.6. Ordinance No. 4083-23/24 Site Plan Approval at 2990 Court St. (Case SPR 2023-02)

7.7. Ordinance No. 4084-23/24 Special Use Request at 2990 Court St. (Case SU 2023-02)

7.8. Ordinance No. 4085-23/24 Variance Request at 2990 Court St. (Case V 2023-11)

7.9. Ordinance No. 4086-23/24 Variance Request at 1405 Henry St. (Case V 2023-10)

7.10. Ordinance No. 4087-23/24 Variance Request at 229 Koch Street (Case V 2023-08)

7.11. Ordinance No. 4088-23/24 Variance Request at 1903 Alameda Drive (Case V 2023-07)

7.12. Ordinance No. 4089-23/24 Variance Request at 1915 1/2 Willow St. (Case V 2023-09)

NEW BUSINESS

8.1. Resolution No. 33-23/24 2022 CDBG Consolidated Annual Performance Evaluation Report (CAPER)

Interim City Manager and Police Chief John Dossey presented the agenda item to Council to approve the resolution and CDBG Consolidated Annual Performance Evaluation Report.

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Karen Hohimer, Dave Nutter
SECONDER:	Lloyd Orrick, Council Member
AYES:	Hilst, Hohimer, Nutter, Burress, Orrick, Abel
ABSENT:	Becky Cloyd

8.2. Resolution No. 34- 23/24 Grant Public Works Director Signature Authority for IDOT Documents

Ms. Josie Esker

Councilmember Hilst questioned whether the Mayor was allowed to sign documents.
Ms. Esker explained that the Mayor does sign all contracts but these are related to IDOT documents.

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

8.3. Ordinance No. 4090-23/24 First Amendment to the FY24 Operating and Capital Budget

Mr. Bob Grogan explained that a couple meetings ago Council passed additional spending out of Court Street TIF. Mr. Grogan advised because it was close to half a million dollars in extra revenue and Council had approved TIF programs that exceeded the City's expectations on what to spend for development payments, it was necessary to amend the budget. In discussing this with the TIF attorney, it was noticed that the budget had not included payments to the school districts in the initial budget. Mr. Grogan explained that the amendment included a line item to include the $97,000 and updated the revenue numbers.

Councilmember Hilst questioned if the amendment would create a deficit in this years' budget. Mr. Grogan explained that the budget was already passed with a deficit and the amendment would increase the spending over revenue estimated by $28,000 due to a large extent the oversight of the $97,000 payment to the schools.

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

8.4. Ordinance No. 4091-23/24 Final Plat Approval for Brotherton Purchase Agreement

Chief Building Official, Mr. Nic Maquet, presented the agenda item to approve the final plat for the Brotherton purchase. The agenda item went before the Zoning Board of Appeals and it was recommended to approve.

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

8.5. Resolution No. 35-23/24 Award Request for Proposal on Derby Street Upgrade Loan to Morton Community Bank

Interim City Manager and Police Chief John Dossey presented the resolution to Council to award the Derby Street Project loan to Morton Community Bank. Chief Dossey explained that the Council passed Resolution No. 1-23/24 awarding the Derby Street rehabilitation to Otto Baum with construction costing $7.9M in which $2M will be reimbursed by American Water. The City's remaining construction costs was approximately $5.9M. In order to pay for the rehabilitation Council action was necessary to accept the proposal from Morton Community Bank for a term of $5.5M at a fixed rate of 5.2% over 20 years. Morton Community Bank was the sole bidder.

City Attorney, Ms. Kate Swise, explained that the ordinance designated the loan as a qualified tax-exempt obligation. The city was limited to how many tax-exempt obligations it can receive each year but was confirmed with Mr. Grogan that the city was under the cap.

Councilmember Orrick stated that he would not support the loan as it obligated the next many years of Council to approve to pay each budget year.

Mr. Grogan explained that there was no prepayment penalty and could be refinanced when interest rates lower. Mr. Grogan personally called every local bank with the exception of those banks in grocery stores. Morton Community Bank requested that the City keep their deposits there as a condition of the loan.

Councilmember Nutter questioned the list of additional fees under expenses.

Mr. Grogan explained that the fees should amount to around $500.

Councilmember also questioned the requirement of the timeline on the FY21 and FY22 audits. Mr. Grogan explained that the city provided a timeline for FY21, Fy22 and Fy23 audits.

Councilmember Hilst questioned the difference in the loan amount and the City's obligation. Mr. Grogan explained it was understood that the difference was budgeted through the BDD fund.

RESULT:	**APPROVED [5 TO 1]**
MOVER:	Rick Hilst, Councilman
SECONDER:	Karen Hohimer, Councilwoman
AYES:	Hilst, Hohimer, Nutter, Burress, Abel
NAYS:	Lloyd Orrick
ABSENT:	Becky Cloyd

8.6. Resolution No. 36-23/24 Award Bus Department DigiTalk Radio System to Radilink, Inc.

Interim City Manager and Police Chief John Dossey presented the agenda item to Council for the purchase of radios for the Bus Department. Chief Dossey explained that the radios the bus department currently has are obsolete and unreliable creating hazardous driving conditions. One vendor responded to the Request for Proposal and requesting purchase. The radios were not part of any of the bus contracts.

Ms. Courtney Saskia took questions from Council explaining the functions of the radios and the current radios are cell phones and not meant to be a proper bus radio.

Councilmember Hilst stated that the radios should be included in the bus contracts with the school districts and not at the expense of the taxpayers.

Council continued the discussion regarding the current radio functions and age.

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

8.7. Resolution No. 37-23/24 Authorize Purchase of Rifles for Police Department from Rock River Arms

Interim City Manager and Police Chief John Dossey presented the agenda item to Council to approve the purchase of 15 rifles from Rock River Arms Inc explaining that the current rifles housed by the police department were antiquated and out of date.

Councilmember Orrick questioned how the old rifles would be disposed. Chief Dossey explained that they would be sent back to the State.

Chief Dossey explained to the Council's that the rifles are assigned to each individual officer.

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

8.8. Resolution No. 38-23/24 Approve Agreement with Park District for Purchase of Property

City Engineer, Ms. Josie Esker, presented the request to Council to pass a resolution approving an agreement with the Park District for the purchase of property along Court Street for the Court Street Rehabilitation Project. Ms. Esker explained that the Council previously approved the purchase of the property at Mineral Springs Park. The agreement before the Council better defined the costs associated with the property transfer and it also stated that the City would pay to the Park District the cost of two trees for every tree on or near the property removed and pay the sum of $1,610 for replacement of the Mineral Springs Park sign and the sum of $46,000 for replacement of the marquee sign as all costs were directly related to the City's project.

Councilmember Hilst questioned the cost of the tree removal. Ms. Esker explained that it was typical to see a 2 to 1 ratio with park districts, school or government agencies. The Park District would be planting the trees and choosing the locations. The Park District has already sent some preliminary plans with costs.

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

8.9. Resolution No. 39-23/24 Professional Services Agreement with SAFEbuilt Illinois, LLC

Interim City Manager and Police Chief explained the agenda item to Council stating that the inspections department was in the process of hiring their own permit technician and found it reasonable to change the agreement with SafeBuilt and focus more on the use of their community core software and use their permit technician on an as needed basis. The software would accommodate up to 10 users and would safe the city money.

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

8.10. Ordinance No. 4092-23/24 Amending Chapter 2, Article II, Division II, Section 1-3 of the City Code Regarding Time for Public Comment

City Attorney, Ms. Kate Swise, explained that the ordinance was to bring in line what other municipalities had adapted to regarding public input times to increase the efficiency of meetings. Ms. Kate stated that most public bodies allow 5 minutes of public input time for its citizens.

Councilmember Orrick stated that he was voted in by the public and would not be supporting the agenda item.

Councilmember Nutter stated that the average citizens of Pekin speak was 5 minutes and cutting the reading for each agenda item has helped the efficiency of its meetings and therefore it should be left at 10 minutes.

Mayor Burress stated that the public should be able to get their point across during public input within 5 minutes. Other public bodies do not allow 10 minutes per person for public input time and felt that there should be a council retreat to help make meetings more efficient. Mayor Burress also suggested that presentations should be limited to 20 minutes.

Councilmember Hohimer spoke in favor of the agenda item and felt 5 minutes was efficient time.

Council continued the discussion regarding press time, public input at the beginning and end of a meeting and the cost of the attorney.

RESULT:	**FAILED [3 TO 3]**
MOVER:	John P Abel, Councilman
SECONDER:	Karen Hohimer, Councilwoman
AYES:	Karen Hohimer, Mary Burress, John P Abel
NAYS:	Rick Hilst, Dave Nutter, Lloyd Orrick
ABSENT:	Becky Cloyd

8.11. Ordinance No. 4093-23/24 Amending Chapter 2, Article VI, and Article VIII of the City Code Regarding Investigation of Ethics Violations

City Attorney, Ms. Kate Swise, explained that the directive to staff by the Council was to eliminate the Ethics Commission and change the way ethic complaints were handled. Ms. Swise stated that proposed ordinance eliminates the ethics commission and the ethics advisor. The ordinance sets up a process of an independent investigation of complaints by the City's hearing officer, following by recommendation of the Council action if any that would need to be taken. The proposal also allows for sanctions and penalties listed in the code of ethics and code of conduct for council members and committee or commission members. It would also allow for the Council to hand over to the City Attorney any complaints for prosecution to seek fines or monetary penalties. Ms. Swise presented a couple of options that included referring the matter to adjudication process and hiring a special hearing officer for those cases as it would not be appropriate for the adjudication hearing officer that conducts the investigation to rule on any such penalty. Ms. Swise added that the way the proposed ordinance was drafted was to process ordinance violations the way the city used to before adjudication but felt a full hearing would need to be conducted before any fine could be imposed.

Council discussed how an attorney could not represent a member during the investigation but could be represented during a hearing and court procedures.

Council Member Hilst questioned what would happen if the proposed ordinance did not pass. Ms. Swise stated it would fall back to the current ordinance to the Ethics Commission.

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

8.12. Resolution No. 40-23/24 Lease Agreement with Enterprise Leasing for Inspection Department

Interim City Manager and Police Chief John Dossey presented the lease agreement with Enterprise Leasing for the inspection department to lease two pickup trucks. The Chief Building Official was currently driving a vehicle on its last leg. The agreement was approved in the last budget for purchase in the amount of $84,000, but was able to lease the vehicles for approximately $25,000 for the remainder of the fiscal year.

Council Member Nutter discussed the treatment of leases in the audit with Mr. Grogan. Mr. Grogan explained that in the management letter the auditors talk about leases. In the 2023 audit there is a new treatment of leases and now putting them on the balance sheet as opposed to the debt schedule.

Council Member Hilst questioned whether it was better to purchase the vehicles and questioned the details of the warranty.

Chief Dossey explained that leasing vehicles cuts down on the cost of repairs that would possibly exceed the cost of the lease. When the vehicle is ready to sell the City gets credit back to lease another vehicle.

RESULT:	**APPROVED [UNANIMOUS]**
MOVER:	Karen Hohimer, Councilwoman
SECONDER:	Dave Nutter, Councilman
AYES:	Hilst, Hohimer, Nutter, Burress, Orrick, Abel
ABSENT:	Becky Cloyd

ANY OTHER BUSINESS TO COME BEFORE THE COUNCIL

Police Chief John Dossey extended condolences to the family of Mark Williams, a retired Pekin Police Officer, who passed away a week ago last Sunday. He served the City of Pekin for 27 years.

Council Member Hilst questioned the details of the Derby Street Project being qualified as a tax-exempt obligation.

City Attorney, Ms. Kate Swise, explained that under the IRS rules, the City could designate up to $10M in bonds and obligations as a qualified tax-exempt obligation. Once the cap is reached, the obligations designated in that year, effects the ability for the city to borrow.

Mr. Grogan explained that a if it is a tax-exempt loan, no income tax would be paid on revenue from interest.

Council Member Abel announced the presence of Harlon Shields and stated that he was requesting a small sign designating Carol A. Shields in the area of Carle Health East by Veteran’s Drive.

Mayor Burress stated that she had spoken with Ms. Esker and Mr. Maquet.

Ms. Esker stated that she had spoken to Mr. Shields about the size of the sign.

Mr. Shields stated that he would pay for the sign and put it in the ground.

Council Member Abel also stated he spoke to a Solid Waste worker that stated the recycling goes where it is supposed to and not to the landfill.

Council Member Hohimer stated that she saw a post of boarded up houses on social media and thought it would be a great idea.

Councilmember Nutter stated that Coach Doug Nutter and the football team helped pick up downtown Pekin. He also stated that the Bike and Car show was this weekend.

Council Member Orrick motioned to do a proclamation to appreciate Steve Saal and that he had heard Chicago was bussing homeless to the area.

Council Member Hohimer stated that her son used to go to Steve Saal's pantry when in need and very much appreciated his contributions to the community.

Mayor Burress thanked the finance department for getting the audits caught up and thanked Ms. Esker for the construction on Court Street.

EXECUTIVE SESSION 5 ILCS 120/2 (C)

ADJOURN

There being no further business to come to the Council, a motion was made by Council Member Nutter seconded by Council Member Hohimer to adjourn the meeting. Motion carried viva voice vote. Mayor Burress adjourned the meeting at 8:08 PM.