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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 8, 2019 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 Mayor Mark Luft.

The Clerk confirmed all Council Members were present. A quorum was declared by Mayor Luft.

Attendee Name	Title	Status	Arrived
Michael Garrison	Councilman	Present	5:17 PM
Rick Hilst	Councilman	Present	5:12 PM
Karen Hohimer	Councilwoman	Present	5:31 PM
Dave Nutter	Councilman	Present	5:30 PM
Lloyd Orrick	Mayor Pro-Tem	Present	5:11 PM
John P Abel	Councilman	Present	5:11 PM
Mark Luft	Mayor	Present	5:34 PM

APPROVE AGENDA

3.1. Motion to: **Motion to Amend Agenda Switching Item 8.1 and 8.2 and to Approve the Agenda as Amended**

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

APPROVAL OF MINUTES

4.1. City Council - Regular Meeting - Jun 24, 2019 5:30 PM

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

PUBLIC INPUT

Bill Fleming, a member of the Parish Council, Devin Birch of Asten Engineering, and Mary Ann Landendorf spoke in favor of agenda items 8.1 regarding the approval of a petition of vacation of the St. Joseph Place right-of-way and 8.2, the addition to St. Joseph Catholic Church.

Bruce McCoy, Susan McCabe, Rebecca McAroy, Charity Gullett, Bonnie Dancey, Christine Christensen, Lou Miller, and Connie Everson spoke against items 8.1 and 8.2.

Mayor Luft stated that agenda item 8.2 would be a moot point if the vacation did not get approved. Mayor Luft suggested that the neighborhood find fair ground with the Parish. Council Members continued with a lengthy discussion regarding the neighborhood issues that included property value, storm water issues, cost, timeframe and offered different scenarios to the Parish that could help reach a compromise.

Bill Fleming, member of the Parish Council, explained to Council that the parish has not yet begun fundraising efforts and that the City would maintain ownership of the property until construction begins, up to 5 years.

Mayor Luft urged the neighborhood and the Parish to go back and resolve the underlying issues.

CONSENT AGENDA

6.1. Accounts Payable Bill Run through 06/28/2019

6.2. Pekin Public Library Annual Report 2019

6.3. Financial Reports April 2019

6.4. Front Street Improvement Project

6.5. Bids for the Jane Street Sewer Improvements

6.6. Vista Grande Storm Water Improvement Project Bids

6.7. Motion to: **Motion to Approve Consent Agenda**

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

OLD BUSINESS

1782 : Annual Chamber Dues - Tabled 06/24/2019

7.1. Motion to: **Motion to Return to the Table Pekin Area Chamber of Commerce Dues**

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

7.2. Motion to: **Motion to Amend the Agreement to Fund Annual Pekin Area Chamber of Commerce Dues in an amount not to exceed $14,000 to $7,500**

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

7.3. Motion to: **Motion to Approve the Agreement as Amended to fund the Annual Pekin Area Chamber of Commerce Dues in an amount not to exceed $7,500**
City Manager, Mr. Mark Rothert introduced the item to approve an agreement to fund the annual Pekin Area Chamber of Commerce Dues in an amount not to exceed $7,500. Mr. Rothert explained that provided in the packet to Council is a memo brief describing the various benefits, services and events provided by the Chamber, including the Leadership Academy that sponsors two staff members each year.

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

NEW BUSINESS

8.1. Recommendation from the Pekin Plan Commission to City Council to Approve a Petition of Vacation of the St. Joseph Place Right-of-Way

The new 8.1 is in relation to the vacation of the alleyway property.

Director, John Lebegue, summarized the consideration of the vacation. The church wishes to connect the new addition to the existing church. In order to do so the vacation is required to provide a corridor connecting the two structures. Mr. Lebegue explained the Pekin Plan Commission considered the request and the neighborhood concerns with regards to traffic, parking and the impact property values. The Pekin Planning Commission felt it would be in the best interest to approve the vacation.

Mr. Rothert added that if the vacation request fails, 8.2 would be a moot point.

Mayor Luft stated that he had 62 people contact him to address the situation and help the neighborhood, but only had 4 people from the church contact him. Mayor Luft expressed that a resolution could be agreed upon by all parties involved. Council Member Garrison concurred.

Council Members continued discussion with the neighborhood and Church about possible solutions. Questions were raised regarding the detention pond, pipe and rainwater off the roof.

Bill Fleming added that if construction did not start within 5 years the street would then go back to the City.

No motion was heard on the Special Use recommendation by the Pekin Planning Commission to approve the request for the construction of an addition onto the South side of the existing St. Joseph Catholic Church at 303 S. 7th Street.

RESULT:	**FAILED [2 TO 5]**
MOVER:	Lloyd Orrick, Mayor Pro-Tem
SECONDER:	John P Abel, Councilman
AYES:	Lloyd Orrick, John P Abel
NAYS:	Garrison, Hilst, Hohimer, Nutter, Luft

8.2. Jane Street Storm Sewer Improvements

City Manager, Mr. Mark Rothert introduced the agenda item. He explained that this project is to reduce the flooding on Jane Street. The City received three bids with Stark Excavating being the lowest bidder. The project will relocate the drainage from four catch basins from the combination sewer at Jane Street at connect them to the storm sewer along Jane Street. Mr. Rothert added that the dicussion on CSO sewer is timely. Three new manholes will also be installed to make the connection to the storm sewer.

City Engineer, Mr. Michael Guerra, added that Jane Street is one of the projects prioritized by the Storm Water Committee. Mr. Guerra explained that Jane Street is still a low location compared with the river so a couple of safety features were put in and a valve will be added to have the ability to shut off if the Illinois River is running backflow. This project should greatly reduce the amount of flooding in the area.

Council Member Orrick commented that the City was the only solution for the residents in this area.

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

8.3. Vista Grande Storm Water Improvement Project

City Manager, Mr. Mark Rothert introduced the agenda item. City Engineer, Michael Guerra, presented the item for the Vista Grande storm water improvements. Mr. Guerra explained that the bids received were $150,000 higher than what was estimated. The City does not have a budget forecasted for this item. Mr. Guerra reached out to the lowest bidder to provide clarification in terms of the engineers estimates and their consultants. Issues include the timing of this project, temporary easements and the cost of pipe. The recommendation is to reject all bids and to bring back to the Storm Water Committee to review in hopes of getting a more favorable bid.

Council Member Nutter questioned Matt Culp from Midwest Engineering regarding the cost estimate of each pipe and how the dollar amounts were so far off.

Mr. Culp explained that the forecast was not what they estimated, the inflation price of the pipe doubled in the last two years.

Council continued the discussion with regards to the type of soil, easement considerations, delaying the project, and reducing the trucking cost.

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

Motion to: **Motion to Authorize a vehicle purchase for the Police Department Investigations Unit not to exceed $20,000**

City Manager, Mr. Mark Rothert introduced the item to authorize a vehicle purchase for the Police Department Investigations Unit. In May, Council approved a vehicle purchase using the City's Iron Eagle Forfeiture Fund. The request is a follow-up request using additional Iron Eagle Forfeiture Funds. Police Chief John Dossey added that a vehicle was located at Lighthouse in Morton with a warranty and low miles. The vehicle was inspected by Fleet Manager Mr. Dan Jost. The offer was lower than the NADA value. The purchase price was $17,984 and NADA's appraisal was $21,675 for fair market value.

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

8.4. Police Department Investigations Vehicle Purchase

8.5. Annual Agreement Between City of Pekin and Pekin Community High School for School Resource Officer

City Manager, Mr. Mark Rothert, introduced the agenda item to approve the agreement between the City of Pekin and Pekin Community High School for a School Resource Officer. This agreement would allow the City to place a Police Officer on-site at the school. The school has agreed to pay 50% of the cost of the officer including their benefits. Staff recommends approval.

Council Member Orrick inquired what the officer does during school breaks.

Chief Dossey explained he comes back to the special services unit and work on minor case load or pick up slack where needed. He receives all police officer benefits.

Mr. Rothert added that the officer's days in the contract are for approximately 176 days and 50% of that time is what gets reimbursed. That amount equated to approximately $67,000 last year. This item is a revenue for the City and an expense budgeted in personnel costs. Mr. Rothert also explained that the City is currently in police negotiations, so the exact number to be reimbursed cannot be determined yet.

RESULT:	**APPROVED [UNANIMOUS]**
MOVER:	Lloyd Orrick, Mayor Pro-Tem
SECONDER:	Michael Garrison, Councilman
AYES:	Garrison, Hilst, Hohimer, Nutter, Orrick, Abel, Luft

8.6. Ordinance Amending City Code Regarding Bodyworks Establishments

City Manager, Mr. Mark Rothert introduced the item to adopt an ordinance amending Title 3 of the City Code regarding bodyworks establishments. Mr. Rothert explained that this ordinance provides for minor technical changes such as the fiscal year and other Scribner's errors.

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

8.7. Sale of Tobacco Products to Persons Under 21

City Attorney, Katherine Swise, presented the agenda item to adopt an ordinance amending Title 3, Chapter 2 of the City Code regarding sale and possession of tobacco products to persons under 21. Ms. Swise explained that this is an update to the code to be consistent with the State law that was passed and went into effect July 1. The changes include raising the tobacco age to persons selling to those under 21 . The State law removed possession as an offense and focuses on the establishments that sell and provide tobacco products to minors. The ordinance updates the City Code in that it will no longer be unlawful to use or possess tobacco under the age of 21. This includes electronic smoking devices and alternative nicotine sources. Ms. Swise added that the ordinance also prohibits the use of electronic spoking devices any place where smoking would be prohibited under the smoke free Illinois Act.

Mayor Luft inquired as to the backlash of not passing the ordinance. Ms. Swise explained that there is no statutory backlash but the local police would not be able to issue a local city citation. This allows the fines and fees to be distributed locally.

Council Member Hilst asked Ms. Swise to clarify the ordinance regarding selling and possessing.

Ms. Swise explained that under Tobacco 21 the State has shifted the law from penalizing minors from having or using tobacco products to shifting the focus to penalizing those that are providing it to minors.

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

8.8. Illinois Solar For All Program Application

City Manager, Mr. Mark Rothert, introduced the request to approve the resolution authorizing and directing the City Manager to proceed with making application to the Illinois Solar for All Program and to self-designate the census tract where the City's solar project is located as an Environmental Justice Community at the Pekin Airport. This is the next step to be progressive and self-designate the Pekin Municipal Airport as a EJC community. Pekin's project was not successful in the first round of the lottery that was held by the Illinois Power Agency which oversees the program to issue the solar energy credits. The next phase in pursuing these credits is through the Illinois Solar for All Program to serve low income households and communities throughout the State to fund new solar generated systems. The systems will benefit qualifying households, nonprofits and public agencies and facilities. The City is hoping to make the second application. Solely for the purpose of the incentive program. This does not bind us to an obligation for environmental issues.

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

8.9. 2020 - 2023 Budget Year Triennial Microsoft EA Agreement

City Manager, Mr. Mark Rothert, introduced the agenda item to approve the Third Triennial Microsoft Enterprise Software Agreement. This agreement allows users to use all Microsoft software products.

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

ANY OTHER BUSINESS TO COME BEFORE THE COUNCIL

John McNish thanked Council regarding the vote on St. Joe's Place. Mr. McNish referenced the City's booklet on Boards and Commissions and vacant or expired spots.

Council Member Abel stated that he feels there is a lot of vacant lots due to dilapidated or demolished property. The word needs to be spread they are available for development.

Finance Director, Mr. Bruce Marston gave an update on the financial reports in the Council packet. He explained the surplus of revenue over $600,000. The Enterprise fund experienced a surplus in revenue over $2M.

City Manager Mr. Mark Rothert asked Council to give direction on what the policy is when there is a surplus of revenue.

Mr. Marston updated Council on the audit for Council Member Nutter. Mr. Marston gave a summary of the process.

Council member Hilst asked that a travel policy be implemented to the City Manager. Council Member Hilst expressed that he would like a policy in place for the duties for Human Resources Director for advertising City employee positions. Council Member Hilst also stated that the Consent Agenda item regarding accounts payable and financial reports, displayed expenses that are being spent that have money or no money in that line item which he believes is not following the Procurement Policy.

In support of Council Member Hilst, Council Member Orrick stated that Council had asked a travel policy be implemented in the past.

Mayor recognized a former City employer Etta Martis who passed away.

EXECUTIVE SESSION 5 ILCS 120/2 (C)

ADJOURN

A motion was made by Council Member Orrick to adjourn seconded by Council Member Abel. There being no further action to come before Council, Mayor Luft adjourned the meeting at 8:25 PM.