



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 JUNE 12, 2023 AT 5:30 O'CLOCK P.M.
MAYOR MARY BURRESS PRESIDING

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Councilmember Hohimer.

CALL TO ORDER

City Clerk, Ms. Sue McMillan, called the roll and confirmed all Councilmembers were present.

Attendee Name	Organization	Title	Status	Arrived
Rick Hilst	City of Pekin	Councilman	Present	5:11 PM
Karen Hohimer	City of Pekin	Councilwoman	Present	5:11 PM
Dave Nutter	City of Pekin	Councilman	Present	5:10 PM
Becky Cloyd	City of Pekin	Mayor Pro tem	Present	5:15 PM
Mary Burress	City of Pekin	Mayor	Present	5:11 PM
Lloyd Orrick	City of Pekin	Council Member	Present	5:10 PM
John P Abel	City of Pekin	Councilman	Present	5:11 PM

APPROVE AGENDA

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Dave Nutter, Councilman
SECONDER:	Lloyd Orrick, Council Member
AYES:	Hilst, Hohimer, Nutter, Cloyd, Burress, Orrick, Abel

APPROVAL OF MINUTES

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Dave Nutter, Councilman
SECONDER:	Lloyd Orrick, Council Member
AYES:	Hilst, Hohimer, Nutter, Cloyd, Burress, Orrick, Abel

4.1. City Council - Regular Meeting - May 22, 2023 5:30 PM

4.2. City Council - Special Meeting - Jun 5, 2023 4:00 PM

PUBLIC INPUT

Police Chief John Dossey, introduced the new K-9 Officer, Draco, and his handler Nick Appell. Draco's certifications include tracking and drug detection. Chief Dossey described Draco as a friendly community dog as well.

Mayor Burress presented the proclamation of Juneteenth Freedom Day and Juneteenth Community Celebration Day to Tazewell County Clerk, John C. Ackerman, Carl Adams, Jared Olar, Heather Robertson and Amy McCoy.

Tazewell County Clerk, John C. Ackerman, informed the community of the massive celebration this Friday and Saturday around Nance Legins-Costley and William Costley as recognized in 1841 as the first emancipated slaves. Mr. Ackerman continued telling their story.

Carl Adams, primary historian for National Juneteenth, presented Mayor Burress with a Juneteenth Flag and stated that the other flag in his possession would be flown over the White House next Monday.

Jared Olar also spoke regarding Juneteenth and clarified that he was only a librarian and not a historian.

Heather Robertson spoke to Council regarding the events of the Saturday Juneteenth celebration.

Mayor Burress declared June 19, 2023 Juneteenth Day and that the City of Pekin would observe that day. Mayor Burress read the end of the proclamation.

Jim Mangan spoke regarding the City Attorney opinions and spoke about the ethics and code of conduct.

Amy McCoy supported agenda item 9.2 supporting the Pekin Farmers Market and upcoming street party events with the Downtown Concert Series kicking off this Saturday.

John McNish spoke regarding the City's fees and costs and felt that they were too high. Mr. McNish also spoke against Mayor's Appointment of Mayor Pro Tem to Karen Hohimer.

Deborah Montgomery stated that she had come to resign as chair of the Historic Preservation Commission and that she felt she had failed at saving Pekin's historic buildings. She ultimately decided not to resign and to continue fighting.

Heather Robertson, Executive Director of United Way of Pekin, acknowledged the loss of police officer Daniel Graber and questioned Council as to why some did not attend the visitation.

Marylin Orrick, stated that she was offended by Heather Robertson's statements of blame.

Ryder Robertson, also spoke defending his mother, Heather Robertson, stating that he was a witness of the lack of Councilmembers that attended the services.

CONSENT AGENDA

Councilmember Hilst requested to move Agenda Item 6.5 Resolution No. 16-23/24 Mayor's Appointment of Council Member Karen Hohimer as Mayor Pro Tem and Council Member John Abel as 1st Alternate Mayor Pro Tem to New Business item 9.11.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Becky Cloyd, Mayor Pro tem
SECONDER:	Lloyd Orrick, Council Member
AYES:	Hilst, Hohimer, Nutter, Cloyd, Burress, Orrick, Abel

6.1. Accounts Payable To Be Paid Proof List thru May 12, 2023

6.2. Financial Reports March 2023

6.3. Pekin Fire Department Monthly Incidents May 2023

6.4. Tazewell County Animal Control Billing May 2023 thru August 2023

- 6.6. Resolution No. 17-23/24 Mayor's Appointment of Sergeant Adam Smith as Deputy Liquor Commissioner**
- 6.7. Resolution No. 18-23/24 Appointment of Authorized IMRF Agent**
- 6.8. Mayor's Proclamation of Juneteenth Freedom Day and Juneteenth Community Celebration Day**
- 6.9. Resolution No. 19-23/24 Recognition of the National Historic Importance and Legacy of Nance Legins-Costley and William Costley**

DISCUSSION

RESOLUTION NO. 580-22/23 UPDATE CITY CODE OF ETHICS & CONDUCT

City Attorney, Ms. Kate Swise, informed Council that the discussion of City Code of Ethics and Conduct was placed on the agenda at the May 22, 2023 meeting to dissolve the Ethics Commission. That vote had failed and it was requested by Council to have a discussion. Ms. Swise informed the Council that staff had no guidance on how to proceed.

Councilmember Cloyd stated that the code of ethics had been abused and was not used for what it was intended. The discussion at that meeting was to dissolve the commission and make it strictly a code of ethics regulating the Council. Councilmember Cloyd continued stating that it was not something that could be implemented without requirements and training. The Council voted down the continuation of the Ethics Commission 4-3.

Councilmember Nutter questioned Ms. Swise as to what the Council could have done better to equip the Commission. Ms. Swise stated that the commission had adopted rules of procedure but the first step would be to speak to the Commissioners and the Ethics Advisor.

Councilmember Hohimer questioned whether the ordinance was intended for Council or community members. Ms. Swise stated that the original ordinance did allow for anyone to file a complaint but did not know it was to be anticipated as the rule and not the exception.

Mayor Burress suggested training the commissioners utilizing mock trials and complaints could be helpful. Mayor Burress spoke in favor of the commission.

Councilmember Cloyd requested that the discussion continue at the first meeting in July after the Mayor reaches out to other municipalities.

Councilmember Nutter offered to reach out to the Commissioners for insight and would commit to continuing the discussion the first meeting in July.

UNFINISHED BUSINESS

8.1. Ordinance No. 4069-23/24 Approve Purchase of Property at 1901 Court Street

Interim City Manager, Police Chief John Dossey, presented the agenda item to approve and adopt an ordinance approving the purchase of property at 1901 Court Street at Mineral Spring Motel. The city needed a strip of land along Court Street in order to construct wider sidewalks along the corridor. The value of the land and the City's offer was \$11,700 with a firm counter offer of \$20,000. The land purchase exceeded the spending authority of the City Engineer as it was significantly over the appraised value. The agenda item was tabled at the June 5, 2023 Council meeting and was questioned by the Council if the business had received any TIF Funding. Chief Dossey confirmed that Mineral Springs had not received any TIF Funding and that they were holding firm at their counter offer of \$20,000.

Councilmember Cloyd spoke against the agenda item stating that it was not a good precedent to set.

City Engineer, Ms. Josie Esker, stated that she attempted negotiations with the owner and presented her with TIF money but continued to be firm and was fine with obtaining an attorney if need be. Ms. Esker explained that the item and the next two were the last land acquisitions needed to start the project and normally the last ones are always the highest priced. Ms. Esker continued explaining that IDOT's deadline was June 22nd to be put on the August 4th letting to begin in September.

Council continued the discussion regarding the delay of the project if the offer was not accepted and needed to proceed with imminent domain, the cost of attorney's fees and possible litigation.

Councilmember Orrick stated he would not be supporting the agenda item.

RESULT:	ADOPTED [4 TO 3]
MOVER:	Rick Hilst, Councilman
SECONDER:	John P Abel, Councilman
AYES:	Karen Hohimer, Dave Nutter, Mary Burress, John P Abel
NAYS:	Rick Hilst, Becky Cloyd, Lloyd Orrick

NEW BUSINESS

9.1. Ordinance No. 4070-23/24 Naming the Pocket Park Located within the 400 Block of Court Street "Legins-Costley Park"

Mayor Burress expressed her appreciation to Tazewell County Clerk John C. Ackerman, Jared Olar, Amy McCoy and everyone involved in the naming and dedication of Legins-Costley Park.

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

9.2. Resolution No. 20-23/24 Support for 2023 Pekin Farmers Market

Interim City Manager, Police Chief John Dossey, presented the agenda item to Council to approve and adopt a resolution supporting the Pekin Farmers Market in the amount of \$10,000 dedicated for a professional marketing campaign. The Pekin Park District Miller Center, Tazewell County Resource Center, Pekin Area Chamber of Commerce and Tazewell County Health Department joined together in 2021 to establish the Farmer's Market at the Miller Center parking lot in which the market enjoyed a great first season lasting 22 weeks. The Farmer's Market will be open from May to September on Thursday's from 3:30 to 6:30 pm.

Alisha Dault, Miller Center Administrator, updated Council on the success of the market and the business support. They had received eight \$1,000 sponsorships and TCRC and the Health Department would be joining in July.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Rick Hilst, Councilman
SECONDER:	Lloyd Orrick, Council Member
AYES:	Hilst, Hohimer, Nutter, Cloyd, Burress, Orrick, Abel

9.3. Ordinance No. 4071-23/24 Amending Chapter 6, Article XI of the City Code Establishing Closing Hours for City Parks

Interim City Manager, Police Chief John Dossey, presented the request to Council to approve and adopt an ordinance amending the City Code establishing closing hours for Legins-Costley Park and other parks owned by the City. The proposed amendment would close parks between 10pm and 5am or as otherwise posted. Exceptions would be made pursuant to any Special Event Permits issued.

City Attorney, Ms. Kate Swise, explained that the ordinance would add to Chapter 6 regarding Offenses and made it a violation after 10pm and before 5am. A Notice to Appear would be issued with a fine of up to \$750.

Council discussed the minimum cost of the ticket to be anywhere from \$25 to \$75 plus court costs.

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

9.4. Resolution No. 21-23/24 Approve Relocation of Signs Costs for Court Street Rehabilitation Project

Interim City Manager, Police Chief John Dossey, presented the request to Council to approve and adopt a resolution approving the relocation of signs for the Court Street Rehabilitation Project. The signs would be moved off of the proposed Right-of-Way that had been recently purchased by the City. All signs would be included between 14th Street and Valle Vista with the exception of Sangalli's, Pekin High School and Pekin Park District where the City would pay the owners directly to relocate the signs. Schwartz Electric was the lowest estimate.

Council discussed with the City Attorney how the home rule powers allow the City to set forth procedures that are more restrictive than State Statute but how the City could not be less restrictive.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Lloyd Orrick, Council Member
SECONDER:	John P Abel, Councilman
AYES:	Hilst, Hohimer, Nutter, Cloyd, Burress, Orrick, Abel

9.5. Resolution No. 22-23/24 Contracts for Temporary Services with GOVTEMPSUSA, LLC

Interim City Manager, Police Chief John Dossey, presented the request to Council to approve and adopt a resolution approving contracts for temporary services with GOVTEMPSUSA, LLC for the HR Director and assistance in the Finance Department. The two temporary positions were included in the FY24 budget.

Mayor Burress complimented Joana Ardelean and Bob Grogan for doing an outstanding job thus far.

Councilmember Hilst reminded Council that there was currently a hiring freeze in place. Ms. Swise explained that the first contracts were signed before the hiring freeze.

Council discussed the details of the contract regarding salaries, hotel expenses, meals and travel.

Bob Grogan explained that the contracts delineated out the expenses and that hotel and mileage was listed as a separate line item.

Ms. Swise pointed out that the contracts were on an hourly basis and the overall cost would be dependent on how many hours.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Lloyd Orrick, Council Member
SECONDER:	Becky Cloyd, Mayor Pro tem
AYES:	Hilst, Hohimer, Nutter, Cloyd, Burress, Orrick, Abel

9.6. Ordinance No. 4072-23/24 Rescinding Ordinance No. 4035-22/23 Authorizing the Sale of Property

Interim City Manager, Police Chief John Dossey, presented the agenda item to Council to approve and adopt an ordinance rescinding Ordinance No. 4035-22/23 Authorizing the Sale of Property along Brenkman Drive to Baldovin Development, LLC to undertake a multi-use indoor sports development. The original ordinance authorized the Mayor to negotiate a purchase agreement with the buyer consistent with the ordinance. A draft purchase and sale agreement was presented to Baldovin but the City never received an executed copy back. Chief Dossey continued to explain that negotiations had stalled with no communication since March. The proposed ordinance would terminate the authorization of the sale to Baldovin and allow the City to re-market the property for further development. A 2/4 majority vote was required to pass the ordinance.

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

9.7. Ordinance No. 4073-23/24 Approving and Authorizing the Execution of a First Amendment to the Tax Increment Financing (TIF) District Redevelopment Agreement By and Between the City of Pekin, Tazewell County, Illinois and Matteo Properties, LLC

Interim City Manager, Police Chief John Dossey, presented the ordinance approving and authorizing the execution of a first amendment to the Tax Increment Financing (TIF) District Redevelopment Agreement between the City of Pekin and Matteo Properties, LLC for a construction of a new 12,000 square foot multi-purpose commercial athletic facility, named Titan Fitness. The property was located at the northeast corner of Vandever Avenue and Griffin Avenue. The total anticipated cost of the project was \$1.1M to \$1.25M. The redevelopment agreement had an expiration date of 12 months and had since expired due to construction delays. The amendment would extend the agreement for an additional 3 months set to expire on September 15, 2023.

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

9.8. Ordinance No. 4074-23/24 Approving and Authorizing Execution of a Cash Farm Lease between the City of Pekin and Mark Berg in the Riverway Business Park

Interim City Manager, Police Chief John Dossey, presented the agenda item to approve and adopt an ordinance approving and authorizing the execution of a

cash farm lease between the City of Pekin and Mark Berg in the Riverway Business Park to farm available land in the amount of \$16,370. The lease term expires on February 29, 2024.

City Attorney, Ms. Kate Swise, informed Council that the item required a $\frac{3}{4}$ majority approval to pass.

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

Motion to: **Amend Ordinance No. 4075-23/24 to Include Language Requiring Funds Be Held in Escrow Until the Signs are Relocated**

RESULT:	ADOPTED [6 TO 1]
MOVER:	Lloyd Orrick, Council Member
SECONDER:	Dave Nutter, Councilman
AYES:	Hohimer, Nutter, Cloyd, Burress, Orrick, Abel
NAYS:	Rick Hilst

9.9. 3536 : Ordinance No. 4075-23/24

Approve Purchase of Property at 2217 Court Street as Amended

Interim City Manager, Police Chief John Dossey, presented the agenda item to Council to approve and adopt an ordinance approving the purchase of property at 2217 Court Street to obtain a strip of land along Court Street to conduct wider sidewalks along the corridor. The City obtained an appraisal valuing the land at \$46K. The City offered said amount and offered to pay to relocate the two existing signs on the property bringing the estimated total cost to \$99,000. The property owner, Jack Sangalli, made a firm counteroffer of \$122,000.

A motion was made by Councilmember Orrick seconded by Councilmember Nutter to amend the ordinance to state that the sign relocation cost be put into escrow until City staff concurred that the signs had been moved.

City Engineer, Ms. Josie Esker, stated she had received two quotes to relocate the signs and explained that Mr. Sangalli may not agree with the changes and could come back with a higher counter offer.

Councilmember Hilst did not support the counteroffer and felt Mr. Sangalli could pocket the money.

Councilmember Orrick stated that he would not support any TIF funding in the future for that location.

Ms. Esker added that she would have to contact IDOT for approval.

Councilmember Orrick spoke to approve the agenda item but did not support paying the owner until the signs had been relocated.

On roll call vote, all present voted Aye to amend the ordinance except Councilmember Hilst. Motion passed.

On roll call vote, all present voted Aye on the ordinance as amended, except Councilmembers Cloyd and Hilst. Motion carried.

RESULT:	ADOPTED AS AMENDED [5 TO 2]
MOVER:	John P Abel, Councilman
SECONDER:	Lloyd Orrick, Council Member
AYES:	Hohimer, Nutter, Burress, Orrick, Abel
NAYS:	Rick Hilst, Becky Cloyd

9.10. Ordinance No. 4076-23/24 Approve Purchase of Property at 2301 Court Street

Interim City Manager, Police Chief John Dossey, presented the agenda item to Council to approve and adopt an ordinance approving the purchase of property at 2301 Court Street to obtain a strip of land to construct wider sidewalks along the corridor. The City obtained an appraisal stating the value of the land was \$11,800. The owner made a firm counter offer of \$32,365.62 based on reasoning he believed his land was worth.

City Engineer, Ms. Josie Esker, stated that the owner of the property was a land acquisition attorney and obtained his own appraisal that was much different from the City's. The City's appraiser believed it was much higher because it was appraised with a 10 year lease.

Councilmember Orrick felt that the purchase was the highest of them all, stating that it was 270% over the City's appraisal. Councilmember Orrick stated he would not support the item.

Ms. Esker stated that the land was purchased for \$1.8M in January of 2022.

City Attorney, Ms. Kate Swise, stated that the property was listed as a taxable property in tax year 2022 with an assessed value of land of \$26,540.

Ms. Esker stated that there would be conflict with the sign out front.

RESULT:	ADOPTED [4 TO 3]
MOVER:	John P Abel, Councilman
SECONDER:	Karen Hohimer, Councilwoman
AYES:	Karen Hohimer, Dave Nutter, Mary Burress, John P Abel
NAYS:	Rick Hilst, Becky Cloyd, Lloyd Orrick

9.11. Resolution No. 16-23/24 Mayor's Appointment of Council Member Karen Hohimer as Mayor Pro Tem and Council Member John Abel as 1st Alternate Mayor Pro Tem

Councilmember Hilst stated he removed the item from the Consent Agenda to vote on the item separately.

Councilmember Hohimer explained that she did not Abstain because she did receive any financial compensation for a title.

RESULT:	FAILED [3 TO 4]
MOVER:	Rick Hilst, Councilman
SECONDER:	Lloyd Orrick, Council Member
AYES:	Karen Hohimer, Mary Burress, John P Abel
NAYS:	Rick Hilst, Dave Nutter, Becky Cloyd, Lloyd Orrick

ANY OTHER BUSINESS TO COME BEFORE THE COUNCIL

Mayor Burress thanked staff for all they do.

Councilmember Abel questioned if the City was putting in parking stations in the new parking lots.

City Engineer, Ms. Josie Esker, explained that there were grants available for charging stations but none would be provided in the 200 Block as it was private property.

Councilmember Hohimer requested an update on the Court Street land acquisition.

Ms. Esker answered that she had a few more signatures she was waiting on but construction could start as early as September. The houses were coming down in the next week or two.

Councilmember Nutter asked where the draft audit was. Mr. Grogan answered that the City received the draft at the end of last week and they were working on edits. The single audit was also moving along.

Councilmember Nutter asked about the new automated trucks at the Street Department.

Mr. Dean Schneider, Public Works Director, informed Council that they were tentatively shipping in July but he felt it would be more like August or September. When the City receives a ship date he would send out info and update the residents.

Councilmember Cloyd stated she would like to see the City be more citizen friendly and requested the City Attorney answer Mr. Mangan's questions regarding fees.

Ms. Swise requested that should the Council want to pay her firm to research citizen questions she could do that with consensus of the Council and direction.

Councilmember Cloyd also questioned why the appointments of Diane Lee and Vick Barker to the Historic Preservation Commission was not on the agenda.

Ms. Swise explained that the Mayor Pro Tem no longer had the authority to make appointments.

Mayor Burress gave her condolences to Mr. Hilst and his family. Mayor Burress encouraged Council to headhunt for a City Manager and she had two or more interviews.

EXECUTIVE SESSION 5 ILCS 120/2 (C)

ADJOURN

There being no further business to come to the Council a motion was made by Councilmember Abel seconded by Councilmember Hohimer to adjourn the meeting. Motion carried viva voice vote. Mayor Burress adjourned the meeting at 8:09 PM.