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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 MARCH 28, 2022 AT 5:30 O'CLOCK P.M.
MAYOR PRO TEM BECKY CLOYD PRESIDING

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PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Councilmember Hilst.

CALL TO ORDER

Attendee Name	Organization	Title	Status	Arrived
Rick Hilst	City of Pekin	Councilman	Present	5:03 PM
Karen Hohimer	City of Pekin	Councilwoman	Present	5:06 PM
Dave Nutter	City of Pekin	Councilman	Present	5:04 PM
Becky Cloyd	City of Pekin	Mayor Pro tem	Present	5:03 PM
Lloyd Orrick	City of Pekin	Council Member	Present	5:01 PM
John P Abel	City of Pekin	Councilman	Present	5:05 PM
Mark Luft	City of Pekin	Mayor	Absent	

APPROVE AGENDA

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

APPROVAL OF MINUTES

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

4.1. City Council - Regular Meeting - Mar 14, 2022 5:30 PM

PUBLIC INPUT

Matthew Goolsby spoke to request Council to help with the removal of trees located on the City's property at 309 N. 9th Street so he can finish the work on his driveway.

Matthew Johnson, a resident on Highwood, spoke to question whether the levies were moving forward for construction and stated that the hole in the dam did fair well over the winter. Mr. Johnson proceeded to speak about agenda item 9.2 discussion regarding amending the code in regards to registration of vacant and foreclosed properties, and suggested that the discussion should look at unimproved lots that do not have tax bills associated with some that do not maintain the property.

Elaine Ritchey announced to Council that she had received a water bill for $299 and was told by American Water that she had a leak. Ms. Ritchey explained that her wastewater bill was $702. She had a plumber examine the property twice and it was determined that there were no leaks. Ms. Ritchey contacted American Water and they agreed to investigate the issue since a new water meter was just installed on her property. Mr. Ritchey was asking Council if the City could waive any fees until it could be sorted out, she could not have her water shut off as she had a handicapped person living with her.

Mr. John McNish spoke regarding agenda item 7.1 Lift Assistance, spoke in favor of agenda item 8.2 funding to the Pekin Area Chamber of Commerce marketing, spoke in favor of agenda item 8.4 approving the overage for contract with Otto Baum Co. on Front Street/Distillery Road project. Mr. McNish suggested that agenda item 8.7 amending the code regarding the make-up of the Ethics Commission, should include excluding neighbors and friends from the commission. Mr. McNish continued to speak in favor of agenda item 9.2 amending the code in regards to a registration of vacant and foreclosed properties, as well as requesting to remove the City Manager from the Ethics Commission, questioning the City Manager's mentioned side job consulting, and pointing out that attorney expenditures were high. Lastly, Mr. McNish reporting the City bus that had been backing out onto Koch Street and questioned where the 3% revenue would originate from in order to increase salaries of non-union employees.

Mayor Pro Tem Cloyd presented the proclamation to Lisa Dutton regarding Pekin Donate Life Month. Ms. Dutton spoke on increasing the awareness regarding National Donate Life Month and asked that during the campaign to place a purple lightbulb in your yard and tag a picture to post to show support.

CONSENT AGENDA

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

6.1. Ordinance No. 3067-21/22 Approval of Overhead Signage in City Right-of-Way at Distillery Road

6.2. Accounts Payable To Be Paid Proof List thru March 18, 2022

6.3. Police Department Stats - February 2022

6.4. Financial Reports January 2022

6.5. Proclamation "City of Pekin Donate Life Month"

OLD BUSINESS

Motion to: **Amend to strike assisted living facilities from the ordinance 3056-21/22 and make it applicable only to nursing facilities**

A motion was made by Councilmember Nutter, seconded by Councilmember Orrick, to amend Ordinance No. 3056-21/22 Amending Pekin City Code Chapter 3, Article V and Creating Division 3 Lift Assistance to Care Facilities, to amend the definitions by removing the assisted living definition of the ordinance under Sec. 3-5-3-1, to strike assisted living facilities from the first sentence under Sec. 3-5-3-2 and to strike assisted living facilities under Sec. 3-5-3-4 and to make it applicable to only assisted care facilities. On electronic vote. All present voted Aye. The motion carried.

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Dave Nutter, Councilman
SECONDER:	Lloyd Orrick, Council Member
AYES:	Hilst, Hohimer, Nutter, Cloyd, Orrick, Abel
ABSENT:	Mark Luft

7.1. 2968 : Ordinance No. 3056-21/22
Amending Pekin City Code Chapter 3, Article V and Creating Division 3 Lift Assistance to Care Facilities as Amended

Discussion took place regarding the consideration of the ordinance amending the City Code regarding lift assistance to care facilities. Council had previously requested that Fire Chief Reeise conduct some research in Peoria to see how well the program was working there. The proposed ordinance would charge $800 each time a lift assist was performed. Fire Chief reported that Peoria had had a few hick-ups with the billing in that some of the facilities were charging the residents. It was also reported that running lift assists to nursing homes was not an issue and only had 11 assists since 2014 the City of Pekin, with a total of 36 that included assisted living centers and nursing homes.

Councilmember Abel requested that the lift assists to nursing homes be excluded from the ordinance.

Council discussion continued regarding the lift assists and how those calls instead turn into a medical call.

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Lloyd Orrick, Council Member
SECONDER:	Dave Nutter, Councilman
AYES:	Hilst, Hohimer, Nutter, Cloyd, Orrick, Abel
ABSENT:	Mark Luft

7.2. Resolution No. 394-21/22 Creation of the Infrastructure Improvements Subcommittee of the City Council

City Manager, Mr. Mark Rothert, led the discussion regarding the creation of the Infrastructure Improvements Subcommittee that had been formed as an ad hoc subcommittee of the Council in or around 2018 in order to consider proposed and necessary improvements to the public infrastructure within the City and to make recommendations to the Council as a whole as to projects which should be given priority. Members are appointed on an annual basis by the Mayor with the advice of Council. All members of the Committee are sitting Councilmembers.

RESULT:	**APPROVED [5 TO 1]**
MOVER:	Lloyd Orrick, Council Member
SECONDER:	Dave Nutter, Councilman
AYES:	Hohimer, Nutter, Cloyd, Orrick, Abel
NAYS:	Rick Hilst
ABSENT:	Mark Luft

NEW BUSINESS

8.1. Resolution No. 395-21/22 City of Pekin, Illinois Proposed Pekin East Residential Tax Increment Financing (TIF) District Todd Erwin Redevelopment Project Inducement Resolution

City Manager, Mr. Mark Rothert, presented the request to Council to approve and adopt a resolution regarding the proposed Pekin East Residential Tax Increment Financing District Todd Erwin Redevelopment Project Inducement. Mr. Rothert explained that the inducement resolution was aimed at attracting the development of a new residential structure on Lot 30, Grand Lake Court, which was located in the Grandview Estates Subdivision in the proposed East Residential Tax Increment Financing District. Mr. Todd Erwin, the purchaser, was seeking the inducement resolution in order to participate in the City's proposed lot purchase price reimbursement program that allowed buyers to recoup a minimum of $30,000 with no limit on the value of the home and up to $70,000 for a home that was valued at $400,000 or more. The property was zoned R-1 Single Family Residential and met the criteria for participation in the program. Staff recommended approval.

Council discussed the timeline with the attorneys, Jacob & Klein, and how the map was in the process of being finalized. Council would enter into a formal redevelopment agreement with Mr. Erwin to make it official, this was the first step. The program was predicated on taxes the owner would pay in the future and the TIF increment would be rebated back to the owner, but the owner would have to create that value to receive a rebate.

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

8.2. Resolution No. 396-21/22 Award Request for Funding to the Pekin Area Chamber of Commerce for City of Pekin Marketing Campaign in the Amount of $30,000

Pekin Chamber of Commerce Director, Mrs. Amy McCoy, spoke regarding the resolution to award a request for funding to the Pekin Area Chamber of Commerce for the City of Pekin Marketing Campaign in the amount of $30,000. Ms. McCoy made the clarification that the request was recommended by the Tourism Committee to be utilized for invoiced deliverables and updating the City of Pekin website, Facebook ads and radio ads for the downtown street series. The Chamber was looking to develop a newspaper type of product to share good news with all entities of the City. The Discover Pekin update to the Enjoy Pekin website has been growing. All invoiced items would be documented and the Chamber would receive no benefit from the funds. Mr. Rothert added that the funds were budgeted this fiscal year under Sponsorships but the budget for next year would fall under Contractual Services.

Councilmember Hilst felt the vast majority of funding was going toward the Chamber and the economic development salary and felt the funding could be better used towards fixing the streets, as streets were the number one complaint.

RESULT:	**APPROVED [5 TO 1]**
MOVER:	John P Abel, Councilman
SECONDER:	Lloyd Orrick, Council Member
AYES:	Hohimer, Nutter, Cloyd, Orrick, Abel
NAYS:	Rick Hilst
ABSENT:	Mark Luft

8.3. Resolution No. 397-21/22 Award Sponsorship for the Pekin Pride Soccer Tournament in the Amount of $2,500

City Manager, Mr. Mark Rothert, presented the request to award a sponsorship for the Pekin Pride Soccer Tournament in the amount of $2,500. Mr. Troy Tarter, on behalf o the Pekin Pride Soccer Tournament, was requesting the City of Pekin provide a sponsorship for this years' soccer tournament to be held May 22-29, 2022. The event was expected to bring in more than 71 teams that played in last years' event. The event has brought in several families to the city who stay in city hotels, eat at local restaurants and spend money shopping locally. The tourism dollars, funded by the hotel/motel tax, would be the source of the sponsorship dollars. The request was recommended by the Pekin Tourism Committee at their March 7, 2022 meeting and would be paid out of the FY23 budget. The request aligned with the City's mission to increase tourism and to increase sales tax receipts and therefore was recommended by staff.

Councilmember Abel spoke in favor of the agenda item.

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

8.4. Resolution No. 398-21/22 Approve Overage for Contract with Otto Baum Co. on the Front Street / Distillery Road Rehabilitation Project

City Engineer, Ms. Josie Esker, explained that due to delays on front Street the rehabilitation project was not able to be completed by 2021 as planned. IDOT had approved the extension but Otto Baums' costs had increased due to the economy. The contractor's summary of extra costs amounted to $34,050.87. Staff felt the costs were fair, on track and under budget. Staff and IDOT preferred to pay the overage outside the contract due to staff time and paperwork. The project was projected to be completed by May. The project was budgeted out of the South Side TIF District with the option of the project to be paid out of MFT if the project with through the State contract, but much simpler to pay out of TIF.

Councilmember Hilst expressed concern that the budget showed a deficit of $400,000 in the South Side TIF District. Ms. Esker explained that she would be subtracting more money than she would be adding. Any costs over the grant amount, the State would pass along. The total cost would still end up under budget.

Mr. Rothert explained that there was $400,000 in in cash reserves in the Capital budget to be used towards various projects that included the Front Street local share and the Riverway Drive mill and overlay.

RESULT:	**APPROVED [UNANIMOUS]**
MOVER:	Rick Hilst, Councilman
SECONDER:	Lloyd Orrick, Council Member
AYES:	Hilst, Hohimer, Nutter, Cloyd, Orrick, Abel
ABSENT:	Mark Luft

8.5. Resolution No. 399-21/22 Support for Court Street Rehabilitation Project from Stadium Drive to 8th Street

City Manager, Mr. Mark Rothert, explained that the last Council meeting it was approved to have Hanson work on a phased grant and the requested letter of support for that grant application was attached.

Ms. Josie Esker explained that the resolution of financial support had no dollar amount tied to it and was operating under the assumption that the State Capitol Bill grant would not cover the cost.

RESULT:	**APPROVED [UNANIMOUS]**
MOVER:	Rick Hilst, Councilman
SECONDER:	Lloyd Orrick, Council Member
AYES:	Hilst, Hohimer, Nutter, Cloyd, Orrick, Abel
ABSENT:	Mark Luft

8.6. Resolution No. 400-21/22 Award Dewberry Phase II Fire Station Design Services

City Manager, Mr. Mark Rothert, explained that the request was to award the Phase 2 architectural and engineering design services to Dewberry for the design of two new Fire Stations on Ironwood Drive and Sheridan Road. Following the award, Dewberry would begin final programming of the station models, which would include focus groups with the fire department staff. The focus groups would help finalize the overall design of the facilities. Dewberry would prepare engineering and architectural designs, prepare final contract documents for the two new stations included in this phase and provide bidding services. Both of the stations within Phase 2 would be designed and competitively bid on one bid package. It was anticipated that the design schedule would progress to allow construction to begin in Spring of 2023. Through the Phase 2 design process, Dewberry would make considerations for a three bay Fire Station located with the SW quadrant of the Fire Protection map. The final design of the third station would still need to be awarded through a future Council resolution once the site selection was finalized, however, this would accomplish the intended design continuity through the three new stations. The total cost was $527,000.

Councilmember Hilst agreed that the fire station on Derby and 14th and the fire station on Willow needed to be replaced, but did not agree that the City needed a 4th fire station and therefore could not support the agenda item.

RESULT:	**APPROVED [4 TO 2]**
MOVER:	Dave Nutter, Councilman
SECONDER:	John P Abel, Councilman
AYES:	Karen Hohimer, Dave Nutter, Becky Cloyd, John P Abel
NAYS:	Rick Hilst, Lloyd Orrick
ABSENT:	Mark Luft

8.7. Ordinance No. 3068-21/22 Amend the City Code Article VI Division 3 Section 2-6-3-1 Regarding the Make-up of the Ethics Commission

City Manager, Mr. Mark Rothert, presented the request to Council to amend the City Code regarding the make-up of the Ethics Commission. The goal was to provide some clear boundaries as it results to roles, to take the City Manager out when dealing with any proceeding related to any Councilmembers.

Council discussed the adjudication option for complaints and was informed by the City Attorney, Ms. Kate Swise, that the hearing officer had recently submitted his resignation and would hope to have a new officer by June.

Councilmember Hilst felt that other changes to the ordinance needed to be made. Mr. Rothert reminded Council that feedback was supposed to have come forward but Councilmember Hilst was the only Councilmember that provided any feedback, and therefore had no consensus from Council.

The City Attorney, Ms. Kate Swise, was appointed by the Mayor and Council because she was an attorney abided by an ethics policy, had an overall knowledge of the code.

Councilmember Orrick questioned why there was no court reporter hired during ethics hearings. Ms. Swise explained that court reporters were expensive and that most trials to not have a court reporter but an audio to turn over if the ruling was challenged.

Councilmember Nutter spoke in favor of the agenda item and felt it was a step in the right direction, but pointed out that attorney fees were also expensive.

Mr. Rothert provided the consideration to Council as to whether they preferred the adjudication process in place of a commission.

Feedback to the City Manager was requested.

RESULT:	**ADOPTED [5 TO 1]**
MOVER:	Dave Nutter, Councilman
SECONDER:	John P Abel, Councilman
AYES:	Hilst, Hohimer, Nutter, Cloyd, Abel
NAYS:	Lloyd Orrick
ABSENT:	Mark Luft

DISCUSSION

9.1. Storm Sewer Code

City Engineer, Ms. Josie Esker, led the discussion regarding the Storm Sewer Code. Staff fielded calls regarding engineering calculations for storm water retention and explained that very few non-engineers would be able to complete those calculations. Ms. Esker felt that the City could provide a simple formula for business owners so they could meet requirements for retention but not do calculations. The calculation would not require a code change but the item was planned to come in front of Council.

Councilmembers Hilst, Nutter, Orrick and Abel all had no issues with the item coming forward.

Ms. Esker continued explaining that the weather was changing, storms were getting worse and the terminology of a 25 year storm event was no longer valid as the City witnesses a 25 year storm event every year or two years. Ms. Esker requested feedback from Council if it would make sense to change the code sooner rather than later to start designing for bigger storms so that increase flooding would not take place, as it increases costs from a developer perspective.

Council discussed the average cost of a detention pond costing $100,000 for a 50 acre site. Mr. Rothert felt that with funding availability being an issue it would be difficult to offset those costs but the City would try to help as the City tries to be business friendly.

Councilmember Nutter questioned who was contacting Ms. Esker. Ms. Esker explained that it was only commercial calls and not residential and there were no residential requirements for one person. Small business owners were the majority that were interested in expanding. Engineering costs could be several thousand with instances very small, but did not want to allow businesses to expand and not help with flooding problems created. Ms. Esker requested direction from Council.

9.2. Amending Code in regards to a Registration of Vacant and Foreclosed Properties

City Manager, Mr. Mark Rothert, explained that there were a number of commercial and residential properties that were vacant, foreclosed, or pending foreclosure with the City of Pekin that were unaccounted for. Amending the code to register these properties would be a way to address blighted properties and code enforcement issues. Other communities such as East Peoria, hires a third-party to administer their program.

It was estimated that there were 30 properties as they are identified by code enforcement but the biggest complication was due to multiple owners which made it difficult to identify those owners and have them served pertaining to condemning or demolishing a property. These properties are normally complaint driven.

Discussion continued with regards to lots with no structures and why they are not taxed or if there was a taxable value to result in a tax based on what the Assessor does.

Hard copies of the ordinance would be printed off for Council to review.

9.3. Employee Handbook Updates - 2022

Human Resources Director, Ms. Sarah Newcomb, led the discussion explaining that the City regularly reviews the handbook and that Benefits Coordinator, Ms. Shannon Geiman had met with the police union to review and discuss changes. Those changes included Section 7.8 regarding the employee assistance program and administrative leave. Teamsters were met with along with the fire union. Ms. Newcomb went through the highlighted proposed changes in the packet that included but were not limited to Section 2.5 employee process, Section 2.1 residency as it applied to full time employees, Section 3.1 and how it related to Section 4.9 and 10 that defined a retiree, Section 3.2 regarding Illinois Public Records Review Act. Other changes included Sections 4.2 and 3.4 with regards to employee benefits program and Section 3.8 with regards to vacations and requiring employees of the finance department and department heads take five consecutive days off of vacation.

Council discussed the purpose of having a residency requirement, that the policy needed to be reviewed and possibly offering an incentive program.

Councilmember Cloyd questioned why the City was not closed on President's Day. Ms. Newcomb explained that the City traded Presidents Day for Christmas Eve. Councilmember Cloyed felt Christmas Eve was usually a half day.

Council continued the discussion pertaining to corporate credit cards and sick time after May 1, 2020.

9.4. Discussion -- FY23 Budget (non public safety or public works)
Councilmember Cloyd requested to layover the discussion regarding the Fy23 budget (non-public safety or public works).

ANY OTHER BUSINESS TO COME BEFORE THE COUNCIL

It was announced that the Business Registration License Portal was open. Business owners received a card on how to login although there was a lot of confusion over mincing words of license or registration. City Attorney, Ms. Swise, stated that all businesses need to register if they do business in the City of Pekin. Ms. Swise clarified that the definition of "physically" means doing any physical business in Pekin regardless of the location of the business. Ms. Swise offered Council's requests to change the language if they felt there was any ambiguity. Councilmember Hohimer requested clarification of the language. Councilmember Cloyd felt the language was very stringent and came across as an over reach. Councilmember Hohimer did not feel that home based business should be involved in the registration process. Councilmember Orrick stated that the objective was to pull licenses. Finance Director, Mr. Bruce Marston, felt if a business owed any taxes in the city they needed to be registered.

Councilmember Hilst questioned if the City was still paying money to Reditus for COVID testing. Mr. Rothert stated that the City was no longer required to do testing as explained in the City Manager's weekly update.

Councilmember Hilst announced that a fence downtown near the Tobin building was on the ground across the sidewalk and asked that it get addressed. Councilmember Hilst also spoke about the Economic Development Committee put together five goals and strategies to be turned into for consideration to the Council for the new Comprehensive Plan. Councilmember Hilst requested that they be distributed to Council.

EXECUTIVE SESSION 5 ILCS 120/2 (C) 5. PURCHASE OF PROPERTY

A motion was made by Councilmember Hohimer, seconded by Councilmember Abel to move into Executive Session to discuss 5 ILCS 120/2 (c) 5. Purchase of Property at 8:26 P.M. On roll call vote all present voted Aye. Motion carried.

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

ADJOURN

There being no further business of the Council, a motion was made by Councilmember

Hohimer seconded by Councilmember Nutter to adjourn the meeting. Motion carried viva voce. Mayor Pro Tem Cloyd adjourned the meeting at 9:10 PM.