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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 FEBRUARY 28, 2022 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 Councilmember Orrick.

CALL TO ORDER

Attendee Name	Organization	Title	Status	Arrived
Rick Hilst	City of Pekin	Councilman	Present	5:13 PM
Karen Hohimer	City of Pekin	Councilwoman	Present	5:12 PM
Dave Nutter	City of Pekin	Councilman	Present	5:09 PM
Becky Cloyd	City of Pekin	Mayor Pro tem	Present	5:10 PM
Lloyd Orrick	City of Pekin	Council Member	Present	5:08 PM
John P Abel	City of Pekin	Councilman	Present	5:12 PM
Mark Luft	City of Pekin	Mayor	Present	5:10 PM

APPROVE AGENDA

RESULT:	**APPROVED [UNANIMOUS]**
MOVER:	Becky Cloyd, Mayor Pro tem
SECONDER:	Karen Hohimer, Councilwoman
AYES:	Hilst, Hohimer, Nutter, Cloyd, Orrick, Abel, Luft

APPROVAL OF MINUTES

RESULT:	**APPROVED [UNANIMOUS]**
MOVER:	Becky Cloyd, Mayor Pro tem
SECONDER:	John P Abel, Councilman
AYES:	Hilst, Hohimer, Nutter, Cloyd, Orrick, Abel, Luft

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

PUBLIC INPUT

Terri Gambetti spoke as a representative of the downtown Main Street businesses. Ms. Gambetti spoke regarding Agenda Item 8.8 Funding Support for Downtown Sculpture and Mural Projects. Ms. Gambetti informed Council that Dr. Michelle Moul had donated 5 sculptures to the City to be placed in the 400 block pocket park downtown. Ms. Gambetti presented a sculpture to be donated to City Hall. Ms. Gambetti also spoke regarding the three walls and how the wall that says “No your worth Shine” was deteriorating. Lastly, Ms. Gambetti announced that Amy Psinas was retiring and would like to leave canvas murals on the doors downtown.

Jody Yearly spoke regarding their purchase of 410 Court Street and how they are working hard to make it more bright and lively. Mrs. Yearly spoke regarding Agenda Item. 8.14 and thanked Council for their consideration.

Charity Gullett spoke as Chair of the Beautification Committee in support of Agenda Item 8.8 regarding the sculptures and murals and bringing public art to the City. Ms. Gullett also inquired about the stop light at the intersection of 14th Street and park Avenue near the hospital. City Engineer, Ms. Josie Esker, stated that she was the head of the Traffic Safety Committee and that the light had been discussed several times. Ms. Esker explained that there was a lot of right hand turns that there would be a delay either way.

Gerri, a resident of Pekin that lives at the corner of Charlotte and 3rd met with the Traffic Safety Committee a few years ago about a traffic radar indicator put near the road. She stated that someone had hit her fence for the 4th time and requested that a stop sign be put in to slow traffic down 3rd Street. She provided pictures for the Council. Mayor Luft assured Gerri that he would look into the matter for further discussion.

Steve Sangalli, representing Pekin Boat Club, spoke in favor of reducing the video gaming license fees and spoke against selling alcoholic liquor in gas stations.

Nick Filarski, owner of Broadway Liquor, encouraged Council to reject Agenda Item 8.11 regarding the sale of liquor in gas stations.

Jim Mangan spoke against the agenda items regarding video gaming and that more information should be given to the public regarding sale of liquor in gas stations, but was not necessarily against it. Mr. Mangan, also asked Council to reject Agenda Item 8.9 regarding the purchase of property at Ironwood and Broadway for the new fire station. Mr. Mangan continued requesting Consent Agenda item 6.4 be removed as it was a conflict of interest with Agenda item 8.13, and that the ethics ordinance was still no better. Lastly, Mr. Mangan, pointed out his thoughts that the City Manager had violated the ethics ordinance by breaching his employment contract by setting up a consulting firm.

CONSENT AGENDA

A motion was made by Councilmember Cloyd, seconded by Councilmember Hohimer to approve the Consent Agenda as presented. Councilmember Hilst requested that Consent Agenda Items 6.4 and 6.5 be pulled and placed under New Business.

Councilmember Nutter requested that Consent Agenda Items 6.7 and 6.8 be pulled for further discussion and be placed at the end of New Business.

City Clerk Sue McMillan confirmed that Consent Agenda Items 6.4, 6.5, 6.7 and 6.8 were placed under New Business as 8.18, 8.19, 8.20 and 8.21 consecutively.

6.1. Accounts Payable to be Paid Proof List thru February 18, 2022

6.2. Financial Reports December 2021

6.3. Tazewell County Animal Control Billing - January 2022

6.4. Moved to 8.18 - 2977 : Resolution No. 375-21/22 Mayor's Appointment of Joshua D. Herman Alternate Ethics Advisor

6.5. Moved to 8.19 - 2971 : Resolution No. 376-21/22 Infrastructure Improvements Subcommittee

6.6. Ordinance No. 3051-21/22 Rezoning Request by Joseph Urbana Investments R-4 to B-3 Case RZ 2022-02

6.7. Moved to 8.20 - 2953 : Ordinance No. 3052-21/22 Special Use Request by Steve Reeves at 141 South Veterans Case SU 2022-01

6.8. Moved to 8.21 - 2954 : Ordinance No. 3053-21/22 Variance Request by Steve Reeves for 141 South Veterans Case V 2022-02

6.9. **Ordinance No. 3054-21/22 Variance Request by McMahill & Sons at 1201 Court Case V 2022-02**

6.10. **Receive and File Request for Proposals Contractual Mowing**

CONSENT AGENDA AS AMENDED

A motion was made by Councilmember Cloyd seconded by Councilmember Hohimer to approve the Consent Agenda as Amended. On electronic vote all present voted Aye. Motion carried.

RESULT:	**APPROVED AS AMENDED [UNANIMOUS]**
MOVER:	Becky Cloyd, Mayor Pro tem
SECONDER:	Karen Hohimer, Councilwoman
AYES:	Hilst, Hohimer, Nutter, Cloyd, Orrick, Abel, Luft

11. **Accounts Payable to be Paid Proof List thru February 18, 2022**

12. **Financial Reports December 2021**

13. **Tazewell County Animal Control Billing - January 2022**

14. **Ordinance No. 3051-21/22 Rezoning Request by Joseph Urbana Investments R-4 to B-3 Case RZ 2022-02**

15. **Ordinance No. 3054-21/22 Variance Request by McMahill & Sons at 1201 Court Case V 2022-02**

16. **Receive and File Request for Proposals Contractual Mowing**

COMMUICATIONS AND REPORTS

7.1. **Asphalt Joint Concern Regarding Court Street Construction**

City Engineer, Ms. Josie Esker, led the discussion regarding the asphalt joint concern with the Court Street construction project. Ms. Esker explained that the contractor, R.A. Cullinan was finished with the asphalt work and that most was completed in a satisfactory manner. Ms. Esker continued to explain that the joint was insufficient and was a ½ inch higher in the worst area near Jimmy Johns. This was mostly an aesthetic issue and although the contractor agreed it was not their best work they refused to redo the work. Ms. Esker stated that common practice would have been to grind or patch, but both options would decrease the life of the pavement. Ms. Esker suggested presenting the contractor with an agreement that they would pay for damages of any snow plow for the next 10 years and request a decrease in price, rather than performing an action. Ms. Esker added that it was important to maintain a good relationship with the contractor as they were the only asphalt contractor in the area.

Councilmember Hilst expressed his opinion by stating that the entire lane should be ripped up and overlaid the way it should have been. He will not support patches, grinding or any other contracts for the next 10 years. Councilmember Hilst felt that citizens would rather see some serious accountability as the issue was brought to the contractor’s attention and they chose to ignore it.

Ms. Esker stated that there was a chance that the contractor would take the City to Court. The cost of a mill and overlay for that entire lane would cost a few hundred thousand dollars.

Councilmember Nutter discussed the ripples on Parkway.

Ms. Esker stated that she had caught the joint insufficiency and told the operator immediately and when she had caught up with paver it had not been corrected.

Regardless, the contractor was responsible for the project, not the engineers. Ms. Esker requested that the entire lane be redone and the contractor refused.

Council gave consensus to approach the contractor for the entire lane to be redone.

7.2. Derby Street Construction

City Engineer, Ms. Josie Esker, led the discussion with Council regarding the direction of construction for Derby Street from 14th Street to 2nd Street. Ms. Esker presented two options. The first option was to fully reconstruct Derby Street all the way and start from dirt with asphalt or concrete. The second option was to do a traditional mill and overlay with 5 inches of asphalt.

Mayor Luft stated that asphalt would last approximately 15 years. Ms. Esker countered that it was up to 15 years and that concrete would last 30 years. Mayor Luft expressed that the condition of the road had been bad for so long that he felt concrete was preferred.

Ms. Esker explained that concrete would cost roughly $8-10M and a mill and overlay would cost $10-12M.

Councilmember Orrick expressed concern for the business that would be shut down or inconvenienced. Ms. Esker stated that the entire length of construction would be split in 4 phases that would last a total of approximately 6 months.

Councilmember Nutter spoke in favor of a complete rebuild.

Mayor Luft stated that receiving a grant would help significantly and felt that the BDD funding source would be eaten up for the next 20 years if the City chose to use it.

7.3. Public Property Contractual Mowing Request for Proposals and District Contracts

Public Property Manager, Mr. Jayson Brienen, gave a brief background of the internal yard crew. Mr. Brienen explained that staffing had varied from the last 7 to 8 years and last year the City only had 2 employees on staff. The Request for Proposals was divided up with locations and boundaries. Companies could bid on any number of districts. A spreadsheet was provided in the packet. Mr. Brienen presented three options. The first option was to outsource everything. The second option was to do the mowing in house which not feasible, due to start of the season and costs. The third option was to propose hybrid schedules with some yard crew in house and some contracted out. Mr. Brienen explained that last year the yard crew salary was not high enough to offer for the whole season and some employees were only part-time. The last option was hire out districts 1 thru 7 and to keep district 8 where the airport is located in house. This would also allow for having a grounds person on staff that worked year round. Those 7 districts would be awarded to five different companies which were the first five agenda items in New Business.

Councilmember Hilst expressed concern that district 2 included paying a contractor to mow property that belonged to the State.

Mr. Brienen explained that the City maintained that State owned property and would look at collecting funds for reimbursement.

Councilmember Hilst continued to question whether the front of private property would be mowed. Mr. Brienen stated that in district 4 there was some right of way in front of businesses and vacant property that is mowed by the City.

Councilmember Hilst questioned why residents had to mow the right of way in front of their privately owned homes but businesses and vacant property owners did not. Mr. Brienen stated that those properties would have to be taken a look at.

NEW BUSINESS

Motion to: **To consolidate 8.1-8.5 and approve by omnibus vote**

RESULT:	**ADOPTED [6 TO 1]**
MOVER:	Dave Nutter, Councilman
SECONDER:	Karen Hohimer, Councilwoman
AYES:	Hohimer, Nutter, Cloyd, Orrick, Abel, Luft
NAYS:	Rick Hilst

CONSOLIDATION OF 8.1-8.5

Councilmember Nutter abstained from the vote for the consideration for reasons involving a particular contractor.

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

8.1. Resolution No. 377-21/22 Award District 1 of Mowing RFP to Premier Landscaping

8.2. Resolution No. 378-21/22 Award Districts 2, 3, and 5 of Mowing RFP to Classy Grass

8.3. Resolution No. 379-21/22 Award District 4 of Mowing RFP to Busy Bee Lawn Care

8.4. Resolution No. 380-21/22 Award District 6 of Mowing RFP to Behrlawn Mowing and Yard Work

8.5. Resolution No. 381-21/22 Award District 7 of Mowing RFP to JW Lawncare

8.1. Motion to: **8.1 Placeholder (Moved to Consolidation of 8.1-8.5)**

8.2. Motion to: **8.2 Placeholder (Moved to Consolidation of 8.1-8.5)**

8.3. Motion to: **8.3 Placeholder (Moved to Consolidation of 8.1-8.5)**

8.4. Motion to: **8.4 Placeholder (Moved to Consolidation of 8.1-8.5)**

8.5. Motion to: **8.5 Placeholder (Moved to Consolidation of 8.1-8.5)**

8.6. Resolution No. 382-21/22 Reallocation of Funding for Riverfront Bathroom to Riverfront Cleanup

City Manager, Mr. Mark Rothert, presented the request to Council to approve and adopt a resolution regarding the reallocation of funding for the riverfront bathroom to riverfront cleanup. Mr. Rothert explained that the resolution was to fund a cleanup project through the reallocation of $40,833 in funds from the riverfront bathroom remodel capital budget project, plus up to an additional $14,167 of funds from the BDD. Staff requested that the Council authorize staff to expedite the project by receiving quotations for the project and allowing the

City Manager to enter into an agreement with a tree clearing company for project cost of up to the requested $55,000. Mr. Rothert further explained that the project would support the efforts of finalizing sewer alignments, receiving railroad approval, and completing the CSO sewer project. Cleanup would include clearing trees, brush and overgrowth from the City property located west of South Front Street between St. Mary Street and Fayette Street. The timing of the project was critical to meet the tree clearing window, concluding by the end of March 2022.

Councilmember Hilst questioned why the funds were being reallocated from the riverfront bathrooms. Mr. Rothert explained that it was the funding source identified as something related to riverfront and the bathrooms could be completed in the next years' budget. The funds were to make forward progress on the land next to the railroad.

Public Works Director, Mr. Justin Reeise, stated that there was no formal quote, only budgetary numbers to bring forward. Councilmember Hilst also questioned conversations with the railroad that he was not aware of and how clearing trees would allow for forward progression. Mr. Reeise, explained that the railroad was in favor but no formal request was made. The alignment and cost to install the sewer for the city's property could only be accomplished after clean up, and then an evaluation.

Councilmember Hilst continued and pointed out that a good portion of that area in question in a main area for the homeless. Mr. Reeise stated that signs would be put up informing the homeless that they would need to relocate out of fear for safety in a construction site.

Councilmember Orrick questions why CSO money was not being utilized. Mr. Reeise said it was an option but was identified as a riverfront project and that the capital fund for the bathroom was also funded out of the BDD.

Councilmember Nutter added that the tree clearing had to be accomplished because of the bat habitat. Mr. Reeise followed up by stating that the trees had to be cleared by March 31, 2022.

RESULT:	**APPROVED [6 TO 1]**
MOVER:	Dave Nutter, Councilman
SECONDER:	Becky Cloyd, Mayor Pro tem
AYES:	Hohimer, Nutter, Cloyd, Orrick, Abel, Luft
NAYS:	Rick Hilst

8.7. Resolution No. 383-21/22 Land Lease Agreement with Chuck Barth/ Woldow Services

Airport Manager, Mr. Todd Dugan, presented the request to Council explaining that the lease agreement was a 30 year lease from 1991 when it was built with a 5 year option to extend. A portion of that agreement was to bring it up to the current market rate of $560.32 based on hangar square footage. A land lease extension was agreed to and a study on the rates were performed allowing for a 2% increase each October on the price. This would allow the hangar to be at the exact same lease rate as the other one approved a few years back. The lease will expire August of 2026.

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

8.8. Resolution No. 384-21/22 Funding Support for Downtown Sculpture and Mural Projects

City Manager, Mr. Mark Rothert, presented the request to Council regarding the funding support for downtown sculpture and mural projects. The Beautification Committee met in February and recommended to Council to approve the expense request to add art to City Hall, downtown public spaces and on private businesses. Mr. Rothert explained that there were two phases. The first phase involved installation of sculptures requiring landscaping, and placing sculptures on pedestals that were concrete along with a plaque to recognize the donor, and recognition of 12 murals. Phase one would cost $8,685. Phase two would consist of two walls on pocket park and a wall on 5th Street. The cost to pressure wash and for wall repair would cost $8,500. The total cost of the project would be $17,185. Mr. Rothert added that the funds would come out of the Hotel/Motel Tourism Fund and had ample ability in the budget.

Mayor Luft and Councilmember Abel spoke in favor of the agenda item.

Councilmember Hilst questioned why TIF funds were not being utilized and felt it fell under façade. Mr. Rothert explained that some of the project may not be eligible under TIF, but the wall repairs would. The thought process was related to creating a walkable art downtown in connection with Tourism, but the costs could be split.

Council continued to discuss the TIF reimbursement process and how the process could be more easily attained by utilizing tourism funds.

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

Layover Agenda Item 8.9 until the Council Meeting of March 14, 2022 Regarding 2958 : Ordinance No. 3055-21/22 Purchase of Property at Ironwood and Broadway

RESULT:	**LAYED OVER [UNANIMOUS]** **Next: 3/14/2022 5:30 PM**
MOVER:	Dave Nutter, Councilman
SECONDER:	John P Abel, Councilman
AYES:	Hilst, Hohimer, Nutter, Cloyd, Orrick, Abel, Luft

8.9. Ordinance No. 3055-21/22 Purchase of Property at Ironwood and Broadway

A motion was made by Councilmember Orrick seconded by Councilmember Abel to approve and adopt Ordinance No. 3055-21/22 Purchase of Property at Ironwood and Broadway.

City Manager, Mr. Mark Rothert, presented the request to Council stating that the ordinance was to purchase property at the northwest corner of Ironwood and Broadway for the intended use of constructing a new fire station. The location was identified in the fire station location siting study as being suitable location for a new station. The property purchase would include approximately 1.1 acre lot and approximately 0.21 acre northern undeveloped portion that was an adjoining lot. The total purchase price was $150,000 with terms outlined in the purchase agreement.

Councilmember Nutter questioned the timeline on bringing information forward to the public and why the particular location was chosen. Fire Chief Trent Reeise explained that there were still additional properties to acquire and once those were finalized a full presentation would be provided. Chief Reeise added that Dewberry was very interested in coming to help with that presentation. Chief Reeise also explained that the location was chose from the study on mapping and time responses.

Council discussed providing a full comprehensive presentation once negotiations were concluded. Public Works Director, Mr. Justin Reeise, explained that there was a 30 day tentative on the property and would leave it up in the air.

Council discussed laying over the item until the Council meeting of March 14, 2022.

Motion to Layover 8.10 to the March 28, 2022 Council meeting regarding 2968 : Ordinance No. 3056-21/22 - Amending Code 3-5 and Creating Div 3 Lift Assistance to Care Facilities

RESULT:	**LAYED OVER [UNANIMOUS]** **Next: 3/28/2022 5:30 PM**
MOVER:	Lloyd Orrick, Council Member
SECONDER:	Becky Cloyd, Mayor Pro tem
AYES:	Hilst, Hohimer, Nutter, Cloyd, Orrick, Abel, Luft

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

A motion was made by Councilmember Orrick seconded by Councilmember Hilst to approve and adopt Ordinance No. 3056-21/22 Amending Pekin City Code Chapter 3, Article V and Creating Division 3 Lift Assistance to Care Facilities.

City Manager, Mr. Mark Rothert, stated that the agenda item was at the request of Councilmember Orrick to address a potential overuse or misuse of Fire Department Services by private businesses operating nursing homes and assisted living centers. Mr. Rothert stating that the ordinance in the packet was modeled off of the City of Peoria's lift assist ordinance charging $800 each time a lift assist was performed.

Fire Chief Trent Reeise explained the difference between a nursing home and an assisted living center. Chief Reeise stated that in the last five years they have only gone to a nursing home on five different occasions for a lift assist and less than 20 times since 2014. Chief Reeise also stated that there are several lift assist calls at assisted living facilities. Chief Reeise felt that assisted living facilities should be removed from the ordinance as the fee would be passed on to those individuals.

Mayor Luft felt the residents of an assisted living facility could not afford a $800 fee.

Councilmember Orrick stated that the ordinance worked in Peoria and felt the City of Pekin could try it and see how it worked here.

Council discussed laying over the agenda item in order to gather additional information from Peoria and who paid that fee.

Council discussed how the billing would be accomplished through the finance department.

8.11. Ordinance No. 3057-21/22 Amending the Liquor Code Chapter 5, Article II, Section 6, Subsection (a)(21) Regarding Sale of Alcoholic Liquor in Gas Stations

City Attorney, Ms. Kate Swise, presented the agenda item to approve and adopt an ordinance that would update the Liquor Code to remove the prohibition on sale of alcohol by gas stations. The Code prohibited issuance of a liquor license to any premises whose primary purpose was the sale of products and services not related to the sale of alcoholic liquor, including, but not limited to, any establishment which pumped motor fuel directly into motor vehicles. The Code contained exceptions from the general prohibition for restaurants, clubs, hotels, motels, grocery stores, pharmacies, etc. The amendment would remove the expressed prohibition on issuance of liquor licenses to premises that dispense motor fuel and add those establishments instead to the list of exceptions along with groceries stores, pharmacies, etc. The item was discussed at the Liquor Commission meeting last week. The Commission members noted that they had discussed and recommended approval of a similar ordinance in revision to the Council in the past. The consensus among the commission was that it would still support such amendment but was leaving it up to City Council.

Councilmember Orrick spoke against the agenda item.

Councilmember Nutter discussed how over the last 4 or 5 years the rate of DUI's had drastically dropped through the nation and the City.

Police Chief John Dossey explained that DUI's had been on the decline nationwide with the addition of Uber, Lift and different taxicab services.

Councilmember Nutter also explained that he had not realized the item had been to Council before and he was looking for revenue for the City but suggested reaching out to corporations to see if they would build.

Mayor Luft discussed the quality of the community.

Nick Filarski, owner of Broadway Liquor, spoke and explained that his business had been in the City since 1971.

RESULT:	**FAILED [1 TO 6]**
MOVER:	Rick Hilst, Councilman
SECONDER:	Becky Cloyd, Mayor Pro tem
AYES:	Dave Nutter
NAYS:	Hilst, Hohimer, Cloyd, Orrick, Abel, Luft

8.12. Ordinance No. 3058-21/22 Amending the Liquor Code Chapter 5, Article II, Section 7 Subsection (5) to Eliminate Fee for Video Gaming Rider

City Manager, Mr. Mark Rothert, presented the request to Council to approve and adopt the ordinance amending the Liquor Code to eliminate the fee for the video gaming rider. Mr. Rothert explained that the establishments pay the annual fee for a Class A liquor license, plus an additional $250 if they want to add a video gaming rider to their license. As amended the Liquor Code would still require licensed establishment to obtain a video gaming rider in order to have video gaming on their premises, but would no longer be required to pay an additional fee for the rider. The Liquor Commission considered this amendment at its meeting on February 24, 2022, and recommended approval of the amendment.

Mayor Luft spoke in favor of the agenda item.

Councilmember Nutter questioned Deputy City Clerk Nicole Stewart on how the video operator fees were billed. Ms. Nicole Stewart explained that the code was written so that the Terminal Operators were still responsible for the bill but had the option for reimbursement by the establishment. Ms. Swise added that it was the way the ordinance was written and it was a State Statute.

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

8.13. Ordinance No. 3059-21/22 Amending the Ethics Ordinance

City Manager, Mr. Mark Rothert, presented the request to Council along with City Attorney, Ms. Kate Swise. Mr. Rothert led the discussion by reminding Council that on August 9, 2021, the Council created and adopted Ordinance No. 3004-21/22 regarding ethics. The ordinance established the City of Pekin Ethics Commission to investigate and hold hearings, where necessary, complaints of violations of the Ethics Ordinance and the City's Code of Ethics and Conduct by staff, Councilmembers, and other elected and appointed City officers and members of City boards and commissions. Mr. Rothert continued by stating that upon adjudicating its first cases, the Ethics Commission and members of the City Council found it was in the best interests of the City to make revisions to the Ethics Ordinance to streamline procedures for investigating and holding hearings on complaints of ethics violations. Mr. Rothert read through the list of amendments that included but were not limited to, eliminating unnecessary language, adjusting the penalties, removing the notarization requirement and amending the process of complaints.

Councilmember Orrick discussed what sanctions were listed in the code and how they were implemented. Councilmember Orrick also discussed the minimal and maximum fine and the definitions of terms used in the code.

Councilmember Hilst expressed his opinion that the commission should be independent with no association with the city and that Miller, Hall, & Triggs.

Councilmember Nutter felt that the ordinance was a working document and amendments had to be made, but some progress had taken place.

Ms. Swise added that the original ordinance adopted was based on the Attorney General's model without any other frame of reference to start, with a few tweaks to fit the City.

Council discussed the last complaint to the Ethics Commission and how the decision was no probable cause to hold a hearing.

A motion was made by Councilmember Hilst to remove the City Manager and Miller, Hall & Triggs from any involvement with the Ethics Commission. The motion was seconded by Councilmember Nutter.

Council discussed how to fill the role of the City Manager and city Attorney within the Ethics Commission and brainstormed ideas of possible members that had no affiliation with the City.

Mayor Luft spoke against the removal of the City Manager and Miller, Hall & Triggs and felt it would crumble the structure of the ordinance.

Mr. Rothert suggested that the simplest resolution was to not have a commission and have all cases go to Adjudication. Mr. Rothert also suggested as an option to amend the ordinance so that it only required policies on gift ban and sexual harassment as written in the state statute.

Ms. Swise added that the state statute did not require a method for dealing with gift ban violations or sexual harassment.

Council discussed voting on the ordinance on how it specifically related to gift ban, political involvement and sexual harassment.

Councilmember Hilst rescinded his motion to remove the City Manager and Miller, Hall & Triggs from the Ethics Commission.

Council discussed how the Police and Fire Commission handled disciplinary actions against employees. Chief Dossey explained that the Police and Fire Commission had their own attorney.

Mayor Luft requested that any input regarding the Ethics Ordinance be sent to Ms. Swise or Mr. Rothert.

RESULT:	**ADOPTED [4 TO 3]**
MOVER:	Rick Hilst, Councilman
SECONDER:	Becky Cloyd, Mayor Pro tem
AYES:	Karen Hohimer, Dave Nutter, Becky Cloyd, Mark Luft
NAYS:	Rick Hilst, Lloyd Orrick, John P Abel

8.14. Ordinance No. 3060-21/22 Approving and Authorizing the Execution of a TIF Redevelopment Agreement By and Between the City of Pekin and Jody Yearly (D.B.A. Touch of Glass)

Economic Development Director, Mr. Matt Fick, presented the request to Council to approve an ordinance approving a TIF redevelopment agreement with Touch of Glass. Mr. Fick explained that Jody Yerly, owner of Touch of Glass, was requesting $20,000 in tax increment finance funding to assist with renovations to 410 Court Street, which she had recently purchased as the new location for her business. On June 28, 2021 Chris Dunn, the owner of 410 Court Street at the time, was awarded $20,000 in

TIF funding to assist with building renovation costs. Since then Ms. Dunn decided not to accept the TIF funds and instead sold the building, as-is, to Ms. Yerly, therefore the request would not create a reduction in the unobligated Central Business District TIF fund balance. Ms. Yerly had indicated that they would invest approximately $75,000 in the building and improvements, which included putting in a new 200-amp electrical service, a new furnace and air conditioner, and renovations to the bathroom. Mr. Fick explained that the terms of the redevelopment agreement included a five-year forgivable loan, forgiven 1/5 annually, and the project be completed in 12 months. The terms of the loan are encompassed in a promissory note secured by a personal guarantee.

Councilmember Nutter confirmed that the reference to “restaurant” in the request was a mistake.

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

8.15. Ordinance No. 3061-21/22 Approving and Authorizing the Execution of a Tax Increment Financing (TIF) District Redevelopment Agreement By and Between the City of Pekin and Enviro-Safe Refrigerants, Inc

Economic Development Director, Mr. Fick, presented the request to Council to approve an ordinance approving a TIF redevelopment agreement with Enviro-Safe Refrigerants. Mr. Randy Price, owner of Enviro-Safe Refrigerants, LLC located at 400 Hanna Drive, was requesting tax increment financing assistance from the Southern Industrial Park TIF in the amount of $60,000 to recapture a portion of the capital that was spent to expand his business in 2016/2017. Mr. Price was told by previous economic development City staff that he was in the Enterprise Zone, which was correct, and that his building would receive five (5) years of property tax abatement. However, the property was also in the Southern Industrial Park TIF District, which negates that particular benefit. Staff was recommending approval of a pay-as-you-go agreement with Mr. Price, meaning he would pay his annual real estate taxes and be reimbursed $6,000 out of the net remaining taxes after payment to the school districts and administrative expenses have been deducted. These reimbursements would be for TIF eligible expenses. Under the proposed terms of the redevelopment agreement, Enviro-Safe would capture the entire $60,000 in ten (10) years.

Councilmember Orrick spoke in favor of the agenda item and gave some history on Mr. Price.

Mayor Luft also spoke in favor of the agenda item.

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

8.16. Ordinance No. 3062-21/22 Approving and Authorizing the Execution of a TIF Redevelopment Agreement By and Between the City of Pekin and Asher's Place, LLC

Economic Development Director, Mr. Matt Fick, presented the request to Council to approve and adopt an ordinance approving the execution of a TIF redevelopment agreement with Asher’s Place, LLC. Mr. Fick explained that Russell and Ashley Spencer, owners of Asher’s Bar and Grill in Farmington, were looking to relocate their restaurant to the ground floor of 353 Court Street. The relocation was due to a fire that tragically destroyed Asher’s location in Farmington in 2021. The proposed new location, at 353 Court Street, was stabilized and built-out with TIF funding assistance under a Redevelopment Agreement with 353 Court, LLC and The Pizza Peel, Inc that was executed on November 12, 2019. While Pizza Peel was unable to fulfill their obligation to occupy the ground floor, the space was mostly improved to accommodate future restaurants. The space was designed to meet the needs of a pizza restaurant with an exposed kitchen concept. Asher’s Bar and Grill, however, did not have an open concept and had additional improvements that needed to be made to accommodate their business model. They are a traditional, full-service, sit-down restaurant and requested $20,000 in funding assistance from the Central

Business District TIF District in the form of a forgivable loan to help finalize their expansion plans and pay for expenses related to constructing a bar, enclosing the open kitchen and installing exterior signage. This restaurant would further help stabilize the 300 block of downtown and enhance unique dining opportunities along that street. Mr. Fick explained that the agreement would encompass a two year forgivable loan with one-half of the loan to be forgiven annually. The project must be completed in 12 months and generate certain sales tax revenues.

Councilmember Abel and Mayor Luft spoke highly of Asher's Place and the agenda item.

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

8.17. Ordinance No. 3063-21/22 Approving and Authorizing the Execution of a TIF Redevelopment Agreement By and Between the City of Pekin and Matteo Properties, LLC.

Economic Development Director, Mr. Matt Fick, presented the request to Council to approve and adopt an ordinance approving the execution of a TIF redevelopment agreement with Matteo Properties, LLC. Mr. Fick explained that Mr. Chris Cupi was requesting tax increment financing funds from the Court Street TIF in the

amount of $175,000 to help offset the cost of constructing a new, 12,000 square foot multi-purpose commercial athletic facility, known as Titan Fitness, on property located at the northeast corner of Vandever Avenue and Griffin Avenue. The request for funding was a pay-as-you-go with Mr. Cupi paying annual real estate taxes to be reimbursed 50% of the net remaining taxes after payment to the School Districts and the deduction of administrative expenses. Mr. Cupi would receive this reimbursement up until he reached the cumulative reimbursement level of $175,000 in approximately 17 years. The project must be completed in twelve (12) months.

Mr. Cupi addressed the Council and gave a brief history of his three locations in Washington, Peoria, and Rantoul. Mr. Cupi explained that many customers travel from Pekin to Peoria to his gym. They offer 24 hour access, childcare, full smoothie bar, supplements, group fitness classes, live stream classes, personal training, small group training and large open green space for HIIT training. The business model is very clean, professional and family friendly with a current membership of 2500 people. Mr. Cupi thought this would be a perfect time to build in Pekin similar to his facility in Peoria.

Mayor Luft spoke in favor of the agenda item and felt he was on the path to progress.

Mr. Cupi corrected the square footage of the facility, should be a total of 16,000 square foot. Mr. Cupi hoped to break ground this May. Mr. Cupi added that he farmed for a living and had about 90% done with the quoting process.

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

8.18. Resolution No. 375-21/22 The Mayor's Appointment of Joshua D. Herman as Special Ethics Advisor

RESULT:	**APPROVED [5 TO 2]**
MOVER:	Rick Hilst, Councilman
SECONDER:	Becky Cloyd, Mayor Pro tem
AYES:	Hohimer, Cloyd, Orrick, Abel, Luft
NAYS:	Rick Hilst, Dave Nutter

Motion to remove Agenda Item 8.19 from the Agenda regarding 2971 : Resolution No. 376-21/22 Infrastructure Improvements Subcommittee

RESULT:	**REMOVED [UNANIMOUS]**
MOVER:	Rick Hilst, Councilman
SECONDER:	Becky Cloyd, Mayor Pro tem
AYES:	Hilst, Hohimer, Nutter, Cloyd, Orrick, Abel, Luft

8.19. Resolution No. 376-21/22 Infrastructure Improvements Subcommittee

A motion was made by Councilmember Hilst seconded by Councilmember Orrick to approve and adopt Resolution No. 376-21/22 Infrastructure Improvements Subcommittee. Councilmember Hilst explained that he moved the agenda item from Consent to New Business because he would like to see some language regarding removal of members of the committee and citizen representation of three members.

Mayor Luft discussed the current removal process with the City Attorney.

City Attorney, Ms. Kate Swise, explained that the committee was subcommittee of the City Council as currently written. The structure of the committee would be very different with provisions on removal and appointments. The committee would then be included in the City Code and a new ordinance would be drafted.

Mayor Luft suggested removing the agenda item from the agenda for further discussion and possibly revamping to an ordinance.

Motion to: **Table Agenda Item 8.20 Ordinance No. 3052-21/22 Special Use Request by Steve Reeves at 141 South Veterans Case SU 2022-01**

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

8.20. Ordinance No. 3052-21/22 Special Use Request by Steve Reeves at 141 South Veterans Case SU 2022-01

Councilmember Nutter explained that Mr. Reeves applied for a Special Use Permit to allow storage units on Veteran’s Drive. Councilmember Nutter explained that there was discussion at the Zoning Board of Appeals regarding the hard surface around the storage units.

Mr. Fick explained that the recommendation was that the business could not expand beyond the two units without putting in a hard surface.

Councilmember Nutter expressed concern that gravel would cause runoff issues and whether the 50 foot apron was sufficient. The application referenced storage units and a shop.

Mr. Fick explained that the shop was an allowed use with a hard surface but the storage units required a special use.

Mr. Reeves explained that it did not make sense to spend a quarter of million dollars to put up his shop.

Mayor Luft suggested lengthening the portion of the drive to ensure the gravel is not being dragged out on Veterans Drive.

Mr. Reeves explained that it would just be normal everyday traffic with the possibility of a semi once every few months. Semi-truck tires do not carry rocks. Mr. Reeves was in agreement with extending the drive to 100 feet.

Councilmember Hilst questioned whether there was a sewer line hooked up. Mr. Reeves explained that he would have a septic tank installed.

Council confirmed that the 100 foot requirement did not have to return to the Zoning Board of Appeals.

Ms. Swise informed Council that if objective was to change the variance it should be done first with agenda item 8.21 Ordinance No. 3053-21/22 Variance Request by Steve Reeves for 141 South Veterans.

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

Motion to: **Amend Ordinance No. 3053-21/22 to change the variance requirement from 50 feet to 100 feet**

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

8.21. 2954 : Ordinance No. 3053-21/22
Variance Request by Steve Reeves for 141 South Veterans Case V 2022-02 as Amended

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

Motion to: **Pull Agenda Item 8.20 off the Table**

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Becky Cloyd, Mayor Pro tem
AYES:	Hilst, Hohimer, Nutter, Cloyd, Orrick, Abel, Luft

CITY COUNCIL OR STAFF REPORTS

City Manager, Mr. Mark Rothert, updated Council regarding the CDC stopping the requirement of masks on buses, but the districts can request them. The new website was live. Mr. Rothert also mentioned the little boy that fell through the ice on Lake Arlan and how the fire department rescued him. Mr. Rothert also made a comment regarding himself offering services for applying for grants.

Councilmember Orrick questioned the SEICO land issue. Mr. Rothert said almost. Councilmember Orrick also questioned the status of the franchise agreement with AMT. Mr. Rothert stated that it was being worked on.

Mr. Rothert announced that a Budget Work Session was scheduled for Monday and received consensus from Council to alternate evening and morning meetings.

ADJOURN

There being no further business of the Council, a motion was made by Councilmember Hohimer seconded by Councilmember Abel to adjourn the meeting. Motion carried viva voce. Mayor Luft adjourned the meeting at 9:52 PM.