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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 14, 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 Hilst.

CALL TO ORDER

Mayor Luft called the meeting to order at 5:31 P.M.

City Clerk, Sue McMillan, confirmed all Councilmembers were physically present and logged on.

Attendee Name	Organization	Title	Status	Arrived
Rick Hilst	City of Pekin	Councilman	Present	5:18 PM
Karen Hohimer	City of Pekin	Councilwoman	Present	5:17 PM
Dave Nutter	City of Pekin	Councilman	Present	5:21 PM
Becky Cloyd	City of Pekin	Mayor-Proterm	Present	5:13 PM
Lloyd Orrick	City of Pekin	Council Member	Present	5:12 PM
John P Abel	City of Pekin	Councilman	Present	5:16 PM
Mark Luft	City of Pekin	Mayor	Present	5:15 PM

APPROVE AGENDA

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

APPROVAL OF MINUTES

4.1. City Council - Regular Meeting - Jan 24, 2022 5:30 PM

PUBLIC INPUT

Tom West, co-owner of West Dublin Pub, brought attention to the alley located behind his business on the 500 block of Court Street in addition to the alleys located up and down Court Street. Mr. West informed Council of the safety issue with ice and water that accumulates due to a water flow issue in the alley. He had a woman fall and was down for 5 minutes before someone found her.

Mayor Luft assured Mr. West that the Public Works Director was aware and was working on putting something together to rectify the issue. Mayor Luft explained that the City did not have the manpower to improve the alleys and were exploring options of how it could be contracted out.

Debra Bernard, a salon owner in downtown Pekin, praised Josie Esker on her hardwork. She had put down asphalt behind her building due to having flood issues in the basement. Ms.

Bernard stated that she would like to pay for the alley to get redone herself and pointed out that alleys in El Paso and elsewhere looked inviting.

Steve Sangalli spoke on behalf of the Pekin Boat Club regarding Agenda Item 8.5 and 8.6. Mr. Sangalli spoke against the fees on video gaming and suggested they be lowered, especially for clubs.

Greg Ranney spoke regarding the Pekin Outreach Initiative located at 515 Elizabeth celebrating their first year. Mr. Ranney explained that the program offered shelter, food, laundry services, showers and assist with jobs for the homeless.

Amy Hasty expressed appreciation for Councilmember Hilst and Nutter for revising the Ethics Ordinance. Ms. Hasty stated that the 2nd ethics violation filed was ruled to have no probable cause and requested that action be taken.

Larry Saul, Secretary of the Eagles on Derby Street spoke against the video gaming tax. Mr. Saul informed Council of the Clubs' programs and how they provided presents to Pekin children. Mr. Saul stated that the clubs in Pekin were struggling to stay open.

Elaine Ritchey spoke on behalf of the neighbors that live on 12th and Meyers. Ms. Ritchey explained that the entrance of Meyers Court was a dumping ground for snow by the plows that blocked two driveways to two houses.

Mayor Luft stated that the road needed to be clearly marked and recognized.

Amy McCoy, spoke on behalf of the Pekin Chamber of Commerce, stating that they supported the McKinley apartment project and that it would help grow the population and economy in the area. Young professionals and retirees were fighting to find homes in Pekin.

Danielle Owens, Superintendent of the Pekin Community High School, spoke as a member of the community, employer, and the EDAC Advisory Council, to show support for the Drew Leman's property that will help professionals in Pekin find housing.

CONSENT AGENDA

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

6.1. Police Department Stats - January 2022

6.2. Accounts Payable to be Paid Proof List thru February 4, 2022

6.3. Proclamation Black History Month
Mayor Luft read and presented the Proclamation for Black History Month to representative Larry ivory of the Illinois Black Chamber of Commerce.

6.4. Receive and File Bids Police Department Locker Room Remodel

6.5. Receive and File Bids for City of Pekin Audit Services

UNFINISHED BUSINESS

7.1. Resolution No. 366-21/22 City of Pekin , Illinois Proposed Pekin East Residential Tax Increment Financing (TIF) District McKinley Apartment, LLC Redevelopment Project
City Manager, Mr. Mark Rothert, presented the request to Council to approve an inducement resolution to attract the development of a new apartment project at Broadway and Ironwood by Leman Properties. The developer's intention was to build the project with the City's willingness to consider support for the

development through tax increment financing incentives. The developer planned to make a substantial multi-million dollar investment with the project, creating 16 units and further develop the Broadway commercial corridor. All incentives would be negotiated at a later time along with a formal redevelopment agreement once a TIF district was created.

Mr. Drew Leman gave a quick background of the company stating that they operate 1700 apartments in Central Illinois and within that group had a collection of apartments called Platinum, which included apartments in Morton, Washington, and Peoria Heights. Mr. Leman explained that the company would like to expand that collection to Pekin starting off with two, two story buildings showcasing 1100 square feet, with two bedrooms and two bathrooms. Mr. Leman added that Leman Properties had been operating in Pekin for a long time and was excited to expand to this newer construction and capture a different part of the housing market in Pekin.

Councilmember Orrick and Abel spoke in favor of the agenda item.

RESULT:	**APPROVED [UNANIMOUS]**
MOVER:	Dave Nutter, Councilman
SECONDER:	Becky Cloyd, Mayor-Proterm
AYES:	Hilst, Hohimer, Nutter, Cloyd, Orrick, Abel, Luft

NEW BUSINESS

Mayor Luft moved Agenda Item 8.9 Ordinance No. 3051-21/22 Responsible Bidder Ordinance Amending the Procurement Policy to be placed before Agenda Item 8.1 for the order of business.

Ordinance No. 3051-21/22 Responsible Bidder Ordinance Amending the Procurement Policy

City Manager, Mr. Mark Rothert, presented the request to Council to adopt an ordinance formalizing and outlining the criteria that the City utilizes when evaluating bid submittals to ensure project awards were being made to responsible bidders. The ordinance would modify the Procurement Policy with Attachment C that would outline the bidder standards. An additional review criteria would be added to the Criteria for Bid Selection that would indicate that the Purchasing Agent would consider the Responsible Bidder Ordinance Criteria for construction projects over $50,000. Mr. Rothert explained that part of that criteria was paying prevailing wage and having in place an apprenticeship program to assure the public body that it is receiving quality workmanship. Mr. Rothert explained that the city had in the past approved a responsible bidder ordinance tied to an annual timeframe. The action proposed would be included under a procurement policy that would not have to be approved annually.

Councilmember Nutter questioned the criteria of bidders having some type of apprenticeship. Public Works Director, Mr. Justin Reeise, explained that a recommendation would be made to Council to either rebid the project or move forward not meeting all the requirements.

Councilmember Orrick questioned whether a new company would ever be able to get a job for the City if they did not have three previous jobs. Mr. Reeise explained that the City regularly requires references, but ultimately it would be determined what was in the City’s best interests.

RESULT:	**ADOPTED [UNANIMOUS]**
AYES:	Hilst, Hohimer, Nutter, Cloyd, Orrick, Abel, Luft

8.1. Resolution No. 371-21/22 Award City of Pekin Audit Services to Lauterbach & Amen, LLP

Finance Director, Mr. Bruce Marston, presented the request to Council explaining that the City of Pekin issued a request for proposals for audit services and received feedback from three firms but only received proposals from two firms. Mr. Marston focused on an audit firm that would have the resources to catch the city up on audits in a more timely fashion. Lauterbach & Amen specialized in government audits and had a larger pool of staff specializing in governmental accounting and therefore was recommended by staff. Mr. Marston would request a start date by April 1st with an end date of December 31st instead of April 30th, to get the city caught up.

Councilmember Nutter questioned how many government agencies the firm covered. Mr. Marston stated that they had 450 municipalities and a number of pension funds. Mr. Marston added that Lauterbach & Amen also administered the City's fire and police pension funds.

Councilmember Hilst questioned the contract of the previous audit firm and stated that it included a FY20 audit and that agreement never came back to Council to rescind. Mr. Marston stated that he was no aware of any multi-year contracts signed with Sikich.

Councilmember Orrick spoke in favor of Lauterbach & Amen.

Councilmember Nutter confirmed that there was no conflict of interest and that they were a local firm.

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

8.2. Resolution No. 372-21/22 Award Police Department Locker Room Remodel to CAD Construction

Public Property Manager, Mr. Jayson Brienen, presented the request to Council to award the police department locker room remodel project to CAD Construction. Mr. Breinen explained that the project consisted of expanding the current locker rooms while addressing some design flaws, renovating existing space into additional office space, and creating a break room. The project was bid out for a period of just over 2 months and the City had received two bids. CAD Construction was approximately 3% above the low bid but was deemed better to align with the goals of the responsible bidders ordinance, therefore recommending the award to CAD Construction.

Councilmember Nutter confirmed that CAD Construction was a local company.

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

8.3. Resolution No. 373-21/22 Appropriate Motor Fuel Tax for 2022 (FY23) Maintenance Costs

City Engineer, Ms. Josie Esker, explained to Council that IDOT required a resolution prior to any spending of Motor Fuel Tax Funds for various projects. Ms. Esker gave specific amounts of materials to be used for each project. The remaining funds would be discussed at the planning council meeting. Ms. Esker stressed that the resolution covered the basics of what the City had done with MFT funding for the last couple of years. Additional MFT resolutions could be added later should Council wish to add projects to the Street Maintenance Plan. The resolution would begin the paperwork process to ensure materials would arrive by May 1.

Councilmember Nutter questioned why Riverway Park was in the resolution and if there was an agreement with Alto paying half. Ms. Esker stated that the City was still waiting on the agreement and that the City would not move forward without an agreement.

Councilmember Hilst agreed with Councilmember Nutter stating that he did not agree with the resolution with the inclusion of the mill and overlay for Riverway Park and felt there were other areas that had precedent.

Ms. Esker announced that she had received 5 submissions from Council regarding the road selections but they were widely variable and was why a full street maintenance plan was not presented.

Council discussed the procedure if an agreement was not met with Alto. Ms. Esker stated that the City would move forward and work on fixing the North bound lane only.

Councilmember Nutter discussed the payments for Allentown and Court Street. Ms. Esker clarified that the request was to authorize the spending of $936,000 and that the resolution could be amended at any time.

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

8.4. Resolution No. 374-21/22 Authorize Purchase of Backup Hardware, Cloud Service and Maintenance Subscription

City Manager, Mr. Mark Rothert, explained that the City was due to replace its network backup hardware and software licensing this budget year. The City sought a 1, 3 and 5-year term. Proceeding with the 5 year term saved the City $322,848. The product vendor offered terms that would allow the City to make a $126,100 payment this fiscal year with the remainder paid out of the budgeted software maintenance line item in May of fiscal year 2023. This would reduce the I.T. budget for the 2024-2026 budget years and eliminate any pricing increases on this product.

Council discussed the vendor going out of business or being bought out by another company. I.T. assured Council that they did not foresee that happening and consumer protection laws were in place to protect against data.

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

8.5. Ordinance No. 3047-21/22 Amending the City Code Section 5-1-4-6-1 and Chapter 7 Regarding Tax on Video Gaming

City Manager, Mr. Mark Rothert, presented the request to Council to amend the City Code regarding the tax on video gaming. Mr. Rothert reminded Council that on October 31, 2022 the Council approved an ordinance which adopted a $.01 tax per play on video gaming transactions known as the push tax. With the details of the implementation unknown and outcomes of lawsuits filed against other Illinois municipalities looking to enact the push tax still pending, several councilmembers requested to place on the February 14, 2022 council agenda as an action item to fully repeal the push tax.

Mayor Luft stated that the initial vote cast was not to necessarily to approve the tax but took into account the time period to get interaction. Council appreciated the input. Mayor Luft stated that he did not support the push tax but supported the repeal of it. Mayor Luft felt that the City did their due diligence and looked at the impact from businesses, which was not good for the community.

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

8.6. Ordinance No. 3048-21/22 Amend City Code Chapter 5 Article I Division 4 Sec. 5-1-4-6-4 Amusements Regarding Video Gaming Terminal Operator Fees

City Manager, Mr. Mark Rothert, presented the request to Council to amend the city code regarding video gaming. Mr. Rothert explained that on October 14, 2019, Council approved an ordinance requiring Terminal Operators to register and obtain a license for video gaming terminals within the City of Pekin. The ordinance also assessed a fee of $1,000 per video gaming terminal per year in which such revenue was split 60% to the Fire Pension Fund and 40% to the Police Pension Fund. Mr. Rothert continued to explain that on February 10, 2020 the Council approved to further amend the City Code clarifying that the $1,000 fee be assessed by the City and against the terminal operator for any video gaming terminal registered within the City. The State of Illinois amended the video gaming act stating that the cost of any fee imposed shall be shared equally between the terminal operator and the licensed establishment.

Council discussed what would happen if the ordinance did not pass. City Attorney, Ms. Kate Swise, stated that the State law would take precedent.

Council also discussed modifying the terminal operator fee before April.

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Karen Hohimer, Councilwoman
SECONDER:	Becky Cloyd, Mayor-Proterm
AYES:	Hilst, Hohimer, Nutter, Cloyd, Orrick, Abel, Luft

8.7. Ordinance No. 3049-21/22 Amend Code Chapter 5 Article II Section 5-2-25 Regarding Liquor Delivery

City Attorney, Ms. Kate Swise, explained the amendment to the liquor code authorizing delivery of packaged liquor under certain conditions. The ordinance supplemented the provisions of the cocktails to go ordinance. Ms. Swise added that the amendment to the act did not allow home rule to regulate delivery inconsistent to the State.

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

8.8. Ordinance No. 3050-21/22 Declaring Surplus Revenue in the Pekin South Industrial Park Special Tax Allocation Fund and Authorizing Payment of that Surplus Revenue to the Tazewell County Treasurer for Distribution to Affected Taxing Districts on a Pro Rata Basis for Tax Year 2020 Payable 2021

City Manager, Mr. Mark Rothert, presented the request to Council explaining that the agreement was a contractual agreement with all taxing districts in which the City agreed to declare a surplus every year in which 25% of the TIF revenues that go to the County and are distributed on a prorated basis based on a certain tax rate. Mr. Rothert corrected the numbering in the line item to be 270 and not 273.

Councilmember Hilst questioned why all TIF districts did not declare a surplus. Mr. Rothert explained that the declaration was the preference of the school districts.

Councilmember Hilst also questioned whether the agreement needed to be approved at a Joint Board of Review meeting. Mr. Rothert confirmed.

Council discussed how it was unfair to other taxing districts.

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Lloyd Orrick, Council Member
SECONDER:	Becky Cloyd, Mayor-Proterm
AYES:	Hilst, Hohimer, Nutter, Cloyd, Orrick, Abel, Luft

8.9. Item 9 was moved to before Item 8.1

COMMUNICATIONS

DISCUSSION

9.A.1. 3rd Amendment to the Southern Tazewell Enterprise Zone

Mr. Rothert presented the maps provided in the Council packet explaining that bodies of water had been deleted out and added areas were in yellow. Mr. Rothert provided the recommendation to approve an amendment to the existing Southern Tazewell Enterprise Zone, of which the City of Pekin is a partner with Tazewell County, the Village of Morton and the Village of Tremont. Mr. Rothert explained to Council that new builders would have to pay a building permit fee and that a sales tax exemption is applicable to all that buy in the State. More projects could benefit from layering incentives through the City's TIF and BDD districts in addition to Enterprise Zone benefits, all to lower development costs. Mr. Rothert added that he would be bringing the item forward with the appropriate documents for approval.

9.A.2. Derby Street Construction

City Engineer, Ms. Josie Esker, led the discussion regarding the construction on Derby Street. Ms. Esker explained that the preliminary data had been received on mostly the asphalt with some varying core tests on thickness. The construction cost estimate was $8M. Ms. Esker explained that the thickness of the asphalt that needed replaced was anywhere from 5-9 inches. Ms. Esker estimated the cost of a structural mill and overlay to be between $8M - $9M. A full reconstruction was estimated at $10.5M - $12M.

Council discussed the elevation of certain sections of the road and maintenance costs on concrete versus asphalt.

Public Works Director, Ms. Justin Reeise, stated that if the direction from Council was to reconstruct then the bid should be with asphalt and concrete and make the decision on actual number rather than the engineers' estimate.

Mr. Rothert stated that a special meeting would be scheduled for Tuesday at 8:30 A.M. for a budget work session. He had planned on goal setting but Mr. Peterson was not available.

Councilmember Hilst spoke in favor of a complete concrete rebuild.

Ms. Esker stated that the construction could not be completed in one season. Ms. Esker suggested doing two different sections but could push those costs further out.

Council discussed the general fund reserves. Mr. Marston did not feel there was an excess of funds.

Mayor suggested bringing the item back to the next meeting.

Mr. Rothert discussed the TIF agreement with the school districts and that they were requesting an additional amount of capital reimbursement. An amendment was being drafted to recommend a percentage a little higher than 24%.

ANY OTHER BUSINESS TO COME BEFORE THE COUNCIL

Councilmember Hilst requested that the closed session minutes come to Council for review.

Councilmember Hohimer thanked all the plow drivers that cleaned off the streets.

Councilmember Abel received a couple of phone calls that Deer Creek was taken care of and improved.

Councilmember Orrick commented on a newspaper article about how understaffed the nursing homes were and that Peoria passed a lift ordinance for the fire department to offer lift assists. He would like to see that at the next meeting or soon after.

Councilmember Nutter agreed that Pekin needed to implement a lift assist ordinance. Councilmember Nutter also added that the City purchased three new trucks and 3 new personnel.

Councilmember Cloyd appreciated the opportunity to ride along in a snow plow. She also made a correction that she misspoke to Councilmember Hilst at the last meeting regarding consensus of the Council and how that did not happen at the meeting of January 24, 2022.

Ms. Josie Esker clarified that the MFT funds could be allocated to different projects without a paper resolution being amended.

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

A motion was made by Councilmember Cloyd seconded by Councilmember Abel to move into Executive Session to discuss 5 ILCS 120/2 (c) 5. Purchase of Property at 8:24 P.M.

Council returned to open session at 9:20 P.M.

ADJOURN

Seeing no further action of the Council, a motion was made by Councilmember Orrick and seconded by Councilmember Nutter to adjourn the meeting at 9:20 P.M.