CITY OF Pekin ILLINOIS

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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 JANUARY 9, 2023 AT 5:30 O'CLOCK P.M.
MAYOR MARK LUFT PRESIDING

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PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Councilmember Dave Nutter.

CALL TO ORDER

City Clerk Sue McMillan confirmed all Councilmembers were present. Mayor Luft called the meeting to order at 5:35 PM.

Attendee Name	Organization	Title	Status	Arrived
Rick Hilst	City of Pekin	Councilman	Present	5:30 PM
Karen Hohimer	City of Pekin	Councilwoman	Present	5:30 PM
Dave Nutter	City of Pekin	Councilman	Present	5:28 PM
Becky Cloyd	City of Pekin	Mayor Pro tem	Present	5:30 PM
Lloyd Orrick	City of Pekin	Council Member	Present	5:30 PM
John P Abel	City of Pekin	Councilman	Present	5:27 PM
Mark Luft	City of Pekin	Mayor	Present	5:31 PM

APPROVE AGENDA

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

APPROVAL OF MINUTES

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

4.1. City Council - Regular Meeting - Dec 12, 2022 5:30 PM

PUBLIC INPUT

Jim Mangan provided each Councilmember with a handout regarding 7.2 Submitting the Question of Recall of Elected Officials to Referendum. Mr. Mangan stated he was not against the recall referendum change but the wording drastically needed revised. Mr. Mangan also spoke regarding the sports complex plan and expressed concerns regarding parking and traffic and stated he was against the way it came forward to the public. Mr. Mangan continued discussing the RFP to purchase six different city-owned properties last July and stated that Council never approved the RFP as required by State Statute. Mr. Mangan discussed in detail the State Statute and the City Code.

Ann Witzig spoke regarding the resolution awarding the demolition of 336 Margaret to Jimax. Ms. Witzig believed the property was purchased $125K on May 27, 2022 and was recently listed for sale for $159K. Ms. Witzig also spoke against the Community Awareness Committee and the proposed resolution regarding the Real Estate Transfer Tax. Lastly, Ms. Witzig spoke about the 2019 thru 2021 capital improvement plan.

Deborah Montgomery spoke regarding New Business Item 7.2 Submitting the Question of Recall of Elected Officials to Referendum stating that the request basically says nothing and asked that it be tabled.

John McNish spoke against agenda item 7.6 Replacing the Human Rights Commission with the Community Awareness Committee and deleting the Mayor’s Advisory Committee for Persons with Disabilities. Mr. McNish also asked questions regarding 7.3 Submitting the Question Whether to Impose a Real Estate Transfer Tax to the Voters, and who would pay that tax. Lastly, Mr. McNish stated that the Councilmembers should openly have discussions so the public is aware.

Heather Robertson spoke to Council regarding agenda items 7.6 Replacing the Human Rights Commission with the Community Awareness Committee and 7.7 the Mayor’s Appointment of Heather Robertson to the Community Awareness Commission, stating that she was honored to be considered chair of the new committee. Ms. Robertson felt it was a real positive move to represent a variety of voices and provide resources for people that do not recognize are available.

Roger Locke spoke regarding the sale of the acreage for the possible sports complex and felt the land was worth $495K and to sell the property for $100 did not seem legal. Mr. Locke questioned whether the City had offered the sale of the land to any farmers.

Deborah Montgomery spoke regarding agenda items 7.6 Replacing the Human Rights Commission with the Community Awareness Committee and 7.7 the Mayor’s Appointment of Heather Robertson to the Community Awareness Commission, stating many of us in the community dealing with those with disabilities and questioned how she could be a part of that committee.

CONSENT AGENDA

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

6.1. Accounts Payable To Be Paid Proof List thru December 23, 2022

6.2. Accounts Payable To Be Paid Proof List thru January 06, 2023

6.3. Financial Reports November 2022 FY23

6.4. Tazewell County Animal Control Billing - November 2022

6.5. Fire Department Monthly Incident Report December 2022

6.6. Resolution No. 522-22/23 Mayor's Reappointment of Ann J. Trumpy to the Pekin Housing Authority Board for a 5 Year Term until January 14, 2028

6.7. Receive and File Bids for 336 Margaret Street Building Demolition

NEW BUSINESS

7.1. Resolution No. 523-22/23 Award Demolition of 336 Margaret Street to JIMAX

Interim City Manager, Mr. Bruce Marston, presented the agenda item to Council to approve and adopt a resolution awarding the demolition of 336 Margaret Street to Jimax. Mr. Marston explained that the City had recently acquired the property with the intention of building and creating a new municipally owned parking lot. The project included all demolition of the building, removal of the footings, and backfill with CA6 gravel to existing grade. Mr. Marston stated that the City had received 4 bids with the demolition completion date of March 1, 2023.

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

7.2. Resolution No. 524-22/23 Submitting the Question of Recall of Elected Officials to Referendum

Interim City Manager, Mr. Bruce Marston, presented the request to Council to approve and adopt a resolution submitting the question of recall of elected officials to referendum. Mr. Marston explained that the resolution proposed the submission of a proposition to the voters during the April 4, 2023 consolidated election to adopt a procedure by which the question of whether to recall or remove an official elected or appointed to the offices of the Mayor or Councilmember prior to the expiration of their term be considered through referendum. Mr. Marston continued explaining that the proposed procedure required a subsequent resolution passed at 2/3 majority of the City Council or by petition in the manner prescribed by law for the submission of public questions on the ballot.

Councilmember Orrick questioned the origin of the item on the agenda and questioned if 2/3 of the Council voted for the recall that the Councilmember could be put on the call for reelection by either Council action or petition by voters.

City Attorney Ms. Kate Swise explained that the proposed recall procedures would allow the Council to call for recall of one its members by 2/3's vote to be added to the ballot. The voters were ultimately who would recall any Councilmember. The Council by action itself could not recall a member. Ms. Swise further explained that there would be two methods of putting a recall of a public official on the ballot, Council could do it, or voters could petition under the procedures of a city ordinance or resolution once passed.

Councilmember Orrick questioned if other municipalities were allowed for Council to recall.

Ms. Swise stated that other cities in Illinois allow this, but one such city was under litigation due to lack of specifics on the referendum and was an unpublished decision.

Council continued the discussion as to how the item was placed on the agenda.

Councilmember Hilst questioned who made the decision to allow for a 2/3 vote by Council and/or a petition if there was no language in the election code to recall local officials and how many signature would it take.

Ms. Swise answered that it would take however many signatures the election code says for putting a public question on the ballot as there was already a statutory procedure for the public to put questions on the ballot. Ms. Swise also suggested the super majority of the Council as opposed to a simple majority of the Council.

Council continued the discussion of the procedure.

RESULT:	**FAILED [2 TO 5]**
MOVER:	John P Abel, Councilman
SECONDER:	Karen Hohimer, Councilwoman
AYES:	Karen Hohimer, John P Abel
NAYS:	Hilst, Nutter, Cloyd, Orrick, Luft

7.3. Resolution No. 525-22/23 Submitting the Question Whether to Impose a Real Estate Transfer Tax to the Voters of the City

Councilmember Abel made a motion to approve and adopt Resolution No. 525-22/23 Submitting the Question Whether to Impose a Real Estate Transfer Tax to the Voters of the City. Motion died due to lack of a second.

7.4. Resolution No. 526-22/23 Memorandum of Understanding with Tazewell County Consolidated Communications (TC-3) for Payroll Services

Interim City Manager, Mr. Bruce Marston, presented the request to Council to approve and adopt a resolution to approve a Memorandum of Understanding to allow for TC3 to provide their own Payroll processing and Human Resource services and for the City to continue to provide Accounts Payable processing for a fee of $15,000 per year. TC3 recently hired staff to provide their own Payroll and HR services. Mr. Marston stated that the agreement resulted in a $35,000 reduction in charges by TC3. Mr. Marston also included that it was his understanding that TC3 would be able to do their Accounts Payable processing at some point in the future.

Council discussed the accuracy of the $15,000 charge by TC3.

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

7.5. Resolution No. 527-22/23 Approve Agreement with Maurer Stutz for Downtown Parking Lot Design

Interim City Manager, Mr. Bruce Marston, presented the request to Council to approve and adopt a resolution to approve an engineering agreement with Maurer Stutz to finalize construction drawings and specifications for both parking lots in the 300 Block of Court Street behind Fast Dragon and Asher's. The agreement also included layout (survey) during the construction. Mr. Marston explained that Maurer Stutz was previously hired to do a study of downtown parking lots. They provided conceptual parking lot plans with proposed layouts of parking stalls to make the lots more efficient and provided rough grading and surface drainage plans. Projects will be ready to bid by mid-February to allow for Spring construction. Mr. Marston continued explaining that downtown parking lots were the focus of the last infrastructure committee meeting with a recommendation that the subject be brought to Council. The committee proposed that the parking lot behind Asher's and the parking lot behind Fast Dragon (North of Court Street) be constructed first, as it was not intelligent to reconstruct all downtown parking lots concurrently.

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

7.6. Ordinance No. 4036-22/23 Amending Chapter 2, Article VI, Division 12 Replacing the Human Rights Commission with the Community Awareness Committee and Deleting Division 13 Mayor's Advisory Committee for Persons with Disabilities of the Pekin City Code

Interim City Manager, Mr. Bruce Marston, presented the request to Council to approve and adopt an ordinance combining the Human Rights Commission and the Mayor's Advisory Committee. Mr. Marston explained that the City had established by ordinance a Human Rights Committee and a Mayor's Advisory Committee for Persons with Disabilities. Both committees were advisory in nature and had overlapping goals and purposes, the most significant of which was the representation and advocation of issues related to diversity, equity, inclusion and human rights. The City desired to combine the two committees into a single Community Awareness Committee.

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

7.7. Resolution No. 528-22/23 Mayor's Appointment of Heather Robertson to the Community Awareness Commission

New Business Item 8.6 Ordinance No. 4036-22/23 Amending Chapter 2, Article VI, Division 12 Replacing the Human Rights Commission with the Community Awareness Committee and Deleting Division 13 Mayor's Advisory Committee for Persons with Disabilities of the Pekin City Code failed, therefore, the appointment of Heather Robertson to said committee was moot.

ANY OTHER BUSINESS TO COME BEFORE THE COUNCIL

8.1. Clarification Regarding Salt Building

Interim City manager, Mr. Bruce Marston, led the discussion regarding the Salt Dome at the Street Department. Mr. Marston explained that it was identified that no concrete slab was included in the cost budgeted with building a new Salt Dome, as passed by Council at the November 14, 2022 meeting. Staff estimated the cost of a concrete slab to be $40,000, falling short of the $28,885 remaining in the budget. Staff also recommended advertising for an RFP to pour the concrete slab and signing the agreement with Greenfield Contractors for the construction of the new building.

Councilmember Cloys stated that she would like to see the concrete slab advertised as a RFP.

Council continued the discussion regarding the structure of Sourcewell and how piggybacking off of other bids advertised by the State was acceptable under the City's procurement policy.

Councilmember Cloyd questioned why the structure did not include a floor.

Public Works Director, Mr. Dean Schneider, explained that the criteria for the salt building contractor assumed to build on a flat and level surface, which the City did not have. Mr. Schneider continued to explain that the current asphalt was porous and broken and needed replaced. Mr. Schneider then continued to further explain the structure of Sourcewell and how the City conformed the Salt Barn building to meet their criteria.

Councilmember Hilst questioned why a new slab could not be built on top of the old one slab.

City Engineer, Ms. Josie Esker, explained that the shape was different then the current building and it would not meet EPA standards. Additionally, a location would be needed during the building process for the salt. Staff felt it was still the cheapest route.

Councilmember Cloyd questioned why the roof just couldn't be replaced. Ms. Esker explained that the entire roof would need to come down and be redone which would cost more than purchasing a new building. Ms. Esker also explained that equipment needed to be rented each year to move the salt and staff was proposing a longer building so that equipment would no longer need to be rented.

OTHER BUSINESS

Interim City Manager, Mr. Bruce Marston, provided Council with an update on the FY20 audit. The auditing firm had staff taking vacation during the holidays that stalled work a little bit. Field work should be finalized in the next few weeks to hand over to the reporting group with a final report in late February or early March.

Human Resource Director, Ms. Diana Pavley-Rock, provided Council with an update on the applications received regarding the City Manager's open position. Ms. Pavley-Rock requested guidance on how to proceed. Council agreed to provide Ms. Pavley-Rock with their top five by next Tuesday, January 17th.

Councilmember Hilst stated he had received a few negative emails regarding garbage pickup during the holidays. Councilmember Hilst also questioned the line items regarding the proposed salt barn building.

Councilmember Cloyd welcomed the new laundry establishment on Court Street and the Artistic Community Theatre's Radio program.

Councilmember Nutter announced that January 16th was a regular garbage pickup day. Councilmember Nutter questioned the bank reconciliations.

Mr. Marston stated that there was one more month of cash management for FY21 and complete on Sewerage and Solid Waste for FY21 with the exception of the journal entries.

Mayor Luft thanked Josie for her hard work and announced that the City secured $4M for the engineering for Veteran's Drive to continue to I-474. A press conference would be forthcoming.

EXECUTIVE SESSION 5 ILCS 120/2 (C) 11. LITIGATION UPDATE 5. PURCHASE OF PROPERTY AND 6. SETTING OF A PRICE FOR SALE 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) 11. Litigation Update 5. Purchase of Property and 6. Setting of a Price for Sale of Property at 7:01 PM. Motion carried voice vote.

Mayor Luft announced that no action would be taken after Executive Session.

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 voice. Mayor Luft adjourned the meeting at 7:55 PM.