City of Pekin

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, OCTOBER 14, 2024 AT 5:30 PM MAYOR MARY J. BURRESS PRESIDING

Pledge of Allegiance

The Pledge of Allegiance was led by Tabitha Reeise.

Call to Order

City Clerk, Ms. Sue McMillan, confirmed all Council Members were physically present and logged in. A quorum was declared.

Attendee Name	Organization	Title	Status	Arrived
Rick Hilst	City of Pekin	Council Member	Present	5:30 PM
Karen Hohimer	City of Pekin	Mayor Pro Tem	Present	5:30 PM
Dave Nutter	City of Pekin	Council Member	Present	5:30 PM
Mary Burress	City of Pekin	Mayor	Present	5:30 PM
Lloyd Orrick	City of Pekin	Council Member	Present	5:30 PM
John P Abel	City of Pekin	Council Member	Present	5:30 PM
Chris Onken	City of Pekin	Council Member	Present	5:30 PM

Approve Agenda

RESULT:	**PASSED (UNANIMOUS)**
MOVER:	Council Member Lloyd Orrick
SECONDER:	Council Member Dave Nutter
AYES:	1st Alternate Mayor Pro Tem Abel, Mayor Burress, Council Member Nutter, Council Member Hilst, Council Member Orrick, Mayor Pro Tem Hohimer, Council Member Onken

Approval of Minutes

RESULT:	**PASSED (6 TO 0) TO 1**
MOVER:	Council Member Lloyd Orrick
SECONDER:	Council Member Chris Onken

AYES:	1st Alternate Mayor Pro Tem Abel, Mayor Burress, Council Member Nutter, Council Member Hilst, Council Member Orrick, Council Member Onken
NAYS:	None
ABSTAIN:	Mayor Pro Tem Karen Hohimer

When asked to log her vote, Council Member Hohimer stated she was not present at the Council meeting on September 23, 2024 and abstained.

4.1. City Council - Regular Meeting - September 23, 2024 5:30 PM

Public Input

Dan Chipman, a retired firefighter from Pekin, residing at 1430 Park Avenue, presented his concerns regarding parking and traffic issues on the last block of Park Avenue, near the intersection with Garden Street. He emphasized that changes to parking in this area, including moving vehicles closer to sidewalks, had negatively impacted both traffic safety and the residents' quality of life. He pointed out that previously, the parking situation had effectively diverted traffic from Garden Street and created a safer pedestrian environment. Mr. Chipman also presented concerns regarding flooding issues and potential sinkholes that parking could help mitigate. Mr. Chipman presented a petition signed by all six homeowners on the block, supporting the reinstatement of parking along this stretch. He shared a letter from resident Kim Gibbs, who lives at 1432 Park Avenue, advocating for parking on the street due to her large family’s need for closer parking. Additionally, he read a letter from Dustin Stoker, who also resides at 1432 Park Avenue, and a letter from Cameron Benton, the park superintendent, supporting additional parking on Garden Street for practical reasons. Mr. Chipman expressed frustration with the city’s Hanson Park Avenue study analysis, calling it incomplete and irrelevant to the specific request for parallel parking. He argued that the removal of parking had increased safety risks for residents and questioned the rationale behind the decision, noting there was no clear reason provided. He noted that the study acknowledged that on-street parking slows traffic and creates a safer environment for pedestrians, but he questioned the purpose behind the removal, asserting that the decision lacked any clear or valid reasoning. Mr. Chipman urged the council to reinstate parking on the eastbound block of Park Avenue between Garden Street and Court Street, reiterating that parking in this area would improve traffic safety and benefit both residents and park visitors.

Consent Agenda

RESULT:	**PASSED (UNANIMOUS)**
MOVER:	Council Member Lloyd Orrick
SECONDER:	Mayor Pro Tem Karen Hohimer
AYES:	1st Alternate Mayor Pro Tem Abel, Mayor Burress, Council Member Nutter, Council Member Orrick, Mayor Pro Tem Hohimer, Council Member Onken

Council Member Orrick read the 12 items listed on the Consent Agenda.

6.1. **Accounts Payable Paid Proof List thru October 4 2024**

6.2. **Pekin Police Department Monthly Statistics**

6.3. **Pekin Fire Department Monthly Incidents September 2024**

6.4. **Building Department Permit Report For September 2024**

6.5. **Tazewell County Animal Control Billing September 2024 - December 2024**

6.6. **Receive and File Submittals to the Request for Proposals for Marketing Services**

6.7. **Receive and File Bids Court Street Property Demolitions**

6.8. **Ordinance No. 4238-24/25 A Special Use Request Submitted By Peter Colvin On Behalf Of Clean & Lube Incorporated For The Operation Of An Automotive Clean and Lube Business At 1610 Broadway Street.(Case SU 2024-10)**

6.9. **Ordinance No. 4239-24/25 A Variance Request For The Property Located At 1500 South 2nd Street To Reduce The Minimum Rear Building Setback. (Case V 2024-17)**

6.10. **Resolution No. 188-24/25 Approving Purchase Contract with Morrow Brothers for a 2024 Ford Interceptor**

6.11. **Resolution No. 193-24/25 Approving the Mayor's Appointment of Heather Knight to the City of Pekin Police Pension Board of Trustees**

6.12. **Resolution No. 194-24/25 Approving the Mayor's Appointment of Tabitha Reeise to Represent the City of Pekin to Central Illinois Agency on Aging, Inc.**

Public Hearing

Mayor Burress opened a Public Hearing at 5:46 p.m. No comments were received from the public at the meeting. Tina Hauk, CDBG Program Manager, presented the

Community Development Block Grant-Corona Virus Healthy Home Project. Ms. Hauk reported the public hearing concludes the public comment period which opened October 2, 2024. The City of Pekin intends to submit an application to the Illinois Department of Commerce and Economic Opportunity for a grant from the state CDBG CV program. This program is funded by Title I of the Federal Housing and Community Development Act of 1974 as amended. These funds are to be used for a community development project that will include the following activities. Replacement of older HVAC units in rental units from 1 to six units occupied by low to moderate income persons within the City of Pekin. There is a total of $21,614,873, which will be awarded to 15 subrecipients throughout the state of Illinois. The City of Pekin is requesting $500,000, which is projected to replace at least 30 HVAC units in low to moderate income rental units of 1 to six units. This amount includes administrative fees as well as project fees. No other project funds will be used in conjunction with this program. The objective of this program is to reduce energy costs for the most vulnerable within the community. A secondary objective is to invest in the aging housing stock in the community and inspire neighborhood revitalization with an emphasis on health and safety. According estimates to the 2020 Centennial census, there are approximately 40,854 people in Pekin. They make an average of $58,813 a year. 13.5% of the population of Pekin or 5515 people live in poverty, according to the US census. Poverty level in Illinois, according to the US census, is $27,479 for a family of four. There are 18,855 houses in Pekin, approximately 6.7% of those, or 1263, are rental units. An estimated 214 were built before 1939. 60% of all rental units pay between $500 and $1,000, not including utilities monthly. With an average rent of $749 monthly, not including rent. According to the city's inspections department, many of these older units are in need of upgrades and replacements, not only to meet the current code requirements, but also to reduce energy costs for those living in the dwellings. This program will operate as follows. Buildings with more than 6 units are ineligible. Units where residents may be displaced will not be eligible for the program. This program will serve on a first come, first served basis. Landlords may apply for a maximum of six units. In order to assure that the unit remain affordable to the low to moderate income population, a lien will be placed on the property in the program for the cost of the improvements. If the property is sold, transferred or foreclosed on the funds will be recaptured and returned to the CDBG fund. Additionally, all landlords will sign an agreement stating their properties will remain affordable to the LMI community for five continuous years after the installation of the new unit or the replacement cost will be recaptured. Should the landlord become indebted to the city of Pekin during the five-year period of affordability. The funds will be recaptured. The city will procure contractors to work within the program on a first come, first serve basis. There will be an application process established on the city's website for landlords to apply. Tenants are ineligible applicants. Landlords must meet the eligibility criteria set forth in the program guidelines. Only units with forced air systems will be evaluated. Each unit must undergo a HUD environmental review prior to work beginning. Households must not exceed 80% of the total household income as defined by HUD. 2/3 of the total rentals must be occupied by LMI persons. All contractors must obtain city permits for all work approved under the program within 30 days of acceptance into the program. All replacements must have at least a 95% efficiency rating. All contractors must be licensed, insured and have current and active Sam and EUI numbers. Other criteria are spelled out in the program guidelines, which will be available through the CDBG program manager at the city of Pekin. Mayor Burress asked that the statistics Ms. Hauk read be sent to the Council. There being no additional comments Mayor Burress closed the hearing at 5:53 p.m.

7.1. Public Hearing on Community Development Block Grant-Corona Virus Heatlhy Homes Project

Mayor Burress opened the public hearing at 5:46 PM and stated the rules for public comment period. No public comments were provided.

CDBG Program Manager Ms. Tina Hauk explained the purpose of the public hearing stating that is was the city's intention to apply for a grant from the Illinois Department of Commerce and Economic Opportunity (DCEO) under the State CDBG-CV program. This grant, funded by Title I of the Federal Housing and Community Development Act of 1974, will be used for a community development project aimed at replacing outdated HVAC units in rental properties occupied by low to moderate-income (LMI) residents in Pekin. The city is requesting $500,000 of the total $21,614,873 available, which will be distributed to 15 subrecipients throughout Illinois.

The funds are projected to replace at least 30 HVAC units in rental buildings of 1 to 6 units, focusing on energy cost reduction for vulnerable households and improving aging housing stock in the community. Ms. Hauk shared census data, noting that Pekin's population is approximately 40,854, with 13.5% of the population living in poverty. Of the 18,855 housing units in the city, 6.7% are rental properties, many of which require significant upgrades to meet current codes and reduce energy consumption.

The program will operate on a first-come, first-served basis, with landlords allowed to apply for up to six units. Eligibility is limited to buildings with forced air systems and 1 to 6 units, excluding properties where residents may be displaced. A lien will be placed on properties receiving upgrades to ensure affordability for LMI residents for five years, with funds being recaptured if a property is sold or the landlord becomes indebted to the city during that period. Contractors for the program will be selected through a procurement process and must meet certain qualifications, including licensing, insurance, and efficiency requirements for new HVAC units.

Ms. Hauk also outlined that only properties where 2/3 of the rentals are occupied by LMI persons will be eligible, and each unit must pass a HUD environmental review before any work begins. The program's detailed guidelines will be available through the CDBG Program Manager's office once the application process is opened. If funded by DCEO, the program is expected to make a significant impact in helping the most vulnerable residents of Pekin with both energy savings and housing improvements.

Mayor Burress closed the public hearing at 5:53 PM.

Unfinished Business

8.1. Resolution No. 190-24/25 Authorizing Street Parking at 1430 and 1432 Park Avenue

RESULT:	**FAILED (3 TO 4)**
MOVER:	Council Member Dave Nutter
SECONDER:	Council Member Lloyd Orrick
AYES:	Council Member Nutter, Council Member Hilst, Council Member Orrick
NAYS:	1st Alternate Mayor Pro Tem Abel, Mayor Burress, Mayor Pro Tem Hohimer, Council Member Onken

Mr. Dossey explained and detailed that while Mr. Dan Shipman had long requested parking on this section of Park Avenue, various safety concerns had been raised, and a 2022 engineering study by Hanson Professional Services had advised against adding parking. He explained that the proximity to Court Street made the location hazardous, and the City would be at risk for liability if an accident occurred.

Council Member Hohimer inquired about the legal implications, to which City Attorney Kate Swise explained that under the Illinois Tort Immunity Act, the City could be liable if it knowingly allowed a dangerous condition.

Council Member Orrick expressed support for the resolution, questioning the consistency of traffic safety decisions in similar areas.

City Engineer and Traffic Safety Committee Representative Josie Esker clarified that the engineering study found no safe location for parking along the section in question and emphasized that conditions vary, making consistency difficult.

Council Member Abel asked about future changes to the intersection's design, which Ms. Esker confirmed would complicate adding parking due to increased safety risks.

Further debate ensued regarding the City’s potential liability, the thoroughness of the engineering study, and past decisions to eliminate parking in the area.

Council Member Hohimer suggested delaying the decision until after the intersection's reconfiguration, but Ms. Esker indicated that the current recommendation was unlikely to change as Hanson was also doing the redesign.

The discussion concluded with Mr. Shipman expressing frustration, claiming that Hanson's study was biased. After further brief comments, Mayor Burress called for a vote.

New Business

9.1. Resolution No. 195-24/25 Approving the Intergovernmental Agreement with Tazewell County for Animal and Rabies Control Services

RESULT:	**PASSED (6 TO 1)**
MOVER:	Council Member Dave Nutter
SECONDER:	1st Alternate Mayor Pro Tem John Abel
AYES:	1st Alternate Mayor Pro Tem Abel, Mayor Burress, Council Member Nutter, Council Member Hilst, Mayor Pro Tem Hohimer, Council Member Onken
NAYS:	Council Member Orrick

City Manager John Dossey presented the details of the proposed agreement. This agreement would continue Tazewell County Animal Control's provision of animal-related services to the City of Pekin. Mr. Dossey explained that the agreement included a detailed cost analysis and outlined proposed fee increases for the years 2024 through 2027. The Council had previously inquired about reclamation fees from other agencies, which were attached for reference. Police Chief Ranney and Libby from Animal Control were available to answer questions.

Council Member Orrick raised concerns about the fairness of the fee structure, noting that while the County charges the same per-person fee across different areas, it covers a much larger and more spread-out region, leading to higher travel costs. He argued that this unfairly impacts Pekin's taxpayers.

Council Member Orrick also mentioned that previous reports included more detailed information on where animals were picked up, which he found valuable. He further questioned whether the registration fees collected from Pekin residents, which he estimated to be between $10,000 and $20,000, were properly reflected in the budget and if Pekin taxpayers were getting appropriate credit compared to those in unincorporated areas.

9.2. Resolution No. 196-24/25 Authorizing the Execution of a Professional Services Agreement with McDaniels Marketing for Marketing Services

RESULT:	**PASSED (4 TO 3)**
MOVER:	Council Member Dave Nutter
SECONDER:	1st Alternate Mayor Pro Tem John Abel
AYES:	1st Alternate Mayor Pro Tem Abel, Mayor Burress, Mayor Pro Tem Hohimer, Council Member Onken

NAYS:	Council Member Nutter, Council Member Hilst, Council Member Orrick

Economic Development Director Joshua Wray explained the strategy to develop a comprehensive marketing program aimed at attracting residents, businesses, and job seekers to the City. The RFP (Request for Proposal) process yielded three submissions, and after presentations and scoring, McDaniels Marketing was recommended by the Economic Development Advisory Committee (EDAC). Mr. Wray clarified that the current agreement only covers the $15,000 for the marketing plan and does not include future implementation costs.

Council Member Nutter expressed concerns about the RFP process, stating that it was not published in the local newspaper, which may have excluded a local firm from submitting a proposal. He suggested reissuing the RFP and moved to table the resolution until October 28, 2024, to allow for a fair process. Council Members discussed the legal requirements and the fairness of restarting the process.

Mr. Wray acknowledged that while the RFP process followed legal procurement rules, it might be good practice to publish in the newspaper to allow for local competition.

Council Member Hohimer pointed out that just because a firm didn't see the RFP doesn't mean it wasn't accessible, while Council Member Orrick stated the importance of giving a local firm that does pro bono work for the City an opportunity.

The council debated whether to reject the current RFP and restart the process or move forward with the approval, with input from Mr. Wray on the fairness and transparency of the current selection process.

9.3. Resolution No. 197-24/25 Supporting and Authorizing the Submission of an Application for CDBG-CV Healthy Homes Funds

RESULT:	**PASSED (UNANIMOUS)**
MOVER:	Mayor Pro Tem Karen Hohimer
SECONDER:	1st Alternate Mayor Pro Tem John Abel
AYES:	1st Alternate Mayor Pro Tem Abel, Mayor Burress, Council Member Nutter, Council Member Hilst, Council Member Orrick, Mayor Pro Tem Hohimer, Council Member Onken

CDBG Program Manager Tina Hauk explained that the resolution is a necessary formality for the City to apply for these funds. The grant application seeks $500,000, which is projected to improve approximately 30 homes. Additionally, a small administrative fee of about 5% to 7% will be included, depending on the final grant calculations. Ms. Hauk also mentioned that a subsequent resolution on the agenda would address Fair Housing requirements as part of the grant process.

9.4. Resolution No. 198-24/25 Adopting a Fair Housing Resolution

RESULT:	**PASSED (UNANIMOUS)**
MOVER:	Mayor Pro Tem Karen Hohimer
SECONDER:	Council Member Lloyd Orrick
AYES:	1st Alternate Mayor Pro Tem Abel, Mayor Burress, Council Member Nutter, Council Member Hilst, Council Member Orrick, Mayor Pro Tem Hohimer, Council Member Onken

CDBG Program Manager Tina Hauk explained that the resolution is required by the Department of Commerce and Economic Opportunity (DCEO) as part of the application for $500,000 in grant funds, which are intended for HVAC replacements in one to six rental units.Council Member Orrick asked if the City had never previously adopted a Fair Housing resolution.

City Attorney Kate Swise clarified that while the City already has a Fair Housing ordinance prohibiting discrimination based on unlawful characteristics, this resolution is a formality needed to meet the grant application requirements. It will act as an additional measure to ensure the city's compliance, although the ordinance in place should already suffice.

Council Member Orrick questioned the need for both an ordinance and a resolution, and Ms. Swise responded that it is largely due to procedural formalities associated with the grant application process.

9.5. Resolution No. 199-24/25 Approving and Authorizing the Acceptance of the Revised 2024 CDBG Annual Action Plan and Revised 2020-2024 CDBG Consolidated Plan

RESULT:	**PASSED (6 TO 1)**
MOVER:	Mayor Pro Tem Karen Hohimer
SECONDER:	1st Alternate Mayor Pro Tem John Abel
AYES:	1st Alternate Mayor Pro Tem Abel, Mayor Burress, Council Member Nutter, Council Member Orrick, Mayor Pro Tem Hohimer, Council Member Onken
NAYS:	Council Member Hilst

CDBG Program Manager Tina Hauk explained that the resolution involves approving and authorizing the acceptance of the revised 2024 CDBG Annual Action Plan and the revised 2020-2024 CDBG Consolidated Plan. These revisions were requested by HUD, and their approval is necessary for the City to receive its grant agreement and access the remaining 2023 allocation. Additionally, the Consolidated Plan must be revised and approved to secure the 2024 allocation. Ms. Hauk emphasized the importance of submitting both documents to HUD before their deadline on October 18th in order to ensure the timely availability of funds.

9.6. Resolution No. 200-24/25 Approving Polling Place Accessibility Grant Agreement between Tazewell County and the City of Pekin for Improvements to the Polling Place Located at 1130 Koch Street

RESULT:	**PASSED (UNANIMOUS)**
MOVER:	1st Alternate Mayor Pro Tem John Abel
SECONDER:	Mayor Pro Tem Karen Hohimer
AYES:	1st Alternate Mayor Pro Tem Abel, Mayor Burress, Council Member Nutter, Council Member Hilst, Council Member Orrick, Mayor Pro Tem Hohimer, Council Member Onken

City Manager John Dossey informed the Council that the proposal for ADA upgrades had been approved. The resolution grants the Mayor the authority to accept the award and sign the grant agreement amounting to $63,314.

City Attorney Kate Swise clarified that the agreement presented is not a typical grant agreement due to the lack of reporting requirements from the State Board of Elections. Instead, it is a simple intergovernmental agreement stipulating that the County will reimburse the City for the expenses incurred once proof of payment is provided.

Council Member Nutter inquired whether the project would go out to bid, to which City Engineer Josie Esker confirmed that they had already received and selected a lower bid prior to applying for the grant.

Ms. Esker detailed that the work will involve adding compliant accessible parking spaces and replacing the sidewalk and curb leading to the entrance, ensuring compliance with accessibility standards.

Council Member Hilst sought clarification on the nature of the work, specifically regarding the accessibility improvements, which Ms. Esker confirmed would entail concrete work rather than merely restriping. The project is expected to be completed at no cost to the City, and the grant amount aligns with the contractor's bid.

Council Member Nutter also raised a question about the placement of handicapped signage, which Ms. Esker confirmed would be addressed appropriately by the City.

9.7. Resolution No. 201-24/25 Award Court Street Residential Demolitions to River City Demolition, Inc.

RESULT:	**PASSED (UNANIMOUS)**
MOVER:	1st Alternate Mayor Pro Tem John Abel
SECONDER:	Council Member Lloyd Orrick
AYES:	1st Alternate Mayor Pro Tem Abel, Mayor Burress, Council

	Member Nutter, Council Member Hilst, Council Member Orrick, Mayor Pro Tem Hohimer, Council Member Onken

City Manager John Dossey explained that the project involves demolishing three structures—1 Kenmore Court, 7 Kenmore Court, and a partial demolition of 909 Court Street—to facilitate the Court Street rehabilitation project. The City received two bids for the project, with River City Demolition submitting the low bid of $72,227, which was 9.7% below the engineer's estimate of $80,000. Dossey noted that the bid appears reasonable and responsible, recommending its approval.

Council Member Nutter sought clarification regarding the funding source, asking if the expenses would come from the purchase of property line item 445-041-580200. Finance Consultant Bob Grogan confirmed that it would, explaining that costs associated with making a recently purchased property ready for use, including demolition, are considered part of the property acquisition costs. Mr. Grogan emphasized that this approach aligns with the City's budgeting practices, although he noted that if demolition were to occur several years later without it being necessary for immediate use, those costs would then be categorized differently as a contractual service.

9.8. Resolution No. 202-24/25 Approving Additional Spending Authority to City Engineer for Court Street

RESULT:	**PASSED (6 TO 1)**
MOVER:	1st Alternate Mayor Pro Tem John Abel
SECONDER:	Mayor Pro Tem Karen Hohimer
AYES:	1st Alternate Mayor Pro Tem Abel, Mayor Burress, Council Member Nutter, Council Member Orrick, Mayor Pro Tem Hohimer, Council Member Onken
NAYS:	Council Member Hilst

City Manager John Dossey reported that the project was awarded to R.A. Cullinan for $9.96 million, with an additional $200,000 in contingency funds. As the project nears completion, the City Engineer has utilized approximately $140,000 from the contingency fund, primarily for pavement patching and asphalt work. Mr. Dossey noted that further deterioration of the pavement was discovered, and to ensure a durable road surface, the City Engineer recommends an additional $150,000 in spending authority, anticipating a total contract overage of $350,000.

Council Member Orrick inquired about a design error related to the project, which City Engineer Josie Esker confirmed was a minor quantity error.

Council Member Nutter questioned why some expenses were charged to a different account instead of the capital project fund. Finance Consultant Bob Grogan explained that expenses related to new storm sewers need to be recorded as assets on the Sewer Department's books, clarifying that while it may shift costs between funds, it does not affect the overall project cost.

Council Member Nutter also asked if any concrete repairs had been completed, to which City Engineer Josie Esker confirmed that the northern half of the project had already been milled and repaired. Ms. Esker indicated that similar issues might arise on the remaining half of the road, which is why the additional funding is necessary.

Council Member Hilst requested information about the financial corrections discussed, and Finance Consultant Bob Grogan estimated that the reclassifications over the last few years amounted to over $1 million, noting that the corrections would not require budget amendments since they were accounted for in the audit. Mr. Grogan emphasized that future budgets would reflect a more accurate accounting of expenses related to road and sewer projects, providing better financial clarity.

9.9. Ordinance No. 4240-24/25 Amending Chapter 5, Article VII, Division 4 of the Pekin City Code to Prohibit the Use of Groundwater as a Portable Water Supply within a Designated Area of the City of Pekin

RESULT:	**PASSED (UNANIMOUS)**
MOVER:	Council Member Rick Hilst
SECONDER:	Council Member Lloyd Orrick
AYES:	1st Alternate Mayor Pro Tem Abel, Mayor Burress, Council Member Nutter, Council Member Hilst, Council Member Orrick, Mayor Pro Tem Hohimer, Council Member Onken

City Manager John Dossey outlined the background and rationale for the ordinance. He explained that TriCore Environmental was engaged by the Pekin Park District to address a historical gasoline release from an underground storage tank at the Lick Creek Golf Course maintenance area, which had been reported to the Illinois Emergency Management Agency in 1999.Mr. Dossey noted that prior remediation activities took place from 1999 to 2008, but no further work had been conducted until the current investigation began in 2022. TriCore has since conducted soil and groundwater investigations per the Illinois Environmental Protection Agency's (EPA) leaking Underground Storage Tank Program, aiming to secure a no further remediation (NFR) letter for the site. However, to obtain this letter, the EPA mandates that groundwater in the vicinity of the site be restricted from use as a drinking water source. To comply with this requirement, TriCore drafted an Area-Wide Groundwater Use Ordinance, which has been modified to align with the City Code and include a prohibition on the installation and use of potable water wells within the designated area. Mr. Dossey confirmed that all properties affected by this ordinance receive water from the municipality, and no drinking water wells currently exist in the area. Staff recommended the approval.

9.10. Ordinance No. 4241-24/25 Amending Chapter 4, Article III, Division 8 of the Pekin City Code to Update the Sign Code

RESULT:	**PASSED (UNANIMOUS)**
MOVER:	Council Member Rick Hilst
SECONDER:	Council Member Lloyd Orrick
AYES:	1st Alternate Mayor Pro Tem Abel, Mayor Burress, Council Member Nutter, Council Member Hilst, Council Member Orrick, Mayor Pro Tem Hohimer, Council Member Onken

City Manager John Dossey explained that the ordinance addresses the need for regulations regarding modern off-premise signs, specifically changeable electronic LED signs, as the existing code was inadequate for these new technologies. A moratorium on issuing permits for such signs was implemented on March 25, 2024, allowing the Zoning Board of Appeals time to develop appropriate regulations. Mr. Dossey noted that the updated code includes guidelines on various aspects such as message duration, transition times, brightness, sign dimensions, spacing, and appropriate locations for these signs to protect both motorists and the community. The Zoning Board of Appeals unanimously approved the code update, which also accommodates pre-existing signs.

Council Member Orrick raised concerns regarding the scenic area regulations, specifically the restriction on signage within a thousand feet of public recreational areas, such as parks. He questioned whether this restriction was common in other municipalities and inquired about the Park District's existing electronic signs, clarifying that the ordinance applies only to off-premise signage.

Council Member Orrick also suggested the inclusion of an automatic fee increase mechanism tied to inflation in the permit fee schedule to avoid future inconsistencies.

Zoning Board Administrator and Chief Building Official Nic Maquet acknowledged that while the current fee structure was not designed for automatic adjustments, it could be revisited.

Council Member Nutter questioned whether existing signs, such as one on Broadway, would comply with the new regulations, to which Mr. Maquet responded that the new sign was approved under previous guidelines and would still fit within the new framework.

9.11. Ordinance No.4242-24/25 Requiring the Registration of Properties that are Vacant or Subject to Foreclosure

RESULT:	**TABLED TO OCTOBER 28, 2024 MEETING (UNANIMOUS)**
MOVER:	Council Member Lloyd Orrick

SECONDER:	Council Member Dave Nutter
AYES:	1st Alternate Mayor Pro Tem Abel, Mayor Burress, Council Member Nutter, Council Member Hilst, Council Member Orrick, Mayor Pro Tem Hohimer, Council Member Onken

A motion was made by Council Member Hilst seconded by Council Member Hohimer to approve and adopt Ordinance No. 4242-24/25 Requiring the Registration of Properties that are Vacant or Subject to Foreclosure.

City Manager John Dossey introduced Ordinance No. 4242-24/25, which would require the registration of vacant and foreclosed properties. Mr. Dossey explained that the city frequently struggles to identify and locate responsible parties for properties in foreclosure or those that are vacant, which forces the city to cover maintenance costs like mowing lawns or boarding up homes. He described the ordinance as a solution to these problems by creating a registry that would allow the city to hold the proper parties accountable for property upkeep. Revenue generated from the registration would be used to cover enforcement and code-related mitigation costs. Mr. Dossey acknowledged concerns raised by realtor groups and invited Chief Building Official Nic Maquet to address these concerns.

Mr. Maquet elaborated on the ordinance, noting that its primary goal is to create a database that would provide the fire and police departments with contact information for property owners in case of emergencies. He pointed out that the city often incurs significant expenses maintaining vacant and foreclosed properties, and the ordinance would shift those costs back to the banks or mortgage companies responsible for the properties. Mr. Maquet reassured the council that the ordinance wouldn’t apply to seasonal homes (like those of "snowbirds") or properties that remain habitable, but to those that are uninhabitable or neglected. He mentioned that other cities like East Peoria, Peoria, and Galesburg have similar ordinances. Mr. Maquet also mentioned that Pekin currently has about 98 foreclosed or foreclosing properties.

Council Member Hohimer expressed her support, stating that it’s unfair for the city and its taxpayers to be responsible for maintaining these properties. She emphasized that property owners should either sell or clean them up, and it should not fall on the city.

Council Member Onken sought clarification about properties that are vacant but maintained. Mr. Maquet confirmed that properties that are vacant but well-kept wouldn’t need to register, only those that are neglected or in poor condition.

Mayor Burress added that this was similar to requiring the registration of rental properties, to which Mr. Maquet agreed.

Council Member Abel asked if many of these properties were owned by out-of-state landowners. Mr. Maquet confirmed that banks and mortgage companies often own these properties and typically do the bare minimum, such as placing a foreclosure sticker, but rarely maintain them. The ordinance would require banks to inspect the properties every 30 days and take care of maintenance.

Council Member Nutter noted the significant costs the city bears for mowing, boarding up, and cleaning these properties and agreed with Council Member Hohimer that the burden should fall on the responsible parties, not the city. Counicl Member Nutter explained the difficulty the city has had in tracking down property owners and stressed that the ordinance would alleviate this issue.

Council Member Orrick raised concerns about the timing of the foreclosure process and when properties would be required to register. He asked for clarification on when a property would be considered "in foreclosure." City Attorney Kate Swise explained that a property isn't officially in foreclosure until a lawsuit is filed, but vacant properties could still be subject to registration before that point.

Council Member Orrick pointed out that homeowners in arrears, but still living in their homes, wouldn't fall under the ordinance until a foreclosure lawsuit is filed. Ms. Swise confirmed that the ordinance would apply only after foreclosure proceedings begin, but banks would still be responsible for registering vacant properties.
Council Member Orrick then asked if a property that the bank acquired at auction would be subject to the ordinance, and Ms. Swise clarified that such a property could transition from foreclosure registration to vacant property registration if it becomes unoccupied.

Council Member Hilst then focused on the issue of properties that are vacant but habitable. He clarified that even if a property has been vacant for more than 30 days but remains in good condition, it should not be subject to the registration requirement. He expressed concern about cases where a property is vacant due to a death in the family or is simply on the market for an extended period. He felt it was unfair for property owners who are maintaining their properties to be forced to register and pay the associated fees. Hilst explained that while he understood the intent of the ordinance, its language might inadvertently impact responsible property owners.

Josh Wray, the Economic Development Director, addressed Council Member Hilst's concerns. He stated that the city does not intend to penalize well-maintained properties and explained that enforcement would not target properties merely listed for sale. The city would only enforce registration when conditions such as neglect, overgrown vegetation, or code violations made the property appear uninhabitable. Mr. Wray acknowledged that the language of the ordinance might need to be clarified to ensure the city's intent aligns with its application.

Mayor Burress then asked if the ordinance could be amended to reflect this. Council Member Hilst reiterated that there was a gap between the ordinance's intent and its language, which could cause problems down the road.

Mr. Maquet asked Council Member Hilst if he wanted to propose a specific language change.
Council Member Hohimer suggested that some property owners might exploit loopholes, like placing "For Sale by Owner" signs on their properties and leaving them vacant indefinitely. The Mayor pointed out that most people selling property would still maintain it because they want it to sell.

City Attorney Swise offered to workshop potential amendments to address concerns about vacant but well-maintained properties. She suggested the council could create clearer criteria for defining vacancy based on maintenance issues, such as when the city has to mow lawns or board up windows. Mr. Maquet also suggested that properties could be required to register if they are officially declared uninhabitable.

Council Member Nutter noted that most vacant properties under city care begin with code enforcement issues, which eventually escalate if not addressed. He added that properties in foreclosure often deteriorate due to neglect, and the ordinance would help prevent that.

Council Member Onken shared a personal example of a property near his home that had been vacant for 15 years but was well-maintained.

Council Member Orrick then asked if there was any urgency to pass the ordinance that evening. When it was determined there was none, Council Member Orrick moved to table the ordinance until the October 28th meeting to allow time for further review and amendments.

9.12. Ordinance No. 4243-24/25 Temporary Moratorium On Issuance of Any New Tobacco Product Dealers Licenses

RESULT:	**PASSED (6 TO 1)**
MOVER:	Council Member Chris Onken
SECONDER:	Council Member Lloyd Orrick
AYES:	1st Alternate Mayor Pro Tem Abel, Mayor Burress, Council Member Nutter, Council Member Orrick, Mayor Pro Tem Hohimer, Council Member Onken
NAYS:	Council Member Hilst

City Manager John presented the request about numerous complaints regarding the increasing number of smoke shops and tobacco retailers. Staff recommended a 180-day temporary moratorium on new tobacco dealer licenses to allow time for reviewing regulations, engaging the Zoning Board of Appeals, and possibly establishing a special use permit process. Mr. Dossey emphasized that while many focus on traditional tobacco, newer products like kratom sold at these shops pose health risks, particularly to the city's youth.

Council Member Hilst raised concerns about the existing shops that continue to sell these products and questioned if a special use permit could be imposed without the moratorium.

Mr. Dossey explained that the moratorium would provide a pause on new shops, allowing the city to determine the best regulatory approach.

Economic Development Director Josh Wray clarified that any new zoning regulations would grandfather existing smoke shops concerning location but would still require them to renew their tobacco licenses, adhering to new rules on product sales.

Council Member Hilst expressed further concern about whether the city, as a home-rule municipality, has the authority to prohibit the sale of legally permissible items. City Attorney Kate Swise responded that while the city might have the authority, this legal question still required further exploration.

Council Member Onken compared the situation to dry counties prohibiting alcohol, but Ms. Swise pointed out that alcohol is subject to different regulations due to powers granted by the 21st Amendment.

Council Member Nutter emphasized that the moratorium would not necessarily last the full 180 days and could be revisited sooner if progress was made in 45 days.

9.13. Ordinance No. 4244-24/25 Approving A Fourth Budget Amendment to the FY2025 Annual Budget

RESULT:	**PASSED (UNANIMOUS)**
MOVER:	Council Member Chris Onken
SECONDER:	Mayor Pro Tem Karen Hohimer
AYES:	1st Alternate Mayor Pro Tem Abel, Mayor Burress, Council Member Nutter, Council Member Hilst, Council Member Orrick, Mayor Pro Tem Hohimer, Council Member Onken

City Manager John Dossey introduced Ordinance No. 4244-24/25, which approves a fourth budget amendment for FY25. The amendment reflects several key actions regarding property transactions. Mr. Dossey explained that the City Council had approved three land sales, generating $110,000 in unbudgeted revenue, which will be added to the general fund. He also clarified a structural change related to the purchase of a chicken farm, where the original $14 million purchase with a $12 million loan has been revised. The new budget reflects only a $2 million payment plus acquisition and legal costs, with no additional revenue or expenses in FY25. This adjustment reduces the general fund expenses by $11.9 million and eliminates the city's ability to spend that amount without another amendment. Staff recommended approval, noting that the ordinance requires a super majority.

Council Member Hilst asked for clarification about the $110,000 in property sale revenue, questioning how much had already been generated. Economic Development Director Josh Wray responded that while $10,000 to $11,000 had been received, the $110,000 represents expected revenue from three Council-approved sales: $100,000 from Tremont Co-op Grain, $1,000 from Roger Brotherton, and an increase in the Illinois American Water land sale due to an adjustment in acreage. Council Member Hilst confirmed that the original $47,000 expected in revenue remains in place, with Mr. Wray specifying that $37,000 comes from the Illinois American Water sale and $10,000 from a previous sale finalized this fiscal year.

Council Member Nutter inquired if all the sales had been finalized. Mr. Wray explained that while the sale to Roger Brotherton is near completion, and the Tremont Co-op sale is pending title transfer, the Illinois American Water transaction is still in progress due to recent changes in site plans. City Attorney Swise noted that documents for the Brotherton sale have been signed and are awaiting deed recording.

9.14. Ordinance No. 4245-24/25 Amending Chapter 3, Article II, Division 4, Section 2 of the Pekin City Code to Provide for a Convenience Fee for Over-the-Phone Payment of Utility Bills

RESULT:	**FAILED (0 TO 7)**
MOVER:	Council Member Chris Onken
SECONDER:	Mayor Pro Tem Karen Hohimer
AYES:	None
NAYS:	1st Alternate Mayor Pro Tem Abel, Mayor Burress, Council Member Nutter, Council Member Hilst, Council Member Orrick, Mayor Pro Tem Hohimer, Council Member Onken

Finance Director Eric Dubrowski introduced Ordinance No. 4245-24/25, which would amend the city code to implement a $4 convenience fee for over-the-phone utility bill payments. He highlighted the Finance Department's goals of increasing efficiency and reducing risks related to data security, explaining that handling about 100 phone payments per week consumes 5 to 8 hours of staff time that could be better used elsewhere. The department's preference is to eliminate over-the-phone payments altogether, encouraging customers to use other payment options such as mail, in-person payments, or autopay.

The $4 fee would cover processing costs but also serve as an incentive for customers to switch payment methods.

Council Member Orrick asked how the fee would be applied, and Finance Consultant Bob Grogan clarified it would be added at the time of payment and split between garbage and sewer.

Council Member Nutter expressed concerns about the security risks associated with phone transactions, stating his opposition to continue to allow over the phone payments.

Mr. Grogan acknowledged the city's compliance with payment card security standards but confirmed phone payments still carry higher risks.

Council Member Hilst found it surprising that many people still choose phone payments despite multiple alternatives, with Mr. Grogan noting that phone payments increased significantly during the pandemic.

Mr. Dubrowski and Mr. Wray both reiterated that voting in favor of the ordinance would maintain the phone payment option with the added fee, while voting against it would discontinue the service entirely.

Any Other Business To Come Before The Council

City Manager John Dossey shared the ceremony in recognition of metastatic breast cancer at City Hall, which was appreciated and shared on social media.

Police Chief Seth Ranney addressed concerns about homelessness, presenting it as a complex issue deeply rooted in mental health and addiction, rather than simply a housing problem. He explained that the City has limited resources for mental health treatment, with only 21 available beds locally. The Police Department faces legal challenges when dealing with the unhoused, including adherence to the Illinois Constitution, homeless Bill of Rights, and recent changes in laws such as the no-cash bail law. He detailed the department's partnerships with social services and medical professionals to provide aid and highlighted the difficulties in dealing with individuals who refuse housing. Chief Ranney emphasized the need for collaboration and the importance of continuing efforts despite limited resources, as well as the challenges faced in avoiding lawsuits while managing the situation humanely.
The Chief also provided updates on two major criminal cases: one involving a man sentenced to 60 years for the murder of his wife and another involving the murder of an infant, which resulted in a 70-year sentence. Council Members expressed appreciation for the Police and Fire Departments' efforts in these cases.

Council Member Nutter announced upcoming community events, including trick-or-treating on Court and Derby streets. Mr. Hilst inquired about the archived agendas and minutes and video updates on the city website, which City Manager John Dossey promised to follow-up on.

Council Member Abel remembered two recently deceased retired firefighters, while Council Member Onken acknowledged a local teacher, Priscilla Delury, for organizing a successful "Volley for the Cure" event for breast cancer awareness.

Mayor Burress closed the meeting by thanking those involved in the city's efforts for metastatic breast cancer awareness and highlighting plans to continue using colored lights on City Hall for special events and holidays.

Executive Session 5 ILCS 120/2 (c) 6. Setting Price for Sale or Lease of Municipally Owned Property and 11. Pending Litigation

RESULT:	**PASSED (UNANIMOUS)**
MOVER:	Council Member Chris Onken
SECONDER:	Council Member Lloyd Orrick
AYES:	1st Alternate Mayor Pro Tem Abel, Mayor Burress, Council Member Nutter, Council Member Hilst, Council Member Orrick, Mayor Pro Tem Hohimer, Council Member Onken

A motion was made by Council Member Onken seconded by Council Member Orrick to move into Executive Session to discuss 5 ILCS 120/2 (c) 6. Setting Price for Sale or Lease of Municipally Owned Property and 11. Pending Litigation at
8:10 PM.

Mayor Burress announced that no action would be taken following Executive Session.

Adjourn

There being no further business to come to the Council a motion was made by Council Member Onken seconded by Council Member Orrick to adjourn the meeting. Motion carried vivi voice vote. Mayor Burress adjourned the meeting at 8:35 PM.