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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 DECEMBER 28, 2020 AT 5:30 O'CLOCK P.M.
MARK LUFT * CHAIR * PRESIDING

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THIS WILL BE A REMOTE MEETING HELD VIA "ZOOM MEETINGS". THE PUBLIC CAN ONLY ATTEND THIS MEETING REMOTELY; DUE TO THE GOVERNOR'S EXECUTIVE ORDER REGARDING COVID-19 AND THE RELAXING OF THE OPEN MEETING ACT REQUIREMENTS, THIS MEETING WILL BE HELD REMOTELY VIA ZOOM MEETINGS WITHOUT AN IN-PERSON MEETING LOCATION FOR THE PUBLIC TO ATTEND. YOU WILL BE ABLE TO LISTEN TO THE MEETING AND SUBMIT COMMENTS DURING THE TIME FOR PUBLIC COMMENTS BY SENDING A DIRECT MESSAGE TO THE MEETING HOST USING ZOOM MEETINGS

TO JOIN IN THE MEETING FOLLOW THIS LINK: HTTPS://ZOOM.US/J/6898035689. BY PHONE, DIAL IN AND LISTEN TO THE MEETING AS FOLLOWS: 1-312-626-6799; THEN ENTER MEETING ID 689 803 5689. PRIOR TO THE MEETING, YOU CAN ALSO SUBMIT A PUBLIC COMMENT REMOTELY BY EMAIL, BY 3 PM THE DAY OF THE MEETING, BY SENDING AN EMAIL TO THE DEPUTY CITY CLERK AT NLSTEWART@CI.PEKIN.IL.US AND INSERTING IN THE SUBJECT LINE FOR THE EMAIL "PUBLIC COMMENT FOR MEETING ON DECEMBER 28, 2020".

TO VIEW MEETING ONLINE GO TO: HTTP://PEKINIL.IQM2.COM (CLICK BANNER AT THE TOP THAT STATES "VIEW LIVE MEETING") OR CHANNEL 22

PLEDGE OF ALLEGIANCE

Due to the Governor's Executive Order regarding COVID-19 and the relaxing of the Open

Meetings Act requirements, this meeting was held remotely via Zoom Meetings without an in person meeting location for the public to attend. Therefore, the provisions of the City Code regarding electronic attendance did not apply.

The Pledge of Allegiance was led by Councilmember Orrick.

The Deputy Clerk confirmed by roll call vote, that all Council Members were physically present except Councilmember Garrison who was present via Zoom Meetings.

Attendee Name	Title	Status	Arrived
Michael Garrison	Councilman	Present	5:30 PM
Rick Hilst	Councilman	Present	5:27 PM
Karen Hohimer	Councilwoman	Present	5:04 PM

Dave Nutter	Councilman	Present	5:27 PM
Lloyd Orrick	Mayor Pro-Tem	Present	5:27 PM
John P Abel	Councilman	Present	5:04 PM
Mark Luft	Mayor	Present	5:27 PM

APPROVE AGENDA

3.1. Motion to: **Approve agenda**

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Lloyd Orrick, Mayor Pro-Tem
SECONDER:	Karen Hohimer, Councilwoman
AYES:	Garrison, Hilst, Hohimer, Nutter, Orrick, Abel, Luft

APPROVAL OF MINUTES

4.1. City Council - Regular Meeting - Dec 14, 2020 5:30 PM

RESULT:	**ACCEPTED [UNANIMOUS]**
MOVER:	Lloyd Orrick, Mayor Pro-Tem
SECONDER:	Karen Hohimer, Councilwoman
AYES:	Garrison, Hilst, Hohimer, Nutter, Orrick, Abel, Luft

PUBLIC INPUT

Mr. Jim Mangan requested a member of Council motion to put the issue of a ballot referendum for repealing home rule on the January 11th Council meeting as an action item to be placed on the city election April ballot. Mr. Mangan also addressed the Mayor regarding his emails to Councilmembers and not yet receiving answers. Lastly, Mr. Mangan questioned why the City Manager's weekly updates were no longer online.

Mr. John McNish directed his comment toward Councilmember Hohimer regarding property maintenance and making Pekin more attractable. Mr. McNish also commented on the on a property located on Orchard Avenue and how the property owner was not maintaining the property. Mr. McNish felt the surrounding neighbors and the city had failed with being held accountable with regards to the Orchard Avenue property.

CONSENT AGENDA

6.1. Ordinance No. 2940 - 20/21 Approving a Variance Request to Construct a Carport at 1002 Prince Street

6.2. Accounts Payable to be Paid Proof List thru December 25, 2020

Motion to: **Approve Consent Agenda**

Mayor Luft read the 3 items on the Consent Agenda.

Councilmember Hilst requested that Consent Agenda item 6.2 Ordinance No. 2941-20/21 Approving a Special Use for a Drive-Up Window at 3208 Court St by Leaves N' Beans Coffee Shop be moved to New Business.

Mayor Luft confirmed that Consent Agenda item 6.2 was now New Business item 7.8.

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Lloyd Orrick, Mayor Pro-Tem
SECONDER:	John P Abel, Councilman
AYES:	Garrison, Hilst, Hohimer, Nutter, Orrick, Abel, Luft

NEW BUSINESS

7.1. Resolution No. 199 - 20/21 Approving Agreement with District No. 303 for a Police Liaison Resource Officer at the Pekin High School During the 2020-2021 School Year

City Manager, Mr. Mark Rothert, presented the request to Council to approve and adopt Resolution No. 199 - 20/21 Approving Agreement with District No. 303 for a Police Liaison Resource Officer at the Pekin High School During the 2020-2021 School Year. Mr. Rothert explained that last August the City adopted a Memorandum of Understanding related to any closures of the school due to COVID-19. At the time, the annual agreement had been prepared, but due to COVID, it was not brought forth for adoption. The terms of the agreement were the same as past years for a resource officer. The school would continue to reimburse the City.

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Rick Hilst, Councilman
SECONDER:	Lloyd Orrick, Mayor Pro-Tem
AYES:	Garrison, Hilst, Hohimer, Nutter, Orrick, Abel, Luft

7.2. Resolution No. 200 - 20/21 Approving Agreement with IDOT for Dilemma Zone Improvements and LED Lighting at the IL 29 / Manito Blacktop Intersection

City Manager, Mr. Mark Rothert, presented the request to Council to approve and adopt Resolution No. 200 - 20/21 Approving Agreement with IDOT for Dilemma Zone Improvements and LED Lighting at the IL 29 / Manito Blacktop Intersection. Mr. Rothert explained that IDOT was awarded a federal grant to complete safety improvements at various intersections. IDOT requested the City pay 50% of local match grant that was 95% funded. The cost estimation did not allow for more than a 25% increase. Mr. Rothert continued to explain that the improvements involved dilemma zone improvements, installation of sensors in and before the dilemma zone that would give more time for vehicles to react during a yellow light, and an upgrade to LED lighting. Mr. Rothert stated that the estimated cost was $2,400 with the IDOT program.

Councilmember Orrick questioned whether the City would be responsible for maintaining the equipment in the intersection.

City Engineer, Ms. Josie Esker, responded that the 50/50 program would continue with any improvements.

Councilmember Hilst questioned whether any utilities needed to be relocated during the project.

Ms. Esker confirmed that there were not.

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

7.3. Resolution No. 201 - 20/21 Approving an Amendment to the Construction and Maintenance Agreement with Tazewell & Peoria Railroad, Inc.

City Manager, Mr. Mark Rothert, presented the agenda item to Council to approve and adopt Resolution No. 201 - 20/21 Approving an Amendment to the Construction and Maintenance Agreement with Tazewell & Peoria Railroad, Inc. Mr. Rothert explained that the item was for an amendment to the agreement with the railroad to install a large pipe under the tracks on Front Street. Originally, the agreement did not specify track outages. City Staff and the contractor worked to develop a construction schedule that projected 60 days of track outages. The railroad has agreed to allow the outages but would charge the City $750 a day for the outage. The railroad would also charge the City for 5 derails at a cost of $1,500 each. Mr. Rothert added that the railroad would also charge $10,000 per day for the closures beyond the agreed 60 days. Mr. Rothert stated that the project must take place before the road work on Front Street could continue.

Councilmembers expressed strong consensus against the $10,000 per day cost to the City for the closure beyond the 60 days. Council felt it was a liability to the City.

City Engineer, Ms. Josie Esker, confirmed that it was unclear whether the contractor would take on liquidated damages by the railroad. Ms. Esker stated that the contractor has an overall completion date that they had to meet. Negotiations by Ms. Esker with the railroad were denied, including extra days for weather. Ms. Esker stressed that if the agreement was not passed the project would be shut down. Ms. Esker also stated that the contractor refused to add liquidated damages to their contract.

City Attorney, Ms. Kate Swise, stated that the contractor was not a party to the railroad agreement.

Ms. Esker continued and explained that the contract vaguely stated that the contractor must obtain a right of entry point with the railroad and that they were responsible for the permit with the railroad. The work could not take place until all supplies were shipped to the site, approximately 2-3 weeks. The contract with the contractor, Leander Construction, required the railroad but the railroad refused to sign unless the city granted the proposed amendment. Only a standard right of entry agreement would be between the railroad and Leander Construction. Ms. Esker added that the contract with Leander and the City did not provide for damages should the 60 days not be met. Ms. Esker felt that the City could work with Leander to come up with a new agreement.

Council brainstormed different options to make sure the job was completed within the 60 days.

Ms. Esker stated that the contractor was willing to work 10-12 hours a day if needed and that they have already ordered their materials. Once the contract was signed with the railroad they would issue a right of entry permit to Leander.

Council felt that the railroad was not going to negotiate the agreement with the City and that the contract with Leander would need to be negotiated.

Ms. Swise added that the contract with Leander stated that the maximum length to close the railroad was 3 weeks and any additional closures would have to be negotiated with the railroad. The contract was not clear who was to negotiate with the railroad. Ms. Swise continued and stated that the City was liable for all as far as the railroad was concerned but Leander needs 60 days to complete the project.

Mr. Rothert stated that the funds would come from the Sewerage Fund.

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Michael Garrison, Councilman
SECONDER:	Lloyd Orrick, Mayor Pro-Tem
AYES:	Garrison, Hilst, Hohimer, Nutter, Orrick, Abel, Luft

7.4. Resolution No. 202 - 20/21 Approving Settlement Agreement Between Pekin Firefighters Retiree's Health Insurance Fund Board and the City of Pekin

City Manager, Mr. Mark Rothert, presented the request to Council to approve and adopt Resolution No. 202 - 20/21 Approving Settlement Agreement Between Pekin Firefighters Retiree's Health Insurance Fund Board and the City of Pekin. Mr. Rothert summarized the request stating that many years ago the Fund and the City entered into an arrangement whereby the fire department employees contributed a percentage of each paycheck to the Fund and the City would issue a check to the Fund for the amounts withheld from the employees paycheck. Upon retirement the employee would pay the City a portion of their monthly health insurance premium and the Fund would be responsible to pay the balance of the retiree’s monthly premium. The arrangement also called for the City to bill the Fund each month and the Fund would submit a reimbursement check to the City. However, Mr. Rothert, explained that upon review of this process by the City and new leadership on the Fund’s board, the process was not being followed over the past nine years. The City therefore had come to a tentative settlement agreement regarding the repayment of funds owed to the City in the amount of $233,709.40, with the initial payment due within 30 days and the remaining balance due in 60 days with equal installments per month beginning March 1, 2021, with no interest. Mr. Rothert added that the agreement allowed for a substantial reimbursement of funds up front and staff recommended approval.

Councilmember Orrick stated that Mr. Bruce Marston was the one to discover the issue and questioned what process would he now have in place to ensure this would not happen again.

Finance Director, Mr. Bruce Marston, stated that it came to his attention when a Councilmember questioned an item on the Accounts Payable list. Mr. Marston stated he was taking steps to ensure all contracts were consolidated and that each department holding their contracts were responsible. The contract was not found and that was why the auditor did not find the discrepancy. Mr. Marston would ensure that all contracts were written and not verbal. Mr. Marston added that there was no cost to the city to withhold, except for resources used to compute the amount and make the transfer. The trust would not owe the city any money.

Mr. Marston answered additional questions from Council stating that the only other way for the fund to receive the money was if the employees paid directly into the trust, and that no administrative cost would be charged by the trust.

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

7.5. Ordinance No. 2942 - 20/21 Agreement for Purchase and Sale of Real Estate in 500 Block of Margaret Street

City Manager, Mr. Mark Rothert, presented the request to Council to approve and adopt Ordinance No. 2942 - 20/21 Agreement for Purchase and Sale of Real Estate in 500 Block of Margaret Street. Mr. Rothert explained that the City had an interest to purchase real estate at 510 Margaret Street from Pekin Properties, LLC and which the City received a land donation from earlier in the year. The as is purchase price of the property was $35,000. The City's plan was to utilize the property for public purposes, such as a parking lot.

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Karen Hohimer, Councilwoman
SECONDER:	Lloyd Orrick, Mayor Pro-Tem
AYES:	Garrison, Hilst, Hohimer, Nutter, Orrick, Abel, Luft

7.6. Discussion on Allocation of CDBG Funding

City Manager, Mr. Mark Rothert, gave a summary of the upcoming discussion to Council and explained that earlier in the year, the City approved funding to assist small businesses impacted by the COVID-19 pandemic. Mr. Rothert stated that the funding for the grant program was to come out of the General Fund and then be reimbursed through the CDBG program. The City then received a grant award of $880,000 through the Rebuild Illinois – Economic Support program. The state grant money was then dedicated to reimburse the General Fund leaving the CDBG funds intact. In order to meet the HUD "timeliness test" by March 1, 2021 the funds needed to be allocated this year. Options included funding support for demolition, grants to not for profits, infrastructure improvements, costs related to Fire Station upgrades, finishing payouts for the business grants that were not covered by the Economic Support program or funds to support utility assistance program to reduce delinquent payments to the City's wastewater utility of low to moderate income residents. Mr. Rothert also stated that if the consensus was to move forward a formal amendment would be presented at the January 11, 2021 Council meeting.

CDBG Program Manager, Mr. David Bess, presented Council with a power point presentation highlighting proposed budgets and spoke about the background of the program. Mr. Bess also touched on questions that arise with CDBG funding and the types of funding available. Lastly, Mr. Bess discussed CDBG qualifying activities, including proposed project types, administrative expenditures, demolition, utility assistance, infrastructure/public facilities, fire prevention, business grants and proposed FY21 reallocation of CDBG Funding.

Mayor Luft complimented Mr. Bess on his presentation and encouraged Council to contact Mr. Bess.

Councilmember Orrick also complimented Mr. Bess on an excellent presentation and questioned where he came up with the number for the utility assistance.

Mr. Bess explained that it was just a preliminary suggestion and would be difficult to pinpoint. He would anticipate if the Council approved the assistance a lottery system would be used to see which bills to forgive.

Mayor Luft stated that the City had reached out to other utilities to have conversation after the first of the year to see if they would want to participate to match these funds. Mayor felt it would work out a lot better if all pitched in to help people get back on track.

Councilmember Abel commented that two more properties were getting demolished next week and encouraged Habitat for Humanity or contractors to build.

Councilmember Nutter questioned Mr. Bess on the total cost from the contractor for Orchard Street.

7.7. Discussion on Adding Security Enhancements to City Hall Customer Service Windows

City Manager, Mr. Mark Rothert, led the discussion with Council on adding security enhancements to city hall customer service window. Mr. Rothert described how the current state of the windows were covered with plexi-glass and how the metal cage had been lowered. Ultimately, the windows would be opened back up when a vaccine had been distributed. Staff had desired to have more security. Contractors were contacted about the cost of bulletproof glass by the City’s new property manager, Jayson Brienen.

Property Manager, Jayson Brienen, explained that initially the plan was to leave the window as it was and install bullet proof glass, but later found out that it would be expensive. Alternatives were discussed such as steel armory platting. Mr. Brienen stated he found a company to purchase the steel and a contractor could be hired to install it. Installation would take approximately 6 weeks after waiting the 2-3 weeks of ordering the supplies. The cost was still substantial and felt input from Council was necessary as employees expressed concern for their safety.

Mr. Rothert stated the cost would be approximately $100K and an RFP process would have to be done. The expense could be paid out of the TIF or the BDD as it was an eligible expense.

Mayor Luft felt that if Council did not move forward the cost would increase. Mayor Luft asked Council for a consensus. Mayor also expressed his concern of being proactive and not wanting to wait until something serious happened.

Council discussed the necessity of bullet proof glass, and why there was a fear or need for protection.

Councilmember Orrick spoke in favor of the bullet proof glass but asked to see more information on costs.

Mr. Brienen, explained that four teller stations would be created, a new armored door, and an 8 foot wall.

Councilmember Hohimer spoke against the bullet proof glass.

Council gave consensus to move forward with the RFP process.

7.8. Ordinance No. 2941-20/21 Approving a Special Use for a Drive-Up Window at 3208 Court St by Leaves N' Beans Coffee Shop

Councilmember Orrick made a motion to approve Ordinance No. 2941-20/21 Approving a Special Use for a Drive-Up Window at 3208 Court St by Leaves N' Beans Coffee Shop.

Councilmember Hilst expressed concern about drive-thru traffic backup and backing out of parking spaces on each side of the building. Councilmember Hilst also pointed out that the entrance in the back near Orchard Street had a dumpster blocking the street that was not going to be opened up.

Council compared the drive thru to other coffee shops in Pekin like Dunkin Donuts and Starbucks.

Councilmember Abel commented that there were no employee parking spots.

Mr. James Cross, owner of Leaves N' Beans Coffee Shop spoke in defense of the parking lot. Mr. Cross explained that the manager was a former store manager of a Starbucks. On average Leaves N' Beans sees 80-120 vehicles on a good day as opposed to Starbucks who sees that many in 45 minutes. Mr. Cross assured Council that the shop would not see that type of volume. It was explained that the parking lot was a private lot and it was under his understanding that all the tenants were aware and had no objections. Pin stripping would be laid for a drive thru lane and they had been out there with multiple cars and had plenty of room. The only other concern was if a random delivery truck parked on the backside of the building. Mr. Cross admitted that the location was not ideal, but it was the only location with traffic for a drive thru available, which is essential to survive during the pandemic.

Councilmember Orrick discussed the possibility of issuing a permit for only 6 months.

Councilmember Abel and Mayor Luft spoke in favor of the special use.

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Lloyd Orrick, Mayor Pro-Tem
SECONDER:	Karen Hohimer, Councilwoman
AYES:	Garrison, Hilst, Hohimer, Nutter, Orrick, Abel, Luft

ANY OTHER BUSINESS TO COME BEFORE THE COUNCIL

EXECUTIVE SESSION 5 ILCS 120/2 (C) 1. PERSONNEL AND (C) 2. LITIGATION

A motion was made by Councilmember Abel to move into executive session to discuss 5 ILCS 120/2 (c) 1. Personnel and (c) 2. Litigation seconded by Councilmember Hohimer at 7:23 PM. On roll call vote all presented voted Aye. Motion carried.

ADJOURN

There being no further business coming to Council, a motion was made by Council Member Orrick to adjourn seconded by Council Member Abel. Motion carried viva voce. Mayor Luft adjourned the meeting at 8:00 P.M.