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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 9, 2019 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 the local Boy Scouts of America troop. The Clerk confirmed all Council Members were present. A quorum was declared by Mayor Luft.

Attendee Name	Title	Status	Arrived
Michael Garrison	Councilman	Present	5:20 PM
Rick Hilst	Councilman	Present	5:22 PM
Karen Hohimer	Councilwoman	Present	5:21 PM
Dave Nutter	Councilman	Present	5:20 PM
Lloyd Orrick	Mayor Pro-Tem	Present	5:15 PM
John P Abel	Councilman	Present	5:20 PM
Mark Luft	Mayor	Present	5:25 PM

APPROVE AGENDA

3.1. Motion to: **Approve agenda**

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

APPROVAL OF MINUTES

4.1. Motion to: **Approval of Minutes**

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

4.2. City Council - Regular Meeting - Nov 25, 2019 5:30 PM

PUBLIC INPUT

Elaine Ritchie spoke to Council regarding agenda item 8.8 pertaining to gas powered bicycles. Ms. Ritchie expressed concern that the owners of those bicycles do not carry insurance.

Alan White also spoke regarding gas powered bicycles and expressed concern with the amount of noise emitted when they are driven up and down the street.

CONSENT AGENDA

6.1. 2020 Meetings of Official Body of the City of Pekin

6.2. Accounts Payable Bill Run through 11-27-19

6.3. **Resignation Gregg Ratliff from the Economic Development Advisory Committee**

6.4. **Mayor's Appointment of Eric Hill to the Pekin Planning Commission to fill the unexpired term of Ronald Knautz until May 15, 2021**

6.5. **Police Department Monthly Stats - November 2019**

6.6. **Tazewell County Animal Control Billing - November 2019**

6.7. **Bids for the Koch Street Stormwater Relief Project**

6.8. **Bids for the 5th Street Sewer Lining Project**

6.9. **Receive and File Proposals for the Processing of City of Pekin's Residential Single Stream Recyclables**

6.10. Motion to: **Motion to Approve Consent Agenda**
Mayor Luft read through the 9 Consent Agenda items.

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

UNFINISHED BUSINESS

7.1. **Motion to Untable 1953 : Request for Special Use for Open Front Storage of U-Haul trucks and Trailers at 422 Derby Street**

RESULT:	**APPROVED [UNANIMOUS]**
MOVER:	Michael Garrison, Councilman
SECONDER:	Dave Nutter, Councilman
AYES:	Garrison, Hilst, Hohimer, Nutter, Orrick, Abel, Luft

7.2. Motion to: **Motion to Approve 1953 : Request for Special Use for Open Front Storage of U-Haul trucks and Trailers at 422 Derby Street**
Mr. John Lebegue, Building Inspections Supervisor, described the request for a special use authorization for open front storage of U-Haul trucks and trailers at 422 Derby Street. At the November 25, 2019 City Council meeting the item was tabled as the members of the Council wanted more specific information as to what type of equipment would be stored on the property. Mr. Lebegue continued with the analysis and discussion of the Pekin Plan Commission's findings that the U-Haul rental use was a reasonable accessory for the property with conditions that signage would be installed to clearly identify the designated parking area for U-Haul equipment. Other conditions included that the lot or area shall be provided with a permanent, durable and dustless surface and shall be graded and drained as to dispose of all surface water accumulated within the area, that the access to the outdoor sales area shall be at least 25 feet from the intersection of any two streets, that no major repair or major refinishing shall be done on the lot and that all lighting shall be shielded from adjacent residential districts. Mr. Lebegue added that the accessory use is not the primary use and that it is a satellite facility. The Pekin Plan Commission voted unanimously to recommend approval the special use for open front storage at said location.

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

NEW BUSINESS

8.1. Three year contract for the disposal of recyclable material

City Engineer, Mr. Michael Guerra, requested the Council award a three-year contract to Area Recycling for the disposal of recyclable materials collected with the City of Pekin. Mr. Guerra explained that the City's current agreement ends at the end of this calendar year. The City has received two proposals, the first from Area Recycle and the second from Midwest Fiber. Several factors were considered in comparing the costs associated with each. These included the distance between facilities and the cost to dispose of the items. Mr. Guerra pointed out an error in the spreadsheet in that the mileage was incorrect on 2020 but correct for all other years. The recommendation is to award the agreement to Area Recycling and leave the process the same as it is now for residents. Mr. Guerra added that grocery sacks and glass are not collected and that both proposals asked for assistance in marketing materials for good and bad recycling to reduce residuals. One other correction in the packet, Mr. Guerra noted, was that the agreement was for three years and not for five, with tow one year options to extend and increasing by 3% each year after.

Street Department Supervisor, Mr. Brett Olson was available to answer questions by the Council.

Mr. Guerra answered questions from the Council and explained that Tazewell County Health Department provides grants to promote recycling and historically the City has received that grant; it covers tipping fees for the City. Mr. Guerra also mentioned that there will continue to be an open facility for drop off and Area Recycling agrees to maintain that facility.

Mayor Luft suggested that a drop off center could be established at the City summer events or during Clean Up Pekin.

Council continued discussion regarding rebate amounts, percentage of residents that recycle, bi-annual audits, and the impact of prices at the landfill.

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

8.2. Contract for the Koch Street Stormwater Relief Project

City Engineer, Mr. Michael Guerra, requested Council award a contract for the Koch Street Storm water Relief Project to Illinois Civil Contractors, Inc. in the amount of $154,185.00. Mr. Guerra's request was approved at the Infrastructure Committee meeting. The City received three bids with the original estimate of $150K, which was right on track. The project includes the installation of a new sewer connecting the storm sewer in the Riverway Business Park to an existing detention pond behind KMI Transfer along with improvement to the detention pond. The construction is planned to start upon award with the completion of the project by the end of April.

Mr. Bruce Marston, Finance Director, informed the Council that costs are recorded in the year they are incurred and that there is a difference between incurred and paid. Therefore, no rollover of funds into next year's budget should occur.

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

8.3. Contract for the 5th Street Sewer Lining Project

City Manager, Mr. Mark Rothert, requested Council award a contract for the 5th Street sewer lining project to Hoerr Construction in the amount of $243,226.00. Mr. Rothert described the request. The project includes the lining portions of the combination sewer and manholes in 5th Street from Washington to Derby Street. The project is intended to secure the brick and clay sewers from deterioration and to extend the life of the sewer. The City will be utilizing a portion of the balance of Community Block Development Grant (CBDG), which the City is required to spend down this fiscal year. The construction of the project will begin with the awarding of the project and will be completed by early spring. The City received three bids with Hoerr Construction being the low bidder. It is the staff recommendation that this project be awarded to Hoerr Construction.

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

8.4. Letter of Understanding with Mid-Central Illinois Regional Council of Carpenters Joint Apprenticeship and Training Committee

City Engineer, Mr. Michael Guerra, requested Council approve a Letter of Understanding with Mid-Central Illinois Regional Council of Carpenters Joint Apprenticeship and Training Committee to utilize a 50ft by 200ft portion of City owned property off Brenkman Drive. Mr. Guerra explained that the Committee is looking for additional space to perform a training course on how to drive pile properly and their current facility is not practical. The Committee approached the City about the possibility of utilizing the City property adjacent to their facility. The training course is scheduled for late February and it will last approximately two weeks. The Committee will remove all pile driven and level the ground upon completion of the training. Currently the property is leased for cash farming and this training class will not interfere with the farming operation. The Committee will pay the City $100 for their time utilizing the property. The letter of understanding is for only one year to see if this arrangement is acceptable and beneficial for both parties. The farmer had no objections.

Mr. Swegle was present for questioning and handed out some photos as well as a copy of their insurance.

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

8.5. Resolution No. 42-19/20 Parking Lease Agreement with SEICO

A motion was made by Councilmember Abel to adopt Resolution No. 42-19/20 a parking lease agreement with Seico, seconded by Councilmember Hohimer.

City Manager, Mr. Mark Rothert, requested Council adopt Resolution No. 42-19/20 regarding a parking lease agreement with Seico, Inc. The City of Pekin owns a parking lot in the 100 block of Elizabeth Street not far from the riverfront. This lot has historically been leased out to Seico, Inc. for parking for at least the last 15 years under an informal agreement. Also located on this parking lot is an area used by a cell tower company for placement of one of their cell towers. The City proposed no changes to this area. The City wished to formalize its parking arrangement with Seico through a parking lease agreement. The City proposed to reduce the size of the parking area used by Seico and charge and annual lease rate of $500. Currently, the area used by Seico is fenced in and any relocation of fencing will be borne by the City. Staff recommended approval.

Councilmember Hilst expressed his concern over the lease agreement.

Councilmember Hilst motioned to table Resolution No. 42-19/20 a parking lease agreement with Seico to the next regular Council meeting, seconded by Councilmember Nutter.

Council continued to discuss the lack of agreement from previous years, the parking situation, and displacement of lines due to the GIS showing some overlapping. Discussion continued with whether or not a survey is needed and whether there is sufficient proof of previous payments to the City.

Building Inspection Supervisor, Mr. John Lebegue, advised that the property was more than likely surveyed when the building was constructed in 2017. Mr. Lebegue recommended doing another survey. The City requires a detailed site plan not a plat of survey.

City Engineer, Mr. Michael Guerra, confirmed that Accounts Payable Clerk found payments dating back to 2005. The file contained a simple piece of paper typed by someone saying $480 for the use of the parking lot.

City Attorney, Ms. Swise, will check to see if a survey has been recorded in the last few years to save funds on getting a new one, or if the owners have one they are willing to share.

Councilmembers expressed that they would like to use the property for public parking. Approximately 3-4 spaces would be gained explained Mr. Guerra. A lane would have to be left open to access their lot.

RESULT:	**TABLED [4 TO 3]** **Next: 1/13/2020 5:30 PM**
MOVER:	Rick Hilst, Councilman
SECONDER:	Dave Nutter, Councilman
AYES:	Michael Garrison, Rick Hilst, Dave Nutter, Mark Luft
NAYS:	Karen Hohimer, Lloyd Orrick, John P Abel

8.6. State of Illinois Department of Natural Resources Lease Agreement

City Manager, Mr. Mark Rothert, requested Council renew a lease agreement with the State of Illinois Department of Natural Resources for use and occupancy of land on Pekin Lake of the community Welcome to Pekin sign and associated landscaping for a term of 5 years effective April 1, 2020 and ending March 31,

2025. The lessee shall not be required to pay a lease fee in consideration of the mutual benefits derived.

Councilmember Hilst clarified that the State of Illinois owns the land and that the City maintains it. No exchange of money will be made. Mr. Rothert concurred.

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

8.7. Resolution No. 43-19/20 Ratifying a Payment Plan between the City of Pekin and Lake Whitehurst Cliffs, Inc.

City Manager, Mr. Mark Rothert, requested Council adopt Resolution No. 43-19/20 to ratify a payment plan with Lake Whitehurst Cliffs, Inc. The City and Lake Whitehurst Cliffs, Inc. entered into a redevelopment agreement on March 27, 2000 for the installation of certain public improvements in Whitehurst's subdivision that would be cost-shared between the parties. The City paid for infrastructure improvements up-front and would be reimbursed by Whitehurst for its share totaling $500,000 as lots were sold over time. For each lot he sold, Whitehurst would pay the City in increments of $20,000. Whitehurst was to pay the City back within 15 years by the end of 2015 at 0% interest. At the conclusion of the original term, Whitehurst still owed the City $180,000.

By October of 2017 and nearly two years of non-payment, Whitehurst and the City agreed to a payment plan. This agreement, however, was not formally adopted by the Pekin City Council. Since the start of the repayment plan (1/1/2018), Whitehurst has made two payments resulting in a current balance that is owed of $130,666. There were no payments received to date in 2019.

Mr. Rothert recommended that the City Council formally approve the repayment plan to have its full binding effect on the parties. Staff also recommended approval.

Discussion was had between council and the City Attorney, Ms. Kate Swise. Ms. Swise clarified that the agreement has already been signed by the Mayor at the time the agreement was made and that the Council can ratify anything in the past regardless of who signed it.

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

8.8. Ordinance No. 1462-A363-19/20 Amending Title 8 of the City Traffic Code To Regulate Low-Speed Electric and Gas Powered Bicycles

A motion was made by Councilmember Abel to adopt Ordinance No. 1462-A363-19/20 amending Title 8 of the City Traffic Code to Regulate low-speed electric and gas powered bicycles, seconded by Councilmember Hilst.

City Manager, Mr. Mark Rothert presented the agenda item to Council and requested Ordinance No. 1462-A363—19/20 be adopted amending Title 8 of the City Traffic Code to regulate low speed electric and gas powered bicycles. The use and operation of low-speed gas bicycles and low-speed electric bicycles within the City has increased in recent years. Such low-speed gas bicycles and low-speed electric bicycles present unique issues with regard to traffic enforcement, regulation, and safety. The City Council of the City of Pekin finds it is in the best interest of the City and its residents to create a registry of such low-speed gas bicycles and low-speed electric bicycles and to regulate their use and operation within the City. Major regulations of the proposed ordinance would require registration with the Police Department, abiding traffic laws, assessing fees for violations, and impoundment.

Councilmember Orrick spoke against the agenda item.

Councilmember Orrick made a motion to table Ordinance No. 1462-A363-1920 amending Title 8 of the City Traffic Code to regulate low-speed electric and gas powered bicycles, seconded by Councilmember Garrison.

Council continued a brief discussion on safety, insurance, and complaints of motorized bicycles.

Councilmember Orrick revised the motion to table the item to the first meeting in February of 2020. Motion to table was adopted.

RESULT:	**TABLED [UNANIMOUS]** **Next: 2/10/2020 5:30 PM**
MOVER:	Lloyd Orrick, Mayor Pro-Tem
SECONDER:	Michael Garrison, Councilman
AYES:	Garrison, Hilst, Hohimer, Nutter, Orrick, Abel, Luft

8.9. Resolution No. 44-19/20 A Professional Services Agreement Renewal for Retail Attraction

City Manager, Mr. Mark Rothert, presented the request to Council to approve Resolution 44-19/20 to retain retail attraction services from Retail Strategies, LLC for another year, pursuant to the adopted 2018 professional services agreement. Mr. Rothert explained that retail attraction is particularly important to the City of Pekin because the City relies on sales tax as one of its major revenue sources each year. In November 2018, the City Council entered into a professional services agreement with Retail Strategies, LLC (RS) to undertake retail attraction and development efforts on behalf of the City. Over the past year Retail Strategies, LLC has worked with various retailers, real estate developers, property owners and site selectors to find the right mix for new retail development in the City. Mr. Rothert further explained that it takes times to make connections and build process. Staff at the City does not have the capacity to build such relationships between all those stakeholders. The City therefore needs to enlist the help of a firm, such as Retail Strategies, that specializes in this area of expertise if it wishes to start growing its sales tax base. Retail Strategies' model is to offer a one year services contract at $35,000 that can be extended for another two years where the firm will annually assist the City with pursuing a target list of retailers/restaurants for key development sites and representing the City at various retail conferences and trade shows held throughout the country. The expenditure is budgeted in this years' budget. Staff recommended approval.

Economic Development Supervisor, Mr. Matt Fick, was available for questions.

Council discussed the process and scheduling a presentation for early Spring or Summer.

Mr. Rothert informed Council that the cost was budgeted from the Enterprise Fund for Economic Development. This fund is not part of the General Fund, but revenue from interest of loans and such.

RESULT:	**APPROVED [5 TO 2]**
MOVER:	Michael Garrison, Councilman
SECONDER:	John P Abel, Councilman
AYES:	Garrison, Hohimer, Nutter, Abel, Luft
NAYS:	Rick Hilst, Lloyd Orrick

8.10. Resolution No. 40-19/20 Abatement of Taxes Ordinance No. 2625-10/11 Taxable General Obligation Bonds Series 2010 $7,110,000

City Manager, Mr. Mark Rothert, presented to Council Ordinance No. 2858-19/20 making, levying and assessing municipal taxes for the fiscal year May 1, 2019 to April 30, 2020 known as the Annual Levy Ordinance. Mr. Rothert explained that the levy is a 1.6% increase over last years' levy. This percentage is on par with the social security cost adjustment. The increase was recommended because police and fire pensions are going up 5% next year. Seventy-seven percent of the City's levy goes towards public pensions, 17% goes to the library to pay off library bonds. If the library amount was removed, 95% of the levy would go towards pensions.

Councilmember Orrick pointed out that the General Assembly passed a consolidation of police and fire funds.

Mr. Rothert explained that every local government will still maintain their obligation. What will change is the overall administration and investments. Much like IMRF, we may see a savings in cost, but the obligation is still there. Mr. Rothert added that the total cost is over $5M, but all that cost is not paid for through the levy, the City subsidizes the General Fund to pay for that. That subsidy increases every year. If the City did not increase the levy, an additional $100K would have to be found to make the difference.

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

8.11. Ordinance No. 2858-19/20 An Ordinance Making, Levying and Assessing Municipal Taxes in the City of Pekin, Tazewell and Peoria Counties, Illinois, for the Fiscal Year from May 1, 2019 to April 30, 2020 and Known as the Annual Levy Ordinance

City Manager, Mr. Mark Rothert, requested Council adopt Resolution No. 40-19/20, Abatement of Taxes Ordinance No. 2625-10/11 Taxable General Obligation Bonds Series 2010 $7,110,00. The City's G.O. Series 2010 Bond Issue has language making the assumption that the Levy would be necessary to provide the funding for the payment of principal and interest on the bond. However, the City has sufficient sources of funds from other revenue sources, the Wastewater Treatment Plant Enterprise Fund to make the bond payment. Therefore the levy and collection of a direct annual tax for the payment of and interest on the bond is not necessary and needs to be abated. The resolution authorizes that taxes not be levied against taxable real property in the City of Pekin in the amount of $488,965.51 provided in the Bond Ordinance 2625-10/11.

RESULT:	**ADOPTED [6 TO 1]**
MOVER:	Rick Hilst, Councilman
SECONDER:	Lloyd Orrick, Mayor Pro-Tem
AYES:	Garrison, Hilst, Hohimer, Nutter, Orrick, Abel
NAYS:	Mark Luft

ANY OTHER BUSINESS TO COME BEFORE THE COUNCIL

Alan White approached the podium to discuss his and his neighbors' concerns regarding 904 N. 10th Street, a sober living house. He believes that proper steps were not taken to zone the property and errors were made by the Tazewell County Assessor's office and zoning office. Mr. White continued to explain his research of the sequential errors. He also spoke regarding motorized bicycle safety.

Norma White spoke to Council regarding the placement of the sober living house. She explained to Council her research on the statistics of recovering addicts. She presented several questions to Council regarding management and regulation of the sober house. Ms. White provided copies to Council.

Mayor Luft corrected and informed Ms. White that the City did not vote to allow certain people or businesses in her neighborhood. The zoning was changed in hopes that the building did not sit empty and attempt to make it appealing. The City was not contacted by Fight the Fight regarding the property and Council did not vote for their purpose.

City Attorney, Ms. Kate Swise, added that the County Assessor and Board of Review would be responsible for this taxing body, not the City.

Paul Gibbs intervened regarding the sober living house and wanted to know how Council knew of the other locations presented in the past.

Mayor Luft explained that the individual was keeping the City informed, but the City was not contacted for this particular location.

Councilmember Hilst added that every other proposed property for the sober living house had required a permit or variance, this location did not.

Councilmembers made their announcements and wished everyone Happy Holidays.

Councilmember Nutter added that some Council goals are due at the end of the year. He also asked that contracts and agreements not be done last minute so Council is not under the gun. Councilmember Nutter also requested a spreadsheet. Lastly, Councilmember Nutter pointed out that the Christmas tree in front of the courthouse needs redecorated.

Mayor Luft thanked the fire department for helping with Christmas on Court.

Police Chief, John Dossey announced that two officers were recognized today when they responded to a person in crisis on Thanksgiving. They offered services, food and supplies for a special needs child. Chief Dossey added that someone over the weekend had dumped trash on Allen Town Road and through an event at Pekin Insurance and the Street Department Supervisor, Brett Olson, they were able to get it cleaned up.

City Manager, Mr. Mark Rothert, announced that airport project was named project of the year.

Mayor Luft showed appreciation for the Boy Scouts attending the meeting.

EXECUTIVE SESSION 5 ILCS 120/2 (C) 1. PERSONNEL PERFORMANCE OF SPECIFIC EMPLOYEES OF THE PUBLIC BODY

10.1. Motion to: **Motion to Move to Executive Session**

A motion was made by Councilmember Garrison, seconded by Councilmember Orrick to move into executive session for 5 ILCS 120/2(c) 1. Personnel Performance of Specific Employees of the Public Body at 8:11 PM.

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

NEW BUSINESS

11.1. City Manager Evaluation

RESULT:	**APPROVED [6 TO 1]**
MOVER:	Lloyd Orrick, Mayor Pro-Tem
SECONDER:	Karen Hohimer, Councilwoman
AYES:	Garrison, Hohimer, Nutter, Orrick, Abel, Luft
NAYS:	Rick Hilst

ADJOURN

A motion was made by Councilmember Orrick to adjourn, seconded by Councilmember Garrison. There being no further action to come before Council, Mayor Luft adjourned the meeting at 9:15 PM.