



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 NOVEMBER 28, 2022 AT 5:30 O'CLOCK P.M.
MAYOR MARK LUFT PRESIDING

PLEDGE OF ALLEGIANCE

Mayor Luft asked City Clerk Sue E. McMillan to lead in the Pledge of Allegiance.

CALL TO ORDER

Attendee Name	Organization	Title	Status	Arrived
Rick Hilst	City of Pekin	Councilman	Present	5:08 PM
Karen Hohimer	City of Pekin	Councilwoman	Present	5:10 PM
Dave Nutter	City of Pekin	Councilman	Present	5:10 PM
Becky Cloyd	City of Pekin	Mayor Pro tem	Present	5:09 PM
Lloyd Orrick	City of Pekin	Council Member	Present	5:08 PM
John P Abel	City of Pekin	Councilman	Present	5:10 PM
Mark Luft	City of Pekin	Mayor	Present	5:09 PM

APPROVE AGENDA

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

APPROVAL OF MINUTES

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

4.1. City Council - Special Meeting - Nov 7, 2022 5:30 PM

4.2. City Council - Regular Meeting - Nov 14, 2022 5:30 PM

PUBLIC INPUT

Randy Price addressed the Council regarding the building of a gymnasium on lots 320, 324, 326, and 328 Court Street.

Jeffrey Norris spoke regarding painting house numbers on the curb.

Noah Palm read a statement of concern from the working class area regarding the conflict in Ukraine.

David Zimmerman, County Board Chairman, thanked the Council for their service and discussed the County's plans for downtown that included a new Health Department Clinic and either a new courthouse or administrative building. Mr. Zimmerman requested that the lot behind the Tobin building could be used for parking.

Mary Burress, Tazewell County Treasurer, spoke against the proposed Real Estate Transfer Tax.

Roger Alexander at 1904 Court Street spoke against widening Court Street and felt he was being harassed by the City by sending him documents to start proceedings to condemn his building.

Robyn Simpson, Peoria Area Association of Realtors, spoke against the Real Estate Transfer Tax and summarized why realtors were against the tax.

PUBLIC HEARINGS

6.1. Proposed Real Estate Transfer Tax for the City of Pekin.

A Public Hearing was opened at 6:02 PM by Mayor Luft.

Police Chief John Dossey summarized the proposed Real Estate Transfer Tax and compared that tax with other communities in the State. Staff was proposing \$.25/\$1,000 equating to \$25 per \$100,000. The proposed ordinance would allow for the collection of parking tickets, impounds, delinquent waste water billing, or any current outstanding debt owed to the city. Chief Dossey presented a PowerPoint presentation with going through the total of outstanding debts to the city. The proposed ordinance would have to be passed by referendum. The request for referendum will be on the agenda for the next Council Meeting. The referendum would need to be filed by January to make the April ballot. Chief Dossey continued the presentation going into detail how the tax would benefit the city and gave several examples.

Robyn Simpson argued reasons the Real Estate Transfer Tax was problematic.

Paul Belcher, City Code Enforcement Officer, spoke in favor of the Real Estate Transfer Tax.

Mayor Luft closed the public hearing at 6:47 PM.

CONSENT AGENDA

Mayor Luft read the three items listed on the Consent Agenda.

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

7.1. Accounts Payable To Be Paid Proof List thru November 28, 2022

7.2. Tazewell County Animal Control - October 2022

7.3. State of Illinois Commerce Commission Stipulated Agreement 2237

UNFINISHED BUSINESS

8.1. Resolution No. 506-22/23 Amending Resolution No 498-22/23 Appointment of Interim City Manager

Interim City Manager, Mr. Bruce Marston, presented the agenda item to Council to increase the Interim City Manager's salary from \$140,000 per year to \$151,000 per year.

Council discussed the allocation for the Finance Director's salary for the year and that Mr. Marston would resume his previous salary before he was appointed Interim City Manager.

Mr. Marston felt the counter offer was fair and was not accepting any car allowance of \$4800 per year.

Mayor Luft and Councilmember Abel stated that he would be abstaining from the vote due to being bypassed by all negotiations.

RESULT:	ADOPTED [4 TO 0]
MOVER:	Karen Hohimer, Councilwoman
SECONDER:	Becky Cloyd, Mayor Pro tem
AYES:	Rick Hilst, Dave Nutter, Becky Cloyd, Lloyd Orrick
ABSTAIN:	Karen Hohimer, John P Abel, Mark Luft

NEW BUSINESS

9.1. Resolution No. 507-22/23 Recommendation to Remove Traffic Signals at Court & 5th

Interim City Manager, Mr. Bruce Marston presented the agenda item to Council to approve and adopt a resolution removing traffic signals at Court and 5th Streets. Terra Engineering LTD had recently evaluated the traffic signals as part of their ADA ramp design for the downtown project and determined that the intersection did not meet any of the warrants for traffic signals and recommended removal. The decision was ultimately brought to the Public Infrastructure Committee which recommended the decision be brought to Council. Recently, flashing lights were programed in that intersection with no traffic issues.

City Engineer, Ms. Esker, stated that removing the traffic lights would reduce costs in construction of approximately \$200,000.

Council continued the discussion regarding the timeline for removal and disposal.

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

9.2. Resolution No. 508-22/23 Approve Court Street Upgrades for Ameren, Brightspeed, & Comcast

Interim City Manager, Mr. Bruce Marston, presented the agenda item to approve and adopt a resolution to approve aesthetic upgrades on Court Street so that the overhead power and communication lines no longer cross the road. Mr. Marston explained that there would still be above ground powerlines on each side of the road but all the crossing would be moved underground. Ameren Electric, Comcast, and Brightspeed all currently have above ground cables. Mr. Marston continued explaining that the quotes from each utility company were attached in the packet and noted that the additional costs listed were for pole upgrades. Staff worked with Ameren and Brightspeed to change the wood poles to fiberglass poles to make them more aesthetically pleasing. The excess cost of almost \$1M caused the Public Infrastructure Committee to recommend declining the option therefore utilizing the wooden poles at no additional cost to the city. The cumulative cost estimates for the upgrades was \$215,723.68 to be paid with City funds in next year's budget.

City Engineer, Ms. Josie Esker, answered questions from Council explaining that staff was hoping to complete the project by this winter but was dependent on the city acquiring the property needed to relocate the poles.

Council discussed possibly utilizing TIF or BDD funds for the project and discussed unforeseen additional costs associated for upgrades on some residential houses.

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

- 9.3. Resolution No. 509-22/23 Agreement Between Owner and Contractor for Contract Operation of Pekin Municipal Airport Cruce Aviation, LLC**
Interim City Manager, Mr. Bruce Marston, presented the agenda item to approve a resolution approving an agreement with Cruce Aviation, LLC for the Pekin Municipal Airport. Mr. Marston explained that the Airport Director had been on military leave with the National Guard since September of 2022. The City Manager had entered into a short term contract with Cruce Aviation, LLC to perform operations services at the Airport during the Directors period of leave for a period of 13 weeks. Mr. Marston continued to explain that the contract was set to expire December 10, 2022, however, the Director's leave was expected to continue for approximately 2 years. Cruce Aviation had agreed to continue providing services at the Airport through December 31, 2024 at a rate of \$1,175 per week beginning December 11, 2022 increasing to \$1,275 per week beginning January 1, 2024. Mr. Marston clarified that the line item utilized would be Contractual Services 525-525-569000.

Council discussed the Director's required deployment and how the city was paying the differential of his salary between his deployment and as the Director.

Human Resource Director added that the Director was only being paid a salary for the first 60 days of his deployment in 2022 and paid a salary an additional 60 days in 2023.

City Attorney, Ms. Kate Swise, stated that should the Director return from deployment early, the city was required to give him his job back and exit the contract with Cruce Aviation upon 30 days' notice.

Councilmember Hilst questioned how Cruce Aviation's contract as a tenant was to be supervised. Mr. Marston answered that it would be the responsibility of the Public Works Director and in absence of the Public Works Director, the City Manager.

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

Motion to: **Amend Ordinance No. 4026-22/23 Regarding Pekin Tourism Committee to provide that the Chairperson be a Regular Voting Member**

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

**9.4. 3286 : Ordinance No. 4026-22/23
Amending Chapter 2 Article VI. Division 6 Section 2 of the Pekin City Code
Regarding Pekin Tourism Committee Officers as Amended**

A motion was made by Councilmember Hilst seconded by Councilmember Hohimer to approve and adopt Ordinance No. 4026-22/23 Amending City Code Section 2-6-6-2 Regarding Tourism Committee Officers.

Interim City Manager, Mr. Bruce Marston, presented the agenda item to amend the city code regarding the Tourism Committee Officers. Mr. Marston explained that at the Council's June 14, 2021 meeting the city code was amended to update the type of appointees to the Tourism Committee and to reduce the number of voting members to 10. The current code listed 11 voting members but described 10 voting members due to the intention to provide a rule allowing the chairperson to vote only when necessary to break a tie or when only 3 affirmative votes had been cast. The proposed ordinance further specifies that the chairperson shall only vote either in case of a tie or when only 3 affirmative votes had been cast.

After Council discussion, it was proposed to make the voting rules uniform across all committees.

Councilmember Cloyd seconded by Councilmember Orrick moved to amend the code to provide that the Chairperson be a regular voting member, making a total of 11 voting members. On roll call vote, all present voted Aye. Motion carried.

RESULT:	ADOPTED AS AMENDED [UNANIMOUS]
MOVER:	Rick Hilst, Councilman
SECONDER:	Becky Cloyd, Mayor Pro tem
AYES:	Hilst, Hohimer, Nutter, Cloyd, Orrick, Abel, Luft

9.5. Ordinance No. 4027-22/23 Sale of Municipally Owned Property to Roger Brotherton

Interim City Manager, Mr. Bruce Marston, presented the agenda item to Council to approve and adopt an ordinance authorizing the sale of a portion of City property at the corner of Main and Broadway. Mr. Marston explained that the property was being used as a parking lot and proposals were requested for the purchase and development of the parking lot with the sole response submitted by Roger Brotherton. Mr. Brotherton proposed to purchase the lot for \$10,000 to continue its use as a parking lot for visitors to the Franklin School Building Museum in which he owns. Mr. Marston continued to explain that as part of the purchase, Mr. Brotherton would be responsible for obtaining a survey and subdivision plat approval to subdivide the parking lot area from the rest of the City-owned property.

Mayor Luft added that Mr. Brotherton had maintained a piece of city property for 26 years and brought to light other situations in which his business resides.

Mayor Luft, Councilmember Abel and Councilmember Hilst spoke in favor of the ordinance.

Council discussed how the proposed Real Estate Transfer Tax Stamp would apply in this transaction.

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

ANY OTHER BUSINESS TO COME BEFORE THE COUNCIL

City Engineer, Ms. Josie Esker, provided an update to Council regarding the downtown parking lots. Some preliminary plans from Mauer-Stutz had been received with a few design options. Ms. Esker stated she was hoping to set up meetings with businesses on the 400 block to talk about options. Discussion will continue at the next Public Infrastructure Meeting.

Human Resources Director, Ms. Diana Pavley-Rock, updated Council on the search for a City Manager. Packets were distributed to each Councilmember with the 34 applications received to date. Ms. Pavley-Rock requested Council rank their top 5 application to be submitted no later than Friday. Those applications would then be reviewed by Ms. Pavley-Rock to form a consensus. Candidates will be called the week of December 12th to schedule the first round of interviews via Zoom. Those that qualify for the position will be called for a second interview in person in January.

Councilmember Orrick requested that the Council's results of ranking applications be due by Christmas or December 19th instead of Friday.

Councilmember Orrick reminded everyone that Christmas on Court was coming up.

Councilmember Hohimer shared her experience attending Small Business Saturday.

Councilmember Nutter commented on the tremendous amount of mulch near Roger Brotherton's building but still had work that needed done.

Mayor Luft reminded everyone that December 12th was the last meeting of the year unless a Special Meeting was needed. Mayor Luft thanked Ms. Esker, Code Enforcement and Chief Building Official for doing an outstanding job. Mayor Luft also discussed the history of the empty lots in the city and felt it would serve the City well for those lots with liens or fines on them to build houses by the Pekin Community High School or offer the lot to a contractor to build a home.

Chief Building Official stated that he had met with Habitat for Humanity and the City was unable to provide an empty lot that met their criteria.

Mayor Luft also agreed with Councilmember Orrick to take time with the City Manager search. Mayor Luft also discussed referendum to take away voters rights, referendum to add a tax and proposed looking at a referendum to increase voters rights with a recall for the municipality for the next meeting.

EXECUTIVE SESSION 5 ILCS 120/2 (C)

ADJOURN

There being no further business of the Council, a motion was made by Councilmember Abel seconded by Councilmember Hohimer to adjourn the meeting. Motion carried viva voce. Mayor Luft adjourned the meeting at 7:50 PM.