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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 NOVEMBER 25, 2019 AT 5:30 O'CLOCK P.M.
MARK LUFT * CHAIR * PRESIDING

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PLEDGE OF ALLEGIANCE

City Clerk Sue McMillan confirmed that all Members were physically present. Mayor Luft stated he accepted responsibility for cutting off Council Member Nutter during discussion at the last Council Meeting and wished to apologize publicly.

Attendee Name	Title	Status	Arrived
Michael Garrison	Councilman	Present	5:06 PM
Rick Hilst	Councilman	Present	5:06 PM
Karen Hohimer	Councilwoman	Present	5:05 PM
Dave Nutter	Councilman	Present	5:06 PM
Lloyd Orrick	Mayor Pro-Tem	Present	5:05 PM
John P Abel	Councilman	Present	5:05 PM
Mark Luft	Mayor	Present	5:06 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. Motion to: **Approval of Minutes**

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

4.2. City Council - Rescheduled/Changed - Nov 12, 2019 5:30 PM

PUBLIC INPUT

There was no input brought forward on business items by the public.

CONSENT AGENDA

6.1. General Fund Revenue and Expense Reports September 2019

6.2. Accounts Payable Bill Run through 11-15-19

6.3. Resolution No. 37-19/20 Mayor's Appointment of Mark Rothert to the Tri-County River Valley Development Authority

6.4. October 16, 2019 Minutes of Pekin Plan Commission

6.5. October 2019 Building Report

6.6. Motion to: **Motion to Approve Consent Agenda**

Mayor Luft presented 5 items for consideration of the Council. The reports and Appointment Resolution were approved by omnibus vote of the Members.

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

PRESENTATION

7.1. Selection of Roadways for the 2020 Street Maintenance Plan

Assistant City Engineer Josie Esker presented on the screen for the Council and public the updated selection of streets for the capitol maintenance project for 2020. Contacted in the power point was the summary of streets selected by the council as their order of priority. The mapping depicted a well distributed overview of chosen streets for a total project od $2,188,000 from Motor Fuel Tax. She advised that the next step would be in-house preparation of plans and specifications and approval of the MFT Fund through IDOT. She anticipated ADA ramps contraction would begin in spring 2020 and the chip seal mid-summer. Council Member Orrick questioned if there were any sewer issues that they be addressed for repairs had to be torn right back up. Ms. Esker planned to have the Street Department camera the sewers in advance of the project.

NEW BUSINESS

8.1. Resolution No. 39-19/20 Approval of the 2020 Street Maintenance Program

City Engineer Michael Guerra advised the Council the streets selected for the 2020 Street Maintenance Program as presented by the Assistant City Engineer Josie Esker were based on input from the City Council while utilizing all of the anticipated revenue from the Motor Fuel Tax Fund in Fiscal Year 2021 and a reduction of reserves from the fund. The final selection utilized an additional $200,000 of reserves and would allow the Engineering Department to accommodate the majority of the responses received from Council Members. The resolution before them would allow City staff to proceed with preparing plans and specifications, engineering and letting of the recommended projects so that construction would be completed in the next construction Spring season.

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

8.2. Approval of CDBG Amendments to 2019 Action Plan and 2015-2019 Consolidated Plan

The Council was advised that the staff was proposing substantial amendments to the City's 2019 CDBG Action Plan and 2015-2019 Consolidated Plan to add public infrastructure & facility improvements and code enforcement as qualified uses of CDBG funding to meet the needs of the City. The City held a public hearing on the amendment in August of this year and was open to receive public feedback from the public since then regarding the amendment. Approval of the amendment would allow staff to immediately start the process to utilize funds to meet US

Department of Housing and Urban Development (HUD) requirements to spend grant funds in a timely manner and improve public infrastructure/facilities in areas of the community meeting HUD objectives. Adoption of the resolution would approve the amended plan as well as any non-substantive changes that HUD may require upon its own review. The plan amendments called for revising the CDBG budget to account for the new activities for the FY20 fiscal year:

- Administration $80,000
- Owner Occupied Home Rehabilitation $75,000
- Rehabilitation Program Delivery $50,000
- Public Services (grants) $60,000
- Demolition $75,000
- Code Enforcement $50,000
- Public Infrastructure <u>$592,133</u>

TOTAL $982,133

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

8.3. Repair & Replace Lift Station Pumps at Eastside Fire Station due to emergency repair required

Council received information from staff that Pekin Fire Station 1 was experiencing a failure in its sewer lift system located in its basement. Failure of the system was causing sewage to leak into the common areas of the fire station basement causing an emergency health and safety concerns for personnel having to enter the lower level of the station. A bid to allow Illini Plumbing Inc. to remove and replace the existing lift sewage system at Pekin Fire Station 1 on a time and materials basis and conduct an emergency repair was presented to the Council. Total quoted cost of the repair was up to $20,700. A savings of $1,300 could be realized if the city chose to use its own vactor truck to remove the sewage, as opposed to having the company contract one. The emergency repair was for install of two (2) new 3" well pumps (½ HP 3/208V), an Anchor Scientific Control Panel (3/208V), four (4) new Anchor Float switch's with 40' cords, 20' stainless steel chains with shackles and rings, all new piping and check valves. Safety equipment to get in and out of 25-30' deep pit would also be required. In addition electricians would pull new wiring to the new control panel and pumps.

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

8.4. Ordinance No. 2857-19/20 Ordinance authorizing the execution of the RMA Minimum/Maximum Contribution Agreement

Council was presented the following information for consideration of the ordinance: the City of Pekin recently made a request for proposals for the general liability and workers' compensation insurance for calendar year 2020. Proposals were due November 5, 2019 and two agencies replied: Corkill Insurance and IMLRMA. On November 12th a committee of Kurt Nelson, Jeff Little, Bob Henderson, Jennifer Carroll, Leslie Leitner and Sarah Newcomb reviewed the responses. An initial summary of the reviewed responses as well as a financial summary comparing limits and deductibles that were used to make the final recommendation were given to the City Council. IMLRMA provided the same pricing as calendar year 2019, which reflected the sound financial decisions made by IMLRMA. Council was informed the Association was designed exclusively for Illinois municipalities with high limits of $8 million per occurrence/$16 million aggregate for general and public officials liability. IMLRMA had provided the City with excellent customer service since 2008 and were willing participants in programming to improve and foster the safety of our employees. The Insurance Fund had three main divisions, General Liability, Workers Compensation and Health Insurance. The committee requested and recommended the contribution amount of $985,459 for workers compensation and general liability insurance coverage in the Min/Max program for calendar year 2020, as well as the annual IML dues payment of $2,000 for the City of Pekin, totaling $987,459.

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

8.5. Motion to: **Motion to Approve Ammendment**

RESULT:	**ADOPTED [UNANIMOUS]**
AYES:	Garrison, Hilst, Hohimer, Nutter, Orrick, Abel, Luft

8.6. 1951 : Amending Title 6 Chapter 2 to Accommodate The Adult Use of Recreational Cannabis and Use of Medical Cannabis Pursuant to State Law

City Manager Mark Rothert told Council Members that in preparation for the upcoming law changes pertaining to the State of Illinois Compiled Statues regulating cannabis control, staff was requesting an amendment to the City Code to be in compliance. Mr. Rothert reminded the Council the changes in the Cannabis Control Act would be in effect beginning January 1, 2020.

He advised that a variety of ordinances were impacted and all were updated accordingly to address the changes. Possession was addressed where language was removed (i.e. "prohibited") and new language inserted to comply with several of the law changes. The Drug Paraphernalia ordinance was updated to comply with the new law. Also added, which was new, was the Compassionate Use of Medical Cannabis. The impoundment of vehicles was addressed so that it complied with this law change as well. Council was reminded that on January 1, 2020 you could not prohibit the use of cannabis but you could regulate the sale. Mayor Luft asked that everyone be aware of the views of the community in the positive responses to the questionnaire that was placed on the website and in each of the utility billing envelopes.

Council Member Garrison stated that marijuana was a scheduled 1 narcotic and as such federally illegal. He would be abstaining from voting.

RESULT:	**ADOPTED [4 TO 2]**
MOVER:	Rick Hilst, Councilman
SECONDER:	Lloyd Orrick, Mayor Pro-Tem
AYES:	Rick Hilst, Dave Nutter, Lloyd Orrick, Mark Luft
NAYS:	Karen Hohimer, John P Abel
ABSTAIN:	Michael Garrison

8.7. Ordinance No. 1568-A212-19/20 Amending the City of Pekin Zoning Code to Impose Regulations on Adult-Use and Medical Cannabis Businesses

At the direction of the City Council October 28, 2019, the Pekin Plan Commission conducted a public hearing at the November 13, 2019 meeting in order to provide a recommendation, to consider amending the text of Zoning Code of the City of Pekin to place limitations on cannabis business establishments within the City of Pekin. Council was advised by a unanimous vote, the members of the Plan Commission recommended approval of the revised ordinance amending the Zoning Code to impose regulations regarding the establishment of adult-use and medical cannabis businesses, with the required setback of cannabis dispensing organizations, cannabis infuser organizations, cannabis processing organizations and cannabis transporting organizations located in relation to a pre-existing place of worship, public or private nursery school, primary or secondary school, college, university, community or junior college, vocational or trade school, learning center or academy, driving school, cosmetology school, day care center, licensed day care home, or licensed residential care home be reduced from 1000 feet to 100 feet. The ordinance also required that all cannabis related business establishments obtain a Special use permit which would enable conditions be placed on the use.

The motion to amend the ordinance to 100 ft was made and seconded.

RESULT:	**ADOPTED [4 TO 1]**
MOVER:	Dave Nutter, Councilman
SECONDER:	Rick Hilst, Councilman
AYES:	Rick Hilst, Dave Nutter, Lloyd Orrick, Mark Luft
NAYS:	John P Abel
ABSTAIN:	Michael Garrison, Karen Hohimer

8.8. Motion to: **Motion to Table Agenda Item 8.7**

Discussion followed after the motion to table for additional information. Council was told Atul Patel has submitted a petition for a Special Use for Open Front Storage for the purpose of establishing an accessory U-Haul use, which would entail the storage and display of U-Haul rental trucks, trailers and other moving equipment in the designated area of the parking lot at the property at 422 Derby Street, currently the location of the Quik Pic liquor and convenience store and a video gaming parlor. Council Member Garrison questioned the storage and number of U-Haul rental trucks and trailers that the lot could park without obstructing the view of traffic or raise safety concerns on the small property.

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

8.9. Request for Special Use authorization for Open Front Storage of U-Haul trucks and Trailers at 422 Derby Street

Motion to approve the Special Use was withdrawn.

RESULT:	**TABLED [UNANIMOUS]**
AYES:	Garrison, Hilst, Hohimer, Nutter, Orrick, Abel, Luft

8.10. Ordinance No. 2855-19/20 Plat of Vacation of a City Alley to vacate an east/west, City alley located to the north of Derby Street between the properties located at 1219 S. 12th Street, 1119 Derby Street and 1125 Derby Street.

The Council was reminded that at the August 26, 2019 City Council meeting members voted to approve a petition submitted by Scott Shipp for the vacation of an east/west City alley located to the north of Derby Street between the properties located at 1219 S. 12th Street, 1119 Derby Street and 1125 Derby Street. Council was the told the applicant hired Austin Engineering to prepare a Plat of Vacation for the subject City-owned property and that Nathan Noyes, the property owner to the south of the City-owned alley did not wish to have any of the area of the City alley added to his property at 1125 Derby Street. The entire vacated right-of-way would be owned by Scott Ship and attached to the property at 1219 S. 12th Street.

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

ANY OTHER BUSINESS TO COME BEFORE THE COUNCIL

City Manager Rothert asked that the Council provide to him each of their top 5 goals for Code Enforcement Department. City Engineer Guerra advised the Council that he was evaluating options for recycling. With the present agreement expiring December 31, 2019, he asked Council if they supported his pursuing the City in the recycling business. Council Member Abel questioned how long a covered vehicle could sit and was told as long as it was licensed and usable it could remained parked. He encouraged the community to shop local. Council Member Orrick extended a Happy Thanksgiving to armed service personnel and first responders. Council Member Nutter questioned the hire date for the new code enforcement officer and was told Human Resource Department received over 300 applications that were being reviewed. He also asked that staff be reviewing and ready to respond to Goal 4 of the Council for Effective Government. Mayor Luft spoke in positives that the Council and city were moving forward in the right direction as reflected on the 4 page listing of accomplishments since May of Council Business.

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**

Council moved to closed section at 7:10 P.M. to discuss 5 ILCS 120/2 (c) 1. Personnel Performance of Specific Employees of the Public Body; 5. The

Purchase or Lease of Real Property for the Use of the Public Body; and 6. The Setting of a Price for Sale or Lease of Property Owned by the Public Body.

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

ADJOURN

There being no further business to come before the Council, a motion was made by Council Member Orrick, seconded by Council Member Abel for Council to adjourn. Mayor Luft adjourned the meeting at 7:40 P.M.