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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 14, 2022 AT 5:30 O'CLOCK P.M.
MAYOR MARK LUFT PRESIDING

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PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by a Special Guest, Marceline Faulkingham.

CALL TO ORDER

City Clerk, Ms. Sue McMillan, confirmed all Councilmembers were present. Mayor Luft declared a quorum.

Attendee Name	Organization	Title	Status	Arrived
Rick Hilst	City of Pekin	Councilman	Present	5:18 PM
Karen Hohimer	City of Pekin	Councilwoman	Present	5:16 PM
Dave Nutter	City of Pekin	Councilman	Present	5:17 PM
Becky Cloyd	City of Pekin	Mayor Pro tem	Present	5:17 PM
Lloyd Orrick	City of Pekin	Council Member	Present	5:21 PM
John P Abel	City of Pekin	Councilman	Present	5:17 PM
Mark Luft	City of Pekin	Mayor	Present	5:17 PM

APPROVE AGENDA

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

APPROVAL OF MINUTES

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

4.1. City Council - Regular Meeting - Oct 24, 2022 5:30 PM

PUBLIC INPUT

Casey Baldovin presented his proposal to the Council. Mr. Baldovin provided Council with a vision book representing his idea to build a sports complex on Route 98 on city owned property. Mr. Baldovin included building a hotel, coffee shop, restaurant, apartments, etc. in this location in conjunction with the sports complex that would include a hockey rink, basketball courts, gym, turf and physical fitness. Mr. Baldovin had been working on the idea for the last six months and was hoping to secure financing with private investors and the City of Pekin.

Mark Matthews spoke regarding the snow removal project. Mr. Matthews summarized Resolutions No. 501-22/23 and 502-22/23 to purchase equipment for snow removal. Mr. Matthews felt that the machine met specifications in the RFP and was in support of both items along with the rental of the same machines.

John Burns requested a 20 second moment of silence for the passing of Firefighter Jami Lusher. Mr. Burns spoke against Agenda Item 7.8 pertaining to the Interim City Manager's proposed salary increase. Mr. Burns also spoke regarding Agenda Item 8.1 pertaining to dual offices and felt that the policy should be applied to all employees of the City and not just the Mayor. Lastly, Mr. Burns spoke about how there has been no commitment from the City regarding the Avanti's Dome and how the City needs a Capitol Plan.

Jim Mangan stated that Agenda Items 7.4 and 7.3 regarding snow removal and snow removal equipment were incomplete because they did not include the two subdivisions that the city is required to remove sidewalk snow and ice from. Mr. Mangan also stated that the City's 50/50 sidewalk plan was illegal and that he was told that there was no work or payments for work made for the police locker room but found recent transaction in the Treasurer's Report. Mr. Mangan questioned what the payment before May 1 to the contractor was for. Mr. Mangan also pointed out that he thought there was a $250K discrepancy between the Accounts Payable run and the Treasurer's Report. Mr. Mangan suggested not passing the City's property tax increase and hold a truth and taxation meeting to go over city finances. Mr. Mangan also questioned the salt barn purchase and when the discussion took place to utilize Sourcwell. Lastly, Mr. Mangan spoke against agenda item 7.8 regarding the Interim City Manager's salary.

Chris Hogue read his email to Council regarding Agenda Item 7.6 Union Side Letter for Residency and spoke against the action.

CONSENT AGENDA

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

6.1. Accounts Payable To Be Paid Proof List thru October 28, 2022

6.2. Accounts Payable To Be Paid Proof List thru November 11, 2022

6.3. Police Department Stats - October 2022

6.4. Fire Department Monthly Incidents Report- October 2022

6.5. Proclamation "Small Business Saturday" November 26, 2022

6.6. Receive and File Bids for 2023 Sewer Lining

NEW BUSINESS

7.1. Resolution No. 499-22/23 Award 2023 Sewer Lining Bid to Hoerr Construction

Interim City Manager, Mr. Bruce Marston, presented the agenda item to approve and adopt a resolution awarding the 2023 sewer lining bid to Hoerr Construction for sections of Derby Street and the sewers feeding into Derby Street. The project was intended to secure the deteriorating sewers prior to the road construction project to extend the life of the sewers. The City received 3 bids with Hoerr Construction being the low bidder. The bid price included a $35,000 contingency for unknown items that came up during construction. Additionally, staff planned to add a portion of lining on Derby Street outside of the qualifying

CDBG area, which would be paid out of the contingency line item out of the sewer fund. The contract was awarded contingent on the City's completion of the environmental review process since the project was being funded by HUD.

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

7.2. Resolution No. 500-22/23 Authorization of Expenditure for Emergency Sewer Repairs

Interim City Manager, Mr. Bruce Marston, presented the request to Council to approve and adopt a resolution authorizing the expenditure for emergency sewer repairs with JC Dillon. Mr. Marston explained that in late August, the City experience a sinkhole in the 1000 block of South 14th Street in which the repair was outside the capabilities of the Street Department in addition to a manhole failure at the intersection of Park Avenue and Summer Street. JC Dillon completed both repairs on an emergency basis. Staff was seeking approval to approve the invoices.

Councilmember Hilst questioned why the invoices were not being paid out of the contingency line item instead of the sewerage fund. Mr. Marston answered that the costs related to the sewerage fund and generally charge expenditures where the revenue is located.

Councilmember Nutter questioned whether Mr. Marston recommended having a contingency fund in the sewerage fund. Mr. Marston felt it was a good idea to do so.

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

7.3. Resolution No. 501-22/23 Approve Purchase of Bobcat L28

Interim City Manager, Mr. Bruce Marston, presented the request to Council to approve and adopt a resolution to approve the purchase of a Bobcat L28 for the purpose of snow removal. Mr. Marston explained that the City put out an RFP for snow removal for an outside contractor to remove snow on the key areas within the City where it was not reasonable for homeowners to be expected to plow snow on sidewalks. Mr. Marston explained that the City received no bids from contractors and therefore staff was going to attempt to clear the sidewalks on the City of Pekin Performed Snow Removal List that included Court Street, Parkway, Broadway, 14th Street, Ann Eliza, and Margaret. A hydraulically angled broom and snow v-blade were also requested.

Councilmember Nutter stated that he would be abstaining from the vote due to the Street Department relationship.

RESULT:	**APPROVED [5 TO 1]**
MOVER:	John P Abel, Councilman
SECONDER:	Lloyd Orrick, Council Member
AYES:	Hohimer, Cloyd, Orrick, Abel, Luft
NAYS:	Rick Hilst
ABSTAIN:	Dave Nutter

7.4. Resolution No. 502-22/23 Approve Sidewalk Snow Removal Staff Plan

Interim City Manager, Mr. Bruce Marston, presented the request to Council to approve and adopt a resolution approving the sidewalk snow removal staff plan. Mr. Marston explained that staff planned to purchase a Bobcat L28 for the purposes of removing snow on sidewalks but felt that an additional piece of equipment would be needed to sufficiently remove the snow in a timely manner. Staff recommended and requested the rental of an additional Bobcat L28. For heavy snow events staff recommended utilizing hired contractors on a time and material basis to help clear snow.

City Engineer, Ms. Josie Esker, described the attachments to the Bobcat and how they were interchangeable.

Councilmember Nutter announced that he would be abstaining from the vote and questioned when the rental agreement would be signed. Ms. Esker answered that the agreement would be signed December 1.

Councilmember Nutter also questioned how we could hire contractors for time and material and none had bid on the RFP. Ms. Esker stating that hiring contractors was a backup option after a unsuccessful RFP.

RESULT:	**APPROVED [5 TO 1]**
MOVER:	John P Abel, Councilman
SECONDER:	Becky Cloyd, Mayor Pro tem
AYES:	Hohimer, Cloyd, Orrick, Abel, Luft
NAYS:	Rick Hilst
ABSTAIN:	Dave Nutter

7.5. Resolution No. 503-22/23 Purchase of New Salt Storage Building

Interim City Manager, Mr. Bruce Marston, presented the request to Council to approve and adopt a resolution to approve the purchase of a new salt storage building through Greenfiled Contractors through Sourcewell. Mr. Marston explained that the project was included in the Capital Improvement Budget for FY23 and was to paid from the BDD, TIF and General Fund Reserves. Mr. Marston explained that the current salt storage building had reached the end of its useful life and needed replaced. Staff reviewed options available and recommended the pre-engineered fabric covered building best met the needs and budget of the City.

Public Works Director, Mr. Justin Reeise, took questions from Council and explained the Sourcewell competitive bid plan. Mr. Reeise also stated that the current salt barn is fully stocked for the winter and that the plan was in the Spring to use equipment to move items over to the new building that is located immediately south of the current structure and demo the remaining structure.

Councilmember Hilst discussed the public property line item and how the TIF funds could be utilized.

Councilmember Abel questioned the cost of just replacing the existing structure. Mr. Reeise explained that he did not have hard number on that and that the city did not own a salt conveyor and with the new building salt could be loaded with just a loader.

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

7.6. Resolution No. 504-22/23 Union Side Letters for Residency

Interim City Manager, Mr. Bruce Marston, presented the request to approve and adopt a resolution approving side letters of agreement with fire, police and Teamster's union to eliminate the residency requirement to help recruit top talent within departments. Mr. Marston met with the unions to see if they were interested in incorporating those requirements in their current contracts. Mr. Marston stated that there was no pushback and all were in agreement.

RESULT:	**APPROVED [5 TO 0]**
MOVER:	Rick Hilst, Councilman
SECONDER:	Becky Cloyd, Mayor Pro tem
AYES:	Hohimer, Cloyd, Orrick, Abel, Luft
ABSTAIN:	Rick Hilst, Dave Nutter

7.7. Resolution No. 505-22/23 Property Tax Levy Determination Per Truth in Taxation Act

Interim City Manager, Mr. Bruce Marston, presented the request to Council to approve a resolution regarding the Property Tax Levy Determination Per Truth in Taxation Act. Mr. Marston stated that he did not believe the City needed to hold a truth in taxation public hearing and that the City was holding the levy to the same as last year.

Councilmember Orrick questions what the EAV was and Mr. Marston stated he would get that information.

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

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

A motion was made by Councilmember Cloyd seconded by Councilmember Orrick to approve and adopt Resolution No. 506-22/23 Amending Resolution No. 498-22/23 Appointment of Interim City Manager.

Interim City Manager, Mr. Bruce Marston, presented the request stating that the appointment of Interim City Manager was for a period of 90 days or until the appointment of a permanent City Manager. Mr. Marston continued stating that in order to maintain continuity and ensure that operations remain the same during the selection period for a City Manager it was the recommendation that the period be stated as up to 90 days and then after 90 days the Finance Director would continue as Interim City Manager until the selection of a City Manager. Salary requested was to compensate for the duties of both the Finance Director, Treasurer and Interim City Manager and felt that the initial proposal of $140,000 did not take into consideration the duties of the Treasurer that the Finance Director took on in 2019. Therefore, it was the recommendation to pay a salary of $151,000 for the duties of the Finance Director, Treasurer, and Interim City Manager.

Councilmember Cloyd discussed Mr. Marston's salary and role as Treasurer.

Council continued the discussion regarding the appointment of Interim City Manager and the details of how the appointment of Mr. Marston to Interim City Manager transpired.

Councilmember Abel, Hohimer, and Mayor Luft expressed concern that the process to appoint an Interim City Manager and to negotiate a salary was not inclusive for all Councilmembers.

A motion was made by Councilmember Cloyd seconded by Councilmember Orrick to layover the agenda item to the November 28, 2022 meeting to allow time for all Councilmembers to become more conducive and unionized. On roll call vote all voted Aye except for Councilmembers Hohimer, Abel and Mayor Luft, who abstained. Motion carried.

RESULT:	**LAYED OVER [4 TO 0]** **Next: 11/28/2022 5:30 PM**
MOVER:	Becky Cloyd, Mayor Pro tem
SECONDER:	Lloyd Orrick, Council Member
AYES:	Rick Hilst, Dave Nutter, Becky Cloyd, Lloyd Orrick
ABSTAIN:	Karen Hohimer, John P Abel, Mark Luft

7.9. Ordinance No. 4024-22/23 Full Faith and Credit Pledge for CDBG-Funded Fire Apparatus Purchase

Interim City Manager, Mr. Bruce Marston, presented the request to Council to approve and adopt an ordinance regarding the full faith and credit pledge for CDBG funded fire apparatus purchase. Mr. Marston explained that the City Council previously approved the purchase of a new fire apparatus for the City's Fire Department utilizing the US Department of Housing and Urban Development's (HUD's) Section 108 Loan Guarantee Program. The loan guarantee allowed the City to borrow up to 5 times its annual CDBG allocation from HUD at competitive rates and use a portions of the City's annual CDBG allocation to make payments on the loan. Mr. Marston continued to explain that HUD required the City to also adopt an ordinance specifying that the City will back the loan with a full faith and credit pledge in the event that CDBG funds somehow became unavailable or if Congress failed to fund the CDBG program during the life of the loan. Mr. Marston added that the rate had increased to over 4% from the 1/10 of a percent it was previously.

CDBG Program Manager, Mr. David Bess, explained that periodically HUD offers opportunities to switch but only happens every few years. Mr. Bess added that HUD requested a formal ordinance.

Council discussed the purchase of the Fire Apparatus and how it would be paid on delivery for a cheaper price.

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

7.10. Ordinance No. 4025-22/23 An Ordinance Amending Chapter 5, Article 2, Section 7 of the Pekin City Code Regarding Alcoholic Liquor Classification and License Fees for Non-profit Organizations

Interim City Manager, Mr. Bruce Marston, presented the request to Council to approve and adopt an ordinance amending the liquor code to classify a Class A License to include non-profit or charitable organizations in Section 5-2-7(1) of the City Code.

Council discussed whether the code needed definitions of non-profit or charitable.

City Attorney, Ms. Kate Swise explained that those organization would provide paperwork that would define their classification since it was designated by the State.

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

DISCUSSIONS

8.1. Dual Offices / Referendum Issue

Interim City Manager, Mr. Bruce Marston, led the discussion proposing a referendum to limit the number of offices held by a mayor or councilmember.

Councilmember Cloyd continued the discussion requesting the City Attorney read the description of the referendum to possibly be put on the April ballot.

City Attorney, Ms. Kate Swise, read that the Illinois Constitution provided that home rule had the power of officers, mayor selection and terms of office as approved by referendum. Home rule municipalities had ways to alter the way officials were elected prohibiting local officials to hold other offices. Ms. Swise explained that the Council did not have the power, but the power was held by the City. As of last year, no home rule could require the resignation to take a local office. The language did not speak to members of any other office or members of local office running for a seat on the General Assembly. Based on that law the City of Pekin would be proposing a referendum that would require a member of the General Assembly to resign seat, if any councilmember or mayor was elected to another office they would resign from the local office.

Council questioned the logistics of whether as a home rule municipality the requirement to resign local office before running for the General Assembly could be implemented and whether the requirement to resign as a councilmember to run for mayor could be implemented.

Ms. Swise added that the question would need to be crafted so it was clear.

Councilmember Cloyd stated that the referendum language only refers to the General Assembly.

Mayor Luft spoke against pursing the referendum stating that holding two offices benefited the city and could for future offices and it would not be fair to the citizens if maps were to be redrawn and 85% percent of the district changed and were unaware of the benefits that happened in this community.

Ms. Swise continued answering Councils questions stating that the referendum would be done by ordinance or resolution to put on the ballot. A petition with signature would not be needed. Based on conversations with the County Clerks Office there would be no cost.

8.2. Discussion for Ordinance Imposing a Tax on Transfers of Real Estate within the City

Interim City Manager, Mr. Bruce Marston, led the discussion for an ordinance imposing a tax on transfers of real estate within the city so that it would be subject to pending code enforcement proceedings or where the seller or transferor owes any fee, fine or tax. Mr. Marston explained that the intention was to bring forward action at the next meeting and the tax imposed was 25 cents per thousand.

Police Chief John Dossey explained that this item goes back to discussions with adjudication and the Council contemplating whether they wanted to update that. This would shift burden to the violator and removing some of that from the taxpayers.

Councilmember Orrick expressed concerns that future council would increase the tax.

Ms. Swise explained that an ordinance on the books in the City would require any seller or title company to check for liens to the City. An ordinance in place would require sellers and buyers to be aware that there might not be good title. An ordinance would state that the seller cannot sell unless they get a transfer tax stamp from the city, but it can only be done by referendum. A notice would have to be published of a public hearing at a regular meeting 10 day sin advance.

Councilmember Orrick supported putting the tax out for referendum.

Council continued the discussion regarding where the revenue would go in the budget, streamlining the process of getting liens recorded, past wastewater fees and demo fees. Mr. Marston added that the revenue could be allocated to the code enforcement line item to offset expenditures.

ANY OTHER BUSINESS TO COME BEFORE THE COUNCIL

Human Resources Director, Ms. Diana Pavley-Rock updated Council on the City Manager job applicants.

Councilmember Cloyd requested a copy of the resumes for the City Manager position and a public meeting to do questions along with phone interviews.

Ms. Pavley-Rock also informed Council of the option of using an outside firm and putting out a request for qualifications. Ms. Pavely-Rock recommended waiting another week and base the decision then if an outside firm was needed.

Councilmember Orrick and Councilmember Cloyd spoke against using an outside firm for hiring.

Police Chief Dossey and Councilmember Nutter spoke about the excellent Pekin High School football program and how it brought the community together.

Councilmember Cloyd explained that the loud noise some might of heard was Powerton's boiler tripping.

EXECUTIVE SESSION 5 ILCS 120/2 (C) 5. PURCHASE OF PROPERTY AND 1. PERSONNEL

A motion was made by Councilmember Orrick seconded by Councilmember Abel to move into Executive Session to discuss 5 ILCS 120/2(c) 5. Purchase of Property and 1. Personnel at 8:01 PM. Motion carried voice vote.

Mayor Luft announced that no action would be taken after Executive Session.

ADJOURN

There being no further business of the Council, a motion was made by Councilmember Orrick seconded by Councilmember Nutter to adjourn the meeting. Motion carried viva voce. Mayor Luft adjourned the meeting at 9:08 PM.