

CITY OF PERU REGULAR COUNCIL MEETING JULY 23, 2018

A regular meeting of the Peru City Council was called to order by Scott J. Harl in the Peru City Council Chambers on July 23, 2018 at 7:00 p.m.

City Clerk Dave Bartley called the roll with Aldermen Potthoff, Ferrari, Waldorf, Lukosus, Sapienza, Payton and Ballard present; Alderman Radtke absent; Mayor Harl present.

All joined in the Pledge of Allegiance to the Flag of the United States of America.

PUBLIC COMMENT

PRESENTATION

Julie Ajster spoke during public comment regarding the Casey's request for variance and text amendment and asserted the following:

- Both are improperly on the agenda before the Council tonight
- There was no application for Casey's amendment request and no fee was paid
- Proper procedures were not followed
- Amendment was never referred to the Council to be forwarded to Planning and Zoning Board
- Amendment request was not on the agenda of the Planning and Zoning Board of July 18th
- The Planning and Zoning voted on the amendment not on the agenda was a violation of the Open Meetings Act
- No report was given to the City Council or exists regarding the amendment request
- No finding of facts were presented to the City Council regarding the variance
- A variance should not be granted and result in financial gain
- Granting the variance should not impair or increase any congestion in the streets

Julie Ajster asked that the Council not act on the request until presented on the proper form and following proper procedures.

Patrick Moone from Farnsworth on behalf of Casey's introduced himself and said he was available to answer any questions.

Bryce Loring from Casey's introduced himself and said he was available to answer any questions.

Presentation from Claudia Mikyska, Gina Martin, and introducing new member Barb Riva on behalf of Friends for Peru Pool. Presented a check for \$700 as proceeds from the Bergner's Days fundraiser.

MINUTES

Mayor Harl presented the minutes of the Regular Meeting of July 9, 2018. Alderman Potthoff made a motion that the minutes be received and placed on file. Alderman Waldorf seconded the motion; motion carried.

FINANCIAL REPORTS

Mayor Harl presented the Treasurer's Report for May 2018; General Fund and Miscellaneous Funds Report for May 2018; Utility Fund Report for May 2018; Sales, Home Rule, Use and Telecommunication Tax Receipts for April 2018 and the Peru Recreation Funds Cash Accounts Summary for June 2018. Alderman Potthoff made a motion the reports be received and placed on file. Alderman Potthoff reported the sales tax was up again this month and overall this year up 4%. Alderman Potthoff noted the importance of continued strong sales tax because of the City's reliance in our budget. Alderman Payton seconded the motion; motion carried.

ACTIVITY REPORTS

Mayor Harl presented the Building Permits Report-2nd Quarter; Peru Police Department Monthly Report for June 2018 and Peru Volunteer Ambulance Service Activity Summary for June 2018. Alderman Waldorf made a motion the reports be received and placed on file. Alderman Ferrari read the Letter of Commendation regarding Officer Jeff Paul as he responded to a suicidal man at the Rt. 251 and 7th Street overpass threatening to jump off the bridge.

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Alderman Ferrari stated Officer Paul was able to convince the man to come off the rail and was able to bring the man to safety. Alderman Ferrari also read a Letter of Commendation commending members of several area agencies for their efforts in responding and apprehending suspects in an armed take over robbery at Walgreens Pharmacy. Alderman Lukosus seconded the motion; motion carried.

FINANCE AND SAFETY COMMITTEE

Alderman Potthoff presented the following disbursements for payment on July 25, 2018:

| <u>FUND NAME</u> | <u>TOTAL EXPENSES</u> |
|-------------------------|------------------------------|
| General Fund | \$734,414.42 |
| Insurance Fund | 36,807.00 |
| Garbage Fund | 63,507.60 |
| Recreation Fund | 1,024.92 |
| Utility Fund | 2,594,826.83 |
| Landfill | 33.00 |
| Airport Fund | <u>87,238.65</u> |
| Total | \$3,517,852.42 |

Alderman Potthoff made a motion that the report be received, placed on file and the bills be paid in the usual manner. Alderman Payton seconded the motion. City Clerk Dave Bartley called the roll with Aldermen Potthoff, Ferrari, Waldorf, Lukosus, Sapienza, Payton and Ballard voting aye; Alderman Radtke absent; motion carried.

Alderman Ferrari made a motion to award the bid for 2018 Expedition Special Services vehicle to the lowest bidder, Schimmer Ford, in the amount of \$41,312.36. Alderman Potthoff seconded the motion Chief King reported the City sought and received two local bids and compared with the State bid. Schimmer Ford was the local and overall low bidder at \$41,312.36. City Clerk Dave Bartley called the roll with Aldermen Potthoff, Ferrari, Waldorf, Lukosus, Sapienza, Payton and Ballard voting aye; Alderman Radtke absent; motion carried.

Alderman Payton made a motion to approve the investment of (not to exceed) \$1,708,000 million in certificates of deposits between 18 and 41 months and rates between 2.525% and 2.975% within FDIC insurance limits. Alderman Ferrari seconded the motion. Finance Officer Justin Miller reported this amount represents two months of assets and will be invested in a laddered approach to even out our investments over a 41 month period. City Clerk Dave Bartley called the roll with Aldermen Potthoff, Ferrari, Waldorf, Lukosus, Sapienza, Payton and Ballard voting aye; Alderman Radtke absent; motion carried.

Alderman Potthoff made a motion to approve participation and expenses for the ICSC Conference in Chicago. Alderman Payton seconded the motion. City Clerk Dave Bartley called the roll with Aldermen Potthoff, Ferrari, Waldorf, Lukosus, Sapienza, Payton and Ballard voting aye; Alderman Radtke absent; motion carried.

PUBLIC SERVICES COMMITTEE

Alderman Sapienza made a motion to authorize Chamlin and Associates for Phase 3 Construction engineering for the EWWTP Flood Wall project. Alderman Waldorf seconded the motion. City Clerk Dave Bartley called the roll with Aldermen Potthoff, Ferrari, Waldorf, Lukosus, Sapienza, Payton and Ballard voting aye; Alderman Radtke absent; motion carried.

Alderman Waldorf made a motion to approve quote from Aqua Control in the amount of \$10,990.00 for new control panels and armored cables for 3 fountains at Baker Lake. Alderman Lukosus seconded the motion. Alderman Waldorf thanked Aqua Control for the donation of the fountains. City Clerk Dave Bartley called the roll with Aldermen Potthoff, Ferrari, Waldorf, Lukosus, Sapienza, Payton and Ballard voting aye; Alderman Radtke absent; motion carried.

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Alderman Lukosus made a motion to authorize, in accordance with state bid, the purchase of 2019 Ford F350 Super Cab 4x4 Pickup truck from Bob Ridings Fleet Sales in the amount of \$37,265.00. Alderman Waldorf seconded the motion. City Clerk Dave Bartley called the roll with Aldermen Potthoff, Ferrari, Waldorf, Lukosus, Sapienza, Payton and Ballard voting aye; Alderman Radtke absent; motion carried.

Alderman Lukosus made a motion to authorize purchase of 2017 GMC Savana Cargo Van from Jeff Perry Buick GMC in the amount of \$23,396.94 less \$12,000 trade=\$11,396.94. Alderman Waldorf seconded the motion. City Clerk Dave Bartley called the roll with Aldermen Potthoff, Ferrari, Waldorf, Lukosus, Sapienza, Payton and Ballard voting aye; Alderman Radtke absent; motion carried.

REPORT OF CITY ATTORNEY/ORDINANCES AND RESOLUTIONS

Special Attorney Herb Klein presented the minutes of Planning/Zoning Commission hearing held on July 18, 2018 concerning the petition of Casey's Retail Company requesting variance for property located at 1200 Shooting Park Road, Peru, IL. Alderman Payton made a motion the minutes be received, placed on file and concur with the recommendation. Alderman Waldorf seconded the motion; motion carried.

Special Attorney Herb Klein presented a proposed ordinance entitled:

ORDINANCE NO. 6301

AN ORDINANCE AMENDING THE ZONING ORDINANCE (ARTICLE III-RULES AND DEFINITIONS) OF THE CITY OF PERU, IL

Alderman Payton made a motion the ordinance be adopted as written and read. Alderman Potthoff seconded the motion. City Clerk Dave Bartley called the roll with Aldermen Potthoff, Ferrari, Waldorf, Lukosus, Sapienza, Payton and Ballard voting aye; Alderman Radtke absent; motion carried.

Special Attorney Herb Klein presented a proposed ordinance entitled:

ORDINANCE NO. 6302

AN ORDINANCE GRANTING VARIANCES UNDER THE ZONING ORDINANCE OF THE CITY OF PERU, IL AS SOUGHT BY THE PETITION OF CASEY'S RETAIL COMPANY CONCERNING THE PROPERTY LOCATED AT 1200 SHOOTING PARK ROAD, PERU, IL

Alderman Payton made a motion the ordinance be adopted as written and read. Alderman Ballard seconded the motion. City Clerk Dave Bartley called the roll with Aldermen Potthoff, Ferrari, Waldorf, Lukosus, Sapienza, Payton and Ballard voting aye; Alderman Radtke absent; motion carried.

Mayor Harl tabled inducement resolution for proposed downtown TIF District (1830 4th Street).

Special Attorney Herb Klein presented a proposed resolution entitled:

RESOLUTION NO. 2018-15

CITY OF PERU, ILLINOIS PROPOSED PERU DOWNTOWN TAX INCREMENT FINANCING (TIF) DISTRICT PUBLIC REDEVELOPMENT PROJECT

Alderman Waldorf made a motion the resolution be adopted as written and read. Alderman Lukosus seconded the motion. City Clerk Dave Bartley called the roll with Aldermen Potthoff, Ferrari, Waldorf, Lukosus, Sapienza, Payton and Ballard voting aye; Alderman Radtke absent; motion carried.

Assistant Corporate Counsel Scott Schweickert presented the minutes of a Planning/Zoning Commission hearing held on July 18, 2018 concerning the petition of Glazier Peru, LLC, An Illinois Limited Liability Company and Olympic Signs concerning property located at 4341 Venture Drive, Peru, Illinois. Alderman Potthoff made a motion

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the minutes be received, placed on file and concur with the recommendation. Alderman Lukosus seconded the motion; motion carried.

Assistant Corporate Counsel Scott Schweickert presented a proposed ordinance entitled:

ORDINANCE NO. 6303

AN ORDINANCE GRANTING VARIANCES UNDER THE ZONING ORDINANCE OF THE CITY OF PERU, ILLINOIS AS SOUGHT BY THE PETITION OF GLAZIER PERU LLC, AN ILLINOIS LIMITED LIABILITY COMPANY AND OLYMPIC SIGNS CONCERNING PROPERTY LOCATED AT 4341 VENTURE DRIVE, PERU, ILLINOIS

Alderman Potthoff made a motion the ordinance be adopted as written and read. Alderman Ballard seconded the motion. City Clerk Dave Bartley called the roll with Aldermen Potthoff, Ferrari, Waldorf, Lukosus, Sapienza, Payton and Ballard voting aye; Alderman Radtke absent; motion carried.

Assistant Corporate Counsel Scott Schweickert presented the minutes of a Planning/Zoning Commission hearing held on July 18, 2018 concerning the petition of Ronald J. Marini and Amy L. Marini concerning property located at 1902 Plain Street, Peru, IL. Alderman Payton made a motion the minutes be received, placed on file and concur with the recommendation. Alderman Ferrari seconded the motion; motion carried.

Assistant Corporate Counsel Scott Schweickert presented a proposed ordinance entitled:

ORDINANCE NO. 6304

AN ORDINANCE GRANTING VARIANCES UNDER THE ZONING ORDINANCE OF THE CITY OF PERU, ILLINOIS AS SOUGHT BY THE PETITION OF RONALD J. MARINI AND AMY L. MARINI CONCERNING PROPERTY LOCATED AT 1902 PLAIN STREET, PERU, IL

Alderman Payton made a motion the ordinance be adopted as written and read. Alderman Ferrari seconded the motion. City Clerk Dave Bartley called the roll with Aldermen Potthoff, Ferrari, Waldorf, Lukosus, Sapienza, Payton and Ballard voting aye; Alderman Radtke absent; motion carried.

Assistant Corporate Counsel Scott Schweickert presented the minutes of a Planning/Zoning Commission hearing held on July 18, 2018 concerning the petition of Bonnie J. Prokup concerning property located at 3119 Carrie Drive, Peru, IL. Alderman Payton made a motion the minutes be received, placed on file and concur with the recommendation. Alderman Ferrari seconded the motion; motion carried.

Assistant Corporate Counsel Scott Schweickert presented a proposed ordinance entitled:

ORDINANCE NO. 6305

AN ORDINANCE GRANTING VARIANCES UNDER THE ZONING ORDINANCE OF THE CITY OF PERU, ILLINOIS AS SOUGHT BY THE PETITION OF BONNIE J. PROKUP CONCERNING PROPERTY LOCATED AT 3119 CARRIE DRIVE, PERU, IL

Alderman Payton made a motion the ordinance be adopted as written and read. Alderman Ferrari seconded the motion. City Clerk Dave Bartley called the roll with Aldermen Potthoff, Ferrari, Waldorf, Lukosus, Sapienza, Payton and Ballard voting aye; Alderman Radtke absent; motion carried.

Assistant Corporate Counsel Scott Schweickert presented a proposed ordinance entitled:

ORDINANCE NO. 6306

AN ORDINANCE GRANTING VARIANCES UNDER THE ZONING ORDINANCE OF THE CITY OF PERU, ILLINOIS AS SOUGHT BY THE PETITION OF RICHARD AND SANDRA NOWATKA CONCERNING PROPERTY LOCATED AT 328 SHOOTING PARK ROAD, PERU, IL

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Alderman Ferrari made a motion the ordinance be adopted as written and read. Alderman Ballard seconded the motion. City Clerk Dave Bartley called the roll with Aldermen Potthoff, Ferrari, Waldorf, Lukosus, Sapienza, Payton and Ballard voting aye; Alderman Radtke absent; motion carried.

Assistant Corporate Counsel Scott Schweickert presented a proposed ordinance entitled:

ORDINANCE NO. 6307

AN ORDINANCE AUTHORIZING THE PURCHASE OF REAL ESTATE LOCATED AT 1902 FOURTH STREET, PERU, IL

Alderman Waldorf made a motion the ordinance be adopted as written and read. Alderman Sapienza seconded the motion. Alderman Potthoff noted the ability to recover. City Clerk Dave Bartley called the roll with Aldermen Potthoff, Ferrari, Waldorf, Lukosus, Sapienza, Payton and Ballard voting aye; Alderman Radtke absent; motion carried.

Assistant Corporate Counsel Scott Schweickert presented a proposed ordinance entitled:

ORDINANCE NO. 6308

AN ORDINANCE AMENDING ORDINANCE NO. 6290 ENTITLED: "AN ORDINANCE AMENDING ORDINANCE NO. 6215 ENTITLED: FIXING WAGES FOR EMPLOYEES OF THE CITY OF PERU, ILLINOIS

Alderman Ferrari made a motion the ordinance be adopted as written and read. Alderman Potthoff seconded the motion. City Clerk Dave Bartley called the roll with Aldermen Potthoff, Ferrari, Waldorf, Lukosus, Sapienza, Payton and Ballard voting aye; Alderman Radtke absent; motion carried.

Assistant Corporate Counsel Scott Schweickert presented a proposed ordinance entitled:

ORDINANCE NO. 6309

AN ORDINANCE AMENDING THE CITY OF PERU EMPLOYEE MANUAL

Alderman Potthoff made a motion the ordinance be adopted as written and read. Alderman Ferrari seconded the motion. City Clerk Dave Bartley called the roll with Aldermen Potthoff, Ferrari, Waldorf, Lukosus, Sapienza, Payton and Ballard voting aye; Alderman Radtke absent; motion carried.

Human Resource Manager Kim Reese reported multiple department head meetings were conducted in an effort to ensure consistency of policy throughout the City. Additions and changes include: establishing an accident review board; use of City equipment and resources; employee performance evaluation; personal days; duty related illness or injury; and voluntary supplemental benefits. HR Manager Reese confirmed there are no wage changes in the wage ordinance.

PROCLAMATIONS

UNFINISHED BUSINESS

Alderman Potthoff reported Peru Girls Softball hosted a very successful tournament and Peru Girls Softball thanked the City for their cooperation.

NEW BUSINESS

PETITIONS AND COMMUNICATIONS

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Clerk Bartley presented a petition from Brothers of Darkness Clubhouse requesting a special use for property located at 1024 Center Street, Peru, IL. Alderman Ballard made a motion the petition be received, placed on file and referred to the Planning/Zoning Commission for review and recommendation. Clerk Bartley reported the building has been vacant for many years and recently a new tenant called and requested water service. As part of answering questions regarding use the City learned of the Club and after reviewing the zoning ordinance determined it was not permissible use for the M1 zoning. The City requested they apply for a special use. Alderman Potthoff asked if the City had inspected the building for the use and City Engineer Eric Carls stated they had not. Corporate Counsel Doug Schweickert stated the petitioner has a right to a hearing. Chief Bernabei stated he would be attending the hearing and voicing the departments opposition. Alderman Payton seconded the motion; motion carried.

Clerk Bartley presented a petition from IBI Ventures, LLC requesting approval of IBI Ventures Subdivision Final Plat. Alderman Lukosus made a motion the petition be received, placed on file and referred to the Planning/Zoning Commission for review and recommendation. Alderman Ballard seconded the motion; motion carried.

PUBLIC COMMENT

Julie Ajster wanted to clarify for the record that the concerns she raised during the public comment at the beginning of the meeting were not considered or looked into by any member of the Council, the Mayor, or Special Corporate Counsel. Ms. Ajster reasserted her concern with Casey's not filing an application form for the text amendment and not paying a fee so the request wasn't properly before the Council. Ms. Ajster asked that the City review our forms for accuracy. Ms. Ajster asserted forms were not reviewed by proper personnel. Ms. Ajster sarcastically suggested to eliminate the zoning ordinances and do whatever you want. City Engineer Eric Carls commented the application form was a single form for a hearing and the hearing to extended to another date and therefore another application was not required, and no additional fee is necessary. Engineer Carls cited Ordinance 6141 under definitions clearly states the City Engineer or other representative appointed by the Council has the authority. Julie Ajster again questioned not having a new application for the text amendment and noted the Council should be aware that the approval will impact all B2 zoning areas without any notice to the property owners. Alderman Potthoff asked Corporate Council Doug Schweickert if the City was following all proper guide lines and Corporal Council Doug Schweickert did not answer because he did not represent the City of this matter.

CLOSED SESSION

Mayor Harl asked for a motion to go into closed session to discuss meetings where the purchase or lease of real property for the use of the public body is being considered, including meetings held for the purposed of discussing whether a particular parcel should be acquired and meetings for the appointment, employment, compensation, discipline, performance or dismissal of specific employees of the public body or legal counsel for the public body, including hearing testimony on a complaint lodged against an employee or legal counsel for the public body to determine its validity. Alderman Waldorf made a motion to go into closed session. Alderman Lukosus seconded the motion. City Clerk Dave Bartley called the roll with Aldermen Potthoff, Ferrari, Waldorf, Lukosus, Sapienza, Payton and Ballard voting aye; Alderman Radtke absent; motion carried.

Closed session began at 8:12 p.m.; ended 8:26 p.m.

Alderman Lukosus made a motion to re-open the meeting at 8:28 p.m. Alderman Potthoff seconded the motion. City Clerk Dave Bartley called the roll with Aldermen Potthoff, Ferrari, Waldorf, Lukosus, Sapienza, Payton and Ballard present; Alderman Radtke absent; Mayor Harl present.

ADJOURNMENT

Alderman Waldorf made a motion that the meeting be adjourned. Alderman Ferrari seconded the motion and motion carried. Meeting adjourned 8:29 p.m.