

CITY OF LINCOLN
REGULAR CITY COUNCIL MEETING
AGENDA
FEBRUARY 6, 2023
7:00 PM

1. **Call to Order**
2. **Roll Call**
3. **Pledge of Allegiance**
4. **Public Participation**
5. **Lori Milosevich-Lahr, CPA of Estes, Bridgewater & Ogden – Presentation of Audit F.Y. 2021/2022.**
6. **Consent Agenda By Omnibus Vote**

All items under the Consent Agenda are considered to be routine in nature and/or non-controversial and will be approved by one motion. If anyone wishes to have a separate vote on any item, it will be pulled from the Consent Agenda and voted on separately.

- A. Payment of Bills
 - B. Approval of minutes for December 19, 2022 Public Hearing Meeting, January 3, 2023 Regular City Council Meeting, January 17, 2023 Regular City Council Meeting.
7. **Ordinances and Resolutions**
 - Ordinance Authorizing Entering into a Lease in Exchange for Installation of a Mural contingent upon the approval of the property owner.
 8. **Bids**
 9. **Reports**
 10. **New Business/Communications**
 - A. Approval of Economic Development Grant to Eileen Mullins, D/B/A Sir Renna Tea, for replacement of Rear door in an amount not to exceed \$7,500.00.
 - B. Approval of Façade Grant to Eileen Mullins, D/B/A Sir Renna Tea, for replacement three (3) shop windows and entry double doors in an amount not to exceed \$10,000.00.
 11. **Announcements**
 12. **Possible Executive Session**
 13. **Adjournment**

We welcome the participation of persons with disabilities at all City of Lincoln meetings. If auxiliary aid or service is required for most effective participation and communication, please notify the City Clerk's Office at 217-735-2815 or cityclerk@lincoln.il.gov no later than 48 hours prior to the meeting time.

PUBLIC HEARING

Lincoln City Hall, Council Chambers
700 Broadway Street | Lincoln, Illinois

Monday, December 19, 2022

The Public Hearing with the City Council of Lincoln was called to order by Mayor Welch at 7:02 p.m., with proper notice given. City Clerk Bateman called roll.

Present:

Alderman Rick Jones, Ward 1
Alderman Steve Parrott, Ward 1
Alderman Tony Zurkammer, Ward 2
Alderman Sam Downs, Ward 2
Alderman Kevin Bateman, Ward 3
Alderwoman Wanda Rohlf, Ward 3
Alderwoman Kathy Horn, Ward 4
Alderman Rick Hoefle, Ward 4

Staff Present:

City Clerk Peggy Bateman
Treasurer Chuck Conzo
City Attorney John Hoblit
Fire Chief Bob Dunovsky
Police Chief Matt Vlahovich
Deputy Police Chief Joe Meister
Veolia Water, Andrew Bowns

Absent:

Streets Superintendent Walt Landers
Police Chief Matt Vlahovich

Remote:

Building and Safety Officer Wes Woodhall

Presiding:

Mayor Tracy Welch

Public Comment:

There was no one present for public comment.

New Business:

Notice of Proposed Property Tax Levy for the City of Lincoln, Illinois

There was no one present to speak.

Adjournment:

Aldermen Hoefle made the motion to adjourn, Alderwoman Horn seconded. All were in favor. Mayor Welch adjourned the meeting at 7:03pm.

Respectfully Submitted By:

Charity Hutchison, Recording Secretary

REGULAR CITY COUNCIL MEETING

Lincoln City Hall, Council Chambers
700 Broadway Street | Lincoln, Illinois

Tuesday, January 3, 2023

The Regular Meeting of the City Council of Lincoln was called to order by Mayor Welch at 7:02pm, with proper notice given. City Clerk Peggy Bateman called roll.

Present:

Alderman Rob Jones, Ward 1
Alderman Steve Parrott, Ward 1
Alderman Tony Zurkammer, Ward 2
Alderman Sam Downs, Ward 2
Alderman Kevin Bateman, Ward 3
Alderwoman Wanda Lee Rohlf, Ward 3
Alderman Rick Hoefle, Ward 4
Alderwoman Kathy Horn, Ward 4

Staff Present:

Peggy Bateman, City Clerk
Chuck Conzo, City Treasurer
John Hoblit, City Attorney
Walt Landers, Streets Superintendent
Bob Dunovsky, Fire Chief
Joseph Meister, Police Chief
Andrew Bowns, Veolia Water, Project Manager

Remotely:

Wes Woodhall, Building and Safety Officer

Presiding:

Tracy Welch, Mayor

Public Comment:

There was no one present or on the phone for public comment.

Official Oath of Office

Joseph Meister Chief of Police
Matt Comstock Deputy Police Chief
Tim Butterfield Sergeant

Consent Agenda by Omnibus Vote:

A. Payment of Bills

B. Approval of minutes for November 29, 2022 Committee of the Whole Meeting, December 13, 2022 Committee of the Whole Meeting, December 19, 2022 Regular City Council Meeting

Alderman Zurkammer made the motion to approve, Alderwoman Rohlf seconded. Mayor Welch called for discussion, there being none, City Clerk Bateman called roll.

Yeas: (8) Alderman Rob Jones, Alderman Steve Parrott, Alderman Sam Downs, Alderman Rick Hoefle, Alderwoman Wanda Lee Rohlfs, Alderman Kevin Bateman, Alderwoman Kathy Horn, Alderman Tony Zurkammer

Nays: (0)

Abstain: (0)

Absent: (0)

Mayor Welch moved to other items on the agenda.

Ordinance and Resolutions:

A. Ordinance 2023-997 Amending Section 6-4-24 of the Lincoln City Code.

Alderman Hoefle made the motion to approve, Alderwoman Horn seconded. Mayor Welch called for discussion.

City Attorney Hoblit has been working with Police Chief Meister on the ordinance pertaining to cannabis. Currently the ordinance is unlawful in accordance to State law that was passed in 2020. There are three main changes to the ordinance. Those changes are that possession is illegal under 21 years of age, that transportation is illegal if it is not in its vacuumed sealed container, and an added provision for anyone, whether over 21 or not, that carries more than 30 grams of cannabis. Also non Illinois residents may only carry a max of 15 grams of cannabis. The changes had also moved the numbering/lettering around within the ordinance.

Mayor Welch asked if any offenses made since 2020 would need to be reviewed. Chief Meister and City Attorney Hoblit didn't think there had been any possession charges filed in the City since then. Chief Meister will look and bring that information back to the council.

There being no other discussion, City Clerk Bateman called the roll.

Yeas: (8) Alderman Rob Jones, Alderman Steve Parrott, Alderman Sam Downs, Alderman Rick Hoefle, Alderwoman Wanda Lee Rohlfs, Alderman Kevin Bateman, Alderwoman Kathy Horn, Alderman Tony Zurkammer

Nays: (0)

Abstain: (0)

Absent: (0)

Mayor Welch moved to other items on the agenda.

New Business/Communications:

A. Approval of Funding Agreement between the Logan County Tourism Bureau and the City of Lincoln for the period beginning January 1, 2023 and ending December 31, 2023.

Alderman Jones made the motion to approve, Alderman Hoefle seconded. Mayor Welch called for discussion, there being none, City Clerk Bateman called the roll.

Yeas: (8) Alderman Rob Jones, Alderman Steve Parrott, Alderman Sam Downs, Alderman Rick Hoefle, Alderwoman Wanda Lee Rohlfs, Alderman Kevin Bateman, Alderwoman Kathy Horn, Alderman Tony Zurkammer

Nays: (0)

Abstain: (0)

Absent: (0)

B. Approval of Structural Improvement Grant to Rio Grande in an amount not to exceed \$7,500.00. (Contingent upon a City Lease Agreement issued to Rio Grande).

Alderman Rohlfs made the motion to approve, Alderman Zurkammer seconded. Mayor Welch called for discussion, there being none, City Clerk Bateman called the roll.

Yeas: (8) Alderman Rob Jones, Alderman Steve Parrott, Alderman Sam Downs, Alderman Rick Hoefle, Alderwoman Wanda Lee Rohlfs, Alderman Kevin Bateman, Alderwoman Kathy Horn, Alderman Tony Zurkammer

Nays: (0)

Abstain: (0)

Absent: (0)

C. Approval of issuing a R.F.P. for professional engineering services for the City of Lincoln

Alderman Hoefle made the motion to approve, Alderman Jones seconded. Mayor Welch called for discussion, there being none, City Clerk Bateman called the roll.

Yeas: (8) Alderman Rob Jones, Alderman Steve Parrott, Alderman Sam Downs, Alderman Rick Hoefle, Alderwoman Wanda Lee Rohlfs, Alderman Kevin Bateman, Alderwoman Kathy Horn, Alderman Tony Zurkammer

Nays: (0)

Abstain: (0)

Absent: (0)

D. Approval of installation of a new drain line along Harrison Street from Kankakee Street to Ottawa Street at a cost not to exceed \$22,648.00.

Alderman Hoefle made the motion to approve, Alderwoman Horn seconded. Mayor Welch called for discussion, there being none, City Clerk Bateman called the roll.

Yeas: (8) Alderman Rob Jones, Alderman Steve Parrott, Alderman Sam Downs, Alderman Rick Hoefle, Alderwoman Wanda Lee Rohlfs, Alderman Kevin Bateman, Alderwoman Kathy Horn, Alderman Tony Zurkammer

Nays: (0)

Abstain: (0)

Absent: (0)

Announcements:

- Residents need to check their sewer bills within the next couple months as the new water readings are in and may reflect a change on sewer rates.
- On New Year's Eve, there was significant vandalism to the Covered Wagon. Police Chief Meister will have an update on leads at the meeting.
- Trash rate will increase to \$16.74/month in March.
- Due to holidays in January, all meeting will be on Tuesdays.

Adjournment:

There being no further discussion to come before the City Council of Lincoln, Alderman Hoefle motioned to adjourn, seconded by Alderwoman Horn. Mayor Welch adjourned the meeting at 7:25 p.m.

Respectfully Submitted By:

Charity Hutchison, Recording Secretary

REGULAR CITY COUNCIL MEETING

Lincoln City Hall, Council Chambers
700 Broadway Street | Lincoln, Illinois

Tuesday, January 17, 2023

The Regular Meeting of the City Council of Lincoln was called to order by Mayor Welch at 7:01pm, with proper notice given. City Clerk Peggy Bateman called roll.

Present:

Alderman Rob Jones, Ward 1
Alderman Steve Parrott, Ward 1
Alderman Tony Zurkammer, Ward 2
Alderman Sam Downs, Ward 2
Alderman Kevin Bateman, Ward 3
Alderwoman Wanda Lee Rohlfs, Ward 3
Alderman Rick Hoefle, Ward 4 (joined the meeting at 7:02pm)
Alderwoman Kathy Horn, Ward 4

Staff Present:

Peggy Bateman, City Clerk
Chuck Conzo, City Treasurer
Walt Landers, Streets Superintendent
Joe Meister, Police Chief
Darrin Coffey, Assist. Fire Chief

Remotely:

Andrew Bowns, Veolia Water, Project Manager

Absent:

John Hoblit, City Attorney
Bob Dunovsky, Fire Chief
Wes Woodhall, Building and Safety Officer

Presiding:

Tracy Welch, Mayor

Public Comment:

There was no one present for public comment.

Promotions to Police Corporal Oath of Office for Collin Antoine and Cody Curry

One of the officers was called out to a call. This item was moved down on the agenda. If the officer is able to make it back before the end of the meeting, the swearing in will take place.

Consent Agenda by Omnibus Vote:

A. Payment of Bills

B. Approval of minutes for December 27, 2022 Special Voting Meeting, December 27, 2022

Committee of the Whole Meeting

Alderman Downs made the motion to approve, Alderwoman Horn seconded. Mayor Welch called for discussion, there being none, City Clerk Bateman called roll.

Yeas: (8) Alderman Rob Jones, Alderman Steve Parrott, Alderman Sam Downs, Alderman Rick Hoefle, Alderwoman Wanda Lee Rohlfs, Alderman Kevin Bateman, Alderwoman Kathy Horn, Alderman Tony Zurkammer

Nays: (0)

Abstain: (0)

Absent: (0)

Mayor Welch moved to other items on the agenda.

Ordinances and Resolutions:

A. Resolution proclaiming the week of January 29, 2023 through February 4, 2023 as Catholic Week in the City of Lincoln.

Alderman Hoefle made the motion to approve, Alderwoman Horn seconded. Mayor Welch called for discussion, there being none, City Clerk Bateman called the roll.

Yeas: (8) Alderman Rob Jones, Alderman Steve Parrott, Alderman Sam Downs, Alderman Rick Hoefle, Alderwoman Wanda Lee Rohlfs, Alderman Kevin Bateman, Alderwoman Kathy Horn, Alderman Tony Zurkammer

Nays: (0)

Abstain: (0)

Absent: (0)

Mayor Welch moved on to other items on the agenda.

Reports

A. City Treasurer's Report for December, 2022

General Fund balance is very similar to a month ago.

Reports from the State for the Fire/Police pensions are not in yet to give an accurate report for the council. Treasurer Conzo feels these reports will be a month behind going forward

Sales Tax revenue is down slightly

Non-Home Rule sales tax is up

State income tax is where we are expected to be

Motor Fuel Tax is down from a year ago but the same as last month

Replacement Tax is considerably higher than expected

Video Gaming tax is just under the \$40,000 mark

B. City Clerks Report for December, 2022

\$280,853.07 was received in sewer payments for the month of September. \$11,321.86 was received from one of the prisons. The first reminder for the 10% discount has gone out in the January bill.

C. Department Head Reports for December, 2022

These reports are either on file or will be soon.

Mayor Welch moved to other items on the agenda.

New Business/Communications:

A. Approval of request from Pivotal GP Holding, LLC for construction of a Residential Planned Unit Development (PUD) at the Southwest corner of Castle Manor Drive and Stahlhut Drive.

Alderman Bateman made the motion to approve, Alderman Hoefle seconded. Mayor Welch called for discussion, there being none, City Clerk Bateman called the roll.

Yeas: (8) Alderman Rob Jones, Alderman Steve Parrott, Alderman Sam Downs, Alderman Rick Hoefle, Alderwoman Wanda Lee Rohlfs, Alderman Kevin Bateman, Alderwoman Kathy Horn, Alderman Tony Zurkammer

Nays: (0)

Abstain: (0)

Absent: (0)

Mayor Tracy Welch swore in Officer Cody Curry as Corporal. Officer Collin Antoine's swearing in will be rescheduled.

Announcements:

- The new water tower for the City of Lincoln is in the Municipal League magazine. Thanks to City Clerk Bateman for submitting the photo.

Adjournment:

There being no further discussion to come before the City Council of Lincoln, Alderman Hoefle motioned to adjourn, seconded by Alderman Zurkammer. Mayor Welch adjourned the meeting at 7:23 p.m.

Respectfully Submitted By:

Charity Hutchison, Recording Secretary

ORDINANCE NO. 2023-
**ORDINANCE AUTHORIZING ENTERING INTO A LEASE IN EXCHANGE
FOR INSTALLATION OF A MURAL**

THIS ORDINANCE is made and adopted by the CITY COUNCIL OF THE CITY OF LINCOLN, LOGAN COUNTY, ILLINOIS, at a regular meeting held in the City Council Chambers in said City on the ____ day of _____, 2023, WITNESSETH:

WHEREAS, the City of Lincoln contemplates entering into a Lease with Ernesto Leon, with approval by Dr. Todd Walker, to utilize city land next to the building so the business can have a patio for their business, which would negate the need for a parklet (see Exhibit A); and

WHEREAS, the parties desire to also enter into an agreement which will survive the lease for the installation of a mural on the north side of the building (See Exhibit A);

NOW, THEREFORE, IT IS HEREBY ORDAINED by the CITY COUNCIL OF THE CITY OF LINCOLN, as follows:

1. The Lease attached as Exhibit A is hereby approved in accordance with the Permanent Easement.
2. That the Mayor and City Clerk are hereby authorized and directed to approve and execute said Lease and Easement.

The vote on the adoption of this Ordinance was as follows:

Alderman Parrott	_____	Alderman Zurkammer	_____
Alderman Horn	_____	Alderman Rohlf	_____
Alderman Jones	_____	Alderman Bateman	_____
Alderman Downs	_____	Alderman Hoefle	_____

Ayes: _____

Nays: _____

Absent: _____

Abstain: _____

Passed and approved this ____ day of _____, 2023.

CITY OF LINCOLN,

BY: _____

Tracy Welch, Mayor
City of Lincoln, Logan County, Illinois

ATTEST: _____ (SEAL)

City Clerk, City of Lincoln,
Logan County, Illinois

EXHIBIT A

LAND LEASE AGREEMENT

THIS Land Lease Agreement (“Lease”), is entered into this ____ the day of _____ 2023, between the **CITY OF LINCOLN, ILLINOIS, A Municipal Corporation**, (“City”), and **Ernesto Leon, with approval by Dr. Todd Walker** (“Tenant”).

In consideration of the terms and covenants of this agreement, and for other good and valuable consideration, the parties agree as follows:

1. **Leased Premises.** City hereby leases to Tenant for the period, at the rent, and upon the terms and conditions hereinafter set forth, the exclusive use the of the northern end of the welcome park, whose dimensions are 20 ft by 82 ft. In return the City will get a permanent easement to install and maintain a mural on the top half of the north side of the building.

2. **Term.** The term of this lease agreement shall be for Nineteen (19) years commencing on the date of execution of this agreement, unless sooner terminated as provided herein.

3. **Rent.** Rent for the initial lease term shall be the sum of **\$1.00 dollars (\$1.00)**, for the whole term of this lease.

4. **Governmental Approval Contingency.**

A. Tenant’s application. Tenant’s right to use the leased premises is expressly made contingent upon its obtaining all the certificates, permits, zoning and other approvals that may be required by any Federal, State, or Local authority.

B. Historic Preservation Commission Approval. Any improvements done to the property (installation of door, awning, fencing, mural, etc.) must have the approval of the Historic Preservation Commission in Lincoln, IL.

C. Structural Study. Tenant acknowledges that the proposed placement of the mural would not compromise the structural integrity of the building.

5. Tenant's Use.

A. **User Priority.** Tenant agrees that the following priorities of use, in descending order, shall apply in the event of a communication interference or other conflict while this lease is in effect, and Tenant's use shall be subordinate accordingly:

- 1) City;
- 2) Public Safety Agencies, including law enforcement, fire and ambulance services, that are not part of the City;
- 3) Other governmental agencies where use is not related to public safety.

B. **Use and Upkeep.** The premises will be used to provide outdoor seating for the restaurant located there. Due to their now being outdoor seating, the tenant agrees not to utilize a parklet on Kickapoo Street. The Tenant agrees to the following upkeep provisions:

1. Maintain the premises in a clean, sanitary and safe condition;
2. Dispose of all rubbish, garbage and other waste in a clean and sanitary manner from the premises to refuse facilities;
3. Not destroy, deface, damage, impair, nor remove any part of the mural that is to be installed on the premises.
4. Maintain premises, grounds and areas under the control of the Tenant in clean, sanitary and safe condition free from all cumulation of debris, filth, rubbish, garbage, rodents and vermin.

C. Tenant shall not place any advertising on the leased premises.

6. Installation of Improvements.

A. Tenant shall have the right, at its sole cost and expense, to install, operate and maintain fencing, awning no more than 12 ft in height, and a door to access the leased premises.

B. Landlord will be installing a concrete pad, said dimensions being 17 ft by 30 ft.

C. Landlord shall have the right to install a mural on the building starting 2 ft above the awning to the top of the building. This mural shall survive the lease and tenant agrees to execute a perpetual easement to utilize that property. The stipulations regarding the mural shall be binding on all successors and assigns of the Tenant.

7. **Access.** Landlord shall have access granted to them by the Tenant to install and maintain the mural. Tenant acknowledges that their use of the easement shall be compromised or inaccessible while the mural is being installed or maintained. Landlord shall request access

twenty-four (24) hours in advance.

8. **Purpose.** The tenant desires outdoor access to their business thereby offering seating away from Kickapoo Street. Landlord and Tenant agree that the parklet on Kickapoo street is not optimal as the road has heavy traffic. Therefore tenant by having this access will not have a parklet during the life of this lease. Landlord desires to have a mural installed on the top half of the building as they believe it will benefit the downtown of the city.

9. **Termination.**

A. This lease may be terminated upon either party upon thirty (30) day written notice to the other party. In the event of termination by City, City shall refund a prorated portion of the annual rent to Tenant. In the event of termination by Tenant, Tenant shall receive no refund of the annual rent. Regardless of who terminates the mural shall be remain.

B. Upon termination of this lease, Tenant shall remove any of their improvements within thirty (30) days. Any such property which is not removed by the end of the sixty (60) day period shall become the property of City.

10. **Notice.** All notice or demands are deemed to have been given and made when delivered in person or mailed by certified, registered or express mail, return receipt requested, postage prepaid, United States Mail, and addressed to the applicable party as follows:

City: The City of Lincoln, Illinois
700 Broadway Street
Lincoln, Illinois 62656

Tenant: Ernesto Leon
116 North Kickapoo Street
Lincoln, Illinois 62656

11. **Insurance.** Tenant, at its own expense, shall maintain, at all times, comprehensive general liability insurance with limits of at least One Million Dollars and no cents, (\$1,000,000.00), per occurrence and in the aggregate, and shall name City as an additional insured on such policy. Tenant shall furnish such evidence of the insurance as City may reasonably require including, but not limited to, a certificate of insurance.

12. **Liability and Indemnity.** Tenant agrees to indemnify and save the City harmless from all claims (including attorney's fees, costs and expenses of defending against such claims) arising from any breach of this Lease by Tenant, or any negligent act, negligent omission, or intentional tort of Tenant, or Tenant's agents, employees, contractors, invitees, or licensees occurring during the term of this Lease. City shall not be liable to Tenant for any damage to Tenant's property during the term of this lease, regardless of the cause of said damage.

13. **Assignment and Subletting by Tenant.** Tenant may, with City's prior consent, assign or sublet any or all of Tenant's interests in this Lease or any part thereof, and/or any or all of Tenant's right, title, and interest, to any party controlling, controlled by or in connection or in common control with Tenant or any party acquiring substantially all of the assets of Tenant.

14. **Entire Agreement and Binding Effect.** This Lease constitutes the entire agreement between City and Tenant. This Lease cannot be amended or changed except by written instrument signed by both parties. The invalidity of any portion of this Lease shall not have any effect on the balance thereof. The provisions of this Lease shall be binding upon and inure to the benefit of the heirs, executors, administrators, successors, and assigns of the parties.

15. **Governing Law.** This Lease shall be governed by the laws of the State of Illinois.

IN WITNESS WHEREOF, City and Tenant have signed this Lease as of the date and year first above written.

TENANT:

APPROVAL AND CONSENT:

Logan County Tourism

Dr. Todd Walker

CITY:

CITY OF LINCOLN, ILLINOIS

Mayor of the City of Lincoln, Illinois

ATTEST:

City Clerk

MEMORANDUM

TO: Mayor and City Council Members
FROM: Ashley Metelko, Administrative Assistant
MEETING DATE: January 24, 2023
RE: Economic Development Commission Approvals

Background:

On January 20, 2023, the Economic Development Grant Commission met and approved the following applications:

STRUCTURAL IMPROVEMENT GRANTS:

Eileen Mullins/Sir Renna Tea – Replacement of rear door - **\$7,500.00**

-113 N Kickapoo Street

FACADE GRANTS:

Eileen Mullins/Sir Renna Tea – 3 shop windows and entry double doors - **\$10,000.00**

-113 N Kickapoo St.