

**MINUTES  
NEW COUNCIL CHAMBERS IN THE CIVIC COMPLEX  
401 WEST WASHINGTON STREET, EAST PEORIA, ILLINOIS**

**DECEMBER 17, 2019**

The Regular Meeting of the City Council of the City of East Peoria, Illinois was called to order by his Honor Mayor John P. Kahl presiding at 6:00 P.M. with proper notice having been given.

Upon the roll being called the following answered present: Mayor John P. Kahl, Commissioner Daniel S. Decker, Commissioner Mark E. Hill, Commissioner Seth D. Mingus, and Commissioner Michael L. Sutherland.  
Absent: None.

The invocation was given by Commissioner Hill.

Mayor Kahl led the Council and the audience in the pledge of allegiance to the flag.

Motion by Commissioner Mingus, seconded by Commissioner Decker; Mr. Mayor, I move that the minutes of the Special Meeting for a Working Session held on December 3, 2019 and the minutes of the Regular Meeting held on December 3, 2019 be approved as printed.

Yeas: Commissioner Decker, Hill, Mingus, Sutherland, and Mayor Kahl.

Nays: None.

Mayor Kahl declared the motion carried.

Presentation by the East Peoria Beautification Commission announcing the winners of the Christmas Splendor Contest. Mary Vandiverface and Patti Staley came up and presented the winners of first and second place for each category were presented. The winners were as follows:

FOLEPI Christmas Splendor Division: 1<sup>st</sup> Place – Tony and Carrie Howard and 2<sup>nd</sup> Place – Bill Walker  
Traditional Division: 1<sup>st</sup> Place – Jason Roake and 2<sup>nd</sup> Place – Tom Christison  
Festive Inflatables Division: 1<sup>st</sup> Place – Dakota Carrigan and 2<sup>nd</sup> Place – Robert Hunsicker and Jessica Ryder  
Business/Church/School Division: 1<sup>st</sup> Place – The Picker’s Daughter and 2<sup>nd</sup> Place – Carl’s Bakery  
Neighborhood Division: Winner – Tom Tracy – Highview Road

Mayor Kahl stated if there was anyone in the audience who wanted to speak on any items on the agenda to come to the podium and state the matter or matters to be discussed.

Don Norbits came up to the podium and inquired about Waste Management recycling tipping fees in the amount of \$15,891 that were on the schedule of bills that seems much higher than normal. Director of Public Works, Dennis Barron, indicated that he believes that it was miscoded and was for solid waste fees. However, he will look into the tipping fees and get back with Mr. Norbits.

Mayor Kahl stated if there was anyone else in the audience who wanted to speak on any items on the agenda to come to the podium and state the matter or matters to be discussed. There was no response.

**CONSENT AGENDA ITEMS BY OMNIBUS VOTE:**

Mayor Kahl asked if any Commissioner wished to remove any items from the Consent Agenda for discussion. There was no response.

Motion by Commissioner Hill, seconded by Commissioner Decker; Mr. Mayor, I move to adopt a consent agenda consisting of items numbered 1 through 6 as listed on the agenda for this meeting to be considered by omnibus vote.

Item No. 1 – Adoption of Resolution No. 1920-094 – Resolution to Approve Payment of the Schedule of Bills Listed on Schedule No. 15 in the amount of \$2,807,831.32.

Item No. 2 – Adoption of Resolution No. 1920-088 on its Second Reading – Resolution approving Renewal of Property, Casualty, and Liability Insurance Coverage and Workers Compensation Insurance Coverage with Illinois Counties Risk Management Trust.

Item No. 3 – Adoption of Resolution No. 1920-091 on its Second Reading – Resolution approving the purchase of 20 desktop computers, 9 laptops, and associated computer equipment to upgrade outdated computer equipment throughout the City from PTC Select in the amount of \$23,503.

Item No. 4 – Adoption of Resolution No. 1920-089 on its Second Reading - Resolution approving Public Works Building Sheet Metal Replacement Project Proposal from Blunier Builders, Inc. in the amount of \$75,000.

Item No. 5 – Adoption of Resolution No. 1920-087 on its Second Reading – Resolution Approving a Right-of-Way Use Agreement with CSL Realty LLC (Uniti Fiber).

Item No. 6 – Adoption of Ordinance No. 4445 on its Second Reading – (AN ORDINANCE PROHIBITING THE PURCHASE OF TOBACCO, ALTERNATIVE NICOTINE PRODUCTS, AND ELECTRONIC CIGARETTES BY PERSONS UNDER 21 YEARS OF AGE AND AMENDING THE CITY CODE TO PROHIBIT THE POSSESSION OF ELECTRONIC CIGARETTES BY MINORS UNDER 18 YEARS OF AGE.)

Yeas: Commissioners Decker, Hill, Mingus, Sutherland, and Mayor Kahl.

Nays: None.

Mayor Kahl declared the motion carried.

Motion by Commissioner Hill, seconded by Commissioner Decker; Mr. Mayor, I move you that Items numbered 1 through 6 listed on the Consent Agenda be hereby approved and adopted, the items numbered 2 through 6 having been read once by their title and having laid on the table for no less than one week for public inspection be adopted as presented.

Item No. 1 – Adoption of Resolution No. 1920-094 – Resolution to Approve Payment of the Schedule of Bills Listed on Schedule No. 15 in the amount of \$2,807,831.32. (Adopted by omnibus vote)

Item No. 2 – Adoption of Resolution No. 1920-088 on its Second Reading – Resolution approving Renewal of Property, Casualty, and Liability Insurance Coverage and Workers Compensation Insurance Coverage with Illinois Counties Risk Management Trust. (Adopted by omnibus vote)

Item No. 3 – Adoption of Resolution No. 1920-091 on its Second Reading – Resolution approving the purchase of 20 desktop computers, 9 laptops, and associated computer equipment to upgrade outdated computer equipment throughout the City from PTC Select in the amount of \$23,503. (Adopted by omnibus vote)

Item No. 4 – Adoption of Resolution No. 1920-089 on its Second Reading - Resolution approving Public Works Building Sheet Metal Replacement Project Proposal from Blunier Builders, Inc. in the amount of \$75,000. (Adopted by omnibus vote)

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Item No. 6 – Adoption of Ordinance No. 4445 on its Second Reading – (AN ORDINANCE PROHIBITING THE PURCHASE OF TOBACCO, ALTERNATIVE NICOTINE PRODUCTS, AND ELECTRONIC CIGARETTES BY PERSONS UNDER 21 YEARS OF AGE AND AMENDING THE CITY CODE TO PROHIBIT THE POSSESSION OF ELECTRONIC CIGARETTES BY MINORS UNDER 18 YEARS OF AGE.) (Adopted by omnibus vote)

Yeas: Commissioners Decker, Hill, Mingus, Sutherland, and Mayor Kahl.

Nays: None.

Mayor Kahl declared the motion carried and the items adopted by omnibus vote designation.

Motion by Commissioner Hill, seconded by Commissioner Mingus; Mr. Mayor, I move you that Ordinance No. 4471, hereto attached, (ANNUAL TAX LEVY ORDINANCE FOR THE CITY OF EAST PEORIA, ILLINOIS FOR THE FISCAL YEAR FROM THE FIRST DAY OF MAY A.D. 2019 TO THE LAST DAY OF APRIL A.D. 2020) - (seeking to keep the same rate as last year – no increase in the rate) having been read once by its title and having been laid on the table for no less than one week for public inspection, be adopted as presented.

Commissioner Hill explained that the ordinance is expected to hold the rate consistent or flat and the amount is \$5,529,550. The additional \$14,780 is from new first-time property and is based on estimated values provided by the supervisor of assessment, and it is estimated that the tax rate will remain the same and property taxes paid to the City by an existing property owner in 2018 will remain the same in 2019.

Mayor Kahl explained that the city has kept the rate flat for the past, at least, twenty years. He thanked city staff and officials for their work on the tax levy.

Yeas: Commissioners Decker, Hill, Mingus, Sutherland, and Mayor Kahl.

Nays: None

Mayor Kahl declared the motion carried and Ordinance No. 4471 be adopted as presented.

Motion by Commissioner Hill, seconded by Commissioner Decker; Mr. Mayor, I move you that Ordinance No. 4473 hereto attached, (AN ORDINANCE AUTHORIZING A SPECIAL USE FOR PROPERTY LOCATED AT 235 STATE STREET IN THE CITY OF EAST PEORIA, TAZEWELL COUNTY, ILLINOIS.) (to allow an accessory structure which has an alternative exterior material) be accepted on its first reading as read by its title, and be laid on the table for no less than one week for public inspection.

Commissioner Hill commented on the special use and explained that the external material is metal. All other code provisions must be met.

Yeas: Commissioners Decker, Hill, Mingus, Sutherland, and Mayor Kahl.

Nays: None.

Mayor Kahl declared the motion carried.

Motion by Commissioner Hill, seconded by Commissioner Mingus; Mr. Mayor, I move you that Ordinance No. 4474 hereto attached, (AN ORDINANCE AUTHORIZING A SPECIAL USE FOR PROPERTY LOCATED AT 322 PARK AVENUE IN THE CITY OF EAST PEORIA, TAZEWELL COUNTY, ILLINOIS.) (to allow an accessory structure which has an alternative exterior material) be accepted on its first reading as read by its title, and be laid on the table for no less than one week for public inspection.

Commissioner Hill commented on the special use which is for external material that is metal. The property must comply with all other city code provisions.

Yeas: Commissioners Decker, Hill, Mingus, Sutherland, and Mayor Kahl.

Nays: None.

Mayor Kahl declared the motion carried.

Motion by Commissioner Hill, seconded by Commissioner Decker; Mr. Mayor, I move you that Ordinance No. 4469 hereto attached, (AN ORDINANCE AMENDING ZONING REGULATIONS IN TITLE 5 OF THE EAST PEORIA CITY CODE TO PROHIBIT VIDEO GAMING CAFÉS) be accepted on its first reading as read by its title, and be laid on the table for no less than one week for public inspection.

Commissioner Hill commented on the ordinance and the prohibition. The city code amendments here are in line with the liquor code amendments that were completed at a prior City Council meeting.

Yeas: Commissioners Decker, Hill, Mingus, Sutherland, and Mayor Kahl.

Nays: None.

Mayor Kahl declared the motion carried.

Motion by Commissioner Hill, seconded by Commissioner Mingus; Mr. Mayor, I move you that Ordinance No. 4475 hereto attached, (AN ORDINANCE AMENDING TITLE 10 AND TITLE 11 OF THE EAST PEORIA CITY CODE REGARDING ADULT-USE RECREATIONAL CANNABIS PURSUANT TO RECENT AMENDMENTS TO STATE LAW) be read at length by the Clerk, and that said Ordinance No. 4475 be accepted on its first reading, and be hereby adopted as presented.

The City Clerk read the ordinance at length.

Commissioner Hill explained the changes that further amends, revises, and clarifies revisions to the city code taking into account the amendments, revisions, and clarifications made to State law in relation to the legalization of adult-use recreational cannabis by the recently signed Public Act 101-0593, including defining “cannabis paraphernalia” and “public place”; clarifying that possession and use of cannabis by persons under 21 is prohibited, among other amendments to the city code.

Commissioner Decker commented on the workload on the Police Department is going to be much more than anticipated. There is taxation on the sales; however, the workload is something to consider and the costs of such workload.

Commissioner Sutherland explained that he feels that there is no teeth in the law, and he feels that the law is fluid right now. If you purchase, he explained, then he believes it will have an effect on your FOID card, concealed carry, and Commercial Driver’s License.

Mayor Kahl explained that sales begin January 1, 2020. However, he feels there will more changes to the law in the future.

Yeas: Commissioners Decker, Hill, Mingus, and Mayor Kahl.

Nays: Commissioner Sutherland.

Mayor Kahl declared the motion carried and Ordinance No. 4475 to be duly adopted as presented.

Resolution No. 1920-092 by Commissioner Sutherland, seconded by Commissioner Mingus; BE IT RESOLVED BY THE COUNCIL OF THE CITY OF EAST PEORIA, ILLINOIS that Resolution No. 1920-092, hereto attached, a Resolution Approving the Cleaning and Rehabilitation of Water Well Number 17 by Brotcke Well & Pump, Inc. at a cost of \$28,147, be approved. Mr. Mayor, I move you that this Resolution No. 1920-092 be accepted on its first reading as read by its title, and be laid on the table for no less than one week for public inspection.

Commissioner Sutherland explained that the well went down and that the maintenance that was to be addressed in late spring in the next budget year will be done now so that the well does not have to be pulled again next year to complete the maintenance work.

Yeas: Commissioners Decker, Hill, Mingus, Sutherland, and Mayor Kahl.

Nays: None.

Mayor Kahl declared the motion carried.

Resolution No. 1920-096 by Commissioner Sutherland, seconded by Commissioner Mingus; BE IT RESOLVED BY THE COUNCIL OF THE CITY OF EAST PEORIA, ILLINOIS that Resolution No. 1920-096, hereto attached, a Resolution approving Contract for Water Main Extension Work as part of Project Development in Main-on-Main Development Area with Walker Excavating Company, Inc. in the amount of \$14,104, be approved. Mr. Mayor, I move you that this Resolution No. 1920-096 be accepted on its first reading as read by its title, and be laid on the table for no less than one week for public inspection.

Commissioner Sutherland explained that this project will connect water for a new hotel on Altorfer Lane. This was the only bid received. The connection creates a larger loop that covers more than just the new hotel. It is to be a directional bore underneath the street without interrupting traffic.

Yeas: Commissioners Decker, Hill, Mingus, Sutherland, and Mayor Kahl.

Nays: None.

Mayor Kahl declared the motion carried.

Resolution No. 1920-093 by Commissioner Mingus, seconded by Commissioner Decker; BE IT RESOLVED BY THE COUNCIL OF THE CITY OF EAST PEORIA, ILLINOIS that Resolution No. 1920-093, hereto attached, a Resolution authorizing the Outfitting of the new Fire Battalion #1 (new 2019 Ford F250) for the Fire Department by Ragan Communications, be approved. Mr. Mayor, I move you that this Resolution No. 1920-093 be accepted on its first reading as read by its title, and be laid on the table for no less than one week for public inspection.

Commissioner Mingus explained that this resolution approves the outfitting of the truck that was purchased earlier which includes emergency lights, sirens, radios, and related equipment. This outfitting is to be done by Ragan Communications in the amount of \$14,019.60.

Yeas: Commissioners Decker, Hill, Mingus, Sutherland, and Mayor Kahl.

Nays: None.

Mayor Kahl declared the motion carried.

Resolution No. 1920-095 by Commissioner Mingus, seconded by Commissioner Decker; BE IT RESOLVED BY THE COUNCIL OF THE CITY OF EAST PEORIA, ILLINOIS that Resolution No. 1920-095, hereto attached, a Resolution authorizing the purchase of a new Power Cot for the Fire Department's ambulance fleet from Stryker Corporation, be approved. Mr. Mayor, I move you that this Resolution No. 1920-095 be accepted on its first reading as read by its title, and be laid on the table for no less than one week for public inspection.

Commissioner Mingus explained that this is for the purchase of a new power cot for the Fire Department. The 2% board is paying for the system and a portion of the power cot. Mayor Kahl explained an end of the year discount that is also being applied toward the purchase.

Yeas: Commissioners Decker, Hill, Mingus, Sutherland, and Mayor Kahl.

Nays: None.

Mayor Kahl declared the motion carried.

Motion by Commissioner Mingus, seconded by Commissioner Decker; Mr. Mayor, I move you that Ordinance No. 4476 hereto attached, (AN ORDINANCE TO CONFIRM THAT TWO DEPUTY CHIEF POSITIONS ARE AUTHORIZED FOR THE POLICE DEPARTMENT) be read at length by the Clerk, and that said Ordinance No. 4476 be accepted on its first reading, and be hereby adopted as presented.

The City Clerk read the ordinance at length.

Commissioner Mingus explained that this ordinance puts the practice of having two Deputy Chiefs into the city code.

Yeas: Commissioners Decker, Hill, Mingus, Sutherland, and Mayor Kahl.

Nays: None.

Mayor Kahl declared the motion carried and Ordinance No. 4476 to be duly adopted as presented.

Motion by Commissioner Mingus, seconded by Commissioner Decker; Mr. Mayor, I move you that Ordinance No. 4472 hereto attached, (AN ORDINANCE AMENDING TITLE 3, CHAPTER 3 OF THE EAST PEORIA CITY CODE TO CHANGE THE NUMBER OF CLASS D LIQUOR LICENSES AUTHORIZED TO BE ISSUED WITHIN THE CORPORATE LIMITS OF THE CITY) be read at length by the Clerk, and that said Ordinance No. 4472 be accepted on its first reading, and be hereby adopted as presented.

The City Clerk read the ordinance at length.

Commissioner Mingus explained that this amends the city code to change the number of Class D liquor licenses authorized in the city to 21.

Yeas: Commissioners Decker, Hill, Mingus, Sutherland, and Mayor Kahl.

Nays: None.

Mayor Kahl declared the motion carried and Ordinance No. 4472 to be duly adopted as presented.

Mayor Kahl stated if there was anyone in the audience who wanted to speak on any items not on the agenda to come to the podium and state the matter or matters to be discussed. There was no response.

Motion by Commissioner Decker, seconded by Commissioner Mingus, Mr. Mayor, I move that a closed meeting or executive session of the city council be held at the conclusion of this regular meeting to discuss the following matter or matters according to exceptions provided in the "Open Meetings Act" and specified as follows:

Section 2(c)(1) – The Employment, appointment, 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 of the public body or against legal counsel for the public body to determine its validity..

Section 2(c)(2) – Collective negotiating matters between the public body and its employees or their representatives, or deliberations concerning salary schedules for one or more classes of employees.

Yeas: Commissioners Decker, Hill, Mingus, Sutherland, and Mayor Kahl.

Nays: None

Mayor Kahl declared the motion carried.

Mayor Kahl then asked for comments from Council.

Commissioner Decker wished everyone a happy and safe Christmas season.

Commissioner Hill congratulated the winners of the Christmas Splendor contest and wished everyone a Merry Christmas.

Commissioner Sutherland commented on cost overruns on potholing for the Sewer Upgrade Project. He commented on wanting to return a truck that he feels is not useful to the city. He commented on the large sewer treatment plant holding tanks. He feels the tanks would not have to be as large if sump pumps were not put into the sewer system. Commissioner Sutherland explained that Dennis Barron was leaving his position as Public Works Director as he is taking another job as Public Works Director for another community in warmer weather. He thanked him for his service to the city and wished him well.

Commissioner Mingus thanked Dennis Barron on his service to the city and wished him well in his new venture. He wished everyone a Merry Christmas and a Happy New Year.

Dennis Barron thanked the City Council current and past for the opportunity to serve the City of East Peoria.

Commissioner Decker and the Mayor congratulated Dennis Barron on his new job and thanked him for his service.

Mayor Kahl wished everyone a Merry Christmas and Happy New Year.

Motion by Commissioner Sutherland, seconded by Commissioner Mingus; Mr. Mayor, I move you that we adjourn until Tuesday evening, January 7, 2020 at 6:00 P.M.

Yeas: Commissioners Decker, Hill, Mingus, Sutherland, and Mayor Kahl.

Nays: None

Mayor Kahl declared the motion carried and the meeting adjourned at 6:56 P.M.

/s/ Morgan R. Cadwalader  
City Clerk Morgan R. Cadwalader