

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

**JANUARY 21, 2020**

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 Regular Meeting held on January 7, 2020 and the minutes of the Special Meeting for a Working Session held on January 7, 2020 be approved as printed.

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

Nays: None.

Mayor Kahl declared the motion carried.

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.

Mr. Roy Sorce of Sorce Enterprises came up to the podium and made comments about his business that is requesting a conditional use for property owned at 3201 North Main Street. He explained that Sorce Enterprises is a 40-year multi-generational business that is flying under the radar and he has only received positive feedback regarding their seeking their conditional use. He commented on the employment policy of the business that meets the requirements in the State Statue regarding employment in cannabis businesses. He explained the conditional use is a win-win for the business employees and community. He thanked the City Council for meeting with him and for the State in giving the opportunity for this program.

Mayor Kahl asked for any other comments from the audience. 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 3 as listed on the agenda for this meeting to be considered by omnibus vote.

Item No. 1 – Adoption of Resolution No. 1920-104 – Resolution to Approve Payment of the Schedule of Bills Listed on Schedule No. 17 in the amount of \$1,823,215.74.

Item No. 2 – Adoption of Resolution No. 1920-097 on its Second Reading - Resolution Approving Renewal of Cyber Security Insurance Coverage.

Item No. 3 – Adoption of Ordinance No. 4477 on its Second Reading – (AN ORDINANCE AUTHORIZING THE GRANT AND ACCEPTANCE OF EASEMENTS FOR PROJECT DEVELOPMENT IN MAIN-ON-MAIN DEVELOPMENT AREA).

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 Items numbered 1 through 3 listed on the Consent Agenda be hereby approved and adopted, the items numbered 2 through 3 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. 1920-104 – Resolution to Approve Payment of the Schedule of Bills Listed on Schedule No. 17 in the amount of \$1,823,215.74. (Adopted by omnibus vote)

Item No. 2 – Adoption of Resolution No. 1920-097 on its Second Reading - Resolution Approving Renewal of Cyber Security Insurance Coverage. (Adopted by omnibus vote)

Item No. 3 – Adoption of Ordinance No. 4477 on its Second Reading – (AN ORDINANCE AUTHORIZING THE GRANT AND ACCEPTANCE OF EASEMENTS FOR PROJECT DEVELOPMENT IN MAIN-ON-MAIN DEVELOPMENT AREA). (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.

Resolution No. 1920-099 by Commissioner Hill; **A RESOLUTION AUTHORIZING A PUBLIC HEARING FOR THE EXCHANGE OF CITY PROPERTY LOCATED AT EASTPORT MARINA AND AMENDMENT TO UNIT OWNERSHIP OF THE EASTPORT RESTAURANT-ADMINISTRATION BUILDING CONDOMINIUM**

**WHEREAS**, the main administrative and restaurant building at the Eastport Marina (the “Eastport Marina Building”) is partitioned into the Eastport Restaurant/Administration Building Condominium (“Condominium”) that is comprised of two condominium units owned, respectively, by the City of East Peoria and Cullinan Real Estate Holdings, LLC (“Cullinan”); and

**WHEREAS**, the City owns the real estate immediately surrounding the Eastport Marina Building, which together with the two condominium units and real estate owned by the Eastport Restaurant/Administration Building Condominium Association (the “Association”), comprise the actual Eastport Marina Building site; and

**WHEREAS**, in order to better define the property ownership of the Eastport Marina Building site to more accurately correspond property ownership to the parties’ responsibilities thereto, the City and the Association desire to exchange the portion of the Association’s property identified in Exhibit A, attached hereto and incorporated by reference (the “Association Exchange Property”), and the portion of the City’s property also identified in Exhibit A attached hereto (the “City Exchange Property”); and

**WHEREAS**, the City and Cullinan further desire to redefine the boundaries of the condominium units as set forth on the First Amended Plat, attached hereto as Exhibit B and incorporated by reference, together with a corresponding re-allocation of each unit owner’s percent interest in the common elements of the Condominium; and

**WHEREAS**, prior to approving the proposed property exchanges, pursuant to Section 11-76.2-1 of the Illinois Municipal Code (65 ILCS 5/11-76.2-1), the City Council is required to conduct a public hearing on the proposed property exchanges (the “Public Hearing”);

**NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF EAST PEORIA, TAZEWELL COUNTY, ILLINOIS, THAT:**

**Section 1.** A Public Hearing on the proposed property exchanges (as described above) is hereby scheduled for and shall be held on Tuesday, February 18, 2020, commencing at 6:00 p.m., in the City Council Chambers conference room in the Civic Complex adjacent to City Hall, 401 West Washington Street, East Peoria, Illinois.

**Section 2.** The City Clerk is hereby authorized and directed to publish the Notice of the Public Hearing in substantially the form set forth in attached Exhibit A in a newspaper of general circulation in the City not less than fifteen (15) days, nor more than thirty (30) days, prior to the hearing date of February 18, 2020.

**PASSED BY A 3/4 MAJORITY VOTE OF THE COUNCIL OF THE CITY OF EAST PEORIA, TAZEWELL COUNTY, ILLINOIS, IN REGULAR AND PUBLIC SESSION THIS 21st DAY OF JANUARY, 2020.**

Motion by Commissioner Hill, seconded by Commissioner Decker; Mr. Mayor, I move that Resolution No. 1920-099 be adopted as presented.

Commissioner Hill explained that Cullinan is interested in selling their portion of the marina property. This process realigns the plat to represent the accurate ownership rights. Director of Planning and Community Development, Ty Livingston, explained that the resolution sets forth the public hearing.

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

Nays: None.

Mayor Kahl declared the motion carried and Resolution No. 1920-099 be duly adopted as presented.

Motion by Commissioner Hill, seconded by Commissioner Mingus; Mr. Mayor, I move you that Ordinance No. 4478 hereto attached, (AN ORDINANCE AUTHORIZING A CONDITIONAL USE FOR PROPERTY LOCATED AT 504 RIVERSIDE DRIVE IN THE CITY OF EAST PEORIA, TAZEWELL COUNTY, ILLINOIS) – (to allow an adult-use recreational cannabis dispensary operation) 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 explained that it allows a conditional use for the property for a recreational cannabis dispensary operation.

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

Nays: Commissioner Sutherland.

Mayor Kahl declared the motion carried.

Motion by Commissioner Hill, seconded by Commissioner Decker; Mr. Mayor, I move you that Ordinance No. 4479 hereto attached, (AN ORDINANCE AUTHORIZING A CONDITIONAL USE FOR PROPERTY LOCATED AT 3201 N. MAIN STREET IN THE CITY OF EAST PEORIA, TAZEWELL COUNTY, ILLINOIS) – (to allow an adult-use recreational cannabis infuser operation and an adult-use recreational cannabis craft grower operation) 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 explained the conditional use. This is required in order to submit an application to the state. Part of building will be used for a craft grower of cannabis. He explained distances from childcare or daycare.

Commissioner Decker and Mayor Kahl explained that they will support the ordinance.

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

Nays: Commissioner Sutherland.

Mayor Kahl declared the motion carried.

Motion by Commissioner Hill, seconded by Commissioner Mingus; Mr. Mayor, I move you that Ordinance No. 4480 hereto attached, (AN ORDINANCE AUTHORIZING A FIRST AMENDMENT TO THE CONDITIONS IMPOSED ON THE PLANNED UNIT DEVELOPMENT SPECIAL USE GRANTED WITH RESPECT TO 115 ARNOLD ROAD IN THE CITY OF EAST PEORIA) 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, explaining that it amends the Planned Unit Development (PUD). The amendment is for the use of the property for a dog grooming operation. The business will be operated inside of the building.

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. 4481 hereto attached, (AN ORDINANCE AUTHORIZING A SPECIAL USE FOR PROPERTY LOCATED AT 727 S. MAIN STREET IN THE CITY OF EAST PEORIA, TAZEWELL COUNTY, ILLINOIS) – (to allow the operation of a used vehicle and trailer dealership and repair shop on the property) 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 explaining the special use. The special use limits the vehicles to 30 and the applicant must comply with other provisions of the city code.

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

Nays: None.

Mayor Kahl declared the motion carried.

Resolution No. 1920-103 by Commissioner Hill, seconded by Commissioner Mingus; BE IT RESOLVED BY THE COUNCIL OF THE CITY OF EAST PEORIA, ILLINOIS that Resolution No. 1920-103, hereto attached, a Resolution to approve abating and eliminating various tax levies for Water and Sewer Bond Issues, Tax Increment Financing Bond Issues, and Development Bond Issues, be approved. Mr. Mayor, I move you that this Resolution No. 1920-103 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 resolution explaining that the bonds are backed by tax levy monies and that since the city has the ability to pay the bonds, the property taxes are not needed. This resolution abates those bond amounts from the property tax levy.

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

Nays: None.

Mayor Kahl declared the motion carried.

Resolution No. 1920-100 by Commissioner Decker, seconded by Commissioner Sutherland; BE IT RESOLVED BY THE COUNCIL OF THE CITY OF EAST PEORIA, ILLINOIS that Resolution No. 1920-100, hereto attached, a Resolution Approving Construction Engineering Services Contract with Midwest Engineering Associates for Altorfer Lane Improvements, be approved. Mr. Mayor, I move you that this Resolution No. 1920-100 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 Decker explained the engineering services contract is for the road improvement on Altorfer Lane. The engineering amount is 7% of the project and not the standard 10% of the project. The estimated amount for the services is \$39,180.00.

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

Nays: None.

Mayor Kahl declared the motion carried.

Resolution No. 1920-101 by Commissioner Sutherland, seconded by Commissioner Decker; BE IT RESOLVED BY THE COUNCIL OF THE CITY OF EAST PEORIA, ILLINOIS that Resolution No. 1920-101, hereto attached, a Resolution Accepting Second Change Order for City's Sanitary Sewer System Upgrade Project (Phases A – C Construction Project) (Change Order #2) in the amount of \$143,976, be approved. Mr. Mayor, I move you that this Resolution No. 1920-101 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 due to unforeseen problems underground there were changes needed to move electrical systems, pipes, and a building. Now, major projects will be located by hydrovac or manually be done by pre-locating. The costs of this change order would have been in the bid originally if these issues had been known.

Mayor Kahl explained the process in the construction and change orders that include meetings with the contractors, engineers, and city employees. This change order includes 14 different items. He commended Commissioner Sutherland and city staff on their diligent work throughout the project.

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

Nays: None.

Mayor Kahl declared the motion carried.

Resolution No. 1920-102 by Commissioner Mingus, seconded by Commissioner Hill; BE IT RESOLVED BY THE COUNCIL OF THE CITY OF EAST PEORIA, ILLINOIS that Resolution No. 1920-102, hereto attached, a Resolution approving a two-year contract with SiteMed for Annual Firefighter Physicals for the Fire Department, be approved. Mr. Mayor, I move you that this Resolution No. 1920-102 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 contract is for the annual firefighters physicals and that this is preferred because SiteMed will come onsite for the physicals. The cost is not to exceed \$25,000 for two years.

Commissioner Decker explained that due to his employment with the city in the Fire Department he will be abstaining from voting.

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

Nays: None.

Abstain: Commissioner Decker.

Mayor Kahl declared the motion carried.

Resolution No. 1920-105 by Commissioner Mingus; **WHEREAS**, effective as of December 16, 2019, a vacancy has existed in the rank of Deputy Chief in the East Peoria Police Department; and

**WHEREAS**, the Chief of Police has recommended that Keith McElyea be promoted to the rank of Deputy Chief effective on February 1, 2020;

**NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF EAST PEORIA, TAZEWELL COUNTY, ILLINOIS, THAT** Keith McElyea is hereby appointed as Deputy Chief of the East Peoria Police Department, effective February 1, 2020, subject to compliance with all applicable procedures and requirements.

Motion by Commissioner Mingus, seconded by Commissioner Decker; Mr. Mayor, I move that Resolution No. 1920-105 be adopted as presented.

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

Nays: None.

Mayor Kahl declared the motion carried and Resolution No. 1920-105 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 state the matter or matters to be discussed. There was no response.

Mayor Kahl then asked for comments from Council.

Commissioner Decker explained that there are many challenges in the street department to get monies for road repairs. He commented on his frustration with fixing a road and then the road be disturbed by other contractors doing work that destroys the repairs. As a result, he is going to look at the language in place that may require the road to be put back in the same condition and enforce the requirements that the city has. He commented on some citizens having issues with their homes being seen as vacant. The City has a contractor to register vacant and foreclosed properties for the City. He asked those residents that have had frustrations with a vacant property letter they have received to work with City Council to make it better for the community.

Commissioner Hill explained that recently the vacant or foreclosed property has been started and that property must be registered. He explained that he has received calls and there is a process for people to question a vacant property determination. He explained that some properties have been adjusted to make it so that they are not deemed vacant. Director Livingston explained that there could be things that are looked into for exemptions to the vacant declaration.

Commissioner Sutherland explained that he feels that code violations should be complaint driven and snowbirds or those in the hospital should not have to worry unless there is a complaint. He explained that the three mechanics have been doing work on fire and police vehicles and that is the reason that the city is no longer using an autobody shop that worked on the vehicles previously. He explained that the autobody shop did a great job. He explained that Robert Cole did a great job in replacing the lights on Meadow Avenue.

Mayor Kahl commented on a misstatement that was included in some citizens' Ameren bill.

Motion by Commissioner Sutherland, seconded by Commissioner Decker; Mr. Mayor, I move you that we adjourn until Tuesday evening, February 4, 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 6:42 P.M.

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