

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

MARCH 1, 2022

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 February 15, 2022, the minutes of the Special Meeting for a Working Session held on February 15, 2022, and the minutes of a Special Meeting for a Working Session held on February 22, 2022 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. 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 Number 1 - Adoption of Resolution Number 2122-118 – Resolution to Approve Payment of the Schedule of Bills Listed on Schedule Number 20 in the amount of \$2,077,473.51.

Item Number 2 - Adoption of Resolution Number 2122-106 on its Second Reading - Resolution Approving Settlement Agreement and Release of Claims (Foster v. City of East Peoria (Case Number 20-L-32)).

Item Number 3 - Adoption of Resolution Number 2122-107 on its Second Reading – Resolution approving the Outfitting of Twenty-Three Police Department Explorer Squads with Push Bumpers by Federal Signal dba Pulse Technologies.

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 Number 1 - Adoption of Resolution Number 2122-118 – Resolution to Approve Payment of the Schedule of Bills Listed on Schedule Number 20 in the amount of \$2,077,473.51. (Adopted by omnibus vote)

Item Number 2 - Adoption of Resolution Number 2122-106 on its Second Reading - Resolution Approving Settlement Agreement and Release of Claims (Foster v. City of East Peoria (Case Number 20-L-32)). (Adopted by omnibus vote)

Item Number 3 - Adoption of Resolution Number 2122-107 on its Second Reading – Resolution approving the Outfitting of Twenty-Three Police Department Explorer Squads with Push Bumpers by Federal Signal dba Pulse Technologies. (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. 2122-109 by Commissioner Hill; BE IT RESOLVED BY THE COUNCIL OF THE CITY OF EAST PEORIA, ILLINOIS THAT: a Public Hearing will be held by the City Council on Tuesday evening, March 15, 2022 at 6:00 P.M. in the City Council Chambers in the Civic Complex, 401 West Washington Street, East Peoria, Illinois, for the purpose of giving interested citizens the opportunity to provide written or oral comments on the proposed Appropriation Ordinance and the proposed Working Cash Budget for the City of East Peoria for the Fiscal Year May 1, 2022 to April 30, 2023.

BE IT FURTHER RESOLVED that the City Clerk give public notice of said public hearing in the manner provided by law.

AND THAT THIS RESOLUTION NO. 2122-109 BE ADOPTED AS PRESENTED.

Motion by Commissioner Hill, seconded by Commissioner Decker; Mr. Mayor, I move that Resolution No. 2122-109 be adopted as presented.

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

Nays: None.

Mayor Kahl declared the motion carried and Resolution No. 2122-109 be duly adopted as presented.

Motion by Commissioner Hill, seconded by Commissioner Mingus; Mr. Mayor, I move you that Ordinance No. 4632 hereto attached, (AN ORDINANCE AUTHORIZING AN AMENDMENT TO THE CONDITIONS IMPOSED ON THE SPECIAL USE PREVIOUSLY GRANTED FOR PROPERTY LOCATED AT 2354 WASHINGTON 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 explained the ordinance. The petition here is to allow additional vehicles to be on the lot at any given time. At present, the limit set forth by the Special Use is 40 vehicles. The petitioner's request is based upon activity on the lot since he opened. For the most part, the petitioner has kept the vehicles on the paved surface, but the number has varied – mostly more than the 40-vehicle limit. At their meeting, the Zoning Board of Appeals voted 5-0 to recommend this Special Use, with the conditions that not more than 57 vehicles be permitted to be displayed on the lot at a time and confirm the front lot lines to ensure vehicles are at least ten feet back. These changes must be apparent in the next 90 days.

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. 4633 hereto attached, (AN ORDINANCE AUTHORIZING A SPECIAL USE FOR PROPERTY LOCATED AT 2200 CENTENNIAL DRIVE IN THE CITY OF EAST PEORIA, TAZEWELL COUNTY, ILLINOIS) 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 explained that the petition here is for a Special Use to allow a significantly sized outbuilding which will also be taller than the existing home on the property. Given the size of the property along with its remoteness from any public right-of-way, staff doesn't find any concerns with the proposal and the Zoning Board of Appeals voted 5-0 to recommend the Special Use.

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. 4634 hereto attached, (AN ORDINANCE AUTHORIZING A SPECIAL USE FOR PROPERTY LOCATED AT 326 PARK AVENUE IN THE CITY OF EAST PEORIA, TAZEWELL COUNTY, ILLINOIS) 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 explained that this ordinance is for a special use for a short-term rental on the property. The special use will expire with the ownership of the property. There are constraints on the property. There was a discussion about licensing short-term rentals and licensing those short-term rentals that were operating before coming back before the City Council. Some short-term rentals are renting to corporate or special events and weddings.

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. 4637 hereto attached, (AN ORDINANCE AUTHORIZING A SPECIAL USE FOR PROPERTY LOCATED AT 814 SPRINGFIELD ROAD IN THE CITY OF EAST PEORIA, TAZEWELL COUNTY, ILLINOIS) 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 Zoning Board of Appeals hearing where this special use was reviewed. There were several public comments on this property. The location of this property is across from the entrance to Par 3 Lane. There are people who drive down a Warren Court that runs behind this property and leads to the neighbor's property. There are still issues with people going down the lane now without the short-term being present. One problem with short term rentals is parking, and parking was discussed for this case with a cap of eight individuals being in the unit at a time and a cap of five vehicles on the property at a time. There was a discussion about some other requirements. The owners have expressed interest in working with the neighbors so that there would not be an issue. Concerns were expressed at the public hearing that people would park down Warren Court.

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. 4638 hereto attached, (AN ORDINANCE AUTHORIZING A SPECIAL USE FOR PROPERTY LOCATED AT 3414 MEADOW AVENUE IN THE CITY OF EAST PEORIA, TAZEWELL COUNTY, ILLINOIS) 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 explained that this Special Use is for a motorcycle bodywork and repair shop that is located across from the Country Saloon at 3414 Meadow Avenue. No painting on-site is anticipated at this time and all work is to be conducted inside the building. If there is no outdoor operation or associated storage, staff doesn't have any zoning concerns about the business. All appropriate health department and IEPA requirements for the materials used indoors will need to be followed by the petitioner.

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

Nays: None.

Mayor Kahl declared the motion carried.

Page 4

Resolution No. 2122-113 by Commissioner Hill; WHEREAS, a vacancy exists on the East Peoria Zoning Board of Appeals as a result of longtime member Michael Kelley's passing; and

WHEREAS, the Honorable Mayor John P. Kahl has recommended the appointment of Pat Tuttle to fill the vacancy on the East Peoria Zoning Board of Appeals;

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF EAST PEORIA, ILLINOIS, THAT the appointment by Mayor John P. Kahl of Pat Tuttle to the East Peoria Zoning Board of Appeals to fill the vacancy for a term ending April 30, 2026.

AND THAT THIS RESOLUTION NO.2122-041 BE ADOPTED AS PRESENTED.

Motion by Commissioner Hill, seconded by Commissioner Decker; Mr. Mayor, I move that Resolution No. 2122-113 be adopted as presented.

Commissioner Hill and Mayor Kahl commented on Michael Kelley's passing and his service on the ZBA. They thanked Mr. Tuttle for his willingness to serve on the Zoning Board of Appeals.

Mayor Kahl commented on the board and commission selection process that is done based on qualifications for new board members.

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

Nays: None.

Mayor Kahl declared the motion carried and Resolution No. 2122-113 be duly adopted as presented.

Motion by Commissioner Hill, seconded by Commissioner Mingus; Mr. Mayor, I move you that Ordinance No. 4636 hereto attached, (AN ORDINANCE AMENDING THE VIDEO GAMING REGULATIONS IN CHAPTER 21 OF TITLE 3 OF THE EAST PEORIA CITY CODE REGARDING THE FEE FOR REGISTRATION OF VIDEO GAMING TERMINALS) 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 annual registration for video gaming terminals currently being \$25.00 per terminal per year. This would increase this fee to \$250.00 per terminal per year. The cost is shared half by the business owner and the gaming terminal operator. This is specific to non-home rule communities. Mayor Kahl commented on the effects that video gaming has had on the Par-A-Dice Hotel-Casino. He explained that this is a billion-dollar industry, and this is amount very nominal in comparison to the amount of money made in this industry.

Commissioner Mingus inquired as to whether businesses with video gaming must have a liquor license. City Attorney Brunton explained that generally they do need a pour liquor license. Commissioner Sutherland commented on this being an appropriate time for doing this. Commissioner Decker commented on being in support of this and in support of not having gaming cafes.

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

Nays: None.

Mayor Kahl declared the motion carried.

Resolution No. 2122-115 by Commissioner Hill, seconded by Commissioner Mingus; BE IT RESOLVED BY THE COUNCIL OF THE CITY OF EAST PEORIA, ILLINOIS that Resolution No. 2122-115, hereto attached, a Resolution Regarding the Third-Party Administrator and Pharmacy Benefits Manager for the City's Group Health Insurance Plan, be approved. Mr. Mayor, I move you that this Resolution No. 2122-115 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 explained that the Third-Party Administrator and Pharmacy Benefits Manager Contract for the City's Group Health Insurance Plan expires at the end of this fiscal year, and this is a new five-year agreement with Consociate to run the TPA.

Commissioner Decker explained that he would be abstaining from this resolution along with Resolution Number 2122-114 due to his employment with the City.

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

Nays: None.

Abstain: Commissioner Decker.

Mayor Kahl declared the motion carried.

Resolution No. 2122-116 by Commissioner Hill, seconded by Commissioner Decker; BE IT RESOLVED BY THE COUNCIL OF THE CITY OF EAST PEORIA, ILLINOIS that Resolution No. 2122-116, hereto attached, a Resolution approving an Agreement with Municode for Phased Recodification of the City Code, be approved. Mr. Mayor, I move you that this Resolution No. 2122-116 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 resolution and explained this would be a legal review of the City and a republication. This has not been done since at least 1994.

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

Nays: None.

Mayor Kahl declared the motion carried.

Resolution No. 2122-117 by Commissioner Hill, seconded by Commissioner Decker; BE IT RESOLVED BY THE COUNCIL OF THE CITY OF EAST PEORIA, ILLINOIS that Resolution No. 2122-117, hereto attached, a Resolution approving the Eastport Marina Management Agreement between the City of East Peoria and Omega 9, LLC, be approved. Mr. Mayor, I move you that this Resolution No. 2122-117 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 resolution and agreement. This is a Management Agreement with Omega 9, LLC. This establishes some significant improvements and management perspectives. Mayor Kahl explained that they are ensuring that things get done with the slip owners and other items at the Marina. Under the agreement, the employees will be Omega 9 employees and the city will be privy to the financials. Jason Payne is the general owner of Omega 9. Mayor Kahl and Commissioners expressed gratitude to the staff members at Marina and Jason Payne. An operations committee that will consist of Brad, Jason Payne, and Jeff Becker has been formed. Mr. Payne will step into this role and these employees will be employed by Omega 9 and the city will reimburse Omega 9 at no cost. Mayor Kahl expressed thanks to Mr. Payne for his work. There are positive changes being made at the Marina. This is a one-year agreement to see how it works out.

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

Nays: None.

Mayor Kahl declared the motion carried.

Resolution No. 2122-110 by Commissioner Decker, seconded by Commissioner Mingus; BE IT RESOLVED BY THE COUNCIL OF THE CITY OF EAST PEORIA, ILLINOIS that Resolution No. 2122-110, hereto attached, a Resolution allocating \$1,000,000 of Motor Fuel Tax Funds for the 2022 Street

Maintenance Program and confirming and approving 2022 Engineering Extension Agreement with Patrick Meyer & Associates and associated rate of compensation for Engineering Services related to the 2022 Street Maintenance Program, be approved. Mr. Mayor, I move you that this Resolution No. 2122-110 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 commented on the street maintenance program. He explained that over \$1 million total will be spent on streets this year. This resolution represents the Motor Fuel Tax funds that will be spent on streets. He explained that they try to get bids early so that the City can get the best deal. He explained that they have been able to add work on to the contracts at the same price as well.

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

Nays: None.

Mayor Kahl declared the motion carried.

Resolution No. 2122-112 by Commissioner Sutherland, seconded by Commissioner Decker; BE IT RESOLVED BY THE COUNCIL OF THE CITY OF EAST PEORIA, ILLINOIS that Resolution No. 2122-112, hereto attached, a Resolution approving Proposal from Electric Pump for the Cooper Park Lift Station Pump Replacement Project in the amount of \$77,335, be approved. Mr. Mayor, I move you that this Resolution No. 2122-112 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 pump has come up in discussions. Because of COVID, there has been difficulty getting products including pumps, pipes, and other items. This lift station is in dire need of having the pump replaced. Once the replacement is completed, the system will be completely automated.

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

Nays: None.

Mayor Kahl declared the motion carried.

Resolution No. 2122-111 by Commissioner Mingus, seconded by Commissioner _Hill_; BE IT RESOLVED BY THE COUNCIL OF THE CITY OF EAST PEORIA, ILLINOIS that Resolution No. 2122-111, hereto attached, a Resolution approving Updated Purchase of Additional Radios and Equipment for the Fire Department from Motorola Solutions and Supreme Radio Communications, Inc., be approved. Mr. Mayor, I move you that this Resolution No. 2122-111 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 an updated quote from a previous resolution. This quote is for different equipment and is cheaper than original contract by around \$500.

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

Nays: None.

Mayor Kahl declared the motion carried.

Resolution No. 2122-114 by Commissioner Mingus; WHEREAS, a vacancy exists on the TC3 Governance Board and the Firefighters' Pension Fund; and

WHEREAS, the Honorable Mayor John P. Kahl has recommended the appointment of Deputy Fire Chief Robert Zimmerman to fill the vacancies;

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF EAST PEORIA, ILLINOIS, THAT the appointment by Mayor John P. Kahl of Robert Zimmerman to the TC3 Governance Board effective beginning February 25, 2022 and the appointment by Mayor John P. Kahl of Robert Zimmerman to the Firefighters' Pension Fund for a term ending April 30, 2023 be approved. AND THAT THIS RESOLUTION NO.2122-114 BE ADOPTED AS PRESENTED.

Motion by Commissioner Mingus, seconded by Commissioner Hill; Mr. Mayor, I move that Resolution No. 2122-114 be adopted as presented.

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

Nays: None.

Abstain: Commissioner Decker.

Mayor Kahl declared the motion carried and Resolution No. 2122-114 be duly adopted as presented.

Motion by Commissioner Mingus, seconded by Commissioner Decker; Mr. Mayor, I move you that Ordinance No. 4635 hereto attached, (AN ORDINANCE AMENDING TITLE 10, CHAPTER 1, SECTION 1.4 OF THE EAST PEORIA CITY CODE AND RELATED CODE PROVISIONS PERTAINING TO PENALTIES FOR ORDINANCE VIOLATION CASES) 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.

City Attorney Brunton commented on the amendment regarding adding the option for court supervision for ordinance violations.

Yeas: Commissioners 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 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 commented on Officer Klyber returning home and commented on his hard work. He commented on Mike Kelly's passing and expressed condolences to the family.

Commissioner Hill explained that Officer Klyber's benefit will be this Saturday at the Par-A-Dice Hotel. The community continues to show support to him as he continues to recover. He explained that the event is sold out.

Commissioner Sutherland commented on the work that is going on in front of the Festival Building regarding a new building that will be built. He explained that there was a building by the sewer plant that was destroyed by a tornado several years ago. It was decided to move the building to in front of the Festival Building. The building will be separate from the Street Department and allow for more space for the Water/Sewer Department and Street Department in Public Works. He asked people to watch their water bill as the weather gets nicer. If you have questions about your water/sewer bill, please call. Commissioner Sutherland explained that the City can tell you a lot on your water and sewer bill if needed. Residents can also obtain a separate auxiliary meter for watering or a pool where it does not run down the sewer so that one will not be charged for the sewer portion of their bill. There are also watering stations in the City where you can fill large containers and not be charged for the sewer portion.

Commissioner Mingus commented on the car seat check event scheduled for tomorrow, March 2 from 1pm-4pm at Central House.

Mayor Kahl explained that the East Peoria Chamber of Commerce is bringing back their Eggs and Issues with the first being this Friday and it is \$25 per person at the Par-A-Dice Hotel. Leaders from the OSF and UnityPoint will be speaking. He explained how to register online at epcc.org or you can contact the East Peoria Chamber of Commerce Office by calling via phone.

Motion by Commissioner Sutherland, seconded by Commissioner Decker; Mr. Mayor, I move you that we adjourn until Tuesday evening, March 15, 2022 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 6:59 P.M.

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