

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

MAY 19, 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 May 5, 2020 be approved as printed.

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

Nays: None.

Mayor Kahl declared the motion carried.

Mayor Kahl proclaimed May 10-16, 2020 as "Police Week" and May 15, 2020 as "Peace Officers Memorial Day".

Mayor Kahl proclaimed May 17-23, 2020 as "Emergency Medical Services Week". Commissioner Mingus commended and thanked emergency medical services staff and other city employees for their work especially during this time.

Mayor Kahl proclaimed May 17-23, 2020 as "National Public Works Week." Commissioner Decker and Commissioner Sutherland thanked and commended the Public Works employees.

Mayor Kahl explained that there would be a bid opening will occur for city-owned surplus real estate located at 136 Johnson Street, East Peoria, IL (Tax ID Number 01-01-32-413-009).

The City Clerk stated that one bid was received from Angela Seeburg on behalf of Roger LeSee in the amount of \$3,800. There were no other bids.

Mayor Kahl explained that the City Council Meeting is being held via remote attendance by Zoom Meeting by the public due to the Governor's Executive Order regarding COVID-19 and the relaxing of the Open Meeting Act requirements. Public comments are being taken remotely via Zoom Meetings during the meeting. The meeting is also being shown on Facebook Live on social media.

Mayor Kahl stated if there was anyone who wanted to speak on any items not on the agenda to raise their hand on Zoom Meetings and state the matter or matters to be discussed. Anyone wishing to make comments needs to press *9 to raise their hand on the telephone or click the raise your hand button online.

Roy Sorce raised her hand and commented via Zoom on his request for a special use permit approval. He explained that he has received support for this process from local and state officials to process fish at this business location on North Main Street. He explained his proposed business operation of fish processing. Mayor Kahl thanked him for his comments.

Mayor Kahl asked for any other comments from the audience via Zoom. 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 2021-009 – Resolution to Approve Payment of the Schedule of Bills Listed on Schedule Number 1 in the amount of \$1,221,794.40.

Item Number 2 – Adoption of Resolution Number 2021-003 on its Second Reading – Resolution Approving the 2020 Street Maintenance Program Contracts for Sealcoating, Heat Scarification, Spray Patching, Fog Coating Work, and Engineering Services Associated with said Program.

Item Number 3 – Adoption of Resolution Number 2021-004 on its Second Reading – Resolution authorizing and directing the payment of an Invoice to ImageTrend, Inc. for the software licensing services for Fiscal Year 2020-2021 for running and administering many operational aspects of the Fire Department in the amount of \$12,888.72.

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 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 2021-009 – Resolution to Approve Payment of the Schedule of Bills Listed on Schedule Number 1 in the amount of \$1,221,794.40. (Adopted by omnibus vote)

Item Number 2 – Adoption of Resolution Number 2021-003 on its Second Reading – Resolution Approving the 2020 Street Maintenance Program Contracts for Sealcoating, Heat Scarification, Spray Patching, Fog Coating Work, and Engineering Services Associated with said Program. (Adopted by omnibus vote)

Item Number 3 – Adoption of Resolution Number 2021-004 on its Second Reading – Resolution authorizing and directing the payment of an Invoice to ImageTrend, Inc. for the software licensing services for Fiscal Year 2020-2021 for running and administering many operational aspects of the Fire Department in the amount of \$12,888.72. (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. 4499 hereto attached, (AN ORDINANCE AMENDING TITLE 5, CHAPTER 10, SECTION 2 OF THE ZONING CODE FOR THE CITY OF EAST PEORIA REGARDING PERMITTED SPECIAL USES IN M-1 MANUFACTURING DISTRICTS) 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 amendment is for a code change that would permit fish processing in the City limits as a special use for limited fish processing in the M-1 area, and it was recommended by the Zoning Board of Appeals by a unanimous vote. Director of Planning and Community Development, Ty Livingston, explained that this fish processing effort has been in the works for over ten years, and this is a great opportunity. The amendment would allow for fish processing that is limited in nature and scope, and the code change may evolve in the future as others wish to participate further.

Commissioner Hill thanked Director of Planning and Community Development, Ty Livingston, and East Peoria Chamber of Commerce Director, Rick Swan, on their work in getting the fish processing business here today.

Commissioner Decker expressed his excitement in the business moving forward to use the Asian carp population and wished Mr. Sorce well.

Mayor Kahl thanked Directors Livingston and Swan on their efforts and wished Mr. Sorce well on his business endeavors.

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. 4500 hereto attached, (AN ORDINANCE AUTHORIZING A SPECIAL USE FOR PROPERTY LOCATED AT 2901 N. MAIN STREET 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 ordinance allows for the storage of dumpsters on the back of the property, and the Zoning Board of Appeals unanimously recommended the approval.

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. 4501 hereto attached, (AN ORDINANCE AUTHORIZING A SPECIAL USE FOR PROPERTY LOCATED AT 3201 N. MAIN STREET 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 special use is for a limited fish process operation on Roy Sorce's property; the City is not involved in the business; and there is speculation that thousands of jobs statewide will be produced in conjunction with other fish process operations. There is anticipated that there will be positive economic impact; however, it is not completely known of that economic impact.

Director Livingston thanked Mr. Sorce, Chamber Director Rick Swan, the Greater Peoria EDC and the Tri-County Planning Commission for their efforts on get this project moving forward.

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

Nays: None.

Mayor Kahl declared the motion carried.

Resolution No. 2021-008 by Commissioner Hill, seconded by Commissioner Decker; BE IT RESOLVED BY THE COUNCIL OF THE CITY OF EAST PEORIA, ILLINOIS that Resolution No. 2021-008, hereto attached, a Resolution to Approve Downtown Mixed-Use Development Agreement, be approved. Mr. Mayor, I move you that this Resolution No. 2021-008 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 is a great opportunity with the developer Flaherty & Collins Development, Inc.

Director Livingston thanked City Attorney, Dennis Triggs, on his expertise in working on the development agreement. He commented on the request for proposal for the project and thanked Flaherty & Collins. Director Livingston is excited in this being the first step in the process. He explained that the residential portion will ensure that the Levee District is successful. The plan is that the development will be 230 luxury, market rate apartments and 10,000 square feet of supporting retail commercial space. The building will have many amenities, including a pool, pet amenities, and parking garage. The developer is not asking for any money from the City upfront; but rather, the incentives are conditioned exclusively on future revenue generated by the completed project. Director Livingston commented on the quality of other development by Flaherty & Collins Development, Inc. The project completion date is targeted for 2022.

Commissioners Decker, Mingus, and Sutherland commented on the quality of the developer and expressed excitement of having livable space in the Levee District area for the future. Commissioner Sutherland commented on the agreement being a win-win for both parties as the incentives are based on future revenue generated by the completed project.

Mayor Kahl thanked Director Livingston and Attorney Triggs on their work in getting the property to this point. He commented on the quality of the developer and encouraged individuals to go to their website (flco.com) to view other developments by Flaherty & Collins Development, Inc. in several locations. This is exciting news, and he looks forward to the future with project being estimated to begin in 2021 and completed in 2022.

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

Nays: None.

Mayor Kahl declared the motion carried.

Motion by Commissioner Sutherland, seconded by Commissioner Mingus; Mr. Mayor, I move you that Ordinance No. 4498, hereto attached, (AN ORDINANCE APPROVING AN AGREEMENT TO FINANCE THE PURCHASE OF A SINGLE TURNER VALVE MAINTENANCE TRAILER FOR THE CITY'S WATER DEPARTMENT) 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 Sutherland explained that this trailer will allow that City to turn valves and ensure that the City is in compliance with the Illinois Environmental Protection Agency regulations. The City will begin locating all valves and ensuring those valves are accessible to the City. He commented on issues with valves if they are not turned every so often.

Mayor thanked the vendor for working with the city to spread the payments over time.

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

Nays: None

Mayor Kahl declared the motion carried and Ordinance No. 4498 be adopted as presented.

Resolution No. 2021-006 by Commissioner Mingus; WHEREAS, Donald Wieburg has been continuously employed by the City from February 16, 2000 through June 17, 2020, most recently occupying the position of Firefighter/Paramedic for the East Peoria Fire Department;

WHEREAS, Donald Wieburg announced his intention to retire from employment effective at the end of his shift on June 17, 2020; and

WHEREAS, the City is appreciative of the long and continued service provided by Donald Wieburg; and

WHEREAS, it is in the best interest of the City to execute the attached Separation Agreement;

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

Section 1. The above recitals are found to be true and correct.

Section 2. The Mayor is hereby authorized to execute the Separation Agreement with such changes as the Mayor, in his sole discretion, may decide are in the best interest of the City of East Peoria.

Motion by Commissioner Mingus, seconded by Commissioner Hill; Mr. Mayor, I move that Resolution No. 2021-006 be adopted as presented.

Commissioners and Mayor Kahl commended Mr. Wieburg on his dedicated service to the City and wished him well in his retirement.

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

Nays: None.

Mayor Kahl declared the motion carried and Resolution No. 2021-006 be duly adopted as presented.

Resolution No. 2021-007 by Commissioner Mingus; WHEREAS, Kirk (Bill) VanAntwerp has been continuously employed by the City from May 1, 1995 through May 4, 2020, most recently occupying the position of Fire Lieutenant; WHEREAS, Kirk (Bill) VanAntwerp announced his intention to retire from employment effective at the end of his shift on May 4, 2020; and

WHEREAS, the City is appreciative of the long and continued service provided by Kirk (Bill) VanAntwerp; and

WHEREAS, it is in the best interest of the City to execute the attached Separation Agreement;

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

Section 1. The above recitals are found to be true and correct.

Section 2. The Mayor is hereby authorized to execute the Separation Agreement with such changes as the Mayor, in his sole discretion, may decide are in the best interest of the City of East Peoria.

Motion by Commissioner Mingus, seconded by Commissioner Hill; Mr. Mayor, I move that Resolution No. 2021-007 be adopted as presented.

Commissioners and Mayor Kahl commended Mr. Wieburg on his dedicated service to the City and wished him well in his retirement.

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

Nays: None.

Mayor Kahl declared the motion carried and Resolution No. 2021-007 be duly adopted as presented.

Mayor Kahl stated if there was anyone who wanted to speak on any items not on the agenda to raise their hand on Zoom Meetings and state the matter or matters to be discussed. The City Clerk explained how to raise your hand via the computer or phone. There was no response.

Mayor Kahl then asked for comments from Council.

Commissioner Decker explained that people are excited to get out of the house and become more normal. He explained that most people have been supportive in moving forward and hospitalizations have been declining. He is hopeful that there will be a vaccine by the end of the year. He explained that recycling is being looked into while the City is not doing curbside recycling pickup. Commissioner Decker explained that he does not want to rush recycling until it is looked into fully. He looks forward to have a company that will work with the City on recycling and is hopeful that in the next week the City can move forward.

Commissioner Hill explained that he is disappointed in the actions by the state to have punitive actions against businesses and withholding funds for municipalities and others that do not follow the governor's executive orders. He commented on the Joint Committee on Administrative Rules ("JCAR") meeting planned for tomorrow to see if the rule will stand. He explained that, from what he read, the proposed punitive actions against citizens will be in place for 150 days. He asked people to call their Representatives and Senators and express their feelings. He explained that the Farmer's Market will begin in June.

Mayor Kahl explained that people can reach out to JCAR to express your opinion. It is important to know that the Illinois Department of Public Health proposed the emergency rule change, and it was filed with the State's Attorneys office. However, the rule does not go into effect until JCAR approves the rules. It takes eight votes to overturn the rule. The rule is specific to restaurants and bars. He encourages people to reach out to the state legislators as they begin meeting tomorrow in Springfield, IL.

Commissioner Sutherland commented on the stay at home order. He asked people to take proper safety measures, and if they feel unsafe, that they should stay home. He explained that he has not received emails from local people that were not in support of opening the City. He feels that it is important to support local businesses during this time, as a lot of business owners are feeling pain during this time. He commented on his belief that the Governor is overstepping his bounds, and explained that he is a union member and there is not a union member that he knows that is supporting the Governor at this time.

Commissioner Mingus explained that he received with emails with people that are not supportive of the City's decision and that they were not residents of East Peoria. He thanked the residents of East Peoria for being supportive in moving forward in a safe way. He explained that he represents the City residents; he feels that the opening can be safe; and he hopes that the Governor will listen to the communities downstate.

Mayor Kahl explained that the JCAR email is JCAR@ILGA.GOV. The JCAR committee is comprised of six republicans and six democrats. He explained that he has reached out to JCAR and asked that they review the emergency rule and object and suspend the rule. When they make rules and decisions, they must take notice of the impact on small businesses, municipalities, and nonprofit organizations. The HOI Illinois Plan placed the metrics in their plan. He explained that the City has monitored the data just likes others are doing. He explained that he feels that the Governor's goal posts keep changing and what they are trying to implement keeps changing. When you look at the Peoria region data, the area has met all of the data criteria for moving forward for over a month. The positivity rating is now 7% and the hospitalization admissions have dropped over 44.3% in the last two weeks; and yet, the restrictions have been greater. He asked people to speak up to let their feelings be known. He explained that it is a real virus and for the first 6 weeks he was respectful. However, ever since then, the numbers have been declining. It is difficult to sit back and see people's livelihoods being decimated due to the restrictions. He feels horrible for people that have lost jobs and businesses and will try to do everything to move forward.

Commissioner Decker explained that when this first started he agreed with what was done as it is a virus that has killed many and will kill more. He commented on the need to move forward with safety measures, as too many people's livelihoods have been destroyed and people have lost jobs. He feels that we must try to get the situation under control. He commented on wearing a mask and sees how society is accepting it. If wearing a mask allows people to feel safer, it is the least that he can do. We need to figure out how to move forward, and he will be emailing JCAR.

Mayor Kahl explained that people cannot be blinded by fear, and we need to have a path forward. He explained that 99% of people have been supportive of moving forward, and he does not think that we are the loud minority. He recognized Megan Taylor, East Peoria Police Officer, who is also a Fondulca Police Officer, was working at the Fondulac Police Department and assisted elderly people out of a fire at Leisure Acres saving several individuals. The Park District presented her with the Lifesaving Award. The East Peoria Police Department presented Officer Taylor with a Letter of Commendation today. He feels that good deeds should be shared, and he commended her for her actions. Mayor Kahl recognized Jason Fletcher from Servpro in Pekin for coming and decontaminating the emergency vehicles for free weekly for three or four weeks. Lastly, Mayor Kahl congratulated the 2020 graduates on their accomplishments.

Motion by Commissioner Sutherland, seconded by Commissioner Decker; Mr. Mayor, I move you that we adjourn until Tuesday evening, June 2, 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 7:08 P.M.

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