

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

JUNE 16, 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 6:01 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 June 2, 2020 and the minutes of the Public Hearing held on June 2, 2020 be approved as printed.

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

Nays: None.

Mayor Kahl declared the motion carried.

Mayor Kahl read a proclamation regarding 4th of July Celebration and Observance. Mayor explained that this year would be different but don't let it stop people from celebrating.

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.

Resolution No. 2021-017 by Commissioner Hill, seconded by Commissioner Decker; BE IT RESOLVED BY THE COUNCIL OF THE CITY OF EAST PEORIA, ILLINOIS that the claims as listed on Schedule No. 3 be allowed. Mr. Mayor, I, move that the Clerk is hereby authorized and directed to issue orders on the Treasurer for the various amounts, totaling \$1,278,307.70, and the schedule of bills be hereby adopted as presented.

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

Nays: None

Mayor Mingus declared the motion carried.

Motion by Commissioner Hill, seconded by Commissioner Mingus; Mr. Mayor, I move you that Ordinance No. 4504, hereto attached, (AN ORDINANCE ACCEPTING BID FOR SALE OF CITY-OWNED SURPLUS REAL ESTATE LOCATED AT 136 JOHNSON STREET) 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 for the sale of excess City property located at 136 John Street. The bid was for \$3800 and the bid was opened at the May 19, 2020 City Council meeting.

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

Nays: None

Mayor Kahl declared the motion carried and Ordinance No. 4504 be adopted as presented.

Motion by Commissioner Hill, seconded by Commissioner Decker; Mr. Mayor, I move you that Ordinance No. 4505, hereto attached, (AN ORDINANCE PROVIDING FOR THE SALE OF EXCESS CITY PROPERTY AT 232 EVERETT STREET) 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 is for a sale of excess City property located at 232 Everett Street, and the sale amount more than meets the 80% of the appraised value amount.

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

Nays: None

Mayor Kahl declared the motion carried and Ordinance No. 4505 be adopted as presented.

Motion by Commissioner Hill, seconded by Commissioner Decker; Mr. Mayor, I move you that Ordinance No. 4502 hereto attached, (AN ORDINANCE AUTHORIZING A SPECIAL USE FOR PROPERTY LOCATED AT 270 S. 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 ordinance is for a special use to allow additional cars and overflow for parking and vehicle display for property located next to a used car dealership. The Zoning Board of Appeals voted 7-0 to recommend approval of 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. 4507 hereto attached, (AN ORDINANCE AUTHORIZING ADDITIONAL AMENDMENT TO CONDITIONS IMPOSED ON THE SPECIAL USES PREVIOUSLY GRANTED FOR PROPERTY AT 1109 E. WASHINGTON STREET 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 that the ordinance is for allowing a special use for additional vehicles, trailer and trucks for the U-haul business, and Zoning Board of Appeals recommended approval with 6 to 1 vote. The recommendation allows for 20 vehicles and trailers not to exceed 9 trucks.

There was a question about the dissenting vote on the Zoning Board of Appeals.

Commissioner Sutherland does not feel should the City should be regulating businesses by telling them how many vehicles they can have on the property. Commissioner Hill explained that there is some congestion on the property and it could be unsightly without a regulation involving a maximum number of vehicles.

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. 4506 hereto attached, (AN ORDINANCE PROVIDING FOR THE SALE OF EXCESS CITY PROPERTY AT 215 S. PLEASANT HILL ROAD) 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 sale of excess City property at 215 S. Pleasant Hill Road. The buyer offered \$6,900 plus \$500 closing costs, and the sale will put the property back in more productive use.

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

Nays: None.

Mayor Kahl declared the motion carried.

Resolution No. 2021-019 by Commissioner Hill, seconded by Commissioner Mingus; BE IT RESOLVED BY THE COUNCIL OF THE CITY OF EAST PEORIA, ILLINOIS that Resolution No. 2021-019, hereto attached, a Resolution approving Settlement Agreement with Gulfview Management LLC regarding property located at 403 Circuit Court in East Peoria, be approved. Mr. Mayor, I move you that this Resolution No. 2021-019 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 resolution involves a unique situation where both parties were awarded title to the property. The other party, Mr. Huff, will reimburse the City for mowing costs, staff time, and City Attorney expenses related to the property, and the City will transfer the property and ensure that it is back to a productive use.

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

Nays: None.

Mayor Kahl declared the motion carried.

Resolution No. 2021-015 by Commissioner Hill, seconded by Commissioner Decker; BE IT RESOLVED BY THE COUNCIL OF THE CITY OF EAST PEORIA, ILLINOIS that Resolution No. 2021-015, hereto attached, a Resolution approving Laserfiche Software Licensing Renewal for the City with R&D Computer Systems, LLC in the amount of \$12,814.75, be approved. Mr. Mayor, I move you that this Resolution No. 2021-015 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 resolution is for Laserfiche renewal software (document storage and data management software). The renewal is at the same costs as last year.

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

Nays: None.

Mayor Kahl declared the motion carried.

Resolution No. 2021-021 by Commissioner Hill, seconded by Commissioner Decker; BE IT RESOLVED BY THE COUNCIL OF THE CITY OF EAST PEORIA, ILLINOIS that Resolution No. 2021-021, hereto attached, a Resolution approving Microsoft Licensing Subscription Renewal for the City, be approved. Mr. Mayor, I move you that this Resolution No. 2021-021 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.

Annual software licensing for Microsoft licensing. Low bid received from PTC select.

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

Nays: None.

Mayor Kahl declared the motion carried.

Resolution No. 2021-018 by Commissioner Hill, seconded by Commissioner Mingus; BE IT RESOLVED BY THE COUNCIL OF THE CITY OF EAST PEORIA, ILLINOIS that Resolution No. 2021-018, hereto attached, a Resolution Approving Contract with Optimum Health Solutions for Assisting with the Employee Wellness Program, be approved. Mr. Mayor, I move you that this Resolution No. 2021-018 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 contract is for services for the City's wellness program that includes the employee health risk assessment program. Those employees that participate receive a wellness incentive.

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

Abstain: Decker

Nays: None.

Mayor Kahl declared the motion carried.

Resolution No. 2021-020 by Commissioner Hill; **RESOLUTION ESTABLISHING PARAMETERS FOR DELIVERY AND CARRY OUT OF MIXED DRINKS BY LIQUOR LICENSE HOLDERS DURING THE COVID-19 PANDEMIC PERIOD**

WHEREAS, since mid-March 2020, the national COVID-19 pandemic has resulted in several Executive Orders being issued by the Governor and directives being issued by State agencies that have closed or limited the sale of alcoholic beverages for on-site consumption by holder of liquor licenses issued by the State and local municipalities; and

WHEREAS, Public Act 101-631 (effective June 2, 2020) was recently enacted to allow curbside and home delivery of carry-out mixed drinks by liquor license holders during this COVID-19 pandemic period; and

WHEREAS, as a means to allow curbside and home delivery of carry-out mixed drinks, Public Act 101-631 created new Section 28.8 in the Illinois Liquor Control Act with an effective period of one year from the effective date of this Public Act; and

WHEREAS, the City seeks to ensure that businesses holding liquor licenses within the City are able to maximize business operations throughout the COVID-19 pandemic period while business operations may be limited by State or Federal action; and

WHEREAS, the City Council thus determines that during these unusual times and under these unusual circumstances related to the COVID-19 pandemic, it is in the best interests of the City, these businesses within the City, and the citizens of the City of East Peoria that certain provisions of the City Code related to business operations by liquor license holders be revised as provided herein; and

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

Section 1. For businesses with a liquor license that allow on-site consumption of alcoholic beverages under Class A, C, D, E, V, Z, or AS liquor licenses, such businesses may sell carry out cocktails and mixed drinks ("carry-out mixed drinks") for consumption off premises as provided herein:

- A "carry-out mixed drink" is any beverage obtained by combining ingredients alcoholic in nature, whether brewed, fermented, or distilled, with ingredients non-alcoholic in nature, such as fruit juice, lemonade, cream, or a carbonated beverage.
- The carry-out mixed drink shall be placed in a sealed container by the liquor license holder at the licensed premises of the liquor license holder.
- "Sealed container" means a rigid container that contains a carry-out mixed drink, and (1) is new, has never been used, (2) has a secured lid or cap designed to prevent consumption without removal of the lid or cap, and (3) is tamper-evident. "Sealed container" does not include a container with a lid with sipping holes or openings for straws or a container made of plastic, paper, or polystyrene foam.
- "Tamper-evident" means a lid or cap that has been sealed with tamper-evident covers, including, but not limited to, wax dip or heat shrink wrap.
- "Original container" means a container that is filled, sealed, and secured by an employee of the liquor license holder at the liquor license holder's location with a tamper-evident lid or cap.
- The sealed container containing the carry-out mixed drink shall be affixed with a label or tag that contains the following information: (1) ingredients, including type and name of the alcohol; (2) the name, license number, and address of the liquor license holder that filled the original container and sold the carry-out mixed drink; (3) the volume of the carry-out mixed drink in the sealed container; and (4) the date the carry-out mixed drink was placed in the sealed container that is less than 7 days before the date of sale.
- No fee or additional license shall be required to prepare or sell carry-out mixed drink as set forth in the Resolution.

Section 2. For businesses with a liquor license that allow on-site consumption of alcoholic beverages under Class A, C, D, E, V, Z, or AS liquor licenses, the business may provide for the home delivery or curbside delivery of carry-out mixed drinks as provided herein:

- The carry-out mixed drink shall be transferred to the purchaser by an employee of the liquor license holder, and the employee shall (1) be at least 21 years of age, (2) be properly trained regarding the delivery of liquor to a purchaser, and (3) verify the age of the purchaser upon delivery of the carry-out mixed drink to the purchaser.
- The liquor license holder shall not permit delivery of the carry-out mixed drink by any third-party or entity who is not an employee of the liquor license holder.
- If the age or intoxication level of the purchaser cannot be verified at the delivery point by the employee of the liquor license holder, the sale of the carry-out mixed drink shall be canceled by the employee.
- If by curbside delivery, the employee of the liquor license holder shall place the carry-out mixed drink in the trunk or rear compartment of the purchaser's vehicle and shall not place the carry-out mixed drink in the passenger area of the vehicle.
- If by home delivery, the employee of the liquor license holder transporting the carry-out mixed drink shall place the carry-out mixed drink in the trunk or rear compartment of the transporting vehicle and shall not

place the carry-out mixed drink in the passenger area of the transporting vehicle.

- No fee or additional license shall be required to provide carry-out mixed drinks by curbside delivery or home delivery as set forth in the Resolution

Section 3. For businesses with a liquor license that permit sale of alcoholic liquor in original packages for off-premises consumption (not for on-site consumption), the business may provide for the home delivery or curbside delivery of packaged liquors as provided herein:

- The liquor license holder shall have a valid liquor license issued by the City that allows sales of packaged liquors for off-site consumption.
- The packaged liquor shall be transferred to the purchaser by an employee of the liquor license holder, and the employee shall (1) be at least 21 years of age, (2) be properly trained regarding the delivery of liquor to a purchaser, and (3) verify the age of the purchaser upon delivery of the packaged liquor to the purchaser.
- The liquor license holder shall not permit delivery of the packaged liquor by any third party who is not an employee of the liquor license holder.
- If the age or intoxication level of the purchaser cannot be verified at the delivery point by the employee of the liquor license holder, the sale of the packaged liquor shall be canceled by the employee.
- If by curbside delivery, the employee of the liquor license holder shall place the packaged liquor in the trunk or rear compartment of the purchaser's vehicle and shall not place the packaged liquor in the passenger area of the vehicle.
- If by home delivery, the employee of the liquor license holder transporting the packaged liquor shall place the package liquor in the trunk or rear compartment of the transporting vehicle and shall not place the packaged liquor in the passenger area of the transporting vehicle.
- No fee or additional license shall be required to provide packaged liquor by curbside delivery or home delivery as set forth in the Resolution.

Section 4. Any provisions of Section 3-3-4.14 of the City Code that are in conflict with this Resolution shall be suspended during the duration of the one-year effective period of this Resolution as set forth herein. Further, except as expressly set forth in this Resolution, this Resolution shall not otherwise affect any other provisions of the City's Liquor Control Regulations.

Section 5. This Resolution shall be in full force and effect immediately upon its passage and shall remain in effect until the expiration of the one-year period for Section 28.8 of the Illinois Liquor Control Act as provided in Public Act 101-631, except to the extent that its provisions are revised or revoked by future action by the City Council.

Section 6. All ordinances, resolutions, and other, or parts thereof, in conflict herewith, are to the extent of such conflict hereby superseded during the effective period of this Resolution.

Section 7. If any section, paragraph, clause, or provision of this Resolution shall be held invalid, the invalidity of such section, paragraph, clause, or provision shall not affect any of the other provisions of this Resolution.

Section 8. Upon passage of this Resolution, the City Clerk is hereby directed to provide a copy of this Resolution or its contents to liquor license holders within the City.

Motion by Commissioner Hill, seconded by Commissioner Decker; Mr. Mayor, I move that Resolution No. 2021-020 be adopted as presented.

Commissioner Hill explained that the state allowed for the curbside and delivery and the mixed drink regulations that have been relaxed. Do everything to assist local businesses – Mayor.

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

Nays: None.

Mayor Kahl declared the motion carried and Resolution No. 2021-020 be duly adopted as presented.

Motion by Commissioner Hill, seconded by Commissioner Mingus; Mr. Mayor, I move you that Ordinance No. 4508 hereto attached, (AN ORDINANCE FURTHER AMENDING AND ENHANCING THE SEXUAL HARASSMENT POLICY IN THE CITY OF EAST PEORIA PERSONNEL POLICY MANUAL) 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 an update to the City's sexual harassment policy to address sexual harassment allegations between elected officials and to provide independent review. It also imposes an obligation to provide an annual training to prevent sexual harassment.

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

Abstain: Commissioner Decker.

Nays: None.

Mayor Kahl declared the motion carried.

Resolution No. 2021-016 by Commissioner Decker, seconded by Commissioner Mingus; BE IT RESOLVED BY THE COUNCIL OF THE CITY OF EAST PEORIA, ILLINOIS that Resolution No. 2021-016, hereto attached, a Resolution accepting low bid from Otto Baum Company, Inc. for the Altorfer Lane Reconstruction Project in the amount of \$468,443.11, be approved. Mr. Mayor, I move you that this Resolution No. 2021-016 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 that the resolution involves a project to improve Altorfer Lane. The approval is for low bid from Otto Baum Company, Inc. which bid came in lower than the engineer's estimated amount.

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

Nays: None.

Mayor Kahl declared the motion carried.

Resolution No. 2021-005 by Commissioner Sutherland, seconded by Commissioner Mingus; BE IT RESOLVED BY THE COUNCIL OF THE CITY OF EAST PEORIA, ILLINOIS that Resolution No. 2021-005, hereto attached, a Resolution Accepting Change Order for City's Sanitary Sewer System Upgrade Project (Phases A – C Construction Project) (Change Order #4), be approved. Mr. Mayor, I move you that this Resolution No. 2021-005 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 involves a change order to the upgrades being completed on the Sanitary Sewer System. The cost overruns are mostly happening for underground items. However, this change order is for replacement of Plant Number 1. Pat Sheridan, Engineer with Farnsworth Group, explained that there is no significant change planned for the next 10-15 years as far as needs on Plant Number 1. The tanks at Plant Number 1 are old and the tanks have not been serviced but have been repaired or band aided during the plant's service life. The change order is for the replacement of Plant Number 1 instead of simply repairing the plant. Most of the underground components are being changed. The change order profile before this change order was under 1%. There was a national company that would rebuild the plant to a new standard and do it well within the target budget. It will still be within the 3% of the change order estimated. Overall, the costs with change order is still a 1.33% of the contract budget to this point.

Commissioner Decker expressed his opinion that this rebuild will let the City know what it is going to cost while the patch and repair of the plant is more unknown.

Commissioner Hill discussed the deterioration of the equipment and building. He was hesitant at first; however, he now believes that the rebuild is needed. It is the net differential of \$160,000, while the patch and repair may involve pulling the unit up and drain it each time it needs to be repaired.

Commissioner Mingus thanked Brad Boulton and Commissioner Sutherland for their work. The money is being put into the plant anyway, and he will support it because it is right thing to do at the right time.

Commissioner Sutherland explained the repair and thanked everyone for their work. He explained that he does not like to kick the can down the road, there is a price to pay for not repairing and being on top of repairs on this equipment and building, and he is glad that the City is doing this repair.

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

Nays: None.

Mayor Kahl declared the motion carried.

Motion by Commissioner Mingus, seconded by Commissioner Hill; Mr. Mayor, I move you that Ordinance No. 4503 hereto attached, (AN ORDINANCE AUTHORIZING THE SALE OF PERSONAL PROPERTY IN THE POSSESSION OF THE EAST PEORIA FIRE DEPARTMENT) be read at length by the Clerk, and that said Ordinance No. 4503 be accepted on its first reading, and be hereby adopted as presented.

The City Clerk read the ordinance at length. Commissioner Mingus explained that there will be still be a reserve amount on the vehicles. He went through the vehicles to be sold. He noted that there are other vehicles that will be kept in order to keep reserves on vehicles and that was why the ordinance was pulled at the last meeting.

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

Nays: None.

Mayor Kahl declared the motion carried and Ordinance No. 4503 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 state the matter or matters to be discussed. There was no response.

Mayor Kahl then asked for comments from Council.

Commissioner Decker commented on current events and the injustice that happened in Minneapolis with George Floyd. He expressed the good officers that the City of East Peoria has and expressed his concern about good officers being judged by the bad officers. It is an important job that Police Officers have, and it is important that they do their job correctly. He commented on the IHSA State Boys Basketball finals being moved away from Peoria. He commented on recycling and some negotiations that have to go on with Waste Management.

Commissioner Hill commented on seeing increased activity around the City. He asked people to patronize the local restaurants and bars that are trying to get opened. He explained that he has been watching the numbers related to COVID-19 and the indicators are positive toward phase 4 with those numbers looking strong to allow for the region to move into Phase 4. He reminded everyone that the Farmers' Market is every Friday in the Levee District from 4:00p m-7:00 pm.

Commissioner Sutherland explained that he would like to get back to maintenance of City infrastructure.

Commissioner Mingus explained how nice it has been to see kids playing softball and baseball and how much the kids need to get out and spend time with other kids interacting. He thanked Doug McCarty and Corey at EastSide Centre for their great job and keeping the kids safe at EastSide Centre. He recognized the Fire Department that did a rescue on the second floor of the condos at the Eastport Marina. A woman went out onto her balcony, and if it was not for the quick response of the firefighters, she may not have gotten out. It was impressive that they were able to put the fire out without any damage to the adjoining structures as it was a condo building.

Mayor Kahl echoed the great job that the Fire Department did on the fire call on June 3. He commented on the 2020 Census and explained that East Peoria is ahead of the curve on census responses compared to the State. It is critical to be counted, and it is all the more critical to be counted this year. If you have not completed your Census, please do so. He commented on going back to the regular format for the meeting and moving forward.

Motion by Commissioner Sutherland, seconded by Commissioner Decker; Mr. Mayor, I move you that we adjourn until Tuesday evening, July 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 7:05 P.M.

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