

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

August 16, 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 August 2, 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 5 as listed on the agenda for this meeting to be considered by omnibus vote.

Item Number 1 - Adoption of Resolution Number 2223-058 – Resolution to Approve Payment of the Schedule of Bills Listed on Schedule Number 7 in the amount of \$2,469,965.73.

Item Number 2 - Adoption of Resolution Number 2223-047 on its Second Reading - Resolution Approving the Purchase of Ten Laptops for the Police Department from SHI International Corp. in the amount of \$34,960.

Item Number 3 - Adoption of Resolution Number 2223-046 on its Second Reading – Resolution approving and authorizing the execution of a Joint Peoria-Pekin Urbanized Area Transportation Study (PPUATS) Funding Agreement between the City of East Peoria and the Tri-County Regional Planning Commission for the Fiscal Year 2023.

Item Number 4 - Adoption of Resolution Number 2223-045 on its Second Reading – Resolution approving the Payment of the IEPA National Pollution Discharge Elimination System Annual Fee for Wastewater Treatment Plant Discharge for July 1, 2022 through June 30, 2023.

Item Number 5 - Adoption of Ordinance Number 4667 on its Second Reading – (AN ORDINANCE AMENDING SECTION 7-4-6.1 OF THE EAST PEORIA CITY CODE REGARDING THE WASTEWATER SERVICE RATE SCHEDULE.)

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 5 listed on the Consent Agenda be hereby approved and adopted, the items numbered 2 through 5 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 2223-058 – Resolution to Approve Payment of the Schedule of Bills Listed on Schedule Number 7 in the amount of \$2,469,965.73. (Adopted by omnibus vote)

Item Number 2 - Adoption of Resolution Number 2223-047 on its Second Reading - Resolution Approving the Purchase of Ten Laptops for the Police Department from SHI International Corp. in the amount of \$34,960. (Adopted by omnibus vote)

Item Number 3 - Adoption of Resolution Number 2223-046 on its Second Reading – Resolution approving and authorizing the execution of a Joint Peoria-Pekin Urbanized Area Transportation Study (PPUATS) Funding Agreement between the City of East Peoria and the Tri-County Regional Planning Commission for the Fiscal Year 2023. (Adopted by omnibus vote)

Item Number 4 - Adoption of Resolution Number 2223-045 on its Second Reading – Resolution approving the Payment of the IEPA National Pollution Discharge Elimination System Annual Fee for Wastewater Treatment Plant Discharge for July 1, 2022 through June 30, 2023. (Adopted by omnibus vote)

Item Number 5 - Adoption of Ordinance Number 4667 on its Second Reading – (AN ORDINANCE AMENDING SECTION 7-4-6.1 OF THE EAST PEORIA CITY CODE REGARDING THE WASTEWATER SERVICE RATE SCHEDULE.) (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 Decker; Mr. Mayor, I move you that Ordinance No. 4644, hereto attached, (AN ORDINANCE AUTHORIZING A SPECIAL USE FOR PROPERTY LOCATED AT 400 FONDULAC DRIVE IN THE CITY OF EAST PEORIA, TAZEWELL COUNTY, ILLINOIS) 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 commented on the short-term rental at 400 Fondulac Drive, East Peoria, Illinois. He commented on the concerns that were dealt with and other concerns that are pending changes to the city code to address them.

Mayor Kahl commented on the special use process that allows citizens and businesses to come forward in favor of or against the petition. He explained that the city did its due diligence. However, he will not support this item, because the owners continued to operate the short term rental even though it was not approved.

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

Nays: Mayor Kahl.

Mayor Kahl declared the motion carried and Ordinance No. 4644 be adopted as presented.

Motion by Commissioner Hill, seconded by Commissioner Mingus; Mr. Mayor, I move you that Ordinance No. 4669 hereto attached, (AN ORDINANCE AUTHORIZING A SPECIAL USE FOR PROPERTY LOCATED AT 209 SILVER CREEK 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 this Ordinance is for the approval of a proposed special use for an inground pool in the front yard. The property is a corner lot located in Windsong Estates, and there are two front yards which is really the side yard. To construct the pool, the owners must obtain a special use. The Zoning Board of Appeals ("ZBA") recommended this item for approval 4-0 to the City Council.

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. 4666 hereto attached, (AN ORDINANCE ESTABLISHING A NEW CHAPTER 39 IN TITLE 3 OF THE EAST PEORIA CITY CODE FOR THE REGULATION OF BUSINESSES THAT PRIMARILY SELL TOBACCO PRODUCTS, ALTERNATIVE NICOTINE PRODUCTS, AND ELECTRONIC CIGARETTE TOBACCO PRODUCTS) be read at length by the Clerk, and that said Ordinance No. 4666 be accepted on its first reading, and be hereby adopted as presented.

The City Clerk read the ordinance at length. Commissioner Hill commented on the changes to the City Code and explained that there have been increased interest in smoke shops within the city. It makes sense to license and regulate the smoke shops. This went before the ZBA and was recommended for approval.

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

Nays: None.

Mayor Kahl declared the motion carried and Ordinance No. 4666 to be duly adopted as presented.

Motion by Commissioner Hill, seconded by Commissioner Mingus; Mr. Mayor, I move you that Ordinance No. 4668 hereto attached, (AN ORDINANCE AMENDING ZONING REGULATIONS IN TITLE 5 OF THE EAST PEORIA CITY CODE ADDING SMOKE AND TOBACCO SHOPS AS A SPECIAL USE IN THE B-2 BUSINESS DISTRICT) be read at length by the Clerk, and that said Ordinance No. 4668 be accepted on its first reading, and be hereby adopted as presented.

The City Clerk read the ordinance at length.

Commissioner Hill explained that the proposed ordinance limit smoke shops in B-2 zoned property as a special use.

Commissioner Sutherland inquired about distance requirements from school owned pieces of property. City Attorney Scott Brunton explained that it would apply to properties used for a school, childcare facility, or other building used for educational or recreational programs for persons under the age of twenty-one.

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

Nays: None.

Mayor Kahl declared the motion carried and Ordinance No. 4668 to be duly adopted as presented.

Resolution No. 2223-055 by Commissioner Hill, seconded by Commissioner Mingus; BE IT RESOLVED BY THE COUNCIL OF THE CITY OF EAST PEORIA, ILLINOIS that Resolution No. 2223-055, hereto attached, a Resolution Accepting Low Bid from Tazewell County Asphalt Co. Inc. for Festival of Lights Building Parking Lot Mill and Overlay Project, be approved. Mr. Mayor, I move you that this Resolution No. 2223-055 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 Festival Building parking lot that is used for community activities needs repaired.

Director of Tourism and Special Events Doug McCarty explained that the main lot and back area will be milled and overalyed. The portion of the lot on more of the periphery and Dolans Lane will not be done now.

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

Nays: None.

Mayor Kahl declared the motion carried.

Resolution No. 2223-056 by Commissioner Hill, seconded by Commissioner Mingus; BE IT RESOLVED BY THE COUNCIL OF THE CITY OF EAST PEORIA, ILLINOIS that Resolution No. 2223-056, hereto attached, a Resolution Accepting Low Bid from ATG-Ram Industries, LLC for Synthetic Turf on EastSide Centre Fields One and Seven Project, be approved. Mr. Mayor, I move you that this Resolution No. 2223-056 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 Council is beginning to make improvements at EastSide Centre and make it competitive with other sports facilities.

Director McCarty explained that the city would begin renovations to improve the fields. He explained that it will be the first full size baseball field that is synthetic in the area, and it will reduce maintenance costs. He commented on 13% of people being in the Levee District immediately before using EastSide Centre and 16% of people that were at EastSide Centre immediately visiting the Levee District after.

Mayor Kahl explained that this is beginning of the improvements up at EastSide Centre. Back when EastSide Centre was built, there was nothing like it in the area. Now, it is important to make these investments to improve EastSide Centre. This is for the turfing of Fields 1 and 7 at EastSide Centre.

Commissioner Decker explained that it is good to see unanimous support for this item. There are other places to compete with EastSide Centre. EastSide is paid for and the money that is going to be invested will make an enormous impact. Commissioner Decker expressed happiness in moving forward on this and the impact in the Levee District and with Hotels that is anticipated to occur.

Commissioner Mingus explained that this is nice turf compared to other places and he is supportive of these changes. Director McCarty explained that this company just finished East Peoria football field, Washington Football field, and Eureka football field recently.

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

Nays: None.

Mayor Kahl declared the motion carried.

Resolution No. 2223-052 by Commissioner Decker; RESOLUTION REQUESTING PERMISSION FOR TEMPORARY CLOSURE OF STATE MAINTAINED ROADWAYS FOR A PUBLIC EVENT

WHEREAS, the Illinois Valley Striders, as member of the Road Runners Club of America, is sponsoring the Bridge-to-Bridge Run (the "Run") in the City of East Peoria, which event constitutes a public purpose; and

WHEREAS, the Run will require the temporary lane closure of one lane on the Bob Michel Bridge (Illinois Route 40) and closure of one lane on the Cedar Street Extension Bridge (Illinois Route 116), such highways located in the City of East Peoria, but under the jurisdiction of the State of Illinois; and

WHEREAS, the Run will also require the temporary lane closure of designated City streets connecting the Bob Michel Bridge (Illinois Route 40) to the Cedar Street Extension Bridge (Illinois Route 116) for the Run, and these streets are under the exclusive jurisdiction of the City of East Peoria; and

WHEREAS, Section 4-408 of the Illinois Highway Code authorizes the Department of Transportation ("IDOT") to issue permits to local authorities to temporarily close portions of state highways for such public purposes;

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

Section 1. The Director of Public Works or his designee shall request permission from IDOT to close the following sections of the indicated highways during the time period between 6:00 a.m. and 10:00 a.m. on Monday, September 5, 2022:

Section 2. Traffic is not detoured because one lane of traffic will be maintained.

Section 3. The City assumes full responsibility for the direction, protection and regulation of the traffic during the time the lane closure is in effect.

Section 4. Police officers or authorized flaggers shall, at the expense of the Road Runners of America, be positioned at each end of the lane closure sections and at other points (such as intersections) as may be necessary to assist in directing traffic through the lane closure.

Section 5. Police officers, flaggers, and officials shall permit emergency vehicles in emergency situations to pass through the closed area as swiftly as is safe for all concerned.

Section 6. All debris shall be removed by the Road Runners Club of America prior to reopening the state highways.

Section 7. Such signs, flags, barricades, etc., as may be approved by IDOT shall be provided and installed by the City.

Section 8. The closure and detour shall be marked according to the Illinois Manual on Uniform Traffic Control Devices for Streets and Highways.

Section 9. The Road Runners Club of America hereby agrees to assume all liabilities and pay all claims for any damage which shall be occasioned by the closing described above.

Section 10. The Road Runners Club of America shall provide a comprehensive general liability insurance policy or an additional insured endorsement in the amount of \$1,000,000 per person \$2,000,000 aggregate which has IDOT and its officials, employees and agents as insureds and which protects them from all claims arising from the requested road closing.

Section 11. A copy of this Resolution shall be forwarded to IDOT to serve as a request for the permission sought in this Resolution and to operate as part of the conditions of said permission.

Commissioner Decker commented on the resolution.

Motion by Commissioner Decker, seconded by Commissioner Mingus; Mr. Mayor, I move that Resolution No. 2223-052 be adopted as presented.

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

Nays: None.

Mayor Kahl declared the motion carried and Resolution No. 2223-052 be duly adopted as presented.

Resolution No. 2223-051 by Commissioner Sutherland, seconded by Commissioner Mingus; BE IT RESOLVED BY THE COUNCIL OF THE CITY OF EAST PEORIA, ILLINOIS that Resolution No. 2223-051, hereto attached, a Resolution Accepting the Proposal from HEART Technologies, Inc. for the Water Treatment SCADA System Security Upgrade Project – Phase 2, be approved. Mr. Mayor, I move you that this Resolution No. 2223-051 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 proposal will upgrade the security on the SCADA system for the water department. It has to do with cyber break-ins, and if something goes offline, it will alert remotely.

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

Nays: None.

Mayor Kahl declared the motion carried.

Resolution No. 2223-054 by Commissioner Sutherland, seconded by Commissioner Decker; BE IT RESOLVED BY THE COUNCIL OF THE CITY OF EAST PEORIA, ILLINOIS that Resolution No. 2223-054, hereto attached, a Resolution Accepting Third Change Order for Phase D of the City's Sanitary Sewer System Upgrade Project, be approved. Mr. Mayor, I move you that this Resolution No. 2223-054 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 commented on the change order explaining that these were items that were not included in the initial plans.

Mayor Kahl explained that even with the change orders, the city is well within the budget of the project.

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

Nays: None.

Mayor Kahl declared the motion carried.

Resolution No. 2223-053 by Commissioner Mingus, seconded by Commissioner Decker; BE IT RESOLVED BY THE COUNCIL OF THE CITY OF EAST PEORIA, ILLINOIS that Resolution No. 2223-053, hereto attached, a Resolution approving the Purchase of a 2022 New Ford Interceptor Utility Vehicle and Outfitting (minus striping) for the Police Department from Morrow Brother's Ford, be approved. Mr. Mayor, I move you that this Resolution No. 2223-053 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 commented on the resolution being for the replacement of a vehicle that was damaged when it was hit by someone that struck the car while the officer was aiding in another accident scene.

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

Nays: None.

Mayor Kahl declared the motion carried.

Resolution No. 2223-057 by Commissioner Mingus, seconded by Commissioner Decker; BE IT RESOLVED BY THE COUNCIL OF THE CITY OF EAST PEORIA, ILLINOIS that Resolution No. 2223-057, hereto attached, a Resolution to Approve Contract for Construction Manager Services Agreement with River City Construction LLC for Pre-Construction and Construction Services for New Fire Station Project (Centennial Drive), be approved. Mr. Mayor, I move you that this Resolution No. 2223-057 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 a project that has been discussed for a long time. The resolution is making River City Construction Manager, and the next step is going to bid on the project.

Commissioner Hill commented on the provision in the project that includes that bids will not be accepted if they exceed the budget.

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. 4670 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. 4670 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 are times that the city changes the number of liquor licenses in the city, and this is one of those times. Commissioner Decker commented on filling two locations in the City.

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

Nays: None.

Mayor Kahl declared the motion carried and Ordinance No. 4670 to be duly adopted as presented.

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)(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.

Motion by Commissioner Sutherland, seconded by Commissioner Decker, Mr. Mayor, I move to amend the motion to add Section Section 2(c)(6) – The setting of a price for a sale or lease of property owned by the public body to the reasons for going to into a closed meeting or executive session of the city council at the conclusion of this regular meeting. 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)(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; and

Section 2(c)(6) – The setting of a price for a sale or lease of property owned by the public body.

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

Nays: None

Mayor Kahl declared the amended 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 Hill commented on the Farmers Market and Friday Night Lights Car Event occurring this Friday.

Commissioner Mingus commented on the City having a Capital Plan and the city taking action on two items from the Capital Plan on the agenda this evening that included the new Fire House and Eastside Centre turf improvements.

Motion by Commissioner Sutherland, seconded by Commissioner Decker; Mr. Mayor, I move you that we adjourn until Tuesday evening, September 6, 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 7:05 P.M.

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