

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

**AUGUST 20, 2019**

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 August 6, 2019; the minutes of the Closed Meeting/Executive held on August 6, 2019; and the minutes of the Special Meeting held on August 15, 2019 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.

Tom Hulting of East Peoria came up to the podium. He inquired as to whether there will be smaller totes allowed for recycling. Mayor Kahl indicated that the city is looking to offer the smaller tote size of 48-gallon for both recycling and garbage. Mr. Hulting thanked the city for moving forward with the smaller container. Mr. Hulting inquired as to why the city is going with a Ford F250 diesel truck with a high torque for the Fire Department. Fire Chief John F. Knapp explained that the Fire Department choose a Ford diesel engine truck is for longevity purposes and the ability to pull items. Mr. Hulting feels that the city is going with the wrong truck and engine.

Mayor Kahl asked for any other comments from the audience. There was no response.

**CONSENT AGENDA ITEMS BY OMNIBUS VOTE:**

Mayor Kahl asked if any Commissioner wished to remove any items from the Consent Agenda for discussion. There was no response.

Motion by Commissioner Hill, seconded by Commissioner Mingus; 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.

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 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 No. 1 – Adoption of Resolution No. 1920-051 – Resolution to Approve Payment of the Schedule of Bills Listed on Schedule No. 7 in the amount of \$1,857,090.23. (Adopted by omnibus vote)

Item No. 2 – Adoption of Resolution No. 1920-039 on its Second Reading – Resolution accepting the lowest responsible bid from Wyman Roofing & Sheet Metal Inc. for Firehouse #3 Engine Bay Roof Replacement Project in the amount of \$36,556. (Adopted by omnibus vote)

Item No. 3 – Adoption of Resolution No. 1920-040 on its Second Reading – Resolution approving and authorizing the execution of a Joint Funding Agreement between the City of East Peoria and the Peoria/Pekin Urbanized Area Transportation Study ("PPUATS") for the Fiscal Year 2020. (Adopted by omnibus vote)

Item No. 4 – Adoption of Resolution No. 1920-044 on its Second Reading – Resolution Approving Consulting Services Agreement for Monitoring and Oversight of the City's Sanitary Sewer System Upgrade Project. (Adopted by omnibus vote)

Item No. 5 – Adoption of Resolution No. 1920-045 on its Second Reading - Resolution Approving 2019-2020 Intergovernmental Agreement for Mutual Aid with Northern Tazewell Fire Protection District. (Adopted by omnibus vote)

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

Nays: None.

Mayor Kahl declared the motion carried and the items adopted by omnibus vote designation.

Resolution No. 1920-042 by Commissioner Hill, seconded by Commissioner Decker; BE IT RESOLVED BY THE COUNCIL OF THE CITY OF EAST PEORIA, ILLINOIS that Resolution No. 1920-042 hereto attached, a Resolution relating to participation by the Mayor in the Illinois Municipal Retirement Fund, be hereby approved. Mr. Mayor, I move you that this Resolution No. 1920-042 having been read once by its title and having laid on the table for no less than one week for public inspection, be adopted as presented.

Mayor Kahl explained that he would be abstaining from the vote since the resolution pertained to his position.

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

Nays: None.

Abstain: Mayor Kahl.

Mayor Kahl declared the motion carried and Resolution No. 1920-042 be duly adopted as presented.

Motion by Commissioner Hill, seconded by Commissioner Decker; Mr. Mayor, I move you that Ordinance No. 4452 hereto attached, (AN ORDINANCE AUTHORIZING A SPECIAL USE FOR PROPERTY LOCATED AT 412 CASS 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 to allow the outdoor storage of dumpsters on the property with special conditions, including a fence with screening, a paved drive, landscaping, storage of no more than twenty dumpsters at any given time, cleanup of the outdoor areas and installation of fencing before storing dumpsters, among others.

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

Nays: None.

Mayor Kahl declared the motion carried.

Resolution No. 1920-050 by Commissioner Decker, seconded by Commissioner Mingus; BE IT RESOLVED BY THE COUNCIL OF THE CITY OF EAST PEORIA, ILLINOIS that Resolution No. 1920-050, hereto attached, a Resolution approving the purchase of 450 96-gallon and 200 48-gallon Recycle/Solid Waste Wheeled Carts for Public Works from Wastequip in the amount of \$35,250.80, be approved. Mr. Mayor, I move you that this Resolution No. 1920-050 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 there was a previous resolution last meeting that did not include smaller toters while this new resolution includes the purchase of smaller toters. His fear is that the smaller toter may be more at risk of slipping with the arm of the truck. However, he explained that he rode along with the garbage truck and he did not see any smaller toters slip. It has not been the intention for the city to lose or make money with the sale of the toters. He explained that city set the costs of the sale of toters calculating the salary and purchase price of the toter and that the number the city determined is a 96-gallon cost will be \$75 per toter and the 48-gallon cost will be \$65 toters. He feels that a discussion about whether the city will continue to sell toters needs to be had at a future meeting.

Commissioner Hill explained that he wanted to correct the record on the article that was written after the previous meeting. It was reported that we ended the toter business and what the city did was not approve the purchase of the truckload of toters and that he said that he would not support a truckload purchase of toters at the last meeting. If the city is in the toter business is a different discussion. He would like a correction of the price because the city was losing money. He is not against the small toters. However, he feels that until the city decides whether the city should be in the business of selling toters and warranting the toters that he did not like to see that we now have the smaller toters for purchasing and increasing liability for warranting those smaller toters.

Commissioner Decker explained that the city goes with the manufacturer's warranty.

Commissioner Mingus explained that he will be voting for this and he voted for the purchase at the last meeting. He thanked Commissioner Decker, Mayor Kahl, and Director Barron for working to get a purchase together that would hopefully pass. He is also interested in having a meeting to get information on whether the city will continue to sell toters.

Commissioner Sutherland explained that until the city decides whether it will stay with the garbage business, he does not feel that we should be selling toters. He commented on the warranties. If the city is working its way out of the toter sale business, then he will support this item. If the city is still going to continue in the toter sale business, then he will not support it. He feels that \$36,000 will fix a lot of potholes.

Mayor Kahl explained that the city is unique in that it collects garbage. He indicated that as long as the city is in the solid waste business, he would like to consider two things: (1) offering two sizes of toters and (2) better cover the city's costs of the toters. He feels that the city has an obligation, if it is in the business, that it should sell toters. He will support this tonight, and he feels the city needs public input on whether to continue to sell toters.

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

Nays: Commissioner Sutherland.

Mayor Kahl declared the motion carried.

Resolution No. 1920-048 by Commissioner Decker, seconded by Commissioner Mingus; BE IT RESOLVED BY THE COUNCIL OF THE CITY OF EAST PEORIA, ILLINOIS that Resolution No. 1920-048, hereto attached, a Resolution approving Engineering Services Contract with Midwest Engineering Associates for Altorfer Lane Improvements, be approved. Mr. Mayor, I move you that this Resolution No. 1920-048 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.

Director of Planning and Community Development, Ty Livingston, described the location of Altorfer Lane. The goal is to get the road up to a much more serviceable road. This is the first step which is engaging Midwest Engineering for engineering planning. He indicated that the city needs to establish easements.

Director Barron explained that storm sewer is included as part of the engineering agreement and will alleviate any water issues in the area.

Commissioner Sutherland explained that Midwest Engineering is a reputable company and this project was begun before he started. He has a problem with an engineering firm representing both a private developer and representing the city as well. He is not implying there is anything wrong in what has been done or will be done. However, in the future, he will demand that the engineering company that represents a private company is not the same company that represents the city. He will be voting yes tonight because they are reputable company.

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

Nays: None.

Mayor Kahl declared the motion carried.

Resolution No. 1920-041 by Commissioner Mingus, seconded by Commissioner Decker; BE IT RESOLVED BY THE COUNCIL OF THE CITY OF EAST PEORIA, ILLINOIS that Resolution No. 1920-041 hereto attached, a Resolution approving and authorizing the purchase of a new 2019 Ford Crew Cab/Diesel F250 for the Fire Department from Currie Motors in the amount of \$41,165, be hereby approved. Mr. Mayor, I move you that this Resolution No. 1920-041 having been read once by its title and having laid on the table for no less than one week for public inspection, be adopted as presented.

Commissioner Mingus explained that this is the second reading on the purchase of a new truck for the Fire Department. Commissioner Hill had some questions regarding funding. Commissioner Mingus explained that he looked at the budget and although there was an unforeseen expense the revenues are up \$24,000 for the first two months of the fiscal year. Based on these past two months of revenues and if the same trend continues, there should be funds available.

Commissioner Hill explained he was not objecting to the truck; however, he was, rather, ensuring that the city keep within budget. He explained that he will hold the right to decline future capital expenditures.

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

Nays: None.

Mayor Kahl declared the motion carried and Resolution No. 1920-041 be duly adopted as presented.

Resolution No. 1920-049 by Commissioner Mingus; WHEREAS, Shannon Swearingen has been continuously employed by the City from July 26, 1995 through August 30, 2019, most recently occupying the position of Deputy Police Chief; and

WHEREAS, Shannon Swearingen has announced his intention to retire from employment effective at the end of day on August 30, 2019; and

WHEREAS, the City is appreciative of the long and continued service provided by Shannon Swearingen; 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. 1920-049 be adopted as presented.

Commissioner Mingus explained the separation agreement honors hours that Mr. Swearingen has accumulated and that this is done for every employee. Mayor Kahl detailed the hours and payments to be paid out.

Chief Roegge thanked Shannon Swearingen for his service and wished him luck in the future.

Mayor Kahl and Commissioners commended and thanked Shannon Swearingen for his service to the city and wished him well.

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

Nays: None.

Mayor Kahl declared the motion carried and Resolution No. 1920-049 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.

Tom Hulting came up to the podium and inquired about improving Altorfer Lane and why the city does not improve a portion of Highview from Oakwood Road to Regal Lane. Mr. Hulting feels that this is a dangerous stretch of road and he feels that the traffic is greater on Highview Road than Altorfer Lane.

Mayor Kahl explained that there is another development coming off of Altorfer Lane and has been in the works for several years. The work on the road will bring it up to standards.

Commissioner Sutherland explained other alternative sources of revenue that may be used for the road that does not come out of the general budget. He explained that he has dreams of improving Springfield Road up to Par 3 Lane. He is in favor of this improvement.

Bill Bassham came up to the podium. He explained that he is a resident of Richland Farms and that he was denied a special use for his property. He would like to improve his property for his own use. There are several other people trying to do things because they are from Richland Farms. He is concerned that individuals that do not live in Richland Farms but have property in Richland Farms are being approved for special uses; however, he lives in Richland Farms and his special use application was voted down by the Zoning Board of Appeals. He expressed concerns over the city tagging people for city code violations. He expressed concerns over a city code violation that he had regarding a shipping container that he had on his property. He expressed concerns over a prop shop in the Richland Farms neighborhood that has weeds, trees and other issues that he feels is a city code violation. Mr. Bassham stated that an employee with the city stated that the city could not do anything because the property had a special use. Mr. Bassham stated that he looked at the city code and that the city has the right to revoke a special use and question why the city is not revoking the special use on the property with the prop shop. He inquired about garages in the city. He explained that he is frustrated about trying to do things in Richland Farms, and he feels that all he receives is negativity from the city. He feels that the city should work together with residents of Richland Farms.

Commissioner Hill and Director Livingston commented on the size of the building/garage that Mr. Bassham applied for a special use to place on his property and the city code allowances for such buildings.

Bob Sinks came up to the podium and inquired about a splashpad that is planned to be placed in the Levee Park. He inquired as to how much it will cost the city including maintenance and about the storm water runoff that will go into Farm Creek. Mr. Sinks explained that it is his understanding that city does or will have to treat the runoff water through the sewer plants in the future; and, if it is or will be required to treat the runoff water, whether the storm sewer work to be done would be done in such a manner as to conform to the future requirements of treating the runoff water.

Dennis Barron explained that the city is currently functioning under the city's current NPDES permit and which allows the city to monitor the discharge by the IEPA. Nothing will be added to the Farm Creek Diversion Channel. It is existing piping. We will be following out the city's current guidelines and if the city does so along with keeping the sanitary sewer and storm sewer separate and keep the permit active and functioning, then the city does not have to treat it now. Dennis Barron explained that he cannot comment on what the future requirements may be. Peoria was mandated because they do not keep the sanitary sewer and storm sewer separate.

Mayor Kahl explained that Splashdown is the Park District's which is separate from the city. The splashpad on the Levee Park is all from private funds. The upkeep and long-term maintenance still need to be worked out and the grant has still not been awarded. There has been discussion for years regarding having a focal point for the Levee Park for many years and it goes toward quality of life.

Jamie Cassidy came up to the podium and explained that he feels that the city code is not being applied consistently. He feels that changes to the city code have been changed and imposed on him before it was changed. He does not see why this is being put up with. He figures that there should be due process and that the rules are being changed midstream. He expressed concerns over the Richland Farms Neighborhood. He explained that he has volunteered in the neighborhood, and that the neighborhood is going backwards, and people have lost faith in what has been done. He feels that there are people getting retaliated against. He feels that there should be a team and things should be fair.

Don Bell came up to the podium and inquired about East Washington Street and whether anything would be done regarding curbs and the street down by Springfield Road. Mayor Kahl stated he knows there were meetings with businessowners regarding the streetscape of E. Washington Street. Director Livingston explained the planning was a conceptual design and there was support from businessowners regarding some configuration changes. The idea was to get the information out there and it came down to a budget issue to accomplish restriping the entire portion of the street. If there was interest, there would be more details discussed.

Mayor Kahl asked for any additional comments from the audience. There was no response.

Mayor Kahl then asked for comments from Council.

Commissioner Decker commented on the E. Washington Street discussion and reducing the lanes or restriping the area. Everyone is of the opinion that there be a small town feel to the area. There has not been any city facilitated meetings with the businesses recently. He inquired about having a working session for recycling in the near future. He invited residents to reach out about their feelings on recreational marijuana.

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)(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 motion carried.

Commissioner Hill asked citizens to reach out to the city council with issues so that issues can be addressed.

Commissioner Sutherland commented on the recreational cannabis summary that is promoting equity. The law creates a low interest loan program by the Department of Commerce and Economic Opportunity for social equity applicants to defer the costs of entering into the cannabis industry. He explained that he has a problem with the recreational cannabis law. He commented on older neighborhoods that have narrow and long lots which are difficult to meet rules and regulations that are meant for the newer neighborhoods. He feels that with some common-sense things can be overcome. He feels that the city should issue citations for someone that is required to get a permit, and he does not feel that anything should be done unless a citizen complains about other violations. He explained that Peoria has a rain tax because it has to treat the storm sewer because it is combined sanitary sewer and storm sewer.

Commissioner Mingus congratulated the Fire Department on receiving a \$2,000 Ameren Cares grant a SmartBoard. The Fire Department is selling breast cancer awareness shirts to benefit the Susan G. Komen Foundation that can purchased at EastSide Centre through September 15, 2019 at 5:00 pm.

Mayor Kahl explained the 31<sup>st</sup> Annual Duck Race is scheduled for Saturday beginning at 4p. He encouraged people to purchase ducks. He read an invitation asking people to be a part of welcoming Lincoln students on their first day of school.

Chief Roegge explained school bus rules for those driving on roads.

Motion by Commissioner Sutherland, seconded by Commissioner Mingus; Mr. Mayor, I move you that we adjourn until Tuesday evening, September 3, 2019 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 7:37 P.M.

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