

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

SEPTEMBER 17, 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 6:00 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 September 3, 2019 and the minutes of the Closed Meeting/Executive Session held on September 3, 2019 be approved as printed.

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

Nays: None.

Mayor Kahl declared the motion carried.

Mayor Kahl proclaimed September 22-28, 2019 as "Support Citizens with Intellectual Disabilities Week". Mayor Kahl presented the proclamation to Mr. Jim Wygle with the Knights of Columbus. He explained the organizations that receive monies from the fundraiser.

Mayor Kahl proclaimed September 15-21, 2019 as "Child Passenger Safety Week". Chief Knapp explained the monthly car seat safety checks done by the Fire Department.

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.

Norm Sales came up to the podium and expressed his opposition to recreational cannabis. He explained that he feels recreational cannabis is wrong, the city should not be involved in it, and that he is concerned that since we cannot keep vaping out of the kids' hands that we cannot control marijuana and keep it out of kids' hands. He feels that by passing the approval of the taxing and allowing the sale of recreational cannabis in the city is supporting recreational cannabis and making it more available to the next generation.

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. 1920-061 – Resolution to Approve Payment of the Schedule of Bills Listed on Schedule No. 9 in the amount of \$1,398,612.42. (Adopted by omnibus vote)

Item No. 2 – Adoption of Resolution No. 1920-057 on its Second Reading – Resolution Requesting Permission for Temporary Closure of State Maintained Roadways for a Public Event for the Festival of Lights Parade on November 16, 2019. (Adopted by omnibus vote)

Item No. 3 – Adoption of Resolution No. 1920-054 on its Second Reading – Resolution authorizing and approving the Sliplining of a 955 Linear Foot Portion of Sanitary Sewer Main located on Hill Road under the Creek by Hoerr Construction, Inc. in the amount of \$31,935.50. (Adopted by omnibus vote)

Item No. 4 – Adoption of Resolution No. 1920-055 on its Second Reading – Resolution approving the repair of Sanitary Sewer Trunk Line on East Faulkner Road by G.A. Rich in the amount of \$36,000. (Adopted by omnibus vote)

Item No. 5 – Adoption of Resolution No. 1920-056 on its Second Reading – Resolution Accepting Change Order for City's Sanitary Sewer System Upgrade Project (Phase A – C Construction Project) (Change Order #1) in the amount of \$52,894. (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. 4453, hereto attached, (AN ORDINANCE IMPOSING MUNICIPAL CANNABIS RETAILERS' OCCUPATION TAX OF 3% ON CANNABIS RETAIL DISPENSARIES IN THE CITY OF EAST PEORIA) 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 taxing of recreational cannabis.

Mayor Kahl explained that this is the second reading and we will be imposing a 3% tax on the sale of recreational cannabis.

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

Nays: Commissioner Sutherland.

Mayor Kahl declared the motion carried and Ordinance No. 4453 be adopted as presented.

Motion by Commissioner Hill, seconded by Commissioner Mingus; Mr. Mayor, I move you that Ordinance No. 4454 hereto attached, (AN ORDINANCE AMENDING THE ZONING CODE FOR THE CITY OF EAST PEORIA REGARDING ADULT-USE RECREATIONAL CANNABIS BUSINESSES) – to define and permit Adult-Use Cannabis Facilities as a Conditional Use in B-3 and M-1 Zoning Districts) be read at length by the Clerk, and that said Ordinance No. 4454 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 city can regulate the locations through the zoning code to restrict and regulate those adult use recreational cannabis businesses that will be allowed at the state level. However, the city cannot stop adult-use recreational cannabis use in the city and surrounding communities cannot do so either.

Commissioner Decker explained that it is a difficult decision and the city does not have the authority to say that it is not allowed to use in East Peoria. However, the city can regulate the sale. He explained that he did receive comments regarding adult-use marijuana. He has had a majority of the responses urging him to vote yes and because of that he will be voting yes.

Commissioner Mingus explained that he has received comments from people opposed to the sale of adult-use cannabis in the city. Explained that no matter what the city decides use of recreational marijuana will be legal under the parameters of the state law. He commented on alternative means of revenue that the city has used besides property taxes. He explained that he will support the ordinance primarily because the city can make money on the sale and the city can get things done that the city would not otherwise be able to get done.

Commissioner Sutherland explained that he cannot support the ordinance. He feels that it is money grab.

Mayor Kahl explained that adult-use recreational cannabis will be legal and it is here now illegally. The use of recreational cannabis will be lawful January 1, 2020. He explained that he has a personal opinion and a job as mayor and with responsibilities. The city will be dealing with it one way or another. He commented on how the funds are appropriated in the state law. The 8% that is to be shared with the municipality for public safety is not 8% of the total revenue. It is 8% of something that is less than the total revenue, and the city needs money for training. He will be supporting this. Mayor Kahl commented on not having problems with medical marijuana the last four years that the business has been operating. He explained that this ordinance regulates the adult-use cannabis businesses. He explained that public use of marijuana will not be allowed. On-site consumption will also not be allowed in the city. He explained that the ordinance change regulates the number of businesses that will be allowed and the restrictions on those businesses.

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

Nays: Commissioner Sutherland.

Mayor Kahl declared the motion carried and Ordinance No. 4454 to be duly adopted as presented.

Motion by Commissioner Hill, seconded by Commissioner Mingus; Mr. Mayor, I move you that Ordinance No. 4455 hereto attached, (AN ORDINANCE AUTHORIZING A SPECIAL USE FOR PROPERTY LOCATED AT 225 EDGEWOOD DRIVE IN THE CITY OF EAST PEORIA, TAZEWELL COUNTY, ILLINOIS) – to allow for placement of two accessory structures (storage sheds) on the property be accepted on its first reading as read by its title, and be laid on the table for no less than one week for public inspection.

Commissioner Hill explained that this special use allows for two accessory structures on the property. He commented on the uniqueness of the property and that the Zoning Board of Appeals recommended approval.

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

Nays: None.

Mayor Kahl declared the motion carried.

Motion by Commissioner Decker, seconded by Commissioner Hill; Mr. Mayor, I move you that Ordinance No. 4457 hereto attached, (AN ORDINANCE PROPOSING APPROVAL OF THE CREATION OF A SPECIAL SERVICE AREA AND SETTING A PUBLIC HEARING FOR REVIEWING THE USE OF THE SPECIAL SERVICE AREA TO FUND IMPROVEMENTS TO ACCESS ROAD 6 IN THE CITY OF EAST PEORIA, TO LEVY A PROPERTY TAX AGAINST THOSE PROPERTIES BENEFITTED BY THE ROAD IMPROVEMENTS, AND TO INCUR DEBT FOR FINANCING THE ROAD IMPROVEMENT PROJECT) be read at length by the Clerk, and that said Ordinance No. 4457 be accepted on its first reading, and be hereby adopted as presented.

The City Clerk read the ordinance at length.

Commissioner Decker commented on the proposed special service area (“SSA”) and condition of the road. He explained that there are several businesses located on this road and that the property owners on the road have decided to pay the debt through the taxing process.

Director of Planning and Community Development, Ty Livingston, explained that he has been working with the property owners for quite some time. This SSA allows the city to put the amount to be paid on the property taxes. This is a legal process and the property owners are all in agreement. He explained that the process is to be begun this fall with completion this year.

Commissioner Decker explained that the city does not have the funds, and he appreciates the businesses being here and working together to get this accomplished.

Commissioner Sutherland inquired as to whether there is old sewer, storm sewer, or water infrastructure under the road.

Director of Public Works, Dennis Barron, explained that there are items regarding storm sewer that have to be fixed as a part of this project; however, he cannot speak to the age or what water or sewer lines may be in this location tonight.

Commissioner Sutherland believes that the city should investigate whether there is old infrastructure underneath the road. He would hate to see a new road go in over the older sewer, storm sewer, or water infrastructure should it need to be fixed.

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

Nays: None.

Mayor Kahl declared the motion carried and Ordinance No. 4457 to be duly adopted as presented.

Resolution No. 1920-060 by Commissioner Decker, seconded by Commissioner Mingus; BE IT RESOLVED BY THE COUNCIL OF THE CITY OF EAST PEORIA, ILLINOIS that Resolution No. 1920-060, hereto attached, a Resolution to Approve Contract for Engineering Services with Midwest Engineering Associates for Camp Street/River Road Signalized Intersection Improvements, be approved. Mr. Mayor, I move you that this Resolution No. 1920-060 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 purpose of this project is to prevent a potentially dangerous situation of backing up or stacking up of cars on the roadways. These improvements reflect changes to the intersection as a result of not building a roundabout at the intersection.

Director of Planning and Community Development, Ty Livingston, explained that the agreement reflects a change from a roundabout to a signalized intersection. It is the intention that when someone comes off the Bob Michel Bridge you will be able to turn left into the Embassy Suites. There will be two left lanes going from Camp Street going on to River Road toward the Bob Michel Bridge; a free-flowing right turn lane by Huck’s gas station; and retains the pedestrian crossings.

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. 4456 hereto attached, (AN ORDINANCE AMENDING TITLE 9, TITLE 10, AND TITLE 11 OF THE EAST PEORIA CITY CODE TO ACCOMMODATE THE ADULT USE OF RECREATIONAL CANNABIS PURSUANT TO STATE LAW) be read at length by the Clerk, and that said Ordinance No. 4456 be accepted on its first reading, and be hereby adopted as presented.

Commissioner Mingus commented on the changes being done to ensure the city code is consistent with the state law changes.

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

Nays: Commissioner Sutherland.

Mayor Kahl declared the motion carried and Ordinance No. 4456 to be duly adopted as presented.

Resolution No. 1920-059 by Commissioner Mingus; **WHEREAS**, amendments to the Emergency Telephone System Act, 50 ILCS 750, mandated the consolidation of the currently existing four 911 dispatch centers serving Tazewell County down to two dispatch centers (“Consolidation Mandate”); and

WHEREAS, the City Council has previously approved an intergovernmental agreement (the “Agreement”) with Pekin, Washington, Morton, Tazewell County, the Tazewell County Sheriff’s Office, and the Tazewell County Emergency Telephone Systems Board (the “Parties”) in accordance with the Consolidation Mandate; and

WHEREAS, under the terms of the Agreement, the Parties agreed to work cooperatively to establish an intergovernmental agency named TC³ for the purpose of providing 911 dispatch services in Tazewell County; and

WHEREAS, the Agreement provides that TC³ is to be governed by a Governance Board and that daily operations of TC³ are to be managed by an Operations Committee; and

WHEREAS, the Agreement further provides that the Governance Board and Operations Committee are each to be comprised of representatives of municipalities affected by the Consolidation Mandate; and

WHEREAS, pursuant to the Agreement and the Bylaws attached as Exhibit B thereto, the City of East Peoria has two seats on the Governance Board and two seats on the Operations Committee; and

WHEREAS, consistent with the Mayor's recommendation, the City desires to appoint Chief of Police Steven Roegge as one of the City's representatives on the TC³ Operations Committee to replace the City's representative position that was most recently held by the retired Deputy Chief of Police Shannon Swearingen;

Page 4

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF EAST PEORIA, TAZEWELL COUNTY, ILLINOIS, THAT Chief of Police Steven Roegge is hereby appointed as one of the City's representatives on the TC³ Operations Committee.

Motion by Commissioner Mingus, seconded by Commissioner Decker; Mr. Mayor, I move that Resolution No. 1920-059 be adopted as presented.

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

Nays: None.

Mayor Kahl declared the motion carried and Resolution No. 1920-059 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 and state the matter or matters to be discussed.

Billy Bassham came up to the podium and explained that he has been trying to build a garage on 310 Chicago Street. He explained that he is getting ready to submit a plan again through Zoning to put a garage on 520 Monson Street. He inquired as to whether he needs to know something about building a garage on the property. He compared his property to another property that had a building that was approved.

Director Livingston commented on the conflicts of uses on Mr. Bassham's property, setbacks required, and the appropriateness of the size of the building. He compared it to the property that Mr. Bassham was comparing his property to.

Mr. Bassham explained that he would tear down the home. He commented on setbacks of the proposed building on the property. He commented on a prop shop in the area with junk cars that he feels that no one is policing it. He commented on containers being allowed on a property. He explained that he will submit his plan again and see what happens. The size of the garage was the issue for the Zoning Board of Appeals.

Mr. Norm Sales came up to the podium and commented on the last city council meeting. He explained that he could not attend the meeting. He commented on the request for a Fire Truck that he feels that the city cannot afford because of excessive worker's compensation costs. He feels that there are just a handful of employees that are getting worker's compensation. He feels that there is something wrong with the process or the safety training.

Rick Martin from 325 Oakwood Avenue came up to the podium. He commented the traffic on Ridge Road after Hill Road bridge was closed that he feels is a danger. Mr. Martin explained that he called the Police Department and he feels that no one has taken notice of it. He feels that if his comments save one person's life and if it changes one thing, then he feels that his visit tonight is successful. Second, he feels that he would be doing the police officers and firefighters a disservice if he did not comment on marijuana. He explained that his son is a firefighter in Peoria. His dad is the oldest living retired police officer that is currently living. He knows what kind of character it takes to be a police officer and firefighter. He feels that moral issues do not change, and he feels that he has a moral obligation to his grandkids. He commented on his father busting illegal gambling and drug offenses as a police officer.

Joyce Brooks came up to the podium and she lives next door to the property where Mr. Bassham wants to put the garage. She feels that he should be able to place a garage there. She explained that he needs a place to put the equipment and he not only uses the equipment for his business but to help others, such as senior citizens. Mayor Kahl recommended the Ms. Brooks attend the Zoning Board of Appeals meeting when Mr. Bassham's case comes forward and speak at the hearing.

Bob Sinks came up to the podium to speak on several items. He inquired where Edgewood Drive is located and that he feels that the city does not have the funds to purchase a new fire engine. He inquired as to how many miles are on the Fire Trucks. Fire Chief Knapp explained that there are over 100,000 miles on the two engines that he was proposing to sell. There is also considerable hour life, which the biggest concern, on the fire engines per fire standards. Chief Knapp explained that the rules are specific, lives depend on these vehicles, and he would as soon not put band aids and more money into older vehicles as he feels that it is a disservice and a waste of money. Mr. Sinks explained that the city is broke, and he inquired as to how much is enough. He commented on expenditures for the Wastewater Treatment Upgrade Project. He does not believe that the Fire Chief is wrong; however, he asked when the city is going to stop spending money away. He does not want the city to go bankrupt.

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 Hill Road being deemed too dangerous as the pavement was pulling away from the guardrails. The costs for a bridge replacement at the time was \$500,000, and it became something that was not supported at the time. The road itself would likely need service as time has passed. He would like to put Hill Road back on the radar for people to utilize and he feels it would make the area safer.

Mr. Martin asked about considering a speed bump. Commissioner Decker explained that there is a fear that speed bumps may cause people to lose control.

Commissioner Decker explained that he will talk to the Superintendent of Streets about alternatives for slowing traffic in the area.

Commissioner Hill commented on code enforcement and that the city has an obligation to enforce a code of ordinances and city officials and city staff does not ignore those. There is code enforcement going on throughout the city. There have been 463 notices of code violations in the city and the percent for Richland Farms is 15.7% in

relation to others. 84% of code violations are in other areas of the city. He commented on a new process that will be implemented that will include an administrative review of code enforcement issues that will involve code

Page 5

enforcement staff, administrative staff and others. The East Peoria Historical Society Annual Ice Cream Social is this Saturday from 12p-3p. The proceeds benefit the East Peoria Historical Society.

Commissioner Sutherland commented on the Sewer Treatment Plant Project. There is a three percent built in contingency and changes. The city has contracted with a very competent third-party contractor to represent the city on the project. At the beginning of the project, it is the foundation going in now and those things that are in the ground that you cannot see. This helps prevent further issues in the job after the city gets out of the ground. He commented on the McCluggage Bridge project and the insurance company basing coverage looking at three to four people that they feel will die during the project. There are forty-five construction workers in Illinois that lose their life every year. He would rather someone be on workers compensation that should be on it rather than deceased.

Mayor Kahl commented on the public safety aspect of the recreational cannabis act. It will impact the community, people need to be trained, and there are costs associated with it. The city needs to ensure that we cover those costs. The state made it legal; the city did not. He explained that there are workers compensation costs and many of the things are because of state law. The city will address workers compensation costs and make 100% effort to control costs.

Mayor Kahl explained that Farmers Market is this Friday from 4:00 p.m. to -7:00 p.m., this Friday is Friday Night Lights and this Saturday from 4:00 p.m. to 7:00 p.m. is a classic car show. He explained that on Monday Chief Roegge awarded the Life Saving Award to Officer Zack Frank. An elderly woman was missing, and Officer Frank took a lead to locate the vehicle and located the woman, saving her life. Tuesday, September 24 is the Tazewell County Cops, Cars and Kids from 4:00 p.m. to 6:30 p.m.

Motion by Commissioner Sutherland, seconded by Commissioner Mingus; Mr. Mayor, I move you that we adjourn until Tuesday evening, October 1, 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 7:58 P.M.

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