

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

NOVEMBER 19, 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.

PUBLIC HEARING: PUBLIC HEARING ON THE PROPOSED SPECIAL SERVICE AREA 2019A FOR ACCESS ROAD 6 IMPROVEMENT PROJECT

Motion by Commissioner Hill, seconded by Commissioner Decker; Mr. Mayor, I move that the City Council recess the Regular Meeting to hold a public hearing.

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

Nays: None

Mayor Kahl declared the motion carried and the Regular Meeting recessed to hold a public hearing at 6:02 P.M.

Mayor Kahl called the Public Hearing to order with proper notice having been given.

Those present were the following: Mayor John P. Kahl, Commissioner Daniel S. Decker, Commissioner Mark E. Hill, Commissioner Seth D. Mingus, and Commissioner Michael L. Sutherland.

Absent: None.

Mayor Kahl explained that we are in the public hearing and explained the purpose of the meeting is to hold a public hearing on the proposed Special Service Area 2019A for Access Road 6 Improvement Project.

Mayor Kahl turned the discussion over to Director of Planning and Community Development, Ty Livingston. Director Livingston provided an overview of the project which is the road improvement project for Access Road 6. He explained that there is a map of the covered area available and that the city has limited funding for street project. Director Livingston described the scope of the roadway improvement project. He described the properties that will benefit from the project and why the properties will benefit from the SSA. He explained that the property owners of the properties affected by the SSA are willing participants. Next, Director Livingston explained the costs of the project that is estimated at around \$400,000. The project will be financed by a bank loan with the debt service for the loan being paid by an annual additional property tax of 1.5% on each of the SSA properties for a 10-year period. This SSA property tax will be collected by the County and paid to the City as part of the annual property tax collection process, and then once collected, the City will make the annual loan payment with these property tax proceeds. The SSA process provides the City with the authority to impose this additional property tax in the SSA on these specific properties, as well as providing the authority to designate this road project as a special service that will benefit these specific properties and to incur debt for financing this road project.

After Director Livingston concluded his comments, the Mayor asked for any comments or questions from the City Council. Commissioner Decker explained that the city would like to fix every road. However, the city has so many needs and the city could not meet the timeline of the owners. The businessowners along the SSA project area wanted to make sure that they had an improved roadway. Commissioner Sutherland explained that the road is in dire shape and he stated that the city needs a plan to invest in infrastructure. He explained that the road should never have been in this shape.

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

Motion by Commissioner Hill, seconded by Commissioner Mingus; Mr. Mayor, I move that to adjourn the Public Hearing and reconvene the Regular Meeting.

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

Nays: None

Mayor Kahl declared the motion carried and the Regular Meeting reconvened at 6:08 P.M.

Those present in Regular Session following the Public Hearing were the following: Mayor John P. Kahl, Commissioner Daniel S. Decker, Commissioner Mark E. Hill, Commissioner Seth D. Mingus, and Commissioner Michael L. Sutherland.

Absent: None.

Motion by Commissioner Mingus, seconded by Commissioner Decker; Mr. Mayor, I move that the minutes of the Special Meeting for a Working Session held on November 5, 2019; the minutes of the Regular Meeting held on November 5, 2019; and the minutes of the Executive Session/Closed Meeting held on November 5, 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 November 30, 2019 as “Small Business Saturday”. He encouraged everyone to shop local and stressed the importance of these businesses to the community.

Commissioner Hill explained that pursuant to the requirements under the Truth-in-Taxation law, we need to formally mention in open session the anticipated tax levy amount for the City when the City adopts its 2019 Tax Levy Ordinance. This amount will effectively set a ceiling for the City’s 2019 Tax Levy Ordinance, but does not lock the City into this amount, as the City can establish the actual 2019 tax levy amount at any amount less than this ceiling – which is what I expect will happen, that the actual tax levy amount will be lower. The actual tax levy amount this past year was \$5,514,570. The City estimates that the 2019 tax levy amount will not exceed \$5,680,007, which would be a 3% increase over last year’s tax levy. Recall that this is the ceiling for the City’s tax levy amount, and the City’s tax levy may be less than this amount. The City will be discussing and reviewing the 2019 tax Levy Ordinance for first reading at our December 3rd meeting, with the second reading and final approval at our December 17th meeting. At those meetings, the total tax levy amount and change from last year will be discussed in more detail.

Mayor Kahl explained that annually the city makes this announcement and the city will have an ordinance with the tax levy at the next meeting.

Mayor Kahl explained that the East Peoria Festival of Lights is a finalist on ABC’s The Great Christmas Light Fight. The camera crew will be filming the reveal with judge Carter Oosterhouse in FOLEPI’s Wonderland on Thursday. Anyone who would like to be there should be at Lincoln School Gym on Thursday at 4:30 p.m. Shooting starts at 5:00 pm and will last approximately one hour. He explained that there are restrictions on what you can and cannot wear. If you are interested in participating, send an email to folepi@cityofeastpeoria.com. He explained that we cannot post this on social media and encouraged those interested to attend.

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 11 as listed on the agenda for this meeting to be considered by omnibus vote.

Item No. 1 – Adoption of Resolution No. 1920-084 – Resolution to Approve Payment of the Schedule of Bills Listed on Schedule No. 13 in the amount of \$3,958,143.92.

Item No. 2 – Adoption of Ordinance No. 4464 on its Second Reading – (AN ORDINANCE CHANGING THE ZONING CLASSIFICATION OF CERTAIN REAL PROPERTY LOCATED AT 400-422 E. WASHINGTON STREET IN THE CITY OF EAST PEORIA, TAZEWELL COUNTY, ILLINOIS). (Changing Zoning Classification from “B-1, Business District, Offices” to “B-2, Business District, General Retail”)

Item No. 3 – Adoption of Ordinance No. 4465 on its Second Reading – (AN ORDINANCE AMENDING LOCATION AND BUFFER REQUIREMENTS FOR MEDICAL CANNABIS BUSINESSES UNDER THE CITY OF EAST PEORIA ZONING CODE.)

Item No. 4 – Adoption of Resolution No. 1920-070 on its Second Reading – Resolution approving Cleaning Services Contract for City Buildings with Personal Touch Service Solutions Inc.

Item No. 5 – Adoption of Resolution No. 1920-078 on its Second Reading – Resolution approving and authorizing the acceptance of a low bid for the Public Safety Fuel Dispenser Replacement Project from Illinois Oil Marketing Equipment, Inc. in the amount of \$35,402.22.

Item No. 6 – Adoption of Ordinance No. 4463 on its Second Reading – (AN ORDINANCE AMENDING LIQUOR CONTROL REGULATIONS IN TITLE 3, CHAPTER 3 OF THE CITY CODE TO PROHIBIT VIDEO GAMING CAFES).

Item No. 7 – Adoption of Resolution No. 1920-073 on its Second Reading - Resolution authorizing the adoption of the Tri-County Multi-Jurisdictional Natural Hazards Mitigation Plan for the City of East Peoria.

Item No. 8 – Adoption of Resolution No. 1920-074 on its Second Reading – Resolution approving an Agreement between the City of East Peoria and Courtesy Bench Group, LLC from November 1, 2019 through October 31, 2024.

Item No. 9 – Adoption of Resolution No. 1920-075 on its Second Reading – Resolution accepting and approving Water and Wastewater SCADA Hardware Upgrade Project Proposal from HEART Technologies, Inc. in the amount of \$45,350.

Item No. 10 – Adoption of Resolution No. 1920-076 on its Second Reading – Resolution Authorizing an Increase in the Number of Patrolmen on the East Peoria Police Department.

Item No. 11 – Adoption of Resolution No. 1920-077 on its Second Reading – Resolution approving an Agreement between the City of East Peoria Police Department and the East Peoria Grade School District 86 to provide School Resource Officer Services.

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 11 listed on the Consent Agenda be hereby approved and adopted, the items numbered 2 through 11 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. 1920-084 – Resolution to Approve Payment of the Schedule of Bills Listed on Schedule No. 13 in the amount of \$3,958,143.92. (Adopted by omnibus vote)

Item No. 2 – Adoption of Ordinance No. 4464 on its Second Reading – (AN ORDINANCE CHANGING THE ZONING CLASSIFICATION OF CERTAIN REAL PROPERTY LOCATED AT 400-422 E. WASHINGTON STREET IN THE CITY OF EAST PEORIA, TAZEWELL COUNTY, ILLINOIS). (Changing Zoning Classification from “B-1, Business District, Offices” to “B-2, Business District, General Retail”) (Adopted by omnibus vote)

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Item No. 11 – Adoption of Resolution No. 1920-077 on its Second Reading – Resolution approving an Agreement between the City of East Peoria Police Department and the East Peoria Grade School District 86 to provide School Resource Officer Services. (Adopted by omnibus vote)

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

Nays: None.

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

Motion by Commissioner Hill, seconded by Commissioner Mingus; Mr. Mayor, I move you that Ordinance No. 4461, hereto attached, (AN ORDINANCE PROVIDING FOR THE SALE OF EXCESS CITY PROPERTY AT 125 MARIA 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 explained that the city is seeking to get rid of excess property. The lot is being sold for \$6,400 to Ben Joos.

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

Nays: None

Mayor Kahl declared the motion carried and Ordinance No. 4461 be adopted as presented.

Resolution No. 1920-083 by Commissioner Hill, seconded by Commissioner Decker; BE IT RESOLVED BY THE COUNCIL OF THE CITY OF EAST PEORIA, ILLINOIS that Resolution No. 1920-083, hereto attached, a Resolution approving the Annual Contribution to the Greater Peoria Economic Development Council, be approved. Mr. Mayor, I move you that this Resolution No. 1920-083 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 Greater Peoria EDC is a commitment for local cities and it goes toward the regional economic development. Director Livingston explained that it is a good value for the money as it is connectivity with other communities and best practices. Mayor explained that he is very supportive of this resolution and the city is making a silver level \$10,000 annual investment.

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

Nays: None.

Mayor Kahl declared the motion carried.

Resolution No. 1920-082 by Commissioner Hill; WHEREAS, the City of East Peoria (the "City") seeks to save money and earn revenues by reducing electricity demand for brief periods of time in response to grid stress, instability, or extremely high prices (the "Demand Response Program"); and

WHEREAS, the Demand Response Program will allow the City to earn additional revenue and seek reduction on expenditures by reducing electricity demand during high capacity periods at specified City facilities with large electric loads; and

WHEREAS, the City previously entered into an agreement with Voltus, Inc. ("Voltus") to earn additional revenue from the savings achieved pursuant to the Demand Response Program that expires on December 31, 2019, in substantially the form attached hereto and labeled as "Exhibit A" (the "Demand Response Agreement"); and

WHEREAS, City Officials seek to continue the Demand Response Agreement through an amendment of the Agreement to extend the term of the Agreement to an expiration date of December 31, 2023, in substantially the form attached hereto and labeled as "Exhibit B" (the "Amendment to Demand Response Agreement"); and

WHEREAS, it is in the best interests of the City to enter into the Amendment to Demand Response Agreement with Voltus for the Demand Response Program;

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

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

Section 2. The City hereby approves the Amendment to Demand Response Agreement with Voltus for the City's participation in the Demand Response Program through December 31, 2023.

Section 3. The Mayor and City Clerk are authorized and directed to execute the Amendment to Demand Response Agreement (Exhibit B) with Voltus, Inc. on behalf of the City, together with such changes therein as the Mayor in his discretion deems appropriate, with the City receiving 65% of the savings achieved by the City's participation in the Demand Response Program under the terms of the Demand Response Agreement; however, that the City shall have no obligation under the Amendment to Demand Response Agreement with Voltus until such time as an executed original of such documentation has been delivered to Voltus.

Motion by Commissioner Hill, seconded by Commissioner Decker; Mr. Mayor, I move that Resolution No. 1920-082 be adopted as presented.

Commissioner Hill explained that the agreement is a no cost agreement and the city saves money during high demand periods by going off the high demand and going on to generator power. He described the savings the city has received.

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

Nays: None.

Mayor Kahl declared the motion carried and Resolution No. 1920-082 be duly adopted as presented.

Resolution No. 1920-085 by Commissioner Hill; WHEREAS, the City has acquired title to two parcels of real estate located within the City of East Peoria through the foreclosure and abandonment provisions of the "Unsafe Property" Division of Article 11 of the Illinois Municipal Code (65 ILCS 5/11-31-1, *et seq.*), and these parcels are legally described in Exhibit A and depicted in Exhibit B, attached hereto and incorporated by reference (hereinafter the "Properties"); and

WHEREAS, the City has determined that the Properties are surplus public real estate owned by the City, and the City considers the Properties to be excess properties and unnecessary for City use or City purposes; and

WHEREAS, the City seeks to sell the Properties pursuant to the process set forth under Section 11-76-4.1 of the Illinois Municipal Code (65 ILCS 5/11-76-4.1), which provides for the appraisal of the Properties by a certified or licensed appraiser and then the sale of the Properties by City Officials, by a local licensed real estate agency, or by public auction for no less than 80% of the appraised value; and

WHEREAS, the Properties are further described by each parcel's current zoning classification, size, and use in Exhibit A; and

WHEREAS, the City Council hereby finds that it is in the best interests of the City to sell the Properties such that the Properties can be developed and put to use by an interested purchasing party;

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

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

Section 2. The Properties, after obtaining an appraisal of the Properties by a certified or licensed appraiser, are hereby directed to be sold by any process set forth under Section 11-76-4.1 of the Illinois Municipal Code for no less than 80% of the appraised value.

Section 3. City Officials are hereby authorized to execute any documents necessary to initiate the sale or transfer of the Properties, including, but not limited to, the execution of a listing agreement with a local licensed real estate agency, and to negotiate the terms of such sale or transfer of the Properties to an interested purchasing party. The terms of such sale or transfer of the Properties shall include payment by the purchasing party of the City's costs, including, but not limited to, the cost of the appraisal, recording fees, and City attorneys' fees in the amount of five hundred dollars (\$500.00); together with the standard real estate agent commission rate if listed by a local real estate agency.

Section 4. The City Clerk is hereby authorized and directed to publish this Resolution and any exhibits attached hereto (excluding Exhibit B) immediately upon the passage of this Resolution by the City Council in a daily or weekly newspaper circulated in the City of East Peoria.

Section 5. City Officials, in their discretion, are hereby authorized to withdraw any of the Properties from the sale or transfer process for any reason they deem necessary or appropriate.

Motion by Commissioner Hill, seconded by Commissioner Mingus; Mr. Mayor, I move that Resolution No. 1920-085 be adopted as presented.

Commissioner Hill explained that there are two properties that the city is seeking to sell and this will approve the selling process to begin.

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

Nays: None.

Mayor Kahl declared the motion carried and Resolution No. 1920-085 be duly adopted as presented.

Resolution No. 1920-086 by Commissioner Decker, seconded by Commissioner Mingus; BE IT RESOLVED BY THE COUNCIL OF THE CITY OF EAST PEORIA, ILLINOIS that Resolution No. 1920-086, hereto attached, a Resolution Approving Contract with Stark Excavating, Inc. for Storm Sewer Extension as Part of the Altorfer Lane Improvements, be approved. Mr. Mayor, I move you that this Resolution No. 1920-086 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 will be a new hotel built on Altorfer Drive. The road is being improved and will benefit the surrounding businesses.

Director Livingston explained that this is for the storm sewer extension project. This piece can be done independently from the other roadwork, and there will be an additional agenda item in the future for the roadway improvements.

Commissioner Sutherland explained that he is pleased with the outcome of the bids and commented on the funding of the project.

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

Nays: None.

Mayor Kahl declared the motion carried.

Motion by Commissioner Sutherland, seconded by Commissioner Hill; Mr. Mayor, I move you that Ordinance No. 4468 hereto attached, (AN ORDINANCE AMENDING TITLE 7, CHAPTER 5, SECTION 1.11 OF THE EAST PEORIA CITY CODE TO ADOPT A POLICY OF FORGIVENESS FOR INTERNAL WATER LEAKS) be read at length by the Clerk, and that said Ordinance No. 4468 be accepted on its first reading, and be hereby adopted as presented.

Commissioner Sutherland explained that he asked that this amendment and policy to be changed to ensure that there is a fair process for forgiveness for internal water leaks. Commissioner Hill and Mayor Kahl expressed their support for the proposed forgiveness process.

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

Nays: None.

Mayor Kahl declared the motion carried and Ordinance No. 4468 to be duly adopted as presented.

Resolution No. 1920-065 by Commissioner Mingus, seconded by Commissioner Hill; BE IT RESOLVED BY THE COUNCIL OF THE CITY OF EAST PEORIA, ILLINOIS that Resolution No. 1920-065, hereto attached, a Resolution approving a Collective Bargaining Agreement between the City of East Peoria and the International Association of Fire Fighters, Local #1498, for a period beginning May 1, 2019 and terminating on April 30, 2024, be approved. Mr. Mayor, I move you that this Resolution No. 1920-065 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 the history of the resolution so far, which included it being pulled from the agenda on a second reading at the last City Council meeting. Commissioner Mingus explained the salary increases. He explained the changes to the agreement that resulted in the agreement having to be reintroduced on first reading. Those changes included there being no sick time buyout and the first year is changed to a 1.75% increase. He explained that they worked to an agreement that could be agreed upon by as many people as possible.

Commissioner Decker explained that he is an employee in the fire department but no longer in the bargaining unit. He explained that since there is an agreement without the need for him to vote he will abstain from the vote on this resolution.

Commissioner Hill explained that he is pleased that the city was able to come to an agreement with a valuable group of employees.

Commissioner Sutherland explained that he believes that all city employees should live in the city. Other than that part he feels that this is a fair contract. He explained that he will be supporting the contract tonight.

Mayor Kahl thanked both parties and feels it is a fair contract.

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

Nays: None.

Abstain: Commissioner Decker.

Mayor Kahl declared the motion carried.

Resolution No. 1920-081 by Commissioner Mingus; WHEREAS, the Open Meetings Act (5 ILCS 120/1 *et seq.*) requires the City to give public notice of its schedule of regular meetings at the beginning of the calendar or fiscal year; and

WHEREAS, the City shall post said public notice at City Hall and send copies in the manner provided by law; and

WHEREAS, the City desires to approve of such notice in the form attached hereto and incorporated herein as attached;

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

Section 1. The City of East Peoria, Tazewell County, Illinois, adopts hereby the public notice of its regular meetings in the form attached.

Section 2. The City Clerk of the City of East Peoria is directed to post a copy of the Public Notice contained in this Resolution in the City Hall and to supply copies of this Notice in the manner provided by law.

Section 3. This Resolution shall be in full force and effect from and after its passage and approval in the manner provided by law.

Motion by Commissioner Mingus, seconded by Commissioner Decker; Mr. Mayor, I move that Resolution No. 1920-081 be adopted as presented.

Commissioner Mingus explained that this is an annual item that details the next calendar year's schedule of regular meetings.

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

Nays: None.

Mayor Kahl declared the motion carried and Resolution No. 1920-081 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.

Liam Oedewaldt explained that he is collecting blankets and socks this year. He asked that blankets and socks be in good condition. Donations will be accepted through December 20, 2019. The locations where he will be collecting items are East Peoria City Hall, Mr. & Mrs. Furniture in Morton, East Peoria Junior High School, Castaways in Chillicothe, Shute Grade School, Avantis in East Peoria, Mel's Café in East Peoria, the Tannery in Pekin, Rogy's in Peoria, Tartin Inn in West Peoria, and Brun's Chiropractic in Peoria.

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

Mayor Kahl then asked for comments from Council.

Commissioner Hill reminded everyone about the FOLEPI's Hitch Against Hunger where you can get your picture with a Clydesdale Friday from 5p-7p with canned goods going to Sophia's Kitchen on the Civic Triangle. He thanked Doug McCarty and volunteers on the Festival of Lights Parade.

Commissioner Mingus explained that the East Peoria firefighters presented on an EMS program that is done at ICC. The program was explained to high school students.

Mayor Kahl reminded everyone that the Find FOLEPI Ornament Hunt begins tomorrow. He hopes to see everyone Thursday night at the filming of The Great Christmas Light Fight. He commented on the Festival of Lights Parade, thanked all those involved in the Festival of Lights and wished everyone a Happy Thanksgiving.

Motion by Commissioner Sutherland, seconded by Commissioner Decker; Mr. Mayor, I move you that we adjourn until Tuesday evening, December 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 6:54 P.M.

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