

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

MARCH 6, 2018

The Regular Meeting of the City Council of the City of East Peoria, Illinois was called to order by his Honor Mayor David Mingus presiding at 6:00 P.M. with proper notice having been given.

Upon the roll being called the following answered present: Mayor David W. Mingus, Commissioner Daniel S. Decker, Commissioner Timothy J. Jeffers, and Commissioner John P. Kahl.
Absent: None.

The invocation was given by Commissioner Jeffers.

Mayor Mingus led the Council and the audience in the pledge of allegiance to the flag.

Motion by Commissioner Kahl, seconded by Commissioner Decker; Mr. Mayor, I move that the minutes of the Regular Meeting held on February 20, 2018 be approved as printed.

Yeas: Commissioner Decker, Jeffers, Kahl and Mayor Mingus.

Nays: None.

Mayor Mingus declared the motion carried.

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

Motion by Commissioner Decker, seconded by Commissioner Kahl; Mr. Mayor, I move to adopt a consent agenda consisting of items numbered 1 through 9 as listed on the agenda for this meeting to be considered by omnibus vote.

Item No. 1 - Adoption of Resolution No. 1718-119 – Resolution to Approve Payment of the Schedule of Bills No. 20 in the amount of \$1,094,530.07.

Item No. 2 – Adoption of Ordinance No. 4374 on its Second Reading (AN ORDINANCE ADDING PROVISION TO THE EAST PEORIA CITY CODE PERTAINING TO LIABILITY INSURANCE AND HOLD HARMLESS REQUIREMENTS FOR CONTRACTORS).

Item No. 3 – Adoption of Resolution No. 1718-109 on its Second Reading – Resolution accepting the low bid for the purchase of two Getac V110 G3 convertible laptop computers with listed accessories for Public Works Street Foremen from SHI International Corp. for \$8,069.44.

Item No. 4 – Adoption of Resolution No. 1718-112 on its Second Reading - Resolution authorizing the purchase of 10 desktops, 5 tablets, 10 monitors and associated computer equipment to upgrade outdated computer equipment throughout the City from PTC Select in the amount of \$19,435.

Item No. 5 – Adoption of Resolution No. 1718-108 on its Second Reading – Resolution authorizing a \$5,000 contribution for Illinois High School Association March Madness Tournament Experience from Hotel Motel Tax Funds.

Item No. 6 – Adoption of Resolution No. 1718-111 on its Second Reading - Resolution authorizing the approval of a Two-Year Mower Rental Agreement with Martin Sullivan, Inc. for 2018 and 2019 for the Department of Tourism & Special Events.

Item No. 7 – Adoption of Resolution No. 1718-115 on its Second Reading - Resolution Approving Agreement with AMEC Foster Wheeler for Closing and Capping of Monitoring Wells on the Bass Pro Development Site.

Item No. 8 – Adoption of Resolution No. 1718-110 on its Second Reading - Resolution authorizing the payment of an Invoice from Altorfer Inc. in the amount of \$15,717.87 for the repair of Engine 1 after vehicle fire.

Item No. 9 – Adoption of Resolution No. 1718-114 on its Second Reading - Resolution approving 2017-2018 Intergovernmental Agreement for Mutual Aid with Northern Tazewell Fire Protection District.

Mr. Mayor, I also move you that the Items numbered 1 through 9 listed on the Consent Agenda be hereby approved and adopted, the items numbered 2 through 9 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. 1718-119 – Resolution to Approve Payment of the Schedule of Bills No. 20 in the amount of \$1,094,530.07. (Adopted by omnibus vote)

Item No. 2 – Adoption of Ordinance No. 4374 on its Second Reading (AN ORDINANCE ADDING PROVISION TO THE EAST PEORIA CITY CODE PERTAINING TO LIABILITY INSURANCE AND HOLD HARMLESS REQUIREMENTS FOR CONTRACTORS). (Adopted by omnibus vote)

Item No. 3 – Adoption of Resolution No. 1718-109 on its Second Reading – Resolution accepting the low bid for the purchase of two Getac V110 G3 convertible laptop computers with listed accessories for Public Works Street Foremen from SHI International Corp. for \$8,069.44. (Adopted by omnibus vote)

Item No. 4 – Adoption of Resolution No. 1718-112 on its Second Reading - Resolution authorizing the purchase of 10 desktops, 5 tablets, 10 monitors and associated computer equipment to upgrade outdated computer equipment throughout the City from PTC Select in the amount of \$19,435. (Adopted by omnibus vote)

Item No. 5 – Adoption of Resolution No. 1718-108 on its Second Reading – Resolution authorizing a \$5,000 contribution for Illinois High School Association March Madness Tournament Experience from Hotel Motel Tax Funds. (Adopted by omnibus vote)

Item No. 6 – Adoption of Resolution No. 1718-111 on its Second Reading - Resolution authorizing the approval of a Two-Year Mower Rental Agreement with Martin Sullivan, Inc. for 2018 and 2019 for the Department of Tourism & Special Events. (Adopted by omnibus vote)

Item No. 7 – Adoption of Resolution No. 1718-115 on its Second Reading - Resolution Approving Agreement with AMEC Foster Wheeler for Closing and Capping of Monitoring Wells on the Bass Pro Development Site. (Adopted by omnibus vote)

Item No. 8 – Adoption of Resolution No. 1718-110 on its Second Reading - Resolution authorizing the payment of an Invoice from Altorfer Inc. in the amount of \$15,717.87 for the repair of Engine 1 after vehicle fire. (Adopted by omnibus vote)

Item No. 9 – Adoption of Resolution No. 1718-114 on its Second Reading - Resolution approving 2017-2018 Intergovernmental Agreement for Mutual Aid with Northern Tazewell Fire Protection District. (Adopted by omnibus vote)

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

Nays: None.

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

Resolution No. 1718-117 by Commissioner Decker, seconded by Commissioner Kahl; BE IT RESOLVED BY THE COUNCIL OF THE CITY OF EAST PEORIA, ILLINOIS that Resolution No. 1718-117, hereto attached, a Resolution allocating of \$450,000 of Motor Fuel Tax Funds for the 2018 Street Maintenance Program and authorizing an Engineering Agreement with Patrick Meyer & Associates for the Street Maintenance Program, be approved, and that this Resolution No. 1718-117 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.

City Administrator Eder discussed the allocation of funds.

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

Nays: None.

Mayor Mingus declared the motion carried.

Resolution No. 1718-120 by Commissioner Decker, seconded by Commissioner Kahl; BE IT RESOLVED BY THE COUNCIL OF THE CITY OF EAST PEORIA, ILLINOIS that Resolution No. 1718-120, hereto attached, a Resolution Approving a Right-Of-Way Use Agreement with McLeodUSA Telecommunications Services, be approved, and that this Resolution No. 1718-120 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 discussed the agreement.

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

Nays: None.

Mayor Mingus declared the motion carried.

Motion by Commissioner Decker, seconded by Commissioner Kahl; Mr. Mayor, I move you that Ordinance No. 4366 hereto attached. (AN ORDINANCE ADDING A PROVISION TO TITLE 10, CHAPTER 1 OF THE CITY CODE PROHIBITING VIOLATIONS OF THE RULES AND REGULATIONS FOR PATRON CONDUCT FOR INSIDE PUBLIC AREAS OF CIVIC COMPLEX) 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.

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

Nays: None.

Mayor Mingus declared the motion carried.

Motion by Commissioner Decker, seconded by Commissioner Kahl; Mr. Mayor, I move you that Ordinance No. 4373 hereto attached, (AN ORDINANCE AMENDING TITLE 5, CHAPTERS 7 AND 11 OF THE EAST PEORIA CITY CODE PERTAINING TO PARKING REQUIREMENTS) 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 and Director of Planning and Community Development, Ty Livingston, discussed the code amendment.

Yeas: Commissioners Decker, Jeffers, Kahl and Mayor Mingus.
Nays: None.
Mayor Mingus declared the motion carried.

Resolution No. 1718-118 by Commissioner Decker; **WHEREAS**, Shawn Naylor, Greg Zook, Steve Martin and Roger Wilsdorf all served as City of East Peoria police officers; and

WHEREAS, at varying times all four individuals ceased active service in the East Peoria Police Department by reason of a disability; and

WHEREAS, none of the individuals applied for a regular retirement pension from the City of East Peoria Police Pension Fund, but all four applied for disability status and were granted disability benefits from the East Peoria Police Pension Fund; and

WHEREAS, Shawn Naylor, Greg Zook, Steve Martin and the Estate of Roger Wilsdorf (now deceased) filed claims seeking payment for unused, accumulated sick leave that had accrued at the time they ceased active service and as authorized at the time of retirement under the collective bargaining agreement governing their employment with the City; and

WHEREAS, all of the parties in an effort to avoid further litigation of the wage claims participated in a mediation led by a retired circuit court judge, which culminated in tentative mediation settlement agreements subject to City Council approval; and

WHEREAS, it is in the best interests of the City of East Peoria to settle all pending wage claims;

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 approves and ratifies the mediation settlement agreement, with Shawn Naylor, dated January 25, 2018.

Section 3. The City approves and ratifies the mediation settlement agreement with Greg Zook, dated January 25, 2018.

Section 4. The City approves and ratifies the mediation settlement agreement with Steve Martin, dated January 25, 2018.

Section 5. The City approves and ratifies the mediation settlement agreement with the Estate of Roger Wilsdorf, dated January 25, 2018.

Section 6. The City Administrator and City Treasurer are authorized and directed to take appropriate action consistent with this Resolution.

Motion by Commissioner Decker, seconded by Commissioner Jeffers; Mr. Mayor, I move you that Resolution No. 1718-118 be adopted as presented.

Discussion ensued with Commissioner Kahl expressing his opposition to the resolution.

Yeas: Commissioners Decker, Jeffers, and Mayor Mingus.
Nays: Commissioner Kahl.
Mayor Mingus declared the motion carried and Resolution No. 1718-118 be duly adopted as presented.

Motion by Commissioner Jeffers, seconded by Commissioner Kahl; Mr. Mayor, I move you that Ordinance No. 4378 hereto attached, (AN ORDINANCE AMENDING TITLE 7, CHAPTER 5, SECTION 2.3(a) OF THE EAST PEORIA CITY CODE PERTAINING TO WATER TAP-IN CHARGES) be read at length by the Clerk, and that said Ordinance No. 4378 be accepted on its first reading, and be hereby adopted as presented.

Commissioner Jeffers and Director of Public Works Dennis Barron discussed the ordinance and the costs associated with water tap-in.

Yeas: Commissioners Decker, Jeffers, Kahl and Mayor Mingus.
Nays: None.
Mayor Mingus declared the motion carried and Ordinance No. 4378 to be duly adopted as presented.

Motion by Commissioner Jeffers, seconded by Commissioner Decker; Mr. Mayor, I move you that Ordinance No. 4379 hereto attached, (AN ORDINANCE AMENDING TITLE 3, CHAPTER 3 OF THE CITY OF EAST PEORIA, ILLINOIS CITY CODE LIQUOR CONTROL REGULATIONS TO CHANGE NUMBER OF CLASS D LICENSES ISSUED IN THE CITY LIMITS AND CHANGE THE PROVISIONS REGARDING DELIVERY) 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.

Yeas: Commissioners Decker, Jeffers, Kahl and Mayor Mingus.
Nays: None.
Mayor Mingus declared the motion carried.

Resolution No. 1718-116 by Commissioner Kahl; **WHEREAS**, Title 1, Chapter 5, Section 2.1 of the East Peoria City Code authorizes the City Council to determine from time to time by Resolution the number of individuals to hold each rank on the Fire Department; and

WHEREAS, there are three pending openings in the East Peoria Fire Department; and

WHEREAS, the East Peoria Fire Department would like to begin the hiring process as soon as possible so that the new probationary firefighters may attend the upcoming Fire Academy in April;

WHEREAS, it is in the best interests of the City of East Peoria to temporarily increase the total number of individuals holding the rank of firefighter on the East Peoria Fire Department from 30 to 33; and

WHEREAS, it is in the best interests of the City that after the pending openings become effective, the City of East Peoria decrease the total number of individuals holding the rank of firefighter on the East Peoria Fire Department from 33 to 30;

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

Section 1. Effective immediately, the Fire Department of the City of East Peoria shall consist of the following personnel:

- A. One Fire Chief
- B. One Deputy Fire Chief
- C. Three Assistant Fire Chiefs
- D. Nine Lieutenants
- E. Thirty-Three Firefighters
- F. One Paid on Call Firefighter

Section 2. The Fire Chief is hereby authorized and directed to notify the Police and Fire Commission of the temporary increase in firefighters and to request the Police and Fire Commission to undertake the process of appointing a probationary firefighter to fill the position hereby created.

Section 3. Effective on the projected future retirements in the Fire Department and the loss of staffing for one Firefighter position, the Fire Department of the City of East Peoria shall consist of the following personnel:

- A. One Fire Chief
- B. One Deputy Fire Chief
- C. Three Assistant Fire Chiefs
- D. Nine Lieutenants
- E. Thirty Firefighters
- F. One Paid on Call Firefighter

Motion by Commissioner Kahl, seconded by Commissioner Jeffers; Mr. Mayor, I move you that Resolution No. 1718-116 be adopted as presented.

Fire Chief Servis discussed the resolution and projected openings on the Fire Department.

Commissioner Decker explained that due to his position on the Fire Department he will abstain from voting.

Yeas: Commissioners Jeffers, Kahl and Mayor Mingus.

Abstain: Commissioner Decker.

Nays: None.

Mayor Mingus declared the motion carried and Resolution No. 1718-116 be duly adopted as presented.

Mayor Mingus 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 Mingus then asked for comments from Council.

Commissioner Jeffers discussed Daylight Savings Time coming up on Sunday.

Motion by Commissioner Jeffers, seconded by Commissioner Decker; Mr. Mayor, I move you that we adjourn until Tuesday evening, March 20, 2018 at 6:00 P.M.

Yeas: Commissioners Decker, Densberger, Jeffers, Kahl and Mayor Mingus.

Nays: None

Mayor Mingus declared the motion carried and the meeting adjourned at 6:42 P.M.

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