

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

MAY 15, 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 6:01 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 Gary R. Densberger, 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 and Special Meeting for a Working Session held on May 1, 2018 be approved as printed.

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

Nays: None.

Mayor Mingus declared the motion carried.

Mayor Mingus proclaimed May 2018 as "Building Safety Month".

Mayor Mingus proclaimed May 20-26, 2018 as "Emergency Medical Services Week".

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 Densberger, seconded by Commissioner Kahl; 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, Densberger, Jeffers, Kahl and Mayor Mingus.

Nays: None.

Mayor Mingus declared the motion carried.

Motion by Commissioner Densberger, seconded by Commissioner Kahl; 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. 1819-007 – Resolution to Approve Payment of the Schedule of Bills No. 1 in the amount of \$782,306.99. (Adopted by omnibus vote)

Item No. 2 – Adoption of Resolution No. 1819-006 on its Second Reading – Resolution approving the 2018 Street Maintenance Program contracts for sealcoating, heat scarification, spray patching, GSB-88 polymer emulsion work, and engineering services associated with said program. (Adopted by omnibus vote)

Item No. 3 – Adoption of Resolution No. 1819-002 on its Second Reading – Resolution accepting bid for Code Red Emergency Notification System Subscription Agreement for City-Wide Notification. (Adopted by omnibus vote)

Item No. 4 – Adoption of Resolution No. 1819-003 on its Second Reading - Resolution to approve the salaries, wages and employee benefits for certain non-union employees of the City of East Peoria for the fiscal year beginning May 1, 2018 and ending on April 30, 2019. (Adopted by omnibus vote)

Item No. 5 – Adoption of Ordinance No. 4389 on its Second Reading – (AN ORDINANCE AMENDING THE CITY OF EAST PEORIA PERSONNEL POLICY MANUAL). (Adopted by omnibus vote)

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

Nays: None.

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

Motion by Commissioner Densberger, seconded by Commissioner Decker; Mr. Mayor, I move you that Ordinance No. 4390 hereto attached, (AN ORDINANCE AMENDING TITLE 3, CHAPTER 3 OF THE CITY OF EAST PEORIA CITY CODE PERTAINING TO LIQUOR CONTROL REGULATIONS AND ADDING A CLASS OF LIQUOR LICENSE RELATED TO ART STUDIOS) 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 Densberger discussed the ordinance amendments.

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

Nays: None.

Mayor Mingus declared the motion carried.

Motion by Commissioner Densberger, seconded by Commissioner Kahl; Mr. Mayor, I move you that Ordinance No. 4391 hereto attached, (AN ORDINANCE PROVIDING FOR THE SALE OF EXCESS CITY PROPERTY AT 123 BERRY STREET) 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 Densberger discussed the purchase agreement.

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

Nays: None.

Mayor Mingus declared the motion carried.

Motion by Commissioner Densberger, seconded by Commissioner Kahl; Mr. Mayor, I move you that Ordinance No. 4392 hereto attached, (AN ORDINANCE PROVIDING FOR THE VACATION OF THE JOOS STREET RIGHT-OF-WAY) 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 Densberger discussed the vacation of the right-of-way.

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

Nays: None.

Mayor Mingus declared the motion carried.

Resolution No. 1819-013 by Commissioner Densberger; WHEREAS, a vacancy will exist on the East Peoria Police Pension Board as a result of the resignation of Michael Graham from the East Peoria Police Pension Board; and

WHEREAS, the Honorable Mayor David W. Mingus has recommended the appointment of William Fitzgerald to fill the vacancy created on the East Peoria Police Pension Board;

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF EAST PEORIA, ILLINOIS, THAT the appointment by Mayor David W. Mingus of William Fitzgerald to the East Peoria Police Pension Board to fill the vacancy created by the resignation of Michael Graham on the East Peoria Police Pension Board for the unexpired term ending on April 30, 2019 be approved.

AND THAT THIS RESOLUTION NO.1819-013 BE ADOPTED AS PRESENTED.

Motion by Commissioner Densberger, seconded by Commissioner Kahl; Mr. Mayor, I move that Resolution No. 1819-013 be adopted as presented.

Commissioner Densberger thanked Michael Graham for his service and Mr. Fitzgerald for this interest and future service.

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

Nays: None.

Mayor Mingus declared the motion carried and Resolution No. 1819-013 be duly adopted as presented.

Resolution No. 1819-008 by Commissioner Densberger, seconded by Commissioner Kahl; BE IT RESOLVED BY THE COUNCIL OF THE CITY OF EAST PEORIA, ILLINOIS that Resolution No. 1819-008, hereto attached, a Resolution approving Laserfiche Software Licensing Renewal for the City with R&D Computer Systems, LLC in the amount of \$12,622.70, be approved, and that this Resolution No. 1819-008 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 Densberger discussed the resolution.

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

Nays: None.

Mayor Mingus declared the motion carried.

Resolution No. 1819-014 by Commissioner Densberger; WHEREAS, the City of East Peoria has previously entered into a Development Agreement and the First Amendment to the Development Agreement (hereinafter the "Development Agreement"), along with the related Hotel Ground Lease and Conference Center Lease Agreement documents, with The Revocable Trust of John Q. Hammons, Dated December 28, 1989, as Amended and Restated (hereinafter the "JQHammons Trust"), for the development of the Embassy Suites Hotel and East Peoria Conference Center and adjacent development site (the "Property"); and

WHEREAS, in March 2008, the JQHammons Trust assigned its interest in the Development Agreement, along with the related Hotel Ground Lease and Conference Center Lease Agreement (the "Embassy Suites Leases"), to JQH-East Peoria Development LLC, a Missouri limited liability company, that was wholly owned by the John Q. Hammons Hotels Development LLC; and

WHEREAS, at the time of the March 2008 assignment, the JQHammons Trust and the John Q. Hammons Hotels Development LLC owned and operated multiple hotel developments along with other affiliated properties throughout the United States, while continuing to develop additional new hotel projects throughout the United States; and

WHEREAS, in May 2013, Mr. John Q. Hammons, the principle behind the JQHammons Trust, the JQH-East Peoria Development LLC, and the John Q. Hammons Hotels Development LLC, passed away; and

WHEREAS, the JQHammons Trust and the John Q. Hammons Hotels Development LLC have now entered into an agreement to sell all interest in the hotel properties owned by the JQHammons Trust and the John Q. Hammons Hotels Development LLC, including the East Peoria Embassy Suites and Conference Center currently held by JQH-East Peoria Development LLC, to JDHQ Hotels LLC, an affiliate of JD Holdings LLC and Atrium Holding Company; and

WHEREAS, pursuant to the proposed sale of the interests held by JQH-East Peoria Development LLC in the Development Agreement and the Embassy Suites Leases to JDHQ Hotels LLC, JD Holdings LLC and Atrium Holding Company have requested that the City consent to the transfer and assignment of the interests held by JQH-East Peoria Development LLC to JDHQ Hotels LLC; and

WHEREAS, pursuant to the Development Agreement, along with the related Embassy Suites Leases, the City must first consent to any assignment of the ownership interest in the Development Agreement and the related Embassy Suites Leases, and the City may require that a guarantor be provided for any assignment of the ownership interest in the Development Agreement and the related Embassy Suites Leases; and

WHEREAS, the proposed assignment of the ownership interests held by the JQH-East Peoria Development LLC in the Embassy Suites development project will allow this development project to continue to operate under the national Embassy Suites flag and to remain an ongoing and viable development project for the City; and

WHEREAS, in order to effectuate the transfer and assignment of these interests and responsibilities from JQH-East Peoria Development LLC to JDHQ Hotels LLC, JD Holdings LLC and Atrium Holding Company have requested that the City consent to the Assignment and Assumption documents for the Development Agreement and the Embassy Suites Leases as provided in Exhibit 1 (the "Consents to Assignment"; attached hereto), as well as the Estoppel Certificates for the Development Agreement and the Embassy Suites Leases as provided in Exhibit 2 (the "Estoppel Certificates"; attached hereto) in relation to Embassy Suites Hotel and Conference Center development in East Peoria;

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. Provided the contingencies set forth herein are met, the City hereby approves the Consents to Assignment and the Estoppel Certificates for the assignment of the ownership interests held by the JQH-East Peoria Development LLC in the Embassy Suites development project – as set forth in the Development Agreement and the Embassy Suites Leases – to JDHQ Hotels LLC.

Section 3. Upon a sufficient showing of adequate assurances of financial credit worthiness of the guarantor of the Assignments as determined by the City Attorney, the Mayor and the City Clerk are hereby authorized to execute the Consents to Assignment documents (attached as Exhibit 1) and the Estoppel Certificates (attached as Exhibit 2) in such form as the Mayor in his discretion may approve, such that the interest of JQH-East Peoria Development LLC in the Development Agreement, along with the related Hotel Ground Lease and Conference Center Lease Agreement, is assigned to JDHQ Hotels LLC, an affiliate of JD Holdings LLC and Atrium Holding Company.

Motion by Commissioner Densberger, seconded by Commissioner Decker; Mr. Mayor, I move that Resolution No. 1819-014 be adopted as presented.

Commissioner Densberger and City Attorney Dennis Triggs discussed the resolution. Commissioner Kahl explained that he would be abstaining from voting due to his employer doing business with Embassy Suites.

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

Abstain: Commissioner Kahl.

Nays: None.

Mayor Mingus declared the motion carried and Resolution No. 1819-014 be duly adopted as presented.

Resolution No. 1819-012 by Commissioner Decker, seconded by Commissioner Kahl; BE IT RESOLVED BY THE COUNCIL OF THE CITY OF EAST PEORIA, ILLINOIS that Resolution No. 1819-012, hereto attached, a Resolution approving repairs of Elmhurst Drive by American Asphalt Surface Recycling, Inc.; Porter Brothers; and American Road Maintenance and approving an Engineering Agreement with Patrick Meyer & Associates related to the repairs, be approved, and that this Resolution No. 1819-012 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 resolution.

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

Nays: None.

Mayor Mingus declared the motion carried.

Resolution No. 1819-010 by Commissioner Jeffers, seconded by Commissioner Kahl; BE IT RESOLVED BY THE COUNCIL OF THE CITY OF EAST PEORIA, ILLINOIS that Resolution No. 1819-010, hereto attached, a Resolution authorizing the purchase of a new 2019 Ford F250 3/4-Ton Service Truck for the Water Department from Ufring Ford in the amount of \$33,777, be approved, and that this Resolution No. 1819-010 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 Jeffers discussed the resolution.

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

Nays: None.

Mayor Mingus declared the motion carried.

Resolution No. 1819-009 by Commissioner Kahl, seconded by Commissioner Densberger; BE IT RESOLVED BY THE COUNCIL OF THE CITY OF EAST PEORIA, ILLINOIS that Resolution No. 1819-009, hereto attached, a Resolution authorizing and directing the payment of an Invoice to ImageTrend, Inc. for the software licensing services for Fiscal Year 2018-2019 for running and administering many operational aspects of the Fire Department in the amount of \$12,148.85, be approved, and that this Resolution No. 1819-009 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 Kahl discussed the software.

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

Nays: None.

Mayor Mingus declared the motion carried.

Resolution No. 1819-011 by Commissioner Kahl; WHEREAS, Fire Chief Alan Servis has submitted his resignation for retirement purposes; and

WHEREAS, Chief Servis' last day of service to the Fire Department will be May 15, 2018; and

WHEREAS, pending the appointment of a new Fire Chief, it is necessary to make an interim appointment to Fire Chief within the Fire Department;

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF EAST PEORIA, TAZEWELL COUNTY, ILLINOIS, THAT John Knapp is hereby appointed as Interim Fire Chief until such time as the City Council selects and appoints a permanent replacement for Chief Servis.

Commissioner Decker explained that he would be abstaining from voting due to his employment in the Fire Department.

Motion by Commissioner Kahl, seconded by Commissioner Densberger; Mr. Mayor, I move that Resolution No. 1819-011 be adopted as presented.

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

Abstain: Commissioner Decker.

Nays: None.

Mayor Mingus declared the motion carried and Resolution No. 1819-011 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 Kahl discussed the upcoming Opioid Town Hall Meeting coming up next Wednesday that Assistant Chief Ryan Beck has put together. He thanked Director of Tourism and Special Events, Doug McCarty, and his staff on their hard work.

Motion by Commissioner Jeffers, seconded by Commissioner Kahl; Mr. Mayor, I move you that we adjourn until Tuesday evening, June 5, 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