

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

**JUNE 5, 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 Gary R. Densberger, Commissioner Timothy J. Jeffers, and Commissioner John P. Kahl.  
Absent: Commissioner Daniel S. Decker.

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 Densberger; Mr. Mayor, I move that the minutes of the Regular Meeting and Special Meeting for a Working Session held on May 15, 2018 be approved as printed.

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

Nays: None.

Mayor Mingus declared the motion carried.

Mayor Mingus proclaimed June 14, 2018 as "Flag Day" and June 10-16, 2018 as "National Flag 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 8 as listed on the agenda for this meeting to be considered by omnibus vote.

Yeas: Commissioners 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 8 listed on the Consent Agenda be hereby approved and adopted, the items numbered 2 through 8 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. 1819-017 – Resolution to Approve Payment of the Schedule of Bills No. 2 in the amount of \$2,768,690.88. (Adopted by omnibus vote)

Item No. 2 – Adoption of Ordinance No. 4390 on its Second Reading – (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). (Adopted by omnibus vote)

Item No. 3 – Adoption of Ordinance No. 4391 on its Second Reading - (AN ORDINANCE PROVIDING FOR THE SALE OF EXCESS CITY PROPERTY AT 123 BERRY STREET). (Adopted by omnibus vote)

Item No. 4 – Adoption of Ordinance No. 4392 on its Second Reading – (AN ORDINANCE PROVIDING FOR THE VACATION OF THE JOOS STREET RIGHT-OF-WAY). (Adopted by omnibus vote)

Item No. 5 – Adoption of Resolution No. 1819-008 on its Second Reading – Resolution approving Laserfiche Software Licensing Renewal for the City with R&D Computer Systems, LLC in the amount of \$12,622.70. (Adopted by omnibus vote)

Item No. 6 – Adoption of Resolution No. 1819-012 on its Second Reading – 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. (Adopted by omnibus vote)

Item No. 7 – Adoption of Resolution No. 1819-010 on its Second Reading – Resolution authorizing the purchase of a new 2019 Ford F250 3/4-Ton Service Truck for the Water Department from Uftring Ford in the amount of \$33,777. (Adopted by omnibus vote)

Item No. 8 – Adoption of Resolution No. 1819-009 on its Second Reading – 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. (Adopted by omnibus vote)

Yeas: Commissioners 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 Kahl; Mr. Mayor, I move you that Ordinance No. 4398 hereto attached, (AN ORDINANCE AUTHORIZING A FIRST AMENDMENT TO THE CONDITIONS IMPOSED ON THE SPECIAL USE GRANTED WITH RESPECT TO 4200 E. WASHINGTON 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 Densberger discussed the ordinance and the amended special use.

Yeas: Commissioners 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. 4399 hereto attached, (AN ORDINANCE AUTHORIZING A SPECIAL USE FOR PROPERTY LOCATED AT 250 S. MAIN 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.

Ty Livingston discussed the special use for an automated ice kiosk.

Yeas: Commissioners 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. 4395 hereto attached, (AN ORDINANCE ADDING NEW CHAPTER 16.1 TO TITLE 4 OF THE EAST PEORIA CITY CODE REGARDING THE REGULATION OF SMALL WIRELESS FACILITIES WITHIN THE PUBLIC 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.

Ty discussed the Ordinance No. 4395; 4396 and 4397 that deal with small wireless facilities. Ordinances nos 4393 and 4394 deal with specially laid out sections of the City.

Yeas: Commissioners 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. 4396 hereto attached, (AN ORDINANCE AMENDING TITLE 6, CHAPTER 3, SECTION 2 OF THE EAST PEORIA CITY CODE REGULATING SUBDIVISIONS REGARDING SMALL WIRELESS FACILITIES IN THE 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.

Yeas: Commissioners 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. 4397 hereto attached, (AN ORDINANCE AMENDING TITLE 7, CHAPTER 1 OF THE EAST PEORIA CITY CODE REGULATING POLES, WIRES AND CONDUCTORS) 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 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. 4393 hereto attached, (AN ORDINANCE AMENDING THE PLAN FOR THE EAST PEORIA DOWNTOWN OVERLAY DISTRICT) 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 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. 4394 hereto attached, (AN ORDINANCE AMENDING THE PLAN FOR THE EAST PEORIA FOUR CORNERS OVERLAY DISTRICT) 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 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. 4344 hereto attached, (AN ORDINANCE AMENDING TITLE 5, CHAPTER 4, SECTION 9 OF THE EAST PEORIA CITY CODE PERTAINING TO THE USE AND PLACEMENT OF STORAGE UNITS AND DUMPSTERS) 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 code update that deals with dumpsters and moving storage units such as pods.

Yeas: Commissioners 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. 4387 hereto attached, (AN ORDINANCE AMENDING TITLE 5, CHAPTER 8, SECTION 2 OF THE EAST PEORIA CITY CODE FOR THE PURPOSE OF ALLOWING WINERIES AS A SPECIAL USE IN THE C, CONSERVATION AND RESIDENTIAL ESTATE DISTRICT) 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 and the framework to allow for a winery. Ty discussed the zoning in conservation and residential estate districts.

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

Nays: None.

Mayor Mingus declared the motion carried.

Resolution No. 1819-021 by Commissioner Densberger, seconded by Commissioner Kahl; BE IT RESOLVED BY THE COUNCIL OF THE CITY OF EAST PEORIA, ILLINOIS that Resolution No. 1819-021, hereto attached, a Resolution approving a contribution of \$12,000 for UnityPoint Red White & Boom July 4th Fireworks, be approved, and that this Resolution No. 1819-021 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 Densberger, Jeffers, Kahl and Mayor Mingus.

Nays: None.

Mayor Mingus declared the motion carried.

Resolution No. 1819-020 by Commissioner Densberger, seconded by Commissioner Kahl; BE IT RESOLVED BY THE COUNCIL OF THE CITY OF EAST PEORIA, ILLINOIS that Resolution No. 1819-020, hereto attached, a Resolution to approve Contract for Actuarial Services for Police and Fire Pension Funds with The Nyhart Group, be approved, and that this Resolution No. 1819-020 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 Densberger, Jeffers, Kahl and Mayor Mingus.

Nays: None.

Mayor Mingus declared the motion carried.

Resolution No. 1819-025 by Commissioner Densberger, seconded by Commissioner Kahl; BE IT RESOLVED BY THE COUNCIL OF THE CITY OF EAST PEORIA, ILLINOIS that Resolution No. 1819-025, hereto attached, a Resolution accepting Lowest Responsible Bidder for Yard Maintenance Contract to Jimax Landscaping LLC, be approved, and that this Resolution No. 1819-025 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 contract that deals with the cleanup of delinquent properties.

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

Nays: None.

Mayor Mingus declared the motion carried.

Resolution No. 1819-018 by Commissioner Densberger, seconded by Commissioner Kahl; BE IT RESOLVED BY THE COUNCIL OF THE CITY OF EAST PEORIA, ILLINOIS that Resolution No. 1819-018, hereto attached, a Resolution accepting low bid for EastSide Drive Lighting Replacement Project from Kirby Risk Company dba Kirby Risk Electrical Supply in the amount of \$10,650, be approved, and that this Resolution No. 1819-018 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 Densberger, Jeffers, Kahl and Mayor Mingus.

Nays: None.

Mayor Mingus declared the motion carried.

Resolution No. 1819-023 by Commissioner Densberger, seconded by Commissioner Kahl; BE IT RESOLVED BY THE COUNCIL OF THE CITY OF EAST PEORIA, ILLINOIS that Resolution No. 1819-023, hereto attached, a Resolution Authorizing the Selling Process for City-Owned Surplus Real Estate at 345 Edmund Street in East Peoria, be approved, and that this Resolution No. 1819-023 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, discussed the property that is to be sold.

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

Nays: None.

Mayor Mingus declared the motion carried.

Resolution No. 1819-019 by Commissioner Jeffers, seconded by Commissioner Densberger; BE IT RESOLVED BY THE COUNCIL OF THE CITY OF EAST PEORIA, ILLINOIS that Resolution No. 1819-019, hereto attached, a Resolution Ascertaining the Prevailing Rate of Wage for Laborers, Workmen and Mechanics Employed on Public Works in the City of East Peoria, Illinois, be approved, and that this Resolution No. 1819-019 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 Densberger, Jeffers, Kahl and Mayor Mingus.

Nays: None.

Mayor Mingus declared the motion carried.

Resolution No. 1819-016 by Commissioner Jeffers, seconded by Commissioner Kahl; BE IT RESOLVED BY THE COUNCIL OF THE CITY OF EAST PEORIA, ILLINOIS that Resolution No. 1819-016, hereto attached, a Resolution authorizing the repair of drainage at or near 311 Pekin Avenue in the City by Koenig Trucking and Excavating, LLC in the amount of \$17,770, be approved, and that this Resolution No. 1819-016 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 Densberger, Jeffers, Kahl and Mayor Mingus.

Nays: None.

Mayor Mingus declared the motion carried.

Resolution No. 1819-026 by Commissioner Jeffers, seconded by Commissioner Kahl; Mr. Mayor I move you that Resolution No. 1819-026 hereto attached, Resolution Approving Agreement with Vestas – American Wind Technology Inc. for Transport of Wind Turbine Components on City Streets be read at length by the Clerk, and that said Resolution No. 1819-026 be accepted on its first reading and be hereby adopted as presented.

The City Clerk read the Resolution at length.

**WHEREAS**, Vestas-American Wind Technology Inc. (“Vestas”) is developing a wind energy generating facility at the Walnut Ridge site in Bureau County, Illinois, consisting of approximately 109 wind turbines (the “Wind Turbine Project”), and the wind turbine components for the Wind Turbine Project have been shipped by railroad to the railyard in East Peoria, Illinois; and

**WHEREAS**, Vestas, with assistance from ATS Inc., is transporting the Wind Turbine Project components by truck from the railyard in East Peoria, Illinois, to the Wind Turbine Project site in Bureau County, Illinois (the “Transport Project”); and

**WHEREAS**, the Transport Project will consist of transporting Wind Turbine Project components on 18 truckloads a day for a period of approximately three months along a fixed route through East Peoria commencing at Columbia Street adjacent to the railyard, then onto West Washington Street to Main Street (Illinois Route 116), and then heading out of East Peoria on North Main Street (the “Transport Route”); and

**WHEREAS**, Vestas has obtained the necessary permits from IDOT to use the Route 116 portion of the Transport Route within the City of East Peoria; and

**WHEREAS**, the portion of the Transport Route on Columbia Street and West Washington Street are streets owned, operated, and maintained by the City (the “City Streets”); and

**WHEREAS**, because the majority of the trucks transporting the Wind Turbine Project components will be over-sized trucks, the intersections along the Transport Route will be temporarily blocked while the over-sized trucks move through the intersections along the Transport Route; and

**WHEREAS**, due to the traffic issues created at these the intersections along the Transport Route when the trucks transporting the Wind Turbine Project components pass through these intersections, the City’s Police Department will be needed to establish traffic control prior to and during the established times for the Transport Project; and

**WHEREAS**, due to the traffic issues created at these the intersections along the Transport Route when the trucks transporting the Wind Turbine Project components pass through these intersections, the over-sized trucks will only be permitted on the Transport Route during the early morning hours before the normal morning rush hour; and

**WHEREAS**, the high volume use of the City Streets by the over-sized trucks transporting the Wind Turbine Project components as part of the Transport Project may degrade the condition of the City Streets; and

**WHEREAS**, the parties seek to cooperate with each other and any State agencies to ensure the smooth operation of the Transport Project along the City Streets and the entire Transport Route;

**WHEREAS**, City officials and Vestas have negotiated a Road Use Agreement, attached hereto as “Exhibit A”, for the portion of the Transport Project occurring in the City of East Peoria to ensure proper traffic control along the Transport Route and to address the possible degradation of the City Streets during the Transport Project; and

**WHEREAS**, under the terms of the Road Use Agreement, the City will be reimbursed for traffic control provided by the City’s Police Department and will be provided funding for the possible degradation of the City Streets portion of the Transport Route; and

**WHEREAS**, the City of East Peoria hereby finds it in the best interests of the City to assist with the Wind Turbine Project under the terms and conditions as set forth in the Road Use Agreement (Exhibit A);

**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 Road Use Agreement (Exhibit A) with Vestas-American Wind Technology Inc. for providing assistance for the Wind Turbine Project is hereby approved.

**Section 3.** The Mayor and the City Clerk are hereby authorized and directed to execute the Road Use Agreement on behalf of the City, together with such changes therein as the Mayor in his discretion deems appropriate; provided, however, that the City shall have no obligation under terms of the Road Use Agreement until such time as an executed original of the Agreement has been delivered to Vestas.

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

Nays: None.

Mayor Mingus declared the motion carried and Resolution No. 1819-026 be duly adopted as presented.

Resolution No. 1819-022 by Commissioner Jeffers, seconded by Commissioner Kahl; BE IT RESOLVED BY THE COUNCIL OF THE CITY OF EAST PEORIA, ILLINOIS that Resolution No. 1819-022, hereto attached, a Resolution authorizing the lease of space at the City of East Peoria Police Department for 911 Dispatch Activities by TC3, be approved, and that this Resolution No. 1819-022 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 resolution and indicated that TC3 will be using City space and will take over on July 1, 2018.

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

Nays: None.

Mayor Mingus declared the motion carried.

Resolution No. 1819-024 by Commissioner Kahl, seconded by Commissioner Densberger; BE IT RESOLVED BY THE COUNCIL OF THE CITY OF EAST PEORIA, ILLINOIS that Resolution No. 1819-024, hereto attached, a Resolution authorizing the purchase of a new LifePak 15 Monitor for the Fire Department from Physio-Control Inc. in the amount of \$27,826.63, be approved, and that this Resolution No. 1819-024 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 replacement.

Yeas: Commissioners Densberger, 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 not on the agenda to come to the podium state the matter or matters to be discussed.

Kevin Montefusco came up to the podium and discussed an issue he had at his home on Centennial Drive. He discussed concerns that he has with the process of City Public Works regarding a project completed along his road. He showed pictures to the City Council.

Bob Sinks came up to the podium to discuss being in favor of allowing chickens to be kept within the City and expressed his opinion that the City Council should vote on the matter.

Commissioner Densberger discussed the process and expressed his opposition to allowing chickens in the City. Mayor Mingus and Commissioner Kahl expressed their opposition to the ordinance. Commissioner Kahl feels that there will be too much time spent on code enforcement and the city does not have the resources. Commissioner Jeffers discussed his opinion on the allowing chickens ordinance.

Kimberly Schneider came up to the podium and expressed her support for allowing chickens in the City. She expressed interest in what could be done to get an ordinance passed that would allow for chickens in the City.

Belinda Young came up to the podium and asked about Jimax removing sand and material off of the City's Center Street property. She thanked the Fondulac Park District for mowing the levees.

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

Mayor Mingus then asked for comments from Council.

Commissioner Densberger discussed the State budget being passed before the deadline. He also discussed plans to refurbish the Veteran's Memorial in the Riverfront Park.

Commissioner Jeffers discussed a possible sewer plant upgrade update in the future.

Commissioner Kahl discussed the State Budget not being good. He thanked Rick Swan, the Chamber of Commerce, and the Township regarding a memorial ceremony on Memorial Day weekend in the Riverfront Park. He discussed the Levee District Craft Show and Cruise-In planned over Father's Day Weekend. The Farmer's Market is open for business.

Mayor Mingus discussed Commissioner Decker being on the honor flight.

Motion by Commissioner Jeffers, seconded by Commissioner Densberger; Mr. Mayor, I move you that we adjourn until Tuesday evening, June 19, 2017 at 6:00 P.M.

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

Nays: None

Mayor Mingus declared the motion carried and the meeting adjourned at 7:18 P.M.

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