

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

OCTOBER 2, 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 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 Densberger; Mr. Mayor, I move that the minutes of the Regular Meeting held on September 18, 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 October 7-13, 2018 as "Fire Prevention Week". Fire Chief Knapp explained that the Fire Department will be visiting each school as part of Fire Prevention Week. He thanked Firefighter Huffstutler for her work on educating the youth. He asked anyone that needs help with fire safety issues to contact the Fire Department.

Commissioner Kahl expressed gratitude to the Fire Department on their work with education children on Fire Safety.

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. 1819-073 – Resolution to Approve Payment of the Schedule of Bills No. 10 in the amount of \$1,406,967.35. (Adopted by omnibus vote)

Item No. 2 – Adoption of Resolution No. 1819-064 on its Second Reading - Resolution accepting the lowest responsible bid from Crescent Electric Supply Company for the Levee District Decorative Lighting Upgrade Project in the amount of \$19,920.00. (Adopted by omnibus vote)

Item No. 3 – Adoption of Resolution No. 1819-063 on its Second Reading – Resolution Approving Engineering Services Contract with Midwest Engineering Associates for Water Filtration System Upgrade at North Main Water Treatment Plant. (Adopted by omnibus vote)

Item No. 4 – Adoption of Resolution No. 1819-066 on its Second Reading – Resolution Approving Supplemental Engineering Services Contract with Midwest Engineering Associates for Camp Street / River Road Intersection Improvements (Roundabout). (Adopted by omnibus vote)

Item No. 5 – Adoption of Resolution No. 1819-067 on its Second Reading – Resolution Approving Construction Engineering Services Contract with Midwest Engineering Associates for Camp Street / River Road Intersection Improvements (Roundabout). (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 Kahl; Mr. Mayor, I move you that Ordinance No. 4417 hereto attached, (AN ORDINANCE AMENDING TITLE 4, CHAPTER 14 OF THE EAST PEORIA CITY CODE REGULATING THE INSTALLATION, MAINTENANCE AND REPAIR OF UTILITY LINES ON 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.

Director of Planning and Community Development, Ty Livingston, explained that this is a house keeping item that needed updating in the City Code and to refer to the updated code section regarding small wireless facilities.

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

Nays: None.

Mayor Mingus declared the motion carried.

Resolution No. 1819-072 by Commissioner Jeffers; **RESOLUTION APPROVING A TAX COMPLIANCE AGREEMENT FOR THE IEPA LOAN FOR THE CITY'S SANITARY SEWER SYSTEM UPGRADE PROJECT**

WHEREAS, the City has heretofore submitted an application to the Illinois Environmental Protection Agency ("IEPA") for a loan from the Water Pollution Control Loan Program in the amount of \$57,348,000 (the "Loan") for the purpose of constructing improvements to the City's sanitary sewer system, including improvements and upgrades to Wastewater Treatment Plant #1, Wastewater Treatment Plant #3, and the Route 8 pump station (the "Project"); and

WHEREAS, as a condition for the City being eligible and qualified to receive the IEPA Loan for the Project, the City must ensure that City Officials abide by all terms and conditions required to maintain the tax-exempt status of the Loan funds as provided in the Tax Compliance Certificate and Agreement with the IEPA, attached hereto as Exhibit A and incorporated by reference (the "Tax Compliance Agreement"); and

WHEREAS, it is in the best interests of the City to enter into the Tax Compliance Agreement with the IEPA as a condition for receiving the IEPA Loan for the Project;

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF EAST PEORIA, TAZEWELL COUNTY, ILLINOIS, THAT the City's Finance Director is hereby authorized and directed to execute the Tax Compliance Agreement with the IEPA for the Loan from the IEPA for the Project, together with such changes therein as the Mayor in his discretion deems appropriate, and to take the necessary steps to ensure that the City follows and abides by the required compliance provisions established in the Tax Compliance Agreement.

Motion by Commissioner Jeffers, seconded by Commissioner Decker; Mr. Mayor, I move that Resolution No. 1819-072 be adopted as presented.

Commissioner Jeffers explained the Tax Compliance Agreement for the project.

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

Nays: None.

Mayor Mingus declared the motion carried and Resolution No. 1819-072 be duly adopted as presented.

Resolution No. 1819-071 by Commissioner Kahl, seconded by Commissioner Jeffers; **BE IT RESOLVED BY THE COUNCIL OF THE CITY OF EAST PEORIA, ILLINOIS** that Resolution No. 1819-071, hereto attached, a Resolution authorizing the purchase of a Power Load System for Refurbished Ambulance for the Fire Department from Stryker, be approved, and that this Resolution No. 1819-071 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 explained the City is seeking to purchase a power load system for the refurbished ambulance. The Stryker invoice is for a total of \$24,619.08. The City is seeking a payout of \$10,000 that will be reimbursed to the City from IMPG, the City's insurance carrier. The cost of the power load is being split between, UnityPoint Wellness Grant in the amount of \$10,000, and the 2% Board will pay up to \$6,500. The total costs will be covered by all of those entities.

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

Nays: None.

Mayor Mingus declared the motion carried.

Resolution No. 1819-070 by Commissioner Kahl, seconded by Commissioner Densberger; **BE IT RESOLVED BY THE COUNCIL OF THE CITY OF EAST PEORIA, ILLINOIS** that Resolution No. 1819-070, hereto attached, a Resolution Approving an Intergovernmental Agreement between the City and the County of Tazewell for Animal and Rabies Control Services, be approved, and that this Resolution No. 1819-070 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 explained that is an annual contract that the City has with Tazewell County. The contract amount is \$28,752 for Calendar year 2019. That rate is the same as this previous year's contract.

Yeas: Commissioners Decker, 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.

Norman Sales of Springfield Road came up to the podium. He explained that he had submitted a FOIA request seeking information on any meetings relative to a fireman who had a medical issue that did not work for two years but he was receiving full salary. He explained he understands that firemen were covering his position and the purpose was to get him more years so that he could get a full retirement. He explained that he should have gotten two pieces of blank paper back on the FOIA because there were evidently no meetings on it, no one approved it, but he stated that something happened and we do know this happened. He does not feel that he will get an answer on who approved it. He stated that he knows Commissioner Densberger, Kahl, Mayor Mingus and the city Attorneys had recommended not bringing back to work the two employees that were fired for theft, lying, and dishonesty. He voiced his concerns about the precedence that this sets for future employees that do something similar. Mr. Sales inquired about the City's worker's compensation costs, what the City is doing to control costs, and who approves settlements. Commissioner Densberger explained that the costs are terrible. Commissioner Kahl believes that it is time to start having public discussions on worker's compensation costs. He explained that the last two years alone have costs the taxpayers a considerable amount of money that he feels that need to be openly discussed. Commissioner Densberger explained individual settlements do not come before the City Council. He explained that he will get the costs of the worker's compensation to Mr. Sales. Commissioner Densberger explained that there is a safety committee made up of City and insurance carrier representative. He explained the process of the safety committee. Commissioner Densberger believes that there are improvements that need to be done to the process. There are wellness activities, include Fire Department exercise regimen to help minimize costs. It is very expensive, and we need to do a better job. Mayor Mingus asked people to go to their state legislators regarding worker's compensation. He does not believe that Commissioner Decker should vote on settlements because he has received a worker's compensation settlement. He feels that the City should run more like a business. He feels that the City of East Peoria should be more transparent. Commissioner Kahl explained that this year between January 1 and the end of July what has been paid out in worker's compensation claims is over \$622,000.

Bob Jorgensen came up to the podium and he read two articles on a topic that is important to him. He read an article about from a national parks magazine in Rhode Island – Roger Williams National Park. He read about Mr. Roger Williams who established Rhode Island. He explained that Mr. Williams separated religious and civic matters that laid the groundwork for the Constitution and Bill of Rights and separated church and state. Mr. Jorgensen read a proclamation from the City of Kissimmee Florida that honored the 1st Amendment and the separation of church and state. He does not believe that the City does a good job of separating church and state, he has spoken to someone on City Council, nothing has been done, and he feels that there should be something done. He does not believe that there should be a prayer at the beginning of each meeting of city government.

Mr. Todd came up to the podium. He explained that ever since he purchased property he has problems with people on his property. He came to this town with hopes to improve his home. He explained that he was told that his front yard is community property. He believes that he has the right to keep people off his property and that he has improved his property. He has had enough of people telling them that his property it is community property. He explained that it is an invasion unwarranted.

Charlie Morgan came up to the podium. He thanked individuals for speaking at the City Council meeting. He explained that those he talked to individuals opposed to roundabouts. He explained that he feels the current roundabout at W. Washington is not safe. He is going to see that the City does not have another roundabout. He explained that there are a lot of people that do not want another roundabout. He expressed his opposition to a roundabout at the bottom of Springfield Road. He thanked Director Livingston for speaking to him.

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

Mayor Mingus then asked for comments from Council.

Commissioner Decker explained that what Mr. Sales brought up is an injury that occurred ten years ago and one more time. He explained and that he has a dangerous job. He discussed continuing to have to deal with his injury every day. It is the worst thing that he had ever gone through. He appreciates the item that is on the agenda regarding a power lift for a stretcher or going with mandatory toters that helped keep employees safer. He described his trip on the Honor Flight. He saw men and women that served in WWII, Korea, and Vietnam. He expressed his gratitude in being able to serve on the Honor Flight. He mentioned the ceremony of laying the wreath on the tomb of the unknown soldier. He recommended that anyone who is veteran or if someone knows a veteran to contact someone about going on the Honor Flight.

Commissioner Densberger explained that he feels that the worker's compensation system is broken in State of Illinois and that it is a State legislature issue. He explained the City Safety Committee undertakings. He feels that we need to do a better job holding staff accountable for following safety policies and procedures, and where, those policies and procedures are not followed, we need to enforce them. He explained initiatives that City does to keep employees safe.

Commissioner Jeffers mentioned going to the airport when a veteran he knew came back from an Honor Flight. He commented on worker's compensation costs being more this year and other years being lower. There have been many safety practices and procedures implemented by the City. He discussed the IEPA loan process for the Sewer Upgrade Project. He discussed working with Springfield to get through the IEPA loan process and waiting on one signature due to someone not being replaced who held the position.

Commissioner Kahl announced several events coming up in October including (1) the free car seat safety check scheduled tomorrow from 1 pm to 4 pm; (2) 19th Annual Octoberfest Business Expo on October 4 from 4-7 at the Par-A-Dice Hotel; (3) Beautification Commission Fall Bulb Sale scheduled for October 6, 2018; and (4) October 14 is the Fire Fighter Memorial Service on October 14 at 2 pm. He agrees with Commissioner Densberger's comments on the worker's compensation laws. He feels that the workers compensation laws are ripe to be taken advantage of. He feels that the City needs to change the way we do business, and he explained how much the City has paid out in

worker's compensation settlements. This is not just a local issue that need to be addressed; it is something that people need to have serious discussions about.

Motion by Commissioner Jeffers, seconded by Commissioner Kahl; Mr. Mayor, I move you that we adjourn until Tuesday evening, October 16, 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 6:44 P.M.

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