

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

JANUARY 3, 2023

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.

Motion by Commissioner Mingus, seconded by Commissioner Decker; Mr. Mayor, I move that the minutes of the Regular Meeting held on December 20, 2022 be approved as printed.

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

Nays: None.

Mayor Kahl declared the motion carried.

Mayor Kahl proclaimed January 3, 2023 as "Fondulac Park Police Chief Michael D. Johnson Day". Mayor Kahl read the proclamation for Fondulac Park Police Chief Michael D. Johnson Day. Mayor Kahl and the Commissioners thanked Police Chief Michael D. Johnson for his dedicated service and commented on the work that he does for the community that is above and beyond what is required. Chief Johnson thanked the City Council and commented about the community and working together with the City as well.

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

Item Number 1 - Adoption of Resolution Number 2223-122 – Resolution to Approve Payment of the Schedule of Bills Listed on Schedule Number 16 in the amount of \$1,890,670.06.

Item Number 2 - Adoption of Ordinance Number 4697 on its Second Reading - (AN ORDINANCE AMENDING THE BUILDING REGULATIONS IN TITLE 4 OF THE EAST PEORIA CITY CODE TO CLARIFY WHEN PERMITS ARE REQUIRED.)

Item Number 3 - Adoption of Resolution Number 2223-115 on its Second Reading - Resolution Approving Contract for Clearing Farm Creek Shoreline for Future Projects.

Item Number 4 - Adoption of Resolution Number 2223-116 on its Second Reading - Resolution Authorizing the Purchase of a Subscription of Advanced Endpoint Protection with Response and Remediation from Heart Technologies.

Item Number 5 - Adoption of Resolution Number 2223-117 on its Second Reading - Resolution Authorizing the Purchase of a Phone System and the Approval of Related Annual Software and Service Agreement for the City.

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

Nays: None.

Mayor Kahl declared the motion carried.

Motion by Commissioner Hill, seconded by Commissioner Mingus; 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 Number 1 - Adoption of Resolution Number 2223-122 – Resolution to Approve Payment of the Schedule of Bills Listed on Schedule Number 16 in the amount of \$1,890,670.06. (Adopted by omnibus vote)

Item Number 2 - Adoption of Ordinance Number 4697 on its Second Reading - (AN ORDINANCE AMENDING THE BUILDING REGULATIONS IN TITLE 4 OF THE EAST PEORIA CITY CODE TO CLARIFY WHEN PERMITS ARE REQUIRED.) (Adopted by omnibus vote)

Item Number 3 - Adoption of Resolution Number 2223-115 on its Second Reading - Resolution Approving Contract for Clearing Farm Creek Shoreline for Future Projects. (Adopted by omnibus vote)

Item Number 4 - Adoption of Resolution Number 2223-116 on its Second Reading - Resolution Authorizing the Purchase of a Subscription of Advanced Endpoint Protection with Response and Remediation from Heart Technologies. (Adopted by omnibus vote)

Item Number 5 - Adoption of Resolution Number 2223-117 on its Second Reading - Resolution Authorizing the Purchase of a Phone System and the Approval of Related Annual Software and Service Agreement for the City. (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 Amended Ordinance No. 4698, hereto attached, (AN ORDINANCE AUTHORIZING A SPECIAL USE FOR AN OFF-PREMISES SIGN LOCATED ON THE CORNER OF THE INTERSECTION OF BRIARGATE ROAD AND WASHINGTON ROAD IN THE CITY OF EAST PEORIA, TAZEWELL COUNTY, ILLINOIS) 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 Hill commented on the ordinance that is requesting an off-premises sign. He explained that off premises signs must go through the Zoning Board of Appeals ("ZBA") special use process, and the role of the ZBA is to listen to the facts and make a decision on whether the special use applies to the given situation. The ZBA then makes a recommendation to the City Council. This sign was consistent with the city code that required certain landscaping for the sign. There were conditions that included the 30 points of landscaping. The vote last meeting was three commissioners amending the ordinance and not upholding the ordinance to not require the landscaping. The ZBA voted 5-0 with the 30 points of landscaping.

Commissioner Decker commented on the ordinance and the landscaping. He feels tha the code is there for good reason. He feels that this is a right thing to do. He spoke with a ZBA member that stated that if he would have known that the sign would not be allowed by owner because he was not willing to do the landscaping, he would have voted to allow the sign without the landscaping. He will support the amended ordinance.

Commissioner Mingus explained that he will support the amended ordinance because the church is a non-profit organization. He explained that this is advertising a food bank and not advertising a for profit business. He commented on there being many signs on that street. He does not want to penalize someone for following the rules when others are not following the rules as he noted other signs in the area do not have landscaping.

Commissioner Hill commented on there being the possibility of nonconformance for the other signs in the area that were in place before the landscaping rules were approved.

Commissioner Sutherland explained that the church is a nonprofit organization, and the owner of the property does not want landscaping. He explained that the other signs in the vicinity do not have landscaping. He will support the amended ordinance.

Mayor Kahl explained that he would like to be consistent. The city has requirements, and he feels that the city should remain consistent because the landscaping is what is required. He feels that if there is an exception then a precedent is made. If the city council thinks the 30-point landscaping requirement needs to be changed, then they should reach out to the Director of Planning and Community Development. He would be supportive if the city code was changed.

Yeas: Commissioners Decker, Mingus, and Sutherland.

Nays: Commissioner Hill and Mayor Kahl.

Mayor Kahl declared the motion carried and Amended Ordinance No. 4698 be adopted as presented.

Resolution No. 2223-119 by Commissioner Sutherland, seconded by Commissioner Mingus; BE IT RESOLVED BY THE COUNCIL OF THE CITY OF EAST PEORIA, ILLINOIS that Resolution No. 2223-119, hereto attached, a Resolution Accepting Fourth Change Order for Phase D of the City's Sanitary Sewer System Upgrade Project, be approved. Mr. Mayor, I move you that this Resolution No. 2223-119 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 Sutherland commented on this being for \$137,049 and gives another \$100,000 to get through the project and not taking more than the additional money to account for changes. He commented on the changes that needed to be completed that resulted in a higher cost, including electric heaters so that pipes would not freeze, valve actuators so that the switching could be done remotely, etc. He does not like the extra expenditures on the project. He wants there to be a way to head some of the extra costs off and feels if the project had been thought through better at a design phase, it could have eliminated some of the changes.

Mayor Kahl explained that the project was estimated to cost \$68.5 million. With these additional costs with this change order, the city is still within the 2% of additional funds that the city thought there might be. He explained that although no one likes them, there are often change orders on these types of projects. He explained that he feels that the city will be under the estimated amount.

Commissioner Decker commented on the Sanitary Sewer Project and the necessity for it as it was required. If the city did not proceed when it did with the project, then the IEPA would have forced the City to proceed with the project at a higher cost.

Commissioner Hill inquired about whether the current project manager shares the schedule of the project estimated versus the schedule of the project performed thus far. Mayor Kahl explained that he has confidence in Superintendent of Water and Wastewater, Cord Crisler, as the project manager. Mayor Kahl commented on the project being paid for with a loan through the IEPA that is stringent with the requirements for the reporting.

Commissioner Sutherland commented on doing some things in house to save on the labor of the project among other ideas used to save money on the project.

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

Nays: None.

Mayor Kahl declared the motion carried.

Motion by Commissioner Mingus, seconded by Commissioner Decker; Mr. Mayor, I move you that Ordinance No. 4700 hereto attached, (AN ORDINANCE ADDING THE OFFENSE OF RETAIL THEFT TO THE MISDEMEANOR CODE SET FORTH IN THE EAST PEORIA CITY CODE) 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 that this ordinance adds retail theft as a misdemeanor and makes it an ordinance violation. Mayor Kahl explained that state law allows the city to add retail theft as a violation of city code and allows the city to still charge retail theft as a state law if it chooses.

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

Nays: None.

Mayor Kahl declared the motion carried.

Resolution No. 2223-120 by Commissioner Mingus, seconded by Commissioner Decker; BE IT RESOLVED BY THE COUNCIL OF THE CITY OF EAST PEORIA, ILLINOIS that Resolution No. 2223-120, hereto attached, a Resolution Approving Administrative Hearing Officer Agreement with J. Scott Kriegsman for Administrative Adjudication of Violations of Police Regulations in the East Peoria City Code, be approved. Mr. Mayor, I move you that this Resolution No. 2223-120 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 Mingus commented on adopting an ordinance that allowed for administrative adjudication for violation of the city code police regulations earlier, and this ordinance is approving a hearing officer for that function.

Mayor Kahl thanked City Attorney Scott Brunton and the Police Command Staff for their work in comparing professional services for this function.

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

Nays: None.

Mayor Kahl declared the motion carried.

Resolution No. 2223-121 by Commissioner Mingus, seconded by Commissioner Decker; BE IT RESOLVED BY THE COUNCIL OF THE CITY OF EAST PEORIA, ILLINOIS that Resolution No. 2223-121, hereto attached, a Resolution Approving Change Order to EastSide Centre Synthetic Turf Fields One and Seven Project to Add the Purchase of a RamSweep Turf Field Groomer from ATG-Ram Industries, LLC (Change Order No. 3), be approved. Mr. Mayor, I move you that this Resolution No. 2223-121 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 commented on the additional costs of \$15,780. The other option would be buying pieces of equipment separately. The life of these fields result in upkeep of them being less expensive.

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

Nays: None.

Mayor Kahl declared the motion carried.

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 state the matter or matters to be discussed. There was no response.

Mayor Kahl then asked for comments from Council.

Commissioner Decker commented on the nice weather. He explained that he is looking forward to the upcoming budget meetings. He feels that the future of the city is bright and there will be good projects being done. He is happy with the money that they will try to put into the roads in the future. He asked people to comment on roads that they may see that have gotten worse.

Commissioner Mingus commented on Chris Grisham, a longtime Fon du Lac Park District employee passing away who was helpful to everyone in the community.

Mayor Kahl explained that Tazewell County ETSB and TC3 have implemented text to 911. There will be a media release on what is to come with that option. He congratulated Mike Johnson on his retirement.

Motion by Commissioner Sutherland, seconded by Commissioner Decker; Mr. Mayor, I move you that we adjourn until Tuesday evening, January 10, 2023 at 5:00 P.M.

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

Nays: None

Mayor Kahl declared the motion carried and the meeting adjourned at 6:44 P.M.

/s/ Morgan R. Cadwalader

City Clerk Morgan R. Cadwalader