

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

JANUARY 17, 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 (via electronic attendance), Commissioner Seth D. Mingus, and Commissioner Michael L. Sutherland.

Absent: None.

REQUEST BY COMMISSIONER HILL FOR ELECTRONIC ATTENDANCE

After having established that a quorum was physically present, Mayor Kahl explained that a notice was received by Commissioner Mark Hill requesting permission to electronically attend the meeting in accordance with the rules established by City Code Section 1-2-2.6. Commissioner Hill will be authorized to attend the meeting electronically unless a motion objecting to his electronic attendance is made, seconded, and approved by a majority of the members of the City Council physically present at this meeting. If no such motion is made and seconded, then the request by Commissioner Hill to attend electronically shall be deemed approved by the City Council and Commissioner Hill will be declared as present.

Hearing no objection on the request for electronic attendance, Commissioner Hill was declared present by Mayor Kahl.

The invocation was given by Mayor Kahl.

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 January 3, 2023 and the minutes of the Special Meeting for a Working Session held on January 10, 2023 be approved as printed.

Yeas: Commissioner 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 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 Decker, seconded by Commissioner Mingus; 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 2223-131 – Resolution to Approve Payment of the Schedule of Bills Listed on Schedule Number 17 in the amount of \$2,131,314.83.

Item Number 2 - Adoption of Resolution Number 2223-119 on its Second Reading – Resolution Accepting Fourth Change Order for Phase D of the City's Sanitary Sewer System Upgrade Project.

Item Number 3 - Adoption of Ordinance Number 4700 on its Second Reading – (AN ORDINANCE ADDING THE OFFENSE OF RETAIL THEFT TO THE MISDEMEANOR CODE SET FORTH IN THE EAST PEORIA CITY CODE.)

Item Number 4 - Adoption of Resolution Number 2223-120 on its Second Reading - Resolution Approving Administrative Hearing Officer Agreement with J. Scott Kriegsman for Administrative Adjudication of Violations of Police Regulations in the East Peoria City Code.

Item Number 5 - Adoption of Resolution Number 2223-121 on its Second Reading – 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).

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

Nays: None.

Mayor Kahl declared the motion carried.

Motion by Commissioner Decker, seconded by Commissioner Sutherland; 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 2223-131 – Resolution to Approve Payment of the Schedule of Bills Listed on Schedule Number 17 in the amount of \$2,131,314.83. (Adopted by omnibus vote)

Item Number 2 - Adoption of Resolution Number 2223-119 on its Second Reading – Resolution Accepting Fourth Change Order for Phase D of the City’s Sanitary Sewer System Upgrade Project. (Adopted by omnibus vote)

Item Number 3 - Adoption of Ordinance Number 4700 on its Second Reading – (AN ORDINANCE ADDING THE OFFENSE OF RETAIL THEFT TO THE MISDEMEANOR CODE SET FORTH IN THE EAST PEORIA CITY CODE.) (Adopted by omnibus vote)

Item Number 4 - Adoption of Resolution Number 2223-120 on its Second Reading - Resolution Approving Administrative Hearing Officer Agreement with J. Scott Kriegsman for Administrative Adjudication of Violations of Police Regulations in the East Peoria City Code. (Adopted by omnibus vote)

Item Number 5 - Adoption of Resolution Number 2223-121 on its Second Reading – 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). (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 Decker, seconded by Commissioner Mingus; Mr. Mayor, I move you that Ordinance No. 4701 hereto attached, (AN ORDINANCE ACCEPTING BID FOR SALE OF CITY-OWNED SURPLUS REAL ESTATE LOCATED AT 106 SHADOWAY DRIVE) 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 explained that the City received one bid for the property from Richard and Amy Hadley in the amount of \$500 + \$250 for Attorney’s fees. They have provided a check to the City in the amount of \$750.

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

Nays: None.

Mayor Kahl declared the motion carried.

Motion by Commissioner Decker, seconded by Commissioner Sutherland; Mr. Mayor, I move you that Ordinance No. 4702 hereto attached, (AN ORDINANCE AUTHORIZING A SPECIAL USE FOR PROPERTY LOCATED AT 543 PEKIN AVENUE 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 Decker explained that this was approved by staff with some qualifications. The petition here is for an additional 506 square foot accessory structure to be placed on this property. At present, 3 already exist on the parcel. The placement for the new structure is on the Park Avenue frontage, right on the lot line over an existing concrete parking slab. In addition, our inspections department is awaiting confirmation the structure to be building code compliant and expects to receive it before the second reading of this item. At the hearing, Mr. Bonds indicated the structure will have horizontal siding. As much as staff would like to see one of the existing structures demolished, the petitioner offered a compelling case to the ZBA not to require it. Staff also has concerns about the visibility of egress from this structure given its proposed proximity to the street. The ZBA voted 7-0 to recommend approval of the accessory structure, as long as it does not sit any closer to Park (the side street here) than the existing single stall structure already on the property.

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

Nays: None.

Mayor Kahl declared the motion carried.

Resolution No. 2223-128 by Commissioner Decker, seconded by Commissioner Mingus; BE IT RESOLVED BY THE COUNCIL OF THE CITY OF EAST PEORIA, ILLINOIS that Resolution No. 2223-128, hereto attached, a Resolution to Approve Second Amendment to Development Agreement with Teekona Group for Riverfront Midrise Apartment Development, be approved. Mr. Mayor, I move you that this Resolution No. 2223-128 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 commented on the Agreement. Director of Planning and Community Development, Ty Livingston, explained that in August of 2020, the City signed a development agreement with the Teekona Group for a 142-unit development on the City's riverfront on the parcel between the former Granite City restaurant and the Bob Michel Bridge. No surprise to anyone, the pandemic put an unanticipated "time-out" on many development projects, including this one. However, throughout that time progress has continued to be made on this project.

In the months since our last update this past summer, the development team has gotten everything lined-up to close on the property here in the first quarter and commence construction this spring. This agreement reflects that status and addresses anticipated parking needs since the City owns property nearby. Also, in refining the building's position on the property, it was identified that it would better align with the river and the trail if it were shifted slightly closer to the trail. In total, the additional property needed is less than 0.2 acres and does not impact the functionality of the trail.

Mayor Kahl thanked Director Livingston and Attorney Scott Brunton for their work on the agreement.

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

Nays: None.

Mayor Kahl declared the motion carried.

Resolution No. 2223-130 by Commissioner Decker, seconded by Commissioner Sutherland; BE IT RESOLVED BY THE COUNCIL OF THE CITY OF EAST PEORIA, ILLINOIS that Resolution No. 2223-130, hereto attached, a Resolution to approve abating and eliminating various 2022 tax levies for Water and Sewer Bond Issues, Tax Increment Financing Bond Issues, and Development Bond Issues, be approved. Mr. Mayor, I move you that this Resolution No. 2223-130 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 explained that this is a yearly item. These bonds must be backed by funds on the tax levy. However, since the city has a revenue stream that will pay for bonds this abates those from being placed on the taxes.

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

Nays: None.

Mayor Kahl declared the motion carried.

Resolution No. 2223-126 by Commissioner Decker; WHEREAS, the City of East Peoria has the responsibility to promote economic development and revitalization of underperforming areas within the City; and

WHEREAS, the City of East Peoria recognizes that Tax Increment Financing ("TIF") is a means to address areas of blight, support development and promote local job creation and retention; and

WHEREAS, TIF incentives directly contribute to the expansion of the local tax base and attracts private development and new businesses to the City of East Peoria; and

WHEREAS, the availability of TIF is a critical mechanism to spur economic development for the City of East Peoria; and

WHEREAS, the Mayor & City Council of the City of East Peoria find that the availability of TIF as an economic development tool is essential for the continuing economic vitality of the City.

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

Section 1. The foregoing recitals shall be and are hereby incorporated as findings of fact as if said recitals were fully set forth herein.

Section 2. The City of East Peoria urges the Illinois General Assembly and Governor to protect TIF in its current form as a valuable economic development tool without additional restrictions on municipal governments and the communities they serve.

Section 3. The City Clerk shall forward a copy of this Resolution to the Illinois Municipal League.

Motion by Commissioner Decker, seconded by Commissioner Mingus; Mr. Mayor, I move that Resolution No. 2223-126 be adopted as presented.

Commissioner Decker commented on there being several TIFs in the City. TIFs freeze the taxes for other taxing bodies and the taxes are used to help build the development area. There is a representative that would like to make changes to TIF districts. We are asking the general assembly to not make it TIFs more difficult.

Mayor Kahl explained that the IML is watching bills and asked all municipalities to pass this type of resolution. In the spring session, a representative will try to introduce a bill that she tried to introduce previously that makes using TIFs more difficult. Currently, a TIF lasts 23 years and cities can apply to extend the TIF.

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

Nays: None.

Mayor Kahl declared the motion carried and Resolution No. 2223-126 be duly adopted as presented.

Resolution No. 2223-125 by Commissioner Sutherland, seconded by Commissioner Decker; BE IT RESOLVED BY THE COUNCIL OF THE CITY OF EAST PEORIA, ILLINOIS that Resolution No. 2223-125, hereto attached, a Resolution approving the Bulk Purchase of Chemicals for the Water Treatment Plant from Hawkins, Inc. in the amount of \$11,702.47, be approved. Mr. Mayor, I move you that this Resolution No. 2223-125 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 explained that when the railroads were going to go on strike the City did not have a lot of chemicals for the water treatment plant and the City has storage for the chemicals in case there is an issue. This will help get a bulk amount of chemicals for the water treatment plant on hand.

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

Nays: None.

Mayor Kahl declared the motion carried.

Resolution No. 2223-129 by Commissioner Sutherland, seconded by Commissioner Mingus?; BE IT RESOLVED BY THE COUNCIL OF THE CITY OF EAST PEORIA, ILLINOIS that Resolution No. 2223-129, hereto attached, a Resolution authorizing and approving Payment of an Invoice from Sunbelt Rentals for a Replacement Mini Skid Steer Loader, be approved. Mr. Mayor, I move you that this Resolution No. 2223-129 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 explained that there was a piece of equipment that caught fire that the city was renting, and the city has to pay for it. Mayor Kahl commented on the contractors seeing smoke to prevent the fire from further spreading. A determination could not be determined for a cause of the fire and since the city was in possession for more than 6 months, it falls on the city insurance. We do know that the cause was not abuse or neglect pertaining to city employees.

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

Nays: None.

Mayor Kahl declared the motion carried.

Resolution No. 2223-124 by Commissioner Mingus, seconded by Commissioner Decker; BE IT RESOLVED BY THE COUNCIL OF THE CITY OF EAST PEORIA, ILLINOIS that Resolution No. 2223-124, hereto attached, a Resolution approving the purchase of Two LIFEPAK Cardiac Monitors for the Fire Department, be approved. Mr. Mayor, I move you that this Resolution No. 2223-124 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 these are budgeted items. One of the LIFEPAK Cardiac Monitors will be paid for from this budget year and the other from next year's budget.

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

Nays: None.

Mayor Kahl declared the motion carried.

Resolution No. 2223-127 by Commissioner Mingus, seconded by Commissioner Decker; BE IT RESOLVED BY THE COUNCIL OF THE CITY OF EAST PEORIA, ILLINOIS that Resolution No. 2223-127, hereto attached, a Resolution approving an Agreement between the City of East Peoria and the Policemen's Benevolent Labor Committee for a three-year term commencing on May 1, 2019 and terminating on April 30, 2022, be approved. Mr. Mayor, I move you that this Resolution No. 2223-127 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.

Mayor Kahl explained that back in 2019 the Police union reached out and the union sought interest arbitration. He explained that part of what the arbitrator is to consider is a comparison of the wages, hours and conditions of employment of the employees involved in the arbitration with the wages, hours and conditions of employment of other employees performing similar services and with other employees generally: (a) in public employment in comparable communities; (b) in private employment in comparable communities. When the union was awarded their wage proposal years ago, the arbitrator based it off of the percentage increase. Mayor Kahl feels that the actual wages and benefits need to be taken into account and the entire wages and benefits need to be taken into account and not the percentage increase. Percentage increases are different for someone making \$50,000 versus someone making \$100,000. In this contract, it went to arbitration in August 2020 and the briefs were submitted in November 2020. Over two years later (December 23, 2022), the arbitrator awarded in favor of the police union's proposal. The city proposal was 1.75% increase each of the three years. This was from 2019 to 2022. The police union was 2.25% for each of the contract years. He explained that the arbitrator based their opinion off of other factors outside of the statutory criteria, one being looking at percentage increases. When comparing East Peoria Patrolmen wages to seven other departments that were agreed upon, the closest is almost \$14,000 less than East Peoria police officers. East Peoria was on average 22% over the other comparable departments. Mayor Kahl explained that he also has a problem with looking at the CPI. He said, back in August 2020, the city had to cut its budget and we were in the middle of a pandemic; however, the arbitrator looked at CPI in today's terms. Mayor Kahl does not understand how she can use the CPI today. These last two years have been extremely painful for the city and employees, as the police officers have not received increases over the last two years. The city has openings that the city was not able to fill, and he

feels that it is partly because there was no new contract in place. He feels that it kept people from applying for jobs in the East Peoria Police Department. Mayor explained that all of the represented employees are paid well. He will support this contract and put it behind us. The other unions received less increases than what the police officers are going to receive; however, he will support this. Mayor Kahl commented on the 5-Year Capital Plan that planned on needs that have been long overdue and that puts the needs of the community first. He stated that the city finally has a council in place that puts the needs of the city in place. He commented on items that have been included in the capital plan for police including, Axon body worn camera upgrade, Taser program, new and used squad purchases, radar, radio upgrade, Getac laptops, push bars, thermal drone, pilights, reflective striping for squads/ghost striping, tactical equipment, and software equipment. He asked employees to appreciate what they have and know that the city council is focused on treating employees fairly, right, and offering employees a great opportunity with the city. He asked employees to understand that all the departments work together, and it cannot be an us versus them between departments.

Commissioner Decker commented on needing parameters for the arbitrator to decide within a timely manner, and he does not feel that the decision was made in a timely manner. It should not take over two years to decide and it is not fair to the city, employees, or community. He expressed disappointment with the decision taking so long.

Commissioner Mingus explained that the contract dates have already come and gone, and we need to move on. He expressed hope that both sides can come to an agreement with the next contract.

Commissioner Sutherland explained that the decision has taken very long. He commented on how diligently and meticulously the public works union works during the negotiation process.

Commissioner Hill agrees with the comments of everyone else. He feels that the arbitration process was painful and hopes that the next round of negotiations goes better for all involved.

Mayor Kahl explained that the City Council has unanimously been behind the law enforcement especially for the past several years where other communities have not done the same. He explained that law enforcement has their full support. He hopes that they can sit down and work out something that is reasonable for all in the next round of negotiations.

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

Nays: None.

Mayor Kahl declared the motion carried.

Resolution No. 2223-123 by Commissioner Mingus; WHEREAS, Thomas E. Virgil has been continuously employed by the City from June 27, 1996 through November 21, 2022, most recently occupying the position of police officer for the East Peoria Police Department;

WHEREAS, Thomas E. Virgil announced his intention to retire from employment effective at the end of his shift on November 21, 2022; and

WHEREAS, the City is appreciative of the long and continued service provided by Thomas E. Virgil; and

WHEREAS, it is in the best interest of the City to execute the attached Separation Agreement; NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF EAST PEORIA, TAZEWELL COUNTY, ILLINOIS, THAT:

Section 1. The above recitals are found to be true and correct.

Section 2. The Mayor is hereby authorized to execute the Separation Agreement with such changes as the Mayor, in his sole discretion, may decide are in the best interest of the City of East Peoria.

Motion by Commissioner Mingus, seconded by Commissioner Decker; Mr. Mayor, I move you that Resolution No. 2223-123 be adopted as presented.

Commissioner Mingus explained that resolution is for approval of a separation agreement between the City and Mr. Virgil. He commented on the payout for Mr. Virgil that includes one installment of \$2,311.20 on or before January 31, 2023.

Mayor Kahl and Commissioners thanked Mr. Virgil for his dedicated service and wished him well in his retirement.

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

Nays: None.

Mayor Kahl declared the motion carried and Resolution No. 2223-123 be duly adopted as presented.

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 legislation regarding assault style weapons ban that has been passed and the potential problems that can come forward. He explained that it is difficult to fill law enforcement roles when the state passes laws to make their jobs more difficult. He commented on being against the legislation. If things are voted that are constitutional, he does not have a problem following it. He feels that there are intelligent people that feel that the legislation is unconstitutional, that law will be challenged, and the law will be overturned. He fears that it will be challenged and that it will be great. Commissioner Decker expressed hope that the legislation would have been delayed so that it could be explained. He explained that no matter what ends up happening, we will live with the law of the land.

Commissioner Hill thanked Commissioner Decker for reading his agenda items while he was attending the meeting electronically.

Commissioner Sutherland commented on the assault weapons ban law. He explained that there are probably the same number of guns in East Peoria as there are people in East Peoria. The law should not counter them because we put people in jail that are doing bad things. He feels that the law is unconstitutional. A million men have died for our ability to bear arms. If people abuse the law, then they have their guns taken away.

Commissioner Mingus expressed frustration by politicians from Chicago want to make downstate like Chicago. He explained that the Chicago has the strictest gun laws in the state and also has some of the most violent crime in the state. He explained that downstate does not want to be like Chicago.

Mayor Kahl explained that when they take the oath of office they sate that they will support the constitution of the united states and the constitution of the state of Illinois. You do not get to pick and choose which parts of the constitution that you follow. He explained that there is no liability for the elected officials that pass laws that are found unconstitutional. He feels that they pass laws until they stick. He feels that if there are issues in Chicago, then take care of the issues in Chicago. He explained that they have seen friends and family leave Illinois. He feels that the problem is Springfield. He feels that the assault weapon ban legislation is unconstitutional. He feels that the governor has threatened and governed with a strong-arm for years, and he feels that it is unfortunate. He explained that silence is consent. You give away your rights until you stand up and voice your opinion.

Motion by Commissioner Sutherland, seconded by Commissioner Decker; Mr. Mayor, I move you that we adjourn until Tuesday evening, January 24, 2023 at 6:00 P.M.

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

Nays: None

Mayor Kahl declared the motion carried and the meeting adjourned at 6:52 P.M.

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