

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

MAY 18, 2021

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. The City Clerk certifies that notice of the meeting was duly served upon Council Members via email on Friday, January 29, 2021, at approximately 4:05 p.m.

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 May 4, 2021 be approved as printed.

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

Nays: None.

Mayor Kahl declared the motion carried.

Mayor Kahl proclaimed May 2021 as "Building Safety Month" by reading the proclamation. Ty thanked the Buildings and Inspections and Fire department that work together to ensure that buildings are built correctly.

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.

Ashley Sollberg of 201 Brookview Road. She explained that her family is having an issue at their home with a creek that is not owned by them eroding their property. The creek is owned by an adjacent owner. The waterway is now eroding their land and her fence is now going into the ravine. She explained that she cannot build a retaining wall on her neighbor's property. There is an existing concrete retaining wall that was put in place. The water is coming out creating a vortex that is eroding the property and eroding underneath the existing concrete barrier and braces have been placed to keep the ground stable. She explained that once she loses her fence, she has nothing to keep her children from falling into the waterway. There is brush and sediment that is built up that is forcing the water more toward her property. Her neighbor that owns the land with the waterway has chosen to sell his home and Ms. Sollberg is not sure what to do.

Mayor Kahl asked Ms. Sollberg to give her contact information so that the City can get the information from her.

Mayor Kahl asked for any other comments from the audience. There was no response.

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

Item Number 1 – Adoption of Resolution Number 2122-012 – Resolution to Approve Payment of the Schedule of Bills Listed on Schedule Number 1 in the amount of \$1,120,890.47.

Item Number 2 – Adoption of Ordinance Number 4573 on its Second Reading - (AN ORDINANCE AMENDING TITLE 4, CHAPTER 16.1 OF THE EAST PEORIA CITY CODE TO UPDATE THE NAME OF THE EAST PEORIA DOWNTOWN OVERLAY DISTRICT.)

Item Number 3 - Adoption of Resolution Number 2122-002 on its Second Reading - Resolution Approving Maintenance Service Agreement for Storm Water Pump Backup Generator Stations with Cummins Inc. in the amount of \$10,246.65.

Item Number 4 - Adoption of Resolution Number 2122-001 on its Second Reading - Resolution Approving the Purchase of an Asphalt Hopper Box Component to Repair the Street Department Hot Box Patcher from Cummings, McGowan & West Inc. in the amount of \$10,900.

Item Number 5 - Adoption of Resolution Number 2122-004 on its Second Reading - Resolution Approving Repair of Administrative Building Walls at Wastewater Treatment Plant Number 3 as Part of the City's Sanitary Sewer System Upgrade Project (Phase C Construction Project) by PJ Hoerr Construction and Summit Masonry in the amount of \$63,930.40.

Item Number 6 - Adoption of Resolution Number 2122-005 on its Second Reading - Resolution Approving the Purchase of a New Skid Steer Loader for the Water and Wastewater Departments from Bobcat of Peoria Inc. in the amount of \$58,232.

Item Number 7 - Adoption of Resolution Number 2122-006 on its Second Reading - Resolution Approving Purchase of New Sewer Camera Truck and Associated Video Equipment and Software for the City's Public Works Department from R Now Inc. in the amount of \$191,018.

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 7 listed on the Consent Agenda be hereby approved and adopted, the items numbered 2 through 7 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 2122-012 – Resolution to Approve Payment of the Schedule of Bills Listed on Schedule Number 1 in the amount of \$1,120,890.47. (Adopted by omnibus vote)

Item Number 2 – Adoption of Ordinance Number 4573 on its Second Reading - (AN ORDINANCE AMENDING TITLE 4, CHAPTER 16.1 OF THE EAST PEORIA CITY CODE TO UPDATE THE NAME OF THE EAST PEORIA DOWNTOWN OVERLAY DISTRICT.) (Adopted by omnibus vote)

Item Number 3 - Adoption of Resolution Number 2122-002 on its Second Reading - Resolution Approving Maintenance Service Agreement for Storm Water Pump Backup Generator Stations with Cummins Inc. in the amount of \$10,246.65. (Adopted by omnibus vote)

Item Number 4 - Adoption of Resolution Number 2122-001 on its Second Reading - Resolution Approving the Purchase of an Asphalt Hopper Box Component to Repair the Street Department Hot Box Patcher from Cummings, McGowan & West Inc. in the amount of \$10,900. (Adopted by omnibus vote)

Item Number 5 - Adoption of Resolution Number 2122-004 on its Second Reading - Resolution Approving Repair of Administrative Building Walls at Wastewater Treatment Plant Number 3 as Part of the City's Sanitary Sewer System Upgrade Project (Phase C Construction Project) by PJ Hoerr Construction and Summit Masonry in the amount of \$63,930.40. (Adopted by omnibus vote)

Item Number 6 - Adoption of Resolution Number 2122-005 on its Second Reading - Resolution Approving the Purchase of a New Skid Steer Loader for the Water and Wastewater Departments from Bobcat of Peoria Inc. in the amount of \$58,232. (Adopted by omnibus vote)

Item Number 7 - Adoption of Resolution Number 2122-006 on its Second Reading - Resolution Approving Purchase of New Sewer Camera Truck and Associated Video Equipment and Software for the City's Public Works Department from R Now Inc. in the amount of \$191,018. (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 Ordinance No. 4575 hereto attached, (AN ORDINANCE AUTHORIZING A SPECIAL USE FOR PROPERTY LOCATED AT 106 E. FAULKNER ROAD 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 Hill explained that the homeowners desire to build an accessory structure in front of the home. The property is set far back from the road that is different from some other properties. The Zoning Board of Appeals recommended with a unanimous vote to approve the request. Commissioner Hill commented on the requirements in the ordinance for the special use and the setback of the accessory structure.

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 Ordinance No. 4567 - AN ORDINANCE AMENDING TITLE 5, CHAPTER 7 OF THE EAST PEORIA ZONING CODE AND TITLE 7, CHAPTER 2 OF THE EAST CITY PEORIA CODE PERTAINING TO DRIVEWAY PAVING be removed and taken from the table for consideration.

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 Ordinance No. 4567 hereto attached, (AN ORDINANCE AMENDING TITLE 5, CHAPTER 7 OF THE EAST PEORIA ZONING CODE AND TITLE 7, CHAPTER 2 OF THE EAST CITY PEORIA CODE PERTAINING TO DRIVEWAY PAVING) 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 Hill explained that this item was previously tabled because there were concerns about existing driveways. This change clarifies that continuous paving is required. The code change does not make paving a requirement for any existing driveways as they exist today. In addition, since this item was presented to the City Council a few meetings ago, the ordinance includes some additional clarification for existing, unpaved driveways, as well as some additional detail on the design requirements within the body of the code change.

Commissioners Decker and Mingus explained that they were comfortable with the clarification and changes made to the amendment.

Commissioner Sutherland commented on language and some confusion that he has with the language. He also has an issue with no description if there is a continual sidewalk leading up to this approach. Also, if the lots are narrow, the owner cannot get closer to the lot line so that there is access to septic in older areas. He also expressed concerns with restrictions on being grandfathered in. He feels that we need to leave people alone, and if someone is encroaching on another property, then that is a civil matter. He feels that restrictive covenants can address certain things if someone wants to live in that type of neighborhood.

Yeas: Commissioners Decker, Hill, Mingus, and Mayor Kahl.
Nays: Commissioner Sutherland.
Mayor Kahl declared the motion carried.

Resolution No. 2122-009 by Commissioner Hill, seconded by Commissioner Decker; BE IT RESOLVED BY THE COUNCIL OF THE CITY OF EAST PEORIA, ILLINOIS that Resolution No. 2122-009, hereto attached, a Resolution Accepting Lowest Responsible Bid for Yard Maintenance Contract Services from Jimax Landscaping LLC, be approved. Mr. Mayor, I move you that this Resolution No. 2122-009 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 Hill explained that the City went out for bid and received only one bid from Jimax Landscaping, LLC. It is for a two-year agreement with an optional one-year extension. This contract is for delinquent properties that are not maintained. He explained that the City first tries to get the owners to mow or clean up the properties prior to sending in the contractor to help clean-up the property.

Yeas: Commissioners Decker, Hill, Mingus, Sutherland, and Mayor Kahl.
Nays: None.
Mayor Kahl declared the motion carried.

Resolution No. 2122-010 by Commissioner Hill, seconded by Commissioner Mingus; BE IT RESOLVED BY THE COUNCIL OF THE CITY OF EAST PEORIA, ILLINOIS that Resolution No. 2122-010, hereto attached, a Resolution Approving the Lowest Responsible Bid for Public Safety Window Replacement Project from Doerr Siding and Remodeling in the amount of \$27,950.00, be approved. Mr. Mayor, I move you that this Resolution No. 2122-010 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 Hill explained that the resolution approves a project to replaced windows at the Public Safety Building that are original to the building. There were three bids received. Mayor Kahl explained that this project will be paid for with electrical aggregation funds due to the electrical/energy savings to be had from the replacment.

Yeas: Commissioners Decker, Hill, Mingus, Sutherland, and Mayor Kahl.
Nays: None.
Mayor Kahl declared the motion carried.

Resolution No. 2122-008 by Commissioner Decker, seconded by Commissioner Mingus; BE IT RESOLVED BY THE COUNCIL OF THE CITY OF EAST PEORIA, ILLINOIS that Resolution No. 2122-008, hereto attached, a Resolution Approving the 2021 Street Maintenance Program Contracts for Sealcoating, Heat Scarification, Spray Patching, Fog Coating Work, and Engineering Services Associated with said Program, be approved. Mr. Mayor, I move you that this Resolution No. 2122-008 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 Decker commented on the street maintenance projects to be done. The City is accepting the low bid in each area. The contractors that the City is approving are Porter Brothers for the Sealing Coating, American Asphalt Recycling for the Heat Scarification, Midstate Asphalt Repair, Inc. for the Spray Patching, and American Road Maintenance for the Fog Coating. Commissioner Decker explained the bidding process and the objective rating system for streets that is used. If the City can find more funds, the contractors, in the past, have honored the prices that were approved in the initial contracts. The City budgeted \$875,000. Engineering services and any Motor Fuel Tax funds have to be done under certain parameters. He explained that the City needs to be aware of factors that may affect MFT funds such as people traveling less or higher gas prices.

Mayor Kahl commented on the bids coming in under the projected costs. He explained that the City is normally ahead of this process at this time; however, the City is a little later this year.

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

Nays: None.

Mayor Kahl declared the motion carried.

Resolution No. 2122-003 by Commissioner Sutherland, seconded by Commissioner Decker; BE IT RESOLVED BY THE COUNCIL OF THE CITY OF EAST PEORIA, ILLINOIS that Resolution No. 2122-003 hereto attached, a Resolution Approving Transition Agreement with Valley View Knolls Water Company for Transfer of Water Service to the City, be hereby approved. Mr. Mayor, I move you that this Resolution No. 2122-003 having been read once by its title and having laid on the table for no less than one week for public inspection, be adopted as presented.

Director of Planning and Community Development, Ty Livingston, gave an overview of the transfer process. He explained that the Agreement transfers service from Valley View Knolls over to the City. There is a Special Service Area that is set to be created and is the next item to begin that process.

Commissioner Sutherland explained that this was one of the projects that was seen as a need taken care of due to the age and the size of the pipes.

Mayor Kahl commented on the hard work that has been done thus far and is yet to be done. Mayor Kahl explained that this transfer was the Valley View Knolls Water Company decision.

Commissioner Decker explained that the residents are paying for the service, and this is a good relationship because it a much-needed repair and update.

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

Nays: None.

Mayor Kahl declared the motion carried and Resolution No. 2122-003 be duly adopted as presented.

Motion by Commissioner Sutherland, seconded by Commissioner Mingus; Mr. Mayor, I move you that Ordinance No. 4574 hereto attached, (AN ORDINANCE PROPOSING APPROVAL OF THE CREATION OF A SPECIAL SERVICE AREA AND SETTING A PUBLIC HEARING FOR REVIEWING THE USE OF THE SPECIAL SERVICE AREA TO FUND WATER SYSTEM IMPROVEMENTS FOR THE VALLEY VIEW SUBDIVISION AREA IN THE CITY OF EAST PEORIA, TO LEVY A PROPERTY TAX AGAINST THOSE PROPERTIES BENEFITTED BY THE WATER SYSTEM IMPROVEMENTS, AND TO INCUR DEBT FOR FINANCING THE WATER SYSTEM IMPROVEMENT PROJECT) be read at length by the Clerk, and that said Ordinance No. 4574 be accepted on its first reading, and be hereby adopted as presented.

The City Clerk read the ordinance at length.

Director Livingston explained that this Ordinance begins the clock with the Special Service Area piece. It reflects the nature of the enhancements. There is a threshold of \$500,000 based upon the estimate of the costs.

Commissioner Sutherland explained that the costs are being incurred by those that are benefitting from the system. He commented on the pricing of piping that is going up.

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

Nays: None.

Mayor Kahl declared the motion carried and Ordinance No. 4574 to be duly adopted as presented.

Resolution No. 2122-011 by Commissioner Sutherland, seconded by Commissioner Decker; BE IT RESOLVED BY THE COUNCIL OF THE CITY OF EAST PEORIA, ILLINOIS that Resolution No. 2122-011, hereto attached, a Resolution Accepting Proposal for Well Number 1 Rehabilitation Project from Brotcke Well & Pump in the amount of \$20,092, be approved. Mr. Mayor, I move you that this Resolution No. 2122-011 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 is a problem with a well and this work will rehabilitate the well to put it 100% back online.

Mayor Kahl explained that the need for this work is not uncommon as wells get older.

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

Nays: None.

Mayor Kahl declared the motion carried.

Resolution No. 2122-013 by Commissioner Mingus, seconded by Commissioner Hill; BE IT RESOLVED BY THE COUNCIL OF THE CITY OF EAST PEORIA, ILLINOIS that Resolution No. 2122-013, hereto attached, a Resolution approving the purchase of two 2021 Ford Explorers from Currie Motors of Frankfort and one 2021 Dodge Ram 1500 from Roesch Truck Center, the outfitting by purchasing in-car cameras, graphics, and necessary equipment, and the installation of the equipment in an amount not to exceed \$130,000 for the Police Department, be approved. Mr. Mayor, I move you that this Resolution No. 2122-013 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 the resolution is for the approval of the purchase of vehicles for the Police Department. The City budgeted for the purchase \$135,000 and this came in lower than was budgeted at an estimated \$130,000.

Mayor Kahl explained that the City usually goes through the Missouri State Troopers to purchase used vehicles in the last few years. However, these bids are on the state bid and must be placed in June. This is the first time that the City has bought new vehicles for the Police Department in some time.

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

Nays: None.

Mayor Kahl declared the motion carried.

Motion for closed meeting

Motion by Commissioner Decker, seconded by Commissioner Mingus, Mr. Mayor, I move that a closed meeting or executive session of the city council be held at the conclusion of this regular meeting to discuss the following matter or matters according to exceptions provided in the "Open Meetings Act" and specified as follows:

Section 2(c)(6) – The setting of a price for a sale or lease of property.

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 explained that he is upset about at language in the Police Reform Bill at the state level. He hopes that the State makes the changes with a clear mind and commented on oftentimes legislation making things more difficult.

Commissioner Hill explained that the Farmer's Market is scheduled to begin on Friday, June 4, 2021 and scheduled to occur every from through the end of September.

Commissioner Sutherland commented on understanding that people want to have certain things done in Zoning. If there is question about the intent of language in the city code, time can change that because things are lost in history. He explained that you cannot write enough to tell someone how to do something as it can be interpreted differently.

Mayor Kahl commented on recognizing Dennis Triggs at the previous City Council meeting and one of the things that Dennis left upset about is that he wanted to recognize the new City Attorney Scott Brunton and explained that the City is in good hands. Mayor Kahl welcomed City Attorney, Scott Brunton, and explained that he looks forward to working with City Attorney Brunton. City Attorney Brunton expressed thanks and is eager to work with the City. Mayor Kahl explained that last Thursday there was a Police Memorial Service to recognize an East Peoria fallen officer and recognize the current police officers. He commended the Police Department on the event and explained that it scheduled to be an annual event in the future.

Motion by Commissioner Sutherland, seconded by Commissioner Mingus; Mr. Mayor, I move you that we adjourn until Tuesday evening, May 18, 2021 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 7:05 P.M.

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