

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

JULY 19, 2022

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, July 15, 2022, at approximately 4:25 p.m.

Upon the roll being called the following answered present: Mayor John P. Kahl, Commissioner Daniel S. Decker, Commissioner Mark E. Hill, and Commissioner Michael L. Sutherland.
Absent: Commissioner Seth D. Mingus.

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 Hill, seconded by Commissioner Decker; Mr. Mayor, I move that the minutes of the Regular Meeting held on July 5, 2022 be approved as printed.

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

Nays: None.

Mayor Kahl declared the motion carried.

Mayor Kahl proclaimed July 27, 2022, as "National Korean War Veterans Armistice Day".

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 2223-044 – Resolution to Approve Payment of the Schedule of Bills Listed on Schedule Number 5 in the amount of \$2,185,821.35.

Item Number 2 - Adoption of Resolution Number 2223-033 on its Second Reading - Resolution approving Design and Construction Engineering Services Contract with Midwest Engineering Associates for Fairlane Drive Pavement Patching Project.

Item Number 3 - Adoption of Resolution Number 2223-034 on its Second Reading - Resolution approving Engineering Services Contract with Midwest Engineering Associates for Phase II Design of Camp Street and Riverside Drive Intersection Improvements.

Item Number 4 - Adoption of Resolution Number 2223-029 on its Second Reading - Resolution accepting the Low Bid from Crescent Electric Supply Company for the Fire Department Engine Bay LED Lighting Upgrade Project.

Item Number 5 - Adoption of Resolution Number 2223-031 on its Second Reading – Resolution authorizing and directing the payment of Invoices to ImageTrend, Inc. for the software licensing services for Fiscal Year 2022-2023 for running and administering many operational aspects of the Fire Department in the amount of \$17,349.10.

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

Nays: None.

Mayor Kahl declared the motion carried.

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Motion by Commissioner Hill, seconded by Commissioner Decker; 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 2223-044 – Resolution to Approve Payment of the Schedule of Bills Listed on Schedule Number 5 in the amount of \$2,185,821.35. (Adopted by omnibus vote)

Item Number 2 - Adoption of Resolution Number 2223-033 on its Second Reading - Resolution approving Design and Construction Engineering Services Contract with Midwest Engineering Associates for Fairlane Drive Pavement Patching Project. (Adopted by omnibus vote)

Item Number 3 - Adoption of Resolution Number 2223-034 on its Second Reading - Resolution approving Engineering Services Contract with Midwest Engineering Associates for Phase II Design of Camp Street and Riverside Drive Intersection Improvements. (Adopted by omnibus vote)

Item Number 4 - Adoption of Resolution Number 2223-029 on its Second Reading - Resolution accepting the Low Bid from Crescent Electric Supply Company for the Fire Department Engine Bay LED Lighting Upgrade Project. (Adopted by omnibus vote)

Item Number 5 - Adoption of Resolution Number 2223-031 on its Second Reading – Resolution authorizing and directing the payment of Invoices to ImageTrend, Inc. for the software licensing services for Fiscal Year 2022-2023 for running and administering many operational aspects of the Fire Department in the amount of \$17,349.10. (Adopted by omnibus vote)

Yeas: Commissioners Decker, Hill, 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 Sutherland; Mr. Mayor, I move you that Ordinance No. 4660, hereto attached, (AN ORDINANCE UPDATING AND REVISING THE CITY'S EMPLOYEE DEFERRED COMPENSATION PLAN (SECTION 457 PLAN)) 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 explained that this ordinance updates the City's 457 Plan by (1) offering a Roth-style contribution option for the 457 Plans to employees and (2) adding John Hancock Life Insurance Company as an approved vendor for the Deferred Compensation Plan. The Roth-style plan is taxed now and is a post-tax option.

Commissioner Decker explained that he would be abstaining from voting on this ordinance along with the Resolution 2223-032 due to his employment.

Yeas: Commissioners Hill, Sutherland, and Mayor Kahl.

Nays: None

Abstain: Commissioner Decker.

Mayor Kahl declared the motion carried and Ordinance No. 4660 be adopted as presented.

Resolution No. 2223-032 by Commissioner Hill, seconded by Commissioner Sutherland; BE IT RESOLVED BY THE COUNCIL OF THE CITY OF EAST PEORIA, ILLINOIS that Resolution No. 2223-032 hereto attached, a Resolution regarding Additional Revisions to the City's Group Health Insurance Plan for 2022-2023 Plan Year, be hereby approved. Mr. Mayor, I move you that this Resolution No. 2223-032 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.

Commissioner Hill explained that the BJC - Center for Excellence was approved previously with the health insurance plan. This resolution is clarifying that the employees that are enrolled are allowed all services provided by BJC - Center for Excellence, and the change is retroactive to May 1, 2022.

Yeas: Commissioners Hill, Sutherland, and Mayor Kahl.

Nays: None.

Abstain: Commissioner Decker.

Mayor Kahl declared the motion carried and Resolution No. 2223-032 be duly adopted as presented.

Motion by Commissioner Hill, seconded by Commissioner Decker; Mr. Mayor, I move you that Ordinance No. 4663 hereto attached, (AN ORDINANCE AUTHORIZING A SPECIAL USE FOR PROPERTY LOCATED AT 200 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.

Commissioner Hill explained that the ordinance is for the authorization of a Special Use for a free-standing freezer to be placed as an accessory structure on the property. The proposal here is for the freezer to be adjacent to the building next to the other similar units. It will be placed on the sidewalk and a portion of an existing parking space. The unit will have a similar exterior to the other units on site and will be painted to match them. The City Zoning Board of Appeals recommends approval of the Special Use to the City Council 4-0 with the condition that an additional 15 points of landscaping be added to the island next to the freezer. If five to six new bushes prove to be too many for the compact space, then the remaining bushes may be placed along the frontage of the property.

Commissioner Decker commented on Wendy's and difficulty in workforce numbers in the past.

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

Nays: None.

Mayor Kahl declared the motion carried.

Motion by Commissioner Hill, seconded by Commissioner Decker; Mr. Mayor, I move you that Ordinance No. 4664 hereto attached, (AN ORDINANCE AMENDING ZONING REGULATIONS IN TITLE 5 OF THE EAST PEORIA CITY CODE FOR SPECIAL USES ALLOWED IN M-1 MANUFACTURING DISTRICTS) 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 the ordinance is for an amendment to the City Code to allow low-emission incinerator in M-1 Manufacturing Districts. He explained that it is for low exhaust that comes out of the incinerator. The Fire Department has read the information on the incinerator and approve.

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

Nays: None.

Mayor Kahl declared the motion carried.

Motion by Commissioner Hill, seconded by Commissioner Decker; Mr. Mayor, I move you that Ordinance No. 4665 hereto attached, (AN ORDINANCE AUTHORIZING A SPECIAL USE FOR PROPERTY LOCATED AT 403 CARVER LANE 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 commented on the ordinance being a request for Special Use for a low emission incinerator. The intent is to alleviate a pallet issue at the business. One consideration is the property size and the relative remoteness of the property. The Fire Department has reviewed the incinerator and the location.

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

Nays: None.

Mayor Kahl declared the motion carried.

Resolution No. 2223-043 by Commissioner Hill, seconded by Commissioner Decker; BE IT RESOLVED BY THE COUNCIL OF THE CITY OF EAST PEORIA, ILLINOIS that Resolution No. 2223-043, hereto attached, a Resolution approving Microsoft Software Licensing Renewal for the City, be approved. Mr. Mayor, I move you that this Resolution No. 2223-043 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 commented on the resolution being the Microsoft Licensing Renewal for the City. The City has a Microsoft based system, and this is the annual amount to be paid for this year.

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

Nays: None.

Mayor Kahl declared the motion carried.

Resolution No. 2223-036 by Commissioner Hill, seconded by Commissioner Decker; BE IT RESOLVED BY THE COUNCIL OF THE CITY OF EAST PEORIA, ILLINOIS that Resolution No. 2223-036, hereto attached, a Resolution approving the Outfitting of a 2022 Ford Pickup Truck with a Henderson Dump Body and Western Plow from Koenig Body & Equipment, Inc. for the Tourism and Special Events Department, be approved. Mr. Mayor, I move you that this Resolution No. 2223-036 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 commented the resolution explained that the City Council previously approved the purchase of the truck, and this resolution seeks to approve the outfitting of the truck with the dump body and plow. This replaces a 1996 truck for the department.

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

Nays: None.

Mayor Kahl declared the motion carried.

Resolution No. 2223-037 by Commissioner Hill, seconded by Commissioner Decker; BE IT RESOLVED BY THE COUNCIL OF THE CITY OF EAST PEORIA, ILLINOIS that Resolution No. 2223-037, hereto attached, a Resolution approving the EastSide Centre Gym Floor Overpour Project by Spec Athletic, be approved. Mr. Mayor, I move you that this Resolution No. 2223-037 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 commented on the resolution explained that it is for approval of the sand and overpour of the flooring at EastSide Centre due to the age of the flooring and topcoat. Other vendors were reviewed and the City is proposing to go with the same vendor that completed this process in the mid 2000s. The cost is \$104,579, and there is estimated to be a relative quick return on investment.

Mayor Kahl explained that this project is part of the City's capital plan.

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

Nays: None.

Mayor Kahl declared the motion carried.

Resolution No. 2223-042 by Commissioner Hill, seconded by Commissioner Decker; BE IT RESOLVED BY THE COUNCIL OF THE CITY OF EAST PEORIA, ILLINOIS that Resolution No. 2223-042, hereto attached, a Resolution to Approve Development Agreement with TPC of EP LLC for Family Entertainment Project in the Bass Pro Subdivision, be approved. Mr. Mayor, I move you that this Resolution No. 2223-042 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 commented on the resolution approving the Development Agreement with TPC of EP LLC ("TPC"). The project is going to be adjacent to Bass Pro. TPC has proposed the

development of City-owned property in the Bass Pro Subdivision as a family entertainment facility (the "Family Entertainment Development Project"). The proposed Family Entertainment Development Project will be constructed by TPC on the northern 3.0-acre portion of Lot 4 of the Bass Pro Subdivision, which is located adjacent to the Bass Pro Shops between Bass Pro Drive and Interstate 74. City Officials have engaged in negotiations with TPC for the development of the Family Entertainment Development Project for this site, as City Officials have determined that this Family Entertainment Development Project will be an excellent fit and complement with the current development in the Bass Pro development project site and other nearby development and amenities in the City (including the Levee District).

Mayor Kahl commented on the location of the property and explained more information will be forthcoming in the future, and he expressed enthusiasm for the project.

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

Nays: None.

Mayor Kahl declared the motion carried.

Resolution No. 2223-041 by Commissioner Hill, seconded by Commissioner Decker; BE IT RESOLVED BY THE COUNCIL OF THE CITY OF EAST PEORIA, ILLINOIS that Resolution No. 2223-041, hereto attached, a Resolution approving a contribution of \$12,000 for UnityPoint Red White & Boom July 4th Fireworks, be approved. Mr. Mayor, I move you that this Resolution No. 2223-041 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 resolution is the City's contribution for the 4th of July Fireworks. Mayor Kahl explained that the City is always a sponsor. Mayor Kahl explained that it was a wonderful event, and he thanked the City staff and others for their work on the event when they are away from their families on the holiday.

Commissioner Decker commented on the Police Department's ability to move traffic and how safe it was. He thanked Doug McCarty, his crew, and Rick Swan for their work on the event.

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

Nays: None.

Mayor Kahl declared the motion carried.

Motion by Commissioner Decker, seconded by Commissioner Hill; Mr. Mayor, I move you that Ordinance No. 4661 hereto attached, (AN ORDINANCE AMENDING TITLE 10, CHAPTER 1 OF THE EAST PEORIA CITY CODE TO INCREASE THE PENALTY FOR SNIFFING OR INHALING OF INTOXICANTS) be read at length by the Clerk, and that said Ordinance No. 4661 be accepted on its first reading, and be hereby adopted as presented.

The City Clerk read the ordinance at length.

Commissioner Decker commented on the amendment to the City Code which changes the penalty for a violation from one hundred dollars to one hundred fifty dollars as a minimum.

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

Nays: None.

Mayor Kahl declared the motion carried and Ordinance No. 4661 to be duly adopted as presented.

Motion by Commissioner Decker, seconded by Commissioner Hill; Mr. Mayor, I move you that Ordinance No. 4662 hereto attached, (AN ORDINANCE CREATING NEW CHAPTER 13 OF TITLE 1 OF THE EAST PEORIA CITY CODE TO ALLOW ADMINISTRATIVE ADJUDICATION OF VIOLATIONS OF POLICE REGULATIONS 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 Decker turned the discussion over to City Attorney Scott Brunton. City Attorney Brunton explained that this ordinance creates a separate code enforcement process for violations of the Police regulations. This would set up minimum fines for ordinance violations in the Police regulations and would allow the offender to pay the fine instead of going to court. This would then allow for an administrative process without having to go to court. It does not cover every offense. Serious offenses would not go through this process and would go through the court process. There is also discretion for certain items depending on the circumstances to go through the court process.

Commissioner Decker explained that this is an opportunity to curb things that are not wanted in the community but not giving the offender a criminal record. He sees this as not tying up the officers' time in going to court and sees this process as a positive step.

Commissioner Hill inquired about the fines. City Attorney Brunton explained that the list is going to be what will be required to pay the fine. It is separate from the minimum and maximum of what the court can impose. This is a smaller fine that is there to cover the administrative costs. There will be a hearing officer and attorney time with the fines seeking to cover those costs.

Commissioner Hill explained that he is used to the administrative process for the building and property maintenance code enforcement violations that has been a helpful and efficient process. Now, the only option is to go to the court. This change would allow for another option. He will be supporting this item.

Commissioner Sutherland commented on this ordinance. He inquired about the attorney overseeing the hearings. He expressed concerns over the administrative hearing officer position being created and not being a judge and their experience as the ordinance requires a minimum of three years' experience. He also expressed his opinion that he feels that people should go to court instead of through the administrative process.

City Attorney Brunton explained administrative hearing process. Once the person pays the fine, the case has been resolved. If in the process, the City decides to prosecute the alleged offense in court, it gives the City the opportunity to go through the court process. The administrative hearing process is to streamline the process so that the case can continue to proceed instead of having to be refiled. The current situation is when there is an ordinance violation of police regulations and nonmoving traffic matters, those are sent to the court and are essentially misdemeanors. The offender must go to court.

Mayor Kahl explained that all non-home rule can use this process if they approve it as it is allowed under state statute. He explained that the Police Department has recommended this to streamline the process.

City Attorney Brunton explained that the minimum is three years for experience and that does not mean that the person will not have more experience. The language in the proposed ordinance mirrors state law. The law specifically states that this procedure is for non-home rule communities, and the change is being recommended by the Police Department.

Yeas: Commissioners Decker, Hill, and Mayor Kahl.

Nays: Commissioner Sutherland.

Mayor Kahl declared the motion carried.

Resolution No. 2223-038 by Commissioner Decker, seconded by Commissioner Hill; BE IT RESOLVED BY THE COUNCIL OF THE CITY OF EAST PEORIA, ILLINOIS that Resolution No. 2223-038, hereto attached, a Resolution approving the purchase of three 2022 New Ford Interceptor Utility Vehicles for the Police Department and a New 2022 Ford Interceptor Utility Vehicle for the Fire Department along with outfitting for each vehicle (minus striping), be approved. Mr. Mayor, I move you that this Resolution No. 2223-038 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 proposed purchase of vehicles. He explained that the 2014 Fire Chief vehicle is being transferred to the Buildings and Inspections Department for use in that department. The Fire Chief will then need a vehicle, and this resolution is to approve that purchase along with the Police Department vehicle purchases.

Mayor Kahl commented on the vehicles being purchased explaining that the purchase of the Police Department vehicles is in the capital budget.

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

Nays: None.

Mayor Kahl declared the motion carried.

Resolution No. 2223-039 by Commissioner Sutherland, seconded by Commissioner Decker; BE IT RESOLVED BY THE COUNCIL OF THE CITY OF EAST PEORIA, ILLINOIS that Resolution No. 2223-039, hereto attached, a Resolution approving Proposal from Electric Pump for the Walmart Lift Station Pump Replacement Project in the amount of \$127,145, be approved. Mr. Mayor, I move you that this Resolution No. 2223-039 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 the project where the City is trying to be proactive and having these replacements on a cycle so that there is not emergency replacements needed.

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

Nays: None.

Mayor Kahl declared the motion carried.

Resolution No. 2223-040 by Commissioner Sutherland, seconded by Commissioner Decker; BE IT RESOLVED BY THE COUNCIL OF THE CITY OF EAST PEORIA, ILLINOIS that Resolution No. 2223-040, hereto attached, a Resolution approving New Proposal from Electric Pump for the Cooper Park Lift Station Pump Revised Replacement Project in the amount of \$84,490, be approved. Mr. Mayor, I move you that this Resolution No. 2223-040 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 the project being approved earlier and being pushed out for three years. The price has gone up and this proposal is for that price increase.

Yeas: Commissioners Decker, Hill, 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 Hill thanked the City Council for covering for him during his absences from the last two City Council meetings. He commented on the Duck Race coming up on Saturday, August 27 at EastSide Centre. You can find information the Duck Race and purchasing ducks at www.duckrace.com/peoria. There are only six weeks left for the Farmer's Market. There is one produce stand coming now. The Farmer's Market is 4:00 pm to 7:00 pm on Fridays through the end of August.

Commissioner Sutherland expressed concerns over Ordinance Number 4662 and that it may prohibit people from being able to go to court in front of a judge. He wants people to be able to go to court and commented about not hearing about the courts being overwhelmed with cases.

Mayor Kahl encouraged Commissioner Sutherland to reach out to the Police Chief to get information as to why the administrative hearing process under Ordinance Number 4662 is being recommended. He explained that Police Officers have been told that there are no additional times for a certain day because the court is inundated with people.

There was discussion regarding the Ordinance and relabeling of the process that is currently in place for the building and property maintenance issues ordinance violations and the new section labeling the administrative process for the Police Department ordinance violations that will fall under the administrative process will be named. This process is labeled as a new department in the City Code to mirror the language set forth in the State Statute outlining this process, and the department consists of a hearing officer and the Police acting as the Code Enforcement Officers in that department.

City Attorney Brunton explained that the offender can simply ask the Police to go in front of a judge. It is in the discretion of the Police Department to go through this process or move it to a criminal offense depending on the situation. They can go before a judge if the police feel that it should be charged as a crime or be a serious enough offense; and if convicted, it will go on someone's record.

Mayor Kahl commented on that the Citizens of East Peoria Facebook page. He appreciates the page being put together, and he is tries to be responsive and provide information when he can. He explained that he does not pay attention to the Facebook page every day. He explained that the City Council is not shirking their responsibility. Mayor Kahl explained that there are around 10 different taxing bodies for individuals in East Peoria asked people to inquire about the responsibility of each taxing body and board for each taxing body. He explained that the community pool was run by the Fon du Lac Park District. Mayor Kahl addressed those that are frustrated with the amount of funds that are spent on streets. He explained that there are restrictions on certain funds and how the funds can be spent. For example, water and sewer funds can be spent for water and sewer purposes and Motor Fuel Tax are only for streets. Just because there are monies in one fund, does not mean that those funds can be used to fix a street and build a swimming pool. He explained that the City abides by all of the IEPA standards for water. The IEPA has changed the way in which PFAS is reported and the threshold for PFAS in the water systems. He explained that the City follows the requirements for the City water, and the City is monitoring the PFAS levels. PFAS is a manmade chemical dating back to the 1950s. The action the City took at a previous meeting is to authorize the City to join the ongoing litigation in hopes to recover costs to treat PFAS, a product that was manmade by some chemical manufacturers. The City does its best to answer questions. The City Councilmembers' cell phone numbers and emails are posted on the City's website, and the City Councilmembers respond to those questions.

Motion by Commissioner Sutherland, seconded by Commissioner Decker; Mr. Mayor, I move you that we adjourn until Tuesday evening, August 2, 2022 at 6:00 P.M.

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

Nays: None

Mayor Kahl declared the motion carried and the meeting adjourned at 7:22 P.M.

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