

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

OCTOBER 18, 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.

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 October 4, 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 November 1, 2022 as "Extra Mile 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.

John Fleming came up to the podium to speak on the proposed special use for a short-term rental at 104 Fieldcrest Drive. He explained that he represents the developer who still has a strong interest in the property. He explained that he sent a letter to the elected officials. He believes that the property is not suited for a short-term rental, and a short-term rental use of the property is in violation for what is already on file with the recorder of deeds restricting uses on the property. There is a restriction that the properties be used as a single-family dwelling and there be no business on the property. He explained that it is violation of the active restrictions on the property that run with the land. He feels that it will be a problem and objection on the property to try to proceed with a business on the property and give some focus and concern to the restrictions. It appears that it was a close call at the Zoning Board of Appeals ("ZBA") with a vote of 3 yeas, 1 no, and 2 abstentions. He wants it known that he feels that it is a clear violation of the restrictions on the property. Commissioner Hill asked if the restrictive covenants were presented to the ZBA at the meeting. Attorney Fleming explained that he has the restrictive covenants and provided them to the City Council. He explained that declarations of restrictions he is speaking of is on Page 2, Item 2 that discusses single family residence and prohibiting business purpose for the property and is the opposite of rental property for multiple families coming in and out. Commissioner Hill explained that the City does not enforce restrictive covenants, and it is a civil action that the developer would take action against the party. Mr. Fleming explained that he is not asking the City to file enforcement action; however, he feels that City Council is civic minded and asked why the City Council would want to approve a special use for one property when the ZBA voted only 3 affirmative yeas. He feels that the City Council wants to do the right thing for the community when it is 3-1-2 vote. He explained that there are only 3 affirmative votes. He thought as a civic minded group they would consider if whether the right thing is being done in the face of this filed restriction. Commissioner Hill clarified that the 2 abstentions go with the yeas and unanimous decisions are not required.

Commissioner Sutherland explained that whether the restrictions were broken is a civil matter. He explained that he is interested in water and sewer. He asked why they didn't do a homeowner's association instead of doing just restrictive covenants. Mr. Fleming explained the subdivision is not ready to be turned over to a homeowners' association, as there are a lot that are no sold or developed. It is about protection of the rights of the current homeowners.

Bill Platt came up the podium to comment on 104 Fieldcrest Drive special use item. He explained that he lives in the neighborhood and that it is a residential neighborhood. All but one neighbor agrees that a short-term rental should not be allowed. He is curious as the tax implications with this property. Mr. Platt assumed that there would be tax received. Commissioner Hill explained that short-term rentals are subject to hotel/motel tax. Mr. Platt further explained that he feels that the neighborhood is not a commercial area. One neighbor has chosen to stay neutral and the others have been against allowing a short-term rental.

Jeff Burtis owner of 104 Fieldcrest Drive came up to the podium. He explained that he and his wife split time between Illinois and Maryland. He explained that this is his primary residence or home, and he wants to make sure that the short-term rental is done correctly. Mr. Burtis explained that he has watched the covenants changed to allow lesser values of home in the neighborhood. He explained that he is having a short-term rental to make some of the improvements on his house to recoup costs on the property, as he feels that his property value has declined. Mr. Burtis explained that he is only looking to attract those in town for sports or executives that come to the area. He explained that he has used short-term rentals; that he would be doing a vetting process on those renting, posting the rules, restricting noise, restricting occupancy, and use tracker for noise to see how many come in and out; and that the property will still be used as a primary residence. He explained that State Farm considers short-term rentals to be a residentially covered with insurance. He is not looking to turn into a hotel or party spot, and he does not intend for it to be an issue. He explained that if it becomes an issue, he will be the first to shut it down. He believes that he has a beautiful and unique home and would love for others to enjoy it while visiting town and have lasting memories.

Brad Reinhart with the East Peoria Firefighters Local #1498 to address the possibility of a new fire station to be built. He thanked the City Council and Fire Chief for their work on getting the new Fire Station being built and getting it to this point. He explained that they would be honored to serve the citizens of East Peoria in the same great way that they do now. The new station will only help them do the work more efficiently. They hope that the City Council votes yes.

Mayor Kahl asked for any other comments from the audience. 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 Mingus; Mr. Mayor, I move to adopt a consent agenda consisting of items numbered 1 through 4 as listed on the agenda for this meeting to be considered by omnibus vote.

Item Number 1 - Adoption of Resolution Number 2223-083 – Resolution to Approve Payment of the Schedule of Bills Listed on Schedule Number 11 in the amount of \$1,765,052.12.

Item Number 2 - Adoption of Resolution Number 2223-075 on its Second Reading - Resolution Approving Contract for Clearing Riverfront Shoreline for Development Projects.

Item Number 3 - Adoption of Resolution Number 2223-076 on its Second Reading - Resolution Approving the Purchase and Installation of Replacement of ESDA Emergency Siren Located at Eastside Centre.

Item Number 4 - Adoption of Ordinance Number 4678 on its Second Reading – (AN ORDINANCE ESTABLISHING A NEW CHAPTER 2 IN TITLE 8 OF THE EAST PEORIA CITY CODE FOR IMPOSING A FEE FOR LIFT ASSIST SERVICES PROVIDED BY THE CITY'S FIRE DEPARTMENT.)

Yeas: Commissioners Decker, Hill, Mingus, 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 Items numbered 1 through 4 listed on the Consent Agenda be hereby approved and adopted, the items numbered 2 through 4 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 2223-083 – Resolution to Approve Payment of the Schedule of Bills Listed on Schedule Number 11 in the amount of \$1,765,052.12. (Adopted by omnibus vote)

Item Number 2 - Adoption of Resolution Number 2223-075 on its Second Reading - Resolution Approving Contract for Clearing Riverfront Shoreline for Development Projects. (Adopted by omnibus vote)

Item Number 3 - Adoption of Resolution Number 2223-076 on its Second Reading - Resolution Approving the Purchase and Installation of Replacement of ESDA Emergency Siren Located at Eastside Centre. (Adopted by omnibus vote)

Item Number 4 - Adoption of Ordinance Number 4678 on its Second Reading – (AN ORDINANCE ESTABLISHING A NEW CHAPTER 2 IN TITLE 8 OF THE EAST PEORIA CITY CODE FOR IMPOSING A FEE FOR LIFT ASSIST SERVICES PROVIDED BY THE CITY'S FIRE DEPARTMENT.) (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. 4680 hereto attached, (AN ORDINANCE AUTHORIZING A SPECIAL USE FOR PROPERTY LOCATED AT 4200 EAST WASHINGTON 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 commented on the special use being applied for at 4200 E. Washington Street (the former East Peoria Event Center). He explained that this item went in front of ZBA with certain conditions: (1) Not more than 20 vehicles be permitted at any one time to be displayed for sale; (2) The area where the cars are to be displayed is to be striped, as well; and (3) Not less than 30 points of landscaping be installed near the sign structure along Washington, which is to include a sign for this business. The petitioner also shared with the board the plan to re-roof and paint the building as well as resurface the lot next spring. the vote at the ZBA was a 6-0 vote. He explained other businesses located on the property.

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. 4681 hereto attached, (AN ORDINANCE AUTHORIZING A SPECIAL USE FOR PROPERTY LOCATED AT 104 FIELDCREST DRIVE 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 property that was discussed during public comments earlier. He explained that the City does enforce restrictive covenants, the city is not changing the zoning of the property, the current zoning ordinances allow for short-term rentals, and the standard that has been set to the ZBA has set standards with numbers of people. The ZBA voted 3 yeas, 1 no, and 2 abstentions. The abstentions were because they knew parties involved. He commented on the restrictions on the property and explained that he has not heard of problems on the short-term rentals. They are limiting the number to two persons per bedroom; off-street parking is one vehicle per bedroom; and no outdoor activity

between 10pm and 6am. With those items, it is being put before the City Council. The City Code allows for short-term rentals.

Commissioner Decker commented on the short-term rental explained that this item has two-readings. He will vote yes tonight. However, he thinks there is a lot to look at over then next couple of weeks. He agrees somewhat that that people should be able to do what they want with property, however, only if it is within the rules that were set forth when they purchased the property. He explained that it is a special use that is outside of the normal rules and you have to come to Council get permission. He explained that it is a significant investment not only for Mr. Burtis but also for the other homeowners. He understands that there could be issues with people that come into the neighborhood with short-term rentals although there have not been problems in the City so far. He explained that that he needs to speak with the neighbors, and he does not know how he will vote on the second reading of the ordinance.

Commissioner Mingus commented on the short-term rental needing to get a special use but long-term rentals not having to get a special use. He does not think that it is correct that the City is more restrictive on long-term rentals. Commissioner Mingus commented on an ordinance adopted where there were stricter guidelines that restricted locations on short-term rentals. He explained that the city does want to look at the neighborhood. People are worried that it will be a party place. Commissioner Mingus does not see Mr. Burtis letting people tear up his house. He thinks that we do want those properties that are selective, and he feels that restrictive covenants are a civil matter.

Commissioner Sutherland agrees with Commissioner Mingus and thinks that restrictive covenants are a civil matter.

Mayor Kahl explained that he feels a special use that allows people to speak out weighs heavy on him. He explained that he is respectful of others' opinions. He appreciates Mr. Burtis for showing up and feels that Mr. Burtis will do the things he says he will do regarding the property. With a lot of neighbors opposing it, he will vote no.

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

Nays: Mayor Kahl.

Mayor Kahl declared the motion carried.

Motion by Commissioner Hill, seconded by Commissioner Decker; Mr. Mayor, I move you that Ordinance No. 4679 hereto attached, (AN ORDINANCE REGULATING MAINTENANCE OF A PORTION OF RIGHT-OF-WAY ADJACENT TO PROPERTY IN THE AREA BETWEEN THE PROPERTY LINE AND THE CURB OR EDGE OF ROAD) 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 City Code not having anything about mowing and maintaining the right-of-way between the property line and the curb or edge of the road. This is codifying that the residents are responsible.

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

Nays: None.

Mayor Kahl declared the motion carried.

Resolution No. 2223-078 by Commissioner Hill; WHEREAS, the City Council of the City of East Peoria, Illinois (the "City"), has taken action to submit a competitive public infrastructure application under the STBG program; and

WHEREAS, the City has identified the project to resurface and improve East Grange Road as an important and necessary infrastructure project for City (the "Project"), and the Project is "shovel ready" and awaiting the necessary funding; and

WHEREAS, receipt of STBG funds is essential to allow the City to undertake the Project to resurface Grange Road from Centennial Drive to US 24 which is projected to cost an estimated \$395,326 at the projected time of construction of Fiscal Year 2025; and

WHEREAS, criteria under the STBG program are such that financial participation by the City, as the grantee, is required in conjunction with these funds; and

WHEREAS, it is projected the match required from the City will be approximately \$78,906 at the projected time of construction; and

WHEREAS, the City has certain monies allocated for the project with cash on hand, as needed; NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF EAST PEORIA, TAZEWELL COUNTY, ILLINOIS, THAT the City does hereby commit funds of at least twenty percent of the project's total cost from the City's motor fuel tax proceeds for use in conjunction with a STBG program.

Motion by Commissioner Hill, seconded by Commissioner Decker; Mr. Mayor, I move that Resolution No. 2223-078 be adopted as presented.

Commissioner Hill commented on Grange Road. He explained that the Tri County Planning Commission is seeking presentations for projects. This is a project that the city is presented for funds to this group. It is a highly trafficked area for Washington and East Peoria residents.

Mayor explained that the call for project requires a resolution in support of the funds. It is important that the City has taken action to commit the funds. If this is approved, this is fiscal year 2025. He looks at this as a call for projects and lets people know that improvements are on the way.

Commissioner Decker is hopeful that this project is approved. The road is the responsibility of the City of East Peoria, and he feels that most residents that use the road are those that live in Washington. He will vote yes and he is hopeful that it is selected as a project.

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

Nays: None.

Mayor Kahl declared the motion carried and Resolution No. 2223-078 be duly adopted as presented.

Resolution No. 2223-079 by Commissioner Decker, seconded by Commissioner Mingus; BE IT RESOLVED BY THE COUNCIL OF THE CITY OF EAST PEORIA, ILLINOIS that Resolution No. 2223-079, hereto attached, a Resolution approving Recycling Contract Tipping Rate Increase of \$0.75 per ton with Waste Management, be approved. Mr. Mayor, I move you that this Resolution No. 2223-079 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 an increase has not been done since 2010. The \$0.75 looks large at around 12%; however, there has not been an increase since 2010.

Mayor Kahl is supportive as an increase has not occurred for 12 years.

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

Nays: None.

Mayor Kahl declared the motion carried.

Resolution No. 2223-080 by Commissioner Decker, seconded by Commissioner Mingus; BE IT RESOLVED BY THE COUNCIL OF THE CITY OF EAST PEORIA, ILLINOIS that Resolution No. 2223-080, hereto attached, a Resolution accepting and approving a Proposal from Hoerr Construction, Inc. to Slip Line Storm Sewer Main on Willow Court in the City of East Peoria, be approved. Mr. Mayor, I move you that this Resolution No. 2223-080 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 slip lining process that makes the pipes last almost as long as a complete replacement. The cost is minimal compared to the cost of replacement.

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

Nays: None.

Mayor Kahl declared the motion carried.

Resolution No. 2223-082 by Commissioner Decker, seconded by Commissioner Mingus; BE IT RESOLVED BY THE COUNCIL OF THE CITY OF EAST PEORIA, ILLINOIS that Resolution No. 2223-082, hereto attached, a Resolution Accepting Low Bid from Knapp Concrete Contractors, Inc. for the Fairlane Drive Pavement Maintenance Project (Marina Lane to Uftring Ford), be approved. Mr. Mayor, I move you that this Resolution No. 2223-082 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 this road being needed to be redone for a long time. He explained that the businesses have been very patient on this roadway, and the City is eager to have this done. He commented on Uftring Ford specifically being patient and being a good community partner. The low bid was \$239,924.20. Mayor Kahl explained that this is part of the capital plan for this year and were hopeful to get this done this construction season; however, it is expected that the work will begin in March 2023.

Commissioner Hill asked whether it would be the same repair as was done on Highview Road project. Commissioner Decker explained that it is not a complete tear out and replace completely, and he will have to get back with commissioner Hill on whether it will be the same as Highview Road.

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

Nays: None.

Mayor Kahl declared the motion carried.

Motion by Commissioner Mingus, seconded by Commissioner Hill; Mr. Mayor, I move you that Ordinance No. 4682 hereto attached, (AN ORDINANCE PROVIDING FOR THE LEASE OF CERTAIN PROPERTY TO CONSTRUCT, MAINTAIN, AND OPERATE A FIRE STATION FACILITY) 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 this being a lease of the property for \$1 per year for 50 years. City Attorney Scott Brunton explained that community colleges are limited on the length the lease can be done with a municipality for 50 years.

Mayor Kahl explained that this applies to the next item as well. He explained that three years ago the city entered discussions with ICC and they said yes. There has been a lot of work to get the lease and new fire station process to where it is today.

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

Nays: None.

Mayor Kahl declared the motion carried.

Resolution No. 2223-081 by Commissioner Mingus, seconded by Commissioner Hill; BE IT RESOLVED BY THE COUNCIL OF THE CITY OF EAST PEORIA, ILLINOIS that Resolution No. 2223-081, hereto attached, a Resolution Approving Guaranteed Maximum Price for New Fire Station Project (Centennial Drive) Under Construction Manager Services Contract with River City Construction L.L.C., be approved. Mr. Mayor, I move you that this Resolution No. 2223-081 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 a new fire station in this area being discussed for close to thirty years. He is excited for this item. This is for a maximum guaranteed price of \$3,466,255, allowances, and a contingency. This is higher than the initial thought it would be. He thanked Chief Zimmerman, Jeff Becker, and Mayor Kahl for working to get the items lowered and contingencies taken out to get to this price. The City has secured 1,900,000 in grant funds thanks to Senator Koehler and former Representative Unes. They are working with the Senator to hopefully get additional funds because the Senator did realize the price went up.

Mayor Kahl thanked the Fire Chief Zimmerman and Jeff Becker for their work with River City which is the construction manager at risk and part of that was negotiating River City's fee down. He thinks it is important to stress that part of the capital plan approved setting aside \$500,000 to go toward this project. The costs have gone up and was more than what was initially anticipated, and they worked to negotiate prices and get additional bids to get the price brought down to a reasonable amount to be able to move the project forward. The balance will come from the public building fund and will seek additional grant funds from the Senator. There are no guarantees.

Commissioner Decker commented on this being discussed when his father retired from the fire department. He explained that the station is needed in the area and will continue to be needed. Commissioner Decker does not see a decrease in calls anytime soon. He explained that sometimes seconds matter in calls. Now the distance from station 3 is further from this area. He feels placing the station out there will be good.

Commissioner Hill commented on the increased costs. He explained that he used to live on Illini Drive and would hear fire engines and knows the need is there. Commissioner Hill commented on response times. Even though the cost pains him, he will be supporting the resolution.

Commissioner Sutherland explained that River City Construction is a class act and feels that they will do a good job.

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. 4683 hereto attached, (AN ORDINANCE AMENDING TITLE 7, CHAPTER 1 OF THE EAST PEORIA CITY CODE TO PROHIBIT STORAGE OF PERSONAL PROPERTY AND CAMPING ON PROPERTY OWNED BY THE CITY) 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 ordinance that will limit those camping on and storing their property on property owned by the city. It has become more prevalent.

Mayor Kahl commented on seeing items left on property and it being time that the city regulates this. It has been a problem and it takes away from people that want to enjoy a space. The City is responsible for cleaning it up now and it needs to be addressed.

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 Hill asked people to get out and vote. He explained that being educated voters are important. He commented on Amendment 1 to change the Illinois Constitution for collective bargaining. Commissioner Hill asked individuals to not be tricked by the ads, as most of the time they are half-truths. He encouraged people to do research and vote.

Commissioner Sutherland commented on people receiving three different mailing. It is a questionnaire that the city is obligated to ask the residents and the residents are going to be obligated to answer the questionnaire. The state wants to know about the water line that is coming into the property and whether it is copper, plastic, iron, or lead. Copper, plastic, and lead are not magnetic. Most houses built in the 1950s and after were iron, copper, and some with lead. Lead was mostly used in pre-Korean war time. Lead is mostly found around the high school area, older houses, at the bottom Fondulac Park area, at the

bottom of Springfield Road area. Most houses with lead lines are gone; however, there may be some. There is a number that people can call with questions or help. This is mandatory by the Environmental Protection Agency. Houses beginning in the 1980s and on are usually plastic. Please answer the questionnaire. Mayor Kahl explained that the city must submit an inventory of lead service lines and asked for everyone's cooperation, as eventually all of those will be replaced.

Commissioner Mingus thanked the firefighters for showing up for the agenda items on the new fire station.

Mayor Kahl Festival of lights is upon us. The queen pageant is Sunday, November 6, 2022 at the Par-A-Dice. The applications are due on Monday, October 24 and there is a \$100 entry fee. You can have a sponsor for the fee. Any ladies interested in entering can obtain the information is available on the City's website. This a scholarship for the winners. Tickets are available tomorrow through November 2nd at City Hall. Mayor Kahl explained that he made a Facebook post regarding the Safe-T Act. Tazewell County State's Attorneys and 49 others filed a lawsuit on the constitutionality of the Safe-T Act. His understanding is that 5 additional State's Attorneys have consolidated their suits with this one. These are state's attorneys on both sides of the aisle and those in law enforcement. He thanked them for stepping up.

Motion by Commissioner Sutherland, seconded by Commissioner Decker; Mr. Mayor, I move you that we adjourn until Tuesday evening, November 1, 2022 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 7:15 P.M.

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