

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

NOVEMBER 2, 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, October 29, 2021, at approximately 4:42 p.m.

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

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 Hill; Mr. Mayor, I move that the minutes of the Regular Meeting held on October 19, 2021 and the minutes of the Special Meeting for a Working Session held on October 19, 2021 be approved as printed.

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

Nays: None.

Mayor Kahl declared the motion carried.

The City Clerk explained that the City received a Certificate from the Secretary of State certifying the 2020 Census Figure for the City.

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 Mingus; Mr. Mayor, I move to adopt a consent agenda consisting of items numbered 1 through 6 as listed on the agenda for this meeting to be considered by omnibus vote.

Item Number 1 - Adoption of Resolution Number 2122-071 – Resolution to Approve Payment of the Schedule of Bills Listed on Schedule Number 12 in the amount of \$1,457,612.38.

Item Number 2 - Adoption of Ordinance Number 4605 on its Second Reading - (AN ORDINANCE AUTHORIZING A SPECIAL USE FOR PROPERTY LOCATED AT 605 ILLINI DRIVE IN THE CITY OF EAST PEORIA, TAZEWELL COUNTY, ILLINOIS.) – (Special Use for an oversized accessory building on property zoned “R-2 One-Family Dwelling District”.)

Item Number 3 - Adoption of Ordinance Number 4606 on its Second Reading - (AN ORDINANCE AUTHORIZING A SPECIAL USE FOR PROPERTY LOCATED AT 707 OAKWOOD ROAD IN THE CITY OF EAST PEORIA, TAZEWELL COUNTY, ILLINOIS.) – (Special Use for an oversized accessory building on his property zoned “R-2 One-Family Dwelling District”.)

Item Number 4 - Adoption of Resolution Number 2122-064 on its Second Reading - Resolution approving and authorizing the execution of a Joint Funding Agreement between the City of East Peoria and the Peoria/Pekin Urbanized Area Transportation Study ("PPUATS") for the Fiscal Year 2022.

Item Number 5 - Adoption of Resolution Number 2122-065 on its Second Reading – Resolution approving the Pekin Avenue Water Tower Leak Repair by Central Tank Coatings, Inc. in the amount of \$15,000.

Item Number 6 - Adoption of Resolution Number 2122-066 on its Second Reading – Resolution approving the Purchase of a Ford F-250 Service Truck from Uftring Auto Group in the amount of \$50,292 for use as a Water Service Truck in the City's Water Department.

Yeas: Commissioners 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 6 listed on the Consent Agenda be hereby approved and adopted, the items numbered 2 through 6 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 2122-071 – Resolution to Approve Payment of the Schedule of Bills Listed on Schedule Number 12 in the amount of \$1,457,612.38. (Adopted by omnibus vote)

Item Number 2 - Adoption of Ordinance Number 4605 on its Second Reading - (AN ORDINANCE AUTHORIZING A SPECIAL USE FOR PROPERTY LOCATED AT 605 ILLINI DRIVE IN THE CITY OF EAST PEORIA, TAZEWELL COUNTY, ILLINOIS.) – (Special Use for an oversized accessory building on property zoned "R-2 One-Family Dwelling District".) (Adopted by omnibus vote)

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Item Number 6 - Adoption of Resolution Number 2122-066 on its Second Reading – Resolution approving the Purchase of a Ford F-250 Service Truck from Uftring Auto Group in the amount of \$50,292 for use as a Water Service Truck in the City's Water Department. (Adopted by omnibus vote)

Yeas: Commissioners 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. 4609, hereto attached, (AN ORDINANCE APPROVING AN ADDENDUM TO SPECIAL SERVICE AREA 2019A TO FUND ADDITIONAL IMPROVEMENT COSTS INCURRED FOR COMPLETING THE ACCESS ROAD 6 IMPROVEMENTS IN THE CITY OF EAST PEORIA, TO LEVY AN ADDITIONAL PROPERTY TAX AGAINST THOSE PROPERTIES BENEFITTED BY THE SSA 2019A ROAD IMPROVEMENTS, AND TO INCUR DEBT FOR FINANCING THE ADDITIONAL IMPROVEMENT COSTS INCURRED FOR THE SSA 2019A ROAD IMPROVEMENTS) having been read once by its title and having been laid on the table for no less than one week for public inspection, be adopted as presented.

Commissioner Hill commented on previously adopted SSA 2019A and explained that the costs were higher than anticipated for the improvement. He commented on the process that required a public hearing, a 60-day period to submit feedback with no feedback being received. This ordinance adopts an addendum to the SSA to add the increased amount that was above the estimated costs to the property taxes.

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

Nays: None

Mayor Kahl declared the motion carried and Ordinance No. 4609 be adopted as presented.

Motion by Commissioner Hill, seconded by Commissioner Mingus; Mr. Mayor, I move you that Ordinance No. 4608, hereto attached, (AN ORDINANCE PROVIDING FOR THE VACATION OF A PORTION OF THE TAYLOR STREET RIGHT-OF-WAY AND RETENTION OF CITY UTILITY EASEMENT) having been read once by its title and having been laid on the table for no less than one week for public inspection, be adopted as presented.

Commissioner Hill commented on the vacation of the right of way. He explained that this will allow the property owner to list the building as having parking on the property where it is currently the City right-of-way, and the City retains the utility easements across the property. The Public Works Department has reviewed this and is approving it. Commissioner Hill explained that there was a cross access easement that is being discussed between the private property owners.

Commissioner Sutherland expressed concern over the fairness of the vacation in that he feels that another property owner was not given an opportunity to obtain a portion of the vacated right-of-way. He expressed concern that there may be another property owner who touches the right-of-way being vacated and it not being offered to another property owner and it not being fair.

Commissioner Hill commented on the location of the vacation and the easement. City Attorney Brunton explained that, in this situation, the entire roadway is not being vacated. The City is only vacating one side then the City can allow for only that property owner. It is only along the property line for the Key Industries property owner.

A representative of the property owner of the old Key Industries that is seeking the vacation and ownership of the vacated right-of-way came up to the podium and explained that they had worked with the other property owner to create a shared easement so that the owner can get to his property. This in no way prohibits the other property owner from getting to his property.

Yeas: Commissioners Hill, Mingus, and Mayor Kahl.

Nays: Commissioner Sutherland.

Mayor Kahl declared the motion failed.

Resolution No. 2122-069 by Commissioner Sutherland; WHEREAS, a vacancy exists on the East Peoria Planning Commission; and

WHEREAS, the Honorable Mayor John P. Kahl has recommended the appointment of Jodi Scott to fill the vacancy on the East Peoria Planning Commission;

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF EAST PEORIA, ILLINOIS, THAT the appointment by Mayor John P. Kahl of Jodi Scott to the East Peoria Planning Commission to fill the vacancy for a term ending April 30, 2024.

AND THAT THIS RESOLUTION NO.2122-069 BE ADOPTED AS PRESENTED.

Motion by Commissioner Hill, seconded by Commissioner Sutherland; Mr. Mayor, I move that Resolution No. 2122-069 be adopted as presented.

Mayor and Commissioners expressed appreciation for Ms. Scott's willingness to serve on the Planning Commission.

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

Nays: None.

Mayor Kahl declared the motion carried and Resolution No. 2122-069 be duly adopted as presented.

Resolution No. 2122-072 by Commissioner Hill; RESOLUTION TO PLACE COPIES OF PROPOSED BUILDING CODES FOR PUBLIC INSPECTION PRIOR TO CITY ACTION TO APPROVE UPDATED EDITIONS OF BUILDING CODES

WHEREAS, in 2014, the City last amended the East Peoria Building Code as set forth in Chapter 1 of Title 4 of the East Peoria City Code (the "Building Code") by adopting: (1) the International Building Code, 2012 Edition ("IBC"); (2) the International Residential Code, 2012 Edition ("IRC"); (3) the International Mechanical Code, 2012 Edition ("IMC"); (4) the International Fire Code, 2012 Edition ("IFC"); (5) the International Property Maintenance Code, 2012 Edition ("IPMC"); (6) the International Energy Conservation Code, 2012 Edition ("IECC"); (7) the National Electric Code, 2014 Edition ("NEC"); and (8) the Life Safety Code, 2012 Edition; and

WHEREAS, at this time, the City intends to amend the Building Code by updating the editions of the IBC, IRC, IMC, IFC, IPMC, IECC, and Life Safety Code to their respective 2018 Editions and updating the edition of the NEC to the 2017 Edition (collectively the "Proposed Updates to the Building Code"); and

WHEREAS, the City intends to present an ordinance effectuating the Proposed Updates to the Building Code at the City Council meeting on December 7, 2021; and

WHEREAS, the City further intends that the Proposed Updates to the Building Code will have an effective date of January 1, 2022; and

WHEREAS, as required under the Illinois Municipal Code, at least thirty (30) days prior to the adoption of an ordinance amending the City's Building Code and adopting new editions of these various building codes as set forth herein, the City must (1) inform the State's Capital Development Board of the proposed amendments, and (2) make the proposed editions of the various building codes to be adopted by the City available for public inspection and review;

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

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

Section 2. The City Clerk is hereby directed, by no later than November 5, 2021, to place on file in the Office of the East Peoria City Clerk, one copy of each of the following codes for public use, inspection, and examination: (1) the International Building Code, 2018 Edition; (2) the International Residential Code, 2018 Edition; (3) the International Mechanical Code, 2018 Edition; (4) the International Fire Code, 2018 Edition; (5) the International Property Maintenance Code, 2018 Edition; (6) the International Energy Conservation Code, 2018 Edition; (7) the National Electric Code, 2017 Edition; and (8) the Life Safety Code, 2018 Edition.

Section 3. The City's Building & Inspections Department, with assistance from the City Attorney's Office, is hereby directed, by no later than November 5, 2021, to inform the State's Capital Development Board of the Proposed Updates to the Building Code.

Motion by Commissioner Hill, seconded by Commissioner Mingus; Mr. Mayor, I move that Resolution No. 2122-072 be adopted as presented.

Commissioner Hill commented on the purpose of the resolution to make the codes available for inspection by the public and that the state be informed. Mayor Kahl commented on the previous working session where the codes were discussed. The City is now moving through the process to make these codes available. Commissioner Mingus is seconding this motion for the codes to be examined with the reservation that he has some concerns with some sections of some of the Code. It was explained that there are certain exemptions that are already being exempted out. The ordinance that approves the codes will need to explain any exemptions in the ordinance.

Commissioner Sutherland inquired about a layman having access to information versus City employees and attorneys. He expressed concerns about not knowing what is in the codes. He would like the changes highlighted and explained that he cannot, as a whole, go with a whole bunch of other counties and states.

Mayor Kahl explained that he has a lot of reservations. He will support laying this on the table to review any of the changes and provide input.

Commissioner Hill explained that these codes have been out there since at least 2018. He explained that those key changes would be easier to see. He asked that those key changes that the Buildings and Inspections Department outlined would be helpful. He explained that addressing all the changes would not be feasible.

Yeas: Commissioners Hill, Mingus, and Mayor Kahl.

Nays: Commissioner Sutherland.

Mayor Kahl declared the motion carried and Resolution No. 2122-072 be duly adopted as presented.

Motion by Commissioner Hill, seconded by Commissioner Sutherland; Mr. Mayor, I move you that Ordinance No. 4610 hereto attached, (AN ORDINANCE AUTHORIZING THE GRANT OF EASEMENT TO AMEREN FOR POWER TRANSMISSION LINES OVER ACCESS ROAD 5 (OFF ILLINOIS ROUTE 116)) 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 easement. The City owns a portion of the right-of-way for Access Road 5 off of Illinois Route 116 (N. Main Street). Ameren maintains power transmission lines that cross over the Access Road 5 right-of-way and now seeks to expand the easement area across the City's portion of this right-of-way for these power transmission lines. The proposed easement expansion would cover the footprint of the power transmission lines, extending 50 feet from the centerline of the power transmission lines in either direction from the centerline of these transmission lines and thus creating a 100-foot wide easement area for these transmission lines.

Additionally, the City maintains a light pole for this portion of the Access Road 6 right-of-way that will now be located within the proposed expanded Ameren easement for these power transmission lines. Thus, the City will receive a "Encroachment Consent" from Ameren that acknowledges the City's light pole that will now be within the expanded easement area and thereby allow the City to continue to maintain this light pole despite its location within the expanded easement area.

This Ordinance approves the proposed expanded easement from Ameren for its power transmission lines that over the City-owned right-of-way in exchange for payment to the City of \$2,400, while also approving the City's acceptance of the "Encroachment Consent" from Ameren for this light pole along Access Road 5.

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

Nays: None.

Mayor Kahl declared the motion carried.

Resolution No. 2122-070 by Commissioner Sutherland, seconded by Commissioner Mingus; BE IT RESOLVED BY THE COUNCIL OF THE CITY OF EAST PEORIA, ILLINOIS that Resolution No. 2122-070, hereto attached, a Resolution to approve the Purchase of Water Meters for the Illinois Central College Workforce Sustainability Center from Midwest Meter Inc. in the amount of \$19,225, be approved. Mr. Mayor, I move you that this Resolution No. 2122-070 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 resolution and explained that it had been going on prior to his being seated on the City Council. Mayor Kahl commented on the large magnitude of the project. The project is being funded primarily through federal and state monies, and this project has been in the works for, at least, the last three governors. This project will benefit the entire region by offering 13 programs in 5 critical industries. These industries have positions needed and they need people to fill those positions and needs. This center will seek to train individuals for those positions and needs. The groundbreaking occurred recently and brought people from the 5 critical industries. It is going to be a great attribute to the region.

Yeas: Commissioners 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.

Mr. Yudel Dryer came up to the podium and expressed drainage concerns. He explained that new people moved in next to him. He explained that there have been issues that he has with drainage by his property.

He handed a picture of the property and issue to Commissioner Hill. He explained that he brought up the issue to the new property-owners, and they do not do anything.

Mr. Don Norbits came up to the podium and inquired about being able to access the Building Codes online. It was explained that the Codes would be provided in book form at City Hall. Mayor Kahl explained that he will get back to Mr. Norbits regarding the access to the Codes online.

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

Mayor Kahl then asked for comments from Council.

Commissioner Hill commented on the Theresa Tracy Trot that is scheduled for Saturday, November 6, 2021. The Theresa Tracy Strive to Survive is an organization that was started by family and friends of Theresa Tracy who succumbed to pancreatic cancer. The money has been given to the University of Illinois Foundation, College of Medicine Peoria to be used for pancreatic cancer research being conducted by Dr. Chris Gondi and to Illinois Cancer Care Foundation to be used for clinical pancreatic cancer trial research. The Theresa Tracy trot is a four-mile run and two-mile walk. Anyone interested can go to theresatracytrot.com and find the registration information.

Commissioner Sutherland commented on a high school board controversy. He explained that there was a question about the mascot for the high school. He commented on previous changes that occurred at the high school regarding the mascot when individuals brought up concerns. He feels that people are trying to undue history, and there is no negativity for the Native American mascot. Native American tribes were contacted, and there was no controversy with them in the past. He would like a question on the ballot to make it a binding vote. He is willing to go out and get petitions to place it on the ballot.

Mayor Kahl commented on the 9th Annual Theresa Tracy Trot. As of a week ago Saturday, there are many signed up for the event, and it is set to be another record-breaking year. The run/walk is Saturday along the riverfront and kicks off at 8am. Saturday is also the Veteran's Day parade at 1:30 pm. He encouraged everyone to attend the parade. He commented on the forum at the high school regarding the mascot. He explained that 15 people spoke. He explained that he was there to listen to both sides, and he is not a part of the cancel culture. The high school has done many things to appease people. On this side of the river, there have been many Native American tribes. There is also a Native American burial ground that dates back to 500 AD with two tribes having been buried there. He does not understand the mascot imagery issue. The majority of people opposed to the imagery were some high school students with two of their teachers, and it was a civil discussion. He commented on the East Peoria Police Department patch imagery. Mayor Kahl congratulated his daughter and son-in-law on their wedding over the weekend.

Motion by Commissioner Sutherland, seconded by Commissioner Mingus; Mr. Mayor, I move you that we adjourn until Tuesday evening, November 16, 2021 at 6:00 P.M.

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

Nays: None

Mayor Kahl declared the motion carried and the meeting adjourned at 6:53 P.M.

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