

: OFFICIAL PROCEEDINGS :**: OF THE CITY OF PEORIA, ILLINOIS :**

Council Chambers, Peoria, Illinois, April 22, 2008, a Joint City Council & Town Board Meeting was held this date at 6:17 P.M., at City Hall, Council Chambers, 419 Fulton Street, with Mayor Jim Ardis presiding, and with proper notice having been posted.

ROLL CALL

Roll call showed the following Council Members were physically present: Gulley, Jacob, Manning, Montelongo, Nichting, Sandberg, Spain, Spears, Turner, Van Auken, Mayor Ardis – 11; Absent: None.

INVOCATION & PLEDGE OF ALLEGIANCE

Mayor Ardis requested a moment of silent prayer or silent reflection and then Boy Scout Troop #156 from St. Vincent's Elementary School led the Pledge of Allegiance.

PROCLAMATIONS, COMMENDATIONS, ETC.

PROCLAMATION: ILLINOIS CENTRAL COLLEGE WOMEN'S BASKETBALL TEAM

PROCLAMATION: AMERICAN RED CROSS CENTRAL ILLINOIS CHAPTER

PROCLAMATION: ARBOR DAY - April 25, 2008

PROCLAMATION: AUTISM AWARENESS MONTH - April 2008

PROCLAMATION: BUILDING SAFETY WEEK - May 5 - 11, 2008

PROCLAMATION: BIKE TO WORK DAY - May 16, 2008

BIKE TO WORK WEEK - May 12 - 16, 2008

WELCOME TO LOCAL DIGNITARIES

Mayor Ardis welcomed Park Board Members Jim Cummings and Robert Thompson, Father Jason Gray from St. Vincent's Elementary School, and former Council Member Louis Carr, who were present in the Council Chamber audience.

MINUTES

Council Member Nichting moved to approve the minutes of the Regular City Council Meeting and Executive Sessions held on April 8, 2008, as printed; seconded by Council Member Turner.

Approved by roll call vote.

Yeas: Gulley, Jacob, Manning, Montelongo, Nichting, Sandberg, Spain, Spears, Turner, Van Auken, Mayor Ardis – 11;

Nays: None.

PETITIONS, REMONSTRANCES & COMMUNICATIONS – CITY OF PEORIA**UNFINISHED BUSINESS**

(08-012) PUBLIC HEARING Regarding the PROPOSED ANNEXATION of 1500 W. WILHELM ROAD (Parcel ID #09-29-326-002) Adjourned to this Date.

Council Member Nichting moved to adjourn the Public Hearing regarding the proposed annexation of 1500 W. Wilhelm Road (Parcel ID #09-29-326-002) to the May 27, 2008, Regular City Council Meeting at 6:15 P.M. at City Hall in the Council Chambers; seconded by Council Member Turner.

Approved by roll call vote.

Yeas: Gulley, Jacob, Manning, Montelongo, Nichting, Sandberg, Spain, Spears, Turner, Van Auken, Mayor Ardis – 11;

Nays: None.

CONSIDERATION OF CONSENT AGENDA ITEMS BY OMNIBUS VOTE, for the City of Peoria, with Recommendations as Outlined:

- (08-166) Communication from Interim City Manager and Director of Public Works Requesting Approval of UNITED READY MIX as a VENDOR for FLOWABLE FILL and READY MIX CONCRETE for STREET MAINTENANCE MATERIALS. (Refer to Item No. 08-099)**
- (08-167) Communication from the Interim City Manager and Acting Director of Human Resources Requesting Approval to SELECT RESOURCE MANAGEMENT ASSOCIATES (RMA) to Develop and Administer the FIRE CAPTAIN PROMOTIONAL EXAMINATION for the City of Peoria at a Cost Not to Exceed \$48,160.00.**
- (08-168) Communication from the Interim City Manager and Director of Economic Development Requesting Direction to Staff Regarding the ISSUANCE of a REQUEST FOR PROPOSAL (RFP) for Property Located at 121 MORTON STREET, the FORMER ROCK ISLAND RAILROAD DEPOT.**
- (08-169) Communication from the Interim City Manager and Director of Public Works Requesting Approval to ACCEPT the LOW BID of ADVANCED TECHNICAL SYSTEMS d/b/a ADVANCED ELECTRIC and Award a CONTRACT, in the Amount of \$153,944.18, which is 20.7% Over the Engineer's Estimate, and Requesting Approval of SUPPLEMENTAL MFT RESOLUTION 08-169, in the Amount of \$50,000.00, for ENGINEERING and CONSTRUCTION COSTS for a TRAFFIC SIGNAL at the INTERSECTION of ALLEN ROAD and CARRIAGE LANE (Refer to Item No. 08-021)**
- (08-170) Communication from the Interim City Manager and Director of Public Works Requesting Approval of a CONTRACT with MACTEC ENGINEERING & CONSULTING to Provide CONSTRUCTION ENGINEERING SERVICES for Improvements to SPRINGDALE CEMETERY, in an Amount Not to Exceed \$37,304.00.**
- (08-171) Communication from the Interim City Manager and Director of Public Works Requesting Approval of a ONE-YEAR CONTRACT EXTENSION with DOOR SYSTEMS for the MAINTENANCE of OVERHEAD DOORS to May 31, 2009. (Extends Agreement No. 06-353)**
- (08-172) Communication from the Interim City Manager and Director of Planning and Growth Management Requesting Authorization for the Interim City Manager to Execute a CONTRACT with TILLMAN ELECTRIC, and WW GRAINGER ELECTRIC, in an Amount Not to Exceed \$50,000.00, for the ALLEY LIGHTING PROGRAM.**

- (08-173) Communication from the Interim City Manager and Director of Inspections Requesting Approval of AGREEMENTS with the VILLAGE of DUNLAP for ANIMAL IMPOUNDMENT SERVICES, in the Combined Amount of \$2,315.00, Charged at a Per Capita Rate, and Requesting Authorization for the Interim City Manager to Enter into These Agreements.
- (08-174) Communication from the Interim City Manager and Director of Public Works Requesting Authorization for the Interim City Manager to SIGN a LANDSCAPE AGREEMENT with the ILLINOIS DEPARTMENT OF TRANSPORTATION for Improvement of the I-474 and U.S ROUTE 24 NORTH QUADRANT, as Outlined.
- (08-175) Communication from Interim City Manager and Director of Public Works Requesting Approval of RESOLUTION NO. 08-175 Supporting the CONSTRUCTION of the PHASE I NEW URBANISM PLAN for the SHERIDAN TRIANGLE and Requesting Approval to Direct Staff to APPLY for FUNDING Through the Illinois Transportation Enhancement Program (ITEP).
- (08-176)
* Communication from the Interim City Manager and Director of Public Works Requesting Approval of a RESOLUTION Supporting GOVERNOR BLAGOJEVICH'S ILLINOIS GREEN STREETS INITIATIVE PROGRAM and Supporting the PLANTING of TREES in the DOWNTOWN BUSINESS DISTRICT as Part of the "ILLINOIS GREEN STREETS INITIATIVE," and Authorizing Staff to Apply for Funding Through the Illinois Transportation Enhancement Program (ITEP).
- (08-177) Communication from the Interim City Manager and Corporation Counsel Requesting Approval of RESOLUTION NO. 08-177 Approving GLEN OAK and HARRISON SCHOOL SITES for PUBLIC BUILDING COMMISSION.
- (08-178) Communication from the Interim City Manager and Director of Public Works Requesting Adoption of ORDINANCE NO. 16,263 VACATING all RIGHTS-OF-WAY Within the Area Bounded by GRINNELL STREET, GRISWOLD STREET, KRAUSE AVENUE, and FOLKERS AVENUE.
- (08-179)
** Communication from the Interim City Manager and Director of Planning and Growth Management Requesting Adoption of an ORDINANCE Rezoning Property Located at 7908 N. ORANGE PRAIRIE ROAD (Temporary Address) from the Present Class C-2 (Large Scale Commercial) District to a Class R-7 (Multi-Family Residential) District.
- (08-180) Communication from the Interim City Manager and Director of Planning and Growth Management Requesting Adoption of ORDINANCE NO. 16,264 Amending Ordinance No. 15,778, an EXISTING SPECIAL USE in a Class C-2 (Large Scale Commercial) District for a SHOPPING CENTER by ADDING NEW RETAIL and RESTAURANT for Property Located at 4800 N. UNIVERSITY, with Conditions.
- (08-181) Communication from the Interim City Manager and Director of Planning and Growth Management Requesting Adoption of ORDINANCE NO. 16,265 REDUCING the 100-FOOT SETBACK from CENTERLINE Along W. GLEN AVENUE to 60 FEET for Property Located at 4800 N. UNIVERSITY.

- (08-182) Communication from the Interim City Manager and Director of Public Works Requesting Approval of a SIDEWALK PARTICIPATION REQUEST from PEORIA COUNTY for Property Located at 501 E. GIFT AVENUE, in the Amount of \$12,090.38.
- (08-183) *** Communication from the Interim City Manager and Corporation Counsel Requesting Approval of an APPLICATION for a CLASS A (Tavern) LIQUOR LICENSE for 533 MAIN STREET (Upper Level), with Liquor Commission Recommendation to Approve.
- (08-184) **** Communication from the Interim City Manager and Corporation Counsel Requesting Approval of an APPLICATION for a CLASS A (Tavern) LIQUOR LICENSE, with a Subclass 1A (2:00 A.M. Closing); Subclass 2 (Live Entertainment); Subclass 3 (Beer Garden), for 7719 N. UNIVERSITY, with Recommendation from the Liquor Commission to Approve.
- (08-185) ***** Communication from the Interim City Manager and Corporation Counsel Requesting Approval of an APPLICATION for a CLASS H (Temporary Outdoor) LIQUOR LICENSE for the ILLINOIS BLUES COALITION to be Held at RIVERFRONT PARK and THE LANDING on Friday, June 27, 2008*, and Saturday, June 28, 2008*.
- (08-186) REPORT of the CITY TREASURER, REGINALD A. WILLIS for the MONTH of FEBRUARY 2008, with Recommendation to Receive and File.

Mayor Ardis questioned if the Council wished to have any of the Consent Agenda items removed for further discussion.

Council Member Sandberg requested that Item Nos. 08-176 and 08-183 be removed from the Consent Agenda for further discussion.

Council Member Jacob requested that Item Nos. 08-183 and 08-185 be removed from the Consent Agenda for further discussion.

Council Member Nichting requested that Item Nos. 08-179 and 08-184 be removed from the Consent Agenda for further discussion.

Council Member Montelongo moved to approve the Consent Agenda items as outlined in the Council Communications; seconded by Council Member Spain.

Item Nos. 08-166 through 08-186 (excluding Item Nos. 08-176, 08-179, 08-183, 08-184, and 08-185, which were removed for further discussion) were approved by roll call vote under the Omnibus Vote Designation.

Yeas: Gulley, Jacob, Manning, Montelongo, Nichting, Sandberg, Spain, Spears, Turner, Van Auken, Mayor Ardis – 11;

Nays: None.

- (08-176) * Communication from the Interim City Manager and Director of Public Works Requesting Approval of a RESOLUTION Supporting GOVERNOR BLAGOJEVICH'S ILLINOIS GREEN STREETS INITIATIVE PROGRAM and Supporting the PLANTING of TREES in the DOWNTOWN BUSINESS DISTRICT as Part of the "ILLINOIS GREEN STREETS INITIATIVE," and Authorizing Staff to Apply for Funding Through the Illinois Transportation Enhancement Program (ITEP).

Council Member Sandberg expressed concern that \$6,000.00 for planting trees would be coming out of the account for the removal and trimming of City trees. He requested a report back regarding this issue. He also requested that future Council communications list the name of the accounts funds were being expended from, and not just the account number, to avoid confusion.

Council Member Sandberg moved to approve the Resolution supporting Governor Blagojevich's Illinois Green Streets Initiative Program and supporting the planting of trees in the Downtown Business District as part of the "Illinois Green Street Initiative," and authorize Staff to apply for funding through the Illinois Transportation Enhancement Program (ITEP); seconded by Council Member Turner.

RESOLUTION NO. 08-176 was approved by roll call vote.

Yeas: Gulley, Jacob, Manning, Montelongo, Nichting, Sandberg, Spain, Spears, Turner, Van Auken, Mayor Ardis – 11;

Nays: None.

**(08-179) Communication from the Interim City Manager and Director of Planning and
** Growth Management Requesting Adoption of an ORDINANCE Rezoning
Property Located at 7908 N. ORANGE PRAIRIE ROAD (Temporary Address)
from the Present Class C-2 (Large Scale Commercial) District to a Class R-7
(Multi-Family Residential) District.**

Council Member Nichting said the Petitioner had requested that this item be Tabled.

Council Member Nichting moved to Table this item; seconded by Council Member Van Auken.

Motion to Table this item was approved by roll call vote.

Yeas: Gulley, Jacob, Manning, Montelongo, Nichting, Sandberg, Spain, Spears, Turner, Van Auken, Mayor Ardis – 11;

Nays: None.

**(08-183) Communication from the Interim City Manager and Corporation Counsel
*** Requesting Approval of an APPLICATION for a CLASS A (Tavern) LIQUOR
LICENSE for 533 MAIN STREET (Upper Level), with Liquor Commission
Recommendation to Approve.**

Council Member Jacob said he would be abstaining from voting on this item because he was a liquor licensee and was prohibited from voting on liquor related matters by State Statute 235 ILCS 5/6-2.

Council Member Sandberg said he would be abstaining from voting due to a professional relationship with the Petitioner.

Council Member Montelongo moved to concur with the Liquor Commission to approve the Application for a Class A (Tavern) Liquor License for 533 Main Street (Upper Level); seconded by Council Member Spain.

Approved by roll call vote.

Yeas: Gulley, Manning, Montelongo, Nichting, Spain, Spears, Turner, Van Auken, Mayor Ardis – 9;

Nays: None;

Abstentions: Jacob, Sandberg - 2.

- (08-184)**

Communication from the Interim City Manager and Corporation Counsel Requesting Approval of an APPLICATION for a CLASS A (Tavern) LIQUOR LICENSE, with a Subclass 1A (2:00 A.M. Closing); Subclass 2 (Live Entertainment); Subclass 3 (Beer Garden), for 7719 N. UNIVERSITY, with Recommendation from the Liquor Commission to Approve.

By request from Council Member Nichting, City Clerk Mary Haynes announced that this item had been withdrawn.

- (08-185)**

Communication from the Interim City Manager and Corporation Counsel Requesting Approval of an APPLICATION for a CLASS H (Temporary Outdoor) LIQUOR LICENSE for the ILLINOIS BLUES COALITION to be Held at RIVERFRONT PARK and THE LANDING on Friday, June 27, 2008*, and Saturday, June 28, 2008*.

Council Member Jacob said he would be abstaining from voting on this item because he was a liquor licensee and was prohibited from voting on liquor related matters by State Statute 235 ILCS 5/6-2.

*A replacement communication correcting the dates was distributed to all members of the City Council.

Council Member Montelongo moved to approve the Application for a Class H (Temporary Outdoor) Liquor License for the Illinois Blues Coalition to be held at Riverfront Park and The Landing on Friday, June 27, 2008, and Saturday June 28, 2008; seconded by Council Member Spain.

Approved by roll call vote.

Yeas: Gulley, Manning, Montelongo, Nichting, Sandberg, Spain, Spears, Turner, Van Auken, Mayor Ardis – 10;

Nays: None;

Abstentions: Jacob - 1.

- (08-187)**
Communication from the Interim City Manager and Director of Public Works Requesting Approval to NEGOTIATE a CONTRACT with T. Y. LIN INTERNATIONAL to Determine the FINANCIAL and ENGINEERING FEASIBILITY of a SIDE-BY-SIDE RAIL/TRAIL DEVELOPMENT Along the KELLAR BRANCH RAIL LINE.

Council Member Spears moved to approve negotiating a Contract with T. Y. Lin International to determine the financial and engineering feasibility of a Side-by-Side Rail/Trail Development along the Kellar Branch Rail Line; seconded by Council Member Manning.

Council Member Spears provided background information regarding why the Committee was formed and he said the Committee took to the task in a serious manner in the short period of time they had for the assignment. He said each engineering company was thoroughly interviewed and the firm that was chosen had experience in obtaining grant money and had extensive experience in Illinois in developing a rail line and trail together.

He thanked Mayor Ardis for the opportunity to Chair the Committee and he commended the Committee for their efforts in this matter.

In discussion with Council Member Sandberg regarding the procedure that would be followed, Council Member Spears said the negotiated contract would come back to the Council for approval.

Council Member Sandberg expressed concern that no other entity, other than the City of Peoria, had provided funds to reach the goal of developing a trail along side the rail. He questioned if the City would be adopting a Budget amendment.

Council Member Spears explained that the Village of Peoria Heights would be contributing as well, and the railroad owners had indicated they wanted to participate. He added the owners did not participate or attend any of the meetings, but he felt they would be impressed with the efforts of T. Y. Lin and their abilities. He said the railroad owners would be requested to participate financially in this matter. He stated the Committee's task was to find an engineering firm that was in a neutral position, had extensive experience in developing a trail along a rail line in Illinois, and experience in obtaining grant money.

Motion to approve negotiating a Contract with T. Y. Lin International to determine the financial and engineering feasibility of a Side-by-Side Rail/Trail Development along the Kellar Branch Rail Line was approved by roll call vote.

Yeas: Gulley, Jacob, Manning, Montelongo, Nichting, Sandberg, Spain, Spears, Turner, Van Auken, Mayor Ardis – 11;

Nays: None.

(08-188) Communication from the Interim City Manager and Director of Planning and Growth Management Requesting Adoption of an ORDINANCE Amending Ordinance No. 16,092, an EXISTING OFFICIAL DEVELOPMENT PLAN for BRADLEY UNIVERSITY in a Class N-1 (Institutional) District by REDUCING the REQUIRED 25-FOOT SETBACK Along MAIN STREET, REDUCING the NUMBER of PARKING SPACES in the PROPOSED PARKING DECK on MAIN STREET to 622, and MODIFYING LANDSCAPE/STREETSCAPE in Front of the PARKING DECK and the PROPOSED AREA on MAIN STREET for Property Located at 1501 W. BRADLEY AVENUE, with Conditions.

Director of Planning and Growth Management Pat Landes distributed a replacement Ordinance, which included a corrected Legal Description, to all Members of the City Council.

Council Member Van Auken explained an error had occurred in this construction project. She said the Petitioner of the proposed Ordinance was Mr. Tom Williams and not Bradley University. She stated Bradley University's position was to demolish and reconstruct the portion in error, but she decided the surrounding neighbors should be involved in a decision that was so drastic. She said she felt the best course of action would be for the neighborhood association representatives, representatives from Williams Brothers Construction, and Austin Engineering to hold a meeting to explain how the error happened and to resolve the error. She said she left the decision with the neighborhood representatives to decide how to proceed.

Council Member Van Auken further explained the wrong set of plans was used to begin the construction of the building that was as long as a football field, and the result of the error was that the building would be placed nine feet closer to Main Street than was provided for in the original Ordinance. She said after the neighborhood representatives discussed how this situation could be resolved, it was determined that a new frontage for the parking deck would be designed, which included more landscape and sidewalks and was a better design. She commended the efforts of neighborhood representatives Bernie Goitein, Nathan Wagner, and Pat McNamara for resolving this matter and for being good neighborhood models.

Council Member Van Auken moved to adopt the replacement Ordinance amending Ordinance No. 16,092, an Existing Official Development Plan for Bradley University in a Class N-1 (Institutional) District by reducing the required 25-foot setback along Main Street, reducing the number of parking spaces in the proposed parking deck on Main Street to 622, and modifying landscape/streetscape in front of the parking deck and the proposed area on Main Street for property located at 1501 W. Bradley Avenue, with conditions; seconded by Council Member Manning.

Council Member Sandberg expressed concern regarding the error that was made and the process that was followed. He also commended the efforts of the neighborhood representatives for their assistance in resolving the matter.

Motion to adopt ORDINANCE NO. 16,266 amending Ordinance No. 16,092, an Existing Official Development Plan for Bradley University in a Class N-1 (Institutional) District by reducing the required 25-foot setback along Main Street, reducing the number of parking spaces in the proposed parking deck on Main Street to 622, and modifying landscape/streetscape in front of the parking deck and the proposed area on Main Street for property located at 1501 W. Bradley Avenue, with conditions, was approved by roll call vote.

Yeas: Gulley, Jacob, Manning, Montelongo, Nichting, Sandberg, Spain, Spears, Turner, Van Auken, Mayor Ardis – 11;

Nays: None.

(08-189) Communication from the Interim City Manager and Director of Planning and Growth Management Requesting Adoption of ONE of the Following:

- A. Recommendation from the Zoning Commission to Adopt ORDINANCE "A" Amending Ordinance No. 14,419, a SPECIAL USE in a Class R-3 (Single Family Residential) District for CHURCH and SCHOOL FACILITIES ADDING a GARAGE, a CHURCH OFFICE ADDITION, and ADDITIONS to the SCHOOL, which would Include a Music Room, a Gym with Stage Locker Rooms for Property Located at 6001 N. UNIVERSITY, with Condition No. 2 Regarding Accessibility Requirements; OR**
- B. Recommendation from the Staff to Adopt ORDINANCE "B" Amending Ordinance No. 14,419, a SPECIAL USE in a Class R-3 (Single Family Residential) District for CHURCH and SCHOOL FACILITIES ADDING a GARAGE, a CHURCH OFFICE ADDITION, and ADDITIONS to the SCHOOL, which would Include a Music Room, a Gym with Stage Locker Rooms for Property Located at 6001 N. UNIVERSITY and 1315 & 1318 W. CHEROKEE, with Conditions.**

Council Member Manning said he would be abstaining from the vote due to a business relationship with the Petitioner.

Following some brief comments, Council Member Spears moved to concur with the recommendation from the Zoning Commission to adopt Ordinance "A" amending Ordinance No. 14,419, a Special Use in a Class R-3 (Single Family Residential) District for Church and School Facilities adding a Garage, a Church Office Addition, and Additions to the School, which would include a music room, a gym with stage locker rooms for property located at 6001 N. University, with Condition No. 2 regarding accessibility requirements; seconded by Council Member Turner.

Motion to concur with the recommendation from the Zoning Commission to adopt ORDINANCE NO. 16,267 amending Ordinance No. 14,419, a Special Use in a Class R-3 (Single Family Residential) District for Church and School Facilities adding a Garage, a Church Office Addition, and Additions to the School, which would include a music room, a gym with stage locker rooms for property located at 6001 N. University, with Condition No. 2 regarding accessibility requirements, was approved by roll call vote.

Yeas: Gulley, Jacob, Montelongo, Nichting, Sandberg, Spain, Spears, Turner, Van Auken, Mayor Ardis – 10;

Nays: None;

Abstention: Manning - 1.

(08-190) Communication from the Interim City Manager and Corporation Counsel Regarding an APPLICATION for a CLASS A (Tavern) LIQUOR LICENSE, with a Subclass 1A (2:00 A.M. Closing) and Subclass 2 (Live Entertainment), for 7807 N. UNIVERSITY, with Recommendation from the Liquor Commission to DENY.

Council Member Jacob said he would be abstaining from voting on this item because he was a liquor licensee and was prohibited from voting on liquor related matters by State Statute 235 ILCS 5/6-2.

Council Member Sandberg said he would be abstaining from voting due to a professional relationship with the Petitioner several years ago.

Council Member Manning moved to defer this item until the May 13, 2008, Regular City Council Meeting; seconded by Council Member Turner.

Motion to defer this item until May 13, 2008, was approved by roll call vote.

Yeas: Gulley, Manning, Montelongo, Nichting, Spain, Spears, Turner, Van Auken, Mayor Ardis – 9;

Nays: None;

Abstentions: Jacob, Sandberg - 2.

(08-191) Communication from the Interim City Manager and Finance Director/ Comptroller Regarding a PRESENTATION of the 2007 PRE-AUDIT FINANCIAL UPDATE and 2008 FIRST QUARTER FINANCIAL STATUS, with Request to Receive and File.

Finance Director/Comptroller Jim Scroggins distributed information regarding the 2007 Un-Audited Financial Results and the 2008 First Quarter Financial Status to all members of the City Council.

Finance Director/Comptroller Jim Scroggins gave a brief overview of 2007 General Fund Revenues and Expenditures. He said revenues were projected to finish at approximately 2.6% over budget or \$2.8 million. He stated there was a slight overage in Operating Expenditures, in the approximate amount of \$988,000, which was a result of employee benefits and support to other agencies. He added the 2007 Audit was in the process of being completed and the final report would be available at the end of June. He said these numbers were pre-audit.

Director Scroggins further discussed 2008 results through March. He said January sales tax numbers came in flat and State Income Tax continued to exceed expectations. He said the result of the Special Census assisted with the increase in revenues. He said it was still early in the year and his Department would continue to closely track revenues and expenditures. He added, if there were significant changes, he would report it to the Council as soon as possible.

Director Scroggins said the City had been notified that the preliminary I.M.R.F. contribution rates would go down from 14.01 to 13.71, which would be an approximate \$75,000 savings. He said he was also notified that the Equalized Assessed Valuation came in higher than estimated, which would increase property tax values for 2009.

In discussion with Council Member Nichting, Director Scroggins projected that the 2007 surplus would be approximately \$1 million after the audit was completed.

In discussion with Council Member Jacob regarding the projected deficits in 2009 and 2010 and what impact the 2007 surplus would have in the out years, Director Scroggins said it could result in some of the revenues being higher in the out years, such as property taxes.

In discussion, Council Member Spain requested that Director Scroggins provide information regarding how lower growth than the projected 2% in future sales tax revenue could impact future Budgets.

In discussion with Council Member Spain regarding Legislation that was working its way through Springfield relating to a change in the amortization period for pensions, Interim City Manager Henry Holling said he did not have any current information, but the Illinois Municipal League would be providing the status of that Legislation. He said the Administration would be coming back to Council soon with observations regarding how the overall process could be improved.

Council Member Nichting moved to receive and file the Presentation regarding the 2007 Pre-Audit Financial Update and 2008 First Quarter Financial Status; seconded by Council Member Manning.

Approved by roll call vote.

Yeas: Gulley, Jacob, Manning, Montelongo, Nichting, Sandberg, Spain, Spears, Turner, Van Auken, Mayor Ardis – 11;

Nays: None.

UNFINISHED BUSINESS

(08-163) Communication from Interim City Manager and Corporation Counsel with a REQUEST from COUNCIL MEMBER JIM MONTELONGO to Consider Action on an ORDINANCE Amending CHAPTER 18 of the Code of the City of Peoria Pertaining to DANCE HALL LICENSING, with Staff Recommendation to Deny the Ordinance, with SUPPLEMENTAL COMMUNICATION and REPLACEMENT ORDINANCE.

Corporation Counsel Randy Ray distributed a replacement Ordinance to all Members of the City Council.

Council Member Montelongo explained he supported an amendment to the Teen Dance Club Ordinance. He said the 500 foot requirement from residents currently in the Ordinance made it difficult for a Teen Dance Club to open. He said he understood the intention of the policy, but he felt the Council needed to have an open mind to a unique situation for a Teen Dance Club to be located more than 200 feet but less than 500 feet from residents. He stated the proposed change would allow the 500 foot requirement to stand, but it would provide an opportunity for the Council to review individual business cases for Teen Dance Clubs. He said additional restrictions could be placed on certain establishments. He urged the Council to support the proposed amendment.

Council Member Montelongo also stated he had researched surrounding neighborhoods and there were no complaints of noise or other neighborhood problems in relation to the teen dances that were held periodically at Expo Gardens in the past nine months.

Council Member Montelongo moved to adopt the replacement Ordinance amending Chapter 18 of the Code of the City of Peoria pertaining to Dance Hall Licensing; seconded by Council Member Sandberg.

Council Member Sandberg clarified that approval of the proposed Ordinance would not grant a Dance Hall License to anyone in the City of Peoria. He said, if the Ordinance was adopted, applications would be accepted and those applications would come before the Council for approval. He added a majority of Council Members would need to be satisfied that the dance hall would not cause unreasonably high decibel levels before any teen dance hall license could be issued. He stated he had no problem with modifying the Teen Dance Ordinance at this time.

Council Member Turner said he supported providing area teens with more activities, but he expressed concern that an amendment to the Ordinance could harm quality of life issues for neighborhoods near Teen Dance Clubs. He added the majority of the complaints received by Council Members pertained to quality of life issues such as noise. He stated, at this time, he would probably vote against the motion, but he would listen to further debate.

Council Member Van Auken pointed out the Police Chief had still not withdrawn his objections regarding this Teen Dance Club. She expressed concern that Police resources would be over-extended when problems at the Teen Dance Club occurred. She said she would not support the proposed Ordinance.

Council Member Gulley spoke in support of the motion. He referred to the dances held at Expo Gardens and he pointed out that Expo Gardens was more than 500 feet from residents.

In discussion with Council Member Gulley, Police Chief Settingsgaard said the Police Department had not experienced any problems at Expo Gardens when teen dances were held. He said his concern regarding reducing the 500 foot requirement to a lesser number regarded the fact that when the teen dances closed, it taxed Police resources when complaints were received regarding noise and disorder in the parking areas when people departed.

Council Member Gulley urged the Council to vote in favor of the motion. He said the proposed Ordinance would provide more control than the City had at Expo Gardens. He urged the Council to vote in favor of the motion to create an opportunity for investment and provide that the City would have more control, which would prevent problems that had been experienced in the past.

Council Member Nichting said he had attended a meeting in the past with neighbors surrounding Expo Gardens and those neighbors expressed concern regarding noise and the distance the noise traveled and its impact when bands played for dances. He said a suggestion to negate some of these issues was to notify the neighbors when these kinds of events were going to take place and the dances would be shut down, if there were complaints. He said there had been opposition by the surrounding neighborhoods to Expo's hosting teen dances.

Council Member Nichting pointed out the reason for a 500 foot buffer between teen dance clubs and residential areas was to properly address the noise issue by significantly distancing the event from the neighborhoods.

Council Member Spain said he felt there was a need for opportunities for young people to step up and showcase their leadership and he would continue to work toward those opportunities. He stated this situation was about the location and he said he felt the 500 foot requirement should remain in place. He further stated, as similar projects came forward for other locations, he felt there should be a way to craft how police and other public services could be delivered in a way that would be consistent with existing Ordinances. He indicated he supported the concept for positive teen activities to be developed, and he felt there were other locations in the City where a Teen Dance Club would be a permitted use. He said he would not be voting in favor of the motion, but he said he was hopeful another location would be found in the near future.

Council Member Manning referred to concerns he had voiced in the past pertaining to the noise generated by the music inside the establishment, the parking lot, security concerns, and over-taxing police resources, so he took the opportunity to experience a demonstration of the noise generated by the sound system. He said he could not hear the noise from the music once he left the building, so he felt the Petitioner had addressed the loud music issues. He said he felt there would still be concerns by the surrounding neighbors regarding noise in the parking lot as people departed and drove through adjoining neighborhoods at closing time. He said it was his opinion that the replacement Ordinance lacked consistency and failed to establish a clear and objective threshold of what the conditions would be, and there needed to be clear and consistent objectives to weigh this. He said all business owners needed to be treated equally.

Council Member Spears expressed concern regarding the process and how complaints would be handled. Following further discussion with Council Member Montelongo regarding the process, Council Member Spears indicated he would not be supporting the motion.

Council Member Jacob agreed there was a need in the community to address teen activities. He said the 500 foot requirement in the Ordinance was in place to protect surrounding neighborhoods. He said more details and specifics needed to be in place, plus more airing of public concerns needed to be in place before amendments were made to the present Ordinance. He said he would not support the motion at this time, but he would be listening to further discussion.

Council Member Montelongo moved to grant Privilege of the Floor to Mr. Tim Behm, owner of Adrenaline.

In discussion with Mayor Ardis, Council Member Montelongo confirmed that Mr. Behm had new information he would like to provide.

Hearing no objections, Mayor Ardis granted Privilege of the Floor to Mr. Tim Behm.

Mr. Tim Behm, owner of Adrenaline Youth Club, urged the Council to provide him with a chance to open the Club. He said he would be employing uniformed Police Officers for security. He reported he had petitions signed by neighbors who were in support of the opening of Adrenaline and he urged the Council to vote in favor of amending the proposed Ordinance so he would have an opportunity to open the club.

Motion to adopt the replacement Ordinance amending Chapter 18 of the Code of the City of Peoria pertaining to Dance Hall Licensing was DEFEATED by roll call vote.

Yeas: Gulley, Montelongo, Sandberg - 3

Nays: Jacob, Manning, Nichting, Spain, Spears, Turner, Van Auken, Mayor Ardis – 8.

NEW BUSINESS**(08-192) REQUEST for a REPORT BACK Regarding Whether or Not RAIL CARS Could be PARKED on the RAIL LINE ACCORDING TO THE CONTRACT and, if not, then the REGULATORY ISSUES SHOULD BE ADDRESSED.**

In discussion with Council Member Nichting regarding inspection of sites where hazardous materials could exist and if there were associated fees, Fire Chief Kent Tomblin said the process was to inspect any place where it was known that hazardous materials existed and fees were assessed.

Council Member Nichting expressed concern that for approximately the last 90 days there have been 40 rail cars that were being used as hazardous materials storage units on the northern spur off the Union Pacific rail line coming into the Pioneer Park area,.

Council Member Nichting requested that the 40 rail cars holding hazardous materials be inspected and if these storage units complied with the City's hazardous material Ordinance, he requested that the owners be billed for the fees as outlined in the Ordinance.

Fire Chief Kent Tomblin said the Hazardous Materials Team had inspected 30 to 40 tankers on the rail line and it was found that they were empty with a small amount of residue left in them.

Council Member Nichting said he felt these rail cars should be held to the same standard as other businesses located in the City of Peoria. He said, if the owners did not want to pay the fees, the rail cars should be removed from rail lines paid for by taxpayers.

Following further discussion, Mayor Ardis said he felt the direction to the Administration would be to identify if the cars could be parked on the rail line according to their contract and, if not, then the regulatory issues should be addressed. He requested that this information be provided by the next Council Meeting.

Council Member Spain requested that the report back include whether or not a reasonable amount of rent could be charged.

No objections were heard.

ANNOUNCEMENT Regarding INSTALLATION of a POCKET PARK next to the TRI-COUNTY URBAN LEAGUE

Council Member Gulley announced the installation of a Pocket Park would be held at the Tri-County Urban League on Saturday, April 26, 2008, from 10:00 A.M. until 2:00 P.M. He invited the Council and the public to attend.

COMMENTS Regarding a GRANTED VARIANCE for a NEW CONSTRUCTION in DISTRICT #3

Council Member Manning stated plans had been approved to build a new home in District #3 just north of Forrest Hill Avenue and Wisconsin Avenue, which was clearly located in a new Form-Based District. He stated, in this case, the plans as approved by the City of Peoria met the Code, but the actual construction did not. He said the lack of compliance resulted in an application to the Zoning Board of Appeals for a variance to approve the existing construction, and he said the variance was granted. He expressed concern regarding this issue due to the fact that the Code was developed with significant community input and should be weighed and limited in warranted circumstances. He stated the Council approved the new Code and should expect that Code to be followed.

PETITIONS, REMONSTRANCES & COMMUNICATIONS – TOWN OF THE CITY OF PEORIA

(08-193) Communication from the Supervisor of General Assistance and Town Treasurer Requesting Approval of the Following:

- A. RESOLUTION Authorizing NAMED BANKS to ACT as DEPOSITORIES, ETC., of the Town of the City of Peoria and Authorizing the Town of the City of Peoria to ACCEPT and RELEASE SECURITIES for SAFEKEEPING Held by a Third Party and Authorizing Named Banks to Honor Checks, Drafts;**

Trustee Nichting moved to approve a Resolution authorizing named banks to act as depositories, etc., of the Town of the City of Peoria and authorizing the Town of the City of Peoria to accept and release securities for safekeeping held by a third party and authorizing named banks to honor checks, drafts; seconded by Trustee Jacob.

RESOLUTION NO. 08-193-A was approved by roll call vote.

Yeas: Gulley, Jacob, Manning, Montelongo, Nichting, Sandberg, Spain, Spears, Turner, Van Auken, Chairman Ardis – 11;

Nays: None.

- B. ASSOCIATION DEPOSITORY RESOLUTION with SOUTH SIDE BANK.**

Trustee Nichting moved to approve the Association Depository Resolution with South Side Bank; seconded by Trustee Montelongo.

RESOLUTION NO. 08-193-B was approved by roll call vote.

Yeas: Gulley, Jacob, Manning, Montelongo, Nichting, Spain, Spears, Turner, Van Auken, Chairman Ardis – 10;

Nays: Sandberg - 1.

CITIZEN REQUESTS TO ADDRESS THE COUNCIL

(08-194) Request for CITIZENS to ADDRESS the CITY COUNCIL Regarding VARIOUS ISSUES.

Hearing no objections, Mayor Ardis granted Privilege of the Floor to those citizens wishing to address the City Council.

Mr. Ray Anderson, a City resident, expressed concern regarding a police incident, which occurred on Shelly Street, that he felt was racial discrimination. He requested that this situation be reviewed by the Administration.

Mr. Roger Sparks, a City resident and member of the Mayor's Advisory Committee for the Disabled, expressed concern that developers of new construction did not follow City Codes and Ordinances.

EXECUTIVE SESSION

(08-195) REQUESTING APPROVAL of a MOTION for the CITY COUNCIL to go into EXECUTIVE SESSION to Discuss 2(c)(5) The purchase or lease of real property for the use of the public body; 2(c)(6) The setting of a price for sale or lease of property owned by the public body; and 2(c)(11) Litigation, when an action against, affecting, or on behalf of the particular public body has been filed and is pending before a court or administrative tribunal, or when the public body finds that such an action is probable or imminent.

Council Member Manning moved that the City Council to go into Executive Session to Discuss 2(c)(5) The purchase or lease of real property for the use of the public body; 2(c)(6) The setting of a price for sale or lease of property owned by the public body; and 2(c)(11) Litigation, when an action against, affecting, or on behalf of the particular public body has been filed and is pending before a court or administrative tribunal, or when the public body finds that such an action is probable or imminent; seconded by Council Member Turner.

Approved by roll call vote.

Yeas: Gulley, Jacob, Manning, Montelongo, Nichting, Sandberg, Spain, Spears, Turner, Van Auken, Mayor Ardis – 11;

Nays: None.

ADJOURNMENT

Council Member Nichting moved to adjourn the Joint City Council & Town Board Meeting; seconded by Council Member Jacob.

Approved by viva voce vote.

The Joint City Council & Town Board Meeting adjourned at 8:50 P. M.

Mary L. Haynes, MMC, City Clerk
City of Peoria, Illinois

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