

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

Council Chambers, Peoria, Illinois, June 10, 2008, a Regular City Council Meeting was held this date at 6:19 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 (arrived at 6:30 P.M.), 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 he mentioned the recent passing of Joanne Wood, who served as the Deputy Clerk and Secretary at City Hall in the 1970's, and he also requested that the family of Retired Fire Chief Roy Modglin be remembered due to his passing on June 8, 2008. He said Retired Fire Chief Modglin served the City for over 36 years and will be greatly missed. Mayor Ardis then led the Pledge of Allegiance.

**PROCLAMATIONS, COMMENDATIONS, ETC.**

**PRESENTATION:** REBUILDING TOGETHER PLAQUE PRESENTATION TO THE CITY OF PEORIA

**PROCLAMATION:** NATIONAL FLAG DAY - June 14, 2008

**PROCLAMATION:** WALK TO D'FEET ALS DAY - June 14, 2008

**PROCLAMATION:** CATHOLIC CHARITIES MONTH - June 2008

**PROCLAMATION:** JONATHAN AHL DAY – FAREWELL AS WCBU NEWS DIRECTOR AND BROADCASTER OF CITY COUNCIL MEETINGS

**PROCLAMATION:** DUMP THE PUMP DAY – CHALLENGE FOR CITIZENS TO RIDE CITY LINK GREATER PEORIA MASS TRANSIT ON JUNE 16, 2008

**MINUTES**

Council Member Nichting moved to approve the minutes of the Regular City Council Meeting and Executive Sessions held on May 27, 2008, with a clarification to the Regular Minutes on Page 28538, to change the first Unfinished Business Item Number from 08-215 to 08-190; 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.

**WELCOME TO LOCAL DIGNITARIES**

Mayor Ardis welcomed former Council Member James Polk, Former Council Member Lou Carr, County Board Member Merle Widmer, and City Treasurer Reg Willis.

**PETITIONS, REMONSTRANCES & COMMUNICATIONS – CITY OF PEORIA****UNFINISHED BUSINESS****(08-196) PUBLIC HEARING Regarding the PROPOSED ANNEXATION of 6627 SOUTHPORT ROAD.**

Council Member Nichting moved to open the Public Hearing regarding the proposed Annexation of 6627 Southport Road; 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.

The Public Hearing opened at 6:47 P.M.

Dr. Steve Smart, Petitioner and resident of 4600 Mount Carmel Way, provided a brief history of the Pre-Annexation Agreement that was signed with the City four years ago and the building of their new home. He expressed concern that the City would not agree to split his land so he could sell a separate home that was located on the property. He cited other situations where the City approved splitting land and he felt the City had been inconsistent in their decisions. He said it would cost the City nothing to allow the splitting of the land and he urged them to support his position to allow the parcel to be split so it could be sold.

Mr. Greg Folley, a Peoria resident, spoke in support of Mr. Smart's position and he urged the Council to vote in his favor. He said he did not feel the City should place this burden on a property owner.

Ms. Theresa Smart, a Peoria resident, spoke in support of Mr. Smart's position. She discussed property rights and she stated she felt the City violated these rights in this matter.

Ms. Kate Smart, Petitioner and resident of 4600 Mount Carmel Way, discussed several specific sections of the Annexation Agreement. She urged the Council to allow them to split their property so they could sell the parcel where a second home was located that was currently being leased to a family. She stated this was a hardship and her family was losing money each year.

Mr. Ed Duran, a Peoria resident, spoke in support of Mr. Smart's position and he urged the Council to vote in his favor.

Mr. Maurice Alouan, a Peoria resident, spoke in support of Mr. Smart's position and he urged the Council to vote to allow Mr. Smart to divide his land so a parcel could be sold.

Mr. Chris Sichak, a Peoria resident, spoke in support of Mr. Smart's position and urged the Council to vote in his favor.

Ms. Chris Holmes, 6627 Southport Road, said she leased the property from the Smart Family and she and her family wanted to purchase this property that was part of the Smart property. She urged the Council to vote in favor to divide the Smart property.

Mr. Martin Palmer, a Peoria resident, spoke in support of Mr. Smart's position and urged the Council to vote in his favor.

Following the third call by Mayor Ardis for citizens to address the City Council and determining that no one else wished to address this issue, Council Member Nichting moved to close the Public Hearing regarding the proposed annexation of 6627 Southport Road; 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.

The Public Hearing closed at 7:25 P.M.

**(08-197) Communication from the Interim City Manager and Director of Planning and Growth Management Requesting to Concur with the Unanimous Recommendation from the Planning Commission and Staff to DENY a RESOLUTION Approving the FIRST AMENDMENT to the ANNEXATION AGREEMENT for the SMART PROPERTY, a Residential Development Located West of Koerner Road, North of Illinois Route 8 (Southport Road) and South of Interstate 74 with a Previous Address of 6627 SOUTHPORT ROAD, Identified as Parcel Numbers 13-22-300-006, 13-22-300-007, and 13-22-300-008, all Located Within One and One-Half Miles of the City of Peoria.**

Director of Planning and Growth Management Pat Landes gave a brief history of the property located at 6627 Southport Road and the proposal by the Smart Family to divide their property. She explained that the City's land use policies were not based on the personalities or the characteristics of the applicant. She said the regulations that had been followed were a part of the City's Comprehensive Plan and Subdivision Ordinance and addressed the use of land. She explained, when the Annexation Agreement was adopted in 2004, three lots were created with one lot having an existing structure. She said the division of land was in compliance with the growth policies for the City and each parcel had to be a minimum of 40 acres unless served by sanitary sewer. She further explained there was a request in the proposed amendment to the annexation agreement for a waiver of requirements and to create a division of land of two acres, which was not consistent with Policy and not consistent with City practices adopted by the City Council. She said, in the current request, there was also a request for a waiver regarding water access for safety.

Director Landes further stated there was a claim there were other property owners who were treated differently and she explained there were different circumstances regarding three cases that came before the Council requesting a division of land. She further explained how these cases were different in comparison with the requests the Smart Family had submitted.

Council Member Van Auken moved to concur with the recommendation from the Planning Commission and Staff to DENY a Resolution approving the First Amendment to the Annexation Agreement for the Smart Property, a Residential Development located West of Koerner Road, North of Illinois Route 8 (Southport Road) and South of Interstate 74 with a Previous Address of 6627 Southport Road, Identified as Parcel Numbers 13-22-300-006, 13-22-300-007, and 13-22-300-008, all located within one and one-half miles of the City of Peoria; seconded by Council Member Nichting.

In discussion with Council Member Sandberg regarding the policies and how they applied to the three cases that came before the Council requesting a division of land, Director Landes stated the policy that was being followed regarding the Smart Property had been a policy since 1992 and was codified in 2004.

Council member Sandberg indicated he would not be supporting the motion to deny.

In discussion with Council Member Gulley, Director Landes discussed the differences between the Smart Family's first request for an amendment to the annexation agreement and their second request. She added the Staff's recommendation had never changed. In answer to a question regarding County Board approval, she stated the County Board approved the three lot subdivision.

Council Member Gulley said he would be voting against the motion to deny because he felt this request was not to divide the property to develop the usual type of subdivision.

Council Member Montelongo stated he would be voting against the motion to deny because he felt this request from the Smart Family was an exception to the City's rule.

Motion to concur with the recommendation from the Planning Commission and Staff to DENY a Resolution approving the First Amendment to the Annexation Agreement for the Smart Property, a Residential Development located West of Koerner Road, North of Illinois Route 8 (Southport Road) and South of Interstate 74 with a Previous Address of 6627 Southport Road, Identified as Parcel Numbers 13-22-300-006, 13-22-300-007, and 13-22-300-008, all located within one and one-half miles of the City of Peoria was approved by roll call vote.

Yeas: Jacob, Manning, Nichting, Spears, Van Auken, Mayor Ardis – 6;

Nays: Gulley, Montelongo, Sandberg, Spain, Turner – 5.

### **REGULAR BUSINESS**

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

- (08-268) TAG DAY REQUEST from the PEORIA DOWNTOWN KIWANIS CLUB to Hold Their ANNUAL KIWANIS PEANUT DAY on FRIDAY, SEPTEMBER 26, 2008, with Request to Approve.**
- (08-269) Communication from the Interim City Manager and Director of Information Systems Requesting Approval of a SOLE SOURCE PURCHASE of a MAGNITUDE STORAGE AREA NETWORK (SAN), in the Amount of \$55,654.00, from XIOTECH CORPORATION.**
- (08-270) Communication from the Interim City Manager, Director of Information Systems, and Police Chief Requesting Approval of the PURCHASE of COMPUTER MONITORS from EN POINTE TECHNOLOGIES, in the Amount of \$18,079.00, as Part of the ANNUAL INFORMATION TECHNOLOGY REFRESHMENT PLAN.**
- (08-271) Communication from the Interim City Manager and Director of Public Works Requesting the Award of a CONTRACT for REMOVAL and INSTALLATION of the VEHICLE LIFT at the FIRE GARAGE Located at 832 HURLBURT to ILLINOIS OIL MARKETING and Accept the LOW BID, in the Amount of \$125,098.00.**
- (08-272) Communication from the Interim City Manager and Director of Public Works Requesting Approval of a JOINT AGREEMENT with IDOT to Provide \$1,000,000 for the CONSTRUCTION of WATER STREET from HAMILTON BOULEVARD to EATON STREET, and EATON STREET from WATER STREET to WASHINGTON STREET.**

- (08-273)  
\*      Communication from the Interim City Manager and Director of Public Works Requesting to AWARD the CONTRACT for RECONSTRUCTION of the HVAC and TEMPERATURE CONTROL SYSTEM at CITY HALL to the LOWEST PRIME BIDDERS, STANDARD HEATING AND COOLING, INC., in the Amount of \$718,700.00, GINGER PROCESS PIPING, INC., in the Amount of \$357,000.00, and DYNAMIC CONTROLS, INC., in the Amount of \$140,152.00, in the Total Amount of \$1,215,852.00.
- (08-274)  
\*\*     Communication from the Interim City Manager and Director of Public Works Requesting Approval of a CONTRACT with STUDENT FIRST in Bartonville to RENT SIX BUSES for the MAYOR'S YOUTH CORPS SUMMER EMPLOYMENT PROGRAM, in the Amount of \$18,060.00.
- (08-275)      Communication from Interim City Manager and Corporation Counsel Requesting Adoption of ORDINANCE NO. 16,284 Ascertaining the PREVAILING RATE OF WAGES for LABORERS, WORKMEN and MECHANICS Employed on PUBLIC WORKS in the City of Peoria.
- (08-276)      Communication from the Interim City Manager and Corporation Counsel Requesting Adoption of ORDINANCE NO. 16,285 Amending CHAPTER 31, SCHEDULE A, Prohibiting the USE OF GROUNDWATER as a POTABLE WATER SUPPLY by the Installation or Use of Potable Water Supply Wells or by Any Other Method, at 7305 N. University.
- (08-277)  
\*\*\*     Communication from the Interim City Manager and Corporation Counsel Requesting Adoption of an ORDINANCE Pertaining to RIVERFRONT STREET FESTIVAL on JULY 4, 2008.
- (08-278)      Communication from the Interim City Manager and Director of Public Works Requesting Approval of SIDEWALK PARTICIPATION REQUEST of BEHR PEORIA, INC. for Property BOUNDED by WESTERN, WASHINGTON, SPURCK, and ADAMS (Except Parcel 18-18-483-001), in the Amount of \$56,034.34 and Requesting Approval to REPROGRAM SAID FUNDS from PROJECT E06002 to PROJECT PB0800.
- (08-279)  
\*\*\*\*    Communication from Interim City Manager and Corporation Counsel Requesting Approval of the AMENDED HOURS for the APPLICATION for a CLASS H (Temporary Outdoor) LIQUOR LICENSE for the PEORIA PARK DISTRICT as a FUNDRAISER for the 2009 FIREWORKS to be Held at FESTIVAL PARK on THURSDAY, JULY 3, 2008.
- (08-280)  
\*\*\*\*\*   Communication from the Interim City Manager and Corporation Counsel Requesting Approval of an APPLICATION for SITE APPROVAL for a CLASS E-1 (Private Club) LIQUOR LICENSE for 4200 N. KNOXVILLE, with Recommendation from the Liquor Commission to Approve.
- (08-281)      PEORIA PUBLIC LIBRARY FINANCIAL AND STATISTICAL REPORTS for Period Ending APRIL 30, 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 Jacob requested that Item Nos. 08-274, 08-277, 08-279, and 08-280 be removed from the Consent Agenda for further discussion.

Council Member Sandberg requested that Item Nos. 08-273 and 08-277 be removed from the Consent Agenda for further discussion.

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

Item Nos. 08-268 through 08-281 (excluding Item Nos. 08-273, 08-274, 08-277, 08-279, and 08-280 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.

**(08-273) \* Communication from the Interim City Manager and Director of Public Works Requesting to AWARD the CONTRACT for RECONSTRUCTION of the HVAC and TEMPERATURE CONTROL SYSTEM at CITY HALL to the LOWEST PRIME BIDDERS, STANDARD HEATING AND COOLING, INC., in the Amount of \$718,700.00, GINGHER PROCESS PIPING, INC., in the Amount of \$357,000.00, and DYNAMIC CONTROLS, INC., in the Amount of \$140,152.00, in the Total Amount of \$1,215,852.00.**

Following discussion and a clarification by Operations and Maintenance Engineer Steve Myers regarding savings that may be realized due to the reconstruction of the heating and air conditioning systems, Council Member Sandberg moved to award the contract for reconstruction of the HVAC and Temperature Control System at City Hall to the lowest prime bidders, Standard Heating and Cooling, Inc, in the amount of \$718,700.00, Gingher Process Piping, Inc., in the amount of \$357,000.00, and Dynamic Controls, Inc., in the amount of \$140,152.00, in the total amount of \$1,215,852.00; seconded by Council Member Spears.

Approved by roll call vote.

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

Nays: None.

**(08-274) \*\* Communication from the Interim City Manager and Director of Public Works Requesting Approval of a CONTRACT with STUDENT FIRST in Bartonville to RENT SIX BUSES for the MAYOR'S YOUTH CORPS SUMMER EMPLOYMENT PROGRAM, in the Amount of \$18,060.00.**

Council Member Jacob moved to defer this item for two weeks until the June 24, 2008, Regular City Council Meeting; seconded by Council Member Gulley.

Motion to defer until June 24, 2008, was approved by roll call vote.

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

Nays: None.

**(08-277) \*\*\* Communication from the Interim City Manager and Corporation Counsel Requesting Adoption of an ORDINANCE Pertaining to RIVERFRONT STREET FESTIVAL on JULY 4, 2008.**

Council Member Jacob said he would be abstaining from voting and discussion 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.

Following a clarification, Council Member Sandberg moved to adopt the Ordinance pertaining to Riverfront Street Festival on July 4, 2008; seconded by Council Member Gulley.

ORDINANCE NO. 16,286 was approved by roll call vote.

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

Nays: None;

Abstentions: Jacob - 1.

**(08-279)      Communication from Interim City Manager and Corporation Counsel  
\*\*\*\*      Requesting Approval of the AMENDED HOURS for the APPLICATION for a  
                 CLASS H (Temporary Outdoor) LIQUOR LICENSE for the PEORIA PARK  
                 DISTRICT as a FUNDRAISER for the 2009 FIREWORKS to be Held at  
                 FESTIVAL PARK on THURSDAY, JULY 3, 2008.**

Council Member Jacob said he would be abstaining from voting and discussion 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 Nichting moved to approve the amended hours for the Application for a Class H (Temporary Outdoor) Liquor License for the Peoria Park District as a fundraiser for the 2009 Fireworks to be held at Festival Park on Thursday, July 3, 2008; seconded by Council Member Manning.

Approved by roll call vote.

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

Nays: None;

Abstentions: Jacob - 1.

**(08-280)      Communication from the Interim City Manager and Corporation Counsel  
\*\*\*\*\*      Requesting Approval of an APPLICATION for SITE APPROVAL for a CLASS  
                 E-1 (Private Club) LIQUOR LICENSE for 4200 N. KNOXVILLE, with  
                 Recommendation from the Liquor Commission to Approve.**

Council Member Jacob said he would be abstaining from voting and discussion 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 Nichting moved to concur with the Liquor Commission to approve the Application for Site Approval for a Class E-1 (Private Club) Liquor License for 4200 N. Knoxville; seconded by Council Member Manning.

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- 282) Communication from the Interim City Manager and Director of Economic Development Requesting that Staff be Directed to COMMENCE the PROCESS to EXPAND the CITY OF PEORIA ENTERPRISE ZONE to Include the Benefits of Building Material Sales Tax Exemption to Property Bordered by Sheridan, Glen, University and Lake and the Sheridan Village Shopping Center.**

Council Member Manning moved to direct Staff to commence the process to expand the City of Peoria Enterprise Zone to include the benefits of building material sales tax exemption to property bordered by Sheridan, Glen, University and Lake and the Sheridan Village Shopping Center; seconded by Council Member Van Auken.

In discussion with Council Member Spain regarding the time limits on the City's Enterprise Zone and other cities' Enterprise Zones that Peoria competed with across the State, Director of Economic Development Craig Hullinger explained each government set their zones up at different times and Peoria was one of the first to establish their Enterprise Zone, along with the City of Chicago. He explained the current Enterprise Zone would be concluded in five years and other cities' Enterprise Zones would be concluding shortly thereafter.

Council Member Spain suggested forming a small group of people to determine if there were different legislative paths that could be considered, or create an Enterprise Zone-like program, that could continue in the future.

Motion to direct Staff to commence the process to expand the City of Peoria Enterprise Zone to include the benefits of building material sales tax exemption to property bordered by Sheridan, Glen, University and Lake and the Sheridan Village Shopping Center was approved by roll call vote.

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

Nays: Sandberg - 1.

- (08-283) Communication from the Interim City Manager and Director of Public Works Requesting Approval of a CONTRACT with T. Y. LIN INTERNATIONAL, in the Amount of \$20,000.00, to Determine the Financial and Engineering Feasibility of a SIDE-BY-SIDE RAIL/TRAIL DEVELOPMENT Along the KELLAR BRANCH RAIL LINE (Refer to 08-187). (REPLACEMENT COMMUNICATION)**

Council Member Spears moved to approve a contract with T. Y. Lin International, in the amount of \$20,000.00, 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 Spain requested a review of the Surface Transportation Board's recommendation that the City of Peoria be entitled to a fair rate of return related to this asset. He suggested that this information be included in a future City Manager's Issues Update.

Approved by roll call vote.

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

Nays: Sandberg - 1.



- (08-284) Communication from the Interim City Manager and Director of Economic Development Requesting Approval of a RESOLUTION Providing for the ESTABLISHMENT of TAX INCREMENT FINANCING "INTERESTED PARTIES" REGISTRY for the HOSPITALITY IMPROVEMENT ZONE (HIZ) TIF and Adopt REGISTRATION RULES for Such Registry.**

Council Member Gulley moved to approve the Resolution providing for the establishment of Tax Increment Financing "Interested Parties" Registry for the Hospitality Improvement Zone (HIZ) TIF and adopt Registration Rules for such registry; seconded by Council Member Turner.

RESOLUTION NO. 08-284 was approved by roll call vote.

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

Nays: Sandberg - 1.

- (08-285) Communication from the Interim City Manager and Corporation Counsel Requesting Adoption of an ORDINANCE Amending CHAPTERS 15 and 20 of the Code of the City of Peoria Pertaining to VEHICLE IMPOUNDMENT.**

Council Member Turner moved to defer this item until the June 24, 2008, Regular City Council Meeting; seconded by Council Member Gulley.

Motion to defer this item until June 24, 2008, was approved by roll call vote.

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

Nays: None.

- (08-286) PRESENTATION by MR. MARTIN WILLI from CATERPILLAR INC. Regarding FIRST ROBOTICS in the PEORIA AREA, with Request to Receive and File.**

Hearing no objections, Mayor Ardis granted Privilege of the Floor to Mr. Martin Willi from Caterpillar Inc. and his students.

Mr. Martin Willi, representing Caterpillar Inc., said his students would be providing the robotics demonstration. The students explained their program, how it originated, their competitions, how the robot was made, and how it would perform. They demonstrated their robot picking up and tossing a large ball across the room.

Mayor Ardis thanked Mr. Willi and his students for the demonstration.

Council Member Nichting moved to receive and file the presentation by Mr. Martin Willi from Caterpillar Inc. regarding First Robotics in the Peoria area; 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.

**UNFINISHED BUSINESS**

- (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 discussing and 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 discussing and voting on this item due to providing professional services for the Petitioner.

Council Member Turner moved to defer this item until the June 24, 2008, Regular City Council Meeting; seconded by Council Member Montelongo.

Motion to defer this item until June 24, 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.

- (08-237) Communication from the Interim City Manager Regarding Discussion on the RESPONSE from the PEORIA PUBLIC LIBRARY BOARD OF TRUSTEES Concerning QUESTIONS from the MAYOR AND CITY COUNCIL Pertaining to the LIBRARY BOND ISSUE, with Recommendation to Receive and File.**

Mayor Ardis said additional discussion regarding the Library Bond would be held at the June 24, 2008, Regular City Council Meeting. He thanked the Library Board for answering the questions raised by the City Council and for attending this meeting. He said he felt it was important for the public to understand that the Council supported strong and more enhanced libraries, but the fundamental concern was to work with the Library Board regarding costs. He said the Council would receive a preliminary report in two weeks regarding costs to remedy the combined sewer problems in the City of Peoria. He said it was likely those costs could be as high as \$100 million or more. He stated the City had no choice regarding the Combined Sewer Outfall issue because it had been mandated by the U.S.E.P.A.

Mayor Ardis stated he supported the Library referendum, but the bottom line was that only 15% of Peoria registered voters supported the referendum, and only 23% of all registered voters voted on the referendum. He stated all taxpayers would bear this tax burden and the Council had heard from a large number of citizens who did not support increased taxes. He stated the Council was asking the Library Board for options regarding a phased-in approach based on usage patterns after a northern Library had been established.

Council Member Manning expressed concerns regarding added costs during a period when the City was also assisting in the payment of bonds for a Riverfront museum and other projects plus a budget deficit.

Executive Director of the Peoria Public Library, Ed Szynaka, and Library Board President Mike McKenzie discussed planned changes to the Library regarding hours the Library would be open, reconstruction of the Main Branch interior to allow Staff to assist a greater number of customers with research, planned improvements to the Lakeview Library, usage of all libraries, other improvements, and locating a facility in the northern section of the City.

Council Member Gulley spoke in support of the planned improvements for the Lincoln site.

Director Szynaka discussed the Board's careful process of selecting the consultant to address cost estimating.

In discussion with Architect Rick McCarthy of Burnidge-Cassell Associates regarding project costs, technology advances, and staying within budgeted guidelines, Council Member Spain spoke in support of performing due diligence and being responsible with taxpayer's money. He expressed concern that the amount of \$35 million had been decided with no specific site selected for a northern branch. He also pointed out that when a northern library facility was established, he did not feel as many citizens would frequent the Lakeview Library as before, and he questioned if the \$7 million designated for improvements at Lakeview Library would be needed.

Council Member Nichting also discussed a possible shift from one library facility to another when a northern facility was established. He added that the document providing information to the Council had only been available since May 15, 2008. He also pointed out there had been citizen speculation that the site where Festival Foods had been located on North Knoxville had been chosen to be the northern library facility, but he confirmed that was not true.

In discussion with Council Member Nichting, Consultant Bruce Brown representing The Farnsworth Group discussed the site selection process. He indicated there were some problems with a proposed site at Expo Gardens.

Director Szynaka also discussed the vacant K's Merchandise Building and the vacant ShopKo Building as proposed sites. He explained the concerns and said neither of those sites would be adequate for their needs. He said he intended to provide the best return on investment of taxpayers' dollars.

In discussion with Council Member Jacob regarding possible cost over-runs, the Capital Budget and Operating Budget, Mr. McCarthy explained how they planned to avoid cost over-runs and their plan for a contingency fund. He added that adjustments may need to be made to the project in order to stay within the budget.

Director Szynaka further discussed plans for Staff relocation, reorganization, self-service check out procedures for customers, and use of Staff.

Mayor Ardis thanked members of the Library Board, Mr. Brown, and Mr. McCarthy for their cooperation in answering the Council's concerns and for attending this meeting.

### **NEW BUSINESS**

#### **ANNOUNCEMENT Regarding MOSS AVENUE SALE**

Council Member Van Auken announced that the Moss Avenue Sale would be held on Saturday, June 14, 2008. She invited the public to attend this event.

### **CITIZEN REQUESTS TO ADDRESS THE COUNCIL**

**(08-287) 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. Merle Widmer, a Peoria resident, spoke in support of libraries and he said he felt there were some services provided by the Libraries that citizens misused, which citizens should have not have to pay for with tax dollars.

### **EXECUTIVE SESSION**

**(08-288) REQUESTING APPROVAL of a MOTION for the CITY COUNCIL to go into EXECUTIVE SESSION to Discuss 2(c)(2) Collective negotiating matters between the public body and its employees or their representatives, or deliberations concerning salary schedules for one or more classes of employees; 2(c)(6) The setting of a price for sale or lease of property owned by the public body; 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; and 2(c)(21) Discussion of minutes of meetings lawfully closed under this Act, whether for purposes of approval by the body of the minutes or semi-annual review of the minutes as mandated by Section 2.06.**

Council Member Jacob moved for the City Council to go into Executive Session to discuss 2(c)(2) Collective negotiating matters between the public body and its employees or their representatives, or deliberations concerning salary schedules for one or more classes of employees; 2(c)(6) The setting of a price for sale or lease of property owned by the public body; 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; and 2(c)(21) Discussion of minutes of meetings lawfully closed under this Act, whether for purposes of approval by the body of the minutes or semi-annual review of the minutes as mandated by Section 2.06; seconded by Council Member Spain.

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 Montelongo moved to adjourn the Regular City Council Meeting; seconded by Council Member Turner.

Approved by viva voce vote.

The Regular City Council Meeting adjourned at 10:52 P.M.

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