

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

Council Chambers, Peoria, Illinois, December 8, 2009, a Joint City Council & Town Board Meeting was held this date at 6:20 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, Irving, Jacob, Montelongo, Riggerbach, 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 he led the Pledge of Allegiance.

**PROCLAMATIONS, COMMENDATIONS, ETC.**

**PROCLAMATION:** ADAMS OUTDOOR ADVERTISING

Council Member Montelongo left the Council Chambers.

**MINUTES**

Council Member Spain moved to approve the minutes of the November 24, 2009, Regular City Council Meeting and the December 1, 2009, Special City Council Meeting, as printed; seconded by Council Member Turner.

Approved by roll call vote.

Yeas: Gulley, Irving, Jacob, Riggerbach, Sandberg, Spain, Spears, Turner, Van Auken,  
Mayor Ardis - 10;

Nays: None.

Council Member Montelongo returned to the Council Chambers.

**RECOGNITION OF LOCAL DIGNITARIES**

Mayor Ardis welcomed former Council Member Lester Bergsten, Township Assessor Bonnie Gavin, Township Supervisor Joe Whalen, Interim District #150 Superintendent Norm Durlinger, and School District #150 Board President Debbie Wolfmeyer who were in attendance.

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

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

**(09-573) Communication from the City Manager and Fire Chief Requesting Approval for the PURCHASE of ELEVEN COMPLETE SELF CONTAINED BREATHING APPARATUS (SCBA) and SEVENTY AIR CYLINDERS from the LOW BID of GLOBAL MUNICIPAL EMERGENCY SERVICES, in the Amount of \$80,320.00.**

- (09-574) Communication from the City Manager and Director of Public Works Requesting Concurrence in the CONTRACT AWARD by the GREATER PEORIA SANITARY DISTRICT for the 2010 REPAIR and MODIFICATION of VARIOUS CITY-OWNED SANITARY SEWERS to WIEGAND AND STORRER, INC., in the Amount of \$61,959.00.
- (09-575) Communication from the City Manager and Director of Public Works with Recommendation to Approve a RIGHT-OF-WAY ENCROACHMENT with REVOCABLE RIGHT-OF-WAY USE PERMIT for the PEORIA PUBLIC LIBRARY EXPANSION at 107 N.E. MONROE STREET.
- (09-576) Communication from the City Manager Requesting Approval of RESOLUTION NO. 09-576 Authorizing the CARRY OVER of the CITY'S 2009 VOLUME CAP, in the Amount of \$10,219,140.00.
- (09-577) Communication from the City Manager and Finance Director/Comptroller Requesting Adoption of ORDINANCE NO. 16,501 Amending the City of Peoria Budget for Fiscal Year 2009 Relating to the LIBRARY GRANTS, GIFTS and MEMORIALS, in the Amount of \$30,715.00; ICJIA DOMESTIC VIOLENCE TEAM GRANT, in the Amount of \$54,359.00; and IEMA ILLINOIS CITIZEN CORPS GRANT, in the Amount of \$5,000.00.
- (09-578) Communication from the City Manager and Corporation Counsel Requesting Adoption of ORDINANCE NO. 16,502 REPEALING SECTION 28-439 of the Code of the City of Peoria Pertaining to WINDSHIELD TINTING.
- (09-579)  
\* Communication from the City Manager and Director of Planning and Growth Management Requesting Adoption of an ORDINANCE LEVYING a TAX for FISCAL YEAR 2010 for the EAST BLUFF NEIGHBORHOOD HOUSING SERVICES SPECIAL SERVICE AREA, and Directing the City Clerk to File a Certified Copy with the County Clerk to Allow this Tax to be Extended as Provided by Law, and with Request to Receive and File the 2009 Annual Report and 2010 Goals. (The Auditor's Report is on File with the City Clerk.)
- (09-580)  
\*\* Communication from the City Manager and Finance Director/Comptroller Requesting Adoption of the Following:
- A. ORDINANCE LEVYING a TAX for Fiscal Year 2010 for the WEAVERRIDGE SPECIAL SERVICE AREA PARCEL A - GOLF COURSE;
  - B. ORDINANCE LEVYING a TAX for Fiscal Year 2010 for the WEAVERRIDGE SPECIAL SERVICE AREA PARCEL D;
  - C. ORDINANCE LEVYING a TAX for Fiscal Year 2010 for the WEAVERRIDGE SPECIAL SERVICE AREA PARCEL 136-B;
  - D. ORDINANCE LEVYING a TAX for Fiscal Year 2010 for the WEAVERRIDGE SPECIAL SERVICE AREA LOT 308 (TALLGRASS CONDO.)

**(09-581)      APPOINTMENT by Mayor Jim Ardis to the PEORIA CIVIC CENTER  
\*\*\*      AUTHORITY, with Recommendation to Concur:**

**Mark Thompson (Non-Voting) - Term Expires 7/1/2010**

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

Council Member Riggenbach requested Item No. 09-579 be removed from the Consent Agenda for further discussion.

Council Member Spain requested Item No. 09-581 be removed from the Consent Agenda for further discussion.

Council Member Turner requested Item Nos. 09-580-A through 09-580-D be removed from the Consent Agenda for further discussion.

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

Items No. 09-573 through 09-581 (excluding Item Nos. 09-579, 09-580, and 09-581, which were removed for further discussion) were approved by roll call vote under the Omnibus Vote Designation.

Yeas: Gulley, Irving, Jacob, Montelongo, Riggenbach, Sandberg, Spain, Spears, Turner, Van Auken, Mayor Ardis - 11;

Nays: None.

**(09-579)      Communication from the City Manager and Director of Planning and  
\*      Growth Management Requesting Adoption of an ORDINANCE LEVYING a  
TAX for FISCAL YEAR 2010 for the EAST BLUFF NEIGHBORHOOD  
HOUSING SERVICES SPECIAL SERVICE AREA, and Directing the City  
Clerk to File a Certified Copy with the County Clerk to Allow this Tax to be  
Extended as Provided by Law, and with Request to Receive and File the  
2009 Annual Report and 2010 Goals. (The Auditor's Report is on File with  
the City Clerk.)**

Council Member Riggenbach moved to defer this item for two weeks until the December 22, 2009, Regular City Council Meeting; seconded by Council Member Irving.

Motion to defer this item until December 22, 2009, was approved by roll call vote.

Yeas: Gulley, Irving, Jacob, Montelongo, Riggenbach, Sandberg, Spain, Spears, Turner, Van Auken, Mayor Ardis - 11;

Nays: None.

**(09-580)      Communication from the City Manager and Finance Director/Comptroller  
\*\*      Requesting Adoption of the Following:**

Finance Director/Comptroller Jim Scroggins distributed an Appendix A to all Members of the City Council that should be attached to each of the Ordinances levying a tax for Fiscal Year 2010 for WeaverRidge Special Service Area.

**A.      ORDINANCE LEVYING a TAX for Fiscal Year 2010 for the  
WEAVERRIDGE SPECIAL SERVICE AREA PARCEL A - GOLF  
COURSE;**

Council Member Turner moved to adopt an Ordinance levying a Tax for Fiscal Year 2010 for the WeaverRidge Special Service Area Parcel A- Golf Course, as amended to include Appendix A; seconded by Council Member Spears.

ORDINANCE NO. 16,503, as amended, was approved by roll call vote.

Yeas: Gulley, Irving, Jacob, Montelongo, Riggenbach, Sandberg, Spain, Spears,  
Turner, Van Auken, Mayor Ardis - 11;

Nays: None.

**B.      ORDINANCE LEVYING a TAX for Fiscal Year 2010 for the  
WEAVERRIDGE SPECIAL SERVICE AREA PARCEL D;**

Council Member Turner moved to adopt an Ordinance levying a Tax for Fiscal Year 2010 for the WeaverRidge Special Service Area Parcel D, as amended to include Appendix A; seconded by Council Member Spears.

ORDINANCE NO. 16,504, as amended, was approved by roll call vote.

Yeas: Gulley, Irving, Jacob, Montelongo, Riggenbach, Sandberg, Spain, Spears,  
Turner, Van Auken, Mayor Ardis - 11;

Nays: None.

**C.      ORDINANCE LEVYING a TAX for Fiscal Year 2010 for the  
WEAVERRIDGE SPECIAL SERVICE AREA PARCEL 136-B;**

Council Member Turner moved to adopt an Ordinance levying a Tax for Fiscal Year 2010 for the WeaverRidge Special Service Area Parcel 136-B, as amended to include Appendix A; seconded by Council Member Spears.

ORDINANCE NO. 16,505, as amended, was approved by roll call vote.

Yeas: Gulley, Irving, Jacob, Montelongo, Riggenbach, Sandberg, Spain, Spears,  
Turner, Van Auken, Mayor Ardis - 11;

Nays: None.

**D.      ORDINANCE LEVYING a TAX for Fiscal Year 2010 for the  
WEAVERRIDGE SPECIAL SERVICE AREA LOT 308 (TALLGRASS  
CONDO.)**

Council Member Turner moved to adopt an Ordinance levying a Tax for Fiscal Year 2010 for the WeaverRidge Special Service Area Lot 308 (Tallgrass Condo), as amended to include Appendix A; seconded by Council Member Spears.

ORDINANCE NO. 16,506, as amended, was approved by roll call vote.

Yeas: Gulley, Irving, Jacob, Montelongo, Riggenbach, Sandberg, Spain, Spears,  
Turner, Van Auken, Mayor Ardis - 11;

Nays: None.

**(09-581)      APPOINTMENT by Mayor Jim Ardis to the PEORIA CIVIC CENTER  
\*\*\*      AUTHORITY, with Recommendation to Concur:**

**Mark Thompson (\*Voting) - Term Expires 7/1/2010**

\*Council Member Spain stated it was brought to his attention that Mark Thompson should be a voting member of the Peoria Civic Center Authority rather than a non-voting member as stated on the communication.

Council Member Spain moved to concur with the appointment of Mark Thompson as a voting member to the Peoria Civic Center Authority; seconded by Council Member Montelongo.

Council Member Sandberg said he felt voting members of the Civic Center Authority should be City residents.

Approved by roll call vote.

Yeas: Gulley, Irving, Jacob, Montelongo, Riggenschach, Spain, Spears, Turner, Van Auken, Mayor Ardis - 10;

Nays: Sandberg - 1.

**(09-582)      Communication from the City Manager and Director of Public Works  
Requesting Approval of a THREE-PARTY LANDFILL AGREEMENT with  
PEORIA DISPOSAL COMPANY (PDC) to Site, Construct and Operate CELL  
#3, and to Operate a LANDSCAPE WASTE FACILITY at the PEORIA  
CITY/COUNTY LANDFILL in Edwards, Illinois, Based on PDC's Response to  
the City's Request for Qualifications Submitted on March 25, 2009.**

Two citizens distributed letters regarding the landfill agreement to all members of the City Council.

Mayor Ardis thanked Council Member Spain and Council Member Riggenschach who participated on the Peoria City/County Landfill Committee on the City's behalf.

Council Member Spain moved to approve the three-party Landfill Agreement with Peoria Disposal Company (PDC) to site, construct and operate Cell #3, and to operate a Landfill Waste Facility at the Peoria City/County Landfill in Edwards, Illinois, based on PDC's response to the City's Request for Qualifications submitted on March 25, 2009; seconded by Council Member Riggenschach.

In discussion, Council Member Spain explained the selection process that was followed and he stated several public periods of dialogue and interaction were held to receive input from citizens. He stated PDC's contract provided a number of recycling drop-off sites, the creation of citizens' household waste disposal center at the landfill, creation of a perpetual care fund for Landfill #3, which was something the committee and members of the public felt were important for the future of the landfill. He pointed out there would be revenue from the landfill that would be made available to the City through siting of the landfill. He said there were many steps yet to go through for the siting, which could take some time, but would eventually mean a lump sum payment of approximately \$450,000 to the City of Peoria and then another \$450,000 again upon opening. He said it would be the ongoing revenue of a host fee that was unique and interesting to the City and was important to the fund.

In discussion with Council Member Van Auken regarding her concern about delisted waste being placed in the current landfill and in the future landfill, Director of Public Works Dave Barber provided background regarding this issue. He explained a sub-committee would be making a recommendation to the Peoria City/County Landfill Committee that delisted material be reviewed by the Committee and be prohibited from disposal in the site. He said the material was currently not taken at the site and there was no reason for it to be taken in. He pointed out that the new Cell #3 would not accept any waste for at least eight years. He stated the Landfill Committee, which was controlled by the City and County, still maintained control of operation of the Landfill and would not relinquish control of the Landfill to Peoria Disposal Company in this process.

Council Member Sandberg moved to grant Privilege of the Floor to those who wished to address the contract with PDC and the operation of the Landfill; seconded by Council Member Van Auken.

Hearing no objections, Mayor Ardis granted Privilege of the Floor to those who wished to address the Council.

Joyce Blumenshine, member of the Heart of Illinois Sierra Club and a Peoria resident, stated the technical aspects of the Landfill were difficult for the public to understand. She expressed concern regarding special waste and toxic hazardous waste going into the Landfill. She said a public landfill should not be the recipient for treated hazardous waste and she felt the Council should make a strong statement to specify that they did not want treated hazardous waste of any kind going into the municipal waste landfill. She said the landfill was not designed for it and the landfill was located over water. She urged the Council to delay approval so these issues could be addressed.

Tom Edwards, Peoria resident, expressed concern there would be ten million tons of waste and inspections would be conducted by PDC. He said this would be a twenty-five year contract and that was too long. He said the Council should hold further review.

Joyce Harant, Peoria resident and member of Peoria Area Families Against Toxic Waste, said she did not oppose the contract being awarded to PDC. She said she did not feel it was a full public process and meaningful public comments should be encouraged during future processes, with appropriate times for notice and comments. She discussed major concerns which included who would control the trigger to build the transfer facility, concerns regarding the perpetual care fund, and delisted waste and potential revenue generated. She urged the Council to pass a Resolution regarding a ban on delisted waste.

Tracey Fox, a Peoria County resident, urged the Council to pass a Resolution or make an amendment to the agreement to ban delisted waste. She said she opposed toxic waste going into the landfill. She said 19% of waste would be coming from Keystone Steel & Wire and the remainder would be coming from outside Peoria County, and 56% would be coming from outside the State of Illinois. She said the landfill space should be reserved for Peoria residents and businesses in the community. She expressed concern regarding the acceptance of special waste streams and that none had been denied, and she felt there should be oversight by the County Board and the City Council.

Patricia Melaik, a Peoria resident, expressed concern the City had not had an organized community recycling program in place. She urged public education and encouraged participation. She suggested that recyclers should be rewarded for their efforts and there should be no charge for containers. She said she felt there would be no need for Cell #3, if residents of Peoria would recycle.

Brian McGinnis, Attorney for the Peoria City/County Landfill Committee, gave a brief overview of the proposed contract with PDC. He said no special waste could be deposited unless the Committee approved. He said the Perpetual Care Fund was not part of the bid specifications and was proposed by PDC in their bid. He said the fund would be controlled by the governmental body in an interest bearing account and the money would be available to provide perpetual care for Landfill #1 and #3. He said no money could be spent out of the fund without the approval of the committee.

In discussion, Council Member Gulley expressed concern there was no clarity in the contract regarding potential gas sales and what the City would have to reimburse for the costs.

Council Member Spain stated there had been some hope to produce revenue for gas production at the Landfill, but the ongoing litigation related to the gas-to-energy vendor had clouded the issue for some time. He said there needed to be more detailed agreements for gas-to-energy strategies.

Council Member Gulley also expressed concern regarding the proposed citizens' convenience center.

Council Member Van Auken expressed concern regarding the shortened time period and unresolved citizens' issues regarding the contract. She said the operator was willing to make commitments on delisted materials. She also expressed concern that only Director Barber signed off on some special waste requests. She urged that this item be delayed so questions could be answered.

Mayor Ardis said he concurred that the place for these discussions to begin was with the Peoria City/County Landfill Committee, so they could make a recommendation back to the Council.

In discussion, Council Member Sandberg expressed concern regarding the contract with PDC and the length of the contract. He said the City should clearly state they did not want delisted or special waste. He said he would not support the contract because he felt the details needed additional work. He added the Peoria City/County Landfill Committee should have members who were private citizens representing the area and there should be an environmental component on the committee. He further stated Peoria's responsibility for the future needed to be more focused and not to raise the risks for citizens.

Council Member Riegenbach questioned if the Council should offer a Resolution similar to one submitted by the Health and Environmental Issues Committee, which basically supported elimination of the delisted electric arc furnace dust from the Landfill, Cells #2 and #3, and the Resolution would go to the Landfill Committee.

A copy of the Resolution from the Health and Environmental Issues Committee was distributed to all members of the City Council.

Council Member Van Auken requested a friendly amendment to attach and adopt the language of the County's Resolution that was distributed specifying that Cell #2 and #3 would not accept delisted waste. The Council agreed.

Motion to approve the three-party Landfill Agreement with Peoria Disposal Company (PDC) to site, construct and operate Cell #3, and to operate a Landfill Waste Facility at the Peoria City/County Landfill in Edwards, Illinois, based on PDC's response to the City's Request for Qualifications submitted on March 25, 2009, and to attach and adopt the language of the County's Resolution that was distributed specifying that Cell #2 and #3 would not accept delisted waste was DEFEATED by roll call vote.

Yeas: Montelongo, Riegenbach, Spears, Turner, Van Auken – 5;

Nays: Gulley, Irving, Jacob, Sandberg, Spain, Mayor Ardis - 6.

Motion to approve the three-party Landfill Agreement with Peoria Disposal Company (PDC) to site, construct and operate Cell #3, and to operate a Landfill Waste Facility at the Peoria City/County Landfill in Edwards, Illinois, based on PDC's response to the City's Request for Qualifications submitted on March 25, 2009, was approved by roll call vote.

Yeas: Gulley, Irving, Jacob, Montelongo, Riegenbach, Spain, Spears, Turner, Van Auken, Mayor Ardis - 10;

Nays: Sandberg - 1.

**(09-583) Communication from the City Manager and Corporation Counsel Requesting Approval of a RESOLUTION Approving SITES Located in the City of Peoria, Peoria County, to be Acquired , Altered and Improved by the Public Building Commission and Leased by Said Commission to the BOARD of EDUCATION of the City of Peoria, SCHOOL DISTRICT #150, LINCOLN MIDDLE SCHOOL and PEORIA HIGH SCHOOL.**

Council Member Turner moved to approve a Resolution approving sites located in the City of Peoria to be acquired, altered and improved by the Public Building Commission and leased by said commission to the Board of Education of the City of Peoria, School District #150, Lincoln Middle School and Peoria High School; seconded by Council Member Gulley.

Council Member Sandberg expressed concern regarding how the proposed project would impact traffic and pedestrians in the area of Peoria High School. He explained there was current traffic and pedestrian congestion and he felt the problem would become larger when improvements began with the planned increased enrollment.

Mayor Ardis welcomed District #150 School Board President Debbie Wolfmeyer and District #150 Interim Superintendent Norm Durlinger to the meeting.

School District #150 Interim Superintendent Durlinger explained the improvements should not impact the students.

Mayor Ardis explained there had been several conversations between City Staff and District #150 Staff and he said there would be control over the impact the additional students had on the neighborhood. He stated the proposed Resolution related to improvements to the building.

Council Member Sandberg stated he did not want the problems in the area of Peoria High School to become worse.

Motion to approve RESOLUTION NO. 09-583 approving sites located in the City of Peoria to be acquired, altered and improved by the Public Building Commission and leased by said commission to the Board of Education of the City of Peoria, School District #150, Lincoln Middle School and Peoria High School was approved by roll call vote.

Yeas: Gulley, Irving, Jacob, Montelongo, Riegenbach, Sandberg, Spain, Spears, Turner, Van Auken, Mayor Ardis - 11;

Nays: None.

**(09-584) Communication from the City Manager and Director of Planning and Growth Management with Recommendation from the Human Resources Commission (HRC) to Approve EMERGENCY SHELTER GRANT (ESG) AWARDS to ORGANIZATIONS, as Outlined, with Specific Funding Amounts to be Determined Upon City Receipt of 2010 ENTITLEMENT FUNDS from the U.S. DEPARTMENT of HOUSING and URBAN DEVELOPMENT (HUD).**

Council Member Van Auken moved to concur with the recommendation from the Human Resources Commission (HRC) to approve Emergency Shelter Grant (ESG) awards to organizations, as outlined, with specific funding amounts to be determined upon City receipt of 2010 Entitlement Funds from the U.S. Department of Housing and Urban Development (HUD); seconded by Council Member Gulley.



Mayor Ardis thanked the members of the Human Resources Commission for their efforts on this annual project of analyzing all the requests.

Motion to concur with the recommendation from the Human Resources Commission (HRC) to approve Emergency Shelter Grant (ESG) awards to organizations, as outlined, with specific funding amounts to be determined upon City receipt of 2010 Entitlement Funds from the U.S. Department of Housing and Urban Development (HUD) was approved by roll call vote.

Yeas: Gulley, Irving, Jacob, Montelongo, Riggerbach, Sandberg, Spain, Spears, Turner, Van Auken, Mayor Ardis - 11;

Nays: None.

**(09-585)      Communication from the City Manager and Director of Planning and Growth Management with Recommendation from the Human Resources Commission (HRC) to Approve PUBLIC SERVICE FUNDING, as Outlined, Utilizing 2010 COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) FUNDS from the U.S. DEPARTMENT of HOUSING and URBAN DEVELOPMENT, and to Request Permission to Adjust Said Funding, if Necessary, for Each Funded Application by the Percentage of Change in HUD's 2010 CDBG Allocation to the City of Peoria, if Said Funding is No More Than 5% Above or Below the CDBG Allocation Received in 2009.**

Council Member Gulley moved to concur with the recommendation from the Human Resources Commission (HRC) to approve Public Service Funding, as outlined, utilizing 2010 Community Development Block Grant (CDBG) Funds from the U.S. Department of Housing and Urban Development, and to adjust said funding, if necessary, for each funded application by the percentage of change in HUD's 2010 CDBG allocation to the City of Peoria, if said funding is no more than 5% above or below the CDBG allocation received in 2009; seconded by Council Member Van Auken.

Council Member Gulley said he would like to know what the allocations would be in the future. He questioned how the Committee made their recommendations. He said he would like to review the ranking information, so he could determine if the priorities needed to be reviewed.

Director of Planning and Growth Management Pat Landes said she would provide the information in the next City Manager's Issues Update. She explained the Council reviewed the priorities this year and chose safety and crime prevention as the top criteria.

Approved by roll call vote.

Yeas: Gulley, Irving, Jacob, Montelongo, Riggerbach, Sandberg, Spain, Spears, Turner, Van Auken, Mayor Ardis - 11;

Nays: None.

**(09-586)      Communication from the City Manager and Corporation Counsel Requesting Adoption of an ORDINANCE Amending CHAPTER 27 of the Code of the City of Peoria Pertaining to a WATER UTILITY TAX. (Refer to 09-277)**

Council Member Van Auken moved to adopt the Ordinance amending Chapter 27 of the Code of the City of Peoria pertaining to a Water Utility Tax; seconded by Council Member Turner.

ORDINANCE NO. 16,507 was adopted by roll call vote.

Yeas: Irving, Jacob, Riggerbach, Spain, Spears, Turner, Van Auken, Mayor Ardis - 8;

Nays: Gulley, Montelongo, Sandberg - 3.

**(09- 587) Communication from the City Manager and Corporation Counsel  
Requesting Adoption of an ORDINANCE Amending CHAPTER 28 of the  
Code of the City of Peoria Pertaining to PARKING FINES. (Refer to 09-277)**

Council Member Turner moved to adopt the Ordinance amending Chapter 28 of the Code of the City of Peoria pertaining to Parking Fines; seconded by Council Member Gulley.

ORDINANCE NO. 16,508 was adopted by roll call vote.

Yeas: Gulley, Irving, Jacob, Montelongo, Rigggenbach, Spain, Spears, Turner, Van Auken, Mayor Ardis - 10;

Nays: Sandberg - 1.

**(09-588) Communication from Council Member Irving Requesting to Direct Staff to  
INITIATE TEXT AMENDMENTS for APPENDIX B of the Code of the City of  
Peoria, and APPENDIX C, the Land Development Code Relating to RETAIL  
USES in the I1 Industrial/Business Park District and ELECTRONIC  
MULTIPLE MESSAGE SIGNS.**

Council Member Irving moved to direct Staff to initiate text amendments for Appendix B of the Code of the City of Peoria, and Appendix C, the Land Development Code relating to retail uses in the I1 Industrial/Business Park District and electronic multiple message signs; seconded by Council Member Van Auken.

Council Member Irving said his intent was to utilize the Ordinance language structure in place with the Commissions, to hold open public hearings, to hold conversations with residents or business owners, and to come back to the Council for their final decision.

Approved by roll call vote.

Yeas: Gulley, Irving, Jacob, Montelongo, Rigggenbach, Spain, Turner, Van Auken, Mayor Ardis - 9;

Nays: Sandberg, Spears - 2.

**(09-589) Communication from the City Manager and Finance Director/Comptroller  
Requesting Approval of a RESOLUTION Adopting the 2010 BUDGET for the  
CITY OF PEORIA.**

City Manager Scott Moore distributed a copy of a sheet showing positions that had been restored by the Council, which included the restoration of the Urban Planner position, to all members of the City Council.

Council Member Van Auken moved to approve the City Manager's recommendation to include the position of Urban Planner in the 2010 City of Peoria Budget; seconded by Council Member Turner.

In discussion with Council Member Sandberg, Director of Planning and Growth Management Pat Landes explained the Census would be held on April 1, 2010, but Staff work would take approximately 60% of one person. She further explained the request for the restoration of the Urban Planner position was not just for the Census, but for the work load that came into their office normally. She said the reinstatement would put in necessary planning time needed for both the Census and other Planning projects.

In discussion with Council Member Jacob, Director Landes explained Staffing levels and duties involved. She further stated she had seen a decrease in Zoning Certificate requests, but increases in Historic Preservation cases, complaints, and in the number of people coming into the One Stop Shop. She said there had been a 10% decrease in the case load over last year at the Commission level, but the development cases coming in were more challenging.

Following a brief discussion and in response to a question from Council Member Jacob, City Manager Moore stated anything that related to community priorities would come from the Council. He said the Staff would adjust their schedules and time to address issues set by the Council.

Motion to include the position of Urban Planner in the 2010 City of Peoria Budget was approved by roll call vote.

Yeas: Gulley, Irving, Montelongo, Riggensbach, Spain, Spears, Turner, Van Auken,  
Mayor Ardis - 9;

Nays: Jacob, Sandberg - 2.

Council Member Spain moved to approve a Resolution adopting the 2010 Budget for the City of Peoria; seconded by Council Member Turner.

Council Member Van Auken thanked the City Staff for the financial sacrifices they had made in the 2010 Budget. She expressed concern regarding reductions that were made relating to public safety, which included the Police Department and PAWS and she pointed out both were a priority with citizens. She said she felt there should have been a package liquor tax, which would have been more painless to the City. She said she planned to address this at a later date to address a possible future deficit. She stated she would vote to adopt the Budget due to the work that was involved to bring it forward this year.

Council Member Turner also expressed concern regarding the reductions that were made in the 2010 Budget, but he said the Council was faced with the most difficult budget he could remember or since the Great Depression. He said the next few years may not be much better, but the Council made difficult decisions for necessity. He said every municipality across the Nation was faced with similar situations.

Council Member Sandberg also discussed the Budget's difficulties. He discussed past budgets and how the 2010 Budget compared. He said the City did not have a revenue problem or an operations cost problem, but he felt there was a debt problem that the City needed to address as well as addressing priorities.

Council Member Spain said the deficit of today and in the future will be multi-faceted. He stated times were difficult and many governments and businesses would no longer be able to offer robust benefit packages to new employees. He said he did not feel promises should be broken to established employees, but difficult choices sometimes needed to be made. He commended the employees for their efforts and he hoped to move successfully forward in the future.

Council Member Jacob stated Staff members and senior Council Members referred to this budget as "unprecedented" for the challenges that had been faced for 2010. He said the Budget Committee had been in meetings for nine months with Department Heads and together faced difficult reductions with limited choices. He commended Mayor Ardis for his foresight in beginning the budget process early in the year. He further stated the last sales tax revenues were for August, which were the worst for the year, and these numbers were the most recent available, so the worst may not be here yet. He said he felt the City did the right things in this budget to get the finances in order and not live beyond its means.

Council Member Spears thanked the Staff for their support and their work on the Budget. He said service levels in the City would be less than in 2009. He thanked the County Board for accepting the challenge of taking over PAWS services and he felt they would do a good job. He said the service had reached outside the City's boundaries so he felt it was time for the County to accept it back as a part of their services.

Council Member Montelongo agreed these budget decisions had been difficult and he said he really appreciated Staff's assistance.

Mayor Ardis commended the efforts of the Staff and the new City Manager in engaging together with the Council to address the 2010 Budget. He agreed that service levels to citizens would be different on all levels because the City shed 10% of their workforce in the reductions to the 2010 Budget. He said the decision made on PAWS was one of the most difficult for the Council because of the excellent program implemented by Director Lauren Malmberg and her Staff, and he thanked the County for their willingness to take over PAWS services. He ended by saying he had confidence that the City Staff would provide the best service possible in the next year.

Motion to approve RESOLUTION NO. 09-589 adopting the 2010 Budget for the City of Peoria was approved by roll call vote.

Yeas: Gulley, Irving, Jacob, Montelongo, Riggenbach, Spain, Spears, Turner, Van Auken, Mayor Ardis - 10;

Nays: Sandberg - 1.

Clerk's Note: The Budget as presented had already included the position of Urban Planner.

**(09-590)      Communication from the City Manager and Finance Director/Comptroller Requesting Adoption of an ORDINANCE LEVYING the TAXES for FISCAL YEAR 2010 for MUNICIPAL PURPOSES for the CITY OF PEORIA.**

Council Member Van Auken moved to adopt the Ordinance levying the taxes for Fiscal Year 2010 for municipal purposes for the City of Peoria; seconded by Council Member Turner.

ORDINANCE NO. 16,509 was adopted by roll call vote.

Yeas: Gulley, Irving, Jacob, Montelongo, Riggenbach, Sandberg, Spain, Spears, Turner, Van Auken, Mayor Ardis - 11;

Nays: None.

**(09-591)      Communication from the City Manager Regarding 2010 LEGISLATIVE AGENDA ITEMS, with Request to Provide Direction.**

Council Member Van Auken distributed a memo outlining two additional capital requests for 2010 to all members of the Council, and City Manager Scott Moore distributed a replacement communication listing 2010 Legislative Agenda items to all members of the Council adding a concealed carry provision.

City Manager Scott Moore referred to the December 21, 2009, Legislative Luncheon with State representatives that had been scheduled and he said he wanted to make sure the Council agreed with items that were listed or to make necessary changes.

City Manager Moore said there were a number of initiatives that was important for the State representatives to support for the City, as well as the State of Illinois. He said there were several items that were on the list in case funding would become available for the representatives to consider.

Council Member Van Auken moved to adopt the recommendation listed on the replacement communication and 2010 Legislative Agenda to include the Sheridan Business District Roadway Enhancement and the West Main Street Infrastructure Improvement; seconded by Council Member Spain.

Council Member Sandberg requested a point of order regarding how the Council could vote on the additional two items when there had not been proper notice to the public.

Corporation Counsel Randy Ray referred to the Open Meetings Act and said the Council could use caution and place this item on the next City Council Agenda. He said he felt the public had been notified that the Council was considering their 2010 Legislative Agenda items at this meeting.

Council Member Sandberg stated he felt the Council should vote on each item separately.

In further discussion, Council Member Spears expressed concern regarding the automatic law enforcement of red light running. He said he would like to vote against that item.

Council Member Jacob stated he felt the Council should take this opportunity to speak with a common voice in their support of the items they placed before the Legislators for their consideration.

Following a brief discussion, Mayor Ardis suggested that this item be placed on the December 22, 2009, Council Agenda for discussion and voting and the scheduled luncheon with Legislators on December 21, 2009, should be postponed until a later date.

Council Member Van Auken moved for a substitute motion to cancel the December 21, 2009, luncheon with Legislators until these items could be finalized and place this item on the December 22, 2009, City Council Meeting Agenda; seconded by Council Member Sandberg.

Approved by roll call vote.

Yeas: Gulley, Irving, Jacob, Montelongo, Riggensbach, Sandberg, Spain, Spears,  
Turner, Van Auken, Mayor Ardis - 11;

Nays: None.

#### **UNFINISHED BUSINESS**

**(INCLUDING BUT NOT LIMITED TO MOTIONS TO RECONSIDER, IF ANY,  
ITEMS FROM THE PREVIOUS REGULAR MEETING)**

- (09-536)      Communication from the City Manager and Director of Public Works with Recommendation to REJECT the BID Submitted by TAZEWEEL COUNTY ASPHALT, in the Amount of \$15,820.00, for SEALANT of the PARKING LOT Behind the MUNICIPAL SERVICES BUILDING (Also Serving Police Headquarters). (New Communication)**

Council Member Sandberg moved to reject the bid submitted by Tazewell County Asphalt, in the amount of \$15,820.00, for sealant of the parking lot behind the Municipal Services Building, which also served Police Headquarters; seconded by Council Member Montelongo.

Council Member Sandberg expressed concern that he did not receive a report back regarding why this project did not receive multiple bids. He said he was still interested in a clear understanding why only one bid was received.

Approved by roll call vote.

Yeas: Gulley, Irving, Jacob, Montelongo, Riggensbach, Sandberg, Spain, Spears,  
Turner, Van Auken, Mayor Ardis - 11;

Nays: None.

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

**(09-592)      Communication from the Town Officials Budget Committee Recommending Adoption of an ORDINANCE LEVYING and ASSESSING TAXES for the FISCAL YEAR Beginning APRIL 1, 2009, and Ending MARCH 31, 2010, for the GENERAL ASSISTANCE FUND of the Town of the City of Peoria, Illinois, in the Amount of \$1,349,898.00.**

Trustee Irving moved to adopt the Ordinance levying and assessing taxes for the fiscal year beginning April 1, 2009, and ending March 31, 2010, for the General Assistance Fund of the Town of the City of Peoria, Illinois, in the amount of \$1,349,898.00; seconded by Trustee Spain.

ORDINANCE NO. TO-09-03 was adopted by roll call vote.

Yeas: Gulley, Irving, Jacob, Montelongo, Riggensbach, Sandberg, Spain, Spears,  
Turner, Van Auken, Chairman Ardis - 11;

Nays: None.

**(09-593)      Communication from the Town Officials Budget Committee Recommending Adoption of an ORDINANCE LEVYING and ASSESSING TAXES for the FISCAL YEAR Beginning APRIL 1, 2009, and Ending MARCH 31, 2010, for the TOWN GENERAL FUND and I.M.R.F. FUND of the Town of the City of Peoria, Illinois, in the Amount of \$775,926.00.**

Trustee Irving moved to adopt the Ordinance levying and assessing taxes for the fiscal year beginning April 1, 2009, and ending March 31, 2010, for the Town General Fund and I.M.R.F. Fund of the Town of the City of Peoria, Illinois, in the amount of \$775,926.00; seconded by Trustee Spain.

ORDINANCE NO. TO-09-04 was adopted by roll call vote.

Yeas: Gulley, Irving, Jacob, Montelongo, Riggensbach, Sandberg, Spain, Spears,  
Turner, Van Auken, Chairman Ardis - 11;

Nays: None.

**NEW BUSINESS**

**(09-594)      ANNOUNCEMENT Regarding NEW LAWS to the FREEDOM OF INFORMATION ACT and the Need to APPOINT a FREEDOM OF INFORMATION OFFICER.**

Mayor Ardis stated he attended the Illinois Municipal League Board Meeting this past weekend and the Mayors from all over the State were given a briefing about the changes in the law relating to the Freedom of Information Act and the impact on municipalities that would take

effect January 1, 2010. He said he would hold further discussion with the City Manager to address the significant challenges it presented regarding compliance and associated costs. He said there would be no compensation from the State and no way to charge enough to cover costs. He stated there needed to be discussion regarding the new sunshine laws for the State of Illinois and the impact it would have on City Staff. He said he felt a Freedom of Information Officer should be appointed early in 2010, and to review the need to place a person into a full-time position to handle the duties. He said it was his recommendation to place the person in the City Clerk's Office because this was the location of the majority of the information. He added the fines for non-compliance could also be significant. He said he would provide more information relating to these issues in the near future.

**CITIZEN REQUESTS TO ADDRESS THE COUNCIL**

**(09-595)      REQUEST from CITIZENS to Address the CITY COUNCIL Regarding Various Items**

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

Gordon Siebold, a Peoria resident, presented the Council with a copy of a measurement of motorcycle noise and other motorcycle information. He expressed concern regarding the noise made by motorcycle exhaust systems.

Savino Sierra, a Peoria resident, discussed District #150 Schools and the No Child Left Behind program.

Lester Bergsten, former Council Member and Chairman of the Peoria City/County Landfill Committee, discussed the composition of the committee and he pointed out some special waste that was generated supported local industries. He said they had to be careful, but the committee hired an outside independent consultant who was not involved with PDC or Waste Management to review technical analysis. He said there have been times when the consultant had requested that an item be deferred and not voted so further analysis could be performed. He said that record was established. He stated the committee had worked diligently for the Landfill to pay for itself, but there had been several lawsuits. He thanked Council Member Spain for his leadership on the committee. He said they were doing the best they could to keep costs down and contained.

**EXECUTIVE SESSION**

**(09-596)      Consideration of a Motion 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)(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 Irving moved to enter 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)(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, Irving, Jacob, Montelongo, Riggensbach, Sandberg, Spain, Spears, Turner, Van Auken, Mayor Ardis - 11;

Nays: None.

### **ADJOURNMENT**

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

Approved by viva voce vote.

The meeting adjourned at 9:30 P.M.

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

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