

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

Council Chambers, Peoria, Illinois, February 9, 2010, a City Council Meeting was held this date at 6:18 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, Riegenbach, Sandberg, Spain, Spears (arrived at 6:23 P.M.), 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 asked that the family of Recorder of Deeds Brad Horton be remembered due to his sudden passing. He also requested the family of his wife be remembered in the passing of his father-in-law, Richard Burgard. Boy Scout Troop #1 from Peoria Christian School then led the Pledge of Allegiance.

**PROCLAMATIONS, COMMENDATIONS, ETC.**

**COMMENDATION:** UNIVERSITY OF ILLINOIS AT SPRINGFIELD PEORIA CENTER

**COMMENDATION:** MUNICIPAL CLERKS AND DEPUTY CLERKS OF ILLINOIS

**PROCLAMATION:** BOY SCOUTS OF AMERICA 100 YEARS OF SCOUTING DAY

**PROCLAMATION:** THE BIG READ: PEORIA READS! MONTH - MARCH 2010

**ANNOUNCEMENT REGARDING THE ANNUAL TOWN OF THE CITY OF PEORIA MEETING TO BE HELD TUESDAY, APRIL 13, 2010**

Mayor Ardis announced, pursuant to Public Act 095-0761, any citizen who wishes to have an item considered on the agenda at the Annual Town Meeting to be held Tuesday, April 13, 2010, at 6:00 P.M., is required to bring a specific request signed by 15 or more electors to the Clerk no later than March 1, 2010. He explained the Town Board and Town officials did not agree with this provision and he made this announcement to inform citizens.

**MINUTES**

Council Member Spain moved to approve the minutes of the January 26, 2010, Regular City Council Meeting, as printed; seconded by Council Member Turner.

Approved by roll call vote.

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

Nays: None.

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

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

**(09-500) PUBLIC HEARING Regarding Proposed ANNEXATION of 9900 N. ALLEN  
ROAD (Temporary Address) (Continued from November 24, 2009).**

Council Member Irving moved to open the Public Hearing regarding the proposed Annexation of 9900 N. Allen Road (temporary address); seconded by Council Member Van Auken.

Hearing no objections, Mayor Ardis opened the Public Hearing at 6:38 P.M. He granted Privilege of the Floor to any citizen who wished to address members of the City Council regarding the proposed annexation of 9900 N. Allen Road.

Joyce Blumenshine, Peoria resident and volunteer with the Heart of Illinois Sierra Club, expressed concern regarding the impact of the proposed annexation on the environment. She said the plan for the site should be sent back to staff and revised until it complied with City ordinance. She said the current plan could be detrimental to the area's ecosystem.

Kiersten Sheets, Sierra Club and Global Solutions member, expressed concern regarding the negative impact of the plan on water stream. She said she felt the ordinances were not described as they should be and Council needed to look at each one line by line and consider a plan which included a low-impact storm water ordinance.

Following the third call by Mayor Ardis for citizens to address the Council, Council Member Irving moved to close the Public Hearing; seconded by Council Member Spain.

Hearing no objections, Mayor Ardis closed the Public Hearing at 6:48 P.M.

**(09-501) Communication from the City Manager and Director of Planning and Growth Management with Recommendation from the Planning Commission to Adopt the Following:**

- A. RESOLUTION Approving the ANNEXATION AGREEMENT for Property Generally Located NORTHEAST of the ROCK ISLAND TRAIL (Parcel ID No. 09-31-251-004) EAST of ALLEN ROAD, SOUTH of BROMPTON COURT and Parcel ID No. 09-31-208-031, and WEST of Parcel ID No. 09-31-226-027; the Property Proposed for Annexation is Parcel ID No. 09-31-251-006, with a TEMPORARY ADDRESS of 9900 N. ALLEN ROAD, Located within One and One-Half Miles of the City of Peoria;**

Council Member Irving moved to approve the Resolution approving the Annexation Agreement for property generally located Northeast of the Rock Island Trail (Parcel ID No. 09-31-251-004) East of Allen Road, South of Brompton Court and Parcel ID No. 09-31-208-031, and West of Parcel ID No. 09-31-226-027; the property proposed for Annexation is Parcel ID No. 09-31-251-006, with a temporary address of 9900 N. Allen Road, located within one and one-half miles of the City of Peoria, as amended, by deleting language under (2) Development Standards in Section 4, which reads "(2) Access to the property will be by way of extension of Brompton Court onto the Property, which shall be a dedicated right-of-way in accordance with the Site plan, and the same is approved by the City. The extension shall be constructed at Developer's expense, and shall meet all City standards including sidewalks. Additional access to the Property will be provided from Allen Road, at such time as the Illinois Department of Transportation completes its reconfiguration of Allen Road and Alta Road;" and inserting language under (2) Development Standards in Section 4 to read "(2) Permanent and temporary access to the Property will be from Allen Road. (a) A temporary entrance will be built at the Developer's expense, location and characteristics to be approved by the Director of Public Works. The entrance will be controlled with Right Turn Only signs onto Allen Road. The Developer will be responsible for placing barricades, placement and design to be approved by the Director of Public Works, restricting traffic onto Brompton Court. The temporary entrance will serve construction and project traffic until such time as the temporary entrance of Brompton Court is removed as part of the Illinois Department of Transportation reconfiguration of Allen

Road and Alta Road. (b) Permanent access to the property shall be by way of extension of Brompton Court onto the Property, which shall be a dedicated right-of-way in accordance with the Site Plan, and the same is approved by the City. The extension shall be constructed at Developer's expense, and shall meet all City standards including sidewalks. Additional access to the Property will be provided from Allen Road, at such time as the Illinois Department of Transportation completes its reconfiguration of Allen Road and Alta Road. (c) After the reconfiguration of Allen Road and Alta Road, the only access to the existing Brompton Court and the proposed extension of Brompton Court will be the road identified on Exhibit B as "Future IDOT Road." And by deleting (9) A temporary construction entrance will be built at the Developer's expense, location to be approved by the City of Peoria Director of Public Works, and no construction traffic will be allowed on Brompton Court;" seconded by Council Member Turner.

Council Member Sandberg said he did not have a problem with the annexation of the property. He then expressed concern regarding the impact of the plan on the current traffic problem on Allen Road and the drainage problems related to the construction of the apartment complex and its proximity to the creek. He said the already large traffic problem on Allen Road would only get worse by adding 96 apartment units to the area and he said he felt IDOT's reconfiguration would not help the situation. He also expressed concern because, according to the Comprehensive Plan, the area was currently designated for environmental conservation and he said he felt the movement of large amounts of dirt would have a negative impact on drainage. He said he could not support this item because he felt it would cost the citizens of Peoria.

Motion to approve RESOLUTION NO. 09-501, approving the Annexation Agreement for property generally located Northeast of the Rock Island Trail (Parcel ID No. 09-31-251-004) East of Allen Road, South of Brompton Court and Parcel ID No. 09-31-208-031, and West of Parcel ID No. 09-31-226-027; the property proposed for Annexation is Parcel ID No. 09-31-251-006, with a temporary address of 9900 N. Allen Road, located within one and one-half miles of the City of Peoria, as amended, by deleting language under (2) Development Standards in Section 4, which reads "(2) Access to the property will be by way of extension of Brompton Court onto the Property, which shall be a dedicated right-of-way in accordance with the Site plan, and the same is approved by the City. The extension shall be constructed at Developer's expense, and shall meet all City standards including sidewalks. Additional access to the Property will be provided from Allen Road, at such time as the Illinois Department of Transportation completes its reconfiguration of Allen Road and Alta Road;" and inserting language under (2) Development Standards in Section 4 to read "(2) Permanent and temporary access to the Property will be from Allen Road. (a) A temporary entrance will be built at the Developer's expense, location and characteristics to be approved by the Director of Public Works. The entrance will be controlled with Right Turn Only signs onto Allen Road. The Developer will be responsible for placing barricades, placement and design to be approved by the Director of Public Works, restricting traffic onto Brompton Court. The temporary entrance will serve construction and project traffic until such time as the temporary entrance of Brompton Court is removed as part of the Illinois Department of Transportation reconfiguration of Allen Road and Alta Road. (b) Permanent access to the property shall be by way of extension of Brompton Court onto the Property, which shall be a dedicated right-of-way in accordance with the Site Plan, and the same is approved by the City. The extension shall be constructed at Developer's expense, and shall meet all City standards including sidewalks. Additional access to the Property will be provided from Allen Road, at such time as the Illinois Department of Transportation completes its reconfiguration of Allen Road and Alta Road. (c) After the reconfiguration of Allen Road and Alta Road, the only access to the existing Brompton Court and the proposed extension of Brompton Court will be the road identified on Exhibit B as "Future IDOT Road." And by deleting (9) A temporary construction entrance will be built at the

Developer's expense, location to be approved by the City of Peoria Director of Public Works, and no construction traffic will be allowed on Brompton Court;" was approved by roll call vote.

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

Nays: Sandberg – 1.

**B. ORDINANCE ANNEXING TERRITORY Contiguous to the City of Peoria – 9900 N. ALLEN ROAD (Temporary Address).**

Council Member Irving moved to adopt an Ordinance annexing territory contiguous to the City of Peoria with a temporary address of 9900 N. Allen Road; seconded by Council Member Turner.

ORDINANCE NO. 16,528 was adopted by roll call vote.

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

Nays: Sandberg – 1.

**(09-502) Communication from the City Manager and Director of Planning and Growth Management with Recommendation from the Zoning Commission and Staff to Adopt an ORDINANCE Rezoning Property Located in the 9900 BLOCK of ALLEN ROAD Upon Annexation from Class R3 (Single Family Residential) District to a Class R6 (Multi-Family Residential) District.**

Council Member Irving moved to adopt an Ordinance rezoning property located in the 9900 Block of Allen Road upon annexation from Class R3 (Single Family Residential) District to a Class R6 (multi-family residential) District; seconded by Council Member Turner.

ORDINANCE NO. 16,529 was adopted by roll call vote.

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

Nays: Sandberg – 1.

**(09-503) Communication from the City Manager and Director of Planning and Growth Management with Recommendation from the Planning Commission and Staff to Adopt an ORDINANCE Approving the MULTI-FAMILY PLAN for Property Generally Located NORTHEAST of the ROCK ISLAND TRAIL (Parcel ID No. 09-31-251-004), EAST of ALLEN ROAD, SOUTH of BROMPTON COURT and Parcel ID No. 09-31-208-013, and WEST of Parcel ID No. 09-31-226-027, with the Property Identified as Parcel ID No. 09-31-251-006, with a TEMPORARY ADDRESS of 9900 N. ALLEN ROAD, with Conditions.**

Council Member Irving moved to adopt an Ordinance approving the Multi-Family Plan for property generally located Northeast of the Rock Island Trail (Parcel ID No. 09-31-251-004), East of Allen Road, South of Brompton Court and Parcel ID No. 09-31-208-013, and West of Parcel ID No. 09-31-226-027, with the property identified as Parcel ID No. 09-31-251-006, with a temporary address of 9900 N. Allen Road, with conditions, as amended to insert language in the Ordinance as follows: Permanent and temporary access to the Property will be from Allen Road. A temporary entrance will be built at the Developer's expense, location and characteristics to be approved by the Director of Public Works. The entrance will be controlled with Right Turn Only signs onto Allen Road. The Developer will be responsible for placing barricades, placement and design to be approved by the Director of Public Works, restricting traffic onto Brompton Court. The temporary entrance will serve construction and project traffic until such time as the temporary entrance of Brompton Court is removed as part of the Illinois Department of Transportation reconfiguration of Allen Road and Alta Road. Permanent access

to the property shall be by way of extension of Brompton Court onto the Property, which shall be a dedicated right-of-way in accordance with the Site Plan, and the same is approved by the City. The extension shall be constructed at Developer's expense, and shall meet all City standards including sidewalks. Additional access to the Property will be provided from Allen Road, at such time as the Illinois Department of Transportation completes its reconfiguration of Allen Road and Alta Road. After the reconfiguration of Allen Road and Alta Road, the only access to the existing Brompton Court and the proposed extension of Brompton Court will be the road identified on Exhibit B as "Future IDOT Road; seconded by Council Member Spain.

ORDINANCE NO. 16,530, as amended, was adopted by roll call vote.

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

Nays: Sandberg – 1.

### **REGULAR BUSINESS**

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

- (10-033) Communication from the City Manager and Police Chief Requesting Approval for the ANNUAL PURCHASE of FACTORY AMMUNITION for POLICE DUTY USE from KIESLER POLICE SUPPLY, INC., in the Amount of \$28,992.32.**
- (10-034) Communication from the City Manager and Police Chief Requesting Approval of a SOLE SOURCE PURCHASE of THREE POLICE CANINES, One with Specialty in Explosives Detection and Patrol Function and Two with Narcotics and Patrol Specialties from SOUTHERN POLICE CANINE, INC., in the Total Amount of \$41,800.00, with Funds Coming from the Federal Asset Forfeiture Account.**
- (10-035) Communication from the City Manager and Director of Public Works Requesting Approval to PURCHASE THREE (3) PICK-UP TRUCKS Through the State of Illinois Contract Bid Process for the PARK DISTRICT'S USE to Include TWO FORD F250 TWO-WHEEL DRIVE PICK-UP TRUCKS and ONE FORD F250 FOUR-WHEEL DRIVE PICK-UP from LANDMARK FORD in Springfield, Illinois, for ROUTINE REPLACEMENT, in the Amount of \$63,000.00.**
- (10-036) Communication from the City Manager and Director of Public Works Requesting Approval to PURCHASE TWO F550 SUPER DUTY TRUCKS, Fully Equipped with Dump Box, Snow Plow and Salt Spreaders from LANDMARK AUTOMOTIVE GROUP in Springfield, Illinois, in the Amount of \$138,124.00, Utilizing the State Contract Bidding Process.**
- (10-037) Communication from the City Manager and Director of Public Works Requesting Acceptance of the LOW BID of R. A. CULLINAN & SONS, INC. and Award the CONTRACT, in the Amount of \$1,803,195.91, with Additional Authorization of \$90,159.80 (5% for Contingencies) for the GLEN OAK SCHOOL IMPACT ZONE STREET IMPROVEMENTS for WISCONSIN, REPUBLIC, MARYLAND, and KANSAS STREETS.**

- (10-038)  
\* Communication from the City Manager and Director of Public Works Requesting Acceptance of the LOW BID of ILLINOIS CIVIL CONTRACTORS, INC. and Award the CONTRACT, in the Amount of \$1,373,739.95, with Extra Authorization of \$68,687.00 (An Additional 5% for Contingencies) for the HOLLY HEDGES/DEVEREUX CHANNEL IMPROVEMENTS. (Refer to Item Nos. 08-615 and 09-430)
- (10-039) Communication from the City Manager and Director of Planning and Growth Management Requesting Approval of an AMENDMENT to the HAND UP DEVELOPMENT CORPORATION 2009 CHDO PROJECT SCOPE to Develop ONE NEW, SINGLE FAMILY, OWNER-OCCUPIED HOME Located at 522 W. WILLCOX AVENUE (Parcel ID No. 14-33-152-020) and CANCEL DEVELOPMENT of ONE NEW, SINGLE FAMILY, OWNER-OCCUPIED HOME Located in the 3400 BLOCK of SYLVAN LANE (Parcel ID No. 13-24-453-012). (Amends Item No. 09-450)
- (10-040) Communication from the City Manager Requesting Approval to FORBEAR on a LOAN to GLOBE ENERGY for 90 DAYS and Requesting Authorization for the City Manager to Execute the Necessary Documents. (Refer to Item No. 07-268)
- (10-041) Communication from the City Manager and Director of Public Works Requesting Approval to Execute a TWO-YEAR CONTRACT with INDUS LUBRICATING for OIL PRODUCTS used by the CITY'S FLEET MANAGEMENT DIVISION and FIRE GARAGE, as Outlined.
- (10-042) Communication from the City Manager and Director of Public Works Requesting Approval of a CONTRACT with FOTH INFRASTRUCTURE & ENVIRONMENT for 2010 ENGINEERING SERVICES for the PEORIA CITY/COUNTY LANDFILL, in the Amount of \$376,000.00, as Recommended by the Peoria City/County Landfill Committee.
- (10-043) Communication from the City Manager and Director of Public Works Requesting Approval of a SEWER IMPROVEMENT AGREEMENT with the GREATER PEORIA SANITARY DISTRICT for the REPAIR of SEWERS, as a Part of the City of Peoria's Sewer Rehabilitation (Design Area 1 Sewers, Manhole Rehabilitation Project 3), and Requesting Concurrence in the Award of the CONTRACT for the Work to MIDWEST TRENCHLESS SERVICES, in the Amount of \$358,660.00.
- (10-044)  
\*\* Communication from the City Manager and Finance Director/Comptroller Requesting Adoption of an ORDINANCE ABATING the TAX Heretofore Levied to PAY SPECIAL SERVICE AREA TAXES on the RIVERWEST NEIGHBORHOOD (Formerly the Colonel John Warner Homes Development).
- (10-045) Communication from the City Manager and Finance Director/Comptroller Requesting Approval of ORDINANCE NO. 16,531 Partially ABATING the TAX Heretofore LEVIED to PAY PRINCIPAL OF and INTEREST ON GENERAL OBLIGATION LIBRARY BONDS SERIES 2008A, in the Amount of \$798,000.00.

- (10-046) Communication from the City Manager and Finance Director/Comptroller Requesting Approval of ORDINANCE NO. 16,532 ABATING the TAX Heretofore LEVIED to PAY PRINCIPAL OF and INTEREST ON GENERAL OBLIGATION CORPORATE PURPOSE BONDS, of the City of Peoria, 1998 SERIES C, 2002 SERIES A & B, 2003 SERIES A & B, 2004 SERIES B & C, 2005 SERIES A & B, 2007 SERIES A, and 2009 SERIES A.
- (10-047) Communication from the City Manager and Finance Director/Comptroller Requesting Adoption of ORDINANCE NO. 16,533 Amending the CITY OF PEORIA BUDGET for FISCAL YEAR 2010 Relating to the OUTSTANDING ENCUMBRANCES as of DECEMBER 31, 2009, in the Amount of \$6,481,002.00.
- (10-048) Communication from the City Manager Requesting Approval of the Following:
1. TRANSFER of PROPERTY Located at 720 E. PARK AVENUE to PEORIA AREA COMMUNITY EVENTS (P.A.C.E.) FOUNDATION for the Amount of \$1.00, and Authorize the City Manager to Execute the Necessary Documents;
  2. ADOPT ORDINANCE NO. 16,534 VACATING a PORTION of LAKE VIEW AVENUE Approximately 315 FEET NORTHEAST of PERRY AVENUE.
- (10-049) Communication from the City Manager and Corporation Counsel  
\*\*\* Requesting Approval of DATES for SCHEDULED EVENTS SPONSORED by PEORIA AREA COMMUNITY EVENTS, INC. (P.A.C.E.), Subject to Their Filing the Necessary Permits and Approval as Required by the Peoria City Code. Dates Scheduled are: Steamboat Festival - June 17 through 19, 2010; Taste of Peoria - August 11, 2010 (Rain Date: August 12, 2010); Labor Day Picnic - September 6, 2010; and RibFest & Chili Cookoff - October 1 and 2, 2010.
- (10-050) Communication from the City Manager and Corporation Counsel  
\*\*\*\* Requesting Approval of a SITE APPLICATION for a CLASS A (Tavern) LIQUOR LICENSE at 7719 N. UNIVERSITY, with Recommendation from the Liquor Commission to Approve.
- (10-051) Communication from the City Manager Regarding the PEORIA PARK DISTRICT FOURTH QUARTER 2009 REPORT of ACTIVITIES for the RIVERFRONT and GATEWAY BUILDING, with Recommendation to Receive and File.
- (10-052) Communication from the City Manager with Request to ACCEPT the PEORIA PARK DISTRICT RIVERFRONT PROGRAMMING WORK PROGRAM AND BUDGET REPORT for 2010.
- (10-053) REPORT of the CITY TREASURER PATRICK NICHTING for the MONTH of DECEMBER 2009, 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 Montelongo requested Item No. 10-049 be removed from the Consent Agenda for further discussion.

Council Member Jacob requested Item Nos. 10-038, 10-049, and 10-050 be removed from the Consent Agenda for further discussion.

Council Member Spain requested Item No. 10-044 be removed from the Consent Agenda for further discussion.

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

Items No. 10-033 through 10-053 (excluding Item Nos. 10-038, 10-044, 10-049, and 10-050, which were removed for further discussion) were approved by roll call vote under the Omnibus Vote Designation.

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

Nays: None.

**(10-038)      Communication from the City Manager and Director of Public Works  
\*      Requesting Acceptance of the LOW BID of ILLINOIS CIVIL CONTRACTORS, INC. and Award the CONTRACT, in the Amount of \$1,373,739.95, with Extra Authorization of \$68,687.00 (An Additional 5% for Contingencies) for the HOLLY HEDGES/DEVEREUX CHANNEL IMPROVEMENTS. (Refer to Item Nos. 08-615 and 09-430)**

Following a brief comment in support for the proposed project, Council Member Jacob moved to approve the low bid and award of contract to Illinois Civil Contractors, Inc., in the amount of \$1,373,739.95, with extra authorization of \$68,687.00 (an additional 5% for contingencies) for the Holly Hedges/Devereux Channel Improvements; seconded by Council Member Spears.

Motion was approved by roll call vote.

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

Nays: None.

**(10-044)      Communication from the City Manager and Finance Director/Comptroller  
\*\*      Requesting Adoption of an ORDINANCE ABATING the TAX Heretofore Levied to PAY SPECIAL SERVICE AREA TAXES on the RIVERWEST NEIGHBORHOOD (Formerly the Colonel John Warner Homes Development).**

Finance Director/Comptroller Jim Scroggins distributed a replacement Ordinance to members of the City Council.

Council Member Spain moved to approve the replacement Ordinance abating the tax heretofore levied to pay Special Service Area taxes on the Riverwest Neighborhood; seconded by Council Member Turner.

ORDINANCE NO. 16,535 was adopted by roll call vote.

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

Nays: None.

**(10-049)      Communication from the City Manager and Corporation Counsel  
\*\*\*      Requesting Approval of DATES for SCHEDULED EVENTS SPONSORED by PEORIA AREA COMMUNITY EVENTS, INC. (P.A.C.E.), Subject to Their Filing the Necessary Permits and Approval as Required by the Peoria City Code. Dates Scheduled are: Steamboat Festival - June 17 through 19, 2010; Taste of Peoria - August 11, 2010 (Rain Date: August 12, 2010); Labor Day Picnic - September 6, 2010; and RibFest & Chili Cookoff - October 1 and 2, 2010.**



Council Member Jacob said he would be abstaining from discussion 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 Montelongo noted that at many of the events sponsored by P.A.C.E. back in 2008 there had been a number of youth-related incidents which had occurred. He noted in 2009, with the assistance of Carl Cannon and his Elite program, there had been no incidents reported. He requested continued collaboration with Carl Cannon to eliminate future incidents at community events.

Council Member Montelongo moved to approve the dates for scheduled events sponsored by Peoria Area Community Events, Inc. (P.A.C.E.), subject to their filing the necessary permits and approval as required by the Peoria City Code for the dates scheduled as follows: Steamboat Festival - June 17 through 19, 2010; Taste of Peoria - August 11, 2010 (Rain Date: August 12, 2010); Labor Day Picnic - September 6, 2010; and RibFest & Chili Cookoff - October 1 and 2, 2010; seconded by Council Member Spain.

Motion was approved by roll call vote.

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

Nays: None;

Abstentions: Jacob – 1.

**(10-050) Communication from the City Manager and Corporation Counsel  
\*\*\*\* Requesting Approval of a SITE APPLICATION for a CLASS A (Tavern)  
LIQUOR LICENSE at 7719 N. UNIVERSITY, with Recommendation from the  
Liquor Commission to Approve.**

Council Member Jacob said he would be abstaining from discussion 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 Spain moved to approve a Site Application for a Class A (Tavern) Liquor License at 7719 N. University; seconded by Council Member Turner.

Motion was approved by roll call vote.

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

Nays: None;

Abstentions: Jacob – 1.

**(10-054) Communication from the City Manager Requesting Approval of the CITY OF  
PEORIA'S PORTION of the COMMUNITY LEGISLATIVE AGENDA Regarding  
FY2011 CONGRESSIONAL APPROPRIATION REQUESTS.**

City Manager Scott Moore distributed a replacement communication to members of City Council.

City Manager Moore recommended to members of the City Council to bring this item back for discussion at the Policy Session scheduled for Tuesday, February 16, 2010. He said he felt, in order to maximize the opportunities for the City, it was important to fine-tune the legislative agenda.

Council Member Van Auken moved to defer this item to the February 16, 2010, Policy Session; seconded by Council Member Riggensbach.

Motion to defer this item until the February 16, 2010, Policy Session was approved by roll call vote.

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

Nays: None.

**(10-055) Communication from the City Manager and Corporation Counsel Requesting Approval of the MAIN CONSTRUCTION and DEVELOPMENT AGREEMENT with ILLINOIS-AMERICAN WATER COMPANY, and Requesting Authorization for the City Manager to Execute the Necessary Documents.**

Council Member Irving moved to approve the Main Construction and Development Agreement with Illinois-American Water Company and to authorize the City Manager to execute the necessary documents; seconded by Council Member Van Auken.

Council Member Irving noted the agreement would bring great benefit to the City.

Council Member Sandberg expressed concern regarding the potential financial impact of the agreement to the City. He said he felt giving developers the option that the City would develop water mains meant the City would be spending money.

Corporation Counsel Randy Ray clarified the document would not approve the City spending any money on this at this time. He added any money expended would have to come before the Council.

Council Member Sandberg said the language of the agreement left the developer an option of not doing the work. He said if the word “or” was not included in the language, he would not have any problem supporting the agreement.

Mayor Ardis reiterated the agreement did not obligate the City to develop the water mains.

In discussion with Council Member Van Auken, Corporation Counsel Ray said the “or” did not mean the developer had an automatic option.

Motion to approve the Main Construction and Development Agreement with Illinois-American Water Company and to authorize the City Manager to execute the necessary documents was approved by roll call vote.

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

Nays: Sandberg – 1.

**(10-056) Communication from the City Manager and Director of Planning and Growth Management with Request to Concur with Either the Recommendation from the Zoning Commission to ADOPT or Concur with the Recommendation from the Staff to DENY the Following:**

**A. ORDINANCE Rezoning Property Located at 1717 W. GLEN AVENUE from the Present Class R3 (Single Family Residential) District to a Class O2 (Exclusive Office Park) District, with Conditions;**

Council Member Spears moved to concur with the Zoning Commission’s recommendation to adopt the Ordinance rezoning property located at 1717 W. Glen Avenue from the present Class R3 (Single Family Residential) District to a Class O2 (Exclusive Office Park) District, with conditions; seconded by Council Member Van Auken.

ORDINANCE NO. 16,536 was adopted by roll call vote.

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

Nays: None.

- B. ORDINANCE Amending Ordinance No. 13,345, a Previous Use with Approval as Amended, for a SPECIAL USE in a Class O2 (Exclusive Office Park) District for an OFFICE DEVELOPMENT Commonly Known as the GLEN PARK PLACE OFFICE PARK to Add the Property Located at 1717 W. GLEN AVENUE and Allow for a BUILDING ADDITION and PARKING LOT for Property Located at 4909 N. GLEN PARK PLACE and 1717 W. GLEN AVENUE, with Conditions.**

Council Member Spears moved to concur with the Zoning Commission's recommendation to adopt the Ordinance amending Ordinance No. 13,345, a previous use with approval as amended, for a Special use in a Class O2 (Exclusive Office Park) District for an Office Development commonly known as the Glen Park Place Office Park to add the property located at 1717 W. Glen Avenue and allow for a building addition and parking lot for property located at 4909 N. Glen Park Place and 1717 W. Glen Avenue, with conditions; seconded by Council Member Riggensbach.

ORDINANCE NO. 16,537, amending Ordinance No. 13,345, was adopted by roll call vote.

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

Nays: None.

- (10-057) Communication from the City Manager and Director of Planning and Growth Management with Request to Concur with Recommendations from the Historic Preservation Commission Contained within the ACTION PLAN to:**

- A. ADOPT an ORDINANCE Amending CHAPTER 16 of the Code of the City of Peoria Related to the DESIGNATION PROCESS and the CERTIFICATE of APPROPRIATENESS PROCESS;**

Council Member Van Auken moved to grant Privilege of the Floor to those citizens who wished to address the City Council on this issue.

Hearing no objections, Mayor Ardis granted Privilege of the Floor to those citizens who wished to address the City Council on this issue.

Robert Powers, Chairman of the Historic Preservation Commission, provided a brief outlined of the re-vamping of the procedures necessary to obtain Landmark Status for homes and buildings. He said throughout the process the Commission had received input from the public at all phases. He noted the proposed changes would help to streamline the process and allowed the Commission to work closely with City Staff to speed up the process for quicker response to requests. He added that the previous process duplicated the Public Hearing aspect and, with the proposed changes, that duplication had been eliminated.

Council Member Van Auken noted she was impressed with the great deal of effort made by the Committee on this item. She said she commended the Committee's efforts to involve residents and all parties involved.

Council Member Van Auken moved to adopt an Ordinance amending Chapter 16 of the Code of the City of Peoria related to the designation process and the Certificate of Appropriateness Process; seconded by Council Member Montelongo.

Council Member Sandberg commended the Historic Preservation Commission for their efforts to remove procedural items to make the process more accessible. He suggested an amendment to the motion to defer this item until all neighborhoods affected could be notified and have their

concerns addressed. He clarified that he only had concerns regarding the Ordinance under this item. He then offered a substitute motion to defer the item until May 11, 2010, Regular City Council Meeting; seconded by Council Member Gulley.

Council Member Gulley noted he had received calls regarding this issue and he said he felt there was some misunderstanding by affected citizens.

Motion to defer this item until May 11, 2010, was approved by roll call vote.

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

Nays: None.

**B. APPROVE a PROCEDURAL CHANGE Related to HOUSING and DEMOLITION CASES; and**

Council Member Van Auken moved to approve the procedural change related to housing and demolition cases; seconded by Council Member Spain.

Council Member Sandberg noted that he felt it was acceptable to move forward on this item, as the changes proposed provided more disclosure and transparency to the process.

In discussion with Council Member Jacob, Director of Planning and Growth Management Pat Landes clarified the proposed changes would not create a delay in the process of demolishing other structures. She noted the best scenario was to catch damage to properties early so they could be slated for restoration, rather than receiving calls when the structures were ready to fall down and needed to be demolished.

Director of Inspections John Kunski concurred with Director Landes.

Motion to approve the procedural change related to housing and demolition cases was approved by roll call vote.

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

Nays: None.

**C. RECEIVE and FILE a COMMUNITY LIST of PROPERTY NOTED as WORTHY OF POTENTIAL HISTORIC LANDMARK STATUS and the LONG-TERM RECOMMENDATIONS.**

Following a brief comment thanking the Central Illinois Landmark Foundation for the time they invested to develop the community list of property noted as worthy of potential historic landmark status and the long-term recommendations, Council Member Van Auken moved to receive and file the list; seconded by Council Member Gulley.

Council Member Van Auken moved to grant Privilege of the Floor to those citizens who wished to address the City Council regarding this item.

Hearing no objections, Mayor Ardis granted Privilege of the Floor to those citizens who wished to address the City Council regarding this item.

Margaret Cousin, Peoria resident and Historic Preservation Commission member, presented an overview of the timeline to Peoria's history. She noted the historical properties and their value to the City of Peoria. She noted the creation of the list was a first step toward improved communication to citizens regarding the landmark process. She encouraged the City Council to approve the list to help create circumstances for the Historic Preservation Commission to succeed.

Jim Bateman, former Council Member and President of the Central Illinois Landmarks Foundation, clarified the properties on the list were those with potential for landmark status and that there were no guarantees. He said the properties possessed the characteristics needed for consideration.

In discussion with Council Member Sandberg, Mr. Bateman explained not every home within a historic district had landmark status potential. He noted he felt it was redundant to mention all of those within the district. He added the list also included properties which were already landmarked.

Roger Meyer, Peoria resident and member of Trinity Lutheran Church at 135 NE Randolph, expressed concern regarding his church's placement on the list. He said he felt places of worship should be excluded to remove barriers preventing them from replacing stained glass and making needed improvements to the exterior of the building. He noted his church community took clear responsibility for the maintenance of their property.

Council Member Van Auken expressed her gratitude to Trinity Church's efforts to maintain their property and she said she respected their point of view. She then reiterated the list contained properties that had the potential for landmark status.

Council Member Turner expressed concern that placement on the list may create a hardship later in the event the property owner wished to sell it.

Council Member Van Auken noted she saw that issue as a part of the next step in the process. She said education and communication measures would be a part of that step.

Council Member Sandberg noted some developers only wanted historic properties. He said he did not view this classification as a negative. He added he wanted to see the information as an on-line resource for the community. He then offered a friendly amendment to add the on-line access of this information eventually with the assistance of the Commission.

Council Member Van Auken noted she had no problem providing a link to the Historic Preservation Commission's website, but she did not feel it was appropriate to list the information under the annex of the City, especially since the properties were only listed as potential landmarks and had not been approved. She cautioned that this action could give the wrong impression to citizens.

Council Member Sandberg concurred and then he added he felt the City should showcase the properties that were already landmarked to everyone who had access to a computer, especially to those with an interest in preservation. He said he felt it was important to show off the riches of the City to promote something positive.

In discussion with Council Member Jacob, Mr. Bateman reported the Commission's efforts tried to include all areas of the City, adding it was the Commission's first effort. He said the Commission recognized there were properties on the list that perhaps did not belong there. He said the list was a work in progress that could be used as a tool to refine the Commission's efforts as it moved forward. He added the Council's approval of the list did not exclude properties from being added in the future. He noted the CILF did not want to make judgments about the potential of listed properties.

Council Member Jacob reiterated that the City was at the beginning of the process and requested of Mayor Ardis that a process be established to enable property owners to have their properties added to the list as they saw fit to do so, and to become more educated about the process. He noted he did not know the best way to do that, but he requested that the Clerk include in the record there was an understanding this discussion was on-going and the Council had the ability to bring forward additional names for the list.

Mr. Bateman noted the CILF would be glad to work with the HPC to come up with a process to deal with this issue.

Council Member Jacob thanked the Historic Preservation Commission for responding to the challenge that had been presented by Council. He acknowledged that members on the two committees were volunteers and; therefore, not compensated for their time. He noted the importance of using transparency as a way to overcome the perception among some owners and some of the developers in town that this had been used in the past as a weapon to stop certain projects. He also stressed the importance of remembering the property rights of the owners. He emphasized the people that owned the properties should have a fair, unbiased hearing and an opportunity to express concerns in a proper manner.

In discussion with Council Member Spain who expressed concern regarding the direction to give to owners who wanted their properties removed from the list, Mr. Bateman said the process had not been worked out, but he noted the real issue was uncertainty and he reiterated that CILF could work with HPC to resolve the issue.

Council Member Spain noted Illinois, along with bordering states, were working to finalize a State Historic Tax Credit for those eligible properties. He said this credit could be used as a tool or incentive for development.

Council Member Montelongo said he would support approval of the list and he noted he had also received calls about this list. He concurred that he wanted to see the process developed.

Motion to receive and file the community list of property noted as worthy of potential historic landmark status and the long-term recommendation was approved by roll call vote.

Yeas: Gulley, Irving, Jacob, Montelongo, Riggerbach, 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)**

- (09-616) Communication from the City Manager and Director of Planning and Growth Management with a REQUEST TO DEFER for 30 DAYS a REPORT BACK Regarding CONDITIONS to ENTER into an ANNUAL CONTRACT with the EAST BLUFF NEIGHBORHOOD HOUSING SERVICES (EBNHS) Related to Ordinance No. 14,534.**

Council Member Riggerbach moved to defer this item until the February 23, 2010, Regular City Council Meeting; seconded by Council Member Irving.

Motion to defer until February 23, 2010, was approved by roll call vote.

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

Nays: None.

- (09-506) Request from Council Member Spain to REMOVE ITEM NO. 09-506 Regarding the Low Bid and Contract for the JEFFERSON AVENUE SAFETY IMPROVEMENTS from the Table, and to Place the Item on the February 23, 2010, Regular City Council Agenda.**

Council Member Spain moved to remove Item No. 09-506 regarding the low bid and contract for the Jefferson Avenue Safety Improvements from the Table, and to place the item on the February 23, 2010, Regular City Council Agenda; seconded by Council Member Gulley.

Motion approved by roll call vote.

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

Nays: None.

### **NEW BUSINESS**

#### **ANNOUNCEMENT Regarding the UPCOMING IHSA MARCH MADNESS HIGH SCHOOL MEN'S BASKETBALL TOURNAMENT**

Council Member Turner noted the dates for the upcoming IHSA March Madness High School Men's Basketball Tournament. He said Class 1A and 2A were scheduled for March 11 – 13, 2010, and Class 3A and 4A were scheduled for March 18 - 20, 2010. He noted it was the 15<sup>th</sup> year that the tournament had taken place in the City and he thanked Mayor Ardis and the Council and committee for the continued support and effort to keep the IHSA tournaments in Peoria.

#### **ANNOUNCEMENT Regarding a COMMUNITY CALL TO ACTION FORUM to be Held SATURDAY, FEBRUARY 13, 2010, at the DREAM CENTER on Hamilton Avenue.**

Mayor Ardis extended an invitation for any interested citizen to attend a Community Call to Action Forum that he is co-hosting with Representative Jehan Gordon and Senator Dave Koehler on Saturday, February 13, 2010, from 10:00 A.M. to 12:30 P.M., at the Dream Center on Hamilton Avenue. He said the forum to develop solutions regarding the quality of life in the community would be facilitated by David Miller and Lemar Shields from the Urban Leadership Institute. He noted members of the community would have the opportunity to participate in four break-out sessions: juvenile, ex-offender, school-based, and parenting. He added a follow-up session would be scheduled, approximately one month following this event, to begin putting ideas developed into action.

### **PRESENTATION**

**(10-058) PRESENTATION by the ECONOMIC DEVELOPMENT COUNCIL Regarding the FOURTH QUARTER 2009 PERFORMANCE INITIATIVES Under the SCOPE of WORK for the CONTRACTUAL AGREEMENT Between the City of Peoria and the Economic Development Council, with Request to Receive and File.**

A handout regarding an up-coming event about the Economic Climate in 2010 was distributed to members of the City Council.

Council Member Spain said he would be abstaining from discussion and voting on this item due to his employer's relationship with EDC.

Council Member Van Auken moved to receive and file the Fourth Quarter 2009 Performance Initiatives under the scope of work for the contractual agreement between the City of Peoria and the Economic Development Council and to proceed with the presentation; seconded by Council Member Montelongo.

Motion to receive and file the Fourth Quarter 2009 Performance Initiatives under the scope of work for the contractual agreement between the City of Peoria and the Economic Development Council was approved by roll call vote.

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

Nays: None;

Abstentions: Spain – 1.

Vickie Clark from the Economic Development Council gave a presentation which outlined fourth quarter activities from 2009. She noted EDC's role in their contractual obligation to the City of Peoria included marketing, business retention and expansion, and technical assistance. She reported 49 recruitment leads of activity that had come into the area during the fourth quarter. She said those included specialized manufacturing, warehouse district, call centers, data centers, commercial development, retail, and education.

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

It was determined that no citizens wished to address members of the City Council

### **EXECUTIVE SESSION**

- (10-059) Consideration of a Motion to go into EXECUTIVE SESSION to Discuss 2(c)(1) The appointment, employment, compensation, discipline, performance, or dismissal of specific employees of the public body, including hearing testimony on a complaint lodged against an employee to determine its validity; 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 Spears moved for the City Council to go into Executive Session to Discuss 2(c)(1) The appointment, employment, compensation, discipline, performance, or dismissal of specific employees of the public body, including hearing testimony on a complaint lodged against an employee to determine its validity; 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 Riggensbach.

Approved by roll call vote.

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

Nays: Spears - 1.

### **ADJOURNMENT**

Council Member Irving moved to adjourn the meeting; seconded by Council Member Jacob.

Approved by viva voce vote.

The meeting adjourned at 8:32 P.M.

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

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