

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

Council Chambers, Peoria, Illinois, February 8, 2011, a Joint City Council and Town Board Meeting was held this date at 6:15 P.M., at City Hall, Council Chambers, 419 Fulton Street, with Mayor Jim Ardis presiding, and with proper notice having been posted.

ROLL CALL

Roll Call showed the following Council Members were physically present: Gulley (arrived at 6:20 P.M.), Irving, Montelongo, Riggerbach, Sandberg, Spain, Spears, Turner, Van Auken, Mayor Ardis - 10. Absent: Jacob - 1.

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: GLEN McCULLOUGH, BRADLEY SPORT HALL OF FAME

MINUTES

Council Member Spain moved to approve the minutes of the Joint City Council and Town Board Meeting held on January 25, 2011, and the Special City Council Meeting held on January 29, 2011, as printed; seconded by Council Member Riggerbach.

Approved by roll call vote.

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

Nays: None.

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

(11-042) Communication from the Town Supervisor Requesting Approval of an INTERGOVERNMENTAL AGREEMENT Between the City of Peoria and the Town of the City of Peoria to LEASE SPACE for a Portion of 205 S.W. ADAMS STREET.

Trustee Irving moved to approve the Intergovernmental Agreement between the City of Peoria and the Town of the City of Peoria to lease space for a portion of 205 S. W. Adams Street; seconded by Trustee Riggerbach.

In discussion with Trustee Gulley regarding his concern that the space to be leased would be large enough to accommodate Township Supervisor Joe Whalen and his staff, Township Supervisor Whalen said the space had been reviewed by several Council Members, as well as others, and he confirmed the square footage of the space would be adequate for their needs. He added he would alert the Town Board if problems with the space developed.

Approved by roll call vote.

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

Nays: None.

PETITIONS, REMONSTRANCES & COMMUNICATIONS – CITY OF PEORIA

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

- (11-043) **NOTICE of LAWSUIT Filed on Behalf of WILLIAM T. REDD, JR. Regarding a Complaint Against Freddie E. Wright, Sr. and the City of Peoria Pertaining to Personal Injuries from an Accident on February 8, 2010, Involving a City Snowplow, with Recommendation to Receive for Information and Refer to the Legal Department.**
- (11-044) **TAG DAY REQUEST from the SOUTH-WEST KIWANIS CLUB OF PEORIA to Hold Their ANNUAL PEANUT DAY FUNDRAISER to Help Peoria Area Children on SEPTEMBER 28, 29, and 30, 2011. (Dates are Open.)**
- (11-045) **Communication from the Interim City Manager and Director of Public Works Requesting Acceptance of the ILLINOIS STATE BID of PRAIRIE ARCHWAY INTERNATIONAL in Normal, Illinois, in an Amount Not to Exceed \$391,173.00, for the PURCHASE of THREE (3) DUMP TRUCKS (Fully Equipped with Dump Box, Snow Plow, and Salt Spreader).**
*
- (11-046) **Communication from the Interim City Manager and Director of Public Works Requesting Approval for the PURCHASE of SEVEN (7) CHEVY IMPALA POLICE VEHICLES for Routine Fleet Replacement, in the Amount of \$142,682.00, from GREEN CHEVROLET and DODGE in Springfield, Illinois, One (1) CHEVY TAHOE from MILES CHEVROLET, INC., in Decatur, Illinois, in the Amount of \$32,768.00, and One (1) Additional CHEVY TAHOE from MILES CHEVROLET, INC., in the Amount of \$32,768.00 as a K-9 Vehicle in SID, all Purchased Through the State of Illinois Contract Bid Process.**
- (11-047) **Communication from the Interim City Manager and Director of Planning and Growth Management Requesting Approval of the ALLOCATION of a FEDERAL HUD ECONOMIC DEVELOPMENT INITIATIVE GRANT for CRITICAL PUBLIC INFRASTRUCTURE IMPROVEMENTS, in the Amount of \$120,000.00, in the GLEN OAK SCHOOL NEIGHBORHOOD IMPACT ZONE and \$123,500.00, in the HARRISON SCHOOL NEIGHBORHOOD IMPACT ZONE.**
- (11-048) **Communication from the Interim City Manager Requesting Approval to RENEW the BUSINESS DEVELOPMENT LOAN for LAGRON-MILLER for FIVE YEARS and to Authorize the City Manager to Execute the Necessary Documents.**
- (11-049) **Communication from the Interim City Manager and Director of Public Works Requesting Approval of an ADDENDUM AGREEMENT, Amending Agreement No. 10-133B, with the ILLINOIS DEPARTMENT OF TRANSPORTATION for the Funding of the CONSTRUCTION of ORANGE PRAIRIE ROAD from AMERICAN PRAIRIE ROAD to ALTA ROAD.**
**
- (11-050) **Communication from the Interim City Manager and Corporation Counsel Requesting Approval of an INTERGOVERNMENTAL AGREEMENT with the TOWN OF THE CITY OF PEORIA Regarding LEASE of 205 S.W. ADAMS STREET, and to Authorize the City Manager to Execute the Document.**

- (11-051) ******* Communication from the Interim City Manager and Director of Public Works Requesting Approval of VARIOUS CONTRACTS for CITY TREE SERVICES, MOWING SERVICE for CITY LOTS and RIGHTS-OF-WAY and BOULEVARDS, and Adjustment of the Scope of Work in the RIVERFRONT MAINTENANCE CONTRACT.
- (11-052) ******** Communication from the Interim City Manager and Fire Chief Requesting Adoption of an ORDINANCE Amending CHAPTER 11 of the Code of the City of Peoria Pertaining to CERTAIN FEES Including Non-Resident Vehicle Fires, Non-Resident Vehicle Extrication, Non-Emergency Boat Towing, Non-Resident Boat Rescue, Automatic Fire-Extinguishing Systems, Commercial Fire Suppression Hood System Permits, Fire Alarm and Detection Systems, and Related Equipment as Outlined.
- (11-053) Communication from the Interim City Manager and Finance Director/Comptroller Requesting Adoption of ORDINANCE NO. 16,655 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, 2004 SERIES B & C, 2005 SERIES A & B, 2007 SERIES A, 2009 SERIES A, AND 2010 SERIES A, B, C & D.
- (11-054) Communication from the Interim City Manager and Finance Director/Comptroller Requesting Adoption of ORDINANCE NO. 16,656 Abating the Tax Heretofore Levied to Pay SPECIAL SERVICE AREA TAXES on the RIVERWEST NEIGHBORHOOD (Formerly the Colonel John Warner Homes Development).
- (11-055) Communication from the Interim City Manager and Corporation Counsel Recommending Adoption of ORDINANCE NO. 16,657 Amending CHAPTER 31, SCHEDULE A, PROHIBITING the USE of GROUNDWATER as a POTABLE WATER SUPPLY by the Installation or Use of Potable Water Supply Wells or by Any Other Method.
- (11-056) Communication from the Interim City Manager and Finance Director/Comptroller Requesting Adoption of ORDINANCE NO. 16,658 Amending the City of Peoria Budget for Fiscal Year 2011 Relating to the STATE and LOCAL AUTO THEFT ENFORCEMENT (S.L.A.T.E.) PROGRAM FUNDS, in the Amount of \$400,784.00.
- (11-057) Communication from the Interim City Manager and Finance Director/Comptroller Requesting Adoption of ORDINANCE NO. 16,659 Amending the City of Peoria Budget for Fiscal Year 2011 Relating to POLICE TOBACCO ENFORCEMENT GRANT, in the Amount of \$13,860.00.
- (11-058) Communication from the Interim City Manager and Finance Director/Comptroller Requesting Adoption of ORDINANCE NO. 16,660 Amending the City of Peoria Budget for Fiscal Year 2011 Relating to the DEPARTMENT of HOUSING and URBAN DEVELOPMENT (HUD) ECONOMIC DEVELOPMENT INITIATIVES (EDI) SPECIAL PROJECT GRANT, in the Amount of \$243,500.00.
- (11-059) Communication from the Interim City Manager and Finance Director/Comptroller Requesting Adoption of ORDINANCE NO. 16,661 Amending the City of Peoria Budget for Fiscal Year 2011 Relating to the OUTSTANDING ENCUMBRANCES as of DECEMBER 31, 2010, in the Amount of \$5,648,616.00.

**(11-060) Communication from the Interim City Manager with Request to Receive and
***** File the MINUTES and Supporting Documents from the JOINT REVIEW
BOARD (JRB) MEETING Held on JANUARY 31, 2011, Regarding the
Proposed EAST VILLAGE GROWTH CELL (EVGC) TIF REDEVELOPMENT
PROJECT AREA ELGIBILITY.**

**(11-061) Communication from the Interim City Manager and Corporation Counsel
Requesting Approval of 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 City Code,
as Follows: Steamboat Festival at Riverfront Festival Park on June 16
through 18, 2011; Taste of Peoria at Riverfront Festival Park on August 10,
2011, (Rain Date - August 11, 2011); and Labor Day Picnic at Riverfront
Festival Park on September 5, 2011.**

**(11-062) APPOINTMENT by Mayor Jim Ardis to the TRAFFIC COMMISSION, with
Request to Concur:**

Michael Vespa (Voting) - Term Expires 6/30/2012

**(11-063) REPORT of the CITY TREASURER, PATRICK A. NICHTING, for the MONTH
of DECEMBER 2010, with Request 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 Turner requested Item Nos. 11-051 and 11-052 be removed from the Consent Agenda for further discussion.

Council Member Sandberg requested Item No. 11-060 be removed from the Consent Agenda for further discussion.

Council Member Irving requested Item Nos. 11-045 and 11-049 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 Van Auken.

Items No. 11-043 through 11-063 (excluding Item Nos. 11-045, 11-049, 11-051, 11-052, and 11-060, which were removed for further discussion) were approved by roll call vote under the Omnibus Vote Designation.

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

Nays: None.

**(11-045) Communication from the Interim City Manager and Director of Public
* Works Requesting Acceptance of the ILLINOIS STATE BID of PRAIRIE
ARCHWAY INTERNATIONAL in Normal, Illinois, in an Amount Not to
Exceed \$391,173.00, for the PURCHASE of THREE (3) DUMP TRUCKS (Fully
Equipped with Dump Box, Snow Plow, and Salt Spreader).**

In discussion with Council Member Irving regarding the need and urgency to purchase the three dump trucks as outlined, Director of Public Works Dave Barber explained his department deferred the purchase of trucks last year due to budget restrictions and he pointed out the State bid prices would expire if these trucks were not ordered by February 14, 2011. He said there would be a 3% to 5% increase in the cost of the trucks, which would represent \$4,200.00 to

\$7,000.00 per vehicle and the trade-in value of each truck would decrease later in the year. He added there was a six to seven month lead time for the trucks to actually be delivered so the trucks would be delivered prior to the next winter season.

In further discussion with Council Member Irving regarding the costs involved if the trucks were retained in the fleet longer, Director Barber explained there would probably be a \$20,000.00 expense per truck as they continued to age. He said each vehicle was valued at approximately \$11,000.00 at this time. He said these were the reasons the recommendation was to trade these vehicles now.

Council Member Sandberg indicated he would like to have more information regarding the crank shafts and seals, transmission seals, and the possible failure assessment.

Council Member Montelongo suggested a deferral so more information could be obtained from the mechanics.

Mayor Ardis said he would support a deferral even though the City may lose the opportunity to participate in the State bid price. He said it may be possible the City could make do with the purchase of only two dump trucks. He added he understood the purchase of dump trucks had been reduced over the past two years due to budget restrictions, but he felt the Council needed adequate information to consider before they made a decision. He said there seemed to be some conflicting information. He also suggested these same vehicles could be bid through another vendor and it may be possible to obtain a better price per truck.

Council Member Gulley requested a report back regarding more detail on some alternatives so an informed decision could be made. He said he felt spending \$100,000.00 on these vehicles could make them operational for additional use.

Council Member Spears requested that the Public Works Department determine if there were local vendors where these trucks could be purchased, which may provide a lower price. He said he would like this information included in the report back.

In further discussion with Council Member Montelongo, Director Barber said there was a vehicle mileage policy several years ago but, due to budget restrictions, they had not been able to follow the policy. He said there were many vehicles in the fleet that were well beyond their normal useful life and should have already been replaced. He added trucks were usually not kept past ten years because these trucks were used heavily year-round for summer construction work and snow removal. He explained 200,000 miles on a truck was extensive, so the older trucks were being held in reserve and the newer trucks were being used more. He said during emergency events, all vehicles were used.

Council Member Montelongo moved to approve the acceptance of the Illinois State bid of Prairie Archway International in Normal, Illinois, in an amount not to exceed \$391,173.00, for the purchase of three (3) dump trucks (fully equipped with dump box, snow plow, and salt spreader); seconded by Council Member Turner.

Motion was DEFEATED by roll call vote.

Yeas: Gulley, Montelongo, Spain, Turner – 4;

Nays: Irving, Riggensbach, Sandberg, Spears, Van Auken, Mayor Ardis – 6.

Council Member Spain moved to defer this item for two weeks until the February 22, 2011, Regular City Council Meeting; seconded by Council Member Irving.

Motion to defer this item until February 22, 2011, was approved by roll call vote.

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

Nays: None.

- (11-049)**
** **Communication from the Interim City Manager and Director of Public Works Requesting Approval of an ADDENDUM AGREEMENT, Amending Agreement No. 10-133B, with the ILLINOIS DEPARTMENT OF TRANSPORTATION for the Funding of the CONSTRUCTION of ORANGE PRAIRIE ROAD from AMERICAN PRAIRIE ROAD to ALTA ROAD.**

Council Member Irving moved to defer this item until the February 22, 2011, Regular City Council Meeting so additional information could be obtained from I.D.O.T.; seconded by Council Member Sandberg.

Motion to defer this item until February 22, 2011, was approved by roll call vote.
Yeas: Gulley, Irving, Montelongo, Riggensbach, Sandberg, Spain, Spears, Turner, Van Auken, Mayor Ardis - 10;
Nays: None.

- (11-051)**
*** **Communication from the Interim City Manager and Director of Public Works Requesting Approval of VARIOUS CONTRACTS for CITY TREE SERVICES, MOWING SERVICE for CITY LOTS and RIGHTS-OF-WAY and BOULEVARDS, and Adjustment of the Scope of Work in the RIVERFRONT MAINTENANCE CONTRACT.**

In discussion with Council Member Turner regarding his request for more information regarding Steele, Inc. of Caledonia, MN and whether or not they would pay prevailing wage, Director of Public Works Dave Barber confirmed Mr. Steele would pay prevailing wage and he explained he would hire a local laborer to assist the one other person he would bring with him to perform the job of removing 150 trees in the City.

Council Member Turner moved to approve various contracts for City Tree services, mowing service for City lots and rights-of-way and boulevards, and adjustment of Scope of Work in the Riverfront Maintenance Contract; seconded by Council Member Van Auken.

Following further discussion, Council Van Auken suggested these contracts be monitored carefully by the Public Works Department. She said she did not understand how an out-of-State vendor could provide services for less money than a local vendor and abide by the rules.

Approved by roll call vote.
Yeas: Gulley, Irving, Montelongo, Riggensbach, Sandberg, Spain, Spears, Turner, Van Auken, Mayor Ardis - 10;
Nays: None.

- (11-052)**
**** **Communication from the Interim City Manager and Fire Chief Requesting Adoption of an ORDINANCE Amending CHAPTER 11 of the Code of the City of Peoria Pertaining to CERTAIN FEES Including Non-Resident Vehicle Fires, Non-Resident Vehicle Extrication, Non-Emergency Boat Towing, and Non-Resident Boat Rescue. (Proposed fee increases for Automatic Fire-Extinguishing Systems, Commercial Fire Suppression Hood System Permits, Fire Alarm and Detection Systems, and Related Equipment as outlined were removed from the adopted Ordinance).**

In discussion with Council Member Turner regarding the collection of fees, Fire Chief Kent Tomblin explained the collection process.

Council Member Turner moved to adopt the Ordinance amending Chapter 11 of the Code of the City of Peoria pertaining to certain fees; seconded by Council Member Van Auken.

Council Member Sandberg referred to Section 2 of the proposed Ordinance and he pointed out he felt there should be no increase in fees for automatic fire-extinguishing systems dependent upon the square footage of the location, or to add a fee for commercial fire suppression hood system permits, or an increase in fees for fire alarm and detection systems and related equipment dependent upon the square footage of the location, which was contained in Section 2 of the proposed Ordinance. He added he felt it would be bad public policy to increase these fees.

Council Member Sandberg moved to separate Section 1 of the proposed Ordinance from Section 2 and vote on the sections separately; seconded by Council Member Montelongo.

Approved by roll call vote.

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

Nays: None.

Council Member Sandberg moved to adopt the Ordinance amending Chapter 11 of the Code of the City of Peoria pertaining to certain fees, as amended, in Section 1 only relating to vehicle fires, extrication from vehicles, non-emergency boat towing, and boat rescue; seconded by Council Member Montelongo.

ORDINANCE NO. 16,662, as amended, was adopted by roll call vote.

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

Nays: None.

Council Member Van Auken moved to adopt the Ordinance amending Chapter 11 of the Code of the City of Peoria pertaining to certain fees, as amended, in Section 2 only relating to automatic fire extinguishing systems, commercial fire suppression hood system permits, and fire alarm and detection systems and relating equipment; seconded by Council Member Spain.

Motion was DEFEATED by roll call vote.

Yeas: Gulley, Irving, Spain, Turner, Van Auken - 5;

Nays: Montelongo, Riggensbach, Sandberg, Spears, Mayor Ardis - 5.

**(11-060) Communication from the Interim City Manager with Request to Receive and
***** File the MINUTES and Supporting Documents from the JOINT REVIEW
 BOARD (JRB) MEETING Held on JANUARY 31, 2011, Regarding the
 Proposed EAST VILLAGE GROWTH CELL (EVGC) TIF REDEVELOPMENT
 PROJECT AREA ELGIBILITY.**

Council Member Sandberg expressed concern that the State law was not followed in some aspects of the establishment of the East Village Growth Cell TIF Redevelopment Project Area.

Council Member Riggensbach commended Development Specialist Bobby Gray for his efforts on this project. He said there was no question all laws needed to be followed and he indicated corrections had been made. He said going forward there would be many people monitoring the process and the public had been and would continue to be given opportunities for their input on this development, which was greatly appreciated and needed.

Council Member Riggenbach moved to receive and file the minutes and supporting documents from the Joint Review Board (JRB) Meeting held on January 31, 2011, regarding the proposed East Village Growth Cell (EVGC TIF Redevelopment Project Area eligibility; second by Council Member Gulley.

Approved by roll call vote.

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

Nays: Sandberg - 1.

(11-064) Communication from the Interim City Manager and Director of Public Works Requesting Approval of the Following Regarding the PENNSYLVANIA AVENUE IMPROVEMENT PROJECT: (Amends Item No. 06-347)

A. AMENDMENT #3 to PRELIMINARY ENGINEERING SERVICES AGREEMENT with CLARK DIETZ, INC. to DIVIDE the CONSTRUCTION PLANS into Two Construction Sections, in an Amount Not to Exceed \$42,000.00 (for a New Total Not to Exceed contract Amount of \$351,315.00);

Council Member Riggenbach moved to approve Amendment #3 to Preliminary Engineer Services Agreement with Clark Dietz, Inc. to divide the constructions plans into two construction sections, in an amount not to exceed \$42,000.00 (for a new total not to exceed contract amount of \$351,315.00); seconded by Council Member Turner.

Approved by roll call vote.

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

Nays: None.

B. SUPPLEMENTAL MFT RESOLUTION, in the Amount of \$470,500.00, for the PROJECT COSTS Including PRELIMINARY ENGINEERING, RIGHT OF WAY ACQUISITION COSTS and IN-HOUSE ENGINEERING COSTS; and

Council Member Riggenbach moved to approve the Supplemental MFT Resolution, in the amount of \$470,500.00, for the project costs including preliminary engineering, right of way acquisition costs and in-house engineering costs; seconded by Council Member Van Auken.

In discussion, it was determined that the \$470,500.00 included the \$228,500.00 for right of way valuations and acquisition costs.

SUPPLEMENTAL MFT RESOLUTION 11-064-B was approved by roll call vote.

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

Nays: None.

C. APPROVAL of a Not to Exceed Amount of \$228,500.00 for RIGHT OF WAY VALUATIONS and ACQUISITION COSTS.

Council Member Riggenbach moved to approve a not to exceed amount of \$228,500.00 for right of way valuations and acquisition costs; seconded by Council Member Turner.

Council Member Sandberg requested that individual right of way acquisitions, if they exceeded the cost of \$10,000.00, be brought back to the Council for approval. He requested the motion be amended to include this. Council Member Riggerbach, the maker of the motion, agreed.

Motion to approve a not to exceed amount of \$228,500.00 for right of way valuations and acquisition costs, as amended, with the stipulation that individual right of way acquisitions, if they exceeded the cost of \$10,000.00, be brought back to the Council for approval was approved by roll call vote.

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

Nays: None.

(11-065) Communication from the Interim City Manager and Corporation Counsel Requesting Approval of the CITY MANAGER AGREEMENT with F. PATRICK URICH, and Requesting Authorization for the Mayor to Execute the Agreement.

A letter from Paul Wilkinson expressing concern regarding the complete pay package was distributed to all members of the City Council.

Council Member Van Auken moved to approve the City Manager Agreement with F. Patrick Urich and to authorize the Mayor to execute the agreement; seconded by Council Member Riggerbach.

Council Member Sandberg expressed concern regarding the salary package and the increase in severance pay from six months to nine months from the City's previous City Manager agreement. He also expressed concern regarding the incentive pay plan due to the City's budget restrictions. He said he would not support the proposed agreement.

Mayor Ardis explained an incentive plan had not yet been defined. He said Mr. Urich requested the Council discuss a plan following a Council goal-setting session to determine if an incentive plan would be added to his contract. He said he felt the majority of the Council was supportive of Mr. Urich's track record at Peoria County and it was felt he would excel in the position.

Council Member Turner moved to call the question; seconded by Council Member Van Auken.

Motion to call the question was approved by roll call vote.

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

Nays: Sandberg - 1.

Motion to approve the City Manager Agreement with F. Patrick Urich and to authorize for the Mayor to execute the agreement was approved by roll call vote.

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

Nays: Sandberg - 1.

(11-066) Communication from the Interim City Manager and Director of Planning and Growth Management with Recommendation from the Planning Commission to Adopt an ORDINANCE Approving a WAIVER for LOT NO. 9 of FIELDS CROSSING SUBDIVISION (10808 N. GLENFIELD DRIVE) Establishing an ALTERNATIVE STREAM BUFFER AREA.

Council Member Irving moved to adopt the Ordinance approving a waiver for Lot No. 9 of Fields Crossing Subdivision (10808 N. Glenfield Drive) establishing an Alternative Stream Buffer Area; seconded by Council Member Turner.

ORDINANCE NO. 16,663 was adopted by roll call vote.

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

Nays: Sandberg - 1.

(11-067) Communication from the Interim City Manager and Director of Planning and Growth Management Requesting Concurrence With EITHER the Recommendation from the Zoning Commission to Adopt ORDINANCE "A" OR with the Recommendation from the Staff to Adopt ORDINANCE "B" Granting a SPECIAL USE in a Class I3 (General Industrial) District for a NEW RECYCLING FACILITY and INCLUDING EXISTING CONDITIONS and DEVELOPMENTS, Which Include But are Not Limited to WOOD CHIPPING and MUNICIPAL PUBLIC WORKS SERVICES for Property Located at the NORTHWEST CORNER of DARST STREET and WEST CLARK STREET, with Conditions.

Council Member Gulley moved to concur with the recommendation from the Zoning Commission to adopt Ordinance "A" granting a Special Use in a Class I3 (General Industrial) District for a new recycling facility and including existing conditions and developments, which include but are not limited to wood chipping and municipal Public Works services for property located at the Northwest corner of Darst Street and West Clark Street, with conditions; seconded by Council Member Van Auken.

Council Member Gulley moved to grant Privilege of the Floor to those who wished to address this issue.

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

Bob Hall, Attorney for Southwind RAS, LLC, said this operation would be located on City property through a lease and it would showcase a new business coming in to the City. He said the facility would recycle asphalt shingles to minimize environmental impact. He introduced Mr. Richard Guerard.

Richard Guerard, of Guerard, Kalina & Butkus in Wheaton, Illinois, and representing Southwind RAS, LLC, provided an overview and presentation of the process used by the asphalt shingle recycling facility, which was green technology. He added this material would be recycled rather than going into the City/County landfill.

In discussion with Council Member Sandberg, Mr. Guerard confirmed the parking lot would be paved after the third year, which would be added to the lease.

Motion to concur with the recommendation from the Zoning Commission to adopt ORDINANCE NO. 16,664 granting a Special Use in a Class I3 (General Industrial) District for a new recycling facility and including existing conditions and developments, which include but are not limited to wood chipping and municipal Public Works services for property located at the Northwest corner of Darst Street and West Clark Street, with conditions, was adopted by roll call vote.

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

Nays: None.

(11-068) Communication from the Interim City Manager and Director of Public Works Requesting Approval of a LEASE with SOUTHWIND RAS, LLC for Use of a Portion of the City-Owned Property on DARST STREET for the OPERATION of an ASPHALT SHINGLE RECYCLING FACILITY.

Council Member Gulley moved to approve a lease with Southwind RAS, LLC for use of a portion of the City-owned property on Darst Street for the operation of an Asphalt Shingle Recycling Facility; seconded by Council Member Turner.

Approved by roll call vote.

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

Nays: None.

UNFINISHED BUSINESS

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

(10-057) Communication from the Interim City Manager and Director of Planning and Growth Management Requesting Concurrent with EITHER the Recommendation from the Historic Preservation Commission (HPC) to Adopt ORDINANCE "A" OR with the Recommendation from Staff to Adopt ORDINANCE "B" Amending CHAPTER 16 of the Code of the City of Peoria Related to the HISTORIC LANDMARK DESIGNATION PROCESS AND APPEALS or Other Actions as the Council May Deem Appropriate. (New Communication and New Ordinance)

Director of Planning and Growth Management Pat Landes distributed a supplemental communication and a replacement Ordinance "B" to all members of the City Council.

Council Member Van Auken moved to concur with the recommendation from Staff to adopt the replacement Ordinance "B" amending Chapter 16 of the Code of the City of Peoria related to the Historic Landmark Designation Process and Appeals; seconded by Council Member Gulley.

Council Member Van Auken stated the recommendation was from an Ad Hoc Committee formed to include the Historic Preservation Commission members, Central Illinois Landmarks Foundation members, religious institutions, hospitals, and other interested parties to make changes to the City's Historic Preservation Ordinance. She provided an overview of the changes that were proposed as outlined in the replacement Ordinance "B." She indicated the Ordinance included prior notification to the property owner of an intent to designate their property as a historic site. She also discussed the criteria that was needed for designation. She said there was a desire by the Historic Commission for the property owner to become an active participant in the process. She further explained that owner consent would not be required for designation and religious organizations would not be exempt from designation.

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

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

Bob Hall, Attorney for many non-profit organizations and developers in the area, spoke in support of the Council appeal being based on a majority vote rather than a super-majority vote. He also spoke in support of owner consent being a requirement for designation. He explained

the proposed Ordinance only listed owner consent as one of the many criteria for designation, but if the owner objected, the Commission or City Council could still designate the property. He referred to the Historic District language and he said he supported establishing a requirement that two-thirds of those owners in the District would need to approve to create a District. He said religious organizations, churches, their buildings, and properties should be exempt from a Historic District. He added owner consent was needed for a property to be listed on the Federal Register for Historic Landmarks and the State Historic Register.

Robert Powers, Chairman of the Historic Preservation Commission, said the Commission and Ad Hoc Committee had dedicated approximately two years toward developing the recommendations before the Council this evening. He urged the Council to adopt the proposed Ordinance.

Mark Walton, a Peoria resident, said he disagreed that the Certificate of Appropriateness procedure and Economic Hardship procedure worked for all involved. He said he represented churches and he felt they should be treated differently than homeowners. He stated there were First Amendment issues, which needed to be considered. He suggested the Council uphold the First Amendment rights of churches and exempt them from historic designation when located in Historic Designation Districts.

James Bateman, former City Council Member and President of the Central Illinois Landmarks Foundation, presented Petitions, bearing 501 signatures, in support of private property owners, including churches, shall all be treated equally, as has been case law and in support of the position taken by the Historic Preservation Commission Ad Hoc Committee with regard to the proposed text amendments to the Ordinance governing local designation and request that the City Council adopt the recommendations in full. He expressed concern there were too many historic structures in the City of Peoria, which had been lost over the years, and he wanted this to be prevented. He discussed financial incentives that were available and he pointed out the City could not assume that every historic property owner would do the right thing by preserving their property.

Mike Chihoski, Senior Vice President of OSF Healthcare, said the majority of the buildings on the OSF St. Francis Medical Center campus were approaching 100 years old and many vital services were provided to the City. He expressed concern that without owner consent, these buildings could be historically landmarked, which would impede their ability to service and maintain the buildings to continue to provide services to the community. He said property owners should have the right to be a part of the designation process. He strongly recommended that owner consent be a part of the process.

Brian McGinnis, Attorney representing the Catholic Diocese and OSF Healthcare Systems, said he was a part of the institutional group who presented suggestions to the Ad Hoc Committee. He said he supported the proposed motion with the exception regarding owner consent. He said he felt strongly that owner consent should be required. He said Government should not take over a property unless the property owner was compensated in some manner.

Council Member Van Auken spoke in opposition to owner consent being required and she provided some examples of historically valuable properties that could easily have been lost in the past, if owner consent had been required.

Council Member Turner spoke in support of owner consent being required and he expressed concern that the proposed language was Government over-reach. He said the property owner should be an active part of the designation process.

Council Member Turner moved to amend the motion to concur with the recommendation from Staff to adopt the replacement Ordinance "B" amending Chapter 16 of the Code of the City of Peoria related to the Historic Landmark Designation Process and Appeals, as amended, that owner consent would be the sole criteria for designation; seconded by Council Member Montelongo.

Council Member Spain acknowledged there had been some significant challenges through the use of the Historic Preservation Ordinance being used as a tool to block a property owner's plan for the property. He said this had caused hardship and he appreciated the changes made in the process. He said he would not support the amendment to require owner consent. He stated he fully supported an exemption for religious organizations from the landmarking process and government should not regulate activities and decisions made by a House of Worship, which would be inappropriate. He added owner consent was a critical factor in any landmarking decision, but it should not be the sole criteria. He spoke in support of a higher burden of proof that should be considered by the Council in the absence of owner consent, such as requiring a super-majority vote by the Council or increasing the number of criteria to five in the absence of owner consent.

Council Member Turner restated the amendment to the motion that the Commission shall only consider for landmark designation properties whose owner or owners of record have responded to the application by submitting to the Commission a letter of consent approving the designation of the property as a historic landmark. If such owner or owners do not consent to designation, the Commission shall take no further action with respect to such property (and shall not recommend landmark designation to the City Council). The Commission shall only consider designation of a Historic District if at least two-thirds of the owners of property in the area to be designated have responded to the application by submitting to the Commission a letter of consent approving the designation of their property as part of a Historic District. If two-thirds of the owners of record consent to the proposed designation of a Historic District, the Commission may proceed with designation. No property or structure that is owned by a religious organization and is used primarily as a place for the conduct of religious ceremonies or to further the religious mission or business of the owner shall be subject to the regulations set forth in Articles I through IV of this Chapter by reason of its location within a Historic District. The seconder, Council Member Montelongo, agreed with the change in language to the amendment.

Council Member Sandberg expressed concern regarding what the definition of a church would be and he expressed concern regarding the proposed need for a two-thirds of the property owners to create a Historic District. He said the City should be care takers of valuable historic property and not leave history to property owners. He provided examples of historic sites that would have been lost in the past if it were left to the property owners to decide.

Mayor Ardis said he would support the motion as amended. He stated he felt it was the right decision and he added this would place the emphasis on people who wanted a historic designation to convince a property owner of the importance of preservation. He said the property owner should be encouraged to voluntarily be considered a historic property and, if a property owner was not convinced, the City could move toward an eminent domain situation if it was determined it was that important. He added none of these decisions were easily made, but he said he felt the motion as amended was appropriate.

Motion to amend the original motion that the Commission shall only consider for landmark designation properties whose owner or owners of record have responded to the application by submitting to the Commission a letter of consent approving the designation of the property as a historic landmark. If such owner or owners do not consent to designation, the Commission shall take no further action with respect to such property (and shall not recommend landmark designation to the City Council). The Commission shall only consider designation of a Historic District if at least two-thirds of the owners of property in the area to be designated have responded to the application by submitting to the Commission a letter of consent approving the designation of their property as part of a Historic District. If two-thirds of the owners of record consent to the proposed designation of a Historic District, the Commission may proceed with designation. No property or structure that is owned by a religious organization and is used primarily as a place for the conduct of religious ceremonies or to further the religious mission or business of the owner shall be subject to the regulations set forth in Articles I through IV of this Chapter by reason of its location within a Historic District was approved by roll call vote.

Yeas: Gulley, Irving, Montelongo, Riggerbach, Spears, Turner, Van Auken,
Mayor Ardis - 7;

Nays: Sandberg, Spain, Van Auken - 3.

Council Member Sandberg requested a report back regarding, if Ordinance "B" was adopted, would that still provide for a local certified Ordinance and a local certified Preservation Board to provide designation for people who owned historic properties and wanted to be designated and to accrue the tax breaks. He explained in the 1970's, the City of Peoria was acknowledged by the State of Illinois to designate historic properties and to benefit with incentives. He questioned if the proposed Ordinance, as amended, would be acceptable to the State of Illinois or would the City lose its ability for local control. He said he supported Ordinance "A" that was proposed.

Director of Planning and Growth Management Pat Landes said she would provide a written report back. She said the proposed changes would still allow for a Historic Preservation Ordinance.

Motion to concur with the recommendation from Staff to adopt ORDINANCE NO. 16,665 amending Chapter 16 of the Code of the City of Peoria related to the Historic Landmark Designation Process and Appeals, as amended, that the Commission shall only consider for landmark designation properties whose owner or owners of record have responded to the application by submitting to the Commission a letter of consent approving the designation of the property as a historic landmark. If such owner or owners do not consent to designation, the Commission shall take no further action with respect to such property (and shall not recommend landmark designation to the City Council). The Commission shall only consider designation of a Historic District if at least two-thirds of the owners of property in the area to be designated have responded to the application by submitting to the Commission a letter of consent approving the designation of their property as part of a Historic District. If two-thirds of the owners of record consent to the proposed designation of a Historic District, the Commission may proceed with designation. No property or structure that is owned by a religious organization and is used primarily as a place for the conduct of religious ceremonies or to further the religious mission or business of the owner shall be subject to the regulations set forth in Articles I through IV of this Chapter by reason of its location within a Historic District was approved by roll call vote.

Yeas: Gulley, Irving, Montelongo, Riggerbach, Spain, Spears, Turner, Mayor Ardis - 8;
Nays: Sandberg, Van Auken - 2.

Council Member Spain moved to accept the Petitions, bearing 501 signatures, in support of private property owners, including churches, shall all be treated equally, as has been case law and in support of the position taken by the Historic Preservation Commission Ad Hoc Committee with regard to the proposed text amendments to the Ordinance governing local designation and request that the City Council adopt the recommendations in full, and make them the property of the Council; seconded by Council Member Montelongo.

No objections were heard.

(11-035) Communication from the Interim City Manager and Police Chief Requesting Approval for a TWO-YEAR CONTRACT with HARRIS S. UNIFORMS for COMMISSIONED PERSONNEL and SIPCO/IDENTITY APPAREL for CIVILIAN PERSONNEL and PARKING ENFORCEMENT, in the Amount of \$100,000.00 for Each Year.

Council Member Gulley moved to defer this item until the February 22, 2011, Regular City Council Meeting; seconded by Council Member Montelongo.

Motion to defer this item until February 22, 2011, was approved by roll call vote.

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

Nays: None.

NEW BUSINESS

COMMENTS Regarding CITY SNOW REMOVAL DURING the RECENT BLIZZARD Resulting in FIFTEEN INCHES OF SNOW

Council Member Rigggenbach commended the Public Works Department Staff as well as all the Emergency Departments' Staff in their efforts to keep roads open during the snow storm on February 1 and 2, 2011. He said the main roads were kept open and they were still working on alleys, which he added could use quicker attention. He thanked them for a job well done.

Council Member Van Auken left the meeting.

(11-069) Consideration of a Motion to Direct the Historic Preservation Commission to Explore Different Ideas of Incentives to Encourage Property Owners of Historic Properties to Voluntarily Enter into the Historic Designated Areas as other Communities have used it, as mentioned during discussion of Item No. 10-057.

Mayor Ardis requested the Historic Preservation Commission to explore different ideas or incentives to encourage property owners of historic properties to voluntarily enter into the historic designated areas as other communities have used it, as mentioned during discussion of Item No. 10-057.

Council Member Spain said there was written legislation pending in Springfield to create tax credits as economic development incentives for historic redevelopment. He said the support of the Council had been consistent, but it would be helpful if other groups like the Historic Preservation Commission could lend their support.

Council Member Spain moved to direct the Historic Preservation Commission to explore different ideas of incentives to encourage property owners of historic properties to voluntarily enter into the historic designated areas as other communities have used it, as mentioned during discussion of Item No. 10-057; seconded by Council Member Montelongo

Approved by roll call vote.

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

Nays: None.

Council Member Van Auken returned to the meeting.

ANNOUNCEMENT Regarding LEADERSHIP CONNECTIONS

Mayor Ardis announced that members of District #323 and District #150 School Boards, the Park District, the City Council, and the County Board had been invited to attend Leadership Connections, a private social gathering, on Tuesday, February 22, 2011, from 4:30 P.M. to 6:00 P.M. at Bradley University. He added that Lt. Governor Sheila Simon would be a guest and he urged the Council to attend. He explained the event would be hosted by City Clerk Mary Haynes and Bradley University's Institute for Principled Leadership in Public Service and would be underwritten by Caterpillar Inc. He said this event would benefit the public by allowing these community leaders an opportunity to network and develop stronger relationships. He stated no public business would be discussed, but the media had been noticed regarding this event.

CITIZENS' OPPORTUNITY TO ADDRESS THE CITY COUNCIL/TOWN BOARD

**(11-070) REQUEST from CITIZENS to Address the CITY COUNCIL /TOWN BOARD
Regarding Various Items.**

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

Savino Sierra, a Peoria resident, expressed concern with the condition of the side streets in the Southside following the snow storm. He said the City should give those streets more attention.

Frederick Smith, a Peoria resident, said he attended the East Village Growth Cell Meeting on Monday night and he spoke in support of forming a plan regarding how the funds would be used. He said he was opposed to TIF fund being transferred from that area to another area, and he spoke in support of stipulating owner consent regarding the designation of historic sites.

EXECUTIVE SESSION

It was determined that an Executive Session was not needed.

ADJOURNMENT

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

Approved by roll call vote.

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

Nays: None.

The meeting adjourned at 9:16 P.M.