

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

Council Chambers, Peoria, Illinois, June 14, 2011, a Regular City Council 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: Akeson, Gulley (arrived at 6:30 P.M.), Irving, Riggerbach, Sandberg (arrived at 6:30 P.M.), Spain, Spears, Turner, Van Auken, Weaver, Mayor Ardis - 11. Absent: None.

**INVOCATION & PLEDGE OF ALLEGIANCE**

Mayor Ardis requested a moment of silent prayer or silent reflection and he requested that the family of Dr. Richard Stalling, who was a retired Bradley Professor and a pioneer of the revitalization of Moss Avenue. Mayor Ardis stated Dr. Stalling and his wife worked in the Moss-Bradley Neighborhood Association for over 30 years. Mayor Ardis then led the Pledge of Allegiance.

**PROCLAMATIONS, COMMENDATIONS, ETC.**

**PROCLAMATION:** LIFELINE PILOTS 30TH ANNIVERSARY

**PROCLAMATION:** PEORIA SOCCER CLUB 30TH ANNIVERSARY

**PROCLAMATION:** PULSES OF HOPE - CARL CANNON

**MINUTES**

Council Member Spain moved to approve the minutes of the Joint City Council & Town Board Meeting held on May 24, 2011, as printed; seconded by Council Member Turner.

Approved by roll call vote.

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

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:**

(11-229) Communication from the City Manager and Director of Public Works with Request to Accept the LOWEST RESPONSIVE BID of LORUSSO CEMENT CONTRACTORS, INC., in the Amount of \$225,551.22 with 10% contingencies of \$22,555.12, and Award a CONTRACT for the HARRISON IMPACT ZONE 2011 IMPROVEMENTS (Grinnell Street from Folkers Avenue to Griswold Street), in the Amount of \$248,106.34.

(11-230) Communication from the City Manager and Finance Director/Comptroller Requesting Adoption of ORDINANCE NO. 16,701 Amending the City of Peoria Budget for Fiscal Year 2011 Relating to the BUREAU of JUSTICE ASSISTANCE BULLETPROOF VEST PARTNERSHIP FY 2010 FUNDING AWARD, in the Amount of \$38,651.00.

- (11-231) Communication from the City Manager and Police Chief Requesting Approval for the PURCHASE of 179 GATOR HAWK HELIX BODY ARMOR VESTS from the UNIFORM DEN Utilizing the STATE OF ILLINOIS JOINT PURCHASING CONTRACT and the PURCHASE of 21 GATOR HAWK LITEX-FEMALE BODY ARMOR VESTS from SAM HARRIS UNIFORMS, Utilizing CIP FUNDS Plus a Match from the BUREAU OF JUSTICE ASSISTANCE BULLETPROOF VEST PARTNERSHIP, as Outlined, in the Total Amount of \$82,067.05.
- (11-232) Communication from the City Manager and Director of Planning and Growth Management with Recommendation from the Human Resources Commission (HRC) to ADJUST the 2011 PUBLIC SERVICE GRANT AWARDS to Reflect the Decrease in the 2011 COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) ALLOCATION from HUD.
- (11-233) Communication from the City Manager and Corporation Counsel Requesting Approval of a SETTLEMENT of LAWSUIT Filed by ST. FRANCIS HOSPITAL, Case No. 10-L-382, in the Amount of \$10,258.06.
- (11-234)  
\* Communication from the City Manager Requesting Approval of the FOURTH AMENDMENT to the SPRING GROVE DEVELOPMENT AGREEMENT By and Between the City of Peoria and PEORIA CITIZENS COMMITTEE for ECONOMIC OPPORTUNITY (PCCEO), Successor to SPRING GROVE CONSTRUCTION LTD. PARTNERSHIP, EXTENDING the AGREEMENT for 27 Months and Requesting Authorization for the City Manager to Execute the Necessary Documents.
- (11-235)  
\*\* Communication from the City Manager and Communications Manager Requesting Approval to Enter into a CONTRACT with BARRACKS CATER INN and CHEFS CATERING as the EXCLUSIVE CATERING SERVICE BUSINESSES at the GATEWAY BUILDING.
- (11-236) Communication from the City Manager and Director of Public Works Requesting Approval of the PEORIA/PEKIN URBANIZED AREA TRANSPORTATION STUDY (PPUATS) FY 2012 AGREEMENT, in the Amount of \$42,459.34.
- (11-237) Communication from the City Manager and Finance Director/Comptroller Requesting Adoption of ORDINANCE NO. 16,702 Amending the City of Peoria Budget for Fiscal Year 2011 Relating to the U.S. DEPARTMENT of JUSTICE COPS HIRING PROGRAM GRANT for YEAR ONE, in the Amount of \$835,410.00.
- (11-238) Communication from the City Manager and Corporation Counsel Requesting Approval of the APPLICATION for a CLASS H (Temporary Outdoor) LIQUOR LICENSE from the PEORIA AREA TRACK & FIELD CLUB for an EVENT at the FULTON PLAZA on FRIDAY, JULY 8, 2011.
- (11-239) REAPPOINTMENT and APPOINTMENT by Mayor Jim Ardis to the FAIR EMPLOYMENT AND HOUSING COMMISSION, with Request to Concur:
- REAPPOINTMENT:  
Edward Jackson (Voting) - Term Expires 6/30/2014
- APPOINTMENT:  
Michelle Sanders (Voting) - Term Expires 6/30/2014

- (11-240) REAPPOINTMENTS by Mayor Jim Ardis to the FIRE AND POLICE COMMISSION , with Request to Concur:  
Lane W. High (Voting) - Term Expires 6/30/2014  
The Honorable Alexandria Scott Pearson (Voting) - Term Expires 6/30/2014
- (11-241) REAPPOINTMENTS by Mayor Jim Ardis to the LIQUOR COMMISSION , with Request to Concur:  
REAPPOINTMENTS:  
Mike Miller (Voting) - Term Expires 6/30/2014  
David Turner (Voting) - Term Expires 6/30/2014  
REAPPOINTMENT of DEPUTY LIQUOR COMMISSIONER:  
W. Eric Turner - Deputy Liquor Commissioner - Term Expires 6/30/2012, with Request to Receive and File.
- (11-242) REAPPOINTMENT and APPOINTMENTS by Mayor Jim Ardis to the PEORIA PUBLIC LIBRARY BOARD OF TRUSTEES, with Request to Concur:  
REAPPOINTMENT:  
F. Eugene Rebholz (Voting) - Term Expires 6/30/2014  
APPOINTMENTS  
Lucy Gulley (Voting) - Term Expires 6/30/2014  
Tara Canty (Voting) - Term Expires 6/30/2014
- (11-243) REAPPOINTMENTS by Mayor Jim Ardis to the PLANNING COMMISSION, with Request to Concur:  
Michelle Anderson (Voting) - Term Expires 6/30/2014  
Joseph Richey, Jr. (Voting) - Term Expires 6/30/2014
- (11-244) REAPPOINTMENTS by Mayor Jim Ardis to the RIVERFRONT PROGRAM AND POLICY ADVISORY COMMITTEE , with Request to Concur:  
Bob Marx (Voting) - Term Expires 6/30/2013  
Susie Stockman (Voting) - Term Expires 6/30/2013
- (11-245) REAPPOINTMENTS by Mayor Jim Ardis to the SISTER CITY COMMISSION, with Request to Concur:  
Gloria Cassel Fitzgerald (Voting) - Term Expires 6/30/2014  
Bradford B. Ingram (Voting) - Term Expires 6/30/2014  
Rex K. Linder (Voting) - Term Expires 6/30/2014  
William B. Roeder (Voting) - Term Expires 6/30/2014  
Gary Schmidt (Voting) – Term Expires 6/30/2014
- (11-246) REAPPOINTMENT and APPOINTMENT by Mayor Jim Ardis to the SPRINGDALE CEMETERY MANAGEMENT AUTHORITY, with Request to Concur:  
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APPOINTMENT:  
Kent Rotherham (Voting) – Term Expires 6/30/2015  
REAPPOINTMENT:  
Floyd C. Dailey, Jr. (Voting) – Term Expires 6/30/2015

- (11-247) **REAPPOINTMENTS by Mayor Jim Ardis to the TRAFFIC COMMISSION, with Request to Concur:**  
**Brandon Lott (Voting) - Term Expires 6/30/2014**  
**Michael Vespa (Voting) - Term Expires 6/30/2014**
- (11-248) **REAPPOINTMENT by Mayor Jim Ardis to THE ZONING BOARD OF APPEALS, with Request to Concur:**  
**Edward Barry, Jr. (Voting) - Term Expires 6/30/2014**
- (11-249) **REAPPOINTMENTS by Mayor Jim Ardis to the ZONING COMMISSION, with Request to Concur:**  
**Gregory A. Hunziker (Voting) - Term Expires 6/30/2014**  
**Curt Davis (Voting) - Term Expires 6/30/2014**
- (11-250) **Communication from the City Manager Regarding the PEORIA PARK DISTRICT FIRST QUARTER 2011 REPORT of ACTIVITIES for the RIVERFRONT and GATEWAY BUILDING, with Request to Receive and File.**
- (11-251) **REPORT of the CITY TREASURER PATRICK A. NICHTING for the MONTH of APRIL 2011, 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 Van Auken requested that Item No. 11-235 be removed from the Consent Agenda for further discussion.

Council Member Sandberg requested that Item Nos. 11-234 and 11-246 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 Riggerbach.

Items No. 11-229 through 11-251 (excluding Item Nos. 11-234, 11-235, and 11-246 which were removed for further discussion) were approved by roll call vote under the Omnibus Vote Designation.

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

Nays: None.

- (11-234) **Communication from the City Manager Requesting Approval of the FOURTH AMENDMENT to the SPRING GROVE DEVELOPMENT AGREEMENT By and Between the City of Peoria and PEORIA CITIZENS COMMITTEE for ECONOMIC OPPORTUNITY (PCCEO), Successor to SPRING GROVE CONSTRUCTION LTD. PARTNERSHIP, EXTENDING the AGREEMENT for 27 Months and Requesting Authorization for the City Manager to Execute the Necessary Documents.**  
\*

Council Member Sandberg said he felt Spring Grove was not conceived well nor planned well and he would not support a motion to approve.

Council Member Gulley moved to approve the Fourth Amendment to the Spring Grove Development Agreement by and between the City of Peoria and Peoria Citizens Committee for Economic Opportunity (PCCEO), successor to Spring Grove Construction Ltd. Partnership, extending the agreement for 27 months and authorizing the City Manager to execute the necessary documents; seconded by Council Member Turner.

Approved by roll call vote.

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

Nays: Sandberg - 1.

**(11-235)      Communication from the City Manager and Communications Manager  
\*\*            Requesting Approval to Enter into a CONTRACT with BARRACKS CATER  
              INN and CHEFS CATERING as the EXCLUSIVE\* CATERING SERVICE  
              BUSINESSES at the GATEWAY BUILDING.**

Council Member Van Auken said she had no concerns regarding entering into a contract with these two successful bidders, but she indicated the original request was for four caterers and she requested that City Manager Patrick Ulrich explain some options.

City Manager Patrick Ulrich explained there had been interest expressed by other caterers in the community in being on a list of caterers for the Gateway Building. He said the Council could accept the two successful bidders listed on the Council Agenda and then rebid the contract to come back with two additional caterers. He said another option would be to reject the bids and open it up to everyone. He said Staff could bring back some recommendations and this could be discussed at the next Council Meeting.

Council Member Van Auken said her preference would be to accept these two contracts and send an additional RFP out with the caveat that the RFP align with the standard set by the two successful bidders. She said it would not be fair to allow bidders to come in lower than the two successful bids.

Council Member Sandberg expressed concern that the Gateway Building had never shown a profit and was costing the City money every year. He suggested the City establish a price to rent the building and businesses who were not located in the City should be charged a higher price to rent the building to minimize the risk for Peoria taxpayers.

Council Member Gulley said he agreed the City should set a fair price and he hoped the process could be changed soon.

Mayor Ardis stated the facilities at the Gateway Building were not ideal for caterers. He explained the kitchen was not adequate and this was one of the problems in getting qualified caterers to do business there.

Discussion was held regarding how the process evolved to select just four caterers for the Gateway Building.

Council Member Akeson expressed concern regarding possibly changing the rules in the middle of the process. She said she knew people who had wanted to use the Gateway Building facility, but preferred a caterer they had always done business with, but who could not cater at the Gateway Building. She suggested establishing a price and then letting the people who were actually using the facility decide which caterer they would use.

Council Member Weaver questioned how to be fair to those bidders who had followed the process and he said he would make a motion regarding that issue. He said he would like to make a separate motion regarding how to proceed and then hold a separate discussion.

Council Member Riggerbach agreed there was a need to be fair to those who had already bid, but a policy revision was needed going forward. He agreed with allowing a wider range of caterers to use the Gateway Building.

\*Council Member Weaver moved to approve entering into a Contract with Barracks Cater Inn and Chefs Catering as catering service businesses at the Gateway Building, as amended to delete the word "exclusive" as outlined in the title; seconded by Council Member Turner.

Council Member Spain said he would support the motion because he felt it was important for this contract to move forward with the two successful bidders. He said he felt it would be appropriate for Staff to come back in two weeks with a recommendation regarding additional caterers.

Approved, as amended, by roll call vote.

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

Nays: Sandberg - 1.

Following a brief comment, Council Member Weaver moved that Staff come back with recommendations to maximize the use of the Gateway Building for the benefit of the taxpayers and to keep in mind the newly contracted vendors and to be fair to them, since they had already gone through the process; seconded by Council Member Spain.

Council Member Spain requested a friendly amendment to the motion for Staff to include the history of what happened when the City went out for proposals for someone to purchase the Gateway Building and the number of offers that came back to purchase this asset. No objections were heard.

In further discussion, Council Member Weaver said he was hopeful to find more caterers and improve the revenue for the City.

Motion for Staff to come back with recommendations to maximize the use of the Gateway Building for the benefit of the taxpayers and to keep in mind the newly contracted vendors and be fair to them, since they had already gone through the process, and with an amendment for Staff to include what happened when the City went out for proposals for someone to purchase the Gateway Building and the number of offers that came back to purchase this asset, was approved by roll call vote.

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

Nays: Sandberg - 1.

(11-246)

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**REAPPOINTMENT and APPOINTMENT by Mayor Jim Ardis to the SPRINGDALE CEMETERY MANAGEMENT AUTHORITY, with Request to Concur:**

**APPOINTMENT:**

**Kent Rotherham (Voting) – Term Expires 6/30/2015**

**REAPPOINTMENT:**

**Floyd C. Dailey, Jr. (Voting) – Term Expires 6/30/2015**

Council Member Sandberg said he was not prepared for the reappointment of anyone to the Springdale Cemetery Management Authority until he had a clear understanding and a transparent discussion was held regarding the current financial condition and status of Springdale Cemetery.

Council Member Van Auken requested a Point of Order. She said she would appreciate Council Members following Robert's Rules of Order and not making direct comments to other Council Members.

Council Member Sandberg moved to defer this item until the second Council Meeting in July, which would be the July 26, 2011, Regular City Council Meeting so there could be a clear policy discussion regarding the understanding of liabilities and responsibilities for Springdale Cemetery; seconded by Council Member Spain.

Motion to defer this item until July 26, 2011, so there could be a clear policy discussion regarding the understanding of liabilities and responsibilities for Springdale Cemetery, was approved by roll call vote.

Yeas: Akeson, Irving, Riggerbach, Sandberg, Spain, Spears, Turner, Weaver, Mayor Ardis - 9;

Nays: Gulley, Van Auken - 2.

**(11-252) \*\*\*\*\* Communication from the City Manager and Director of Public Works with Request to ACCEPT the LOW BID of STARK EXCAVATING, INC. and AWARD the CONTRACT, in the Amount of \$1,693,126.90, with Additional Authorization of \$84,656.35 (5% for Contingencies) for the WILHELM ROAD and BRIDGE (Growth Cell 1A Phase II) PROJECT, Subject to Peoria County and Owner/Developer Group Approvals and Execution of Agreement for Phase II Roadway Improvements (Wilhelm Bridge) for Growth Cell 1A and Subject to Peoria County Acquiring the Necessary Right-of-Way for the Project. (Refer to Item Nos. 05-691 and 08-338)**

Following a brief comment by City Manager Patrick Ulrich, Council Member Gulley moved to defer this item until after Item No. 7 on the City Council Agenda; seconded by Council Member Van Auken.

Motion to defer this item until after Item No. 7 on the City Council Agenda was approved by roll call vote.

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

Nays: None.

\*\*\*\*Clerk's Note: See Page 29668 for further discussion and action on this item.

**(11-253) Communication from the City Manager and Director of Public Works Requesting Approval for the SOLE SOURCE SALE of a 2008 FORD F-750 FULLY-EQUIPPED FORESTRY BOOM TRUCK (Unit #2008) to the CITY OF DANVILLE, ILLINOIS, FOR \$115,000.00.**

Following a brief explanation by Director of Public Works Dave Barber, Council Member Van Auken moved to approve the sole source sale of a 2008 Ford F-750 fully-equipped Forestry Boom Truck (Unit #2008) to the City of Danville, Illinois, for \$115,000.00; seconded by Council Member Gulley.

Council Member Sandberg expressed concern that taxpayers on Bigelow Avenue had to mow their own boulevard. He said he did not feel the Forestry Boom Truck should be sold if services, which taxpayers felt was a service they paid for through their tax money, were eliminated.

In discussion with Council Member Gully, Director of Public Works Dave Barber explained between contracts for mowing and tree services, the City reduced their costs in one year by almost \$400,000.00 by going out for proposals and obtaining private contractors. He said there had been some issues with the mowing contractor and he was presently working on those problems for correction. He added he was working with the contractor to follow the same schedules as the Park District.

Motion to approve the sole source sale of a 2008 Ford F-750 fully-equipped Forestry Boom Truck (Unit #2008) to the City of Danville, Illinois, for \$115,000.00 was approved by roll call vote.

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

Nays: Sandberg - 1.

**(11-254) Communication from the City Manager and Director of Public Works Requesting Approval to Direct Staff to CONSTRUCT a SIDEWALK on the SOUTH SIDE of NEBRASKA AVENUE from LEHMAN ROAD to PIERSON AVENUE (Approximate Length of 700 Feet) and to Authorize Utilizing \$8,500.00 in SIDEWALK PARTICIPATION PROGRAM FUNDING and C&G Concrete Construction Company to Perform the Work.**

Council Member Van Auken explained this request was the result of the State granting various neighborhood groups money to conduct neighborhood projects. She said pedestrians going to the bus would not have to walk in the street, if this project was approved. She added this project came about with the cooperation of West Peoria, the Sterling Oaks Neighborhood Association, and CityLink. She said CityLink would also be upgrading their bus stop with some shelter. She explained this was not in the Public Work's Budget, which was a concern.

Council Member Van Auken moved to direct Staff to construct a sidewalk on the South Side of Nebraska Avenue from Lehman Road to Pierson Avenue (approximate length of 700 feet) and to authorize utilizing \$8,500.00 in Sidewalk Participation Program Funding and C&G concrete Construction Company to perform the work; seconded by Council Member Turner.

Council Member Gulley expressed concern regarding areas where sidewalks were needed, near schools, etc, but the City denied the request because sidewalks were not already installed. He stated, if the rules were changing, every citizen should have an opportunity to use participation money where there were no sidewalks already in place.

Approved by roll call vote.

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

Nays: None.

**(11-255) Communication from the City Manager and Director of Public Works with Request to Direct Staff to IMPLEMENT the DESIGN and CONSTRUCTION to CONVERT LOUCKS AVENUE, Between Sheridan Road and McClure Avenue, from a ONE-WAY STREET to a TWO-WAY STREET.**

Council Member Van Auken moved to direct Staff to implement the design and construction to convert Loucks Avenue, between Sheridan Road and McClure Avenue, from a one-way street to a two-way street; seconded by Council Member Riggensbach.

Council Member Van Auken explained this project would assist in the achievement of a portion of the goals for this area with the limited funds that were available.

Council Member Sandberg said he had no problem with Loucks being converted to a two-way street. He referred to the map of the proposed construction, but he expressed concern that there would be a right turn only onto McClure from Loucks Avenue and there would be no left turns allowed to the East. He said this would lead a driver in a circle. He questioned why the City would want to limit right turns at this location.

Following further discussion, Mayor Ardis said Council Member Sandberg brought up some valid observations. He said no money had been spent on construction yet so some changes could be made. He said there was merit in reviewing the design again and he felt this should be sent back for further evaluation of traffic patterns.

Council Member Van Auken said she agreed the design needed some revisions to address the traffic flow with the money that had been allotted and to design something that would allow left and right turns at that intersection.

City Manager Patrick Ulrich said this project was still in a design phase so Staff could come back with some alternatives.

Council Member Van Auken moved for a substitute motion to defer this item until the July 26, 2011, Regular City Council Meeting; seconded by Council Member Spain.

In discussion with Director Barber, Council Member Weaver said when this item came back to Council, he would like to know improvement costs involved for the intersection of Sheridan Road and Loucks Avenue. He explained he did not want to spend money on the intersection of Loucks and McClure without knowing costs for the other corner.

Substitute Motion to defer this item until the July 26, 2011, Regular City Council Meeting was approved by roll call vote.

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

Nays: None.

**(11-256) Communication from the City Manager and Finance Director/Comptroller Requesting Adoption of an ORDINANCE Amending the City of Peoria Budget for Fiscal Year 2011 Relating to the TRANSFER of GROWTH CELL 1A PLEDGED PROPERTY TAXES to PAY for ENGINEERING FEES NOT TO EXCEED \$165,000.00 for PHASE II ROADWAY IMPROVEMENT - WILHELM BRIDGE.**

Council Member Irving moved to adopt the Ordinance amending the City of Peoria Budget for Fiscal Year 2011 relating to the transfer of Growth Cell 1A pledged property taxes to pay for engineering fees not to exceed \$165,000.00 for Phase II Roadway Improvement for Wilhelm Bridge; seconded by Council Member Turner.

ORDINANCE NO. 16,703 was adopted by roll call vote.

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

Nays: None.

**(11-257) Communication from the City Manager and Corporation Counsel Requesting Approval of an AGREEMENT for PHASE II ROADWAY IMPROVEMENT (Wilhelm Bridge) for GROWTH CELL 1A with the COUNTY OF PEORIA and the OWNER/DEVELOPER GROUP, and Requesting Authorization for the City Manager to Execute the Document.**

Council Member Weaver said he would be abstaining from the discussion and voting on this item due to his ownership of property in the area.

Council Member Irving moved to approve the agreement for Phase II Roadway Improvement (Wilhelm Bridge) for Growth Cell 1A with the County of Peoria and the Owner/Developer Group and to authorize the City Manager to execute the document; seconded by Council Member Van Auken.

Approved by roll call vote.

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

Nays: None;

Abstention: Weaver - 1.

- (11-252)**  
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**Communication from the City Manager and Director of Public Works with Request to ACCEPT the LOW BID of STARK EXCAVATING, INC. and AWARD the CONTRACT, in the Amount of \$1,693,126.90, with Additional Authorization of \$84,656.35 (5% for Contingencies) for the WILHELM ROAD and BRIDGE (Growth Cell 1A Phase II) PROJECT, Subject to Peoria County and Owner/Developer Group Approvals and Execution of Agreement for Phase II Roadway Improvements (Wilhelm Bridge) for Growth Cell 1A and Subject to Peoria County Acquiring the Necessary Right-of-Way for the Project. (Refer to Item Nos. 05-691 and 08-338)**

Council Member Weaver said he would be abstaining from the discussion and voting on this item due to his ownership of property in the area.

Council Member Irving moved to accept the low bid of Stark Excavating, Inc. and to award the contract, in the amount of \$1,693,126.90, with additional authorization of \$84,656.35 (5% for contingencies) for the Wilhelm Road and Bridge (Growth Cell 1A Phase II) Project, subject to Peoria County and Owner/Developer Group approvals and execution of agreement for Phase II Roadway Improvements (Wilhelm Bridge) for Growth Cell 1A and subject to Peoria County acquiring the necessary right-of-way for the project; seconded by Council Member Turner.

Approved by roll call vote.

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

Nays: None;

Abstention: Weaver - 1.

- (11-258)**  
**Communication from the City Manager and Director of Public Works Requesting Adoption of an ORDINANCE Providing for the IMPROVEMENT of WEST RIDGE ROAD (N. Isabell Avenue to N. Sheridan Road) for ORNAMENTAL STREET LIGHTING and ROADWAY IMPROVEMENT PROJECT.**

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

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

Tom Stafford, a resident of Ridge Road, expressed concern that the petition for this project went around the neighborhood four years ago. He said the street had no pot holes and did not need to be resurfaced and, he added, the sidewalks were still in good shape. He said many of the residents in the neighborhood had changed since the petition was signed and he requested that this improvement be turned back to the current residents to decide if the project should move forward.

Kevin Sibley, a resident of Ridge Road, expressed concern regarding the costs involved at a time in the economy that made it difficult to afford. He said this money needed to be spent in other areas of the City where street repair was needed. He said he did not want ornamental lighting next to his home.

Cathy Kiley, a resident of Ridge Road, said she moved to this street in 2009 and no one told her this improvement had been planned. She said a four-year old petition should hold no weight today. She said she was opposed to having to pay \$3,053.00 for her portion of the street improvement and she was opposed to the City spending this kind of money on her street when there were other streets in the City which were in worse disrepair than Ridge Road. She said Ridge Road was in good shape and did not need improvements. She urged the Council to take a poll of the current residents to determine how many would be in favor of the improvements.

Council Member Riggensbach said there were issues the Council needed to sort through. He said, in the future, any neighborhood who had an outstanding petition would receive an update from the City every December from Public Works as to where the neighborhood was in the list of projects. He said this was discussed by Council several weeks ago and the communication piece would be improved going forward. He referred to the estimated costs and the range was the same as was projected in 2007, which was remarkable. He also pointed out there would be a ten-year repayment plan for those who found it difficult to pay the amount all at once. He suggested that Public Works find a way to assist those people with special needs and were in financial situations, which would require further assistance. He said approximately 64% of the residents had signed the petition in good faith and to change the rules at this time would not do justice to the majority of the people who were in favor of the project.

Council Member Riggensbach moved to adopt the Ordinance providing for the improvement of West Ridge Road (N. Isabell Avenue to N. Sheridan Road) for Ornamental Street Light and Roadway Improvement Project; seconded by Council Member Van Auken.

In discussion, Council Member Sandberg encouraged the process to take less than two years for these kinds of projects. He said 64% of the neighborhood residents, which was a significant number, were in favor when the petition was signed, but the project should have been completed by 2008 rather than 2011.

In answer to a question by Council Member Van Auken, Council Member Riggensbach said he reviewed his contacts and he stated he had received favorable comments from seventeen residents and from four residents voicing their opposition.

Council Member Weaver said he agreed this was a bad situation and he referred to the recent recession and its impact on citizens. He noted also that the 4-year timeframe added to the impact on the residents. He suggested the Council hold discussion regarding fairness to these residents who were negatively impacted financially. He questioned if there was a possibility for this request to go back through the petition process, and suggested the Council could vote if the dollars were available and if the new petition passed at 51%, so the current neighborhood could weigh in. He stated there were three elements to this situation. He questioned if they would still do an overlay, lights, and sidewalks or would the project be made smaller, if it was done today. He said he would like some discussion regarding that possibility. He stated many residents had left the neighborhood and circumstances had changed for many of those remaining. Council

Member Weaver reiterated his point by stating so that the Council is fair to the people who were originally in favor of this project that they don't have to wonder if we will approve it later, if we commit to the dollars being available, if they get 51% if there is a new petition circulated.

Mayor Ardis said he did not disagree, but the item the Council was voting on at this time was the original petition that came forward and had been through the process. He said the residents had followed the rules established by the Council. He referred to a similar situation in the Lynnhurst neighborhood last year.

Council Member Weaver requested to know how other communities handled these kinds of situations with lengthy time frames. He said he did not want to burden taxpayers further.

Council Member Akeson said this spoke to the fact a process change was needed and she said she agreed that the citizens, who brought the petition forward, had played by the rules, but conditions had changed. She said she would like to see some sort of mechanism in place to help people who were dramatically and negatively affected by this decision. She said these were residents who were being affected personally. She said the Council needed to be sensitive to the financial situations of these residents. She said she would support the motion, but only with the understanding the Council would focus on changing the process and she wanted to find a way to help people who were negatively affected by this decision.

Motion to adopt ORDINANCE NO. 16,704 providing for the improvement of West Ridge Road (N. Isabell Avenue to N. Sheridan Road) for Ornamental Street Light and Roadway Improvement Project was approved by roll call vote.

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

Nays: Gulley - 1.

**(11-259) Communication from the City Manager and Director of Planning and Growth Management Requesting Adoption of ONE of the Following:**

- A. ORDINANCE "A" Granting a SPECIAL USE in a Class I-2 (Railroad/Warehouse Industrial) District for a 22-FOOT TALL OFF-PREMISE SIGN for Property Identified as the Former RAILROAD RIGHT-OF-WAY and Within the 6000 BLOCK of N. KNOXVILLE ROAD, with Waivers and Conditions; OR**
- B. ORDINANCE "B" Granting a SPECIAL USE in a Class I-2 (Railroad/Warehouse Industrial) District for a 26-FOOT TALL OFF-PREMISE SIGN for Property Identified as the Former RAILROAD RIGHT-OF-WAY and Within the 6000 BLOCK of N. KNOXVILLE ROAD.**

Council Member Irving moved to adopt Ordinance "B" granting a Special Use in a Class I-2 (Railroad/Warehouse Industrial) District for a 26-foot tall off-premise sign for property identified as the former railroad right-of-way and within the 6000 Block of N. Knoxville Road; seconded by Council Member Turner.

ORDINANCE NO. 16,705 was adopted by roll call vote.

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

Nays: Sandberg - 1.



- (11-260) **Communication from the City Manager Requesting Approval of AMENDMENTS to LEASE #30-014-02-AN and LEASE #30-013-07-AN; Requesting Approval of a TEN-YEAR LEASE AGREEMENT (#30-014-02-AN 2012), with a Five-Year Extension, with ADAMS OUTDOOR ADVERTISING COMMENCING on JANUARY 1, 2012, as Outlined; and Requesting Authorization for the City Manager to Execute the Necessary Documents.**

Council Member Irving moved to approve the amendments to Lease #30-014-02-AN and Lease #30-013-07-AN; approve a ten-year Lease Agreement (#30-014-02-AN 2012), with a five-year extension, with Adams Outdoor Advertising commencing on January 1, 2012, as outlined; and to authorize the City Manager to execute the necessary documents; seconded by Council Member Turner.

Council Member Sandberg expressed concern regarding the size and display of the proposed sign.

Approved by roll call vote.

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

Nays: Akeson, Sandberg - 2.

### **UNFINISHED BUSINESS**

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

- (11-221) **Communication from the City Manager and Director of Planning and Growth Management with Request to Concur with the Recommendation from the Zoning Commission and Staff to Adopt an ORDINANCE Rezoning Property Located at 1120 W. MULTIFLORA LANE from the Present Class A-1 (Agricultural) District to a Class R-1 (Single-Family Residential) District.**

Council Member Irving moved to concur with the recommendation from the Zoning Commission and Staff to adopt the Ordinance rezoning property located at 1120 W. Multiflora Lane from the present Class A-1 (Agricultural) District to a Class R-1 (Single-Family Residential) District; seconded by Council Member Van Auken.

ORDINANCE NO. 16,706 was adopted by roll call vote.

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

Nays: None.

- (11-222) **Communication from the City Manager and Director of Planning and Growth Management with Request to Concur with Recommendation from the Planning Commission and Staff to Approve a RESOLUTION Approving the PRELIMINARY PLAT for KIRCHGESSNER SUBDIVISION, which Establishes Three Single-Family Lots, and Approves Various Waivers for a Residential Development, Generally Bounded on the West by MULTIFLORA LANE and on the North by U.S. Route 6 and Receive and File the REPORT BACK.**

Council Member Irving moved to approve the Resolution approving the Preliminary Plat for Kirchgessner Subdivision, which establishes three Single-Family lots and approves various waivers for a residential development, generally bounded on the West by Multiflora Lane and on the North by U.S. Route 6, and to amend the waivers section by striking the language in #3) "Public sanitary sewer systems. All current residences are served with private septic systems;" and inserting #3) "Private septic systems are approved for Lots 1 and 2 of the proposed subdivision. Lot 3 of the proposed subdivision shall not be further subdivided nor developed until public sanitary sewer is provided to the subdivision." and to receive and file the Report Back; seconded by Council Member Turner.

Council Member Turner 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 the issue.

Roger Sparks, Member of the Mayor's Advisory Committee for the Disabled, stated it was his understanding that when rezoning occurred, ADA guidelines were to be followed regarding sidewalks, curb cuts, etc., but he expressed concern that waivers and exemptions had been allowed on many projects. He said the disabled community should be taken into consideration on these projects. He also expressed concern that disabled members had not been appointed to the Zoning Commission, Planning Commission, or the ZBA.

Mayor Ardis said he appreciated Mr. Sparks' comments and he understood his concerns. He said it was a challenge to find people to serve on these commissions, but he would accept names of volunteers who would be willing to serve, if Mr. Sparks would assist him in that manner.

Council Member Sandberg referred to the recommendation and he expressed concern that the developer would not be allowed to problem solve like everyone else because of inconsistencies, if the proposed Resolution was approved.

RESOLUTION NO. 11-222 approving the Preliminary Plat for Kirchgessner Subdivision, which establishes three Single-Family lots and approves various waivers for a residential development, generally bounded on the West by Multiflora Lane and on the North by U.S. Route 6, as amended to change the waivers section by striking the language in #3) "Public sanitary sewer systems. All current residences are served with private septic systems"; and inserting #3) "Private septic systems are approved for Lots 1 and 2 of the proposed subdivision. Lot 3 of the proposed subdivision shall not be further subdivided nor developed until public sanitary sewer is provided to the subdivision" and to receive and file the Report Back, was approved by roll call vote.

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

Nays: Akeson - 1.

### **NEW BUSINESS**

**(11-261) REQUEST for the Council to HOLD a BROAD DISCUSSION Regarding the SPECIAL ASSESSMENT PROCESS during Difficult Capital Budget Needs in an In Depth POLICY SESSION in the Near Future and for the Council to SUPPLY ADDITIONAL QUESTIONS OR INFORMATION to the City Manager.**

Council Member Van Auken moved to concur with Mayor Ardis' request that he would like the Council to hold a broad discussion regarding the Special Assessment process during difficult Capital Budget needs for an in depth Policy Session in the near future and for the Council to supply additional questions or information to the City Manager and; seconded by Council Member Riggerbach.

Approved by roll call vote.

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

Nays: None.

### **CITIZENS' OPPORTUNITY TO ADDRESS THE CITY COUNCIL/TOWN BOARD**

It was determined no one wished to address the City Council/Town Board at this time.

**EXECUTIVE SESSION**

It was determined that an Executive Session was not needed.

**ADJOURNMENT**

Council Member Van Auken moved to adjourn the Regular City Council Meeting; seconded by Council Member Weaver.

Approved by viva voce vote.

The meeting adjourned at 8:21 P.M.

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

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