

**: OFFICIAL PROCEEDINGS :**

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

A Regular Meeting of the Joint City Council and Town Board of Trustees of Peoria, Illinois, was held September 10, 2019, at 6:00 P.M. at City Hall, Council Chambers (Room 400), 419 Fulton Street, with Mayor Ardis presiding, and with proper notice having been posted.

**ROLL CALL**

Roll Call showed the following Council Members were physically present: Ali, Cyr, Grayeb, Jensen (Arrived at 6:04 P.M.), Kelly, Montelongo, Moore, Oyler, Riggerbach (Arrived at 6:36 P.M.), Ruckriegel, Mayor Ardis – 11. Absent: None.

**INVOCATION & PLEDGE OF ALLEGIANCE**

Mayor Ardis requested a moment of silent prayer or reflection and then he led the pledge of allegiance.

**PROCLAMATIONS, COMMENDATIONS, ETC.**

**Arts in Education – Miss Illinois Ariel Beverly  
American Legion Centennial Day  
World MSA Day  
Snow-ROADeo  
National Library Card Sign-Up Month  
Keep Peoria Beautiful – Iris Award Winners Recognition**

**RECOGNITION AND WELCOME TO NEW PUBLIC WORKS DIRECTOR**

Mayor Ardis recognized the City's new Public Works Director, Rick Powers, noting he came from Indiana's Department of Transportation. Director Powers expressed his appreciation to Mayor Ardis and said he looked forward to working with the City of Peoria.

**MINUTES**

Council Member Ruckriegel moved to approve the minutes of the Joint City Council and Town Board Meeting held on August 27, 2019, as printed; seconded by Council Member Grayeb.

Approved by roll call vote.

Yeas: Ali, Cyr, Grayeb, Jensen, Kelly, Montelongo, Moore, Oyler, Ruckriegel,  
Mayor Ardis - 10;

Nays: None.

**32857 JOINT CITY COUNCIL AND TOWN BOARD PROCEEDINGS SEPTEMBER 10, 2019**

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

- (19-283) REQUEST from the Town Officials to APPROVE the AUGUST 2019 ACTUAL EXPENDITURES and to APPROVE the SEPTEMBER 2019 ANTICIPATED EXPENDITURES for the Town of the City of Peoria.**

Trustee Grayeb moved to approve the August 2019 Actual Expenditures and to Approve the September 2019 Anticipated Expenditures for the Town of the City of Peoria; seconded by Trustee Ali.

Approved by roll call vote.

Yeas: Ali, Cyr, Grayeb, Jensen, Kelly, Montelongo, Moore, Oyler, Ruckriegel,  
Chairman Ardis - 10;

Nays: None.

Council Member Riggerbach arrived at 6:36 P.M.

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

**CONSENT AGENDA ITEMS BY OMNIBUS VOTE, with Recommendations as Outlined**

- (19-284) Communication from the City Manager and the Fire Chief with a Request to APPROVE the PURCHASE of Twelve (12) Complete Self-Contained Breathing Apparatus (SCBA), Thirty-Six (36) Cylinders, Eleven (11) Voice Amplifiers and Fourteen (14) Face Pieces, from the LOW BID of MES (Municipal Emergency Services), in the Amount of \$99,818.00.**
- (19-285) Communication from the City Manager and the Fire Chief with a Request to APPROVE the PURCHASE of Three (3) Thermal Imaging Cameras from DINGES FIRE COMPANY, in the Amount of \$23,985.00.**
- (19-286) \* Communication from the City Manager and Director of Public Works with a Request to ACCEPT the LOW BID of OTTO BAUM COMPANY, INC. and Award a Construction CONTRACT from the Base Bid of \$109,394.01 with an Additional Authorization in Contingency of \$10,939.40 (10%), for a Total Award Amount of \$120,333.41, for the TETON DRIVE NEIGHBORHOOD CULVERT REPLACEMENT PROJECT. (Council District 4)**
- (19-277) Communication from the City Manager and Director of Community Development with a Request to Concur with the Recommendation from the Planning & Zoning Commission and Staff to ADOPT ORDINANCE NO. 17,707 Amending APPENDIX A, the Unified Development Code, Relating to OUTDOOR STORAGE AND DISPLAY.**
- (19-287) APPOINTMENT by Mayor Ardis to the MAYOR'S ADVISORY COMMITTEE FOR THE DISABLED with a Request to Concur:**

**Erin K. Nowlan (Voting) - Term Expires 06/30/2022**

**SEPTEMBER 10, 2019 JOINT CITY COUNCIL AND TOWN BOARD PROCEEDINGS 32858**

**(19-288) APPOINTMENT by Mayor Ardis to the PLANNING AND ZONING COMMISSION with a Request to Concur:**

**Branden Martin (Voting) - Term Expires 6/30/2021**

**(19-292) APPOINTMENT by Mayor Ardis to the PLANNING AND ZONING COMMISSION with a Request to Concur:**

**\*\***

**Robin Grantham (Voting) - Term Expires 6/30/2020**

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

Council Member Moore requested Item No. 19-286 be removed from the Consent Agenda for further discussion.

Council Member Ali requested Item No. 19-292 be removed from the Consent Agenda for further discussion.

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

Item Nos. 19-277, 19-284 through 19-288, and 19-292 (excluding Item Nos. 19-286 and 19-292, which were removed for further discussion) were approved by roll call vote under the Omnibus Vote Designation.

Yeas: Ali, Cyr, Grayeb, Jensen, Kelly, Montelongo, Moore, Oyler, Riggerbach, Ruckriegel, Mayor Ardis - 11;

Nays: None.

**(19-286) Communication from the City Manager and Director of Public Works with a Request to ACCEPT the LOW BID of OTTO BAUM COMPANY, INC. and Award a Construction CONTRACT from the Base Bid of \$109,394.01 with an Additional Authorization in Contingency of \$10,939.40 (10%), for a Total Award Amount of \$120,333.41, for the TETON DRIVE NEIGHBORHOOD CULVERT REPLACEMENT PROJECT. (Council District 4)**

Council Member Moore requested a copy of the Good Faith Effort document and she requested all future Council Communications requesting the approval of contracts include a copy of the document.

Council Member Moore moved to accept the low bid of Otto Baum Company, Inc. and award a construction contract from the base bid of \$109,394.01 with an additional authorization in contingency of \$10,939.40 (10%), for a total award amount of \$120,333.41, for the Teton Drive Neighborhood Culvert Replacement Project; seconded by Council Member Ruckriegel.

Approved by roll call vote.

Yeas: Ali, Cyr, Grayeb, Jensen, Kelly, Montelongo, Moore, Oyler, Riggerbach, Ruckriegel, Mayor Ardis - 11;

Nays: None.

**(19-292) APPOINTMENT by Mayor Ardis to the PLANNING AND ZONING  
\*\* COMMISSION with a Request to Concur:**

**Robin Grantham (Voting) - Term Expires 6/30/2020**

Council Member Ali said she would abstain from voting on this item noting the appointment was a family relation.

Council Member Jensen moved to concur with the appointment by Mayor Ardis to the Planning and Zoning Commission of Robin Grantham (Voting) – Term Expires 6/30/2020; seconded by Council Member Oyler.

Approved by roll call vote.

Yeas: Cyr, Grayeb, Jensen, Kelly, Montelongo, Moore, Oyler, Riggerbach, Ruckriegel,  
Mayor Ardis - 10;

Nays: None;

Abstention: Ali – 1.

**REGULAR BUSINESS ITEMS, with Recommendations as Outlined:**

**(19-289) Communication from City Manager and Director of Public Works with a Request to APPROVE an INTERGOVERNMENTAL AGREEMENT Between the City of Peoria and COUNTY OF PEORIA for the Reconstruction and JURISDICTIONAL TRANSFER of GLEN AVENUE from Sheridan Road to Knoxville Avenue, from the County Highway System to the Municipal Street System. (Council District 3)**

City Engineer Bill Lewis provided an overview of the item noting it was an agreement with Peoria County for the reconstruction and jurisdictional transfer of Glen Avenue from Sheridan Road to Knoxville Avenue by the year 2022. He said Peoria County had already approved the agreement.

Council Member Riggerbach said this project was long overdue, noting that section of Glen was still classified as a County highway within the City limits. He explained the funding for the project, noting it came from the outcome of the Willow Knolls project, and he encouraged all Council Members to support it.

Council Member Riggerbach moved to approve an Intergovernmental Agreement between the City of Peoria and County of Peoria for the reconstruction and Jurisdictional Transfer of Glen Avenue from Sheridan Road to Knoxville Avenue, from the County Highway System to the Municipal Street System; seconded by Council Member Kelly.

Discussions were held regarding the remaining roadways awaiting reconstruction with the City obtaining jurisdictional transfer, and City Engineer Lewis said there were approximately half a dozen roadways. He commented that the delay of taking over the roadways was due to lack of funding of their reconstruction prior to the transfer.

**SEPTEMBER 10, 2019 JOINT CITY COUNCIL AND TOWN BOARD PROCEEDINGS 32860**

Motion to approve an Intergovernmental Agreement between the City of Peoria and County of Peoria for the reconstruction and Jurisdictional Transfer of Glen Avenue from Sheridan Road to Knoxville Avenue, from the County Highway System to the Municipal Street System was approved by roll call vote.

Yeas: Ali, Cyr, Grayeb, Jensen, Kelly, Montelongo, Moore, Oyler, Riggerbach, Ruckriegel, Mayor Ardis - 11;

Nays: None.

**(19-290) Communication from the City Manager with a Request to APPROVE the PURCHASE of 507-517 SOUTH WESTERN (First District).**

Two handouts were provided to the City Council that outlined the response times in relation to the new location of the fire station.

Council Member Moore expressed her appreciation for this item stating it would allow for the replacement of Fire Station No. 4, which was long overdue and the City's oldest fire station. She said the approval of this item would provide for the new location of the station. She said it was anticipated to have the new fire station in operation within 12 months. She said it would encourage economic development in that area, noting there was a \$12 million complete streets concept for Western Avenue that would take effect in 2020.

At the conclusion of her comments, Council Member Moore moved to approve the purchase of 507 – 517 South Western; seconded by Council Member Ali.

In response to Council Member Jensen regarding the budget for building the new fire station, City Manager Urich said the City Council had already approved \$2.5 million in the 2019 budget that would roll over into the 2020 budget.

Regarding response times, Fire Chief Ed Olehy said the new location would keep those times the same. He said the new fire station would also cover all of Fire Station No. 4's area. He commented that the Western location would service Bradley University well. He said Staff would be meeting with the architectural group this week to begin the planning stage with the anticipation of construction being completed in 2020.

Discussions were held regarding the location of the ladder truck, and Chief Olehy said there was no intention of moving the ladder truck from Fire Station No. 8, with a possibility of moving it to the new fire station.

Council Member Grayeb expressed his appreciation for the effort of City Staff for all the hard work done on this project.

Motion to approve the purchase of 507 – 517 South Western was approved by roll call vote.

Yeas: Ali, Cyr, Grayeb, Jensen, Kelly, Montelongo, Moore, Oyler, Riggerbach, Ruckriegel, Mayor Ardis - 11;

Nays: None.

**FIRST READING**

- (19-291) Communication from the City Manager and the Corporation Counsel with a Request to RECEIVE and FILE a First Reading of an ORDINANCE Amending the CODE of the City of Peoria by Adding ARTICLE 19 (Municipal Cannabis Retailers' Occupation Tax) of CHAPTER 27 (Taxation) Imposing a MUNICIPAL CANNABIS RETAILERS' OCCUPATION TAX.**

City Manager Urich said this was a First Reading of an Ordinance that would permit the City of Peoria to impose a 3.0% municipal tax under the Municipal Cannabis Retailer's Occupation Tax Law on the purchase of recreational or adult-use cannabis. He said under the law passed by the Illinois General Assembly, this Ordinance was required to be adopted by September 30, 2019, if the City wanted to collect any taxes on recreational cannabis in 2020. He said adoption of this item did not mean the City Council determined to allow the sale of cannabis inside the City. He said Staff recommended a 3.0% tax in addition to the current sales tax of 9.0%. He said Peoria County was also deliberating on the issue wherein there was the potential for another tax to be added.

Mayor Ardis reiterated that this discussion would not determine the sale of recreational cannabis in Peoria. He said the City had to approve the collection of this tax by the end of September, if it wanted to collect the tax in 2020 should the City Council determine to approve recreational cannabis.

City Manager Urich announced there were two public meetings scheduled to discuss, answer questions, and seek input from the public as it related to recreational cannabis as follows:

- Monday, September 16, 2019, ICC Peoria Campus, Student Center, 6:00 P.M. – 8:00 P.M.
- Monday, September 23, 2019, Frank Campbell Community Center, 6:00 P.M. – 8:00 P.M.

Council Member Riggerbach moved to receive and file the First Reading of an Ordinance amending the Code of the City of Peoria by adding Article 19 (Municipal Cannabis Retailers' Occupation Tax) of Chapter 27 (Taxation) imposing a Municipal Cannabis Retailers' Occupation Tax; seconded by Council Member Moore.

Council Member Kelly said he would be opposed to the sale of recreational cannabis in the City. He inquired about the 3.0% tax and it was noted that it was on top of the City's already 9.0% tax, with a possible additional Peoria County tax that could be included as well. He commented on how these taxes would impact the black market for marijuana, stating he did not want to encourage that kind of element in the City. He said the way to reduce the amount of illegal cannabis would be to refrain from imposing any further taxes. He said he would not be in favor of this item when it comes to Council for adoption.

Council Member Ali commented that this was a proactive measure and it made sense to consider approving the tax if later the City determined to allow for the sale of recreational marijuana.

**SEPTEMBER 10, 2019 JOINT CITY COUNCIL AND TOWN BOARD PROCEEDINGS 32862**

Motion to receive and file the First Reading of an Ordinance amending the Code of the City of Peoria by adding Article 19 (Municipal Cannabis Retailers' Occupation Tax) of Chapter 27 (Taxation) imposing a Municipal Cannabis Retailers' Occupation Tax was approved by roll call vote.

Yeas: Ali, Grayeb, Jensen, Montelongo, Moore, Oyler, Riggerbach, Ruckriegel, Mayor Ardis - 9;

Nays: Cyr, Kelly - 2.

*CLERK'S NOTE: Item No. 19-291 will be placed on the September 24, 2019, Regular City Council Meeting agenda.*

**UNFINISHED BUSINESS (Including but not limited to motions to reconsider items, if any, from the previous Regular Meeting)**

**(18-231) Communication from the City Manager with a Request to APPROVE the PURCHASE of the SIMANTEL PROPERTY Located at the Foot of SPRING STREET for \$180,000.00 (less the paid purchase options of \$58,000.00) (Council District 1).**

City Manager Urich provided an overview of the purpose of the Simantel Property noting it dated back to the 1980s wherein a grant allowed the City to take the railroad yard on the riverfront and convert it to Riverfront Park. He reviewed the development of the Riverplex on the riverfront, reporting it took approximately 3-5 acres of land out of conservation. He said, over the years, the City had tried to satisfy the conversion by purchasing other land, and he explained the issues that had occurred over the years. He said in 2012 the City purchased land in West Peoria known as the Rocky Glen Park for the land conversion. He reviewed the Simantel Property and the proposed development of Rivertrail Apartments that did not come to fruition. He said because that development did not occur, it left the City with the ability to purchase the Simantel Property to satisfy LWCF. He said all of that land would remain as open space and the City would have a certain amount of time to convert that land into park space. He commented that the City Council had already approved half a million dollars to remediate the land. He said the process had taken time with trying to work with the National Park Service and the Illinois Department of Natural Resources. He said, in 2015, the Simantel Property was approved for purchase in order to satisfy land lost from the development of the Riverplex.

Council Member Moore moved to approve the purchase of the Simantel Property located at the foot of Spring Street for \$180,000.00 (less the paid purchase options of \$58,000.00); seconded by Council Member Riggerbach.

Council Member Jensen said she would not support this item commenting that she had been opposed to this from the beginning. She said it was too expensive for the City to purchase and that other property could be located at a less expensive price.

In response to Council Member Cyr regarding the cost of remediation, City Manager Urich said it would cost approximately \$320,000.00 to put the land into park-like conditions. He said should additional funds be needed, he would come back to Council with the request.

Council Member Kelly said he was not in favor of the item, though he said he would vote in favor, noting the price for the property was too costly.

## **32863 JOINT CITY COUNCIL AND TOWN BOARD PROCEEDINGS SEPTEMBER 10, 2019**

Council Member Riggerbach said it was difficult to disagree with either side for or against the project. However, he said he would support this item, noting it would be a great asset to the City. He said once the remediation was complete, it would be safe for families.

Motion to approve the purchase of the Simantel Property located at the foot of Spring Street for \$180,000.00 (less the paid purchase options of \$58,000.00) was approved by roll call vote.

Yeas: Ali, Cyr, Grayeb, Kelly, Moore, Riggerbach, Ruckriegel, Mayor Ardis - 8;

Nays: Jensen, Montelongo, Oyler - 3.

Council Member Riggerbach left the meeting at 7:18 P.M.

### **NEW BUSINESS**

#### **Request for Federal EPA Update**

Council Member Grayeb requested a report providing background information and an update on the Federal EPA as it related to the Combined Sewer Overflow (CSO) issue.

#### **Regulation of Airbnb's**

Council Member Jensen requested a Report Back on Airbnb's with the possibility of conducting a Policy Session or for Staff to provide a recommendation on the regulation of the collection of potential sales tax.

City Manager Ulrich said Staff was currently working on an Ordinance for Council review.

#### **Recreational Cannabis Tax vs. Medical Marijuana Tax**

Council Member Cyr inquired whether the proposed tax on recreational cannabis would affect medical marijuana, and Corporation Counsel Leist said the proposed tax would only affect recreational cannabis.

Council Member Cyr inquired how the City would collect the tax and whether it would be distributed through the Local Government Distribution Fund (LGDF). City Manager Ulrich said a portion of the sales tax collected would be distributed statewide with a portion specifically for municipalities. As it related to the local tax, he said there continued to be issues that would be addressed by a trailer bill in Springfield. He said if the money came from LGDF, it would not discern from which community the tax came.

Council Member Cyr said there needed to be a discussion on how those taxes would be dispersed back to the City of Peoria, and he said the citizens needed to understand how it would impact the City.

Mayor Ardis said the lawmakers in Springfield would determine how the taxes were dispersed.

#### **RING Update**

Council Member Montelongo announced that RING would hold a sign-up session on Saturday, November 2, 2019, from 9:00 A.M. to 1:00 P.M. at Northwoods Mall. He said more information would be forthcoming.



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

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

Rachel O'Reilly, a concerned citizen, invited the City Council and everyone present to a march for Alexis Scott on Sunday, September 22, 2019, from 1:00 P.M. to 2:00 P.M. She said the march would be escorted by the Peoria Police Department. She said the march would include a search for Alexis Scott, noting they needed the community more now than ever to ensure the case did not go cold. She said the event was listed on social media under the *Alexis Camry Scott Campaign*. For those unable to attend the march/search, she said donations would be accepted.

Bryan Evans, a concerned citizen, asked the City Council to declare the City of Peoria a sanctuary City for the unborn, and he cited the 15<sup>th</sup> Amendment of the Constitution. He remarked on the inalienable rights protected by the Constitution citing the right to life as the primary right. He implored the Council to join other cities who have become sanctuary cities for the unborn.

Jamina Lopez, a citizen of Peoria, commented on the need to hold Council Members accountable for their actions, and she requested resignation of certain Council Members.

Rob Hanauer, an attorney and citizen of Peoria, commented on the First Reading that was presented to the City Council regarding recreational cannabis. He said he was opposed to the approval of recreational cannabis noting the impact it would have on the community and neighborhoods. He said approval of recreational cannabis would increase crime and he commented that it was still considered a felony under Federal law as racketeering under the RICO. He commented on the additional cost it would impose on the City with increased healthcare needs and increased teen usage.

Zachary Gittrich, a citizen of Peoria, called for the resignation of a Council Member, stating he needed to be held accountable for his actions. He commented on the reaction of other Council Members stating that more needed to be done.

**EXECUTIVE SESSION**

It was determined that an Executive Session was not needed at this time.

**ADJOURNMENT**

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

Approved by roll call vote.

Yeas: Ali, Cyr, Grayeb, Jensen, Kelly, Montelongo, Moore, Oyler, Ruckriegel,  
Mayor Ardis - 10;

Nays: None.

**32865 JOINT CITY COUNCIL AND TOWN BOARD PROCEEDINGS SEPTEMBER 10, 2019**

The Joint City Council and Town Board Meeting was adjourned at 9:00 P.M.

A handwritten signature in black ink that reads "Beth Ball". The signature is written in a cursive style with a large initial "B".

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Beth Ball, MMC, City Clerk  
City of Peoria, Illinois

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