

: OFFICIAL PROCEEDINGS :

: OF THE CITY OF PEORIA, ILLINOIS :

A Special Meeting of the City Council of Peoria, Illinois, was held December 15, 2020, at 12:00 P.M. by electronic means through Microsoft Teams with Mayor Ardis presiding, and with proper notice having been posted.

COVID-19 PUBLIC NOTICE

In accordance with Governor JB Pritzker's Executive Order 2020-69 which limits meetings to the lesser of 25 persons or 25% of the overall room capacity; and Executive Orders 2020-07, 33, 44 and 59 requiring the provision of video, audio or telephonic access to meetings; as well as the CDC recommending social distancing of at least 6 feet between persons, City Hall is implementing changes and restrictions for the Special City Council Meeting on December 15, 2020, while complying with the Open Meetings Act.

The Council Meeting will be held remotely with members of the Council and Staff attending via Teams.

Members of the public and media are invited to watch through the live stream on the City of Peoria's website, YouTube, Local Television Channel 22, or listen through WCBU Radio. Submissions for Public Comment were received through the City Clerk's Office. The agenda, minutes and video podcast of the meeting will be available online through the City website.

ROLL CALL

Roll Call showed the following Council Members were electronically present: Ali, Cyr, Grayeb, Jensen, Kelly, Moore, Montelongo, Oylar, Riggenbach, Ruckriegel, Mayor Ardis – 11.
Absent: None.

INVOCATION & PLEDGE OF ALLEGIANCE

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

PETITIONS, REMONSTRANCES & COMMUNICATIONS – CITY OF PEORIA

(20-306) Communication from the Mayor and Corporation Counsel with a Request to APPROVE the DECLARATION OF LOCAL STATE OF EMERGENCY.

Council Member Riggenbach moved to approve the Declaration of Local State of Emergency; seconded by Council Member Ruckriegel.

Approved by roll call vote.

Yeas: Ali, Cyr, Grayeb, Jensen, Kelly, Moore, Oylar, Riggenbach, Ruckriegel,
Mayor Ardis - 10;

Nays: Montelongo - 1.

(20-303) Communication from the Mayor and City Manager with a Request to APPROVE a CONSENT DECREE with the UNITED STATES ENVIRONMENTAL PROTECTION AGENCY and the STATE OF ILLINOIS ENVIRONMENTAL PROTECTION AGENCY.

City Manager Urich provided a PowerPoint presentation entitled "Our Water Our Way" dated December 2020. He said negotiations with the US EPA and the Illinois EPA had been ongoing for the last 14 years to bring the City in compliance with the 1970 Federal Clean Water Act. He provided a brief overview of the City's sewer systems noting the City's original systems, which were built in the 1800s, were connected, or combined, with the Greater Peoria Sanitary District (GPSD) in the 1930s. He said the Clean Water Act required the removal of all overflow that went into the Illinois River. He said the City had done some work in the late 1980s; however, negotiations with the Federal government ensued which would require the construction of a large interceptor pipe, known as the gray solution, at an estimated cost of \$500 million. He said the City researched alternative solutions, and in 2015, the Federal government provided guidance regarding the implementation of a green infrastructure, also known as the green solution. He said the green solution was a faster and cheaper solution than the gray.

City Manager Urich reviewed the projects as outlined in the proposed Consent Decree wherein there would be five phases to the project beginning in 2022 and ending in 2039. He reviewed each milestone as outlined for 2024, 2027, 2030, 2034 and 2039. He remarked on the GPSD investments that would provide nearly \$28 million in upgrades to help achieve the volume of production. He explained how the projects would be funded stating the City would use a revolving loan fund at a low interest rate. He said the impact per household was estimated to be \$5.00 per year in sewer rates. He said the \$109 million cost of implementing the green infrastructure would be paid with increased sewer rates, and he said the ongoing maintenance of the green solution would come from the stormwater utility fee.

Mayor Ardis said there was a tremendous amount of information provided on this topic. He said additional information could be found on the City's website at <http://www.peoriagov.org/consent-decree-information-to-address-ongoing-combined-sewer-overflow-issues/cso-fact-sheet-12-9-2020/> and on the agenda and minutes website at <https://peorail.legistar.com/MeetingDetail.aspx?ID=824596&GUID=D2282680-98CD-4490-8540-866562BC7C10&Options=info%7C&Search=&Refresh=1>. He said it was remarkable this issue would be settled before the end of the year and before a new administration would take office. He expressed his appreciation to those involved in the process over the years. He said the City Manager, the Public Works Department, the Legal Department, and other City Staff worked hard on this issue, traveling to Washington DC and Chicago for negotiations. He also recognized previous and current Council Members who continued to provide policy direction to Staff and consultants. He the Consent Decree offered a 100% green solution, which would be the first in the country and setting a new standard for other communities. He said this solution would open new avenues for communities to address and mediate combined sewer issues. He commented this would make Peoria the first community in the country to implement 100% green solution to address the CSO problem. He said the negotiations decreased from half a billion dollars down to \$110 million. He said it was a green solution that provided a tax savings to the City's taxpayers. He remarked about the impact the Peoria County Board had with the negotiations, and he identified Peoria County Chair Andrew Rand for his involvement with the appointment of a new CEO to the GPSD, Brian Johnson, and other Board members, who took a comprehensive look at the issues. He said this could not have gotten done without a lot of hard work of many involved. He said even though it was a costly matter, no one on the Council

wanted to be in the position of allowing the continuation of sewage entering the river as it had been for the last 100 years. He said the projects outlined in the Consent Decree would mediate those overflow issues.

Council Member Riggenbach echoed the appreciation Mayor Ardis voiced for those who worked on this matter. He said the 14-year negotiation with the Federal Government was not taken lightly. He remarked on the importance of delivering this information to the taxpayers, stressing the fact it was an unfunded mandate from the US EPA. He said this was a project everyone could be proud of and would have a tremendous positive impact on the Illinois River. He remarked on the importance of relaying this achievement to the public and to appreciate what this project meant.

Discussions were held regarding the timeline outlined in the PowerPoint presentation, and City Manager Urich said should the milestones not be met, the Federal Government would tell the City to double its efforts to get into compliance. He said there was the potential of the Federal government forcing the City into compliance. Civil Engineer Jane Gerdes said the milestones provided in the presentation were front-loaded, noting the Consent Decree outlined deadlines one year later. She said there was a one-year safety net included in the project deadlines to help prevent the City from missing its actual deadlines outlined in the decree.

Council Member Riggenbach expressed a concern the Federal government could come back to the City and force a gray solution. City Manager Urich said the City pledged to the US EPA it would put the projects together with the intent of putting in more projects, if needed. He said it was a performance-based consent decree to help meet those standards. He said the City had to decrease its sewer overflow as much as possible, noting there was a standard the City had to meet.

Council Member Riggenbach said he was completely behind the approval of the Consent Decree in order to reduce the amount of sewer overflow into the Illinois River as much as possible. He remarked on the importance of educating the public regarding the process, noting it would cover the next 18 years.

At the conclusion of his comments, Council Member Riggenbach moved to approve a Consent Decree with the United States Environmental Protection Agency and the State of Illinois Environmental Protection Agency; seconded by Council Member Oyler.

Discussions were held regarding the \$100,000.00 fine imposed upon the City, and City Manager Urich explained the fine was for violating the Clean Water Act by discharging sewage into the Illinois River. He explained the City had negotiated the original fine down to the lowest level as it related to other communities, and he recommended the Council adopt the Consent Decree.

Discussions were held regarding the average annual operation and maintenance cost, noting at the end of 18 years the City would incur an annual maintenance cost of \$2 million. City Manager Urich said the initial capital cost for the first deadline was \$15 million, which would result in an average annual operation and maintenance cost of \$200,000.00. He said the City was looking for funding sources that provided interest rates of less than 2% rather than issuing bonds. He said the cost to the taxpayers would be \$5.00 per year beginning in 2023, and \$5.00 for each year thereafter.

Council Member Ruckriegel said the City had faced an unfunded mandate of nearly half a billion dollars, which was eventually negotiated down to \$110 million, noting the incredible savings. He said the many years of negotiations and hard work gave back to the taxpayers of Peoria. He said this was an unfunded mandate with stipulations, which would provide for local jobs versus hiring companies outside the City, and potentially outside the country.

In response to Council Member Ruckriegel regarding how the approval of the Consent Decree with the green solution would affect local jobs, City Manager Urich said green stormwater project investments would be made in the City's neighborhoods. He said a gray solution would require the hiring of a company overseas, noting very few American companies could accommodate a gray solution. By using the green solution, he said the City would be able to engage its neighborhoods and talk about types of green stormwater investments. He said as the City invested in the above-ground infrastructure, it would reap those benefits. He said the City could bid projects that would put people to work in the City of Peoria. He said it would enable the City to employ local citizens and to see improvements in their own neighborhoods.

Council Member Ruckriegel said moving forward with the green solution would provide an investment to the City's communities and to the people living in those communities, which would keep dollars local. He said investment would also occur as the community began to see a benefit in its neighborhoods. At the conclusion of his comments, he expressed his appreciation to all those involved in the negotiations in bringing forth an amenable agreement.

Council Member Jensen said this was a huge undertaking and a project she had been advocating since her inception on the Council. She reviewed the negotiations stating it began with a 100% gray solution at a cost of \$500 million. She said the City proceeded to brainstorm on how to develop a more sustainable project. She said this was a huge example of innovation, creativity and good government at work. She expressed her appreciation to former Public Works Directors Mike Rogers and Scott Reeise as well as City Manager Urich, Staff and Council for working through the issues and developing an amenable solution. She said what was presented was substantially less than what was originally proposed. She said not only was it environmentally beneficial for the City and neighborhoods, but it would create a whole new sector for economic development and job creation. She said the City of Peoria would be the first City in the country to solve its CSO issues with a 100% green solution. She said she whole-heartedly supported the Consent Decree presented. She thanked the rest of the Council, Mayor, City Manager and Staff for their vision and perseverance for seeing this matter to completion.

Council Member Grayeb said the City would soon begin the largest Public Works project in its history. He said it was not easy to come to this point over many years of litigation, noting every City Council stuck together during a contentious situation. He said the City would get a better bang for its buck with a green solution. He said the City and its representatives were able to convince the Illinois EPA and US EPA it was up to the challenge to address the issue and to make Peoria the greenest city in the country. He said this was a successful outcome stating 2021 would be better because of it.

Council Member Ali said she echoed many of the comments previously made. She commended Mayor Ardis, City Manager Urich and everyone involved in what appeared to be the very best solution to mitigate the CSO issues the City faced. She said this would be great for the City of Peoria as it related to the environment, health, and job opportunities. She inquired why the projects could not begin until 2022 and asked if there had already been some green solutions implemented within the City.

City Manager Urich explained the City had applied with a preapplication for funding through the State of Illinois with the hopes of hearing back by March 2021. He said it would take another year before that funding would become fully available to the City. He said the Federal government had asked for the City to approve the decree now wherein it would go back to Washington DC to be signed and then filed with the Federal register. He said there would need to be a 30-day comment period and once it was filed in Federal Court, it would be a few months for the Judge to sign off to say it was effective. He said, starting today, it would take the City another four to five months and another 12 months to know it received funding through the State of Illinois. He explained it was due to that process which caused projects to be delayed until the Spring of 2022. He said, during that time, it would afford City Staff to engage the community and determine how and where to start the public engagement process.

Council Member Moore expressed her appreciation to those involved in bringing this matter for approval by the Council. She recognized the efforts of former Public Works Director Scott Reese on this issue. She asked for the document to be made available to the community on Channel 22. She said otherwise the only thing the community would hear would be an increase in sewer rates, stating there needed to be some type of outreach that would clarify to the community on what would happen. She recommended imbedding a short video on Channel 22 or to have H. Wayne Wilson provide a special airing and to outline the first steps that were already taken, such as the Adams Street Project. She said the community would like to see where their money was going. She said a lot of information was already available to the public; however, she recommended synthesizing that information into an easily digestible format through graphics and illustrations.

Council Member Montelongo said he was happy to see negotiations come to an end. He said he had worked on this issue since 2007, and he commented on the decrease in cost from half a billion dollars to \$110 million. He said he made trips to the Illinois River to observe the outflows, held public meetings with constituents to explain the CSO, and attended countless number of hours in executive session meetings to discuss the matter. He said he was happy to know it was coming to an end. He remarked on the importance of educating the community on how their money was being spent. He said he would support the Consent Decree, and he expressed his appreciation to everyone who worked on the matter.

Council Member Kelly expressed his appreciation to all those who worked on this issue, including previous Councils, noting it was a tremendous accomplishment and Peoria would be better for it. He requested an analysis of the City's borrowing from the State for the projects, the fees imposed upon the community and the ongoing annual operations and maintenance and repayment from borrowing. At the conclusion of his comments, he expressed his appreciation to the City Manager and Mayor Ardis for their efforts in concluding the negotiations.

Mayor Ardis recognized the efforts of the City's Senior Engineer Jane Gerdes on the CSO issues, commenting he had learned a lot from her over the years. He said she was second to none in terms of the knowledge she displayed and comprehended. He said the City knew the value Jane Gerdes brought to the organization and her exceptional work over the years.

Consent Decree with the United States Environmental Protection Agency and the State of Illinois Environmental Protection Agency was approved by roll call vote.

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

Nays: None.

CITIZENS' OPPORTUNITY TO ADDRESS THE CITY COUNCIL/TOWN BOARD

It was determined there were no citizens who wished to address the City Council/Town Board.

EXECUTIVE SESSION

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

ADJOURNMENT

Council Member Montelongo moved to adjourn the Special City Council Meeting; seconded by Council Member Oyler.

Approved by roll call vote.

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

Nays: None.

The Special City Council Meeting was adjourned at 1:07 P.M.



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

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