

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

Council Chambers, Peoria, Illinois, February 11, 2003, a Regular Meeting of the City Council was held this date at 6:15 P.M., at City Hall, Council Chambers, 419 Fulton Street, Mayor David P. Ransburg presiding.

ROLL CALL

Roll call showed the following Council Members present: Ardis, Grayeb, Gulley, Morris (Arrived at 6:35 P.M.), Nichting, Spears, Teplitz, Thetford, Turner, Mayor Ransburg – 10; Absent: Sandberg - 1.

PROCLAMATIONS, COMMENDATIONS, ETC.

PRESENTATION: GOVERNMENT FINANCE OFFICERS ASSOCIATION PRESENTATION TO THE CITY OF PEORIA WITH THE CERTIFICATE OF ACHIEVEMENT FOR EXCELLENCE IN FINANCIAL REPORTING

PRESENTATION: GOVERNMENT FINANCE OFFICERS ASSOCIATION PRESENTATION TO THE CITY OF PEORIA WITH THE DISTINGUISHED BUDGET PRESENTATION AWARD

PROCLAMATION: AMBUCS NATIONAL VISIBILITY MONTH – February 2003

PROCLAMATION: PEORIA AREA CHAMBER OF COMMERCE COMMUNITY LEADERSHIP SCHOOL

INVOCATION & PLEDGE OF ALLEGIANCE

Mayor Ransburg requested a moment of silent prayer and Boy Scout Troop #254 from First United Methodist Church led the Pledge of Allegiance.

MINUTES

Council Member Nichting moved to approve Minutes of the Regular City Council Meeting and Executive Sessions held on February 4, 2003, as printed; seconded by Council Member Turner.

Approved by roll call vote.

Yeas: Ardis, Grayeb, Gulley, Nichting, Spears, Teplitz, Thetford, Turner,
Mayor Ransburg - 9;

Nays: None.

PETITIONS, REMONSTRANCES & COMMUNICATIONS**CONSIDERATION OF CONSENT AGENDA ITEMS BY OMNIBUS VOTE.**

(03-069) TAG DAY REQUEST from AMERICAN LEGION PEORIA POST #2 Requesting Permission to DISTRIBUTE POPPIES for DONATIONS on THURSDAY, MAY 15, 2003, with a Rain Date of Friday, May 16, 2003.

- (03-070) **PAYMENT ESTIMATES FOR PUBLIC IMPROVEMENT PROJECTS: KNOXVILLE AVENUE – MT. HAWLEY CONNECTOR ROAD** (Construction of a new street between Knoxville Avenue and Mt. Hawley Road opposite the relocation of Country Meadows Lane and a church entrance. Included is the widening of the N.B. right turn lane at Northgate and construction of a directional median, the removal of a median north of Teton Drive., p.c.c. widening, bituminous base course, storm sewers, earthwork, traffic signals, bituminous resurfacing & other misc. work.) **R. A. CULLINAN & SON, INC. – PAY ESTIMATE #3: \$18,792.51; TOTAL AUTHORIZATION APPROVED: \$18,792.51. (For Information Only)**
- (03-071) **PAYMENT ESTIMATES FOR PUBLIC IMPROVEMENT PROJECTS: 301 THRUSH AVENUE SIDEWALK IMPROVEMENT** (Peoria Avenue Frontage) (Removing existing curb, sidewalk, driveway approach, and constructing PCC combination curb & sidewalk, curb, and driveway pavement, along with all necessary adjustments & appurtenances.) **P. A. ATHERTON CONSTRUCTIONS, INC. PAY ESTIMATE #2 & FINAL: \$828.20; TOTAL AUTHORIZATION APPROVED: \$828.20. (For Information Only)**
- (03-072) **Communication from Director of Planning and Growth Management with ORDINANCE NO. 15,431 Approving the PRIVATE STREET, PRIVATE STREET NAME, AND PRIVATE STREET MAINTENANCE AGREEMENT for SALAAM DRIVE** Located within the City of Peoria Off of Hale Avenue.
- (03-073) **Communication from Management and Labor Co-Chairs Regarding the 2002 PRELIMINARY YEAR-END HEALTHCARE REPORT (For Information Only)**
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CONSIDERATION OF REPORT BACKS AS FOLLOWS:

- (03-048) **Communication from ESDA Director with REPORT BACK on the CITY WATCH SYSTEM for OUTBOUND MESSAGING.**
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Council Member Nichting moved to approve the Consent Agenda items as outlined in the communications; seconded by Council Member Turner.

Council Member Grayeb requested Item No. 03-048 be removed from the Consent Agenda for further discussion.

Council Member Thetford requested Item No. 03-073 be removed from the Consent Agenda for further discussion.

Item Nos. 03-069 through 03-073 (excluding Item Nos. 03-073 and 03-048 which were removed from the Consent Agenda for further discussion) were approved by roll call vote under the Omnibus Vote Designation.

Yeas: Ardis, Grayeb, Gulley, Nichting, Spears, Teplitz, Thetford, Turner, Mayor Ransburg - 9;
Nays: None.

- (03-073) **Communication from Management and Labor Co-Chairs Regarding the 2002 PRELIMINARY YEAR-END HEALTHCARE REPORT (For Information Only)**
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In discussion with Council Member Thetford, Director of Human Resources Pat Parsons explained the City's budget would have been \$1 million higher than what it was had the design changes to the healthcare program not been implemented. He said, as a result, the plan came in under budget approximately \$700,000, so there was approximately \$1.7 million in savings.

Director Parsons discussed the changes that reduced costs for the plan and for the participants, and there was an increase of the use of network doctors. He said a focus of 2003 would be health promotion. He explained a program would be implemented to better educate participants about their illness, with assistance from the Utilization firm for better management, which would result in better quality of life for the participant. He commended the committee for their efforts.

Council Member Thetford pointed out the plan's cost per employee actually decreased 3% from 2001, unlike most other plans across the nation. She said prescription drug claims was 9% under Budget and the use of generic prescriptions increased by 50% from 2001.

Council Member Morris arrived at 6:35 P.M.

Council Member Thetford moved to receive and file the 2002 Preliminary Year End Healthcare Report; seconded by Council Member Turner.

Approved by roll call vote.

Yeas: Ardis, Grayeb, Gulley, Morris, Nichting, Spears, Teplitz, Thetford, Turner,
Mayor Ransburg - 10;

Nays: None.

**(03-048) Communication from ESDA Director with REPORT BACK on the CITY WATCH
** SYSTEM for OUTBOUND MESSAGING.**

ESDA Director Kay Harmon distributed a copy of additional information regarding the Outbound Messaging System to all members of the City Council.

Council Member Grayeb discussed the importance of establishing a mix of media which allowed the City to communicate with the population in an emergency. He requested an overview of the report back.

ESDA Director Kay Harmon discussed the different mechanisms ESDA used to communicate with citizens in times of emergency. She said her department took the need to communicate with the public seriously, and she discussed the previous problem that occurred with the system when the Rogun fire occurred. She further discussed the timeline of the RFP for the proposed purchase of the new system and she said she hoped to bring the request for approval to the Council in March, 2003.

Council Member Grayeb moved to receive and file the report back on the City Watch System for Outbound Messaging and the distributed additional information; seconded by Council Member Thetford.

Approved by roll call vote.

Yeas: Ardis, Grayeb, Gulley, Morris, Nichting, Spears, Teplitz, Thetford, Turner,
Mayor Ransburg - 10;

Nays: None.

**(03-074) Communication from Director of Public Works Regarding a PRESENTATION and
Requesting Approval of the PERMIT APPLICATION to the ILLINOIS
ENVIRONMENTAL PROTECTION AGENCY for the FEDERALLY-
MANDATED NATIONAL POLLUTION DISCHARGE ELIMINATION
SYSTEM, PHASE II , Relating to the Clean Water Act, and Authorizing the City
Manager to Sign the Permit Application.**

Director of Public Works Steve Van Winkle said the firm of Clark-Dietz, Inc. was hired by the City to assist in the process of developing an application for a permit to address the federal mandates relating to the Clean Water Act, Phase II. He said the deadline for that application was March 10, 2003.

Director Van Winkle added that Clark-Dietz, Inc. was also hired to develop a plan to deal with some of the major tributaries in the City. He said they were trying to devise a method to either use present policy or generate new policy to assist the City with some of the drainage ways. He explained this presentation would come before the Council in the Spring.

Senior Civil Engineer Jane Gerdes discussed federal regulations that would affect the City of Peoria regarding the Clean Water Act. She explained how the focus of the Clean Water Act had changed over the years and was now focused on storm water, which was rain, snow melt, ice that did not soak into the ground and drained eventually into rivers, streams, etc. She said new regulations had been passed down from the Federal government to the IEPA which would require each community to obtain a permit to operate their storm sewer system. She said in order to apply for the permit and have the permit in good standing, the City needed to implement a program to apply for the permit. She further explained this program would be an unfunded mandate, and with that in mind and the current budget situation, she said every effort had been made to use existing Staff and resources. However, she pointed out, there were some costs associated with this program, one of which was mapping. She said the largest expenditures had been pushed to the last three years of the permit to keep 2003 and 2004 costs minimized. She urged the Council to support the proposed permit application.

Mr. Greg Kacvinsky, representing Clark-Dietz, Inc., said compliance activities would be explained, but capital improvements recommendations for the storm sewer system would be discussed at a later Council Meeting. He said the requirements would be enforced by the IEPA. He added each State had the option of taking the USEPA base requirements and adding to them as necessary, but the IEPA decided to follow the base requirements so this action would make the process less complicated. He further explained the permit was a five-year permit from 2003 and would end in 2008.

Mr. Doug Noel, representing AMEC Earth and Environmental, Inc., discussed the project history, the basics, requirements, the approach, commitments, mapping options and costs of the storm water permit as outlined in the Council communication. He said the next step was to obtain approval from the Council. He urged the Council to discuss this issue with the 13 different surrounding counties to pool certain items so each community was not spending a lot of time and money producing parallel products.

In discussion with Council Member Nichting, Director Van Winkle stated the communities in the Tri-County area had been working with the Tri-County Regional Planning Commission to see what could be done commonly. He said the City of Peoria had been party to those discussions and he anticipated where ever possible they would work together to minimize costs and maximize effectiveness. He pointed out it would be necessary for all the codes and ordinances relating to erosion control to be similar in each community.

In further discussion, Ms. Gerdes explained there was funding in the 2003 Budget, in the amount of \$23,800, for work that applied to the permit.

In discussion with Council Member Thetford, Mr. Noel discussed the impact this would have on redevelopment. He explained the City could be held responsible for violations of the Clean Water Act, if no program was in place. He said a developer could be held accountable through the City, if a land development contributed to the problem.

In further discussion with Council Member Spears, Ms. Gerdes indicated some streams that would be inspected could be on private land, even though most were larger creeks and streams which were not privately owned. She said the creeks and streams that would be inspected were listed in the application.

Council Member Spears said he felt the biggest effort through the other Counties would be education. He expressed concern that places, like Richwoods Township, which was annexed into the City of Peoria and would not have had a storm water management system, was now a part of the City and the City was responsible for that storm water flow. He said he was concerned that the City would annex property into the City that never had storm water management.

Ms. Gerdes explained the City would not have to fix previous wrongs from other jurisdictions, when annexed into the City. She said, if there was a problem upstream, then the problem would be traced and that jurisdiction would be notified of the problem and would be required to solve the problem.

In further discussion with Council Member Spears, Mr. Noel explained that the City would not be responsible for cleaning the river, but they would be responsible for cleaning streams and creeks prior to water flowing into the river.

Council Member Nichting moved to approve the Permit Application to the Illinois Environmental Protection Agency for the federally-mandated National Pollution Discharge Elimination System, Phase II, relating to the Clean Water Act, and authorize the City Manager to sign the permit application; seconded by Council Member Grayeb.

Approved by roll call vote.

Yeas: Ardis, Grayeb, Gulley, Morris, Nichting, Spears, Teplitz, Thetford, Turner,
Mayor Ransburg - 10;

Nays: None.

(03-075) Communication from Director of Human Resources Requesting Council Concurrence in the SELECTION of the FINALISTS in the SEARCH FIRM SELECTION PROCESS for the HIRING OF A NEW CITY MANAGER, with a Request to Set a Special Meeting to Hear Presentations, if Needed.

Director of Human Resources Pat Parsons distributed a copy of the responses to the RFP's for the City Manager search firm to all members of the Council.

Director Parsons discussed the RFP's and the process used. He said he felt it was important for the firm which was selected to be experienced in the same type of task in a similar setting. He said he felt it was important for the firms to have had experience in the State of Illinois as well as experience nationally. He said the four firms that fit these categories were Maximus, The Mercer Group, Inc., The Par Group – Paul Reaume Ltd., and Slaven Management Consultants, Inc., and he discussed the process each group would use, which were all similar.

Director Parsons said it was common for many potential candidates for City Manager not to respond to advertisements, but they would respond to search firms. He urged the Council to come to a consensus on what they expected from the next City Manager, otherwise the search could be based on conflicting criteria, which would cause dissatisfaction.

Director Parsons said these search firms would be able to meet with the Council on Tuesday, February 25, 2003. He said he discussed holding interviews in small groups with each of the firms, and they each independently said small groups was not the normal procedure. He said each firm indicated they favored giving a presentation and then the Council could make a decision based on the presentation. He added of the four firms, only Maximus indicated they would charge for expenses. He said since the other three firms indicated they would not charge for their presentations, he determined that Maximus should be eliminated due to their requirement for reimbursement.

Council Member Turner moved that the City Council determine, from the information provided, the search firms (as designated in the distributed Council communication regarding RFP's) who would make a presentation to the Council on Tuesday, February 25, 2003, and then vote on a search firm that would conduct the 2003 City Manager search for the City of Peoria; seconded by Council Member Morris.

Council Member Spears expressed concern that interviews for a search firm would be held on the same day the vote would taken. He indicated he felt at least one day should separate the interviews and the vote so the Council could have time to make their decision.

Council Member Turner said the Director of Human Resources would be able to provide a copy of the RFP's to any Council Member who wanted them so they could make their review prior to the February 25th Council Meeting.

Director Parsons agreed there was considerable information available in the RFP's and he said he would be glad to make them available to the Council prior to the meeting.

Council Member Spears said he would need additional time after the interviews to made a decision. He also stated he felt some of the firms that had no experience should be considered, such as the one in Madison, Wisconsin, which was geographically close.

Director Parsons said he felt there would be a significant difference in the service the Council would receive from a firm that had more experience with cities and Councils of similar size.

In discussion with Council Member Thetford regarding her suggestion to interview the search firms in Executive Session, Corporation Counsel Randy Ray explained the selection of an independent contractor was not a proper subject for Executive Session.

Mayor Ransburg pointed out there would be three firms for the Council to interview: The Mercer Group, Inc., The Par Group – Paul Reaume Ltd., and Slavin Management Consultants, Inc. He said Maximus had been eliminated because they were the only one who requested a reimbursement of expenses.

In discussion, Council Member Nichting agreed that the vote to select the search firm should be held on a separate night other than the night of the interviews.

Mayor Ransburg pointed out, if the Council did not feel comfortable with making a decision the same night the search firm interviews were held, an adjourned meeting could be held the following evening, or the decision could be deferred to another meeting.

Following discussion regarding past searches for City Managers, Council Member Grayeb said he would not be opposed to having the Director of Human Resources, Mayor Ransburg, and Council Member Turner make the decision regarding which search firm should be chosen. He said all had vast experience in this kind of an endeavor, but he would also agree with what the majority of the Council decided.

Council Member Thetford requested that Maximus be advised that they were being excluded from the interviews due to their request for reimbursement of expenses. She said Maximus may reconsider their position and choose to be included in the interview process.

Council Member Nichting moved for a substitute motion to set a Special City Council Meeting twenty-four hours after the February 25, 2003, Council Meeting to make the decision regarding the selection of the City Manager's search firm; seconded by Council Member Spears.

Substitute Motion was DEFEATED by roll call vote.

Yeas: Nichting, Spears – 2;

Nays: Ardis, Grayeb, Gulley, Morris, Teplitz, Thetford, Turner, Mayor Ransburg – 8.

Motion that the City Council determine, from the information provided, the search firms (as designated in the distributed Council communication regarding RFP's) who would make a presentation to the Council on Tuesday, February 25, 2003, and then vote on a search firm that would conduct the 2003 City Manager search for the City of Peoria, with the understanding that the meeting could be adjourned to another night, if necessary, was approved by roll call vote.

Yeas: Ardis, Grayeb, Gulley, Morris, Nichting, Teplitz, Thetford, Turner, Mayor Ransburg - 9;
Nays: Spears - 1.

Council Member Morris and Council Member Turner left the Council Chambers.

UNFINISHED BUSINESS

(03-035) Communication from Director of Planning and Growth Management with ORDINANCE Rezoning Property Located at 309, 319, 321 CAROLINE STREET from the Present Class R-4 (Single-Family Residential) District to a *Class C-1 (General Commercial) District, with REPORT BACK.

*Clerk's Note: The motion changed the proposed zoning Class from I-2 (Railroad/Warehouse Industrial) to a C-1 (General Commercial).

Council Member Thetford said it was determined that the use proposed by the Petitioner would fit under the Class C-1 (General Commercial) District.

Council Member Thetford moved to adopt an Ordinance rezoning property located at 309, 319, 321 Caroline Street from the present Class R-4 (Single-Family Residential) District to a *Class C-1 (General Commercial) District, and receive and file the Report Back; seconded by Council Member Teplitz.

ORDINANCE NO. 15,432 was approved by roll call vote.

Yeas: Ardis, Grayeb, Gulley, Nichting, Spears, Teplitz, Thetford, Mayor Ransburg - 8;
Nays: None.

Council Member Turner returned to the Council Chambers.

(03-044) Communication from Director of Public Works Regarding WATER STREET IMPROVEMENTS (Walnut Street to State Street) with Additional Information Regarding Fencing.

Council Member Gulley moved to authorize Staff to proceed with the Water Street Improvement Project (Walnut Street to State Street) with wrought iron fencing, and reprogram funds from the New Traffic Installation Fund; seconded by Council Member Ardis.

Approved by roll call vote.

Yeas: Ardis, Grayeb, Gulley, Nichting, Spears, Teplitz, Thetford, Turner, Mayor Ransburg - 9;
Nays: None.

NEW BUSINESS

ANNOUNCEMENT OF NEW OWNER OF UTILITY COMPANY – AMEREN

Mayor Ransburg announced the local utility company was now owned by Ameren. He said he wished them the best in their future endeavors.

CITIZEN REQUESTS TO ADDRESS THE COUNCIL**(03-076) REQUEST from CITIZENS to Address the CITY COUNCIL Regarding VARIOUS ISSUES.**

Hearing no objections, Mayor Ransburg granted Privilege of the Floor to those who wished to address the Council.

Mr. Jim Senyszyn, 5804 Haymeadow Court Apt. 1A, read from a prepared statement, which was distributed to the Council, regarding an atheist perspective on the issue of extending civil rights to gays and lesbians.

Mr. Steve Lu, 7234 N. Crab Apple Court, thanked the Public Works Department for repairing railroad tracks and an eroded storm water drain in his neighborhood, which was a major safety concern for children in the area.

Council Member Morris returned to the Council Chambers.

POLICY/WORKSHOP SESSION**(03-077) Communication from Director of Economic Development Regarding the POLICY/WORKSHOP SESSION Relating to the EXTENSION of the ENTERPRISE ZONE PROGRAM EXPIRATION DATE.**

Council Member Nichting moved to open the Policy/Workshop Session relating to the extension of the Enterprise Zone Program Expiration Date; seconded by Council Member Turner.

The Policy/Workshop Session opened at 8:25 P.M.

A Policy/Workshop Session was held relating to the extension of the Enterprise Zone Program Expiration Date.

The Chair closed the Policy/Workshop Session relating to the extension of the Enterprise Zone Program Expiration Date at 8:55 P.M.

EXECUTIVE SESSION**(03-078) Consideration of a Motion for the City Council to go into EXECUTIVE SESSION to Discuss 2(c)(1) The appointment, employment, compensation, discipline, performance, or dismissal of specific employees of the public body, including hearing testimony on a complaint lodged against an employee to determine its validity; 2(c)(2) Collective negotiating matters between the public body and its employees or their representatives, or deliberations concerning salary schedules for one or more classes of employees; 2(c)(5) The purchase or lease of real property for the use of the public body; 2(c)(6) The setting of a price for sale or lease of property owned by the public body; and 2(c)(21) Discussion of minutes of meetings lawfully closed under this Act, whether for purposes of approval by the body of the minutes or semi-annual review of the minutes as mandated by Section 2.06.**

Council Member Spears moved that the City Council go into Executive Session to Discuss 2(c)(1) The appointment, employment, compensation, discipline, performance, or dismissal of specific employees of the public body, including hearing testimony on a complaint lodged against an employee to determine its validity; 2(c)(2) Collective negotiating matters between the public body and its employees or their representatives, or deliberations concerning salary schedules for one or more classes of employees; 2(c)(5) The purchase or lease of real property for the use of the public body; 2(c)(6) The setting of a price for sale or lease of property owned by the public body; and 2(c)(21) Discussion of minutes of meetings lawfully closed under this Act, whether for purposes of approval by the body of the minutes or semi-annual review of the minutes as mandated by Section 2.06; seconded by Council Member Turner.

Motion that the City Council go into Executive Session to Discuss 2(c)(1) The appointment, employment, compensation, discipline, performance, or dismissal of specific employees of the public body, including hearing testimony on a complaint lodged against an employee to determine its validity; 2(c)(2) Collective negotiating matters between the public body and its employees or their representatives, or deliberations concerning salary schedules for one or more classes of employees; 2(c)(5) The purchase or lease of real property for the use of the public body; 2(c)(6) The setting of a price for sale or lease of property owned by the public body; and 2(c)(21) Discussion of minutes of meetings lawfully closed under this Act, whether for purposes of approval by the body of the minutes or semi-annual review of the minutes as mandated by Section 2.06 was approved by roll call vote.

Yeas: Ardis, Grayeb, Gulley, Morris, Nichting, Spears, Teplitz, Thetford, Turner,
Mayor Ransburg - 10;

Nays: None.

ADJOURNMENT

Council Member Spears moved to adjourn the Council Meeting; seconded by Council Member Turner.

Approved by viva voce vote.

The Council Meeting adjourned at 8:56 P.M.

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