

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

Council Chambers, Peoria, Illinois, March 11, 2003, a Regular Meeting of the City Council and Town Board 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 (arrived at 6:19 P.M.), Gulley, Morris (arrived at 6:17 P.M.), Nichting, Sandberg, Spears, Teplitz, Thetford, Turner, Mayor Ransburg – 11; Absent: None.

INVOCATION & PLEDGE OF ALLEGIANCE

Mayor Ransburg requested a moment of silent prayer and he then led the Pledge of Allegiance.

MINUTES

Council Member Nichting moved to approve Minutes of the Regular City Council Meeting and Executive Sessions held on March 4, 2003, and the Executive Session held on March 8, 2003, as printed; seconded by Council Member Turner.

Approved by roll call vote.

Yeas: Ardis, Gulley, Morris, Nichting, Sandberg, Spears, Teplitz, Thetford, Turner,
Mayor Ransburg – 10;

Nays: None.

Council Member Morris arrived at 6:17 P.M.

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

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

- (03-120) Communication from Town Clerk Requesting Approval of AGENDAS for the ANNUAL TOWN MEETING.**
- (03-121) PAYMENT ESTIMATE FOR PUBLIC IMPROVEMENT PROJECT: US ROUTE 150 & ILLINOIS ROUTE 91 (Widening, overlay and reconstruction of US Route 150 from Trigger/Koerner Road to Frostwood Parkway, and Illinois Route 91 from US Route 150 to the north) R. A. CULLINAN & SON, INC. – PAY ESTIMATE #11: \$3,562,934.48; TOTAL AUTHORIZATION APPROVED: \$3,562,934.48. (For Information Only)**
- (03-122) BIDS for JEFFERSON/KUMPF ADA ACCESS RAMP IMPROVEMENTS, Recommending the Low Bid of P. A. ATHERTON CONSTRUCTION, INC., in the Amount of \$33,929.40.**

- (03-123) * Communication from Corporation Counsel Requesting Authorization to HIRE the LAW FIRM of HINSHAW & CULBERTSON as Additional Counsel in the Case of the Estate of Marliere vs. Jackson and the City of Peoria.
- (03-124) Communication from Director of Public Works Requesting Approval of the DEDICATION and MAINTENANCE AGREEMENT Regarding AMERICAN PRAIRIE DRIVE AND GRAND PRAIRIE DRIVE, which Includes a Financial Commitment from the City in 2004 or Later in the Amount of \$34,362.14.
- (03-125) Communication from the Director of Public Works Requesting Approval of a CONTRACT AMENDMENT with CLARK DIETZ, INC., in the Amount of \$28,000.00, for the Purpose of Conducting Topographic Surveys Along Five Different Reaches of Creeks within the City of Peoria, and Requesting Authorization for the City Manager to Sign the Contract Amendment.
- (03-126) ** Communication from Finance Director/Comptroller Requesting Adoption of an ORDINANCE Amending the BUDGET for FISCAL YEAR 2003 Relating to a JOINT AGREEMENT with IDOT on INTERSTATE I-74 RECONSTRUCTION.
- (03-127) Communication from Finance Director/Comptroller Requesting Adoption ORDINANCE NO. 15,444 ABATING the TAX Heretofore Levied to PAY SPECIAL SERVICE AREA TAXES on the RIVERWEST NEIGHBORHOOD (Formerly the Colonel John Warner Homes Development).
- (03-128) *** Communication from Finance Director/Comptroller Regarding the BUDGETED FUND BALANCE, with a Request to Receive and File.
- (03-129) **REPORTS:**

A. CITY TREASURER'S ANNUAL REPORT OF THE CITY TREASURER.

Council Member Grayeb arrived at 6:19 P.M.

Council Member Nichting moved to approve the Consent Agenda items as outlined in the Council communications; seconded by Council Member Turner.

Council Member Teplitz requested Item No. 03-123 be removed from the Consent Agenda for further discussion.

Council Member Sandberg requested Item No. 03-126 be removed from the Consent Agenda for further discussion.

Council Member Nichting requested Item No. 03-128 be removed from the Consent Agenda for further discussion.

Item Nos. 03-120 through 03-129 (excluding Item Nos. 03-123, 03-126 and 03-128 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, Morris, Nichting, Sandberg, Spears, Teplitz, Thetford, Turner, Mayor Ransburg – 11;

Nays: None.

**(03-123) Communication from Corporation Counsel Requesting Authorization to HIRE
* the LAW FIRM of HINSHAW & CULBERTSON as Additional Counsel in the
 Case of the Estate of Marliere vs. Jackson and the City of Peoria.**

Council Member Teplitz stated she would abstain from voting on this item due to a professional nature.

Council Member Nichting moved to approve authorization to hire the law firm of Hinshaw & Culbertson as additional counsel in the case of the estate of Marliere vs. Jackson and the City of Peoria; seconded by Council Member Turner.

Approved by roll call vote.

Yeas: Ardis, Grayeb, Gulley, Morris, Nichting, Sandberg, Spears, Thetford, Turner,
Mayor Ransburg – 10;

Nays: None.

Abstentions: Teplitz – 1.

**(03-126) Communication from Finance Director/Comptroller Requesting Adoption of an
** ORDINANCE Amending the BUDGET for FISCAL YEAR 2003 Relating to a
 JOINT AGREEMENT with IDOT on INTERSTATE I-74 RECONSTRUCTION.**

Council Member Sandberg inquired if the money for this project could have been included in the budget.

Director of Public Works Steve Van Winkle stated the City was not sure when the contracts relating to the I-74 construction would come forward or in what budget year they would come before the Council. He said the City had to respond to each contract when they were brought before the City for Council action. He said it was a situation where the City was unable to anticipate the amount of funding that would need to be budgeted.

Following further discussion and clarification regarding the amount of funds available in the General Fund balance and the Road Fund balance, Council Member Sandberg moved to adopt the Ordinance amending the Budget for Fiscal Year 2003 relating to a Joint Agreement with IDOT on Interstate I-74 Reconstruction; seconded by Council Member Morris.

Council Member Spears requested that the Council be made aware of what the City and State's funding responsibilities would be regarding future highway reconstruction projects.

Motion to adopt ORDINANCE NO. 15,445, amending the Budget for Fiscal Year 2003 relating to a Joint Agreement with IDOT on Interstate I-74 reconstruction was approved by roll call vote.

Yeas: Ardis, Grayeb, Gulley, Morris, Nichting, Sandberg, Spears, Teplitz, Thetford, Turner,
Mayor Ransburg – 11;

Nays: None.

**(03-128) Communication from Finance Director/Comptroller Regarding the BUDGETED
*** FUND BALANCE, with a Request to Receive and File.**

Following discussion with Finance Director Ellie Hogan that Council communications should include information regarding the name of the fund balance, the amount of money withdrawn and the balance prior to the withdrawal, Council Member Nichting moved to receive and file the Budgeted Fund Balance; seconded by Council Member Turner.

Motion to receive and file the Budgeted Fund Balance was approved by roll call vote.

Yeas: Ardis, Grayeb, Gulley, Morris, Nichting, Sandberg, Spears, Teplitz, Thetford, Turner,
Mayor Ransburg – 11;

Nays: None.

- (03-130) Communication from Assistant to the City Manager/Public Information Requesting the City Council to ESTABLISH A POLICY Requiring the GUS MACKER TOURNAMENT to REIMBURSE THE CITY OF PEORIA for CITY SERVICES and GIVE DIRECTION on a PERMANENT SITE FOR THE EVENT.**

Following a brief explanation, Council Member Gulley moved to defer this item for two weeks, until the March 25, 2003, Regular City Council Meeting; seconded by Council Member Morris.

Council Member Nichting expressed concern that the issue of security be turned over to the City's off-duty police officers as a means to cut the overall cost by not having it go through the City Budget.

Council Member Thetford said the Gus Macker was an important event for the community. She said she would support the deferral and she suggested the Council needed to act on this item when it came back in two weeks.

Council Member Ardis said the Council had met with Gus Macker organizers, City Staff and the City Police Department. He stated the Gus Macker organizers were aware of the City's budget problems and had discussed the possibility of hiring off duty police officers at their expense. He said the organizers were in favor of the deferral.

Motion to defer this item until March 25, 2003, was approved by roll call vote.

Yeas: Ardis, Grayeb, Gulley, Morris, Nichting, Sandberg, Spears, Teplitz, Thetford, Turner, Mayor Ransburg – 11;

Nays: None.

UNFINISHED BUSINESS

- (03-113) Communication from ESDA Director Requesting Authorization for the City Manager to ENTER into a FIVE-YEAR CONTRACT, in the Amount of \$65,125.00, with DIALOGIC COMMUNICATIONS CORPORATION for a HIGH SPEED INTERACTIVE NOTIFICATION SYSTEM, and Requesting Authorization for the Administration to Proceed with a CONTRACT with SBC/AMERITECH for the 9-1-1 DATABASE. (New Communication)**

Council Member Grayeb moved to approve a five-year contract in the amount of \$65,125.00, with Dialogic Communications Corporation for a High Speed Interactive Notification System and to authorize the Administration to proceed with a contract with SBC/Ameritech for the 9-1-1 Database; seconded by Council Member Nichting.

Approved by roll call vote.

Yeas: Ardis, Grayeb, Gulley, Morris, Nichting, Sandberg, Spears, Teplitz, Thetford, Turner, Mayor Ransburg – 11;

Nays: None.

- (02-649) Request for Approval of a MOTION to REMOVE FROM THE TABLE the Communication from Corporation Counsel Recommending adoption of the Ordinance Amending Chapter 18 of the Code of the City of Peoria Relating to SIDEWALK VENDORS (PUSHCARTS) and Place the Item on the MARCH 25, 2003, COUNCIL AGENDA.**

Council Member Gully moved to remove this Item from the Table and place it on the March 25, 2003, Council Agenda; seconded by Council Member Morris.

Council Member Gully expressed concern that the City had been unable to meet with all concerned parties. He said he would like to schedule a meeting with the push cart and restaurant owners for next Tuesday evening, March 18, 2003 at 5:00 P.M. in City Hall, prior to the Council Meeting to discuss their concerns before placing it on the agenda the following week.

Council Member Sandberg stated there was no current Moratorium in place and if push cart owners decided to open during the coming week, they would have to meet current statutes.

Motion to remove from the Table the communication recommending adoption of the Ordinance amending Chapter 18 of the Code of the City of Peoria relating to Sidewalk Vendors (Pushcarts) and place the item on the March 25, 2003, Council Agenda; was approved by roll call vote.

Yeas: Ardis, Grayeb, Gulley, Morris, Nichting, Sandberg, Spears, Teplitz, Thetford, Turner, Mayor Ransburg – 11;

Nays: None.

NEW BUSINESS

(03-131) Request for UPDATE Regarding STEPS TAKEN BY ADMINISTRATION to INSURE the CITY of PEORIA RECEIVES SHARE of HOMELAND SECURITY MONIES Being Released by the Government.

Council Member Grayeb stated that it had recently been announced that one billion dollars in Homeland Security money was going to be released to the States and localities for their first responders, ie. the Police and Fire Department personnel. He said this was scheduled to be done by July of 2003 and our municipality needed to apply for these funds in order to help our Police and Fire Department meet some of their future challenges. He requested an update regarding what steps the City Administrators had taken to insure that Peoria would receive its share of the money.

RECOMMEND CITIZENS WRITE THEIR LOCAL GOVERNMENTAL OFFICIALS REGARDING PREVIOUS BILLS CONCERNING ADDITIONAL GOVERNMENT COSTS.

City Clerk Mary Haynes encouraged the Council and concerned citizens to write their Senators and House Representatives regarding all the bills that had been previously outlined that would add to government costs.

CITIZEN REQUESTS TO ADDRESS THE COUNCIL

(03-132) REQUEST from MR. JAMES CHRISTOPHER to Address the CITY COUNCIL Regarding PEORIA COUNTY BELL-WOOD NURSING HOME.

Hearing no objections, Mayor Ransburg granted Privilege of the Floor to Mr. James Christopher.

Mr. James Christopher, Singing Woods Road, Medina Township and former member and Chairman of the Peoria County Board, spoke on behalf of the County Board. He distributed a brochure explaining a property tax referendum regarding BelWood Nursing Home. He asked that Council support the referendum and with Council's consent, direct Staff to draft a Resolution for Council's approval, encouraging the citizens to vote in favor of the Property Tax Referendum on April 1, 2003.

Council Member Spears requested the City Manager to bring forward for Council's approval, a Resolution supporting the Bel-Wood Nursing Home Referendum.

Several Council Members spoke in support of a Resolution supporting Bel-Wood Nursing Home.

EXECUTIVE SESSION

- (03-133) 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)(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. 2(c)(8) Emergency security procedures and the use of personnel and equipment to respond to actual danger to the safety of employees, students, staff or public property, and 2(c)(11) Litigation, when an action against, affecting, or on behalf of the particular public body has been filed and is pending before a court or administrative tribunal, or when the public body finds that such an action is probable or imminent.**

Council Member Grayeb moved 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)(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. 2(c)(8) Emergency security procedures and the use of personnel and equipment to respond to actual danger to the safety of employees, students, staff or public property, and 2(c)(11) Litigation, when an action against, affecting, or on behalf of the particular public body has been filed and is pending before a court or administrative tribunal, or when the public body finds that such an action is probable or imminent; seconded by Council Member Turner.

Approved by roll call vote.

Yeas: Ardis, Grayeb, Gulley, Morris, Nichting, Sandberg, Spears, Teplitz, Thetford, Turner, Mayor Ransburg – 11;

Nays: None.

ADJOURNMENT

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

Approved by viva voce vote.

The Council Meeting adjourned at 6:55 P.M.

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