

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

Council Chambers, Peoria, Illinois, April 15, 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: Gulley, Morris, Nichting, Sandberg, Spears (arrived at 6:19 P.M.), Teplitz, Thetford, Turner, Mayor Ransburg – 9; Absent: Ardis, Grayeb - 2.

**INVOCATION & PLEDGE OF ALLEGIANCE**

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

**PROCLAMATIONS, COMMENDATIONS, ETC.**

PROCLAMATION: THE COMMUNITY FOUNDATION OF CENTRAL ILLINOIS –  
15<sup>TH</sup> ANNIVERSARY

**MINUTES**

Council Member Nichting moved to approve the minutes of the Regular City Council Meeting, the Annual Town Meeting and the Annual Town Meeting of the Board of Town Trustees for the Town of the City of Peoria held on April 8, 2003; seconded by Council Member Turner.

Approved by roll call vote.

Yeas: Gulley, Morris, Nichting, Sandberg, Spears, Teplitz, Thetford, Turner, Mayor Ransburg - 9;

Nays: None.

**PETITIONS, REMONSTRANCES & COMMUNICATIONS**

- (03-195)      **Communication from Corporation Counsel Requesting Authorization for the**  
\*              **Interim City Manager and Corporation Counsel to RETAIN the FIRM of KUTAK**  
                 **ROCK ILLINOIS LLC as BOND COUNSEL for the BONDS to PURCHASE PEORIA**  
                 **WATERWORKS.**
- (03-196)      **Communication from Director of Public Works Requesting Approval of the MFT**  
                 **RESOLUTION NO. 03-196-A, in the Amount of \$115,000.00, for 2002 TREE**  
                 **TRIMMING and REMOVAL for TRAFFIC SAFETY, and Requesting Approval of**  
                 **the MFT RESOLUTION NO. 03-196-B, in the Amount of \$115,000.00, for 2003 TREE**  
                 **TRIMMING and REMOVAL for TRAFFIC SAFETY.**
- (03-197)      **Communication from Director of Planning and Growth Management**  
\*\*              **Recommending Adoption of an ORDINANCE Amending Ordinance No. 14,428, an**  
                 **EXISTING SPECIAL USE in a Class B -1 (Central Business) District for an OFF -**  
                 **PREMISE SIGN for Property Located at 201 S. W. JEFFERSON STREET.**
- (03-198)      **Communication from Director of Planning and Growth Management Recommending**  
                 **Adoption of an ORDINANCE NO. 15,459 Granting a SPECIAL USE in a Class C-2**  
                 **(Large Scale Commercial) District for the EXPANSION of a Class 3**  
                 **NONCONFORMING USE for SETBACK for Property Located at 710 N. E.**  
                 **JEFFERSON STREET.**

- (03-199)      **Communication from Director of Planning and Growth Management Recommending Adoption of an ORDINANCE NO. 15,460 Granting a SPECIAL USE in a Class C-2 (Large Scale Commercial) District for an AUTO DETAIL/HAND CAR WASH for Property Located at 1620 S. W. JEFFERSON STREET, with Conditions.**
- (03-200)      **Communication from Director of Planning and Growth Management Recommending Adoption of an ORDINANCE NO. 15,461 Granting a SPECIAL USE in a Class R-4 (Single -Family Residential) District for CHURCH FACILITIES and FAITH-BASED OPERATIONS, INCLUDING DAY CARE, SCHOOLING AND ELDERLY HOUSING for Property Located at 602 W. RICHMOND AVENUE, with Conditions.**
- (03-201)      **Communication from Director of Public Works Requesting Approval of STREET LIGHTING REQUEST AT VARIOUS LOCATIONS as Follows: 1600 BLOCK N. LINN STREET; 8800 BLOCK N. PICTURE RIDGE ROAD; and 800 BLOCK W. HICKORY GROVE ROAD.**
- (03-202)      **APPLICATION for CLASS "H" TEMPORARY OUTDOOR LIQUOR**  
\*\*\*      **LICENSE for ILLINOIS VALLEY STRIDERS for the CLASSIC CONCERT on Saturday, June 7, 2003, at RIVERFRONT FESTIVAL PARK.**
- (03-203)      **APPLICATION for CLASS "H" TEMPORARY OUTDOOR LIQUOR LICENSE for ILLINOIS VALLEY STRIDERS for Friday, July 4, 2003, with Rain Date of Saturday, July 5, 2003, at RIVERFRONT FESTIVAL PARK.**
- (03-204)      **Communication from Corporation Counsel Regarding the REPORT on BILLS SUBMITTED to PAAG for PAYMENT, with a Request to Receive and File.**

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

Council Member Nichting requested Item No. 03-195 be removed from the Consent Agenda for further discussion.

Council Member Sandberg requested Item No. 03-197 and 03-202 be removed from the Consent Agenda for further discussion.

Item Nos. 03-195 through 03-204 (excluding Item Nos. 03-195, 03-197 and 03-202, which were removed from the Consent Agenda for further discussion) were approved by roll call vote under the Omnibus Vote Designation.

Yeas: Gulley, Morris, Nichting, Sandberg, Spears, Teplitz, Thetford, Turner, Mayor Ransburg - 9;

Nays: None.

- (03-195)      **Communication from Corporation Counsel Requesting Authorization for the**  
\*      **Interim City Manager and Corporation Counsel to RETAIN the FIRM of KUTAK ROCK ILLINOIS LLC as BOND COUNSEL for the BONDS to PURCHASE PEORIA WATERWORKS.**

In discussion with Council Member Nichting, Corporation Counsel Randy Ray explained a team was needed to obtain legal advice on how the deal needed to be structured and how various contracts needed to be constructed to qualify for tax exempt status. He also pointed out their proposal indicated this firm would seek their fees only if the bonds were actually issued so this would not count against the draw on the Peoria Area Advancement Group funds, and would not incur costs other than a maximum of \$1,500 in expenses, which would be reimbursed. He said he recommended that the Council retain this firm at the present time.

Council Member Nichting said this vote would act as a safe guard and this action would not preclude or prevent the Council from still having a referendum at a later date.

Council Member Nichting moved to authorize the Interim City Manager and Corporation Counsel to retain the firm of Kutak Rock Illinois LLC as bond counsel for the bonds to purchase Peoria Waterworks; seconded by Council Member Sandberg.

Council Member Sandberg requested that minutes of the Water Selection Committee Meeting be included with communications that pertain to the Committee's action to provide background.

City Clerk Mary Haynes explained that all Council Members received a copy of the Water Selection Committee Meeting minutes under separate cover.

Motion to authorize the Interim City Manager and Corporation Counsel to retain the firm of Kutak Rock Illinois LLC as bond counsel for the bonds to purchase Peoria Waterworks was approved by roll call vote.

Yeas: Gulley, Morris, Nichting, Sandberg, Spears, Teplitz, Thetford, Turner, Mayor Ransburg - 9;

Nays: None.

**(03-197)      Communication from Director of Planning and Growth Management  
\*\*      Recommending Adoption of an ORDINANCE Amending Ordinance No. 14,428, an  
EXISTING SPECIAL USE in a Class B-1 (Central Business) District for an OFF-  
PREMISE SIGN for Property Located at 201 S. W. JEFFERSON STREET.**

Council Member Sandberg expressed concern regarding the distractibility of the Civic Center sign. He said he learned that this kind of sign was permitted in the Downtown Business District, but he also expressed concern regarding a business complaint which a cellular company viewed a competitor's advertisement in the video on the Civic Center sign. He said he felt there was a concern about this kind of outdoor advertisement from a City-sanctioned site. He said he would not support a motion to approve.

Council Member Turner moved to adopt the Ordinance amending Ordinance No. 14,428, an Existing Special Use in a Class B-1 (Central Business) District for an off-premise sign for property located at 201 S. W. Jefferson Street; seconded by Council Member Gulley.

ORDINANCE NO. 15,462, amending Ordinance No. 14,428, was approved by roll call vote.

Yeas: Gulley, Morris, Nichting, Spears, Teplitz, Thetford, Turner, Mayor Ransburg - 8;

Nays: Sandberg - 1.

**(03-202)      APPLICATION for CLASS "H" TEMPORARY OUTDOOR LIQUOR  
\*\*\*      LICENSE for ILLINOIS VALLEY STRIDERS for the CLASSIC CONCERT on  
Saturday, June 7, 2003, at RIVERFRONT FESTIVAL PARK.**

Council Member Sandberg expressed concern regarding the number of public events on public property where liquor was being served at family oriented events on the Riverfront. He said he did not feel this was the original intent of the Riverfront nor the agreement with the Friday night limitations. He said it was his understanding that alcohol was served at over half of the events in Riverfront Festival Park each year. He said he would not support a motion to approve.

Council Member Turner moved to approve the application for a Class "H" Temporary Outdoor Liquor License for Illinois Valley Striders for the Classic Concert on Saturday, June 7, 2003, at Riverfront Festival Park; seconded by Council Member Morris.

Council Member Morris said there was an underlying conflict with restaurant owners and the business they perceived to be lost due to temporary outdoor event liquor licenses. He said as the City experienced growth on the Riverfront, he felt this conflict could continue. He said many restaurants sold liquor but were still considered to be family restaurants.

Council Member Turner said many outdoor liquor events were fundraisers for the Santa Parade, Children's Halloween events, and some social service agencies that possibly would not be funded any other way.

Council Member Sandberg pointed out that years ago State laws did not allow for the sale of alcohol in any public body. He expressed concern about changes in public policy for the use of public land for such events.

Council Member Spears said he agreed with many of the comments made by Council Member Sandberg and he suggested that the Council debate this issue at a future date.

Motion to approve the application for a Class "H" Temporary Outdoor Liquor License for Illinois Valley Striders for the Classic Concert on Saturday, June 7, 2003, at Riverfront Festival Park was approved by roll call vote.

Yeas: Gulley, Morris, Nichting, Spears, Teplitz, Thetford, Turner, Mayor Ransburg - 8;

Nays: Sandberg - 1.

**(03-205) Communication from Director of Public Works Requesting Authorization to HIRE ONE TEMPORARY MECHANIC for the EQUIPMENT DIVISION, During the Time Two Permanent Mechanics are Absent due to Medical Reasons.**

Council Member Nichting moved to authorize the hiring of one temporary mechanic for the Equipment Division during the time two permanent mechanics were absent due to medical reasons; seconded by Council Member Turner.

Approved by roll call vote.

Yeas: Gulley, Morris, Nichting, Sandberg, Spears, Teplitz, Thetford, Turner, Mayor Ransburg - 9;

Nays: None.

**(03-206) Communication from Director of Planning and Growth Management with Recommendation from the Zoning Commission to DENY and with Recommendation from the City Staff to APPROVE Adoption of an ORDINANCE Amending Ordinance No. 14,462, an EXISTING SPECIAL USE in a Class R-7 (Multi-Family Residential) District for ELDERLY HOUSING to Include a SKILLED CARE NURSING WING ADDITION with ADDITIONAL PARKING LOTS Zoned R-3 (Single-Family Residential) District as Part of the Special Use for Property Located at 6906 N. STALWORTH DRIVE.**

Council Member Nichting moved to concur with the City Staff recommendation to adopt the Ordinance amending Ordinance No. 14,462, an Existing Special Use in a Class R-7 (Multi-Family Residential) District for Elderly Housing to include a Skilled Care Nursing Wing Addition with additional parking lots zoned R-3 (Single-Family Residential) District as part of the Special Use for property located at 6906 N. Stalworth Drive; seconded by Council Member Turner.

In discussion, Council Member Nichting explained the Zoning Commission recommended denial because they did not have a historical recollection of this area. He referred to the Comprehensive Plan and he indicated this area had been maintained as an area to provide skilled nursing.

Motion to concur with the City Staff recommendation to adopt ORDINANCE NO. 15,463 amending Ordinance No. 14,462, an Existing Special Use in a Class R-7 (Multi-Family Residential) District for Elderly Housing to include a Skilled Care Nursing Wing Addition with additional parking lots zoned R-3 (Single-Family Residential) District as part of the Special Use for property located at 6906 N. Stalworth Drive was approved by roll call vote.

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

### **UNFINISHED BUSINESS**

**(02-649) Communication from Corporation Counsel Regarding a Proposed Ordinance Amending Chapter 18 of the Code of the City of Peoria Relating to SIDEWALK VENDORS (PUSHCARTS), with Recommendation to DEFER Until the APRIL 22, 2003, Regular City Council Meeting. (Refer to Item No. 02-619)**

Council Member Gulley moved to defer this item one week until the April 22, 2003, Regular City Council Meeting; seconded by Council Member Morris.

Motion to defer this item until April 22, 2003, was approved by roll call vote.

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

### **NEW BUSINESS**

#### **ANNOUNCEMENT Regarding RALLY for MEMBERS of the UNITED STATES ARMED FORCES**

Council Member Nichting announced there would be a Rally for members of the United States Armed Forces on April 27, 2003, beginning at 2:00 P.M. located across from the Main Post Office on the corner of Water and State Streets. He said many members of the Armed Forces, who had just returned from their duties in the Persian Gulf, would be present. He added that a Blood Drive would also be held at the location from 2:00 P.M. until 4:00 P.M. He requested that this information be included in the information provided on the Channel 22 scroll.

#### **COMMENTS Regarding the PRESENTATION Made by the Police Department's N.E.A.T. PROGRAM**

Council Member Thetford commended the Police Department and their presentation at the East Bluff Neighborhood Associations Meeting last week. She said the presentation by Police Chief Stenson explained the N.E.A.T. (Neighborhood Enhancement Action Team) approach and she suggested that the presentation be made before the Council in the near future.

### **CITIZEN REQUESTS TO ADDRESS THE COUNCIL**

No one came forward to address the City Council.

### **EXECUTIVE SESSION**

**(03-207) Consideration of a Motion for the City Council to go into EXECUTIVE SESSION to Discuss 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 Nichting moved that the City Council go into Executive Session to Discuss 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: Gulley, Morris, Nichting, Sandberg, Spears, Teplitz, Thetford, Turner, Mayor Ransburg - 9;

Nays: None.

#### **ADJOURNMENT**

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

Approved by viva voce vote.

The Council Meeting adjourned at 6:50 P.M.

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

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