

(03-433)

**PAYMENT ESTIMATE FOR PUBLIC IMPROVEMENT
PROJECT: PHASE I CONSTRUCTION FOR CHARTER OAK
ROAD EXTENTION (Roadway embankment construction along
Charter Oak Road and along Big Hollow Road – North,
construction of a dual box culvert to carry the proposed Charter
Oak Road roadway extension over a Big Hollow Creek tributary,
staged construction of a two-span railroad bridge/ roadway
underpass carrying the existing UPRR dual mainline trackage over
the proposed Charter Oak Road roadway extension.) FREESEN,
INC. – PAY ESTIMATE #11: \$573,252.11; TOTAL
AUTHORIZATION APPROVED: \$573,252.11. (For Information
Only)**

This item was approved by roll call vote of 9 yeas; 0 nays under the
Omnibus Vote Designation as listed on the Consent Agenda.

7/29/03

26168

(03-434)

**PAYMENT ESTIMATE FOR PUBLIC IMPROVEMENT
PROJECTS: KNOXVILLE AVENUE – MT. HAWLEY
CONNECTOR ROAD (Construction of a new street between
Knoxville Ave. and Mt. Hawley Rd. 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 Dr.,
p.c.c. widening, bituminous base course, storm sewers, earthwork,
traffic signals, bituminous resurfacing & other misc. work.) R.A.
CULLINAN & SON, INC. – PAY ESTIMATE #5: \$252,402.89;
TOTAL AUTHORIZATION APPROVED: \$252,402.89. (For
Information Only)**

This item was approved by roll call vote of 9 yeas; 0 nays under the
Omnibus Vote Designation as listed on the Consent Agenda.

7/29/03

26168

(03-435)

**PAYMENT ESTIMATE FOR PUBLIC IMPROVEMENT
PROJECTS: US ROUTE 150 BRIDGE OVER ILLINOIS ROUTE
6 (Widening of existing structure, addition of drainage scuppers,
embankment, formed concrete repairs, epoxy crack sealing and
microsilica overlay.) OTTO BAUM COMPANY, INC. – PAY
ESTIMATE #10 & FINAL: \$21,303.01; TOTAL
AUTHORIZATION APPROVED: \$21,303.01. (For Information
Only)**

This item was approved by roll call vote of 9 yeas; 0 nays under the
Omnibus Vote Designation as listed on the Consent Agenda.

7/29/03

26169

(03-436)

**Communication from Director of Economic Development
Requesting Approval of the 2003 CONTRACTUAL AGREEMENT
Between the CITY OF PEORIA and ILLINOIS BUSINESS
FINANCIAL SERVICES, in the Amount of \$24,250.00.**

This item was removed from the Consent Agenda.

Council Member Gulley moved to approve the 2003 Contractual Agreement between the City of Peoria and Illinois Business Financial Service, as amended, in the amount of \$34,250.00; seconded by Council Member Turner.

Council Member Sandberg requested that the Council receive a copy of the quarterly reports for Illinois Business Financial Services for the last four quarters.

Motion to approve the 2003 Contractual Agreement between the City of Peoria and Illinois Business Financial Service, as amended, in the amount of \$34,250.00 was DEFEATED by roll call vote of 5 yeas; 3 nays.

Clerk's Note: The motion needed six affirmative votes in order to successfully pass.

Motion to approve the 2003 Contractual Agreement between the City of Peoria and Illinois Business Financial Service, in the amount of \$24,250.00 was approved by roll call vote of 8 yeas; 0 nays.

7/29/03

26170

(03-437)

**Communication from Director of Public Works Requesting
Approval of ADDENDUM NO. 2 to the AGREEMENT with
AmerenCILCO to PURCHASE REAL ESTATE for the KELLER
BRANCH RAILROAD CONNECTION PROJECT, and Requesting
Authorization for the Interim City Manager to Execute the
Necessary Documents**

This item was approved by roll call vote of 9 yeas; 0 nays under the
Omnibus Vote Designation as listed on the Consent Agenda.

7/29/03

26169

(03-438)

**Communication from Mayor David P. Ransburg Recommending
Approval of a RESOLUTION NO. 03-438 Amending Resolution No.
98-032 Pertaining to the WORKFORCE DEVELOPMENT BOARD
Changing the Terms of the Board from One Year to Three Years.**

RESOLUTION NO. 03-438 was approved by roll call vote of 9 yeas; 0
nays under the Omnibus Vote Designation as listed on the Consent
Agenda.

7/29/03

26169

(03-439)

**Communication from Interim Director of Planning and Growth
Management Recommending Adoption of an ORDINANCE
Approving an AMENDMENT to the FINAL PLAN of KNOXVILLE
POINTE PHASE III, a Multi-Family Residential Development
Located East of Northtrail Meadows Subdivision and West of
Knoxville Avenue, Along the South Side of Hickory Grove Road.
(Amends Ordinance No. 15,397)**

Council Member Nichting moved to defer this item for two weeks until the August 12, 2003, Regular City Council Meeting; seconded by Council Member Turner.

Motion to defer this item until August 12, 2003, was approved by roll call vote of 8 yeas; 0 nays.

7/29/03

26170

(03-440)

**Communication from Mayor David P. Ransburg Recommending
Concurrence in the APPOINTMENT to the GIS TECHNICAL
COMMITTEE:**

Patricia S. Landes

This item was approved by roll call vote of 9 yeas; 0 nays under the
Omnibus Vote Designation as listed on the Consent Agenda.

7/29/03

26169

(03-441)

REPORTS:

A. CITY TREASURER'S REPORT – June, 2003.

This item was approved by roll call vote of 9 yeas; 0 nays under the Omnibus Vote Designation as listed on the Consent Agenda.

7/29/03

26169

(03-442)

PRESENTATION by MR. TERRY KOHLBUSS of the TRI-COUNTY REGIONAL PLANNING COMMISSION Regarding ASPECTS of the PROPOSED WATER COMPANY ACQUISITION, with Recommendation to Receive and File.

Hearing no objections, Mayor Ransburg granted Privilege of the Floor to Mr. Terry Kohlbus.

In discussion with Council Member Nichting, Corporation Counsel Randy Ray indicated that the PAAG Agreement called for a 26 year bond.

Council Member Sandberg moved to receive and file the presentation; seconded by Council Member Turner.

Approved by roll call vote of 8 yeas; 0 nays.

7/29/03

26170-1

**Communication from Corporation Counsel Recommending
Approval of AmerenCILCO ELECTRIC SERVICE AGREEMENT
Pertaining to Lighting the MURRAY BAKER BRIDGE and
Requesting Authorization for the Interim City Manager to Execute
the Necessary Documents.**

Council Member Teplitz moved to approve the AmerenCILCO Electric Service Agreement pertaining to lighting the Murray Baker Bridge and authorize the Interim City Manager to execute the necessary documents; seconded by Council Member Turner.

Council Member Teplitz moved to grant Privilege of the Floor to those who wished to address this issue; seconded by Council Member Turner.

Ms. Joyce Blumenshine and Mr. Tom Edwards, who distributed a memo to the Council,

Council Member Thetford said these lights were a gift from AmerenCILCO and the agreement would be in effect for five years. She said thereafter, the agreement would be continued on a year-to-year basis, unless there was a written notice to terminate.

In discussion, it was pointed out that the City would be responsible for relamping.

Motion to approve the AmerenCILCO Electric Service Agreement pertaining to lighting the Murray Baker Bridge and authorize the Interim City Manager to execute the necessary documents was approved by roll call vote of 7 yeas; 1 nay.

(03-444)

Communication from Interim Director of Planning and Growth Management Recommending Approval of a RESOLUTION Approving the Preliminary Plan for WILLIAMSBURG OAKS TOWNHOUSES, a Multi-Family Residential Development Located NORTH of ILLINOIS ROUTE 150 (WAR MEMORIAL DRIVE) and EAST of GLOUCESTER COURT, with Conditions.

Interim Director of Planning and Growth Management Pat Landes distributed a copy of a replacement communication and Resolution to all members of the City Council.

Council Member Nichting moved to approve the replacement Resolution approving the Preliminary Plan for Williamsburg Oaks Townhouses, a Multi-Family Residential Development Located North of Illinois Route 150 (War Memorial Drive) and East of Gloucester Court, with conditions; seconded by Council Member Turner.

RESOLUTION NO. 03-444 was approved by roll call vote of 8 yeas; 0 nays.

7/29/03

26172

**Communication from Council Member Patrick Nichting
Recommending Approval of a MORATORIUM ON THE
ISSUANCE OF ANY ADULT USE LICENSES (SEXUALLY
ORIENTED BUSINESSES) To Remain in Effect No Longer Than
One Year While the City Reviews Appropriate Controls on All Adult
Use Licenses to Include Location, Appropriate Liquor Licenses,
Hours of Operation, Distance from Other Similar Businesses, Other
Businesses, Residential Zoned Property, Schools, Churches, Day
Care Centers and Other Appropriate Control Issues.**

Corporation Counsel Randy Ray distributed a communication and an Ordinance declaring a Moratorium on the Issuance of Adult Business Licenses to all members of the City Council.

Council Member Nichting moved to grant Privilege of the Floor to those who wished to address this issue; seconded by Council Member Turner.

Ms. Sandra Fritz, 2449 W. Imperial Drive, distributed a letter to the Council and a binder regarding Sexually Oriented Business Land Use Studies to all members of the Council.

Council Member Nichting moved to accept the Petitions bearing 483 signatures supporting ordinances to be written and enforced regarding sexually oriented businesses, escort and escort services, massage establishments and practitioners into the permanent record; seconded by Council Member Grayeb.

No objections were heard.

Mr. Merl Widmer and Mrs. C. J. Hughes, Attorney representing Dave Remington and Scott Wood in their efforts to obtain an adult use license for their bar and restaurant on north University in Peoria. He provided a copy of his letter to the council.

Council Member Nichting moved to defer this item for two weeks until the August 12, 2003, Regular City Council Meeting. No second was heard.

Council Member Nichting moved to adopt the Ordinance declaring a sixty-day moratorium on the issuance of Adult Business Licenses; seconded by Council Member Thetford.

Council Member Sandberg said he had performed professional work at the applicant's location on North University, and he had been contacted by the current owners and operators that if a license was granted, he would be considered for additional architectural design services. He said, based on that expectation of future work, he brought it to the attention of the Corporation Counsel, and it was ruled that he could speak on this issue.

**Communication from Council Member Patrick Nichting
Recommending Approval of a MORATORIUM ON THE
ISSUANCE OF ANY ADULT USE LICENSES (SEXUALLY
ORIENTED BUSINESSES) To Remain in Effect No Longer Than
One Year While the City Reviews Appropriate Controls on All Adult
Use Licenses to Include Location, Appropriate Liquor Licenses,
Hours of Operation, Distance from Other Similar Businesses, Other
Businesses, Residential Zoned Property, Schools, Churches, Day
Care Centers and Other Appropriate Control Issues.**

Council Member Thetford stated she did not agree with the ruling that Council Member Sandberg should be allowed to speak to this issue because she felt it was a conflict of interest.

Motion to adopt the Ordinance declaring a sixty-day moratorium on the issuance of Adult Business Licenses was DEFEATED by roll call vote of 4 yeas; 4 nays.

Clerk's Note: The motion needed six affirmative votes in order to successfully pass.

7/29/03

26172-4

(03-415)

Communication from Corporation Counsel Recommending Adoption of an ORDINANCE Amending CHAPTER 18 of the Code of the City of Peoria Relating to ADULT BUSINESSES, and with Recommendation to Receive and File the REPORT BACK.

Following a brief explanation, Council Member Teplitz moved to adopt the Ordinance amending Chapter 18 of the Code of the City of Peoria relating to Adult Businesses, and receive and file the report back; seconded by Council Member Nichting.

In discussion with Council Member Teplitz, Corporation Counsel Randy Ray explained the proposed Ordinance would require any adult oriented business who wished to have a liquor license to have a Class A liquor license, which would prevent people under the age of 21 from patronizing the establishment. He said it would also face the reality of the situation that such an establishment would be extremely unlikely to meet the requirements for a restaurant liquor license. He said it had been indicated by the one adult cabaret license in the City, which had a kitchen and served food, that the establishment did not meet the Class B or Class B-1 liquor license requirements. He said, it was his opinion, it was reasonable that the City of Peoria could require a Class A license for those wishing to sell liquor.

Motion to adopt the Ordinance amending Chapter 18 of the Code of the City of Peoria relating to Adult Businesses, and receive and file the report back was DEFEATED by roll call vote of 4 yeas; 4 nays.

Clerk's Note: The motion needed six affirmative votes in order to successfully pass.

7/29/03

26172-4

Communication from Interim Director of Planning and Growth Management Recommending DEFERRAL OF THE FOLLOWING UNTIL THE AUGUST 12, 2003, REGULAR CITY COUNCIL MEETING:

- B. ORDINANCE ANNEXING Territory Contiguous to the City of Peoria – Approximate Address of 7800 NORTH ROUTE 91, Immediately South of a Five -Acre Parcel Previously Annexed;**
- C. ORDINANCE Rezoning a 15-ACRE SHOPPING CENTER for the Property Located at the NORTHEAST CORNER of the INTERSECTION of ROUTE 91 and WAR MEMORIAL DRIVE from the Present Class A-2 (Agriculture) District in the County to a Class C-2 (Large Scale Commercial) District and Granting a SPECIAL USE.**

Council Member Nichting moved to defer these items until the August 12, 2003, Regular City Council Meeting; seconded by Council Member Grayeb.

Motion to defer these items until August 12, 2003, was approved by roll call vote of 8 yeas; 0 nays.

7/29/03

26175

Communication from Interim Director of Planning and Growth Management with Recommendation from the Zoning Commission to APPROVE and Recommendation from City Staff to DENY Adoption of an ORDINANCE Rezoning Property at 2610 N. KNOXVILLE AVENUE from the Present Class O-1 (Arterial Office) District to a Class R-4 (Single Family Residential) District and Granting a SPECIAL USE for a DAY CARE CENTER.

Council Member Thetford moved to Table this item; seconded by Council Member Nichting.

Motion to Table was approved by roll call vote of 8 yeas; 0 nays.

7/29/03

26175

Communication from Interim Director of Planning and Growth Management with Recommendation from the Zoning Commission to APPROVE and Recommendation from City Staff to DENY Adoption of an ORDINANCE Rezoning Property Located at 3312 N. UNIVERSITY AVENUE, from the Present Class R-3 (Single Family Residential) District to a Class C-1 (General Commercial) District and Class P-1 (Parking) District.

Council Member Sandberg said he would be abstaining from the vote due to a professional relationship with the Petitioner.

Council Member Teplitz moved to concur with the Zoning Commission to adopt the Ordinance rezoning property located at 3312 N. University Avenue from the Present Class R-3 (Single Family Residential) District to a Class C-1 (General Commercial) District and Class P-1 (Parking) District; seconded by Council Member Turner.

ORDINANCE NO. 15,505 was approved by roll call vote of 7 yeas; 0 nays; 1 abstention.

7/29/03

26175

**REMINDER of NATIONAL NIGHT OUT AGAINST CRIME –
AUGUST 5, 2003**

Council Member Thetford reminded citizens that the Council Meeting was canceled for Tuesday, August 5, 2003, so the Council could attend National Night Out Against Crime events in neighborhoods. She encouraged citizens to attend events in their neighborhoods.

7/29/03

26176

CITIZEN REQUESTS TO ADDRESS THE COUNCIL

No citizen came forward to address the Council.

7/29/03

26176

(03-446)

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 Thetford 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 of 8 yeas; 0 nays.

7/29/03

26176