

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

Council Chambers, Peoria, Illinois, January 23, 2001, a Regular Meeting of the City Council was held this date at 6:17 P.M., at City Hall, 419 Fulton Street, Mayor Lowell G. Grieves presiding.

ROLL CALL

Roll call showed the following Council Members present: Ardis, Duncan, Gibson, Grayeb, Morris (arrived at 6:20 P.M.), Nichting, Sandberg, Spears, Thetford, Turner, Mayor Grieves – 11; Absent: None.

INVOCATION & PLEDGE OF ALLEGIANCE

Mayor Grieves requested a moment of silent prayer, and then led the Pledge of Allegiance.

WORD OF THE WEEK “INGENUITY”**PROCLAMATIONS, COMMENDATIONS, ETC.**

PROCLAMATION: THE CHILDREN’S HOME: TEEN REACH COMMUNITY DAY –
January 24, 2001

PROCLAMATION: CRITTENTON CENTERS & CRISIS NURSERY

GOVERNOR APPOINTMENT AND RECOGNITION OF PEORIA FIRE CHIEF ERNIE RUSSELL BEING NAMED THE STATE FIRE MARSHAL

Council Member Nichting congratulated Fire Chief Ernie Russell on his appointment, by the Governor, to the position of State Fire Marshal. Mayor Grieves agreed and, on behalf of the Council, wished Chief Russell well in his new position.

MINUTES

Council Member Nichting moved to approve the Minutes of the Executive Sessions and the Regular City Council Meeting held on January 16, 2001, as printed; seconded by Council Member Turner.

Approved by roll call vote.

Yeas: Ardis, Duncan, Gibson, Grayeb, Morris, Nichting, Sandberg, Spears, Thetford, Turner,
Mayor Grieves – 11;

Nays: None.

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

(01-034) **PAYMENT ESTIMATE FOR PUBLIC IMPROVEMENT PROJECT: R. B. GARRETT AVENUE WIDENING IMPROVEMENT (RICHARD ALLEN DRIVE TO WILLIAM KUMPF BLVD) (Widening existing pavement on Garrett Avenue to 55’; New combination concrete curb & gutter, p.c.c. drives and sidewalks; New storm sewers; Replacing existing street lights with combination ornamental/street lighting system; Widening intersection approach at Kumpf Blvd. To match existing pavement; modifying existing traffic signals for new intersection width; and Landscaping parkway with trees and sod.) – R. A. CULLINAN & SON, INC.; PAY ESTIMATE #11: \$45,058.63; TOTAL AUTHORIZATION APPROVED: \$45,058.63. (For Information Only)**

- (01-035) Communication from Director of Public Works Requesting Approval to Spend \$25,000.00 (of which \$12,500.00 will be Reimbursed by the Greater Peoria Sanitary District), for the NEW COUNTY TRANSMISSION TOWER to Support the GLOBAL POSITIONING SYSTEM (GPS).
- (01-036) Communication from Corporation Counsel Requesting authorization to RETAIN the FIRM of CHAPMAN & CUTLER as BOND COUNSEL for the City for the Calendar Years of 2001, 2002 and 2003.
- (01-037)
* Communication from Director of Public Works Requesting Approval of an MFT RESOLUTION, in the Amount of \$70,000.00, and Receive and File the Communication and the ENGINEERING SERVICES CONTRACT with RANDOLPH & ASSOCIATES, INC. Regarding the JEFFERSON STREET RELOCATION for the MINOR LEAGUE DOWNTOWN BASEBALL STADIUM PROJECT.
- (01-038) Communication from Director of Planning and Growth Management with ORDINANCE NO. 15,080 Rezoning Property Located at 1310 N. E. MONROE STREET from the Present Class R-6 District (Multi-Family Residential) to a Class P-1 District (Parking).
- (01-039)
** Communication from Director of Planning and Growth Management with ORDINANCE Rezoning Property Located at 1000 W. TRAILCREEK DRIVE from the Present Class I-2 District (Railroad/Warehouse Industrial) to a Class R-6 District (Multi-Family Residential).
- (01-040) Communication from Director of Planning and Growth Management with ORDINANCE NO. 15,081 Granting a SPECIAL USE in a Class R-4 District (Single Family Residential) for CHURCH FACILITIES to Include a PARISH GARAGE and STORAGE BUILDING for Property Located at 509 E. KANSAS STREET.
- (01-041) APPOINTMENT by Mayor Lowell G. Grieves to the PEORIA HOUSING AUTHORITY BOARD OF DIRECTORS:

Ms. Regina Brown

- (01-042) REAPPOINTMENT by Mayor Lowell G. Grieves to the PEORIA AREA CONVENTION AND VISITORS BUREAU BOARD:

Mr. Bradley S. McMillan

- (01-043) REPORTS:

1. CITY TREASURER'S REPORT – DECEMBER, 2000.

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

Council Member Nichting and Council Member Sandberg requested that Item No. 01-037 be removed from the Consent Agenda for further discussion.

Council Member Nichting requested that Item No. 01-039 be removed from the Consent Agenda for further discussion.

Item Nos. 01-034 through 01-043, excluding Item Nos. 01-037 and 01-039 (which were removed from the Consent Agenda for further discussion) were approved by roll call vote under the Omnibus Vote Designation.

Yeas: Ardis, Duncan, Gibson, Grayeb, Morris, Nichting, Sandberg, Spears, Thetford, Turner, Mayor Grieves – 11;

Nays: None.

**(01-037) Communication from Director of Public Works Requesting Approval of an MFT
* RESOLUTION, in the Amount of \$70,000.00, and Receive and File the
 Communication and the ENGINEERING SERVICES CONTRACT with
 RANDOLPH & ASSOCIATES, INC. Regarding the JEFFERSON STREET
 RELOCATION for the MINOR LEAGUE DOWNTOWN BASEBALL STADIUM
 PROJECT.**

Director of Public Works Steve Van Winkle distributed a replacement communication listing a new funding account number to all members of the City Council.

Council Member Nichting said he would be abstaining from discussion and voting due to his ownership of property in the vicinity of the Downtown Stadium site.

In discussion with Council Member Sandberg regarding the contract and whose responsibility it was to communicate with the businesses along Jefferson Street about closing of certain access points, Director of Public Works Steve Van Winkle confirmed that it was the City's responsibility to discuss these issues with the businesses.

Council Member Sandberg requested a Report Back regarding the status of the planning and implementation stages for Adams Street, and the changes in traffic that would be necessary with the closure of State Street.

Council Member Sandberg moved to approve the MFT Resolution, in the amount of \$70,000.00, and receive and file the communication and the Engineer Services Contract with Randolph & Associates, Inc. regarding the Jefferson Street relocation for the Minor League Downtown Baseball Stadium Project; seconded by Council Member Ardis.

Motion to approve MFT RESOLUTION NO. 01-037, in the amount of \$70,000.00, and receive and file the communication and the Engineer Services Contract with Randolph & Associates, Inc. regarding the Jefferson Street relocation for the Minor League Downtown Baseball Stadium Project was approved by roll call vote.

Yeas: Ardis, Duncan, Gibson, Grayeb, Morris, Sandberg, Spears, Thetford, Turner, Mayor Grieves – 10;

Nays: None;

Abstention: Nichting - 1.

**(01-039) Communication from Director of Planning and Growth Management with
** ORDINANCE Rezoning Property Located at 1000 W. TRAILCREEK DRIVE from
 the Present Class I-2 District (Railroad/Warehouse Industrial) to a Class R-6
 District (Multi-Family Residential).**

Council Member Nichting moved to defer this item for one week until the January 30, 2001, Regular City Council Meeting; seconded by Council Member Sandberg.

Motion to defer this item until January 30, 2001, was approved by roll call vote.

Yeas: Ardis, Duncan, Gibson, Grayeb, Morris, Nichting, Sandberg, Spears, Thetford, Turner, Mayor Grieves – 11;

Nays: None.

(01-044) Communication from Director of Planning and Growth Management with Historic Preservation Commission Recommendation to Adopt the ORDINANCE Approving the DESIGNATION of PROPERTY Generally Bounded by COLUMBIA TERRACE, MAIN STREET, NORTH STREET, and the ALLEY WEST OF ELLIS STREET (Excluding Properties Addressed from Main and North Streets, and Mahlon Court), as a LOCAL HISTORIC DISTRICT.

Following a brief comment, Council Member Gibson moved to adopt the Ordinance approving the designation of property generally bounded by Columbia Terrace, Main Street, North Street, and the Alley West of Ellis Street (excluding properties addressed from Main and North Streets and Mahlon Court), as a Local Historic District; seconded by Council Member Grayeb.

Hearing no objections, Mayor Grieves granted Privilege of the Floor to those who wished to address this issue.

Ms. Kathleen Teegarden, 1102 N. Flora, spoke on behalf of the Flora Ellis Neighborhood Association. She urged the Council to approve the designation of this neighborhood as a Historic District. She discussed the neighborhood's desire to preserve a piece of Peoria's history.

Council Member Turner said he would be supporting this issue because he supported the neighborhood's desire, but he expressed concern that homeowners in the area may not fully understand all the implications of the change pertaining to exterior improvements.

Mr. James Bateman, Member of the Peoria Historic Preservation Commission, explained the Commission's recommendations regarding exterior improvements, such as siding and the width of siding. He said the Commission welcomed homeowners' questions and would be glad to advise them regarding exterior improvements. He said the Commission looked forward to working with the neighborhood.

Mr. Thomas Sturdivant, 503 W. Columbia Terrace, discussed the improvements he made to his home and the time consuming effort of matching wood for the project. He said the Historic Commission had rules and regulations that needed to be followed that most homeowners did not know about. He expressed concern that the designation would raise taxes and cause extra expense for the residents in the neighborhood.

Mr. Bateman explained if taxes were raised, it was because of neighborhood improvements, not because of a historic designation.

Motion to adopt ORDINANCE NO. 15,082 approving the designation of property generally bounded by Columbia Terrace, Main Street, North Street, and the Alley West of Ellis Street (excluding properties addressed from Main and North Streets and Mahlon Court), as a Local Historic District was adopted by roll call vote.

Yeas: Ardis, Duncan, Gibson, Grayeb, Morris, Nichting, Sandberg, Spears, Thetford, Turner, Mayor Grieves – 11;

Nays: None.

(01-045) Communication from Director of Planning and Growth Management with ORDINANCE Granting a SPECIAL USE in a Class C-1 District (General Commercial) for MOTOR VEHICLE RENTAL for Property Located at 3212 N. UNIVERSITY STREET, with Conditions

Council Member Gibson moved to adopt the Ordinance granting a Special Use in a Class C-1 District (General Commercial) for Motor Vehicle Rental for property located at 3212 N. University Street, with conditions; seconded by Council Member Nichting.

Motion to adopt ORDINANCE NO. 15,083 granting a Special Use in a Class C-1 District (General Commercial) for Motor Vehicle Rental for property located at 3212 N. University Street, with conditions was adopted by roll call vote.

Yeas: Ardis, Duncan, Gibson, Grayeb, Morris, Nichting, Sandberg, Spears, Thetford, Turner, Mayor Grieves – 11;

Nays: None.

(01-046) CITY MANAGER REPORT TO CITY COUNCIL.

Council Member Sandberg moved to receive and file the City Manager Report to City Council; seconded by Council Member Duncan.

In discussion with Council Member Sandberg regarding memorandums of understanding with various partners, Director of Workforce Development Bashir Ali stated the two- to five-year process began approximately six months ago. He explained the various phases of the project and that some partners had already made commitments for space. He said the State was committed to make sure there was equitable cost sharing. He added that some agencies differed in their ability to participate in the process and the State team would be visiting local areas.

Motion to receive and file the City Manager Report to City Council was approved by roll call vote.

Yeas: Ardis, Duncan, Gibson, Grayeb, Morris, Nichting, Sandberg, Spears, Thetford, Turner, Mayor Grieves – 11;

Nays: None.

(01-047) Communication from At-Large Council Member Gary V. Sandberg with RESOLUTION Authorizing an ADVISORY REFERENDUM be Submitted to the Voters Regarding the Question of ACQUIRING the LOCAL WATER WORKS.

Council Member Sandberg explained the intent to place an advisory referendum regarding the City's acquisition of the local water company on the April 3, 2001, ballot and use the voice of the voters as a barometer. He said he felt the legality issues were separate matters. He said the Council would not have to react to a vote on this issue immediately, and they could follow through with the continuation of the legal process. He said he felt this would be the most cost effective time for a referendum.

Mayor Grieves said he disagreed with the timing of a referendum on the water company buyout issue. He questioned the fairness to the voters because the facts and options were still unknown, and would still be unknown on April 3, 2001. He added that appraisals still needed to be conducted for a cost benefit analysis.

Hearing no objections, Mayor Grieves granted Privilege of the Floor to those who wished to address this issue.

Mr. Jack Teplitz, 240 N. E. Randolph, expressed concern that the only party who would benefit from a referendum would be the water company. He said he felt the water company would launch an advertising campaign to gain support for their view of the matter. He said he did not feel the City had enough information at this point to make a recommendation or any kind of a decision. He said if the outcome of a referendum was ignored by the Council, it would be an insult to the voters. He said the Council should be able to make a decision regarding this issue without an advisory referendum.

Mr. Terry Kohlbus, 3920 Paramount in Bartonville, stated the economic health of the region and was tied to the economic health of the City. He said he had worked on the plan for the City to purchase the water company since 1994. He said the Pekin water company referendum worked out well, but the City did not cause the referendum. He indicated he did not feel it would be in the best interest of the City or the citizens to force a vote before the facts were known. He added he anticipated that when the facts were known, the decision would be an easy one.

Several Council Members spoke in opposition to a referendum vote on April 3rd due to the lack of information that was available to the City and the citizens.

Council Member Sandberg moved to approve the Resolution authorizing an advisory referendum be submitted to the voters regarding the question of acquiring the local water works; seconded by Council Member Ardis.

Council Member Turner referred to the agreement with P.A.A.G., and he questioned how a referendum that swayed the Council to back away from the water company buyout, would affect the City's liability.

Mr. Kohlbus said if the City Council prematurely closed the water buyout process, the City would have to pay back to P.A.A.G. the amount they had spent so far on the fact finding process, plus 9% interest. He estimated the range to be about \$300,000 or more to date.

Council Member Morris presented a number of scenarios in relationship to the P.A.A.G. agreement, the City and a proposed referendum.

Corporation Counsel Randy Ray explained the City's position and liability in each scenario. He said this would not be a binding resolution. He added the earliest the City would be able to move forward with the purchase of the water company, if the City decided to do so, would be after a six month appraisal process following the final appeal. He said he did not know how many appeals there would be.

Council Member Ardis spoke in support and he said a referendum vote would give him a feeling on how the citizens felt about the water company issue. He suggested that neither party launch an advertising campaign to sway the voters, but provide a public forum for each side to make a presentation.

In discussion with Council Member Spears, Mr. Ray explained that there was a restriction on municipalities spending money on campaigning. He said municipalities could spend money on educational materials.

In further discussion, Mr. Ray said that legal fees could mount up during the appeal process and could impact the budget for the water company buyout.

Motion to approve the Resolution authorizing an advisory referendum be submitted to the voters regarding the question of acquiring the local water works was DEFEATED by roll call vote.

Yeas: Ardis, Nichting, Sandberg, Spears – 4;

Nays: Duncan, Gibson, Grayeb, Morris, Thetford, Turner, Mayor Grieves – 7.

UNFINISHED BUSINESS

(00-844) DISCUSSION Regarding CUSTOMER SERVICE Provided by CILCO.

Council Member Grayeb expressed concern regarding some problems with CILCO service in relation to burned out street light bulbs, traffic light bulbs, etc.

Director of Public Works Steve Van Winkle said he held a meeting with representatives from CILCO and the response from them had been encouraging.

Hearing no objections, Mayor Grieves granted Privilege of the Floor to Mr. Neal Johnson.

Mr. Neal Johnson, representing CILCO, discussed the transition of CILCO in the past several years. He explained the reorganization of the division responsible for service and maintenance for the City. He said customer service would be provided from one unit, rather than a split unit. He said he felt this would allow CILCO to service their customers in a better fashion.

Discussion was also held regarding the high cost of present utility bills. It was suggested that CILCO form a task force and be more lenient regarding payment by those, not only in lower income brackets, but also those in middle income brackets and businesses. It was pointed out that the Township Relief Office provided a one time payment to CILCO, in the amount of \$300.00, for income eligible families.

Mr. Johnson said CILCO understood that the national energy crisis was impacting everyone. He said CILCO was lobbying to secure more funds and had been successful with the Governor to increase the qualifying eligibility so people of a higher level of low income would qualify. He added CILCO had obtained 25,000 winter weatherization kits that would also help low income families. He said they were still working on better payment plans and assistance for all customers.

NEW BUSINESS

ANNOUNCEMENT Regarding FREE TAX SERVICE

Council Member Turner announced that the Center for Law and Human Services would fund free tax service for families with income under \$31,500 and individuals with income under \$15,000. He said this service would be provided every Tuesday (5:00 P.M. to 7:00 P.M.), Friday (5:00 P.M. to 7:00 P.M.) and Saturday (10:00 A.M. to 1:00 P.M.) from January 27, 2001, to April 14, 2001, at Carver Center located at 710 W. Third Street.

CITIZEN REQUESTS TO ADDRESS THE COUNCIL

No citizens came forward to speak.

EXECUTIVE SESSION

(01-048) Consideration of a Motion for the City Council to go into EXECUTIVE SESSION to Discuss 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)(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)(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)(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 Ardis.

Approved by roll call vote.

Yeas: Ardis, Duncan, Gibson, Grayeb, Morris, Nichting, Sandberg, Spears, Thetford, Turner,
Mayor Grieves – 11;

Nays: None.

ADJOURNMENT

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

Approved by viva voce vote.

The Council Meeting adjourned at 8:30 P.M.

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

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