

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

Council Chambers, Peoria, Illinois, February 20, 2001, a Regular Meeting of the City Council was held this date at 6:15 P.M., at City Hall, 419 Fulton Street, Mayor Pro Tem Gale Thetford presiding.

ROLL CALL

Roll call showed the following Council Members present: Ardis, Gibson, Grayeb, Morris, Nichting, Sandberg, Spears, Turner, Mayor Pro Tem Thetford – 9; Absent: Duncan, Mayor Grieves – 2.

INVOCATION & PLEDGE OF ALLEGIANCE

Mayor Pro Tem Thetford requested a moment of silent prayer, and then led the Pledge of Allegiance.

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

PROCLAMATION: NATIONAL PATRIOTISM WEEK – February 18-24, 2001

Council Member Morris left the Council Chambers.

MINUTES

Council Member Nichting moved to approve the minutes of the Regular City Council Meeting held on February 6, 2001, and the Executive Sessions held on January 30 and February 6, 2001, as printed; seconded by Council Member Turner.

Approved by roll call vote.

Yeas: Ardis, Gibson, Grayeb, Nichting, Sandberg, Spears, Turner, Mayor Pro Tem Thetford - 8;

Nays: None.

Council Member Morris returned to the Council Chambers.

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

(01-087) NOTICE OF LAWSUIT on Behalf of ELM ENTERPRISES, L.L.C. Regarding an
* Alleged Violation of the Tax Increment Allocation Redevelopment Act and the Property Designated for the Downtown Stadium.

(01-088) TAG DAY REQUEST from THE AMERICAN LEGION POST #2 Requesting
Permission to Distribute POPPIES TO THE PUBLIC FOR DONATIONS on May
17, 2001, with a Rain Date of May 18, 2001. (Dates are open)

(01-089) BIDS for FIRE STATION #16 ROOF REPLACEMENT, Recommending the
Low Bid of LW THOMAS ROOFING COMPANY, in the Amount of \$37,768.00.

- (01-090) **PAYMENT ESTIMATE FOR PUBLIC IMPROVEMENT PROJECT: P.C.C. PAVEMENT REPAIR AND CRACK SEALING – N. UNIVERSITY STREET (W. GLEN AVENUE TO NORTHMOOR ROAD) (Partial & Full Depth P.C.C. Pavement Patches and Sleeper Slab Expansion Joint Installation, with Some Curb, Median, and Sidewalk Removal and Replacement.) – FREESEN, INC. – PAY ESTIMATE #6 & FINAL: \$6,040.84; TOTAL AUTHORIZATION APPROVED: \$6,040.84. (For Information Only)**
- (01-091) **PAYMENT ESTIMATE FOR PUBLIC IMPROVEMENT PROJECT: N. E. MONROE STREET ROADWAY IMPROVEMENT PROJECT (Spring Street to Abington Street) (Removing existing curb, sidewalk, and driveway approaches; constructing concrete sidewalks, combination curb and sidewalks and driveway pavement; and a bituminous concrete pavement overlay.) FREESEN, INC. – PAY ESTIMATE #4: \$26,010.25; TOTAL AUTHORIZATION APPROVED: \$26,010.25. (For Information Only)**
- (01-092) **Communication from Director of Economic Development Requesting Approval of the SETTLEMENT OFFER for 701 S. W. ADAMS, in the Amount of \$125,000, in the Area of the DOWNTOWN STADIUM PROJECT SITE, and Authorize the City Manager to Execute the Necessary Documents for the Acquisition.**
**
- (01-093) **Communication from Interim Fire Chief Requesting Approval of a SOLE SOURCE PURCHASE of PRINTING THE 2000 ANNUAL REPORT, by MULTI-AD SERVICES, INC., in the Amount of \$4,950.00.**
- (01-094) **Communication from Director of Public Works Requesting Approval of the PURCHASE of SIGN POSTS AND ANCHORS from UNISTRUT DISTRIBUTION COMPANY, in the Amount of \$22,376.00.**
- (01-095) **Communication from ESDA Director and Director of Planning and Growth Management Requesting Authorization for the City Manager to Execute a LEASE AGREEMENT with NEXTEL PARTNERS for a MONOPOLE TOWER to be Located on City Property at 2001 W. ALTORFER DRIVE.**
- (01-096) **Communication from ESDA Director and Director of Planning and Growth Management Requesting Authorization for the City Manager to Execute a LEASE AGREEMENT with NEXTEL PARTNERS for a MONOPOLE TOWER to be Located on City Property at the ESDA COMPLEX at 3615 N. GRANDVIEW DRIVE.**
- (01-097) **Communication from Director of Economic Development Requesting Approval to Select PECKHAM, GUYTON, ALBERS & VIETS, INC. as the Contractor, Authorization for Staff to Negotiate a CONTRACT not to Exceed \$65,000, and Authorization for the City Manager to Execute the Contract and Authorize the Contractor to Proceed.**

- (01-098) **Communication from Director of Public Works Requesting Approval of the JOINT AGREEMENT with IDOT for the IMPROVEMENTS to EXISTING TRAFFIC SIGNALS on WASHINGTON STREET, from STATE STREET to HAMILTON BOULEVARD.**

- (01-099) **Communication from Director of Public Works Requesting Authorization to GRANT a SANITARY SEWER EASEMENT to the GREATER PEORIA SANITARY DISTRICT Across City-Owned Property on the RIVER SIDE of WATER STREET, Between Harrison Street and Franklin Street, and Authorization for the City Manager to Execute the Easement.**
- (01-100) **Communication from Director of Public Works Requesting Authorization to GRANT a WATER MAIN EASEMENT to the ILLINOIS AMERICAN WATER COMPANY Across City-Owned Property on the RIVER SIDE of WATER STREET, Between Harrison Street and Franklin Street, and Authorization for the City Manager to Execute the Easement.**
- (01-101) **Communication from Director of Public Works with ORDINANCE NO. 15,091 Providing for the IMPROVEMENT of MICHELE LANE (from Teton Drive to Kimberly Drive).**
- (01-102) **Communication from Director of Planning and Growth Management Recommending Adoption of the Following:**
- A. **ORDINANCE NO. 15,092 Accepting the DEDICATION OF RIGHT-OF-WAY Along RHONDA WAY Located Within LOTS 15 AND 16 of NORTHRIDGE MEADOWS SUBDIVISION, in the City of Peoria;**
- B. **ORDINANCE NO. 15,093 to VACATE RIGHT-OF-WAY at the END OF RHONDA WAY Located WITHIN NORTHRIDGE MEADOWS SUBDIVISION in the City of Peoria.**
- (01-103) **Communication from Director of Planning & Growth Management with ORDINANCE NO. 15,094 Approving the FINAL PLAT of PIONEER TRADE CENTER, SECTION TWO, an OFFICE/INDUSTRIAL SUBDIVISION Located at 9000 NORTH PRAIRIE POINTE.**
- (01-104) **Communication from Director of Planning & Growth Management with ORDINANCE NO. 15,095 Granting a SPECIAL USE in a Class C-2 District (Large Scale Commercial) for a SPECIAL PERMIT for a MARQUEE SIGN for Property Located at 915 N. E. ADAMS STREET.**
- (01-105) **Communication from Director of Planning and Growth Management with ORDINANCE NO. 15,096 Granting a SPECIAL USE in a Class C-1 District (General Commercial) for a SPECIAL PERMIT for a ROOFTOP SIGN for Property Located at 7308 N. UNIVERSITY STREET.**
- (01-106) **Communication from Director of Public Works Requesting Authorization to INCREASE the INTENSITY of EXISTING LIGHTING in an Area that Begins at STEUBENVILLE, and is BOUNDED by KETTELLE, LOUISA, HOWETT, and WESTERN, Per a Request from COMMON PLACE NEIGHBORHOOD ASSOCIATION.**
- (01-107) **Communication from Director of Public Works Requesting the Issuance of a RIGHT-OF-WAY USAGE PERMIT Stipulating No Other Encroachments in the Right-of-Way, and Requesting the Installation of a FENCE AND GATES in the ALLEY BEHIND A. MILLER & COMPANY SCRAP YARD, Located at 1612 S. W. ADAMS STREET, with a Stipulation that the Permittee would be Required to Remove the Fence and Restore the Right-of-Way to its Original Condition within 30 Days upon Notice from the City.**

- (01-108) **Communication from Corporation Counsel Regarding a REPORT on BILLS SUBMITTED TO PAAG for Payment.**
- (01-109) **Communication from President of the Board of ArtsPartners of Central Illinois**
**** **with a REPORT TO THE CITY COUNCIL dated February, 2001.**

(01-110) **REPORTS:**

A. CITY TREASURER'S REPORT – January, 2001.

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

Council Member Nichting requested that Item No. 01-087 be removed from the Consent Agenda for further discussion.

Council Member Nichting and Council Member Turner requested that Item No. 01-092 be removed from the Consent Agenda for further discussion.

Council Member Sandberg requested that Item No. 01-097 be removed from the Consent Agenda for further discussion.

Council Member Gibson requested that Item No. 01-109 be removed from the Consent Agenda for further discussion.

Item Nos. 01-087 through 01-110 (excluding Item Nos. 01-087, 01-092, 01-097 and 01-109 which were removed from the Consent Agenda for further discussion) were approved by roll call vote under the Omnibus Vote Designation.

Yeas: Ardis, Gibson, Grayeb, Morris, Nichting, Sandberg, Spears, Turner,
 Mayor Pro Tem Thetford - 9;

Nays: None.

- (01-087) **NOTICE OF LAWSUIT on Behalf of ELM ENTERPRISES, L.L.C. Regarding an**
* **Alleged Violation of the Tax Increment Allocation Redevelopment Act and the**
 Property Designated for the Downtown Stadium.

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.

Council Member Turner moved to receive and file the lawsuit on behalf of Elm Enterprises, L.L.C. regarding an alleged violation of the Tax Increment Allocation Redevelopment Act and the property designated for the Downtown Stadium; seconded by Council Member Grayeb.

Approved by roll call vote.

Yeas: Ardis, Gibson, Grayeb, Morris, Sandberg, Spears, Turner, Mayor Pro Tem Thetford - 8;

Nays: None;

Abstention: Nichting – 1.

- (01-092) **Communication from Director of Economic Development Requesting Approval of**
** **the SETTLEMENT OFFER for 701 S. W. ADAMS, in the Amount of \$125,000, in**
 the Area of the DOWNTOWN STADIUM PROJECT SITE, and Authorize the
 City Manager to Execute the Necessary Documents for the Acquisition.

Council Member Turner moved to table this item; seconded by Council Member Sandberg.

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.

Following a recommendation from Corporation Counsel Randy Ray, Council Member Turner moved for a substitute motion to defer this item for one week until the February 27, 2001, Regular City Council Meeting; seconded by Council Member Grayeb.

Motion to defer this item until February 27, 2001, was approved by roll call vote.

Yeas: Ardis, Gibson, Grayeb, Morris, Sandberg, Spears, Turner, Mayor Pro Tem Thetford - 8;

Nays: None;

Abstentions: Nichting - 1.

**(01-097) Communication from Director of Economic Development Requesting Approval to
*** Select PECKHAM, GUYTON, ALBERS & VIETS, INC. as the Contractor,
 Authorization for Staff to Negotiate a CONTRACT not to Exceed \$65,000, and
 Authorization for the City Manager to Execute the Contract and Authorize the
 Contractor to Proceed.**

Council Member Sandberg stated that fourteen proposals had been mailed to planning consultants, but the City had received only two proposals. He said one of the two proposals received was from the Renascent Planning Group and he requested clarification regarding why this firm was not on the original mailing list sent out by the City.

Director of Economic Development David Dobson stated when the original proposals were mailed, the City was unaware of the Renascent Planning Group and any information indicating what services they offered.

Council Member Sandberg requested further clarification regarding why proposals had been sent to firms that no longer provided services the City required.

Director Dobson said the City had determined that these firms provided the type of services the City needed and in addition might also have contacts with other firms that provided the necessary services.

Council Member Sandberg expressed concern that some firms qualified to perform the necessary services required had not been contacted by the City.

Council Member Grayeb moved to approve Staff's recommendation to select Peckham, Guyton, Albers & Viets, Inc. as the contractor, and authorize Staff to negotiate a Contract not to exceed \$65,000.00 and authorize the City Manager to execute the Contract and authorize the contractor to proceed; seconded by Council Member Turner.

Approved by roll call vote.

Yeas: Ardis, Gibson, Grayeb, Morris, Nichting, Spears, Turner, Mayor Pro Tem Thetford - 8;

Nays: Sandberg - 1.

**(01-109) Communication from President of the Board of ArtsPartners of Central Illinois
*** with a REPORT TO THE CITY COUNCIL dated February, 2001.**

A packet containing additional information regarding this item was distributed to all members of the City Council.

Council Member Gibson stated when the Council allocated funds for ArtsPartners, it had been stipulated that financial information needed to be included in reports submitted to Council. She said it was vital that figures were made available to the Council because they were held accountable for these tax monies.

Following a request that the financial information be included in future reports submitted by ArtsPartners, Council Member Gibson moved to receive and file the report to the City Council; seconded by Council Member Nichting.

Council Member Gibson made an amendment to the motion that the City Manager procure the necessary financial information from ArtsPartners in the near future to be submitted as a supplement to their initial report.

The seconder to the motion agreed.

Motion to receive and file the Report to City Council, with the amendment that the City Manager procure the necessary financial information from ArtsPartners in the near future to be submitted as a supplement to their initial report was approved by roll call vote.

Yeas: Ardis, Gibson, Grayeb, Morris, Nichting, Sandberg, Spears, Turner,
Mayor Pro Tem Thetford - 9;

Nays: None.

**(01-111) BIDS for ASBESTOS ABATEMENT at 633 S. W. ADAMS STREET,
Recommending the Low Bid of M&O ENVIRONMENTAL COMPANY, in the
Amount of \$13,640.00.**

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.

Council Member Turner moved to defer this item for one week until the February 27, 2001, Regular City Council Meeting; seconded by Council Member Sandberg.

Motion to defer this item until February 27, 2001, was approved by roll call vote.

Yeas: Ardis, Gibson, Grayeb, Morris, Sandberg, Spears, Turner, Mayor Pro Tem Thetford - 8;

Nays: None.

Abstentions: Nichting - 1.

**(01-112) BIDS for ASBESTOS ABATEMENT at 521, 525, & 527 S. W. ADAMS STREET,
Recommending the Low Bid of M&O ENVIRONMENTAL COMPANY, in the
Amount of \$3,750.00.**

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.

Council Member Turner moved to defer this item for one week until the February 27, 2001, Regular City Council Meeting; seconded by Council Member Sandberg.

Motion to defer this item until February 27, 2001, was approved by roll call vote.

Yeas: Ardis, Gibson, Grayeb, Morris, Sandberg, Spears, Turner, Mayor Pro Tem Thetford - 8;

Nays: None.

Abstentions: Nichting - 1.

- (01-113) BIDS for BUILDING DEMOLITION at 611, 621 & 633 S. W. ADAMS STREET, Recommending the Low Bid of N. E. FINCH COMPANY, in the Amount of \$17,000.00.**

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.

Council Member Turner moved to defer this item for one week until the February 27, 2001, Regular City Council Meeting; seconded by Council Member Sandberg.

Motion to defer this item until February 27, 2001, was approved by roll call vote.

Yeas: Ardis, Gibson, Grayeb, Morris, Sandberg, Spears, Turner, Mayor Pro Tem Thetford - 8;

Nays: None;

Abstentions: Nichting - 1.

Council Member Sandberg left the Council Chambers.

- (01-114) Communication from Director of Public Works Regarding the PARK DISTRICT CONTRACT and a Request to REALLOCATE STATE MOTOR FUEL TAX FUNDS, in the Amount of \$115,000.00 for Street Overlay Maintenance to the Forestry Division for Forestry Services by the Park District on the City's Rights-of-Way; and REPROGRAM CAPITAL FUNDS, in the Amount of \$115,000.00, from Concrete Pavement Maintenance to the CBD/Arterial Overlay Program.**

Director of Public Works Steve Van Winkle clarified his reluctance in requesting shifting funds from the Capital Budget and the Operations Budget because the current budget was tight and the City was in need of funds in every area. He explained the amount of funds needed to sustain some cuts without a measurable and obvious loss of service to the public would be \$85,000. He said if the City was unable to restore \$115,000 in the Park District Contract, it would result in less desirable levels of service to the public. He said the recommendation to reallocate funds would leave the overlay program as is, but there would be a decrease in the \$115,000 in concrete maintenance leaving a balance of approximately \$800 for the remaining year, combining the budgets for 2000 and 2001, and this would restore the \$115,000 to the Park District Contract. He urged Council to support the recommendation.

Council Member Nichting moved to approve the Park District Contract and to reallocate State Motor Fuel Tax Funds, in the amount of \$115,000.00 for street overlay maintenance to the Forestry Division for forestry services by the Park District on the City's rights-of-way; and reprogram Capital Funds, in the amount of \$115,000.00, from Concrete Pavement Maintenance to the CBD/Arterial Overlay Program; seconded by Council Member Morris.

Council Member Turner expressed concern regarding the availability of funds needed to complete concrete repair projects throughout the remainder of 2001.

Director of Public Works Van Winkle explained that by completing many of the projects in-house and contracting when necessary, the City would use a substantial amount of the funds, but not the entire amount, so the City's workload for 2001 would not be impacted.

Council Member Spears moved for a substitute motion to defer this item for one week and bring back a proposal to fund out of the Tax Rebate Program and move the extra \$500,000 from that program into the storm water runoff program; seconded by Council Member Gibson.

City Manager McKnight said if Council rescinded the home rule tax rebate program, the money would be used as Council directed.

In discussion with Council Member Grayeb, Director Van Winkle outlined the items that would be impacted by the \$200,000 cut.

City Manager McKnight said concrete repair was ongoing maintenance and Council should not misconstrue that monies for this item was not needed.

Motion to defer this item for one week and bring back a proposal to fund out of the Tax Rebate Program and move the extra \$500,000 from that program into the storm water runoff program was DEFEATED by roll call vote.

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

Nays: Grayeb, Morris, Turner, Mayor Pro Tem Thetford – 4.

Motion to approve the Park District Contract and a request to Reallocate State Motor Fuel Tax Funds, in the Amount of \$115,000.00 for street overlay maintenance to the Forestry Division for forestry services by the Park District on the City's rights-of-way; and reprogram Capital Funds, in the Amount of \$115,000.00, from Concrete Pavement Maintenance to the CBD/Arterial Overlay Program was approved by roll call vote.

Yeas: Ardis, Gibson, Grayeb, Morris, Nichting, Spears, Turner, Mayor Pro Tem Thetford - 8;

Nays: None.

(01-115) Communication from Director of Public Works with ORDINANCE Vacating HEDGEROW LANE from SHENANDOAH DRIVE TO HAMPSHIRE ROAD in New Hampshire Hills Subdivision.

Council Member Spears moved to defer this item for one week until the February 27, 2001, Regular City Council Meeting; seconded by Council Member Ardis.

Motion to defer this item until February 27, 2001, was approved by roll call vote.

Yeas: Ardis, Gibson, Grayeb, Morris, Nichting, Spears, Turner, Mayor Pro Tem Thetford - 8;

Nays: None.

(01-116) Communication from Director of Planning and Growth Management with Recommendations from the Zoning Commission and City Staff to DENY an ORDINANCE Rezoning Property Located at 2801 W. NEVADA STREET, 2300 S. OREGON STREET and 2734 W. WYOMING STREET from the Present Class R-4 District (Single Family Residential) to a Class R-6 District (Multi-Family Residential) and Granting a SPECIAL USE for a CHURCH to Include a DRUG REHABILITATION FACILITY and ASSOCIATED DAYCARE CENTER.

Council Member Morris moved to defer this item for one week until the February 27, 2001, Regular City Council Meeting; seconded by Council Member Turner.

Motion to defer this item until February 27, 2001, was approved by roll call vote.

Yeas: Ardis, Gibson, Grayeb, Morris, Nichting, Spears, Turner, Mayor Pro Tem Thetford – 8;

Nays: None.

(01-117) CITY MANAGER REPORT to CITY COUNCIL.

Council Member Turner moved to receive and file the City Manager Report to City Council; seconded by Council Member Morris.

Approved by roll call vote.

Yeas: Ardis, Gibson, Grayeb, Morris, Nichting, Spears, Turner, Mayor Pro Tem Thetford – 8;

Nays: None.

NEW BUSINESS**ANNOUNCEMENT Regarding NEW WEBSITE for the SEARS BLOCK**

Council Member Morris said the Peoria Chamber of Commerce Community Leadership School was currently involved in a project regarding citizens' ideas for the Sears Block. He said they had established a Website titled <http://www.searsblock.heart.net> and requested that it be announced at the City Council Meeting.

(01-118) REQUEST for RESOLUTION Regarding A PEORIA TO CHICAGO HIGHWAY

Council Member Morris inquired as to how the City of Peoria was involved in advocating the Peoria to Chicago Highway.

Director of Public Works Steve Van Winkle stated the Council had previously gone on record supporting the freeway to Chicago, but has never taken a position on supporting one corridor versus another. He said the goal of the City was to support a freeway to Chicago and he suggested it would benefit the Council to reiterate their previous support.

In further discussion, it was determined that it would not be inappropriate to bring a formal resolution back to the Council stating the City's support.

No objections were heard.

COMMENTS Regarding SPORTS ILLUSTRATED MAGAZINE ARTICLE MENTIONING THE CITY OF PEORIA AND "MARCH MADNESS"

Mayor Pro Tem Thetford referred to an article in the February 19th issue of Sports Illustrated featuring Illinois Basketball Players and their numerous positive references regarding the City of Peoria.

CITIZEN REQUESTS TO ADDRESS THE COUNCIL

No citizens came forward to speak.

EXECUTIVE SESSION**(01-119) 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, with leave to return to the Council Chambers.**

Council Member Nichting moved 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, with leave to return to the Council Chambers; seconded by Council Member Morris.

Approved by roll call vote.

Yeas: Ardis, Gibson, Grayeb, Morris, Nichting, Spears, Turner, Mayor Pro Tem Thetford - 8;

Nays: None.

City Council Members held the Executive Session in Room 404 of City Hall at 7:15 P.M.

RECONVENING OF THE CITY COUNCIL

Deputy City Clerk Beth Ball noted the following Council Members present: Ardis, Gibson, Grayeb, Morris, Nichting, Spears, Turner Mayor Pro Tem Thetford – 8; Absent – Duncan, Sandberg, Mayor Grieves – 3.

The City Council reconvened at 7:36 P.M.

ADJOURNMENT

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

Approved by viva voce vote.

The Council Meeting adjourned at 7:37 P.M.

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

BY: _____
Beth Ball
Deputy Clerk of Peoria, Illinois

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