

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

Council Chambers, Peoria, Illinois, April 30, 2001, a Special Meeting of the City Council was held this date at 5:15 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, Nichting, Spears, Thetford, Turner, Mayor Grieves – 10; Absent: Sandberg - 1.

**INVOCATION & PLEDGE OF ALLEGIANCE**

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

**EXECUTIVE SESSION**

**(01-262) 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 an action is probable or imminent.**

Council Member Ardis 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 an action is probable or imminent; seconded by Council Member Morris.

Approved by roll call vote.

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

Nays: None.

The Executive Session was held in room 404 of City Hall at 5:16 p.m.

**RECONVENING OF THE CITY COUNCIL**

City Clerk Mary Haynes noted the following Council members present: Ardis, Duncan, Gibson, Grayeb, Morris, Nichting, Spears, Thetford, Turner, Mayor Grieves - 10; Absent: Sandberg - 1.

The City Council reconvened in the Council Chambers at 5:29 p.m.

**PETITIONS, REMONSTRANCES & COMMUNICATIONS**

**(01-263) Communication from Finance Director/Comptroller with ORDINANCE Amending the BUDGET for FISCAL YEAR 2001 of the City of Peoria Relating to FINANCING for the DOWNTOWN BASEBALL STADIUM.**

Mayor Grieves explained that the reason for the Executive Session was a letter circulated from Ameritech late this afternoon indicating they had been following the progress of this negotiation in Peoria and were very supportive, but that grants from Ameritech were typically no greater than \$25,000. Mayor Grieves clarified that the City was anticipating a larger grant, and that the letter was faxed to Congressman LaHood, who subsequently had spoken by phone with Mayor Grieves, Council Member Ardis, City

Manager McKnight and Director of Economic Development David Dobson. He stated that Congressman LaHood had talked with an Ameritech Public Affairs representative who told him this letter was not indicative of the level at which this gift was anticipated. Mayor Grieves said that Congressman LaHood also indicated he would do everything in his power to continue negotiations with Ameritech at the very highest levels, if the amount was less than desired by the City. Mayor Grieves said it was important that the Council Members as well as the public be aware of this, because the action to be voted on was effectively taking money from the Southtown TIF in anticipation of all or a portion of that money being repaid through the Ameritech gift.

Council Member Duncan moved to approve the Ordinance amending the Budget for Fiscal Year 2001 of the City of Peoria relating to financing for the Downtown Baseball Stadium; seconded by Council Member Morris.

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

Council Member Ardis asked for a brief explanation of the issue before the Council.

Finance Director/Comptroller Elvira Hogan said the Budget amendment was intended to authorize \$500,000 of Southtown Bonds and to recognize that the Stadium LLC will be contributing up to \$700,000 in additional Special Service Area bonds. She stated the amount going into the debt service bond was the Ameritech contribution, but if that contribution was received before the bonds were issued, another Budget amendment may be necessary to transfer that amount to the project fund.

Director Hogan verified for Council Member Spears that it was still necessary to establish a TIF District in order to transfer any of that money.

Motion to adopt ORDINANCE NO. 15,133 amending the Budget for Fiscal year 2001 of the City of Peoria relating to financing for the Downtown Baseball Stadium was approved by roll call vote.

Yeas: Ardis, Duncan, Gibson, Grayeb, Morris, Spears, Thetford, Turner, Mayor Grieves – 9;

Nays: None.

Abstention: Nichting - 1.

**(01-264) Communication from Corporation Counsel and Director of Economic Development with RESOLUTION Authorizing SETTLEMENT OF EMINENT DOMAIN and RELATED LITIGATION Pertaining to JAMEL AND JOYCE BOURAZAK.**

Council Member Duncan moved to approve the Resolution authorizing settlement of eminent domain and related litigation pertaining to Jamel and Joyce Bourazak; seconded by Council Member Turner.

Council Member Ardis requested a brief explanation of the logistics of this proposal.

Director of Economic Development David Dobson stated the proposed settlement of \$2,200,000 was inclusive of all costs related to this endeavor. He said it also contained some contingencies whereby the Peoria Chiefs would authorize a Special Service Area tax increase of \$600,000, beyond the existing \$775,000 level, which would go directly into forming a portion of the settlement costs. He noted the original Budget included \$1,400,000 for the Bourazak acquisition; the \$600,000 for the Special Service Area would bring that to \$2 million, and an additional \$200,000 would be infused from Southtown. He continued that the remainder of the \$500,000 coming from Southtown would be used to cover additional expenses for utility relocation and City legal expenses. He added another caveat in relationship to the settlement involved an environmental risk assessment which would be performed within the next 30 days or so. He said if there were any environmental issues, the Special Service Area tax would be increased by \$100,000 to cover any necessary environmental remediation.

Director Dobson said they would be proceeding with the anticipated amendments to the Redevelopment Agreement, along with the Special Service Area agreement, as quickly as possible. He stated they were not scheduled to go back to court until June 13<sup>th</sup>, but were hopeful that all these issues could be resolved and concluded prior to that date so that a joint dismissal could be requested with the Bourazaks. He concluded that the Judge's order was not final at this time, and if both parties could agree to have the actions dismissed, the TIF would be in place and they could proceed with the project.

Director Dobson verified for Council Member Morris that of the \$2.7 million City contribution to clear the land, approximately \$1.5 million in total Special Service income from the Stadium LLC, and \$500,000 from the Southdown TIF (potential private contribution), none of those funds would be used for actual construction of the stadium.

In discussion with Council Member Ardis regarding a contingency should the environmental remediation costs exceed \$100,000, Director Dobson said there was no reason to believe they would have to tap into the \$100,000, nor was there any commitment by the Stadium LLC to come up with any more money. But if the unanticipated happened and the costs exceeded \$100,000, he said they would have to come back to the Council and resolve the issue prior to concluding the transaction.

City Manager McKnight pointed out that costs in excess of \$100,000 would probably be a deal-breaker, and the entire situation would need to be reassessed, with off-setting costs negotiated as related to the purchase price.

RESOLUTION NO. 01-264 authorizing settlement of eminent domain and related litigation pertaining to Jamel and Joyce Bourazak was approved by roll call vote.

Yeas: Ardis, Duncan, Gibson, Grayeb, Morris, Spears, Thetford, Turner, Mayor Grieves – 9;

Nays: None.

Abstention: Nichting - 1.

### **ADJOURNMENT**

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

Approved by viva voce vote.

The Council Meeting adjourned at 5:44 P.M.

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