

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

Council Chambers, Peoria, Illinois, June 12, 2001, a Regular Meeting of the City Council was held this date at 6:18 P.M., at City Hall, 419 Fulton Street, Mayor David P. Ransburg presiding.

**ROLL CALL**

Roll call showed the following Council Members present: Ardis, Grayeb, Gulley, Morris, Nichting, Sandberg, Spears, Teplitz, Thetford, Turner, Mayor Ransburg - 11; Absent: None.

**INVOCATION & PLEDGE OF ALLEGIANCE**

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

**PROCLAMATIONS, COMMENDATIONS, ETC.**

PROCLAMATION: CONSUMER CREDIT COUNSELING SERVICE 35<sup>TH</sup> ANNIVERSARY

PROCLAMATION: WTVP CHANNEL 47 VOLUNTEER RECOGNITION DAY –  
June 14, 2001

PROCLAMATION: PACE STEAMBOAT FESTIVAL 2001 DAYS – June 15-17, 2001

**MINUTES**

Council Member Nichting moved to approve the Minutes of the Regular City Council Meeting and Executive Sessions held on June 5, 2001, as printed; seconded by Council Member Morris.

Approved by roll call vote.

Yeas: Ardis, Grayeb, Gulley, Morris, Nichting, Sandberg, Spears, Teplitz, Thetford, Turner,  
Mayor Ransburg – 11;

Nays: None.

**PETITIONS, REMONSTRANCES & COMMUNICATIONS**

(01-380) NOTICE OF SUIT on Behalf of KATHRYN JACOBS Regarding an Alleged Injury on June 1, 2000.

(01-381) PAYMENT ESTIMATE FOR PUBLIC IMPROVEMENT PROJECTS:  
IMPERIAL DRIVE, RIVIERA DRIVE, RIVIERA COURT & ELDORADO  
DRIVE ROADWAY IMPROVEMENT (Removing existing curb, gutter, sidewalks  
and driveway approaches and constructing concrete sidewalks, combination curb  
and sidewalks, combination curb and gutter driveway pavement, storm sewer, and a  
bituminous concrete pavement overlay and all necessary adjustments, incidentals  
and appurtenances.) COULTER CONSTRUCTION COMPANY – PAY  
ESTIMATE #2: \$21,384.85; WEST WARWICK DRIVE ROADWAY  
IMPROVEMENT (Removing existing curb, gutter, sidewalks & driveway  
approaches and constructing p.c.c. combination curb & sidewalks, gutter flag and  
driveway approaches, a bituminous concrete overlay, and installing a storm sewer  
system, along with all necessary adjustments, incidentals and appurtenances.)  
COULTER CONSTRUCTION COMPANY – PAY ESTIMATE #2: \$53,451.56;  
TOTAL AUTHORIZATION APPROVED: \$74,836.41. (For Information Only)

- (01-382) **PAYMENT ESTIMATE FOR PUBLIC IMPROVEMENT PROJECT: MacARTHUR HIGHWAY BRIDGE REHABILITATION** (The rehabilitation of the MacArthur Highway Bridge and approaches including concrete repairs at the bridge and retaining walls, pavement surface replacement including a bituminous concrete overlay, removal and replacement of concrete medians, sidewalks, steps and driveways, and application of a concrete coating to the structure, as well as other miscellaneous items to finish the improvement.) **P. J. HOERR, INC. – PAY ESTIMATE #3: \$116,343.76; TOTAL AUTHORIZATION APPROVED: \$116,343.76. (For Information Only)**
- (01-383) **Communication from Corporation Counsel Requesting Authorization that REVENUES from the NEXTEL TOWER SITE LEASE at 3615 N. GRANDVIEW DRIVE be SHARED EQUALLY with The Pleasure Driveway & Park District of Peoria.**
- (01-384) **Communication from Management Co-Chair and Labor Co-Chairs Regarding the 2000 FINAL AUDITED YEAR-END HEALTHCARE REPORT. (For Information Only)**
- (01-385) **Communication from Management Co-Chair and Labor Co-Chairs Regarding the 2001 FIRST QUARTER HEALTHCARE REPORT. (For Information Only)**
- (01-386) **Communication from Director of Public Works Regarding the ENGINEERING PROJECT STATUS REPORT. (For Information Only)**  
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- (01-387) **Communication from the President of the Board of ArtsPartners of Central Illinois, Inc. Regarding the JUNE 2001 REPORT.**

**CONSIDERATION OF REPORT BACKS as Follows:**

- (00-845) **Communication from Superintendent of Police and Corporation Counsel with REPORT BACK on the CALEA REVIEW.**  
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- (01-355) **Communication from Corporation Counsel with REPORT BACK on the CLASS “H” and CLASS “L” LIQUOR LICENSES Issued in 2000 and 2001 for FRIDAY NIGHTS on CITY-OWNED PROPERTY.**
- (01-388) **Communication from Director of Public Works Regarding RIVERFRONT – SPECIAL EVENT PARKING. (For Information Only)**  
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Council Member Morris moved to approve the Consent Agenda items as outlined in the communications; seconded by Council Member Teplitz.

Council Member Teplitz requested that Item No. 01-386 be removed from the Consent Agenda for further discussion.

Council Member Grayeb requested that Item No. 01-388 be removed from the Consent Agenda for further discussion.

Council Member Nichting requested that Item No. 00-845 be removed from the Consent Agenda for further discussion.

Item Nos. 01-380 through 01-388, and 01-355 (excluding Item Nos. 01-386, 01-388, and 00-845 which were removed from the Consent Agenda for further discussion) were approved by roll call vote under the Omnibus Vote Designation.

Yeas: Ardis, Grayeb, Gulley, Morris, Nichting, Sandberg, Spears, Teplitz, Thetford, Turner, Mayor Ransburg – 11;

Nays: None.

**(01-386)            Communication from Director of Public Works Regarding the ENGINEERING  
\*                    PROJECT STATUS REPORT. (For Information Only)**

Council Member Teplitz expressed concern regarding the turn-around time on special assessment projects. She suggested that this would be a good topic for a Policy Session to determine a way to speed-up the process from initiation to completion. She said these projects were presently taking over a year and sometimes longer. She indicated there was a two-block section in the Second District that has been without street lights since January. She explained the street lights were old and could not be repaired, and she considered this situation an emergency at least for this two-block area. She requested the City Manager to expedite the street lighting process for this two-block area, as well as the six or seven blocks included in the project.

Mayor Ransburg requested that City Manager Michael McKnight meet with Council Member Teplitz to determine exactly which area was involved, get estimated costs, and bring back a recommendation to the City Council.

Mr. McKnight stated he would review the Budget and meet with the Public Works Department to identify the area and determine what project was involved.

Council Member Teplitz moved to receive and file the Engineering Project Status Report; seconded by Council Member Morris.

Council Member Thetford referred to the N. Perry Street Improvement Project which was also listed on the Engineering Project Status Report, and she said she would like to know when that project would be completed this year.

Motion to receive and file the Engineering Project Status Report was approved by roll call vote.

Yeas: Ardis, Grayeb, Gulley, Morris, Nichting, Sandberg, Spears, Teplitz, Thetford, Turner, Mayor Ransburg – 11;

Nays: None.

**(00-845)            Communication from Superintendent of Police and Corporation Counsel with  
\*\*                    REPORT BACK on the CALEA REVIEW.**

Council Member Nichting said it was his understanding that asset forfeiture funds were available for creditation and he requested a report back on this in the next few weeks.

Council Member Nichting moved to receive and file the report back on the CALEA review; seconded by Council Member Ardis.

Approved by roll call vote.

Yeas: Ardis, Grayeb, Gulley, Morris, Nichting, Sandberg, Spears, Teplitz, Thetford, Turner, Mayor Ransburg – 11;

Nays: None.

**(01-388)                      Communication from Director of Public Works Regarding RIVERFRONT –  
\*\*\*                              SPECIAL EVENT PARKING. (For Information Only)**

In discussion with Council Member Grayeb, Director of Public Works Steve Van Winkle discussed Riverfront parking and he said the initial effort to charge for parking in the same manner on the Riverfront as the Civic Center may not be appropriate. He said events on the Riverfront were held for one or more days and a threshold of 500 in total attendance did not make sense from the standpoint of time of arrival and time of departure. He said there was concern that the City would lose money in this process, if only \$4.00 was charged. He said his department had been gathering information about event attendance to form a data base and determine size of events and the amount to charge for parking.

Mr. Van Winkle stated he met with businesses in the area to discuss this issue and there needed to be some fine-tuning on charging for events as they occurred. He said there were several questions that needed to be answered, such as where event workers would park, at what time would paid parking begin, etc., and he suggested the most flexible manner to charge for parking would be the rate that was currently charged at established lots, which was \$1.10 an hour. He pointed out the amount of time people spent at Riverfront events was normally longer than when they attended Civic Center events. He also stated this year there would be a slight difference due to construction on the Riverfront. He referred to upcoming Steam Boat Days, and he suggested that the City charge for parking at the current rate of \$1.10 an hour, rather than the \$4.00 flat fee. He added there would be a \$5.00 cap for the day. He requested direction because Steam Boat Days would be held this coming weekend.

Council Member Grayeb moved to receive and file the communication and charge for event parking on the Riverfront at the current rate of \$1.10 an hour; seconded by Council Member Turner.

Council Member Morris expressed concern that the parking lots on the Riverfront did not have signs posted indicating free parking on weekends and week nights at any of the entrances to the parking lots. He said the only signs posted were those indicating 55 cents a half hour.

Several Council Members expressed concern that a change in policy at this time would not be fair to the promoters of Steam Boat Days and those attending the event. It was also suggested that more information should be provided.

Council Member Morris moved for a substitute motion to receive and file the communication regarding Riverfront regarding Special Event Parking; seconded by Council Member Nichting.

Approved by roll call vote.

Yeas: Ardis, Grayeb, Gulley, Morris, Nichting, Sandberg, Spears, Teplitz, Turner, Mayor  
Ransburg – 10;

Nays: Thetford - 1.

**(01-389)                      Communication from Management Co-Chair and Labor Co-Chairs Requesting  
Authorization for the City Manager to Enter into an AGREEMENT with SHPS  
CARE MANAGEMENT CORPORATION to Perform the Administration of the  
UTILIZATION REVIEW SERVICES for the City's HealthCare Plan.**

Council Member Thetford moved to authorize the City Manager to enter into an agreement with SHPS Care Management Corporation to perform the administration of the Utilization Review Services for the City's Healthcare Plan; seconded by Council Member Turner.

Approved by roll call vote.

Yeas: Ardis, Grayeb, Gulley, Morris, Nichting, Sandberg, Spears, Teplitz, Thetford, Turner,  
Mayor Ransburg – 11;

Nays: None.

**(01-390) Communication from Director of Planning and Growth Management and Director of Public Works Requesting Approval of a DEVELOPMENT AGREEMENT with WAL-MART and TOWNLINE HEIGHTS, LLC for Certain Property on ALLEN ROAD.**

Council Member Nichting moved to approve the Development Agreement with Wal-Mart and Townline Heights, LLC for certain property on Allen Road; seconded by Council Member Ardis.

Director of Planning and Growth Management Wayne Anthony gave a brief overview of the Council communication and indicated a change that the City would reimburse the developer at no interest, rather than at 5½ percent. He referred to the Council communication and he indicated that all references to 5½ percent interest should be deleted in the last paragraph of the first page.

Director of Public Works Steve Van Winkle pointed out that if the cost of Allen Road exceeded the cost of \$1.8 million, it would be covered by Wal-Mart or the developer, and anything less than the \$1.8 million would come off the City's share. He said that he and Mr. Anthony brought a policy before the Council months ago with proposed language that this agreement followed. He said the policy suggested that when getting into the Growth Cell 2 area, or when rural roads were revamped that would be inherited by annexation in Growth Cell 1 and 3, that the City should devise a formula that was fair to all parties. He said the formula would cause each developer to pay their fair share. He said the City's exposure pertained to the investment in Allen Road in the amount of \$600,000. He added this was a State road, but in order to encourage this project to move forward, the City had to pay their share, as well as Wal-Mart and the State.

Director of Economic Development Dave Dobson stated this agreement provided for commercial development in the proposed area, but it also provided for the financing necessary to install infrastructure that would lead to larger industrial development and would open an area that would not otherwise be available for development. He said this transaction accomplished more than what was currently apparent.

In discussion with Council Member Teplitz regarding any possible anticipated effect the new construction would have on the existing Wal-Mart located on University Street, Council Member Nichting indicated that Wal-Mart would be expanding their store on University and Sam's, in addition to this new development.

Hearing no objections, Mayor Ransburg granted Privilege of the Floor to Mr. Russ Waldschmidt.

Mr. Russ Waldschmidt, developer and consultant for Wal-Mart, confirmed there were no plans to close the Wal-Mart on University because of its excellent location and the market from that area was needed. He discussed other markets that had at least two stores located within the market that were doing well. He explained this was part of an overall marketing strategy to better serve their customers. He said he felt this new store would draw new people to Peoria from the North that would not frequently come to Peoria to shop, and this would be new sales tax revenue.

In discussion with Council Member Sandberg, Mr. Waldschmidt explained that there would be two Wal-Mart stores in the City of Peoria, but there were additional Wal-Mart stores within the market. He said there was one in East Peoria, Washington and Pekin.

Motion to approve the Development Agreement with Wal-Mart and Townline Heights, LLC for certain property on Allen Road was approved by roll call vote.

Yeas: Ardis, Grayeb, Gulley, Morris, Nichting, Spears, Teplitz, Thetford, Turner, Mayor Ransburg – 10;

Nays: Sandberg - 1.

- (01-391) Communication from Director of Public Works Requesting Authorization for the City Manager to Execute the AGREEMENT with the ILLINOIS DEPARTMENT OF TRANSPORTATION for a RAIL FREIGHT PROGRAM GRANT, and Authorization for the Administration to PETITION the ILLINOIS COMMERCE COMMISSION for a NEW CROSSING at UNIVERSITY STREET.**

Council Member Nichting moved to authorize the City Manager to execute the Agreement with the Illinois Department of Transportation for a Rail Freight Program Grant, and authorize the Administration to petition the Illinois Commerce Commission for a new crossing at University Street; seconded by Council Member Turner.

Approved by roll call vote.

Yeas: Ardis, Grayeb, Gulley, Morris, Nichting, Sandberg, Spears, Teplitz, Thetford, Turner, Mayor Ransburg – 11;

Nays: None.

- (01-392) Communication from Corporation Counsel with ORDINANCE Vacating PART of the RIGHT-OF-WAY of JEFFERSON STREET for the DOWNTOWN STADIUM.**

Council Member Nichting stated he would be abstaining from the vote due to his ownership of property in the vicinity of the Downtown Stadium site.

Council Member Gulley moved to adopt the Ordinance vacating part of the right-of-way of Jefferson Street for the Downtown Stadium; seconded by Council Member Grayeb.

ORDINANCE NO. 15,152 was approved by roll call vote.

Yeas: Ardis, Grayeb, Gulley, Morris, Sandberg, Spears, Teplitz, Thetford, Turner, Mayor Ransburg – 10;

Nays: None;

Abstention: Nichting - 1.

- (01-393) CITY MANAGER REPORT to CITY COUNCIL.**

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

Approved by roll call vote.

Yeas: Ardis, Grayeb, Gulley, Morris, Nichting, Sandberg, Spears, Teplitz, Thetford, Turner, Mayor Ransburg – 11;

Nays: None.

#### NEW BUSINESS

- (01-394) Communication from Director of Economic Development and Corporation Counsel Requesting Authorization to Enter into a CONVEYANCE AND PARKING AGREEMENT with CATERPILLAR, INC. for the HAMILTON at WATER PARKING LOT.**  
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Director of Economic Development and Corporation Counsel distributed a copy of this communication to all members of the City Council.

Council Member Turner stated he would be abstaining from the vote due to his employment with Caterpillar, Inc.

Council Member Morris moved to authorize a Conveyance and Parking Agreement with Caterpillar, Inc. for the Hamilton at Water Parking Lot.

Following a request by the Corporation Counsel to defer this item until after the Executive Session, Council Member Nichting moved to defer this item until after the Executive Session; seconded by Council Member Thetford.

Motion to defer this item until after the Executive Session was approved by roll call vote.

Yeas: Ardis, Grayeb, Gulley, Morris, Nichting, Sandberg, Spears, Teplitz, Thetford, Mayor Ransburg – 10;

Nays: None;

Abstention: Turner - 1.

Clerk's Note: See Page 25247 for additional discussion.

**(01-395) CONSIDERATION of a MOTION to Request a REPORT BACK of a BUDGET VARIANCE REPORT, by Department, Forecasted through Year-End.**

Council Member Turner referred to pending concerns regarding the County's Budget issues and he expressed concern regarding increasing healthcare costs, energy costs, pending labor contracts, and sales tax revenues that were flat with no expectation of growth in the near future. He said he felt the City should make a review so the Council would know what the future held regarding anticipated fund balances at year-end.

Council Member Turner moved to request a Report Back during the July Budget Meeting of a Budget variance report, by Department, forecasted through year-end; seconded by Council Member Gulley.

Approved by roll call vote.

Yeas: Ardis, Grayeb, Gulley, Morris, Nichting, Sandberg, Spears, Teplitz, Thetford, Turner, Mayor Ransburg – 11;

Nays: None.

**DISTRIBUTION of the MATERIAL FOR THE GOVERNANCE RETREAT**

Mayor Ransburg reminded the Council that a Council Governance Retreat would be held on Saturday, June 16, 2001, and he said a memorandum with background material was distributed to the Council Members' desks. He added each Council Member should bring their rules book and their policy book.

**CITIZEN REQUESTS TO ADDRESS THE COUNCIL**

**(01-396) REQUEST by CITIZENS to ADDRESS the CITY COUNCIL.**

Mr. Donald Yarbrough, 1619 Resthaven Road, explained an incident that occurred on Adams Street where his vehicle was pulled over by the Police. He expressed concern regarding the manner in which he was treated. He said he provided a report to the Police Department.

Mayor Ransburg said the situation would be reviewed by the Superintendent of Police.

Mr. Tom Edwards, 1702 N. Peoria Avenue, distributed a communication to all members of the Council regarding alcohol on the Riverfront. He said in the third paragraph, the 100% should be changed to 96%. He continued by discussing all the weekends that held events that served liquor and he expressed concern regarding liquor sales on the Riverfront. He said that Pekin did not have any liquor sales at their events, and he added the City of Peoria should not be dependant on liquor sales.

Mr. Bill O'Brien, 3321 N. Chestnut, President of the Forrest Hill Homeowners Association, spoke in opposition to the relocation of Fire House #13. He said no one in the residential area supported the extra expense of relocation and it was felt the relocation was not needed.

### **POLICY/WORKSHOP SESSION**

**(01-397) Communication from Corporation Counsel, Deputy Corporation Counsel and Assistant Corporation Counsel Regarding the POLICY SESSION to Discuss LIQUOR ORDINANCES – RETAIL SALE at GASOLINE STATIONS AND OTHER MATTERS.**

Council Member Nichting moved to open the Policy Session; seconded by Council Member Morris.

Approved by roll call vote.

Yeas: Ardis, Grayeb, Gulley, Morris, Nichting, Sandberg, Spears, Teplitz, Thetford, Turner, Mayor Ransburg – 11;

Nays: None.

Mayor Ransburg opened the Public Hearing at 7:35 P.M.

A Policy Session was held regarding Liquor Ordinance – Retail Sale at Gasoline Stations and other matters.

Council Member Nichting moved to close the Policy Session; seconded by Council Member Morris.

Approved by roll call vote.

Yeas: Ardis, Grayeb, Gulley, Morris, Nichting, Sandberg, Spears, Teplitz, Thetford, Turner, Mayor Ransburg – 11;

Nays: None.

Mayor Ransburg closed the Policy Session at 9:08 P.M.

### **EXECUTIVE SESSION**

**(01-398) Consideration of a Motion for the City Council to go into EXECUTIVE SESSION to Discuss 2(c)(1) The appointment, employment, compensation, discipline, performance, or dismissal of specific employees of the public body, including hearing testimony on a complaint lodged against an employee to determine its validity; 2(c)(5) The purchase or lease of real property for the use of the public body; and 2(c)(21) Discussion of minutes of meetings lawfully closed under this Act, whether for purposes of approval by the body of the minutes or semi-annual review of the minutes as mandated by Section 2.06.**

Council Member Sandberg moved that the Council go into Executive Session to discuss 2(c)(1) The appointment, employment, compensation, discipline, performance, or dismissal of specific employees of the public body, including hearing testimony on a complaint lodged against an employee to determine its validity; 2(c)(5) The purchase or lease of real property for the use of the public body; and 2(c)(21) Discussion of minutes of meetings lawfully closed under this Act, whether for purposes of approval by the body of the minutes or semi-annual review of the minutes as mandated by Section 2.06; seconded by Council Member Morris.

Approved by roll call vote.

Yeas: Ardis, Grayeb, Gulley, Morris, Nichting, Sandberg, Spears, Teplitz, Thetford, Turner, Mayor Ransburg – 11;

Nays: None.



The City Council moved to Room 404 in City Hall at 9:10 P.M.

**RECONVENING OF THE CITY COUNCIL**

City Clerk Mary Haynes noted the following Council Members present: Ardis, Grayeb, Gulley, Morris, Nichting, Sandberg, Spears, Teplitz, Thetford, Turner, Mayor Ransburg – 11; Absent: None.

The City Council reconvened at 10:40 P.M.

**UNFINISHED BUSINESS**

**(01-394)      Communication from Director of Economic Development and Corporation Counsel  
\*\*\*\*      Requesting Authorization to Enter into a CONVEYANCE AND PARKING  
             AGREEMENT with CATERPILLAR, INC. for the HAMILTON at WATER  
             PARKING LOT.**

Council Member Morris moved to approve the agreement and authorize the City Manager to sign the agreement, if it is required during the next week, to achieve a simultaneous closing on the Downtown Ball Stadium, with a caveat that it will come to the Council on the regular Council Agenda next week, if that did not happen; seconded by Council Member Gulley.

Approved by roll call vote.

Yeas: Ardis, Grayeb, Gulley, Morris, Sandberg, Spears, Teplitz, Thetford, Mayor Ransburg – 9;

Nays: None

Abstention: Nichting, Turner – 2.

**ADJOURNMENT**

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

Approved by viva voce vote.

The Council Meeting adjourned at 10:45 P.M.

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

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