

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

Council Chambers, Peoria, Illinois, June 26, 2001, a Regular Meeting of the City Council was held this date at 6:15 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, Spears, Teplitz, Thetford, Turner, Mayor Ransburg - 10; Absent: Sandberg - 1.

INVOCATION & PLEDGE OF ALLEGIANCE

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

MINUTES

Council Member Nichting moved to approve the Minutes of the Executive Sessions and the Regular City Council Meeting held on June 19, 2001, as printed, with a clarification on page 25254 to reflect that Item No. 01-364 should be numbered Item No. 01-394; seconded by Council Member Turner.

Approved by roll call vote.

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

Nays: None.

PETITIONS, REMONSTRANCES & COMMUNICATIONS

- (01-424) **NOTICE OF SUIT on behalf of American Family Mutual Insurance Co. and GEORGE JOHNSON Regarding an Alleged Injury on February 9, 2001.**
- (01-425) **BIDS for AUDIO SYSTEM REPLACEMENT for COUNCIL CHAMBERS, Recommending the Bid of HEART TECHNOLOGIES in the Amount of \$33,027.00, Including Alternate #1.**
- (01-426) **Communication from Police Chief Requesting Authorization to PURCHASE BALLISTIC VESTS and SLEEVES from S. HARRIS UNIFORMS in the Amount of \$12,628.00, NIGHT WEAPON SIGHTS from Southern Precision Armory in the Amount of \$17,975.00 (Sole Source), and ACCIDENT RECONSTRUCTION - CRIME SCENE MAPPING SYSTEM from KARA COMPANY in the Amount of \$14,853.00 (Sole Source), Using Technology Grant Funding.**
- (01-427) **PAYMENT ESTIMATE for PUBLIC IMPROVEMENT PROJECT: HANCOCK STREET SANITARY SEWER RELOCATION PROJECT (South of Taft Homes)(Relocation of a portion of the sanitary sewer lines south of Taft Homes at Hancock Street, removal & replacement of sanitary manholes, P.C.C. sidewalk, and all appurtenant construction thereto.) WIEGAND & STORRER, INC. - PAYMENT ESTIMATE #1 & SEMI-FINAL: \$29,713.63; TOTAL AUTHORIZATION APPROVED: \$29,713.63. (For Information Only)**
- (01-428) **Communication from Director of Public Works Requesting Concurrence to Award the CONTRACT to R.A. CULLINAN & SON, INC. in the Amount of \$30,253.70 for the NORTH COLFAX COURT ROADWAY IMPROVEMENT PROJECT.**

- (01-429) Communication from Director of Planning and Growth Management with Recommendation to Approve a SECOND WAIVER/EXTENSION AGREEMENT Regarding the ANNEXATION AGREEMENT with TOWNLINE HEIGHTS, LLC.
- (01-430) Communication from Police Chief Requesting Authorization for the City Manager to Accept the Continuation of the JUVENILE ACCOUNTABILITY BLOCK GRANT from the Illinois Criminal Justice Information Authority in the Amount of \$97,822.00, with a Match of \$10,869, with a Split of 80 Percent County/20 Percent City Division of both Grant Funds and Matching Funds.
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- (01-431) Communication from Corporation Counsel with RESOLUTION NO. 00-431 Regarding the RELEASE of EXECUTIVE SESSION MINUTES.
- (01-432) Communication from Corporation Counsel with ORDINANCE Amending CHAPTER 28 of the Code of the City of Peoria Relating to TRAFFIC and MOTOR VEHICLES Regarding PARALLEL PARKING.
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- (01-433) APPLICATION for CLASS "H" TEMPORARY OUTDOOR LIQUOR LICENSE for EASTER SEALS-UPC at Weaver Angus Farm, Route 150 on Saturday, June 30, 2001, with Revised Map.
- (01-434) APPLICATION for CLASS "H" TEMPORARY OUTDOOR LIQUOR LICENSE for CENTRAL ILLINOIS JAZZ SOCIETY at Riverfront Festival Park on Friday, July 20, and Saturday, July 21, 2001.
- (01-435) APPLICATION for CLASS "H" TEMPORARY OUTDOOR LIQUOR LICENSE for PEORIA ASSOCIATION FOR RETARDED CITIZENS (PARC) at Riverfront Festival Park on Saturday, September 8, 2001.
- (01-436) AMENDED APPLICATION for CLASS "H" TEMPORARY OUTDOOR LIQUOR LICENSE for ILLINOIS VALLEY STRIDERS for a change in the Site Plan at Riverfront Festival Park on Wednesday, July 4, 2001.
- (01-437) AMENDED APPLICATION for CLASS "H" TEMPORARY OUTDOOR LIQUOR LICENSE for PEO-TAZ A.B.A.T.E. for a change in the operating hours from 10:00 A.M. to 12:00 A.M. at Riverfront Festival Park on Saturday, August 18, 2001.
- (01-438) SITE APPROVAL for a CLASS "G" (Beer & Wine Only Restaurant) at 3510 N. UNIVERSITY for BELLACINO'S, with Recommendation of the Liquor Commission to Approve.
- (01-439) SITE APPROVAL for a CLASS "B" (Restaurant), SUBCLASS #1 (4:00 A.M. HOURS), SUBCLASS #2 (Live Entertainment) at 311 MAIN STREET (Lower) for RICHARD'S ON MAIN, with Recommendation of the Liquor Commission to Approve.
- (01-440) SITE APPROVAL for a CLASS "A" (Tavern), SUBCLASS #1 (4:00 A.M. HOURS), SUBCLASS #2 (Live Entertainment) at 531-533 MAIN STREET (Lower) for INSOMNIA, with Recommendation of the Liquor Commission to Approve.
- (01-441) Communication from Finance Director/Comptroller Regarding RESULTS of the JUNE 2, 2001 AUCTION. (For Information Only)
- (01-442) Communication from Finance Director/Comptroller Re questing Authorization to DISPOSE of 200 BICYCLES at a PUBLIC AUCTION on August 4, 2001.

(01-443) **Communication from Director of Public Works Regarding TEMPORARY CLOSURE of JEFFERSON AVENUE for STADIUM. (For Information Only)**

(01-444) **APPOINTMENT by Mayor David P. Ransburg to ARTS PARTNERS:**

Council Member John D. Morris

(01-445) **APPOINTMENT by Mayor David P. Ransburg to the PEORIA HOUSING AUTHORITY:**

Council Member Clyde E. Gulley, Jr.

(01-446) **APPOINTMENT by Mayor David P. Ransburg to the FAIR EMPLOYMENT AND HOUSING COMMISSION:**

Council Member Clyde E. Gulley, Jr.

(01-447) **APPOINTMENT by Mayor David P. Ransburg to the COMMUNITY ACTION AGENCY:**

Council Member William R. Spears

(01-448) **APPOINTMENT by Mayor David P. Ransburg to the TOURISM RESERVE FUND COMMITTEE:**

**Council Member William R. Spears
Council Member Gale S. Thetford**

(01-449) **APPOINTMENT by Mayor David P. Ransburg to the HOUSING COMMISSION:**

Council Member Marcella Teplitz

(01-450) **APPOINTMENT by Mayor David P. Ransburg to the SENIOR CITIZENS COMMISSION:**

Council Member W. Eric Turner

(01-451) **APPOINTMENT by Mayor David P. Ransburg to the GIS POLICY COMMITTEE:**

**Council Member John D. Morris
Council Member W. Eric Turner**

(01-452) **APPOINTMENT by Mayor David P. Ransburg to the SISTER CITY COMMISSION:**

Council Member Patrick A. Nichting

(01-453) **APPOINTMENTS by Mayor David P. Ransburg to the RIVERFRONT BUSINESS DISTRICT COMMISSION:**

**Council Member Clyde E. Gulley, Jr.
Mayor David P. Ransburg**

- (01-454) APPOINTMENTS and RE-APPOINTMENT by Mayor David P. Ransburg to the NEIGHBORHOOD DEVELOPMENT COMMISSION:**

Council Member Clyde E. Gulley, Jr.
Council Member Gale S. Thetford
Council Member John D. Morris (Re-appointment)

- (01-455) APPOINTMENT and RE-APPOINTMENTS by Mayor David P. Ransburg to the HEALTH CARE COMMITTEE:**

Council Member Patrick A. Nichting
Council Member William R. Spears (Re-appointment)
Council Member Gale S. Thetford (Re-appointment)

- (01-456) APPOINTMENTS and RE-APPOINTMENT by Mayor David P. Ransburg to the WATER SELECTION COMMITTEE:**

Mayor David P. Ransburg
Council Member Gary V. Sandberg
Council Member John D. Morris (Re-Appointment)

- (01-457) RE-APPOINTMENT by Mayor David P. Ransburg to the CIVIC CENTER AUTHORITY:**

Council Member Charles V. Grayeb

- (01-458) RE-APPOINTMENT by Mayor David P. Ransburg to the ADVISORY COMMITTEE ON HUMAN RESOURCES:**

Council Member Charles V. Grayeb

- (01-459) RE-APPOINTMENT by Mayor David P. Ransburg to the GREATER MASS TRANSIT BOARD OF TRUSTEES:**

Council Member Jim E. Ardis

- (01-460) RE-APPOINTMENT by Mayor David P. Ransburg to the ADVISORY COMMITTEE FOR THE DISABLED:**

Council Member Jim E. Ardis

- (01-461) RE-APPOINTMENTS by Mayor David P. Ransburg to the SOLID WASTE DISPOSAL COMMITTEE:**

Council Member Jim E. Ardis
Council Member Patrick A. Nichting

- (01-462) RE-APPOINTMENTS by Mayor David P. Ransburg to the INTERGOVERNMENTAL RELATIONS COMMITTEE:**

Council Member Jim E. Ardis
Council Member Patrick A. Nichting

- (01-463) ADOPTION OF COMMITTEE REPORT Regarding LIQUOR ORDINANCES — RETAIL SALE at GASOLINE STATIONS and Other Matters.**

(01-464) REPORTS:**A. CITY TREASURER'S REPORT – May, 2001.****CONSIDERATION of REPORT BACKS as Follows:****(01-376) Communication from Director of Public Works Regarding the MARINA USAGE
**** and OPTIONS. (For Information Only)**

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

Council Member Gulley requested that Item No. 01-430 be removed from the Consent Agenda for further discussion.

Council Member Thetford requested that Item No. 01-432 be removed from the Consent Agenda for further discussion.

Council Member Turner requested that Item No. 01-447 be removed from the Consent Agenda for further discussion.

Council Member Nichting requested that Item No. 01-376 be removed from the Consent Agenda for further discussion.

Item Nos. 01-424 through 01-464, and 01-376 (excluding Item Nos. 01-430, 01-432, 01-447, and 01-376 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, Spears, Teplitz, Thetford, Turner, Mayor
Ransburg – 10;

Nays: None.

**(01-430) Communication from Police Chief Requesting Authorization for the City Manager
* to Accept the Continuation of the JUVENILE ACCOUNTABILITY BLOCK
GRANT from the Illinois Criminal Justice Information Authority in the Amount of
\$97,822.00, with a Match of \$10,869, with a Split of 80 Percent County/20 Percent
City Division of both Grant Funds and Matching Funds.**

Council Member Gulley requested that the Police Chief provide an update on how these funds were being used.

Police Chief John Stenson stated one of the grant requirements was that 80% of the funds be spent on juvenile court-related services. He said that through an agreement with the County, staffing had been increased in the child advocacy center. He said the other 20% would be targeted for curfew and truancy enforcement in the "Weed and Seed" area.

Council Member Gulley pointed out that although money had been spent on improving the judicial process for juveniles, there were still numerous problems in the neighborhoods involving drugs, loud music, loitering, etc. He said he would like to see more focus on those concerns expressed by constituents.

Chief Stenson noted that the Police Department just recently received a grant to address alcohol and tobacco use by juveniles, and they had set aside money in their Tech Grant to deal with nuisance property and increase drug enforcement. He said he also had statistics on curfew, noise and underage drinking violations that he had compiled for Council Member Teplitz as well as statistics through May, 2001, indicating crime had decreased citywide. He said he felt the concerns expressed were being addressed.

Council Member Gulley moved to accept the continuation of the Juvenile Accountability Block Grant from the Illinois Criminal Justice Information Authority in the Amount of \$97,822.00 as outlined; seconded by Council Member Turner.

Council Member Thetford said she also received daily complaints about juvenile curfew, noise and drugs. She said she would support the motion, but suggested discussing at a policy session how the response to these problems could be improved.

Council Member Teplitz said that upon reviewing the report Chief Stenson had prepared for her, she intended to bring something forward within the new few weeks specifically regarding juveniles, noise abatement, etc.

Motion to accept the continuation of the Juvenile Accountability Block Grant from the Illinois Criminal Justice Information Authority in the Amount of \$97,822.00 was approved by roll call vote.

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

Nays: None.

**(01-432) Communication from Corporation Counsel with ORDINANCE Amending
** CHAPTER 28 of the Code of the City of Peoria Relating to TRAFFIC and MOTOR
 VEHICLES Regarding PARALLEL PARKING.**

After a brief clarification, Council Member Thetford moved to adopt the Ordinance amending Chapter 28 of the Code of the City of Peoria relating to traffic and motor vehicles regarding parallel parking; seconded by Council Member Teplitz.

ORDINANCE NO. 15,162 was approved by roll call vote.

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

Nays: None.

**(01-447) APPOINTMENT by Mayor David P. Ransburg to the COMMUNITY ACTION
*** AGENCY:**

Council Member William R. Spears

Council Member Turner moved to remand this back to the Mayor since the Council did not make appointments to the Community Action Agency; seconded by Council Member Morris.

Approved by roll call vote.

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

Nays: None.

**(01-376) Communication from Director of Public Works Regarding the MARINA USAGE
**** and OPTIONS. (For Information Only)**

Council Member Nichting moved to forward this report to the Riverfront Business District Commission for further consideration and recommendation back to the Council; seconded by Council Member Ardis.

Council Member Thetford requested that the Riverfront Commission review the reason for establishing these slips in the first place, which was to provide "parking" for boats at the Riverfront. She expressed concern about leasing these slips rather than having them available short-term for boaters.

Motion to forward this report to the Riverfront Business District Commission for further consideration and recommendation back to the Council was approved by roll call vote.

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

Nays: None.

(01-465) Communication from Director of Planning and Growth Management with REQUEST to Further Review the Neighborhood Development Commission Recommendation to Fund the YWCA's PERMANENT HOUSING INITIATIVE GRANT for 2001. (Refer to 01-233)

Council Member Nichting moved to discuss the Neighborhood Development Commission recommendation to fund the YWCA's Permanent Housing Initiative Grant for 2001; seconded by Council Member Morris.

Planning & Growth Management Director Wayne Anthony said that staff brought forward several months ago a list of neighborhood initiative grants, all of which were funded except for the one proposed by the YWCA which was pulled by Council Member Spears. The YWCA had subsequently abandoned their first proposal (for properties on Woodbine Terrace) and selected a different site for this permanent housing bounded by N.E. Perry, Wayne and N.E. Glendale in District 1.

Ms. Pam Schubach, 920 W. Austin Drive, Executive Director of the YWCA, explained the impending sale of the YMCA building on Hamilton, which had been slated to house a portion of the YW's transitional housing project, had prompted her request to re-visit the allocation of \$10,000 of Neighborhood Development funds to rehab existing vacant apartment buildings at the new Northside location.

Council Member Nichting withdrew his motion and offered a substitute motion to approve \$10,000 in funding for the project, subject to the Perry/Wayne/Glendale location being site-specific; seconded by Council Member Turner.

In discussion with Council Member Spears and Council Member Grayeb, Ms. Schubach said the YWCA's legal counsel had advised against having any neighborhood meetings regarding the Woodbine site (although they did meet with individuals in the immediate vicinity), nor had they met with the neighborhood associations in the Perry/Wayne/Glendale area. She said they have not yet closed on the property and did not want to get too far ahead before all the funding issues for the \$1.4 million project had been addressed. She said she had spoken with Dave Koehler (Chairman of the Neighborhood Development Commission and President of the Northside Action Council) and had sent correspondence to Council Members Gulley, Grayeb and Thetford introducing the project. She added it was a requirement for their IDAHO funding that local financial support be demonstrated for the project.

Council Member Grayeb moved to defer until consultation could be held by the YWCA with the impacted neighborhood associations; seconded by Council Member Ardis.

Ms. Schubach stated that the extra step of meeting with neighborhoods was not a requirement of the initial NDC grant application process. She pointed out that all entities applying for City dollars should have been informed if that was a policy.

Council Member Thetford suggested the Neighborhood Development Commission needed to consider this again at their next meeting.

Council Member Ardis clarified the reason it may have appeared this project was receiving more scrutiny than others was because the proposed location had shifted several times, and the Council wanted to ensure that neighborhood residents, regardless of District, would have an opportunity to have their concerns addressed.

Ms. Schubach verified that a delay in approval would not jeopardize their scheduled closing, but said she had been advised that the NDC funds not allocated would eventually be reprogrammed, and she wanted another opportunity to access them.

Motion to defer until consultation could be held by the YWCA with the impacted neighborhood associations was approved by roll call vote.

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

Nays: None.

**(01-466) Communication from Director of Planning and Growth Management
Recommending Adoption of the Following:**

**A. ORDINANCE Annexing Territory Contiguous to the City of Peoria
(Temporary Address of 8600 N. KOERNER/TRIGGER ROAD);**

Council Member Nichting moved to adopt the Ordinance annexing territory contiguous to the City of Peoria (temporary address of 8600 N. Koerner/Trigger Road); seconded by Council Member Grayeb.

ORDINANCE NO. 15,163 was adopted by roll call vote.

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

Nays: None.

**B. ORDINANCE Rezoning Property Located at 8600 N. KOERNER/
TRIGGER ROAD (Temporary Address) from the Present Class A (County
Agriculture) District to a Class R-2 (Single Family Residential) District;**

Council Member Nichting moved to adopt the Ordinance rezoning property located at 8600 N. Koerner/Trigger Road (temporary address) from the present Class A (County Agriculture) District to a Class R-2 (Single-Family Residential) District; seconded by Council Member Grayeb.

ORDINANCE NO. 15,164 was adopted by roll call vote.

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

Nays: None.

**C. RESOLUTION Approving the PRELIMINARY PLAT of
TIMBERBROOKE SUBDIVISION, a Residential Subdivision Located in
the General Vicinity of 8600 N. KOERNER/TRIGGER ROAD (Temporary
Address), with Conditions.**

Council Member Nichting moved to approve the Resolution approving the preliminary plat of TimberBrooke Subdivision, a residential subdivision located in the general vicinity of 8600 N. Koerner/Trigger Road (temporary address), with conditions; seconded by Council Member Grayeb.

RESOLUTION NO. 01-466 was approved by roll call vote.

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

Nays: None.

(01-467) Communication from Director of Public Works Recommending Approval of the Following:

- A. Approve and Authorize the City Manager to Execute the LINE SALE CONTRACT for PURCHASE of the PIONEER INDUSTRIAL LEAD RAIL SPUR in the Amount of \$175,000.00 from Capital Fund Balance Subject to Surface Transportation Board Approval of the Purchase;**

City Clerk Mary Haynes noted there were three handouts: (1) a letter from Union Pacific Railroad regarding Item A., (2) a memo from Corporation Counsel with minor amendments to Item B., and (3) a letter from Park District Director Bonnie Noble regarding Item D.

Public Works Director Steve Van Winkle noted that Mr. Don Gibson, representing DOT Rail Service, was present and could answer questions regarding service from the west, as were former Mayor Dick Carver, and Mr. Kim Deyo representing Union Pacific Railroad.

Director Van Winkle recapped that two weeks ago the Council approved a \$900,000 grant from IDOT's Division of Railroads, arranged by Representative Dave Leitch through Illinois FIRST. He said they were comfortable the \$900,000 would cover the extension of the line, some rehab of track in the park, as well as some work at the junction of the Union Pacific spur and the main line to serve the area in Pioneer Park and Growth Cell 2. He explained the request to purchase the spur line from Union Pacific for \$175,000 was contingent upon receiving a grant from DCCA which they expected would be forthcoming within a few days. He said if the grant process was not successful, the issue would be brought back to Council.

Director Van Winkle continued the Council was also being asked to approve the agreement with DOT Rail Service, as modified by the hand-out, which had already been approved in concept. He said the Administration was also requesting authorization to seek permission from the Surface Transportation Board to abandon and railbank the existing portion of the Kellar Branch line which would not be needed to provide service within Pioneer Park, once the infrastructure from the west was constructed. He clarified there would be enough of that rail line left in place to continue to serve O'Brien Steel from the other end.

Director Van Winkle concluded they also wished to continue negotiations with four property owners in Pioneer Park from whom easements would be needed in order to extend the line. He noted this was the only cost that had not been finalized or covered by a grant. He said it was recognized the City did have value in the rail and some of the ties in the 8-½ miles of track which would not be needed with conversion to the west. He said that value was shared with IDOT, but estimated the City's salvage value would be sufficient to cover a significant portion of the costs to obtain the easements.

Hearing no objection, Mayor Ransburg granted Privilege of the Floor to Mr. Richard Carver.

Mr. Dick Carver, former Mayor of Peoria, said the Growth Cell offers the City the opportunity to attract major investors, more jobs, more tax base, etc. He said that Don Gibson of DOT Rail Service was willing to provide a letter of commitment outlining all his verbal commitments for a level of service equal to or greater than the current service. He anticipated that the rates would also be essentially the same.

Mr. Carver emphasized that the State of Illinois Department of Commerce and Community Affairs and the local Economic Development Council needed to become involved in promoting this project and to justify the increased infrastructure investment necessary in Growth Cell 2 in order to attract new industrial investment. He pointed out that Pioneer Park was 40 years old, but not yet full. He added Peoria had the largest area in Illinois with the infrastructure and all the components necessary for industrial development, but the City's commitment to the companies already there was equally important.

Council Member Nichting moved to approve and authorize the Mayor to execute the Line Sale Contract for purchase of the Pioneer Industrial Lead Rail Spur in the amount of \$175,000.00 from capital fund balance, subject to Surface Transportation Board approval of the purchase and contingent upon receiving the funding from DCCA; seconded by Council Member Turner.

Approved by roll call vote.

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

Nays: None.

B. Approve and Authorize the City Manager to Execute the AGREEMENT with DOT RAIL SERVICE for Operation of the Spur Line;

Council Member Nichting moved to approve and authorize the City Manager to execute the Amended Agreement with DOT Rail Service for operation of the spur line; seconded by Council Member Turner.

Approved by roll call vote.

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

Nays: None.

C. Authorization for Staff to Proceed with the ACQUISITION of EASEMENTS for CONSTRUCTION; and

Council Member Nichting moved to authorize Staff to proceed with the acquisition of easements for construction of the rail; seconded by Council Member Turner.

Approved by roll call vote.

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

Nays: None.

D. Authorization for Staff to File a Petition with the Surface Transportation Board to Abandon and Railbank the Portion of the KELLAR BRANCH not Needed to Serve PIONEER PARK Contingent upon the Connection from the West being Constructed.

Council Member Nichting moved to authorize Staff to file a petition with the Surface Transportation Board to abandon and railbank the portion of the Kellar Branch not needed to serve Pioneer Park, contingent upon the connection from the west being constructed; seconded by Council Member Turner.

Council Member Ardis requested Privilege of the Floor for those who wished to address the Council regarding this issue prior to the vote being taken.

Hearing no objection, Mayor Ransburg granted Privilege of the Floor to those who wished to address the Council.

Mr. Alan Brown, Attorney for Pioneer Rail Corp, said the Kellar Branch connected with P&PU which in turn connected with seven other railroads. He stated that not all the traffic for the current users either originated or terminated on the Union Pacific Railroad. He said that when more than one rail carrier was involved, the rates would go up. He stated that tearing up the Kellar Branch was not a good idea because it would destroy competitive access by having only one Class One carrier. He asserted that short-line railroads and recreational trails could co-exist successfully on the same right-of-way, and that many cities have recognized the desirability of having a commuter rail system. He urged the Council to look ahead 20 years.

Mr. Rob Happach, President of Carver Lumber Company, stated he was speaking on behalf of rail users in Pioneer Park/Growth Cell 2, both present and future. He said the two issues of concern to them were reasonable rates and reliable service; the users had expected to receive definitive answers to those concerns at a meeting yesterday, but that did not happen. He said that 80% of Carver Lumber's carload

shipments could not be routed on the Union Pacific, which would incur an additional service charge for delivery. He said it appeared the rates could go up while the service went down since a proven carrier was being traded for an unknown (in this area) carrier. He requested safeguards for the users to hold DOT Rail Service to high standards for performance and penalties for non-performance. He stated that if the Council could not deliver on its long-standing promise of comparable rates and comparable service, the users would join forces to oppose abandonment of the Kellar Branch.

Director Van Winkle said he had further researched the rate issue since the Monday, June 25th meeting and determined the rates would be either as good or better than they were now with the Kellar Branch. He said that Gateway Milling in particular would realize a cost savings since 70% of their goods were shipped on the Union Pacific, and that Carver Lumber and Peoria Plastics would both have very comparable rates, based on the figures he had obtained. He said the contract with DOT Rail Service was better than the current one as far as service assurances. He stated DOT would provide in writing a 24-hour commitment and delivery upon call. He said the Union Pacific delivery schedule would be the same whether it came over the Kellar Branch or over the lead from the west.

Council Member Thetford said the problem in this entire situation has been Pioneer Rail Corp. She said a tremendous opportunity existed for industrial investment in the Growth Cell, as well as a recreational opportunity to set Peoria apart from most other cities.

Mr. David Pittman, 2701 W. Moss Avenue, stated the side-by-side rail and trail option has proven to be extremely expensive and inappropriate for this location. He urged the Council to vote in favor of the railbanking.

Motion to authorize Staff to file a petition with the Surface Transportation Board to abandon and railbank the portion of the Kellar Branch not needed to serve Pioneer Park, contingent upon the connection from the west being constructed was approved by roll call vote.

Yeas: Ardis, Grayeb, Gulley, Morris, Nichting, Spears, Teplitz, Thetford, Turner, Mayor
Ransburg – 10;
Nays: None.

(01-468) Communication from Finance Director/Comptroller Recommending Adoption of the Following:

A. ORDINANCE Amending the BUDGET for Fiscal Year 2001 of the City of Peoria Relating to POLICE, TOBACCO and DCCA GRANTS;

Council Member Nichting moved to adopt the Ordinance amending the budget for Fiscal Year 2001 of the City of Peoria relating to Police, Tobacco and DCCA Grants; seconded by Council Member Grayeb.

ORDINANCE NO. 15,165 was adopted by roll call vote.

Yeas: Ardis, Grayeb, Gulley, Morris, Nichting, Spears, Teplitz, Thetford, Turner, Mayor
Ransburg – 10;
Nays: None.

B. ORDINANCE Amending the BUDGET for Fiscal Year 2001 of the City of Peoria Relating to PIONEER PARK RAILROAD CONSTRUCTION PROJECT.

Council Member Nichting moved to adopt the Ordinance amending the budget for Fiscal Year 2001 of the City of Peoria relating to Pioneer Park Railroad Construction Project; seconded by Council Member Turner.

ORDINANCE NO. 15,166 was adopted by roll call vote.

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

Nays: None.

(01-469) CITY MANAGER REPORT TO CITY COUNCIL.

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

Approved by roll call vote.

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

Nays: None.

UNFINISHED BUSINESS

**(01-409) Communication from Director of Planning and Growth Management with
ORDINANCE Amending APPENDIX B of the Code of the City of Peoria Adding
Crematories as a Permitted Use in the Central Business District with Motion to
Adopt the ORDINANCE.**

Clerk's Note: Motion already on the floor from June 19, 2001 because of reconsideration:

Council Member Grayeb moved to adopt the Ordinance amending Appendix B of the Code of the City of Peoria adding crematories as a permitted use in the Central Business District; seconded by Council Member Morris.

ORDINANCE NO. 15,167 was adopted by roll call vote.

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

Nays: None.

**(01-413) Communication from Director of Planning and Growth Management with
ORDINANCE Granting a SPECIAL USE in a Class O-1 (Arterial Office) District in
an oT CONTROLLED THOROUGHFARE CORRIDOR OVERLAY DISTRICT
for a PUBLIC SERVICE BUILDING (FIRE STATION) for the Property Located
at 2514 W. RICHWOODS BOULEVARD (Temporary Address), with Conditions.**

Council Member Spears moved to adopt the Ordinance granting a special use in a Class O-1 (Arterial Office) District in an oT Controlled Thoroughfare Corridor Overlay District for a public service building (fire station) for the property located at 2514 W. Richwoods Boulevard (temporary address), with conditions; seconded by Council Member Ardis.

Hearing no objections, Mayor Ransburg granted Privilege of the Floor to Mr. Bill O'Brien who wished to address this issue.

Mr. Bill O'Brien, 3321 N. Chestnut Lane, President of the Forrest Hills Homeowners Association, expressed concern that by authorizing the expenditure of \$1,118,000 to relocate Fire Station 13, that sum would not be available for projects, such as sidewalks in each of the Council Districts. He said the new 7,000 square foot station would have the same number of firefighters and the same type of equipment as the existing station. He said he had met with Fire Chief Roy Modglin and Council Member Spears on June 1, 2001, and it was indicated that two locations within that coverage area -- Pierson Hills and Golden Acres -- would still not have a four-minute response time. He suggested this would only marginally improve public safety, but at an extremely excessive cost.

Fire Chief Roy Modglin stated this was not a new plan, but had been in the City's Capital Improvement Program since about 1995, when the Fire Department began studying fire station relocation needs within the City. He said Station 13 was one of four that were prioritized for relocation, along with the need for two new stations as the City grew.

Chief Modglin acknowledged that the four-minute response time was important, but it was not the only issue. He said they also considered the number of individuals protected or not protected within the four minutes. He said his job was to provide the best protection for the greatest number of people as possible. He said the Fire Department had estimated that between 1,200 and 1,500 additional people would receive four-minute response time as a result of this move, and although that did not include the estimated 450 residents of Pierson Hills, that area would still see an improved response time. He also noted that an automobile and a fire truck were not comparable when determining response time.

Chief Modglin stated the current Station 13 was 45 years old, having been built by the Richwoods Fire Protection District. He said it was small, outdated and antiquated and did not accommodate the size and type of equipment needed to respond to situations in an area with two interstate on-off ramps (existing ramp on Gale and new ramp to be constructed on Sterling). He added the Facility Maintenance staff had determined the current station could not be expanded and also identified over \$100,000 worth of major repairs that were needed.

Chief Modglin explained a computerized Fire Station Relocation program was utilized to determine the fastest route and best location for the new station. In this instance, the ideal area was on Sterling between Forrest Hill and I-74. He said there was no property available in the center of that area, but the Richwoods site was the best one for the greatest number of people in that area. He stated this station relocation process had proven successful as evidenced by the City's ISO rating having just been increased from class 3 to class 2, putting Peoria's fire protection in the top one percent in the nation.

Motion to adopt ORDINANCE NO. 15,168 granting a special use in a Class O-1 (Arterial Office) District in an oT Controlled Thoroughfare Corridor Overlay District for a public service building (fire station) for the property located at 2514 W. Richwoods Boulevard (temporary address), with conditions was approved by roll call vote.

Yeas: Ardis, Grayeb, Morris, Nichting, Spears, Teplitz, Thetford, Turner, Mayor Ransburg – 9;
Nays: Gulley – 1.

NEW BUSINESS

(01-470) REQUEST for REPORT-BACK on Use of REVERSE 911 for PUBLIC SERVICE ANNOUNCEMENTS.

Council Member Grayeb requested a report-back on the extent to which Reverse 911 was being utilized for public safety or public service announcements. Mayor Ransburg determined the Council concurred by consensus since the Council agreed during their June 16, 2001 Retreat to vote on report-backs.

CITIZEN REQUESTS TO ADDRESS THE COUNCIL

No citizens came forward to speak.

EXECUTIVE SESSION

(01-471) 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 an action is probable or imminent.

Council Member Morris moved that the Council 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 an action is probable or imminent; seconded by Council Member Gulley.

Approved by roll call vote.

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

Nays: None.

ADJOURNMENT

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

Approved by viva voce vote.

The Council Meeting adjourned at 8:25 P.M.

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

/smg