

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

Council Chambers, Peoria, Illinois, October 9, 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, Sandberg, Teplitz, Thetford, Turner, Mayor Ransburg – 10; Absent: Spears - 1.

INVOCATION & PLEDGE OF ALLEGIANCE

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

CNBC FILM CREW FILMING A PORTION OF COUNCIL MEETING AND CONDUCTING INTERVIEWS

Mayor Ransburg announced that CNBC was in attendance to film a portion of the Council Meeting and they had interviewed some of the citizens of Peoria for their comments to be included in an across the Nation reaction to the United States bombings in Afghanistan.

PROCLAMATIONS, COMMENDATIONS, ETC.

PROCLAMATION: IN MEMORY of FRED J. TUERK

PROCLAMATION: REGIONAL NEIGHBORHOOD NETWORK CONFERENCE VOLUNTEERS AND STAFF RECOGNITION

PROCLAMATION: FIRE PREVENTION WEEK – October 7 through 13, 2001

PROCLAMATION: PEORIA ART GUILD and THE HIRAM WALKER EXHIBIT – October 5 through November 16, 2001

MINUTES

Council Member Nichting moved to approve the Minutes of the Regular City Council Meeting held on October 2, 2001, as printed; seconded by Council Member Turner.

Approved by roll call vote.

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

Nays: None.

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

(01-669) Communication from Director of Public Works Recommending the ELEVATOR SERVICE CONTRACT be Awarded to the LOW BIDDER, KONE ELEVATOR COMPANY, in the Amount of \$68,300.00 for Three Years, with Further Recommendation to Include the TWO ONE-YEAR OPTIONS for EXTENSION of the CONTRACT at the Proposed Price for Each Year.

- (01-670) **PAYMENT ESTIMATES FOR PUBLIC IMPROVEMENT PROJECTS: NORWOOD AVENUE ROADWAY IMPROVEMENT (Central Ave. to Cul-De-Sac)(Removing existing curb, gutter, sidewalks and driveway adjustment areas and constructing p.c.c. gutter flag, combination curb and sidewalk, driveway approaches, and a bituminous concrete overlay and all necessary adjustments, incidentals and appurtenances.) C&G CONCRETE CONSTRUCTION COMPANY – PAY ESTIMATE #1: \$6,734.12; MICHELE LANE ROADWAY IMPROVEMENT PROJECT (Teton Drive to Kimberly Drive)(Construction of concrete sidewalks, combination curb sidewalks, p.c.c. gutter, driveway pavement, underdrain, storm sewer and a 1½” bituminous concrete pavement overlay.) C&G CONCRETE CONSTRUCTION – PAY ESTIMATE #2: \$80,504.19; TOTAL AUTHORIZATION APPROVED: \$87,238.31. (For Information Only)**
- (01-671) **PAYMENT ESTIMATE FOR PUBLIC IMPROVEMENT PROJECT: COLFAX COURT ROADWAY IMPROVEMENT PROJECT (Chester Street to Cul-De-Sac)(Removing existing curb and gutter, median curb, sidewalk, and driveway adjustment areas and constructing p.c.c. gutter flag, combination curb and sidewalk, curb type B and driveway pavement; and a bituminous concrete pavement overlay.) R. A. CULLINAN & SON, INC. – PAY ESTIMATE #1: \$22,581.18; TOTAL AUTHORIZATION APPROVED: \$22,581.18. (For Information Only)**
- (01-672) **Communication from Director of Public Works with SUPPLEMENTAL MFT RESOLUTION NO. 01-672, in the Amount of \$880,000.00, for the JEFFERSON AVENUE RELOCATION CONSTRUCTION CONTRACT with P. J. HOERR, INC.**
- (01-673) **Communication from Director of Public Works with SUPPLEMENTAL MFT RESOLUTION NO. 01-673, in the Amount of \$8,098.00, for the CONTRACT SUPPLEMENT with RANDOLPH & ASSOCIATES, INC. for DESIGN CHANGES Regarding the JEFFERSON AVENUE RELOCATION.**
- (01-674) **Communication from Director of Public Works with SUPPLEMENTAL MFT RESOLUTION, in the Amount of \$105,000.00, for the CONTRACT with RANDOLPH & ASSOCIATES, INC. for ENGINEERING CONSTRUCTION and STAKING SERVICES Regarding JEFFERSON AVENUE RELOCATION PROJECT.**
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- (01-675) **Communication from Director of Public Works with MFT RESOLUTION NO. 01-675, in the Amount of \$60,000.00, for the PROFESSIONAL SERVICES CONTRACT with HANSON ENGINEERS, INC., in an Amount Not to Exceed \$55,747.00, for the WEST FORREST HILL PROJECT – PHASE III, at the Intersection of West Forrest Hill Avenue and North Dries Lane.**
- (01-676) **Communication from Director of Inspections and Animal Shelter Director Requesting Approval of the CONTRACT for ANIMAL CONTROL SERVICES for the VILLAGE OF MAPLETON.**
- (01-677) **Communication from Director of Public Works Requesting Approval of a PETITION to ANNEX TERRITORY to the GREATER PEORIA SANITARY AND SEWAGE DISPOSAL DISTRICT, Approval of the Expenditure of \$2,840.46 for the Capital Investment Charge, and Requesting Authorization for the City Manager to Execute the Documents.**

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

Council Member Sandberg requested that Item No. 01-674 be removed from the Consent Agenda for further discussion.

Item Nos. 01-669 through 01-677 (excluding Item No. 01-674 which was 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, Teplitz, Thetford, Turner, Mayor Ransburg – 10;

Nays: None.

**(01-674) Communication from Director of Public Works with SUPPLEMENTAL MFT
* RESOLUTION, in the Amount of \$105,000.00, for the CONTRACT with
 RANDOLPH & ASSOCIATES, INC. for ENGINEERING CONSTRUCTION and
 STAKING SERVICES Regarding JEFFERSON AVENUE RELOCATION
 PROJECT.**

In discussion with Council Member Sandberg regarding costs, Director of Public Works Steve Van Winkle confirmed that \$181,000.00 was the total for engineering services, including staking out, for the Jefferson Avenue project. He said costs for staking out were about 20% of the \$105,000.00.

Council Member Sandberg expressed concern regarding how the estimates were calculated for the construction costs. Mr. Van Winkle agreed, but he indicated that they expected the fees for the construction inspection to be well under \$105,000.00 or \$85,000.00, which did not include staking.

Council Member Sandberg moved to approve the Supplemental MFT Resolution, in the amount of \$105,000.00, for the contract with Randolph & Associates, Inc. for engineering construction and staking services regarding the Jefferson Avenue Relocation Project with a request for a report back regarding final construction costs upon completion; seconded by Council Member Gulley.

Motion to approve the SUPPLEMENTAL MFT RESOLUTION NO. 01-674, in the amount of \$105,000.00, for the contract with Randolph & Associates, Inc. for engineering construction and staking services regarding the Jefferson Avenue Relocation Project with a request for a report back regarding final construction costs upon completion was approved by roll call vote.

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

Nays: None.

**(01-678) Communication from Director of Economic Development Requesting Approval of
 the REVISED REDEVELOPMENT AGREEMENT for PHASE I of SPRING
 GROVE with SPRING GROVE CONSTRUCTION LIMITED PARTNERSHIP,
 and Requesting Authorization for the City Manager to Execute the Document.**

Council Member Gulley moved to approve the Revised Redevelopment Agreement for Phase I of Spring Grove with Spring Grove Construction Limited Partnership and authorize the City Manager to execute the document; seconded by Council Member Turner.

Approved by roll call vote.

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

Nays: None.

UNFINISHED BUSINESS

- (01-631) Communication from Director of Planning and Growth Management with Recommendation from the Zoning Commission and City Staff to DENY an *ORDINANCE Rezoning Properties Located at 2300 S. OREGON and 2734 W. WYOMING from a Class R-4 (Single Family Residential) District to a Class R-8 (Multi-Family Residential) District and Granting a SPECIAL USE for CHURCH FACILITIES to Include a HOMELESS SHELTER.**

Assistant Director of Planning and Growth Management Pat Landes distributed a copy of a replacement Ordinance granting a Special Use for Church Facilities for property located at 2300 S. Oregon and 2734 W. Wyoming to all members of the City Council.

*Council Member Gulley moved to adopt the Ordinance granting a Special Use in a Class R-4 (Single Family Residential) District for Church Facilities for the property located at 2300 S. Oregon, and 2734 W. Wyoming; seconded by Council Member Morris.

In discussion with Council Member Sandberg regarding parking requirements, Assistant Director of Planning and Growth Management Pat Landes explained there would not be a variance granted for parking with the adoption of the Special Use because there was a variance, from the Zoning Board of Appeals, granted in 1963 for this building for a church use for the existing parking. She said the 1963 variance was incorporated into the site plan so the impact of parking in the neighborhood would remain the same as in the past.

Corporation Counsel Randy Ray said there were a couple of recent pieces of legislation which affected zoning decisions with churches in the Federal Religious Land Use and Institutionalized Persons Act, which prohibited the City from any land use regulations in a manner that would impose a substantial burden on the religious exercise of a person, including a religious assembly or institution, unless the government demonstrated the imposition of that burden on that person was in furtherance of a compelling governmental interest and was the least restrictive means of furthering that compelling governmental interest.

Mr. Ray stated that Council Member Gulley had attended a presentation at the Illinois Municipal League, and he and Council Member Gulley had held a discussion regarding this issue.

Council Member Sandberg expressed concern regarding the narrow streets and he pointed out on-street parking could cause a neighborhood problem. He indicated he did not feel on-street parking for this location was good planning.

Council Member Gulley indicated the church was working to try to make their situation better for the neighborhood.

Motion to approve ORDINANCE NO. 15,208 granting a Special Use in a Class R-4 (Single Family Residential) District for Church Facilities for the property located at 2300 S. Oregon, and 2734 W. Wyoming was adopted by roll call vote.

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

Nays: None.

Clerk's Note: See Page 25370, under Item No. 01-679 for the Petitioner's comments.

- (01-657) Communication from Director of Economic Development and Director of Public Works with ORDINANCE VACATING PORTIONS of RICHMOND, RAVINE, and DECKMAN AVENUES and ALLEYS Between these Avenues in the MIDTOWN PLAZA REDEVELOPMENT AREA, with a Supplemental Communication Explaining the Impact of the Vacation of East Richmond Street on the Property to the South and Neighboring Properties.**

Council Member Thetford moved to adopt the Ordinance vacating portions of Richmond, Ravine and Deckman Avenues and alleys between these avenues in the Midtown Plaza Redevelopment Area, and receive and file the communication regarding the impact of the vacation of East Richmond Street on property to the South and neighboring properties; seconded by Council Member Teplitz.

Motion to adopt ORDINANCE NO. 15,209 and receive and file the communication regarding the impact of the vacation of East Richmond Street on neighboring properties was approved by roll call vote.

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

Nays: Sandberg - 1.

NEW BUSINESS

ANNOUNCEMENT Regarding BENEFIT for the JIM FAULKNER FAMILY at the ITOO HALL

Council Member Sandberg announced that the public was invited to attend a benefit for the Jim Faulkner Family at the Itoo Hall on Wednesday, October 10, 2001, from 11:00 A.M. until 7:30 P.M. and the cost would be a donation.

COMMENTS Regarding NEIGHBORHOOD NETWORK CONFERENCE

Council Member Thetford thanked all participants who attended the Neighborhood Network Conference. She indicated the event was a success and also thanked the efforts of local participants.

CITIZEN REQUESTS TO ADDRESS THE COUNCIL

- (01-679) REQUEST by CITIZENS to ADDRESS THE COUNCIL.**

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

Rev. Rich Sommer, 2006 W. Marquette representing New Jerusalem Missionary Baptist Church, thanked the Council for their efforts in obtaining the Special Use under Item No. 01-631. He said the Church would do their best to be a good neighbor to the residents of the neighborhood.

EXECUTIVE SESSION

- (01-680) 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 and 2(c)(11) Litigation, when an action against, affecting, or on behalf of the particular public body has been filed and is pending before a court or administrative tribunal, or when the public body finds that such an action is probable or imminent.**

Council Member Nichting 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 and 2(c)(11) Litigation, when an action against, affecting, or on behalf of the particular public body has been filed and is pending before a court or administrative tribunal, or when the public body finds that such an action is probable or imminent; seconded by Council Member Grayeb.

Approved by roll call vote.

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

Nays: None.

ADJOURNMENT

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

Approved by viva voce vote.

The Council Meeting adjourned at 7:00 p.m.

bb

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