

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

Council Chambers, Peoria, Illinois, October 17, 2000, a Regular Meeting of the City Council was held this date at 6:18 P.M., at City Hall, 419 Fulton Street, Mayor Pro Tem Gail Thetford and Mayor Lowell G. Grieves presiding.

**ROLL CALL**

Roll call showed the following Council Members present: Ardis, Duncan (Arrived 6:20 p.m.), Gibson, Morris, Nichting, Sandberg, Spears, Thetford, Turner, Mayor Grieves (Arrived 6:50 p.m.) – 10; Absent: Grayeb - 1.

**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 “POLITE”****PROCLAMATIONS, COMMENDATIONS, ETC.**

PROCLAMATION: YWCA WEEK WITHOUT VIOLENCE – OCTOBER 15-21, 2000

**MINUTES**

Council Member Nichting moved to approve the Minutes of the Regular City Council Meeting held on October 10, 2000, and Executive Sessions held on October 3, 2000, and October 10, 2000, as printed; seconded by Council Member Turner.

Approved by roll call vote.

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

Nays: None.

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

- (00-757) NOTICE OF LAWSUIT on Behalf of BLAIR McLEAN Regarding Personal Injury at the Intersection of 4500 N. University/Christine Street, on October 2, 1999.
- (00-758) BIDS for 2000-2001 ANNUAL OFFICE SUPPLIES, as Outlined.
- (00-759) 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 #1: \$205,403.89; TOTAL AUTHORIZATION APPROVED: \$205,403.89. (For Information Only)

- (00-760) **PAYMENT ESTIMATE FOR PUBLIC IMPROVEMENT PROJECTS: MacARTHUR - R.B. GARRETT OFFRAMP & INTERSECTION IMPROVEMENT** (Construction of concrete retaining walls for right turn lane from MacArthur Highway Bridge (southbound), realigning & constructing new 10" p.c.c. pavement on Richard Allen Dr. & Saratoga Street, widening & constructing new 10" p.c.c. pavement on R.B. Garrett Avenue connecting Saratoga to Fourth, constructing new p.c.c. drives & sidewalks, along with new storm sewers and replacing street lighting system.) – OTTO BAUM COMPANY, INC. – **PAY ESTIMATE #10: \$21,129.85; WEST ARMSTRONG AVENUE ROADWAY & STREET LIGHTING IMPROVEMENT** (North Street to I-74 Bridge) (Removing existing curb, sidewalks & driveway approaches and constructing concrete combination curb & sidewalks, driveway pavement, a bituminous overlay and a City-standard ornamental street lighting system.) **C & G CONCRETE CONSTRUCTION – PAY ESTIMATE #2 & SEMI-FINAL: \$30,881.07; TOTAL AUTHORIZATION APPROVED: \$52,010.92. (For Information Only)**
- (00-761) **Communication from Equal Opportunity Director with ORDINANCE NO. 15,014 Amending Article II of Chapter 17 of the Code of the City of Peoria with Respect to HUMAN RELATIONS, HOUSING AND EMPLOYMENT Regarding the HEARING PROCESS.**
- (00-762) **Communication from Director of Planning and Growth Management with ORDINANCE NO. 15,015 Granting a SPECIAL USE in a Class C-2 District (Large Scale Commercial) for MINI-STORAGE UNITS to Include an Additional STORAGE BUILDING for Property Located at 3650 N. MEADOWBROOK LANE, with Conditions.**
- (00-763) **Communication from Director of Planning and Growth Management with ORDINANCE NO. 15,016 Amending Ordinance No. 9,928, an EXISTING SPECIAL USE in a Class R-7 District (Multi-Family Residential) for ELDERLY HOUSING to Include a PROPOSED PARKING LOT, CANOPY and LOBBY ADDITIONS, and a FENCE for Property Located at 2601 and 2625 W. RESERVOIR BOULEVARD, with Conditions.**
- (00-764) **Communication from Director of Planning and Growth Management with ORDINANCE NO. 15,017 Amending Ordinance No. 13,667, an EXISTING SPECIAL USE in a Class R-7 District (Multi-Family Residential) for a RETIREMENT HOME to Include ADDITIONAL CARPORTS for Property Located at 2724 W. RESERVOIR BOULEVARD, with Condition.**
- (00-765) **Communication from Director of Planning and Growth Management with ORDINANCE NO. 15,018 Rezoning Property Located on the 5,700 Square Feet of Land Immediately Northeast of the Property Addressed as 4532 N. UNIVERSITY STREET from the Present Class R-1 District (Single-Family Residential) to a Class C-1 District (General Commercial).**
- (00-766) **Communication from Equal Opportunity Director Regarding MENTORING INDEPENDENT PARTNERS PROGRAM (MIPP). (For Information Only)**
- (00-767) **REPORTS:**
- A. **TOWN OF THE CITY OF PEORIA FINANCIAL REPORT – Period Ending 09/30/2000.**

**(00-768) ADOPTION OF COMMITTEE REPORT Regarding CITYWIDE STOP SIGN POLICIES.**

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

Item Nos. 00-757 through 00-768 were approved by roll call vote under the Omnibus Vote Designation.

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

Nays: None.

**(00-769) Communication from Superintendent of Police and Director of Public Works with Recommendation to Award the SOLE SOURCE BID for INSTALLATION of SECURITY SYSTEMS EQUIPMENT to MIDCO, INC., in an Amount Not to Exceed \$65,000, as Proposed.**

Council Member Sandberg questioned how this bid would benefit and enhance the existing Riverfront emergency call station and video cameras. He said his concern was whether additional funding would be needed in the future to use this capacity in the Police Department along with the new software for the Riverfront.

Superintendent Stenson explained this system would enhance the existing equipment already in place, and would result in better monitoring of City buildings of all those persons entering and exiting the buildings. He said the installation would also add additional software and more capacity. He said the funding for the Police portion came from a grant and not the corporate budget. He further stated this technology would allow for future cameras to be installed.

City Manager McKnight explained the Police computer already had enough capacity to allow this technology to be utilized and would provide better visuals and documentation for the existing cameras.

Council Member Duncan moved to approve the sole source bid for installation of security systems equipment to Midco, Inc., in an amount not to exceed \$65,000, as proposed; seconded by Council Member Gibson.

Approved by roll call vote.

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

Nays: Sandberg – 1.

**(00-770) Communication from Director of Public Works with Recommendation to Approve UTILITY RELOCATION TIME & MATERIALS FORCE ACCOUNT CONTRACT with WIEGAND AND STORRER, INC. for the STADIUM PROJECT to Perform Preliminary Work to Prepare the Relocated Jefferson Street Right-of-Way for Utility Relocation, in an Amount Not to Exceed \$150,000.**

Council Member Nichting stated he would be abstaining from the discussion and vote due to his ownership of property in this area.

Council Member Morris moved to approve the utility relocation time and materials force account contract with Wiegand and Storrer, Inc. for the stadium project to perform preliminary work to prepare the relocated Jefferson Street right-of-way for utility relocation, in an amount not to exceed \$150,000; seconded by Council Member Turner.

Approved by roll call vote.

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

Nays: None;

Abstentions: Nichting – 1.

**(00-771) Communication from Director of Planning and Growth Management with RESOLUTION Approving the ANNEXATION AGREEMENT for Certain Property Located to the South of Vinton Highlands Subdivision and to the North of Weaverridge Subdivision, with an Approximate Address of 3825 W. CHARTER OAK ROAD, all Located Within One and One Half Miles of the City of Peoria.**

Council Member Nichting stated this issue was a concern of the residents as to how this would be connected to the development of senior housing in Weaverridge. He said as a result of the cooperation and support of the residents and all the parties involved, a compromise was reached. He said the compromise allowed for a downzoning of the property on Charter Oak Road where the proposed senior housing would be located and also allowed property to be annexed into the City. He said this provided an additional tax base to the taxpayers of Peoria. He added the following ordinance would also allow for the development to occur in Weaverridge that was consistent with the views of the residents of the neighborhood and what was acceptable at the time they purchased their property. He said he felt this was clearly a win-win situation.

Council Member Nichting moved to approve the Resolution Approving the Annexation Agreement for certain property located to the South of Vinton Highlands Subdivision and to the North of Weaverridge Subdivision, with an approximate address of 3825 W. Charter Oak Road, all located within one and one half miles of the City of Peoria; seconded by Council Member Sandberg.

RESOLUTION NO. 00-771 was approved by roll call vote.

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

Nays: None.

**(00-772) Communication from Director of Planning and Growth Management with Recommendation to Approve the Following:**

**A. ORDINANCE Approving the FINAL PLAT of WEAVERRIDGE SUBDIVISION SECTION FIVE, Located on PARCEL E of Weaverridge Subdivision;**

Council Member Nichting moved to adopt the Ordinance approving the Final Plat of Weaverridge Subdivision Section Five located on Parcel E of Weaverridge Subdivision; seconded by Council Member Morris.

ORDINANCE NO. 15,019 was adopted by roll call vote.

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

Nays: None.

**B. RESOLUTION Approving the PRELIMINARY and FINAL PLAN of TALLGRASS CONDOMINIUMS, a Residential Development Located on Lot 308 of WEAVERRIDGE SUBDIVISION SECTION FIVE;**

Council Member Nichting moved to approve the Resolution approving the Preliminary and Final Plan of Tallgrass Condominiums, a residential development located on lot 308 of Weaverridge Subdivision Section Five; seconded by Council Member Turner.

RESOLUTION NO. 00-772 was approved by roll call vote.

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

Nays: None.

**C. ORDINANCE Rezoning Property Designated as PARCEL E of WEAVERRIDGE SUBDIVISION from the Present Class R-6 District (Multi-Family Residential) to a Class R-5 District (Residential Cluster);**

Council Member Nichting moved to adopt the Ordinance rezoning Parcel E of Weaverridge Subdivision from the present Class R-6 District (Multi-Family Residential) to a Class R-5 District (Residential Cluster); seconded by Council Member Sandberg.

Council Member Sandberg stated it was clear discussions had taken place and he commended Council Member Nichting for his efforts.

ORDINANCE NO. 15,020 was adopted by roll call vote.

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

Nays: None.

**D. AMENDMENT to ANNEXATION AGREEMENT and DEVELOPMENT AGREEMENT for WEAVERRIDGE SUBDIVISION.**

Council Member Nichting moved to approve the Amendment to the Annexation Agreement and Development Agreement for Weaverridge Subdivision; seconded by Council Member Gibson.

Approved by roll call vote.

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

Nays: None.

Mayor Grieves arrived and assumed the Chair.

**(00-773) Communication from Director of Planning and Growth Management with ORDINANCE Granting a SPECIAL USE in a Class C-1 District (General Commercial) for Expansion of a Nonconforming Use to Include EXPANSION of the EXISTING BUILDING for Property Located at 925 N. SHERIDAN ROAD, with Condition.**

Council Member Gibson requested the Petitioner meet with the neighbors in the Windom area, as well as the Main Street Development Corporation, to work out some of the issues which had not been appropriately addressed. She said she felt conditions should be attached referring to the appearance of the property since it would have an impact on some of the residential areas.

Council Member Gibson moved to defer this item for two weeks until the October 31, 2000, Regular City Council Meeting; seconded by Council Member Sandberg.

Motion to defer this item until October 31, 2000, was approved by roll call vote.

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

Nays: None.

**(00-774) Communication from Director of Planning and Growth Management with  
ORDINANCE Granting a SPECIAL USE in a Class R-2 District (Single Family  
Residential) for a COMMUNICATION TOWER and SHELTER for Property  
Located at 1601 W. NORTHMOOR ROAD, with Conditions.**

Council Member Nichting questioned where the exact location of the tower would be. He said this was a concern of some of the residents. He said he felt this location would be satisfactory due to the sufficient buffering.

Director of Planning and Growth Management Wayne Anthony suggested revising the first condition to refer to an Attachment B that would be the specific site plan without bringing it back to Council.

Council Member Nichting moved to adopt the Ordinance granting a Special Use in a Class R-2 District (Single Family Residential) for a Communication Tower and Shelter for property located at 1601 W. Northmoor Road, with Conditions, as amended, to add the correct language to the first condition and add Attachment B site location; seconded by Council Member Ardis.

ORDINANCE NO. 15,021, as amended, was adopted by roll call vote.

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

Nays: None.

**(00-775) Communication from Director of Planning and Growth Management with  
ORDINANCE Granting a SPECIAL USE in a Class R-1 District (Single Family  
Residential) for a PUBLIC SCHOOL for Property Located at 3314 W.  
RICHWOODS BOULEVARD, with Conditions.**

Council Member Spears questioned if it were possible to have the School District agree to assist with some of the infrastructure needed in this area. He said the County did not have this included in their next budget and he felt the street needed to be updated to City standards for safety reasons.

Director of Planning and Growth Management Wayne Anthony stated it would be beneficial to defer this item so these discussions could be held with the School District.

Council Member Spears moved to defer this item for two weeks until the October 31, 2000, Regular City Council Meeting; seconded by Council Member Duncan.

Motion to defer this item until October 31, 2000, was approved by roll call vote.

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

Nays: None.

- (00-776) **Communication from Director of Planning and Growth Management with ORDINANCE Amending Ordinance No. 14,812, an EXISTING SPECIAL USE in a Class R-7 District (Multi-Family Residential) for CONTINUING CARE and RETIREMENT HOUSING COMMUNITY to Include Variations of the Approved Site Plan and Elevations for the Property Located at 6901 N. GALENA ROAD, with Conditions.**

Council Member Nichting moved to adopt the Ordinance amending Ordinance No. 14,812, an Existing Special Use in a Class R-7 District (Multi-Family Residential) for Continuing Care and Retirement Housing Community to include variations of the approved site plan and elevations for the property located at 6901 N. Galena Road, with Conditions; seconded by Council Member Sandberg.

ORDINANCE NO. 15,022 was adopted by roll call vote.

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

Nays: None.

- (00-777) **Communication from Director of Planning and Growth Management with ORDINANCE Rezoning Property Located at the 1700-1800 Blocks of N. KNOXVILLE AVENUE, 1700-1800 Blocks N. DECHMAN AVENUE, 100 Block of E. NEBRASKA AVENUE, 100 Block of E. RICHMOND AVENUE From the Present Class C-1 District (General Commercial), R-6 District (Multi-Family Residential), and Class R-4 District (Single Family Residential) to a Class C-2 District (Large Scale Commercial), and Granting a SPECIAL USE in a Class C-2 District (Large Scale Commercial) for a SHOPPING CENTER, with Conditions.**

City Clerk Mary Haynes distributed copies of Petitions bearing 307 signatures protesting the rezoning to all members of the City Council.

Director of Economic Development David Dobson explained the City had entered into a Redevelopment Agreement with Midtown Plaza L.L.C. in relationship to the production of Midtown Plaza. He said the Redevelopment Agreement contained a number of provisions/conditions which were precedent to the City's obligations under the agreement. He briefly outlined the nine points.

1) Anchor Store Commitment. He said there was a requirement prior to the issuance of bonds that there be an anchor store commitment. He said the agreement for the anchor store had been reviewed and found to be adequate.

2) In-line shops and Outlot Building Commitments. He said there needed to be a commitment from a tenant/user for at least 7,500 square feet of the aggregate gross leasable area of the In-line shops and the Outlot Building. He said the developer indicated he was in the process of obtaining those and there were five to six potential leases for review.

3) Commencement Notice. He said this commencement notice would be delivered from the developer to the City that the Developer wished to proceed on the project. He said this letter had not yet been received.

4) Financing Requirement. He said a letter was received from a lending institution and it appeared to be in order.

5) Governmental Permits and Approvals. He said all the necessary permits and approvals for the project must be secured from all Government bodies and disclosed prior to proceeding with the bond financing.

6) Opinion of Bond Counsel. He said this was not obtained at this point. However, he said they had reason to believe that Bond Counsel would be finding that this activity would be a tax exempt bond issue.

7) Homeowner Acquisitions. He said they had reviewed the agreements for the purchase of the homeowner's property and had found there were fourteen presented which appeared to be valid agreements.

8) Environmental Assessment. He said they had in their possession a number of environmental documents at the Phase I and Phase II level which indicated there was a clean site available for this development.

9) Construction Contract. He said this item was near completion. He said this rezoning was to deal with the issues of governmental approval in relationship to this project and to satisfy this item as it related to the nine items. He said once those items were satisfied, they would be in a position to proceed with bond financing for this project.

Council Member Thetford questioned the City's status in reference to the zoning request.

Corporation Counsel Randy Ray explained petitions were filed and if the petitions were appropriate they would trigger a two-thirds vote. He said the petitions were not acknowledged, and unfortunately the City played a major role in the fact that they were not acknowledged. He suggested a one-week deferral to allow the problem to be corrected.

In discussion with Corporation Counsel Ray, Council Member Thetford determined the rezoning was a pre-condition to the issuance of bonds.

Finance Director Ellie Hogan stated she had been working with Speer Financial to issue bonds on November 7, 2000. She explained that date was chosen due to tax levy requirements. She further outlined those requirements.

Council Member Sandberg moved to defer this item for one week until the October 24, 2000, Regular City Council Meeting; seconded by Council Member Duncan.

Motion to defer this item until October 24, 2000, was approved by roll call vote.

Yeas: Ardis, Duncan, Gibson, Morris, Nichting, Sandberg, Spears – 7;

Nays: Thetford, Turner, Mayor Grieves – 3.

### **UNFINISHED BUSINESS**

**(00-753) Communication from Corporation Counsel Recommending Adoption of  
ORDINANCE “A” OR ORDINANCE “B” Creating a COUNCIL RULE Pertaining  
to AMENDMENTS TO CONTRACTS.**

Council Member Morris moved to defer this item for one week until October 24, 2000, Regular City Council Meeting; seconded by Council Member Sandberg.

Motion to defer this item until October 24, 2000, was approved by roll call vote.

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

Nays: None.



- (00-714) **Communication from Corporation Counsel with Request to Defer until October 24, 2000, the EDGEWATER PAD REDEVELOPMENT AGREEMENT, SETTLEMENT AGREEMENT, and AMENDMENTS and AGREEMENTS as to Interpretation of the AMENDED AND RESTATED RIVERFRONT VILLAGE REDEVELOPMENT AGREEMENT, Pertaining to the City's Dispute with Riverfront Village Developers Pursuant to the Draft Term Sheet, and Request Authorization for the City Manager to Execute the Documents.**

Council Member Morris moved to defer this item for one week until the October 24, 2000, Regular City Council Meeting; seconded by Council Member Turner.

Motion to defer this item until October 24, 2000, was approved by roll call vote.

Yeas: Ardis, Duncan, Gibson, Morris, Nichting, Sandberg, Spears, Thetford, Turner,  
Mayor Grieves – 10;  
Nays: None.

- (00-754) **Request from Council Member William Spears and Communication from Finance Director/Comptroller with RESOLUTION IN SUPPORT OF HEALTH INSURANCE for IMRF RETIREES with Recommendation to Approve Resolution A OR Resolution B, AND Communication from Finance and Human Resources Directors Pertaining to SENATE BILL 100 Regarding IMRF HEALTH PLAN. (For Information Only)**

Council Member Spears moved to approve Resolution A in support of Health Insurance for IMRF Retirees and receive and file the communication pertaining to Senate Bill 100 regarding IMRF Health Plan; seconded by Council Member Gibson.

RESOLUTION NO. 00-754 was approved by roll call vote.

Yeas: Ardis, Duncan, Gibson, Morris, Nichting, Sandberg, Spears, Thetford, Turner,  
Mayor Grieves – 10;  
Nays: None.

### NEW BUSINESS

### ANNOUNCEMENT REGARDING DISTRIBUTION OF MULCH

Director of Public Works Steve Van Winkle announced the City would be giving away free rough cut mulch at the Public Services Facility, 3505 N. Dries Lane on October 21, 2000, from 8:00 a.m. to 4:00 p.m. He said there would also be a demonstration on how to properly plant trees.

### CITIZEN REQUESTS TO ADDRESS THE COUNCIL

It was determined no one wished to address the Council.

### EXECUTIVE SESSION

- (00-778) **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)(2) Collective negotiating matters between the public body and its employees or their representatives, or deliberations concerning salary schedules for one or more classes of employees.**

Council Member Nichting moved that the City 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)(2) Collective negotiating matters between the public body and its employees or their representatives, or deliberations concerning salary schedules for one or more classes of employees; seconded by Council Member Turner.

Approved by roll call vote.

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

Nays: None.

### **ADJOURNMENT**

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

Approved by viva voce vote.

The Council Meeting adjourned at 7:15 P.M.

---

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

/dp