

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

Council Chambers, Peoria, Illinois, September 7, 2004, a Regular Meeting of the City Council of the City of Peoria was held this date at 6:17 P.M., at City Hall, Council Chambers, 419 Fulton Street, Mayor David P. Ransburg presiding.

**ROLL CALL**

Roll call showed the following Council Members present: Ardis, Grayeb, Gulley (arrived at 6:25 P.M.), Morris, Nichting, Sandberg (arrived at 6:25 P.M.), Spears (arrived at 6:32 P.M.), Thetford, Teplitz, Turner, Mayor Ransburg – 11; Absent: None.

**INVOCATION & PLEDGE OF ALLEGIANCE**

Mayor Ransburg requested a moment of silent prayer, and then the U. S. Naval Sea Cadet Corps led the Pledge of Allegiance.

**PROCLAMATIONS, COMMENDATIONS, ETC.**

PROCLAMATION: RECOGNITION OF THE MILITARY SERVICE OF CITY OF PEORIA EMPLOYEES

PROCLAMATION: ILLINOIS CENTRAL COLLEGE: UPWARD BOUND PROGRAM

PROCLAMATION: 40<sup>TH</sup> ANNIVERSARY OF THE PEORIA CURSILLO

PROCLAMATION: COMMON PLACE WEEK – SEPTEMBER 5-11, 2004

PROCLAMATION: DAUGHTERS OF THE AMERICAN REVOLUTION: CONSTITUTION WEEK – SEPTEMBER 17-23, 2004

PROCLAMATION: CENTRAL ILLINOIS FRIENDS OF PEOPLE WITH AIDS: DINING WITH FRIENDS MONTH – SEPTEMBER, 2004

PROCLAMATION: U. S. NAVAL SEA CADET CORPS MONTH – SEPTEMBER, 2004

**MOMENT OF SILENCE IN REMEMBRANCE OF CITY EMPLOYEE JIM BOLT**

Mayor Ransburg requested a moment of silence in remembrance of Jim Bolt, Information Systems Computer Support Specialist, aged 39, who had worked for the City of Peoria since 2000. He said Jim became ill in March of 2004 and passed away following a heart attack on September 1, 2004.

**LETTER OF APPRECIATION to the Mayor and City Council for HONORING CITY EMPLOYEES' CONTRIBUTIONS TO NATIONAL DEFENSE**

Council Member Nichting read the following letter and requested that it be included in the permanent record:

"Dear Mayor and City Council Members,

"I'm writing to thank you and the City for the support I received during my deployment to the Gulf last year. I do not think you can imagine the relief it is to not worry about having a job or benefits upon our return. Your support enabled me to concentrate on my duties and serve our nation without distraction. In my position as Wing Command Chief, I'm responsible to the enlisted men and women of the Wing. I dealt with numerous Reservists and Guardsmen who were not as fortunate as I to have the unwavering support of their employer.

"I'd also like to point out with great pride; our city employees in the military are bringing their knowledge and skills to their city jobs to assist us in being prepared for the unthinkable. With the threat of terrorism in our streets, the level of preparedness we currently enjoy is due in a large part to the skills your Guardsmen and Reservists acquired from the military. This is truly a win win situation for the citizens of our city and the nation.

"Sincerely,

"Stephen J. Eakle, Chief Master Sergeant, IL ANG

"182 Airlift Wing, Command Chief

"Peoria Police Dept, Captain (Retired)"

**MINUTES**

Council Member Nichting moved to approve the minutes of the Regular City Council Meeting held on August 17, 2004, and Executive Sessions held on August 24, 2004, as printed; with a clarification to the August 17<sup>th</sup> minutes on Page 26675, Item No. 04-069 should be 04-469; 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.

**PETITIONS, REMONSTRANCES & COMMUNICATIONS**

**CONSIDERATION OF CONSENT AGENDA ITEMS BY OMNIBUS VOTE, for the City of Peoria, with Recommendations as Outlined:**

- (04-472) NOTICE OF LAWSUIT on Behalf of JANET ALVAREZ Regarding a Vehicle Accident with a Police Car on November 20, 2003, with Recommendation to Receive and File and Refer to the Legal Department.
- (04-473) BIDS for REPLACEMENT RETROFIT LED LAMPS AND PARTS, Recommending the LOW BID of ACT ONE COMMUNICATIONS, INC. for Balls/Arrows and Pedestrian Indicators, and the LOW BID of BROWN TRAFFIC PRODUCTS, INC., for Signal Heads, in the Amounts Outlined.

- (04-474) Communication from the City Manager and Interim Police Chief Requesting Authorization for the City Manager to PURCHASE VEHICLES from HERITAGE BUICK-MADZA-GMC and JIM McCOMB CHEVROLET-GEO, through the Asset Forfeiture Funds.
- (04-475)  
\* PAYMENT ESTIMATE for PUBLIC IMPROVEMENT PROJECT: MAIN STREET SIDEWALK IMPROVEMENT (UNIVERSITY STREET TO SHERIDAN ROAD), PHASE I (Removal of existing comb. curb & gutter, sidewalks, steps & driveway approaches and construction of concrete sidewalks, comb. curb-sidewalks, p.c.c. gutter, driveway payment, storm sewer, traffic signals & an ornamental street lighting system), R.A. CULLINAN & SON, INC. - PAY ESTIMATE #5 & FINAL: \$102,990.96; OVER CONTRACT AMOUNT: \$51,278 (6.75%), with Recommendation to Approve the Final Pay Estimate in the Amount of \$102,990.96.
- (04-476)  
\*\* PAYMENT ESTIMATE for PUBLIC IMPROVEMENT PROJECT: STONEGATE ROAD ROADWAY IMPROVEMENT PROJECT (NORTH STREET TO LAKE STREET) (Removal of existing combination curb and gutter, and driveway approaches; construction of concrete sidewalks, combination curb-sidewalks, p.c.c. gutter, driveway pavement, underdrain, storm sewer, and a bituminous concrete pavement overlay.) C & G CONCRETE CONSTRUCTION - PAY ESTIMATE #7 & FINAL: \$31,182.89; OVER CONTRACT AMOUNT: \$50,314.45 (10.2%), with Recommendation to Approve the Final Pay Estimate in the Amount of \$31,182.89.
- (04-477) Communication from the City Manager and Director of Inspections Requesting Approval ADDITIONAL DEMOLITION FUNDS for 1718 ANTOINETTE, in the Amount of \$95,000.00 to Continue COMMERCIAL and RESIDENTIAL BOARD-UPS and DEMOLITIONS of Fiscal Year 2004.
- (04-478)  
\*\*\* Communication from the City Manager and Corporation Counsel Requesting to WAIVE THE RESTRICTION in the UNION SANYO DEED which PROHIBITS THE OWNER from APPLYING FOR TAX EXEMPT STATUS for CRITTENTON CENTERS SOUTHTOWN PROPERTY and to Authorize the City Manager to Execute the Necessary Documents.
- (04-479) Communication from the City Manager and Director of Public Works Requesting Approval of the INTERGOVERNMENTAL AGREEMENT Between PEORIA COUNTY and the City of Peoria Regarding the Use of APPROXIMATELY 20 ACRES of the LANDFILL PROPERTY for the PURPOSE of ALL TERRAIN VEHICLE (ATV) TRAINING by the Peoria County Sheriff's Department.
- (04-480) Communication from the City Manager and Corporation Counsel Requesting Adoption of an ORDINANCE NO. 15,675 Amending Chapter 18 of the Code of the City of Peoria Relating to PEDDLERS, LIMITING WEIGHT of VEHICLES USED TO 4 TONS and REQUIRING PEDDLERS to OBTAIN a STATE OF ILLINOIS SALES TAX NUMBER.
- (04-481) Communication from the City Manager and Finance Director/Comptroller Recommending Adoption of an ORDINANCE NO. 15,676 Amending the BUDGET for Fiscal Year 2004 of the City of Peoria, Relating to the \$95,000.00 INCREASE in the Inspection's Department's Contractual Budget for Demolitions from the GENERAL FUND for 1718 ANTOINETTE.

- (04-482) STREET LIGHT REQUEST: PUBLIC ALLEY BEHIND 712 SOUTH WESTERN AVENUE, with an Annual Cost to the City of Peoria in the Amount of \$78.81, with Recommendation to Approve.
- (04-483) APPLICATION for a CLASS "H" (Temporary Outdoor) LIQUOR LICENSE for ST. PHILOMENA SCHOOL to Hold a CARNIVAL FUNDRAISER on THURSDAY through SATURDAY, SEPTEMBER 23, 24, and 25, 2004, at 3216 N. EMERY, with Recommendation to Approve.
- (04-484) APPLICATION for a CLASS "H" (Temporary Outdoor) LIQUOR LICENSE for ST. MARK'S PARENT-TEACHER ORGANIZATION to Hold a Fundraiser Event on FRIDAY, SEPTEMBER 24, 2004, at 711 NORTH UNDERHILL, with Recommendation to Approve.
- (04-485) APPLICATION for a CLASS "H" (Temporary Outdoor) LIQUOR LICENSE for BRADLEY UNIVERSITY to Hold Their HOMECOMING EVENT on FRIDAY, OCTOBER 20, 2004, in SHEA STADIUM PARKING LOT, with Recommendation to Approve.
- (04-486) APPOINTMENT by Mayor David P. Ransburg to the HOUSING COMMISSION, with Recommendation to Concur:
- Virginia E. White (Voting)                      Term Expires 6/30/05
- (04-487) APPOINTMENT by Mayor David P. Ransburg to the ADVISORY COMMISSION ON HUMAN RESOURCES, with Recommendation to Concur:
- Michael T. Sierra                                      Term Expires 6/30/07
- (04-488) APPOINTMENT by Mayor David P. Ransburg to the PEORIA URBAN FORESTRY ADVISORY BOARD, with Recommendation to Concur:
- Nancy Crawford (Voting)                      Term Expires 6/30/05
- (04-489) APPOINTMENT by Mayor David P. Ransburg of Staff Liaison to the SISTER CITY COMMISSION, with Recommendation to Concur:
- Alma Brown (Non-Voting)                      No Term Limitation
- (04-490) Communication from Mayor David P. Ransburg Establishing the TERMS of the ZONING BOARD of APPEALS, for the Following Members, with Recommendation to Receive and File: (Per RESOLUTION 04-328)
- |                    |                      |
|--------------------|----------------------|
| Allen B. Hagen     | Term Expires 6/30/05 |
| Henry J. Blackwell | Term Expires 6/30/07 |
| Dorian B. LaSaine  | Term Expires 6/30/07 |
| Karen Ratledge     | Term Expires 6/30/07 |
- (04-491) REPORTS, with Recommendation to Receive and File:
- A. REPORT of CITY TREASURER REGINALD A. WILLIS – July, 2004.

**(04-492)      ADOPTION of COMMITTEE REPORT Regarding ALTERNATIVE and  
\*\*\*\*      ECONOMIC IMPACT of the CITY of PEORIA GROWTH MANAGEMENT  
STRATEGY (GROWTH CELLS) and SIDEWALK POLICY SESSION.**

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

Council Member Teplitz requested that Item No. 04-475 be removed from the Consent Agenda for further discussion.

Council Member Nichting requested that Item No. 04-492 be removed from the Consent Agenda for further discussion.

Council Member Sandberg requested that Item No. 04-478 be removed from the Consent Agenda for further discussion.

Council Member Thetford requested that Item No. 04-476 be removed from the Consent Agenda for further discussion.

Item Nos. 04-472 through 04-492 (excluding Item Nos. 04-475, 04-476, 04-478, and 04-492, 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.

**(04-475)      PAYMENT ESTIMATE for PUBLIC IMPROVEMENT PROJECT: MAIN STREET  
\*      SIDEWALK IMPROVEMENT (UNIVERSITY STREET TO SHERIDAN ROAD),  
PHASE I (Removal of existing comb. curb & gutter, sidewalks, steps &  
driveway approaches and construction of concrete sidewalks, comb. curb-  
sidewalks, p.c.c. gutter, driveway payment, storm sewer, traffic signals &  
an ornamental street lighting system), R.A. CULLINAN & SON, INC. - PAY  
ESTIMATE #5 & FINAL: \$102,990.96; OVER CONTRACT AMOUNT : \$51,278  
(6.75%), with Recommendation to Approve the Final Pay Estimate in the  
Amount of \$102,990.96.**

Council Member Teplitz said the proposed payment would be the final payment on this project. She said she had been working for the past year with the Administration and the businesses in the area regarding some outstanding issues. She said, after having talked with the contractor and the Administration, she felt any difficulties that were being encountered would be corrected. She said with that understanding, she moved to approve the Payment Estimate for Public Improvement Project: Main Street Sidewalk Improvement (University Street to Sheridan Road), Phase I, as outlined, in the amount of \$102,990.96; seconded by Council Member Thetford.

Council Member Sandberg circulated some photographs and he said the photos showed the current condition of the sidewalks on Main Street regarding quality and detailing. He expressed concern with the motion to approve final funding with a caveat to work the problems out later. He said he felt there were major problems with the quality and design of these sidewalks and he stated he felt it was not wise to make final payment. He said he did not feel it was in the best interests of the businesses along Main Street.

Council Member Sandberg moved for a substitute motion not to pay the final amount of \$102,990.96 on the Main Street Sidewalk Improvement (University Street to Sheridan Road), Phase I, until there was a clearly defined solution as to what would be repaired, when the repairs would take place, and who would pay for the repairs; seconded by Council Member Ardis.

Council Member Teplitz said she was aware of the problems with this sidewalk project. She said she had been working with the businesses, the Administration, and the contractor to determine who was at fault for the various repairs that needed attention. She requested that the City Manager explain what had been done regarding the repairs. She said this was an ongoing issue that would be rectified to the satisfaction of everyone.

City Manager Randy Oliver said he had requested the Public Works Department to hire an independent engineer from outside the area. He said the outside engineer inspected the sidewalk and indicated that it met professional standards. City Manager Oliver said he personally looked at two sections of the project and he said he had some unanswered questions. He stated City Engineer Gene Hewitt and Public Works Director Steve Van Winkle were also reviewing this situation, and they were trying to address problems with these two sections of the sidewalk.

In further discussion with Council Member Teplitz regarding the problems and her feelings that the problems were due to a multiplicity of things and were not the sole responsibility of the contractor, City Manager Randy Oliver said, at this point, he could not answer the question because it related to a concrete capping detail. He said there appeared to be a condition which only existed when the capping detail was installed adjacent to a building.

Council Member Teplitz expressed concern that the Administration had approved this item being placed on the Agenda for Council approval.

City Manager Oliver said the City had a good working relationship with the contractor and the City still had the ability to go against the bond that was posted for the project should the issue not be resolved. He said, based on his conversation with City Engineer Hewitt, he confirmed that he felt comfortable with the City's ability to resolve this issue.

Council Member Sandberg said he did not feel the problems were totally the fault of the contractor but, he said, this was the final payment and all retainage would be gone. He said he had not seen anything in writing to be submitted along with the payment of \$102,990.96, that listed the current problems to protect the City. He said he did not feel it was good business to rely solely on a bond when there were problems that needed to be resolved. He said there were workmanship issues and he did not agree that these problems only occurred in a couple locations. He said there were tooling errors and finishing errors that would accelerate the deterioration of the sidewalk in the future.

City Manager Oliver reported that there was a \$700,000 performance and payment bond, which equaled the amount of the project and was required by State law, on this sidewalk project.

Substitute motion not to pay the final amount of \$102,990.96 on the Main Street Sidewalk Improvement (University Street to Sheridan Road), Phase I, until there was a clearly defined solution as to what would be repaired, when the repairs would take place, and who would pay for the repairs was DEFEATED by roll call vote.

Yeas: Ardis, Grayeb, Nichting, Sandberg, Spears - 5.

Nays: Gulley, Morris, Teplitz, Thetford, Turner, Mayor Ransburg - 6;

Council Member Teplitz amended her original motion regarding the Payment Estimate for the Main Street Sidewalk Improvement (University Street to Sheridan Road), Phase I, to request a report back regarding what was wrong and the location, where the fault lies, who would fix the sidewalk problems, and defer payment on this item for two weeks until the September 21, 2004, Regular City Council Meeting; seconded by Council Member Thetford.

Council Member Teplitz requested an explanation from the Administration regarding why the information she received at this meeting was different from information she had been given over the last several months.

Amended motion regarding the Payment Estimate for the Main Street Sidewalk Improvement (University Street to Sheridan Road), Phase I, to request a report back regarding what was wrong and the location, where the fault lies, who would fix the sidewalk problems and defer payment on this item for two weeks until the September 21, 2004, Regular City Council Meeting was approved by roll call vote.

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

Nays: None.

**(04-476) \*\* PAYMENT ESTIMATE for PUBLIC IMPROVEMENT PROJECT: STONEGATE ROADWAY IMPROVEMENT PROJECT (NORTH STREET TO LAKE STREET) (Removal of existing combination curb and gutter, and driveway approaches; construction of concrete sidewalks, combination curb-sidewalks, p.c.c. gutter, driveway pavement, underdrain, storm sewer, and a bituminous concrete pavement overlay.) C & G CONCRETE CONSTRUCTION - PAY ESTIMATE #7 & FINAL: \$31,182.89; OVER CONTRACT AMOUNT: \$50,314.45 (10.2%), with Recommendation to Approve the Final Pay Estimate in the Amount of \$31,182.89.**

Following a brief comment, Council Member Thetford moved to approve the Payment Estimate for Stonegate Roadway Improvement Project (North Street to Lake Street), as outlined, and approve the final pay estimate in the amount of \$31,182.89; seconded by Council Member Teplitz.

Approved by roll call vote.

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

Nays: None.

**(04-478) \*\*\* Communication from the City Manager and Corporation Counsel Requesting to WAIVE THE RESTRICTION in the UNION SANYO DEED which PROHIBITS THE OWNER from APPLYING FOR TAX EXEMPT STATUS for CRITTENTON CENTERS SOUTHTOWN PROPERTY and to Authorize the City Manager to Execute the Necessary Documents.**

Council Member Sandberg said he would not support the request regarding this item. He explained the restriction was one of the selling points of allowing this corner in Southtown to be developed. He said the property was meant to be tax producing. He discussed the past history of some of the other properties in Southtown, how it was developed as a TIF area, and the City's need for revenue from that area. He said the restriction was purposely placed in the deed so the City would receive revenue from that parcel.

In discussion it was determined that this property would be additional property for Crittenton Centers and their new facility.

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

Ms. Jenny Armstrong, 158 W. Detweiller Drive, Executive Director of Crittenton Centers, said they had not closed on the property yet, but they had been working toward the purchase when it was discovered there was a restriction on the property. She explained there was a need to expand the Crittenton Centers' programs and the additional parcel would be used for that purpose. She said their present facility was land-locked and they were at capacity, even though they had just moved to their present facility this past April.

Following discussion regarding the Crittenton Centers' mission, Council Member Gulley moved to waive the restriction, for Crittenton Centers, in the Union Sanyo Deed which prohibited the owner from applying for tax exempt status and to authorize the City Manager to execute the necessary documents; seconded by Council Member Turner.

In discussion with Council Member Thetford regarding whether or not the waiving of this restriction would transfer with the property, if it was ever sold, Corporation Counsel Randy Ray confirmed that the waiving of this restriction would not transfer with the property. He also confirmed that the City could limit the removal of this restriction only for the Crittenton Centers, and if the property was ever sold, the City would have an opportunity to evaluate further removal of the restriction.

Council Member Thetford indicated she wanted the motion to reflect the stipulation that the waiving of the restriction would apply to Crittenton Centers only. She requested a friendly amendment.

Council Member Gulley, the maker of the motion, and Council Member Turner, the seconder, agreed to the amendment.

In discussion with Council Member Nichting regarding the restriction, Corporation Counsel Randy Ray said the restriction went with the parcel and, it was his opinion, there was nothing illegal about waiving the restriction as long as the property was owned by the Crittenton Centers.

Motion to waive the restriction, for Crittenton Centers, in the Union Sanyo Deed which prohibited the owner from applying for tax exempt status and to authorize the City Manager to execute the necessary documents, with the stipulation that waiving the restriction would apply to Crittenton Centers only, was approved by roll call vote.

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

Nays: Sandberg - 1.

Council Member Gulley left the Council Chambers.

**(04-492)**

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**ADOPTION of COMMITTEE REPORT Regarding ALTERNATIVE and ECONOMIC IMPACT of the CITY of PEORIA GROWTH MANAGEMENT STRATEGY (GROWTH CELLS) and SIDEWALK POLICY SESSION.**

Director of Planning and Growth Management Pat Landes distributed a copy of information regarding school enrollment for Dunlap to all members of the City Council.



Following a brief comment regarding the distributed growth information, Council Member Nichting moved to adopt the Committee Report regarding Alternative and Economic Impact of the City of Peoria Growth Management Strategy (Growth Cells) and Sidewalk Policy Session; seconded by Council Member Grayeb.

Approved by roll call vote.

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

Nays: None.

Council Member Gulley returned to the Council Chambers.

**(04-493) Communication from the City Manager and Interim Director of Economic Development Recommending Approval of the LETTER of INTENT with SIMANTEL PROPERTIES for the CONSTRUCTION of THE CONDOMINIUMS at FOUNTAIN GRASS, Located at 1 SPRING STREET, with a Total Improvement Cost to the City Not-to-Exceed \$715,000, and Requesting Authorization for the City Manager to Execute the Necessary Documents.**

Council Member Thetford moved to approve the Letter of Intent with Simantel Properties for the construction of the Condominiums at Fountain Grass, located at 1 Spring Street, with a total improvement cost to the City not-to-exceed \$715,000, and authorize the City Manager to execute the necessary documents; seconded by Council Member Turner.

Council Member Thetford said this property was currently privately owned and, at one time, the City of Peoria was interested in purchasing this property. She said the project, as proposed, would not affect the hiking/biking trail in any way, and the funds that had been set aside for acquisition of the property would be used to assist the infrastructure improvement to Spring Street. She said there would be no vacation of Spring Street and she said there would still be access to the peninsula area.

Council Member Thetford moved to grant Privilege of the Floor to Mr. Jim Simantel; seconded by Council Member Teplitz.

Hearing no objections, Mayor Ransburg granted Privilege of the Floor to Mr. Jim Simantel, and those who wished to address this issue.

Mr. Jim Simantel, 6920 N. Skyline Drive, owner of Simantel Properties, discussed the property and planned project. He said the design would be unique to Central Illinois and the project would replace the current Hawkeye Rubber Company, which was vacant, that was currently located on the property. He said the property had become an eye sore and a safety hazard to the surrounding neighborhoods. He pointed out that Simantel Properties requested nothing from the City for this project; however, there were three parcels of City-owned blighted properties which bordered two sides of the project. He said the project included the proposal to clean-up and landscape those three parcels to match the beauty of the Fountain Grass Project. He said they planned to open previously inaccessible property along the river for public enjoyment. He added tax increment generated by the project would be used to pay for the infrastructure improvements. He urged the Council to support the project.

Mr. Dave Koehler, 1413 N. E. Madison, former Council Member and President of the Detweiller Marina Homeowners Association, spoke in support of the project. He said the project would help repopulate the surrounding older neighborhoods. He said the project would not displace any families and the project would spur the surrounding economy and enhance the area.

Dr. Bernard Goitein, 1625 W. Columbia Terrace, spoke in support of a park running along the Illinois River that would bring great benefit to the public. He said he wanted to make sure the proposed development enhanced the park and he wanted to make sure there were investments in the park. He said placement of a park would enhance the value of nearby properties.

Ms. Joyce Blumenshine, 2419 E. Reservoir, expressed concern for the environmental view that was green space that would be lost because of the development. She said the project would encroach on the continuity of the Riverfront park. She requested that this issue be postponed for further review to make sure public access to the area would be preserved.

Ms. Dorothy Sinclair, 1019 W. Teton Drive, former Council Member, discussed the original Riverfront Plan that included a park and public use for the proposed area and all land adjacent to the river. She said this was a beautiful part of the City and the land should be accessible to the general public. She said she did not want the public blocked from the Riverfront in the area of the proposed project where it was possible to view upstream as well as downstream, which was one of the few places where a view of that sort was available. She questioned if there would be sidewalks so the public could walk to that area of land.

Interim Director of Economic Development Karie Friling explained that sidewalks would be a part of the Spring Street upgrade into the cul-du-sac. She said the City did not own the peninsula so no sidewalks would be constructed to that point.

Ms. Sinclair referred to the right-of-way owned by the City and she questioned, between the cul-du-sac and the water's edge, if there would be any means to walk to the peninsula, without walking through the grass.

City Manager Randy Oliver said sidewalks would not be installed on the private property of the project. He added there was currently a railroad trail path that lead to the river, but the public could not walk through the project's private property.

Mr. Simantel explained there was a storm sewer outlet about 16 feet below the level of Spring Street so there would be no access to the water at all. He said the property next to the project belonged to Detweiller Marina.

Ms. Sinclair urged the Council to consider installing a sidewalk to the water front in some manner to allow the public to share the water and the view. She said she was also concerned about taking away public access between Mr. Simantel's project and the river. She said she had viewed developments in many places, including other countries, and it was not unusual to have a public sidewalk next to private development. She urged the Council to consider a caveat that there be a pathway of land, fifty to one hundred feet wide or whatever was reasonable, for public access to the water's edge.

Mr. Tom Edwards, 2702 N. Peoria Avenue, urged the Council to make every effort to work with the developer so the public could continue utilizing this Riverfront area.

Mr. Dave Koehler, 1413 N. E. Madison, former Council Member and President of the Detweiller Marina Homeowners Association, said access to the Riverfront was important to the neighborhood. He said he would explore everything possible so the public would have access to the peninsula. He said he would work toward a win win situation.

Motion to approve the Letter of Intent with Simantel Properties for the construction of the Condominiums at Fountain Grass, located at 1 Spring Street, with a total improvement cost to the City not-to-exceed \$715,000, and authorize the City Manager to execute the necessary documents was approved by roll call vote.

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

Nays: None.

**(04-494) RESOLUTION Regarding THE CRISIS IN SUDAN.**

Council Member Turner moved to approve the Resolution regarding the Crisis in Sudan; seconded by Council Member Teplitz.

Hearing no objections, Mayor Ransburg granted Privilege of the Floor to Former Council Member James Polk.

Mr. James Polk, 2127 N. Ardell Place, former Council Member, spoke in support of the proposed Resolution. He said it was important for the City of Peoria to stay connected to world events. He said 800,000 people have died because no one did anything to stop it. He said it was important for the City of Peoria to speak out against the genocide that was occurring in Sudan.

Motion to approve RESOLUTION NO. 04-494 regarding the Crisis in Sudan was approved by roll call vote.

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

Nays: None.

**(04-495) Communication from the City Manager and Director of Public Works Requesting that the Administration be Directed to Cause J. C. BLACKTOP COMPANY, INC., to FULFILL Their OBLIGATION as Specified in the ALLEN ROAD REHABILITATION PROJECT, and to REQUIRE a HOT MIX ASPHALT OVERLAY Sufficient to Elevate the Structural Strength to 4.0 to be Completed by September 30, 2004; But if the Contractor Fails to Perform in the Manner Herein Described, that the Administration be Directed to Take the Necessary Action to Cause the Overlay on Allen Road to occur During October, 2004; If the City must upfront the Cost, then the Administration Requests Direction from Council to Seek Bids and Award a Contract to the Lowest Bidder for Completion of the Project no later than November 1, 2004, with a Budget Amendment to be brought to the Council at a later date upon award of the Contract.**

City Manager Randy Oliver requested that this item be withdrawn from the Agenda. He said it had been agreed that the work would be completed by the end of the September, 2004.

Director of Public Works Steve Van Winkle agreed and said that no vote was needed on this issue at this time.

This item was withdrawn from the Agenda. No objections were heard.

**UNFINISHED BUSINESS**

- (04-405) Communication from the City Manager and Director of Planning and Growth Management with Recommendation to Adopt an ORDINANCE Rezoning Property Located at 300 ALTORFER LANE and the EAST 20 FEET of LOT 46 of TIMBER RIDGE 1<sup>st</sup> EXTENSION SUBDIVISION, from the Present Class R-1 (Single-Family Residential) District and a Class R-2 (Single-Family Residential) District to a Class R-3 (Single-Family Residential) District and Granting a SPECIAL USE for a RESIDENTIAL CLUSTER DEVELOPMENT. (New Communication and New Ordinance)**

Director of Planning and Growth Management Pat Landes distributed a replacement Attachment "A" (map) to all members of the City Council to be included with the proposed Ordinance.

Council Member Nichting moved to adopt the Ordinance rezoning property located at 300 Altorfer Lane and the East 20 feet of Lot 46 of Timber Ridge 1<sup>st</sup> Extension Subdivision, as amended by the replacement Attachment "A," from the present Class R-1 (Single-Family Residential) District and a Class R-2 (Single-Family Residential) District to a Class R-3 (Single-Family Residential) District and granting a Special Use for a Residential Cluster Development; seconded by Council member Grayeb.

ORDINANCE NO. 15,677, as amended by the replacement Attachment "A," was approved by roll call vote.

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

Nays: None.

- (04-460) Communication from the City Manager and Director of Public Works Regarding an ORDINANCE to VACATE LINDEN STREET Between JEFFERSON STREET and HOWETT STREET, with the Public Works Department Making No Recommendation for or against the Ordinance;**

**OR**

**Communication from Director of Planning and Growth Management with Recommendation to Receive and File the REPORT BACK with an ORDINANCE to Vacate a PORTION of LINDEN STREET Between JEFFERSON STREET and HOWETT STREET;**

**OR**

**DENY any PROPOSED VACATION, or Take Action the City Council Deems Appropriate.**

Council Member Gulley distributed a new site plan for the second alternative to all members of the City Council.

Director of Planning and Growth Management Pat Landes said, once the street was vacated, it became private property, with half of the street going to one property owner and the other half of the street going to the other property owner. She said the property owners would determine where the access to their properties would be located.

In discussion with Council Member Gulley, Director Landes explained that no one would be allowed to install a fence in the middle of the street. She said the street would remain open on the first portion of Linden and a curb cut would be installed by the Public Works Department.

City Manager Randy Oliver referred to the distributed site plan and discussed the portions that would be vacated, which would become private property. He said the plan would maintain street parking for the adjacent property owner and would meet parking requirements for the business.

Council Member Gulley questioned if an easement was needed to make a provision to eliminate any problems regarding parking.

Council Member Gulley moved to approve the second option to receive and file the report back and adopt the Ordinance Vacating a portion of Linden Street between Jefferson Street and Howett Street; seconded by Council Member Turner.

City Manager Oliver suggested the hatched portion of the distributed site plan could be vacated, reserving a 24 foot no-build easement along the property line, because there was a sewer located there.

Council Member Gulley amended his motion to approve the second option to receive and file the report back and adopt the Ordinance vacating a portion of Linden Street between Jefferson Street and Howett Street, vacating the hatched portion of the distributed site plan and reserving a 24 foot no-build easement along the property line, where a sewer was located. The seconder agreed.

Council Member Grayeb expressed concern with the manner in which the entire situation had been handled.

Council Member Grayeb moved to grant Privilege of the Floor to those who wished to address this issue; seconded by Council Member Gulley.

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

Mr. Dorian LaSaine, 4444 N. Knoxville, Unit 404, Attorney representing a property owner of two parcels which adjoined Linden Street. He said the original proposal was to close the entire street and now at this meeting, it was found there were two other proposals. He said this situation caused problems regarding access to parking for tenants. He urged the Council to defer this item so the parking problems could be resolved.

Mr. Melvin Murry, 1011 Smith Street, owner of Murry's Autobody, said this situation had been ongoing for about ten months. He explained he purchased land and equipment for his business that could not be used because the City would not allow him to build a building on the land he purchased because of setback issues. He said he needed Linden Street vacated to provide for the setback. He said he did not feel this would affect the rental property that was located on an adjacent parcel, which was owned by Mr. Marshall Dunnigan. He urged the Council to adopt the Ordinance and not defer this item any longer.

Director Landes requested that this item be deferred so the proper design could be constructed to provide the best solution for all involved.

Mr. Marshall Dunnigan, 531 W. Northgate, owner of the adjacent rental property, spoke in opposition to vacating Linden Street.

Council Member Sandberg said he would be abstaining from the vote due to a professional relationship with Murray's Autobody.

Motion to approve the second option to receive and file the report back and adopt ORDINANCE NO. 15,678 vacating a portion of Linden Street between Jefferson Street and Howett Street, and vacating the hatched portion of the distributed site plan and reserving a 24 foot no-build easement along the property line, where a sewer was located was approved by roll call vote.

Yeas: Ardis, Gulley, Morris, Spears, Teplitz, Thetford, Turner, Mayor Ransburg - 8;

Nays: Grayeb, Nichting - 2;

Abstention: Sandberg - 1.

**(04-461) Communication from the City Manager and Director of Public Works with a Request to Approve the CONSULTANT SERVICES CONTRACT with ERES CONSULTANTS to Provide Structural Pavement Evaluation on ALLEN ROAD from Alta Lane to Cedar Hills Drive, in an Additional Amount Not to Exceed \$10,000.00.**

Council Member Nichting moved to defer this item for two weeks until the September 21, 2004, Regular City Council Meeting; seconded by Council Member Thetford.

Motion to defer this item until the September 21, 2004, Regular City Council Meeting was approved by roll call vote.

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

Nays: None.

**(04-462) Communication from the City Manager and Finance Director/Comptroller with Request to Adopt an ORDINANCE Amending the BUDGET for Fiscal Year 2004 of the City of Peoria Relating to the CONSULTANT SERVICES CONTRACT with ERES CONSULTANTS to Provide Structural Pavement Evaluation on ALLEN ROAD from Alta Lane to Cedar Hills Drive.**

Council Member Nichting moved to defer this item for two weeks until the September 21, 2004, Regular City Council Meeting; seconded by Council Member Thetford.

Motion to defer this item until the September 21, 2004, Regular City Council Meeting was approved by roll call vote.

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

Nays: None.

**(03-190) REQUEST to REMOVE from the TABLE the Communication from Director of Planning and Growth Management with Recommendation from the Planning Commission to APPROVE and Recommendation from City Staff to DENY a RESOLUTION Approving the PRELIMINARY PLAT of MEDINA CROSSING SUBDIVISION, an Industrial Development Located North of IL Route 6 and West of IL Route 29, along N. State Street, and Place this Item on the September 21, 2004, Regular City Council Agenda.**

Council Member Nichting moved to remove from the Table the communication from the Director of Planning and Growth Management with recommendation from the Planning Commission to approve and recommendation from City Staff to DENY a Resolution approving the Preliminary Plat of Medina Crossing Subdivision, an Industrial Development located North of IL Route 6 and West of IL Route 29, along N. State Street, and place this item on the September 21, 2004, Regular City Council Agenda; seconded by Council Member Sandberg.

Motion to remove from the Table the communication from the Director of Planning and Growth Management with recommendation from the Planning Commission to approve and recommendation from City Staff to DENY a Resolution approving the Preliminary Plat of Medina Crossing Subdivision, an Industrial Development located North of IL Route 6 and West of IL Route 29, along N. State Street, and place this item on the September 21, 2004, Regular City Council Agenda was approved by roll call vote.

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

Nays: None.

### **NEW BUSINESS**

#### **ANNOUNCEMENT Regarding the MED-TECH DISTRICT CHARRETTE on September 16, 2004**

Council Member Teplitz invited the City Council and the public to attend the Med-Tech District Charrette to be held from 5:30 P.M. until 10:00 P.M. on Thursday, September 16, 2004, at Bradley University's Student Ballroom located in the Student Center, Second Floor.

### **CITIZEN REQUESTS TO ADDRESS THE COUNCIL**

#### **(04-496) REQUEST from CITIZENS to Address the CITY COUNCIL Regarding Various Items.**

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

Ms. Levetta Ricca, 711 W. Greenlawn, expressed concern that St. John's Church was demolished because of disrepair. She expressed concern regarding the non-preservation of this landmark as well as others in the City. She said many successful people grew up in the southern neighborhoods and they should give back to their home areas.

Mr. Jim Simantel, 6920 N. Skyline Drive, owner of Simantel Properties, thanked the City Staff and Council Member Thetford for their assistance with the Fountain Grass project.

Mr. David Leer requested information regarding when a new homeless shelter would open.

Director of Planning and Growth Department Pat Landes provided the information to Mr. Leer.

Mr. David Pittman, 2422 W. Moss, announced that on October 24, 2004, at 1:00 P.M. at the intersection of Northmoor and Knoxville, Recreation Trail Advocates would hold a rally in support of converting the Kellar Railroad track into a recreational trail, and he invited the Council and the public to attend. He said their goal was to educate citizens regarding the current process and time line for the project. He expressed concern that even though there had been much work performed by many entities, no construction work had been done and none was scheduled.

Mr. Pittman further referred to a proposed apartment building complex on North Sheridan Road, near Joan Court, and near the intersection of Sheridan and Glen Street, and he expressed concern regarding this project that would be coming before the City within two to four weeks. He invited the Council to attend a Public Meeting that would be held at Lakeview Museum on Thursday, September 9, 2004, at 7:00 P.M. He said City Staff, the developers involved with the project and over 1,000 residents and business owners had been invited to attend. He expressed concern regarding the development planned for this property and the lack of protection for trees, other natural resources, and storm water management on the property.

City Manager Randy Oliver said, until a ruling was received from the Surface Transportation Board regarding the Kellar Branch Railroad, the City could not develop a construction schedule. He said the current short line operator had opposed every action taken by the City.

Director of Public Works Steve Van Winkle added the extension of the rail spur from the West would be brought to Council in the near future.

### **EXECUTIVE SESSION**

It was determined that an Executive Session was not needed.

### **ADJOURNMENT**

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

Approved by viva voce vote.

The Council Meeting adjourned at 9:19 P.M.

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Mary L. Haynes, MMC  
City Clerk, Peoria, IL

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