

**RECORD OF MOTIONS AND VOTES
PUBLISHED BY THE AUTHORITY OF THE CITY COUNCIL
OF BLOOMINGTON, ILLINOIS**

The Council convened in regular Session in the Council Chambers, City Hall Building, at 7:36 p.m., Monday, December 28, 2009.

The Meeting was opened by Pledging Allegiance to the Flag followed by Silent Prayer.

The Meeting was called to order by the Mayor who directed the City Clerk to call the roll and the following members answered present:

Aldermen: Judy Stearns, Kevin Huette, Bernie Anderson, David Sage, John Hanson, Jennifer McDade, Steven Purcell, Karen Schmidt, Jim Fruin and Mayor Stephen F. Stockton.

City Manager David Hales, City Clerk Tracey Covert, and Corporate Counsel Todd Greenburg were also present.

The following was presented:

Item 5A. Opening of One Bid for a Community Development Project at 536 W. Grove Street.

Motion by Alderman Purcell, seconded by Alderman Schmidt that the Bid be opened at the Council meeting, referred to staff for analysis and reported back to Council prior to the end of the meeting.

The Mayor directed the clerk to call the roll which resulted in the following:

Ayes: Aldermen Stearns, Huette, Schmidt, McDade, Anderson, Hanson, Sage, Fruin and Purcell.

Nays: None.

Motion carried.

The following was presented:

Item 6A. Council Proceedings of December 26, 2006.

Motion by Alderman Anderson, seconded by Alderman Schmidt that the reading of the minutes of the previous Council Meeting of December 26, 2006 be dispensed with and the minutes approved as printed.

The Mayor directed the clerk to call the roll which resulted in the following:

Ayes: Aldermen Stearns, Huette, Schmidt, McDade, Anderson, Hanson, Sage, Fruin and Purcell.

Nays: None.

Motion carried.

The following was presented:

Item 6B. Bills and Payroll.

Motion by Alderman Anderson, seconded by Alderman Schmidt that the bills and payroll be allowed and orders drawn on the Treasurer for the various amounts as funds are available.

The Mayor directed the clerk to call the roll which resulted in the following:

Ayes: Aldermen Stearns, Huette, Schmidt, McDade, Anderson, Hanson, Sage, Fruin and Purcell.

Nays: None.

Motion carried.

The following was presented:

Item 6C. Payments from various Municipal Departments.

Motion by Alderman Anderson, seconded by Alderman Schmidt that the payments be approved.

The Mayor directed the clerk to call the roll which resulted in the following:

Ayes: Aldermen Stearns, Huette, Schmidt, McDade, Anderson, Hanson, Sage, Fruin and Purcell.

Nays: None.

Motion carried.

The following was presented:

Item 6D. Audit of the Accounts for the Township Supervisor for the month of November, 2009.

Motion by Alderman Anderson, seconded by Alderman Schmidt that the audit of the bills and payroll be made a matter of record.

The Mayor directed the clerk to call the roll which resulted in the following:

Ayes: Aldermen Stearns, Huette, Schmidt, McDade, Anderson, Hanson, Sage, Fruin and Purcell.

Nays: None.

Motion carried.

The following was presented:

Item 6E. Reports.

Motion by Alderman Anderson, seconded by Alderman Schmidt that the reports be placed on file and made a matter of record.

The Mayor directed the clerk to call the roll which resulted in the following:

Ayes: Aldermen Stearns, Huette, Schmidt, McDade, Anderson, Hanson, Sage, Fruin and Purcell.

Nays: None.

Motion carried.

The following was presented:

Item 6F. Appointment(s) and Reappointment(s) to Various Boards and Commissions.

Motion by Alderman Anderson, seconded by Alderman Schmidt that the Reappointment be approved.

The Mayor directed the clerk to call the roll which resulted in the following:

Ayes: Aldermen Stearns, Huette, Schmidt, McDade, Anderson, Hanson, Sage, Fruin and Purcell.

Nays: None.

Motion carried.

The following was presented:

Item 6G. Declaration of Surplus Vehicles and Equipment.

Motion by Alderman Anderson, seconded by Alderman Schmidt that the vehicles and equipment be declared surplus and staff be allowed to proceed with disposal of same.

The Mayor directed the clerk to call the roll which resulted in the following:

Ayes: Aldermen Stearns, Huette, Schmidt, McDade, Anderson, Hanson, Sage, Fruin and Purcell.

Nays: None.

Motion carried.

The following was presented:

Item 6H. Proposal Analysis for the 2010-2011 Asphalt and Portland Cement Concrete Plant Inspection and Laboratory Testing, Subsurface Soil Exploration and Geotechnical Investigation.

Motion by Alderman Anderson, seconded by Alderman Schmidt that the proposal be awarded to Testing Services Corp., on a time and material basis and that the Mayor and City Clerk be authorized to execute the necessary documents.

The Mayor directed the clerk to call the roll which resulted in the following:

Ayes: Aldermen Stearns, Huette, Schmidt, McDade, Anderson, Hanson, Sage, Fruin and Purcell.

Nays: None.

Motion carried.

The following was presented:

Item 6J. Change Order for Main Branch Kickapoo Creek Pump Station.

Motion by Alderman Anderson, seconded by Alderman Schmidt that the Change Order be approved.

The Mayor directed the clerk to call the roll which resulted in the following:

Ayes: Aldermen Stearns, Huette, Schmidt, McDade, Anderson, Hanson, Sage, Fruin and Purcell.

Nays: None.

Motion carried.

The following was presented:

Item 6L. Upgrade to the City's Enterprise Backup System, Including Enterprise Software Licenses and Replacement Backup Tape Library.

Motion by Alderman Anderson, seconded by Alderman Schmidt that the purchase of additional CommVault Galaxy software licenses (the City's enterprise backup software) in the amount of \$38,842.65 and a Hewlett Packard tape library in the amount of \$15,282.53 be approved, and the Purchasing Agent be authorized to issue Purchase Orders for same.

The Mayor directed the clerk to call the roll which resulted in the following:

Ayes: Aldermen Stearns, Huette, Schmidt, McDade, Anderson, Hanson, Sage, Fruin and Purcell.

Nays: None.

Motion carried.

The following was presented:

Item 6M. Intergovernmental Agreement Booking Services.

Motion by Alderman Anderson, seconded by Alderman Schmidt that the Intergovernmental Agreement be approved and the Mayor and City Clerk be authorized to execute the necessary documents.

The Mayor directed the clerk to call the roll which resulted in the following:

Ayes: Aldermen Stearns, Huette, Schmidt, McDade, Anderson, Hanson, Sage, Fruin and Purcell.

Nays: None.

Motion carried.

The following was presented:

Item 6N. Blue Cross Administrative Services Only (ASO) Agreement for the City's Employee Group Health and Dental Plans and Blue Cross Stop Loss Coverage Policy for the Health Plan for 2010 calendar year.

Motion by Alderman Anderson, seconded by Alderman Schmidt that the Agreement and Stop Loss Policy be approved, the City Manager be authorized to execute the necessary documents, and the Resolution adopted.

The Mayor directed the clerk to call the roll which resulted in the following:

Ayes: Aldermen Stearns, Huette, Schmidt, McDade, Anderson, Hanson, Sage, Fruin and Purcell.

Nays: None.

Motion carried.

The following was presented:

Item 6O. Ordinance Renewing AmerenIP Franchise.

Motion by Alderman Anderson, seconded by Alderman Schmidt that the Ordinance be passed.

The Mayor directed the clerk to call the roll which resulted in the following:

Ayes: Aldermen Stearns, Huette, Schmidt, McDade, Hanson, Sage, Fruin and Purcell.

Nays: None.

Abstains: Alderman Anderson.

Motion carried.

The following was presented:

Item 6P. Request of McLean County Land Trust No. TNT-1 for approval of a Subordination of Mortgage for 200 W. Monroe.

Motion by Alderman Anderson, seconded by Alderman Schmidt that the Subordination of Mortgage be approved, and the Mayor and City Clerk be authorized to execute the necessary documents.

The Mayor directed the clerk to call the roll which resulted in the following:

Ayes: Aldermen Stearns, Huette, Schmidt, McDade, Anderson, Hanson, Sage, Fruin and Purcell.

Nays: None.

Motion carried.

The following was presented:

Item 6Q. Abatements of Tax Levy.

Motion by Alderman Anderson, seconded by Alderman Schmidt that the Resolutions be adopted.

The Mayor directed the clerk to call the roll which resulted in the following:

Ayes: Aldermen Stearns, Huette, Schmidt, McDade, Anderson, Hanson, Sage, Fruin and Purcell.

Nays: None.

Motion carried.

The following was presented:

Item 6R. Application of OSF St. Joseph Medical Center Foundation located at 2200 E. Washington St., for an LB liquor license, which will allow the selling and serving of beer and wine by the glass for consumption on the premise.

Motion by Alderman Anderson, seconded by Alderman Schmidt that an LB liquor license for OSF St. Joseph Medical Center Foundation located at 2200 E. Washington St., be created for a fundraiser to be held on February 19, 2010 from 6:00 – 8:30 p.m., contingent upon compliance with all applicable health and safety codes.

The Mayor directed the clerk to call the roll which resulted in the following:

Ayes: Aldermen Stearns, Huette, Schmidt, McDade, Anderson, Hanson, Sage, Fruin and Purcell.

Nays: None.

Motion carried.

The following was presented:

Item 6S. Request for a Special Use Permit for a Pharmacy to be Located at 3717 General Electric (GE) Road.

Motion by Alderman Anderson, seconded by Alderman Schmidt that the Special Use be approved and the Ordinance passed.

The Mayor directed the clerk to call the roll which resulted in the following:

Ayes: Aldermen Stearns, Huette, Schmidt, McDade, Anderson, Hanson, Sage, Fruin and Purcell.

Nays: None.

Motion carried.

The following was presented:

Item 6I. Proposal Analysis for the Renovation Design of the Creativity Center at the Bloomington Center for the Performing Arts.

Motion by Alderman Fruin, seconded by Alderman Anderson that this item be laid over until the Council's February 8, 2010 meeting.

The Mayor directed the clerk to call the roll which resulted in the following:

Ayes: Aldermen Stearns, Huette, Schmidt, McDade, Anderson, Hanson, Sage, Fruin and Purcell.

Nays: None.

Motion carried.

The following was presented:

Item 6K. Change Order #2 for Mitsubishi Motorway from Six Points Road to North of Sugar Creek.

Motion by Alderman Anderson, seconded by Alderman Hanson that the Change Order in the amount of \$17,414.48 to the contract with Rowe Construction Co., for the Mitsubishi Motorway from Six Points Road to north of Sugar Creek be approved, and the Resolution adopted.

The Mayor directed the clerk to call the roll which resulted in the following:

Ayes: Aldermen Stearns, Huette, Schmidt, McDade, Anderson, Hanson, Sage, Fruin and Purcell.

Nays: None.

Motion carried.

The following was presented:

Item 6T. Release of Grant Funds for Renovation of the Bloomington Center for the Performing Arts' Creativity Center.

Motion by Alderman McDade, seconded by Alderman Anderson that Council authorize the City Manager to sign the Request for Release of Funds and Certification to release the payment of a \$166,250 Housing and Urban Development Grant for the renovation of the Bloomington Center for the Performing Arts' Creativity Center.

The Mayor directed the clerk to call the roll which resulted in the following:

Ayes: Aldermen Stearns, Huette, Schmidt, McDade, Anderson, Hanson, Sage, Fruin and Purcell.

Nays: None.

Motion carried.

The following was presented:

Item 8A. Analysis of Bids and Approval of Contract for Downtown Tax Increment Financing (TIF) District Water Main Construction, Base Bid and Alternate #1.

Motion by Alderman Hanson, seconded by Alderman Anderson that the bid for Downtown TIF District Water Main Construction, Base Bid and Alternate #1, from George Gildner, Inc., be approved in an amount of \$414,990 with payment from the Downtown TIF Fund (X40300-72560), and the Mayor and City Clerk be authorized to execute the necessary documents, with such change orders that may be approved by Council.

The Mayor directed the clerk to call the roll which resulted in the following:

Ayes: Aldermen Stearns, Huette, Schmidt, McDade, Anderson, Hanson, Sage, Fruin and Purcell.

Nays: None.

Motion carried.

The following was presented:

Item 8B. Approval of the Harriet Fuller Rust Façade Grants.

Motion by Alderman Hanson, seconded by Alderman Anderson that the façade grants be approved and the Mayor and City Clerk be authorized to execute the necessary documents.

The Mayor directed the clerk to call the roll which resulted in the following:

Ayes: Aldermen Stearns, Huette, Schmidt, McDade, Anderson, Hanson, Sage, Fruin and Purcell.

Nays: None.

Motion carried.

The following was presented:

Item 8C. Quotes Analysis for Construction of the Lincoln, Davis, and Fell Statue Base in Front of the Bloomington Center for the Performing Arts.

Motion by Alderman Hanson, seconded by Alderman Anderson that the quote for construction of the Lincoln, Davis, and Fell Statue Base from J.G. Stewart, Inc. be approved in an amount not to exceed \$11,000 with payment from the Downtown TIF (X40300-72560), and the Mayor and City Clerk be authorized to execute the necessary documents, with such change orders that may be approved by Council.

The Mayor directed the clerk to call the roll which resulted in the following:

Ayes: Aldermen Stearns, Huette, Schmidt, McDade, Anderson, Hanson, Sage, Fruin and Purcell.

Nays: None.

Motion carried.

The following was presented:

Item 8D. Analysis of Bids and Approval of Contract for Downtown Tax Increment Financing (TIF) District Streetscape Improvements.

Motion by Alderman Hanson, seconded by Alderman Anderson that the bid for Downtown TIF District Streetscape Improvements, Base Bid and Alternate, from Stark Excavating, Inc. be approved in the amount of \$929,561.50, with payment from the Downtown TIF Fund (X40300-72560), and the Mayor and City Clerk be authorized to execute the necessary documents, with such change orders that may be approved by Council.

The Mayor directed the clerk to call the roll which resulted in the following:

Ayes: Aldermen Stearns, Huette, Schmidt, McDade, Anderson, Hanson, Sage, Fruin and Purcell.

Nays: None.

Motion carried.

The following was presented:

Item 8E. Acceptance of Proposal and Approval of Contract for the Identification and Abatement of Hazardous Materials in Vaults.

Motion by Alderman Hanson, seconded by Alderman Anderson that the formal bidding process be waived, the proposal from IDEAL Environmental Engineering, Inc., in an amount not to exceed \$25,000 for mitigating hazardous material found in private vaults to be abandoned and filled be accepted, the Mayor and City Clerk be authorized to execute the necessary documents, with such change orders as may be approved by Council, and the Resolution adopted.

The Mayor directed the clerk to call the roll which resulted in the following:

Ayes: Aldermen Stearns, Huette, Schmidt, McDade, Anderson, Hanson, Sage, Fruin and Purcell.

Nays: None.

Motion carried.

The following was presented:

Item 8F. Extension of Contract for Sidewalk Reconstruction of Tax Increment Financing (TIF) District Sidewalk along East Street.

Motion by Alderman Hanson, seconded by Alderman Anderson that the Change Order to the contract with Felmley Dickerson Co., in the amount of \$160,000 be approved, with such change orders that may be approved by Council, and the Resolution adopted.

The Mayor directed the clerk to call the roll which resulted in the following:

Ayes: Aldermen Stearns, Huette, Schmidt, McDade, Anderson, Hanson, Sage, Fruin and Purcell.

Nays: None.

Motion carried.

The following was presented:

Item 8G. Amendment to Contract for Private Development between City of Bloomington and Interchange City West, LLC.

Motion by Alderman Fruin, seconded by Alderman Stearns that City staff retain outside legal counsel and an accountant in an amount not to exceed \$15,000 to address the questions raised by Council and make a recommendation to same regarding appropriate action by the City by the Council's March 8, 2010 meeting.

The Mayor directed the clerk to call the roll which resulted in the following:

Ayes: Aldermen Stearns, Schmidt, Anderson, Sage, Fruin and Purcell.

Nays: Alderman Hanson, McDade and Huette.

Motion carried.

The following was presented:

Item 8H. Implementation of an "Adopt a Street" Program.

Motion by Alderman Schmidt, seconded by Alderman Anderson that the "Adopt a Street" Program be implemented.

The Mayor directed the clerk to call the roll which resulted in the following:

Ayes: Aldermen Stearns, Huette, Schmidt, McDade, Anderson, Hanson, Sage, Fruin and Purcell.

Nays: None.

Motion carried.

The following was presented:

Item 8I. Bid Analysis for Downs Sanitary Sewer System, Phase A, from US 150 North of Downs to Connection with Bloomington Normal Water Reclamation District (BNWRD) System at Little Kickapoo Creek.

Motion by Alderman Fruin, seconded by Alderman Hanson that City staff be directed to pursue all options with the Village of Downs, that a progress report be placed on the Council January 11, 2010 meeting agenda, and an Executive Session be scheduled if needed.

The Mayor directed the clerk to call the roll which resulted in the following:

Ayes: Aldermen Stearns, Huette, Schmidt, McDade, Anderson, Hanson, Sage, Fruin and Purcell.

Nays: None.

Motion carried.

The following was presented:

Item 5A. Opening of One Bid for a Community Development Project at 536 W. Grove Street.

Motion by Alderman Schmidt, seconded by Alderman Anderson that the bid for 536 W. Grove St. be awarded to Future Window, Siding & Roofing in the amount of \$12,882, and orders to proceed be issued.

The Mayor directed the clerk to call the roll which resulted in the following:

Ayes: Aldermen Stearns, Huette, Schmidt, McDade, Anderson, Hanson, Sage, Fruin and Purcell.

Nays: None.

Motion carried

Motion by Alderman Schmidt, seconded by Alderman Purcell, that the meeting be adjourned. Time: 11:17 p.m.

Motion carried.

**Tracey Covert
City Clerk**