

**COUNCIL PROCEEDINGS
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 7:44 p.m., Monday, November 23, 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:

SUBJECT: Council Proceedings of November 27, 2006 and Work Session Minutes of October 12 and November 2, 2009

RECOMMENDATION: That the reading of the minutes of the previous Council Proceedings of November 27, 2006 and the Work Session Minutes of October 12 and November 2, 2009 be dispensed with and the minutes approved as printed.

BACKGROUND: The Council Proceedings of November 27, 2006 and the Work Session Minutes of October 12 and November 2, 2009 have been reviewed and certified as correct and complete by the City Clerk.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: Not Applicable.

FINANCIAL IMPACT: Not Applicable.

Respectfully submitted for Council consideration.

Prepared by:

Tracey Covert
City Clerk

Recommended by:

David A. Hales
City Manager

Motion by Alderman Hanson, seconded by Alderman Schmidt that the reading of the minutes of the previous Council Meeting of November 27, 2006 and Work Session Minutes of October 12 and November 2, 2009 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:

SUBJECT: Bills and Payroll

RECOMMENDATION: That the bills and payroll be allowed and orders drawn on the Treasurer for the various amounts as funds are available.

BACKGROUND: The list of bills and payrolls will be furnished to you on Friday, November 20, 2009 by posting via the City's web site. After examination, I will notify the Council of any items which may need to be addressed.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: Not applicable.

FINANCIAL IMPACT:

Respectfully submitted for Council consideration.

Prepared by:

Recommended by:

Timothy Ervin
Director of Finance

David A. Hales
City Manager

Motion by Alderman Hanson, 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:

SUBJECT: Payments from Various Municipal Departments

RECOMMENDATION: That the payments be approved.

BACKGROUND: All of the described payments are for planned and budgeted contracts previously approved by the City Council.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: Not Applicable.

FINANCIAL IMPACT: As follows:

1. The twenty-third partial payment to Town of Normal in the amount of \$290,900.37 on a percentage basis contract of which \$4,896,125.25 will have been paid to date for work certified as ongoing for the Metro Zone Sales Tax Rebate. Completion date – Ongoing.
2. The nineteenth partial payment to Interchange City West in the amount of \$141,798.07 on a contract amount of \$3,700,487.08 of which \$2,373,191.96 (\$11,254.99 in reimburseables) will have been paid to date for work certified as 64% complete for the Metro Zone Tax Rebate for the period May to August 2009. Completion date – November 2010.
3. The fourth monthly partial payment to Convention and Visitors Bureau in the amount of \$41,666.66 (November payment) on a contract amount of \$530,000 of which \$218,333.31 will have been paid to date for work certified as 41% complete for the CVB Annual Funding Commitment. Completion date – June 2010.
4. The seventh monthly partial payment to Economic Development Council of Bloomington/Normal in the amount of \$6,666.66 (November payment) on a contract amount of \$80,000 of which \$46,666.62 will have been paid to date for work certified as 58% complete for the McLean County Economic Development. Completion date – April 2010.
5. The eighth partial payment to Technical Design Services in the amount of \$4,200 on a contract amount of \$99,619 of which \$64,915.06 (\$6,290.06 in reimburseables) will have been paid to date for work certified as 59% complete for the Enterprise Resource Planning Full Selection Process – Phase I. Completion date – February 2010.

6. The fifth partial payment to the Pantagraph in the amount of \$7,021.84 on a contract amount of \$46,580.16 of which \$21,319.56 will have been paid to date for work certified as 46% complete for the 2009-2010 Seasonal Advertising Services. Completion date – April 2010.
7. The fourth partial payment to Farnsworth Group, Inc. in the amount of \$5,353.50 on a contract amount of \$108,600 of which \$61,447.83 (\$1,201.58 in reimburseables) will have been paid to date for work certified as 55% complete for the Kickapoo Restoration Project – Phase II. Completion date – May 2010.
8. The seventeenth partial payment to Stark Excavating, Inc. in the amount of \$23,913 on a contract amount of \$2,550,426 of which \$2,295,383.41 will have been paid to date for work certified as 88% complete for the McGraw Park – Phase II – General Construction. Completion date – December 2009.
9. The sixteenth partial payment to Testing Services Corporation in the amount of \$6,438 on a per ton and hour contract of which \$43,645.88 will have been paid to date for work certified as ongoing for the 2008-2009 Asphalt & Portland Concrete Plant Inspection & Laboratory Testing. Completion date – December 2009.
10. The fifth partial payment to Rowe Construction Co. in the amount of \$319,754.14 on a contract amount of \$746,708.79 of which \$691,808.83 will have been paid to date for work certified as 93% complete for the 2009-2010 General Resurfacing. Completion date – November 2009.
11. The fourth partial payment to McLean County Asphalt in the amount of \$4,412 on a contract amount of \$250,000 of which \$220,085.64 will have been paid to date for work certified as 88% complete for the 2009-2010 Street and Alley Repair. Completion date – April 2010.
12. The twelfth partial payment to Rowe Construction Co. in the amount of \$141,584.12 on a contract amount of \$3,476,726.41 of which \$3,017,770.35 will have been paid to date for work certified as 87% complete for the Lincoln Street – Bunn to Morrissey (MFT 92-00283-00-RP). Completion date – December 2009.

Respectfully submitted for Council consideration.

Prepared by:

Recommended by:

Tracey Covert
City Clerk

David A. Hales
City Manager

Motion by Alderman Hanson, 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:

SUBJECT: Audit of the Accounts for the Township Supervisor of General Assistance Fund and General Town Fund for the Month of October, 2009

RECOMMENDATION: That the audit of the bills and payrolls for the Township for the month of October, 2009 be made a matter of record.

BACKGROUND: Audit of the Accounts for the Township Supervisor of General Assistance Fund and General Town Fund for the month of October were presented for Audit by the Township Supervisor.

The Audit of these accounts took place on Monday, November 23, 2009 at 7:00 p.m. in the Conference Room of Bloomington City Hall and should, at this time, be made a matter of record.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: Not Applicable.

FINANCIAL IMPACT: Not Applicable.

Respectfully submitted for Council consideration.

Prepared by:

Recommended by:

Tracey Covert
City Clerk

David A. Hales
City Manager

Motion by Alderman Hanson, 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:

SUBJECT: Reports

RECOMMENDATION: That the reports be received and placed on file.

BACKGROUND: The following reports should be received and placed on file with the City Clerk:

1. Monthly Receipt & Expenditure Report, October, 2009.
2. Police Pension Fund – Comprehensive Annual Financial Report.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: Not Applicable.

FINANCIAL IMPACT: Not Applicable.

Respectfully submitted for Council consideration.

Prepared by:

Reviewed by:

Recommended by:

Tracey Covert
City Clerk

Timothy Ervin
Director of Finance

David A. Hales
City Manager

Motion by Alderman Hanson, 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:

SUBJECT: Request to Pay Stark Excavating, Inc. for Emergency Repair of City Sewer on Center Street at Filmore Street (Ward 7)

RECOMMENDATION: That the payment be approved.

BACKGROUND: A sink hole was discovered below the pavement in Center Street. City crews began the excavation work. The excavation continued to increase in size due to deteriorating soils conditions. The excavation work went beyond what City equipment could handle and presented safety issues for the crew. Staff requested assistance from a contractor to finish the repair. Stark Excavating, Inc. stabilized the excavation, removed and replaced the bad section of sewer, and backfilled the excavation. A time and materials bill has been submitted for this work in the amount of \$12,536.57. Staff has reviewed the bill and finds it to be in order.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: Adjacent property owners and residents.

FINANCIAL IMPACT: Payment for this work in the amount of \$12,536.57 will be paid with Sewer Maintenance & Operations Funds, (X52100-70550). This fund currently has a negative fund balance.

Respectfully submitted for Council consideration.

Prepared by:

Financial review:

Recommended by:

Jim Karch
Director of Public Works

Tim Ervin
Director of Finance

David A. Hales
City Manager

Motion by Alderman Hanson, seconded by Alderman Schmidt that the payment 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:

SUBJECT: Evaluation of Request for Proposals (RFP) to Provide Design Services for a Repair Project at Market St. Garage

RECOMMENDATION: That the proposal submitted by Carl Walker, Inc. in the amount of \$28,600 plus reimbursables, estimated at \$3,100, be accepted and the Mayor and City Clerk be authorized to execute the necessary documents.

BACKGROUND: In 2007, the Farnsworth Group Architects and Engineers completed an assessment of the Market St. Parking Garage. The assessment pointed out structural, life safety, and normal maintenance issues that needed to be corrected. Staff believes that the structural and life safety issues need to be addressed first. In order to correct these problems a design has to be developed by a structural engineering firm.

On August 12, 2009, staff accepted Request for Qualifications (RFQ) for repairs to the Market St. Parking Garage. Staff reviewed the RFQs and found all three (3) responding firms, qualified to complete the repair design work. Staff requested that the three (3) firms respond to an RFP. On October 21, 2009, staff received three (3) RFPs. The RFP was based on a total project budget including design fees of \$400,000. The results are as follows:

Name of Firm	Design Service Fee	Estimated Reimbursables	Total Cost
Carl Walker, Inc. Lombard, IL	\$28,600.00	\$3,100.00	\$31,700.00
Farnsworth Group Bloomington, IL	\$37,500.00	\$ 900.00	\$38,400.00
Walker Restoration Consultants Elgin, IL	\$37,000.00	\$5,600.00	\$42,600.00

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: Not applicable.

FINANCIAL IMPACT: A total of \$400,000 has been budgeted in the current fiscal year for the repairs and professional services, and will be paid from #54100-70510 Repair/Maintenance/Building.

Respectfully submitted for Council consideration.

Prepared by:

Reviewed by:

Reviewed as to legal sufficiency:

Mark R. Huber
Director PACE

Barbara J. Adkins
Deputy City Manager

J. Todd Greenburg
Corporation Counsel

Recommended by:

David A. Hales
City Manager

Motion by Alderman Hanson, seconded by Alderman Schmidt that the proposal submitted by Carl Walker, Inc. in the amount of \$28,600 plus reimburseables, estimated at \$3,100, be accepted 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:

SUBJECT: Illinois Department of Transportation (IDOT) Invoice for Intersection and Signal Improvements at White Oak Road and Dr. Martin Luther King Jr. Drive - MFT No. 96-00306-00-SP (IDOT Contract 91362), ICC Order T06-0110

RECOMMENDATION: That the Change Order be approved and the Resolutions adopted.

BACKGROUND: On December 26, 2006, Council approved a Joint Agreement with IDOT to fund roadway and signal improvements at the intersection of White Oak Road and Dr. Martin Luther King Jr. Drive. The Agreement between the City and IDOT provides that the City will reimburse the state for part of the construction costs. The project included Federal Hazard Elimination Safety and Surface Transportation Urban funds along with partial matching funds from the City and McLean County.

The improvements included pavement widening for turn lanes, traffic signals, and railroad crossing safety improvements. A final invoice and explanation of charges has been received from IDOT for the City and County's share of the improvements. The City is obligated to pay the invoice and seek reimbursement from McLean County for the County's share under a City-County Agreement approved by Council on September 24, 2007.

A change order in the amount of \$21,054.83 is needed to make final payment to IDOT. In order to expend Motor Fuel Tax (MFT) funds, IDOT requires the City to adopt a MFT Resolution appropriating the necessary funds. A MFT Resolution in the amount of \$3,527.41 is required to complete the project funding.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: IDOT and the McLean County Highway Department.

FINANCIAL IMPACT: A change order in the amount of \$21,054.83 is needed to make final payment to IDOT. Change orders are not budgeted expenses. The final payment of \$72,205.65 to IDOT for the local share of the intersection of White Oak Road and Dr. Martin Luther King Jr. Drive will be funded as follows:

Requested Change Orders

\$18,631.09	X20300-72530	MFT	Change Order
\$ 2,423.74	X40100-72530	CIF	Change Order

Current Encumbrances Previously Approved by Council

\$25,575.41	X20300-72530	MFT	E0000075
\$25,575.41	X40100-72530	CIF	E0000076

Respectfully submitted for Council consideration.

Prepared by:

Financial review:

Recommended by:

Jim Karch
Director of Public Works

Tim Ervin
Director of Finance

David A. Hales
City Manager

RESOLUTION NO. 2009 - 53

**A RESOLUTION AUTHORIZING A CHANGE ORDER IN THE
AMOUNT OF \$21,054.83 IN THE CONTRACT BETWEEN THE CITY
OF BLOOMINGTON AND ILLINOIS DEPARTMENT OF TRANSPORTATION FOR
INTERSECTION AND SIGNAL IMPROVEMENTS AT WHITE OAK ROAD AND DR.
MARTIN LUTHER KING JR. DRIVE**

WHEREAS, the City of Bloomington has previously entered into a contract with Illinois Department of Transportation for Intersection and Signal Improvements at White Oak Road and Dr. Martin Luther King Jr. Drive; and

WHEREAS, for the reasons set forth in a staff report dated November 23, 2009 it was necessary to make final payment to IDOT; and

WHEREAS, it is the finding of the City Council that the decision to perform the work described in the November 23, 2009 memo was in the best interest of the citizens of the City of Bloomington.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BLOOMINGTON, ILLINOIS:

That a change order in the amount of \$21,054.83 in the contract between the City of Bloomington and Illinois Department of Transportation for Intersection and Signal Improvements at White Oak Road and Dr. Martin Luther King Jr. Drive be approved.

ADOPTED this 23rd day of November, 2009.

APPROVED this 24th day of November, 2009.

Stephen F. Stockton
Mayor

ATTEST:

Tracey Covert
City Clerk

(RESOLUTION 2009-54 ON FILE IN CLERK'S OFFICE)

Motion by Alderman Hanson, seconded by Alderman Schmidt that the Change Order be approved and the Resolutions 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:

SUBJECT: Intergovernmental Agreement with District 87 for Providing Salt during the Upcoming Winter Season

RECOMMENDATION: That the Intergovernmental Agreement be approved and the Mayor and City Clerk be authorized to execute the necessary documents.

BACKGROUND: The City purchases salt every year for its snow operations through the State of Illinois contract. In the past, the City has sold a small amount of salt to District 87 to supplement their snow operations. In an effort to assist our local school district, staff has negotiated an agreement this year with District 87 for a small amount of salt. The amount of salt covered under the agreement is 2.8% of the normal amount used in any given year and should

not affect the quality of snow operations that the citizens of the City are used to receiving. Staff respectfully recommends that Council approve the intergovernmental agreement to sell salt to District 87 and that the Mayor and City Clerk be authorized to execute the necessary documents.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: District 87.

FINANCIAL IMPACT: The City will charge District 87 \$63.75 per ton that includes the raw material cost of \$58.75 per ton plus a storage, handling and loading fee of \$5 per ton.

Respectfully submitted for Council consideration.

Prepared by:

Recommended by:

Jim Karch
Director of Public Works

David A. Hales
City Manager

**Intergovernmental Agreement
Between the City of Bloomington and Bloomington Public Schools, District 87**

In order to better conserve taxpayer dollars, the City of Bloomington (hereafter "City") and Bloomington Public Schools, District 87 (hereafter "District 87") hereby enter into the following agreement regarding road salt from the date of its execution through April 30 2010.

1. The City store and load the salt from its 502 South East Street salt storage facility. District 87 will provide the transportation from this salt storage facility.
2. The City of Bloomington would prefer, but does not require, that the total salt distribution be taken by District 87 at one time. Loading of the salt will need to be arranged by District 87 with the City a minimum of 48 hours prior to the date of request. The City reserves the right to deny the timeline of pickup given based upon daily operations of the City.
3. The salt will be paid for by District 87 at a cost of \$63.75 per ton (this cost includes the raw material cost of \$58.75 per ton plus a storage, handling and loading fee of \$5 per ton).
4. The amount of salt provided to District 87 shall not exceed 250 tons prior to April 30 2010.
5. This agreement shall be effective as of the date it is passed by the final party to do so.

Passed this 23rd day of November, 2009.

Stephen F. Stockton, Mayor
City of Bloomington

ATTEST:

Tracey Covert, City Clerk

Passed this 23rd day of November, 2009.

John Dirks, President
Bloomington Public Schools, District 87

Motion by Alderman Hanson, 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:

SUBJECT: Professional Services Contracts for the Center for Performing Arts

RECOMMENDATION: That the contracts be approved and the Mayor and City Clerk be authorized to execute the necessary documents.

BACKGROUND: Staff respectfully requests approval of contract to engage persons and/or groups represented by: Hairspray Touring Company, LLC and Broadway Booking Office NYC to perform services in the Bloomington Center for the Performing Arts on dates agreed by staff. Base expenses for the contracts will be \$69,000.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: The selection of these artists was coordinated with the Cultural Commission and the Cultural District's Programming Advisory Committee. Staff and community advisors agree that the visiting professionals would

attract broad, positive community involvement and contribute to the public service mission of the Cultural District and the Bloomington Center for the Performing Arts.

FINANCIAL IMPACT: Funding for these contracts will come from account X21100-70220 of the Cultural District's 2009 budget, to be offset by future revenues.

Respectfully submitted for Council consideration.

Prepared by:

John Kennedy, Director
Parks, Recreation & Cultural Arts

Reviewed by:

Barbara J. Adkins
Deputy City Manager

Reviewed as to legal sufficiency by:

J. Todd Greenburg
Corporation Counsel

Recommended by:

David A. Hales
City Manager

(CONTRACTS ON FILE IN CLERK'S OFFICE)

Motion by Alderman Hanson, seconded by Alderman Schmidt that the contracts 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:

SUBJECT: Petition submitted by Lafayette Park, LLC, requesting approval of the Revised Plan of the Lafayette Park Planned Unit Development, located on Lafayette Street just west of Julie Drive

RECOMMENDATION: That the Revised Preliminary Plan be approved and the Ordinance passed.

BACKGROUND: This request is to approve a revised Planned Unit Development (PUD). The applicant's business is a landscaping business and the original approval of the PUD required a

berm with landscaping to provide screening and buffering of the business for the neighboring residences along Julie Drive. Subsequent to that approval the applicant requested and obtained approval for an eight foot (8') high vinyl fence to be allowed in lieu of the berm and landscaping in the area to the north of the main building because the berm in this area would consume much of the land desired for the storage of landscape materials. Now the applicant has requested that a six foot (6') wood fence be allowed in lieu of the eight foot (8') high vinyl fence.

A public hearing was held before the Planning Commission on October 14, and 28, 2009. Bill Hayes and Phil Bussmann, 1314 Nicki Drive, the petitioners, spoke in favor of the request and stated that an eight foot (8') high vinyl fence was very expensive. Sharon Griffin, 1531 Julie Drive lives adjacent to the south end of this development. This did not really affect her but the berm trees have only been planted about a week ago. There has been two (2) years in waiting and encouraged the Commission to enforce a deadline for the eight foot (8') fence. Additionally, the berm was not what she expected.

The Planning Commission nor staff objected to a wood fence in lieu of a vinyl fence, however it was determined that the fence should be eight feet (8') high and opaque. The applicant stated that an eight foot (8') solid wood fence was acceptable.

Staff respectfully recommends that Council approve a modified PUD Plan to allow an eight foot (8'), opaque, wood fence for the entire rear portion of the property from the north building heading south to the berm.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: Public notices in the newspaper and mailings to the nearby property owners were made as well as a public notice/identification sign was posted on the property.

FINANCIAL IMPACT: Not applicable.

Respectfully submitted for Council consideration.

Prepared by:

Reviewed by:

Recommended by:

Mark E. Woolard
City Planner

Barbara J. Adkins
Deputy City Manager

David A. Hales
City Manager

**PETITION FOR APPROVAL OF REVISED PLAN FOR A PLANNED UNIT
DEVELOPMENT**

State of Illinois)
) ss.
County of McLean)

TO: THE HONORABLE MAYOR AND CITY COUNCIL OF THE CITY OF
BLOOMINGTON, ILLINOIS.

Now comes Lafayette Park, LLC, an Illinois limited liability company, hereinafter referred to as
your Petitioner respectfully representing and requesting as follows:

1. That your petitioner is interested as owner and developer in the premises legally
described in Exhibit A attached hereto and made a part, hereinafter to be known
by this reference;

2. That your Petitioner seeks approval of the Revised Plan for Lafayette Park
Planned Unit Development on said premises to be known and described as the
Lafayette Park Planned Unit Development. Said Revised Plan is attached hereto
as Exhibit B and made a part hereof. Additionally, said Revised Plan shall consist
of: (i) use of the existing concrete dividers rather than the 8 foot fence, and (ii)
starting at the existing wood fence as shown on the plan, use of an 8 foot wood
fence rather than an 8 foot vinyl fence. Petitioner contends that such revisions
shall better match the existing conditions of the premises.

WHEREFORE, your Petitioner prays that the Revised Plan for Planned Unit Development
submitted herewith be approved with the exemptions or variations as requested herein.

Respectfully submitted,

LAFAYETTE PARK, LLC,
an Illinois limited liability company

By: Phil Buss
Its: President

ORDINANCE NO. 2009 - 76

**AN ORDINANCE APPROVING THE REVISED PLAN OF LAFAYETTE PARK
PLANNED UNIT DEVELOPMENT**

WHEREAS, there was heretofore filed with the City Clerk of the City of Bloomington, McLean County, Illinois, a petition for approval of a Revised Plan of Lafayette Park Planned Unit Development, legally described in Exhibit A attached hereto and made a part hereof by this reference; and

WHEREAS, said Petition requests the following exemptions or variations from the provisions of the Bloomington City Code, 1960, as amended, and the existing plan of Lafayette Park Planned Unit Development: Revised Plan shall consist of: (i) use of the existing concrete dividers rather than the 8 foot fence, and (ii) starting at the existing wood fence as shown on the plan, use of a 8 foot wood fence rather than an 8 foot vinyl fence; and

WHEREAS, said Petition is valid and sufficient and conforms to the requirements of the statutes in such cases made and the Revised Plan attached to said Petition was prepared in compliance with the requirements of the Bloomington City Code except for said requested exemptions and/or variations; and

WHEREFORE, said exemptions and/or variations are reasonable and in keeping with the intent of the Land Subdivision code, Chapter 24 of the Bloomington City Code, 1960, as amended.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Bloomington, McLean County, Illinois:

1. That the Revised Plan of Lafayette Park Planned Unit Development and any and all requested exemptions and/or variations be, and the same is hereby approved.
2. That this Ordinance shall be in full force and effective as the time of its passage on this 23rd day of November, 2009.

APPROVED:

Stephen F. Stockton
Mayor

ATTEST:

Tracey Covert
City Clerk

EXHIBIT A
Legal Description

A part of Lot 20 in County Clerk's Subdivision of Hunt's Subdivision of the East Half of the Southeast Quarter of Section 9, Township 23 North, Range 2 East of the Third Principal Meridian, McLean County, Illinois, more particularly described as follows: Beginning at the Southeast Corner of said Lot 20. From said Point of Beginning, thence west 106.00 feet along the South Line of said Lot 20 to a point lying 224.00 feet east of the Southwest Corner thereof; thence north 183.44 feet along a line which is parallel with the West Line of said Lot 20 and which forms an angle to the left of 87°-56'-22" with the last described course; thence east 105.80 feet along a line which is parallel with said South Line and which forms an angle to the left of 90°-02'-38" with the last described course to the East Line of said Lot 20; thence south 179.71 feet along a line which forms an angle to the left of 90°-00'-00" with the last described course to the Point of Beginning, containing 0.441 acre, more or less.

Alderman Stearns questioned if there was a time limit for the installation of the fence. Mark Woolard, City Planner, addressed the Council. He stated his belief that it would be installed soon as the ground would soon be frozen. Alderman Stearns questioned if all of the issues had been resolved.

Motion by Alderman Hanson, seconded by Alderman Schmidt that the Revised Preliminary Plan 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:

SUBJECT: Appointment(s) and Reappointments(s) to Various Boards and Commissions

RECOMMENDATION: That the reappointments be approved.

BACKGROUND:

Planning Commission

Greg Shaw, 1104 N. Roosevelt Ave. His term will expire on April 30, 2012.

Ken DuLac, 24 Stonehedges Ct. His term will expire on April 30, 2013.

Julie Morton, 204 W. Tanner St. Her term will expire on April 30, 2013.

Tyhad Harrison, 2412 Savanna Rd. His term will expire on April 30, 2013.

Susan Brandt, 213 Hillside Ln. Her term will expire on April 30, 2013.

Bill Schulz, 2103 Woodfield Rd. His term will expire on April 30, 2013.

Cultural District Commission

Mike Kerber, 406 N. Linden. His term will expire on April 30, 2011.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: Stan Cain, Planning Commission Chair, and Judy Markowitz, Cultural District Commission Chair.

FINANCIAL IMPACT: Not applicable.

Respectfully submitted for Council consideration.

Prepared by:

Recommended by:

Tracey Covert
City Clerk

Stephen F. Stockton
Mayor

Alderman Sage requested that this item be laid over. He expressed his interest in additional conversation regarding this item. He added his belief that it was important to involve new citizens. The Council would hold an additional retreat on December 1, 2009. Part of the day would address strategic planning. He requested that this item be laid over until December 14, 2009 to provide clarity.

Alderman Fruin noted that the Planning Commission members were appointed to represent a quadrant of the City. Mayor Stockton concurred and added that collectively they represented the entire community.

Motion by Alderman Sage, seconded by Alderman Schmidt that the item be laid over until the Council's December 14, 2009 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, (viva voice).

Nays: None.

Motion carried.

The following was presented:

SUBJECT: Illinois Municipal Retirement Fund (IMRF) Early Retirement Initiative (ERI) Amortization Schedule

RECOMMENDATION: That the IMRF ERI amortization schedule be increased from six (6) to ten (10) years.

BACKGROUND On April 14, 2008, Council voted to adopt an IMRF ERI program. On that same date the Council voted to adopt a six (6) year amortization schedule for the repayment of the ERI costs. The ERI repayment may be amortized over a period of up to ten (10) years with seven and a half percent (7.5%) interest each year.

Staff respectfully recommends that the Council now adopt a ten (10) year IMRF ERI amortization repayment schedule. Amortizing the payments over a longer period requires smaller annual payments although, because of interest expense, the total cost of a longer amortization period will be higher. Staff is recommending this change to provide City cash flow liquidity. The annual and total costs for six (6) and ten (10) year periods are included.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: None.

FINANCIAL IMPACT: Amortizing the IMRF ERI expense over ten (10) years rather than six (6) years would cost an additional \$1,865,405.59 in interest expense. If the City were to pay off the ERI sooner than the ten (10) year schedule, it would incur less interest expense. It should be noted that even if the Council adopts a ten (10) year schedule, the City will be permitted to repay the ERI over a shorter period without any pre-payment penalty.

Respectfully submitted for Council consideration.

Prepared by:

Concurred with:

Recommended by:

Laurie Wollrab
Compensation & Benefits Mngr.

Emily Bell
Director of Human Resources

David A. Hales
City Manager

Alderman Schmidt addressed this item. She understood that the General Fund needed flexibility. She cited the additional cost to the Early Retirement Incentive (ERI) Program, (\$1.8 million). She questioned if this item could be laid over until a later date. David Hales, City Manager, addressed the Council. The City must reach a decision by December 1, 2009. The City could select the ten (10) year option but make early repayment, (less than ten years). There was the option for early pay off without penalty. The City would be able to wait for revenue streams to rebound. The City needed cash flow flexibility.

Alderman Huette noted that City staff had presented this information to the Council as an option. The Council had recently extended a bond issue. A four (4) year extension to the ERI payments would equal almost \$2 million. The City needed to live within the payment terms.

Mayor Stockton believed that the Council was presented with the payment models during the ERI Work Session. Tim Ervin, Finance Director, addressed the Council. He believed that City staff presented the six (6) year schedule.

Alderman Schmidt noted that this proposal was made to offer flexibility. Mr. Hales responded affirmatively. The payment period would be locked in. He restated that the City could make early payments without penalty.

Alderman Purcell questioned the variable bond rate. Mr. Ervin informed the Council that the rates were watched on a weekly basis. At this time, the interest rate for fix rate bonds was currently 4 – 4.5%. The interest rate for variable rate bonds was lower. He restated that interest rates were watched carefully. Mr. Hales offered to present an analysis regarding same in the future.

Motion by Alderman Schmidt, seconded by Alderman Huette that the IMRF ERI amortization schedule remain at six (6) years.

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:

SUBJECT: Request to Enter into a Professional Services Contract with the Farnsworth Group for Various Projects within the Downtown TIF Area

RECOMMENDATION: That the formal bid process be waived, a professional design services agreement with the Farnsworth Group be approved in the amount of \$185,050 for various projects with the Downtown TIF area, the Mayor and City Clerk be authorized to execute the necessary documents, and the Resolution adopted.

BACKGROUND: In 2003, the City awarded a contract to the Farnsworth Group (FG) for design services for streetscape projects in the Downtown after a competitive selection process. FG was selected after an interview process based upon the firm's qualifications, proposal, and interview presentation as the best choice for the project.

Work on Downtown streetscape continued into 2004 and 2005 with FG. With the expiration of the Downtown TIF and the short time line to have projects bid and under contract, staff contacted FG based upon the firm's past experience and work within the Downtown TIF area. A cost estimate has been provided for the work to be performed. The FG is familiar with the proposed type of work, (streetscape and water mains). Their costs include both preparation of specifications, engineering, construction drawings, and bidding documents.

The FG will provide plans, specifications, and other design services for this project at a lump sum fee of \$185,050. This fee includes typical architectural and engineering charges for this type of work. Based upon the project, architectural and engineering fees will be twelve percent (12%) of total project costs. This figure includes reimbursable expenses such as printing.

Staff requests that the Council approve an engineering services agreement with Farnsworth Group in the amount of \$185,050, and the Mayor and City Clerk be authorized to enter into an agreement for said work. Funds for this agreement will be taken from Downtown TIF account # 4030 - 070220.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: Downtown Bloomington Association.

FINANCIAL IMPACT: \$185,050 will be spent from Downtown TIF.

Respectfully submitted for Council consideration.

Prepared by:

Reviewed as to legal sufficiency:

Barbara J. Adkins
Deputy City Manager

J. Todd Greenburg
Corporation Counsel

Recommended by:

David A. Hales
City Manager

RESOLUTION NO. 2009 - 55

A RESOLUTION WAIVING THE FORMAL BIDDING PROCESS AND APPROVAL TO ENTER INTO A PROFESSIONAL SERVICES CONTRACT WITH THE FARNSWORTH GROUP FOR VARIOUS PROJECTS WITHIN THE DOWNTOWN TIF AREA AT A COST NOT TO EXCEED \$185,050

Be It Resolved by the City Council of the City of Bloomington, Illinois,

1. That the bidding process be waived, the professional services agreement with the Farnsworth Group for various projects within the Downtown TIF be approved at a cost not to exceed \$185,050, and the Mayor and City Clerk be authorized to execute the necessary documents.

ADOPTED this 23rd day of November, 2009.

APPROVED this 24th day of November, 2009.

Stephen F. Stockton
Mayor

ATTEST:

Tracey Covert
City Clerk

AGREEMENT FOR PROFESSIONAL SERVICES

AGREEMENT is effective this _____ day of November in the year 2009 between Farnsworth Group, Inc. hereinafter referred to as FGI, of 2709 McGraw Drive, Bloomington, IL 61704 and the City of Bloomington, IL hereinafter referred to as the CLIENT/OWNER.

The Scope of Services to be provided under this agreement is as follows:

2009 Bloomington TIF District Water Main Upsize and Replacement Design

PROJECT DESCRIPTION

Generally, the role of Farnsworth Group, Inc. (Consultant) is to provide Engineering design services for the City of Bloomington's (Owner) Downtown TIF District Water Main Upsize Replacement Project. Included in the project scope is construction document preparation and assistance during bidding.

We understand the Project Area is defined as follows for the three tasks indicated:

Task 1: Prairie Street Design

- The 1/2 block of mulberry Street east of Prairie Street and Prairie Street from Mulberry Street to Washington Street

Task 2: Gridley Street Design

- Gridley Street from Jackson Street to Oakland Avenue.

Task 3: Monroe Street Design

- Monroe Street between Madison Street and Center Street

The following describes the scope of services for each task.

Surveying

- Conduct topographic survey of the Project Area to locate surface topography, existing utilities marked by others, elevations, surface improvements and other improvements including, utility/light poles, traffic control devices, building corners, benches, trash receptacles, planters, signage and other existing items and improvements.
- No property corners or lines will be located or determined.

Permitting & Signoffs

- Environmental Signoffs Applications for IDNR, IHPA, EcoCat.
- IEPA Construction Permit

Design

- Review of the survey data and maps of the existing utilities, provided by others, to address potential conflicts.
- Design layout, existing connections, and future extension locations in compliance with local and state regulations.
- Development of plans including initial layout, owner's comments and QA/QC review.
- Development of specifications including construction requirements.
- Coordination Meetings with the City's Water Department staff.

Bidding Services and Contract Documents

- Coordinate the advertisement of the proposed project.
- Distribute the Plans and Specifications to the proposed bidders.
- Contractor Q & A.
- Attend Bid Opening.
- Analyze bids.
- Prepare Contracts for execution by City and Contractor

Schedule of Services:

Advertisement for Bids.....	December 1, 2009
Plans Available to Bidders.....	December 7, 2009
Pre-Bid Meeting.....	December 14, 2009
Bid Opening.....	December 18, 2009

2009 Bloomington TIF District Streetscape Improvement Project

PROJECT DESCRIPTION

Generally, the role of Farnsworth Group, Inc. (Consultant) is to provide Architectural and Engineering design services for the City of Bloomington's (Owner) Downtown TIF District Streetscape Improvement Project. Included in the project scope is construction document preparation and assistance during bidding.

We understand the Project Area is defined as follows:

- A. Main Street (300, 400 & 500 Blocks) from Jefferson Street to Mulberry Street
- B. Monroe Street (100 West Block) from Main Street to Center Street

Improvements are scheduled to include:

- Selective replacement of existing sidewalk and curb with new concrete.
- Selective replacement of existing trees with new landscape accessories (benches, bike racks).
- Planting beds for new trees.
- Replacement of existing 'cobra' style light poles and overhead wiring with new decorative light fixtures and underground wiring.
- Decorative lighting, landscape amenities and sidewalk improvements are to match what was previously designed.
- Storm water inlets and piping to correct existing ponding conditions.
- New sidewalk to meet Accessible requirements in so far as practical.

We also understand that the work is of high priority and needs to be completed as soon as possible. This is an aggressive schedule since actions of all involved and other unforeseen conditions/circumstances that are not in control of the Consultant may impact the project.

The Consultant may use such information from the Owner in performing its Services and is entitled to rely upon the accuracy and completeness thereof.

The Consultant shall visit the site at intervals appropriate to the stage of construction, or as otherwise agreed to in writing by the Owner and the Consultant, in order to observe the progress and quality of the work completed by the contractor. Such visits and observation are not intended to be an exhaustive check or detailed inspection of the contractor's work but rather are to allow the Consultant to become generally familiar with the work in progress and to determine, in general, if the work is proceeding in accordance with the contract documents. Based on this general observation, the Consultant shall keep the Owner informed about the progress of the work and shall advise the Owner about observed deficiencies in the work.

It is understood that the Owner will coordinate the selection of an Environmental Engineering Consultant/Contractor. The Owner will approve such services and create a separate agreement with the outside service consultant for these services. Outside consultant fees are to be paid directly by the Owner.

We understand the following decorative items are to be included as noted by the Owner. The Consultant will evaluate these items and determine that they are in keeping with the previously designed improvements for the Courthouse Square Streetscape project. Any additions or changes to the following list will be evaluated with the City prior to incorporating into the final design documents:

300 Block of North Main Street - Jefferson to Monroe

- (6) Five globe decorative fixtures (three each side, evenly spaced).
- (4) Single globe decorative fixtures (two for each side, fill between large street lights).
- Large decorative bike rack (3-4 bikes) or (4) individual bike racks.
- (6) Trees (1.5" - 2.0" trunk) – (3) Ivory Silk Lilac; (1) Katsura; (1) Red Maple.
- Remove (1) existing Pear tree.
- Other existing trees removed as directed.

400 Block of North Main Street - Monroe to Market

- (4) Five globe decorative fixtures (one at each corner).
- (4) Single globe decorative fixtures (two for each side, fill in between corners).
- (2) Decorative seating bench(s).
- Large decorative bike rack (3-4 bikes) or (4) individual bike racks.
- (10) Trees (1.5" - 2.0" trunk) – (8) Ivory Silk Lilac; (2) Red Canadian Chokecherry.
- Other existing trees removed as directed.

500 Block of North Main Street - Market to Mulberry

- (4) Five globe decorative fixtures (one at each corner).
- (4) Single globe decorative fixtures (two for each side, fill in between corners).
- Large decorative bike rack (3-4 bikes) or (4) individual bike racks.
- (9) Trees (1.5" - 2.0" trunk) – (2) Ivory Silk Lilac; (8) Red Canadian Chokecherry; (1) Homestead Elm.
- Other existing trees removed as directed.

100 Block of West Monroe Street - Main to Center

- (4) Five globe decorative fixtures (one at each corner).
- (4) Single globe decorative fixtures (two for each side, fill in between corners).
- Decorative seating bench.
- (8) Trees (1.5" - 2.0" trunk) – (4) Ivory Silk Lilac; (4) Hedge Maple.
- Other existing trees removed as directed.

SCOPE OF WORK

The following describes the scope of services for each task.

Task 1: Project Planning Assistance and Scope Development

Meetings

- Attend Kick-Off meeting with members of Owner's staff to get briefed on the project scope and limits.
- Attend city council meeting.
- Conduct site walk through visits with members of staff and council to inventory sidewalk conditions, look at existing facade improvements and investigate possible vault locations.

Evaluate City Budget

- Evaluate City's planning budget and make recommendations for new scope based on learned priorities indicated by the City.
- Present background on vault issues known to date from prior City Streetscape project and forecast impact on budget.
- Attend meeting to discuss approved budget and potential limitations of improvements to meet the budget.

Task 2: Vault Inventory & Preliminary Analysis

- Conduct site visit observations to gather data to determine locations and general condition of underground vaults for use in the design of potential streetscape improvements in the 300 block of North Main Street, West Monroe Street from North Main to Center, 400 block of North Main Street, 500 block of North Main Street by representatives from Farnsworth Group (Architectural and Structural), Ideal Environmental Engineering (look for and advise on potential materials that may need to be mitigated) and the City of Bloomington.
- Provide informational drawings for each side of each block showing findings of observations including general locations, condition and other specific notes pertaining to each location.
- Formulate preliminary structural observations and strategies for possible mitigation of unused vaults.
- Determine potential costs associated with vault mitigation.

Task 3: Structural Design for Vault Mitigation

Design Development

- Attend site visit as necessary to follow up Vault Inventory observations.
- Prepare structural detail drawings needed for repair or abandonment of existing vault structures.

Construction Documents

- Coordinate with the Owner concerning questions relating to the development of the project, regulatory reviews, and other correspondence.
- Finalize structural details

- Technical specifications (book form).

Bidding and Negotiations

- Attend one Pre-bid meeting.
- Provide assistance in creating addendum and revisions.
- Assist with answering questions concerning general design criteria, potential substitutions and other items pertaining to the bid documents.

Construction Administration

- Coordinate with Owner concerning questions relating to design and/or construction activities.
- Review of shop drawings and samples.
- Attend up to two meetings on site in addition to final punchlist.
- Answering written requests for information presented to the Consultant.
- Attend one site visit to perform final punch list (punch list is to include items to be completed and/or corrected).

Task 4: Streetscape Design

Surveying

Topographic Survey

- Conduct topographic survey of the Project Area to locate surface topography, existing utilities marked by others, elevations, surface improvements and other improvements including, utility/light poles, traffic control devices, building corners, benches, trash receptacles, planters, signage and other existing items and improvements.
- No property corners or lines will be located or determined.

Civil

Design Development

- Prepare construction drawings showing information gathered during Project Programming and Scope Development and provided by the Owner.
- Technical Specifications.
- Coordinate with the Owner concerning questions relating to the development of the project, regulatory reviews, and other correspondence.
- Prepare Engineer's Estimate of Probable Project Cost.

Construction Documents

- Finalize construction drawings based on approved design development documents.
- Update technical specifications to account for final design
- Coordinate with the Owner concerning questions relating to the development of the project, regulatory reviews, and other correspondence.

- Provide the following in a level of detail to obtain a permit and establish design intent (each block will be identified as separate bid items):
- Technical specifications (book form).
- Bid form and instructions to bidders. Bid form will show unit pricing by item for each discipline and by block.

Bidding and Negotiations

- Attend one Pre-bid meeting.
- Provide assistance in creating addendum and revisions.
- Assist with answering questions concerning general design criteria, potential substitutions and other items pertaining to the bid documents.
- Assist in bid validation and determination of the successful bid.

Construction Administration

- Coordinate with Owner concerning questions relating to design and/or construction activities.
- Review of shop drawings and samples.
- Attend up to two meetings on site in addition to final punchlist.
- Answering written requests for information presented to the Consultant.
- Attend one site visit to perform final punch list (punch list is to include items to be completed and/or corrected).

Architectural

Design Development

- Prepare landscape and amenity drawings showing information gathered during preliminary investigation and provided by the Owner. Prepare preliminary project manual including bidding information for review and approval by the Owner.
- Coordinate with the Owner concerning questions relating to the development of the project, regulatory reviews, and other correspondence.

Construction Documents

- Prepare landscape and amenity drawings based on approved design development documents.
- Prepare project manual and bidding information for review and approval by the Owner.
- Coordinate with the Owner concerning questions relating to the development of the project, regulatory reviews, and other correspondence.
- Provide the following in a level of detail for bidding activities and establish design intent (it is intended to break out each block as separate bid item to allow the Owner flexibility in evaluating bids):
 - Technical specifications (book form).
 - Bid form and instructions to bidders. Bid form will show unit pricing by item for each discipline and by block.

- Landscape plans showing tree and bench locations and other planting details.

Bidding and Negotiations

- Attend one Pre-bid meeting.
- Provide assistance in creating addendum and revisions.
- Assist with answering questions concerning general design criteria, potential substitutions and other items pertaining to the bid documents.
- Assist in bid validation and determination of the successful bid.

Construction Administration

- Coordinate with Owner concerning questions relating to design and/or construction activities.
- Review of shop drawings and samples.
- Attend on site construction progress meetings.
- Answering written requests for information presented to the Consultant.
- Prepare approved contract modifications as required and distribute revisions to the contractor.
- Attend one site visit to perform final punch list (punch list is to include items to be completed and/or corrected).
- Prepare substantial completion closeout documentation if required.

Electrical

Design Development

- Conduct conference with Ameren to coordinate demolition and installation of new light poles, fixtures and conduits.
- Prepare electrical drawings showing information gathered during preliminary investigation and provided by the Owner.
- Coordinate with the Owner concerning questions relating to the development of the streetscape, regulatory reviews, and other correspondence.

Construction Documents

- Prepare electrical drawings and specifications based on approved design development design for distribution by the Owner to potential bidders.
- Coordinate with the Owner concerning questions relating to the development of the project, regulatory reviews, and other correspondence.
- Provide the following exterior improvement electrical drawings in a level of detail to obtain a permit and establish design intent (each block will be identified as separate bid items):
- Site plans showing luminaire locations, conduit/conductor routing, and new utility locations.
- Electrical Schedules for circuiting of new luminaires.
- Electrical Details for installation of new luminaires and utility connections.
- Technical specifications (book form).

Bidding and Negotiations

- Attend one Pre-bid meeting.
- Provide assistance in creating addendum and revisions.
- Assist with answering questions concerning general design criteria, potential substitutions and other items pertaining to the bid documents.

Construction Administration

- Coordinate with Owner concerning questions relating to design and/or construction activities.
- Review of shop drawings and samples.
- Attend up to two meetings on site in addition to final punchlist.
- Answering written requests for information presented to the Consultant.
- Attend one site visit to perform final punch list (punch list is to include items to be completed and/or corrected).

Schedule of Services:

Advertisement for Bids	December 1, 2009
Plans Available to Bidders.....	December 7, 2009
Contractor Vault Inspection.....	December 14, 2009
Pre-Bid Meeting.....	December 14, 2009
Bid Opening	December 18, 2009

2009 Bloomington TIF District Topographic Survey Services

PROJECT DESCRIPTION

Generally, the role of Farnsworth Group, Inc. (Consultant) is to provide Surveying services for the City of Bloomington’s (Owner) Downtown TIF District Project.

We understand the Project Area is defined as follows:

- A. Prairie Street from Mulberry Street to Locust Street
- B. Front Street from Center Street to Gridley Street

The following describes the scope of services for each task:

Task 1: Topographic Surveying For Future Improvements

Topographic Survey

- Conduct topographic survey of the Project Area to locate surface topography, existing utilities marked by others, elevations, surface improvements and other improvements including, utility/light poles, traffic control devices, building corners, benches, trash receptacles, planters, signage and other

existing items and improvements. No property corners or lines will be located or determined.

Existing Conditions Drawing

- Prepare an existing conditions drawing (In AutoCAD format) that depicts existing features and improvements located from the topographic survey. This drawing will show underground utilities located by others and surface improvements. Invert data for storm sewer and sanitary sewer manholes was not collected as directed by Owner.
- Submit hard copies and CAD files to Owner upon completion.

YOUR RESPONSIBILITIES

It will be the Owner's responsibility to provide the following:

- Coordination with other streetscape committee members including designated representatives from the downtown business owners.
- Copies of all available construction documents from previous projects around the downtown area.
- Full information in a timely manner regarding requirements for and limitations on the Project.
- Provide information regarding changes in project scope.
- Provide any updates to the budget for the Project.
- Furnish all legal, insurance and accounting services, including auditing services that may be reasonably necessary at any time for the Project. Provide any additional information that is sent to the Owner regarding changes in funding.
- Provide written notice of any fault or defect in the Project, including any errors, omissions, or inconsistencies in the Instrument of Service.
- Assistance in development of front-end specification documents including specific requirements pertaining to the Owner's established standard documents.
- Provide access to the Project site.
- Review and approve pay requests from Contractors.
- Authorize additional services to Consultant for changes/additions to the Scope of Work.
- Cost of bid set printing.

ADDITIONAL SERVICES

- Design alterations and coordination resulting from existing steam tunnels and vault locations that we understand may not be known until construction begins.
- Any individual storefront improvements including ADA improvements.
- Special details or design due to existing individual storefront construction interface with sidewalks.
- Preparation of design and documentation for alternate bid or proposal requests proposed by the Owner outside of the listed Project Scope and description.
- Planning and administrative assistance.
- Special bidding or negotiation.

- Geotechnical surveys and/or archeological surveys.
- Contractor requests for substitutions during bidding.
- Review of a contractor's submittals out of sequence from the submittal schedule.
- Multiple revisions beyond the listed scope of services, changes in project scope, or other unforeseen circumstances.
- Record Drawings.
- Services related to any discoveries of any hazardous material(s) during design or construction administration services.
- Design alterations due to unfavorable bid results.
- Construction Layout and Staking.
- Additional meetings with merchants after project is out for bid.

Farnsworth Group, Inc. will provide the additional services listed above, as well as any additional services not listed, as requested or approved by Owner's Representative on a Time & Materials basis.

SCHEDULE OF FEES

The lump sum fees for the scope of services presented above for the various components of the project are summarized below:

Water Main Upsize and Replacement Design

Task 1: Prairie Street Design	\$52,850
Task 2: Gridley Street Design.....	\$18,300
Task 3: Monroe Street Design	\$8,200

Streetscape Design

Task 1: Project Planning Assistance and Scope Development	\$12,150
Task 2: Vault Inventory & Preliminary Analysis	\$4,850
Task 3: Structural Design For Vault Mitigation	Time & Materials
Task 4: Streetscape Design	\$84,350
▪ 300, 400, 500 blocks of Main Street	
▪ 100 block of Monroe Street (Main to Center)	
▪ Includes limited construction administration (Est. cost of \$3,000)	

Topographic Survey

Task 1: Topographic Survey For Future Improvements.....	\$20,850
▪ Prairie Street from Mulberry Street to Locust Street	
▪ Front Street from Center Street to Gridley Street	

This Agreement and the attached General Conditions represent the entire and integrated Agreement between the OWNER and FGI and supersedes all prior negotiations, representations

or agreements, either written or oral. This Agreement may be amended only by written instrument signed by both OWNER and FGI.

IN WITNESS WHEREOF, the parties hereto have made and executed this AGREEMENT on this _____ day of November, 2009.

FARNSWORTH GROUP

Charles Neil Finlen
Principal
November 24, 2009

Steve Myers
Principal
November 24, 2009

CITY OF BLOOMINGTON

Stephen F. Stockton
Mayor
November 30, 2009

Tracey Covert
City Clerk
November 30, 2009

(GENERAL CONDITIONS AND 2009 RATE SCHEDULE ON FILE IN CLERK'S OFFICE)

Alderman Schmidt questioned the sidewalk vaults located within the Downtown TIF. David Hales, City Manager, noted that this issue would require policy direction from the Council.

Barb Adkins, Deputy City Manager, addressed the Council. She noted that in reality \$1.9 million was not a lot of money. City staff had met with the Farnsworth Group a number of times to arrive at better figures. The following items have been removed from the project: 1.) Acquisition of Verizon Parking Lots; 2.) Resurfacing – 300 to 500 N. blocks of Main St.; 3.) Resurfacing – 100 W. block of Monroe St.; 4.) Fire Hydrant Replacement – Front St.; 5.) Sidewalk & Handicap Ramp Installation – Front St.; 6.) Streetscape – Front St., 7.) Resurfacing – Front St., and 8.) Resurfacing – Mulberry & Prairie St. The following two (2) items were amended from replacement to design only: 1.) Water Main – Monroe St.; and 2.) Water Main – Gridley St. The façade grant total had been increased to \$200,000 with an individual maximum grant of \$20,000.

Ms. Adkins noted that 100 block of W. Monroe St. needed a lot of work. Front St. was seen as an add-on project. The Gridley St. water main design would be increased from a four inch (4") to a six inch (6") pipe. Staff tried to address requested additions and the costs for same. The vaults were not City property and were in various condition. She added that in the past there had been a policy to address the vaults with grant dollars. It was known that at least one (1) vault has asbestos. If this vault is addressed, then the asbestos must be abated. She estimated the vault inspection fee at \$5,000. \$54,000 (or three percent of the entire budget) had been placed in contingency. These dollars would address asbestos abatement.

She informed the Council that City staff also met with the Downtown Business Association, (DBA), staff and the Farnsworth Group. All contracts involving the expenditure of Downtown TIF funds must be signed and executed by December 31, 2009. This evening, City staff was requesting that the formal bid process be waived and the City enter into a design contract with the Farnsworth Group. Bids for the various projects would be available by December 1, 2009. There was a lot of work that needed to be done. The DBA was involved. She described the work processes as a collective project.

Alderman Schmidt questioned the total expenditure. Ms. Adkins referred the Council to the hand out entitled 2009 Bloomington TIF District Improvement Project which listed a figure of \$1,584,067 for construction, engineering, and contingency.

Alderman Huette questioned the water main projects. He specifically cited the Prairie St. water main and if it would be completed. Ms. Adkins noted the original estimate of \$780,000. The total expenditure for water mains utilizing TIF dollars would be \$494,000.

Alderman Sage questioned if there were other water main projects. Ms. Adkins noted that design fees represented twelve percent (12%) of the total project.

Alderman Schmidt noted that this evening the Council was only be asked to approved the contract with the Farnsworth Group.

Motion by Alderman Schmidt, seconded by Alderman Hanson that the agreement be approved in an amount not to exceed \$185,050, the Mayor and City Clerk be authorized to execute the necessary documents, and the Resolution 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:

SUBJECT: Change Order for Fire Station #5

RECOMMENDATION: That the Change Order be approved.

BACKGROUND: At the October 26th Council Meeting, staff submitted Fire Station #5, Change Order #2 for approval. Change Order #2 involved a credit in the amount of \$16,960. The credit was offered by the general contractor and masonry contractor because, after heavy

rains, moisture was entering the building through the exterior masonry walls. Council questioned the item and laid it over until a future date. Staff was asked to meet with the architect and request additional information regarding the proposed solution and any alternatives. Staff was also asked to contact a real estate appraiser to determine the value of the building given the moisture problem.

Staff consulted with a local real estate appraiser regarding the building's value. Staff was informed that the moisture issue would have minimal effect on the future value of the building. The Legal Department estimates the cost of retaining an expert on the issue of establishing any diminution of value in the fire station would be \$250 - \$500 to obtain the names of qualified experts. The cost for the expert's time is estimated at \$2,500 - \$5,000 plus travel expenses.

After discussing the issue with the architect and the sealer manufacturer's representative, an alternative solution was suggested. Instead of initially applying one (1) coat of an exterior sealer, an additional spray coat of a sealer designed to penetrate the masonry walls would be applied first. Both of these products would be supported with a five (5) year maintenance performance bond provided by the masonry contractor, and a ten (10) year manufacturer general limited material warranty which would also be provided by the masonry contractor. Both of these products have been used successfully throughout the country as a method for sealing masonry walls.

The solution offered by the general contractor and masonry contractor coupled with the warranty greatly exceeds the standard one (1) year warranty the City would have received if there would not have been a problem with the exterior masonry walls. The estimated cost for this solution over a thirty (30) year period is \$16,960. The current proposal is:

2009 - 2019: 1.) Apply a penetrating sealer in addition to a surface membrane sealer; 2.) provide a five (5) year maintenance performance bond and a ten (10) year manufacturer general limited material warranty.

2019-2029: 1.) Provide funding to re-seal the wall surface; 2.) pay for four (4) man days of work for any service calls or repairs that may need to be performed; and 3.) fund a ten (10) year manufacturer general limited material warranty.

2029-2039: 1.) Provide funding to re-apply a coat of surface sealer; and 2.) pay for a ten (10) year manufacturer general limited material warranty.

This proposed solution would offer a thirty (30) year net effective moisture penetration resistance for the structure. It would be above what would have been expected under the original specifications. This solution was reviewed by both Corporation Counsel and Facilities Management staff who believe acceptance of same it to be in the best interest of the City.

The architect thought it would be possible to cover the existing exterior walls with another product that would prevent moisture from entering the building. Rough estimates for a new exterior surface range from \$75,000 to \$210,000 with architectural fees between \$10,000 and \$20,000.

At this time Council has two (2) choices to consider: 1.) accept the dual sealing solution offered by the contractors; or 2.) pursue replacing the exterior surface with another product.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: None.

FINANCIAL IMPACT: The deductive Change Order would show a credit of \$16,960.

Respectfully submitted for Council consideration.

Prepared by:

Reviewed as to legal sufficiency:

Michael S. Kimmerling
Fire Department

J. Todd Greenburg
Corporation Counsel

Recommended by:

David A. Hales
City Manager

Alderman Purcell noted that this item had been laid over from the Council's November 9, 2009 meeting. He was not satisfied as water was seeping into the building. This would be a new fire house. He questioned mold and mildew. In his opinion the building was defective. He stated his intention to vote against this item. He hoped the problem would be solved. He restated his dissatisfaction. He questioned the City's ability to sue and have the blocks removed.

Mayor Stockton stated that he was not happy with the situation. The Council needed to consider real alternatives.

David Hales, City Manager, addressed the Council. There was positive information. A penetrating sealer could be applied. Everyone involved wished that the manufacturer had done everything correctly.

Bob Floyd, Facilities Manager, addressed the Council. The sealer would be placed on part of the structure but not all. The sealant was an industrial product which would be applied by a certified installer. This two part seal has a good chance of success. There would be a thirty (30) year solution broken down into three (3), ten (10) year periods. The first ten (10) years, (2009 – 2019): penetrating sealer applied in addition to the surface membrane sealer, five (5) warranty maintenance performance bond, and ten (10) year manufacture general limited material warranty. The second ten (10) years, (2019 – 2029), funding provided to reseal wall surface, payment for four (4) man days for needed service calls/repairs, and fund a ten (10) year manufacture general limited material warranty. Final ten (10) years, (2029 – 2039), fund reapplication coat of surface sealer and fund ten

(10) year manufacture general limited material warranty. He noted that with typical construction there is a one (1) year warranty.

He added that there was a relatively new idea in which the building's exterior would be re clad with cement board or split faced brick. Based upon product selected, there is a high/low price range.

He noted that a local appraiser had expressed concerns regarding any change of use for the building.

Todd Greenburg, Corporation Counsel, addressed the Council. He informed them that no court would order that the building be torn down and rebuilt. The measure of the damages would be determined by the value of building versus its value as constructed. The Court would consider reasonable measures. The contractor was offering the City a warranty. The City would need to find the funds to hire an expert witness. The City would be required to limit the damages if considering a law suit. The subcontractor was offering to pay to remediate the situation.

Mr. Floyd informed the Council that the walls were structural block except for the apparatus bays. Mayor Stockton cited Target Stores as an example. Mr. Floyd noted the issue of timing.

Alderman Schmidt questioned the impact of a delay in an effort to find an expert. Mr. Floyd informed the Council that the temperature must be forty degrees (40) or above to apply the sealant.

Alderman Anderson questioned if the construction bond was an issue. Mr. Greenburg did not believe that it would apply.

Alderman Hanson cited performance bond limits. Mr. Greenburg noted that this type of bond would not cover more than the remedy of law.

Alderman Anderson questioned fees, (warranty). Mr. Floyd restated that the contractors have acknowledged that there was a problem. They have exercise due diligence to address this issue.

Alderman Stearns noted that the building was up. Mr. Floyd responded that construction started eight to ten (8 – 10) months ago. The building is not substantially completed. She noted that this was a water issue. She cited mold. She expressed her concern regarding future Worker's Compensation claims. She stated her intention to vote against this item. She added her belief that the City needed to retain someone with specialized expertise. She did not believe that there was an emergency to reach a decision.

Alderman Purcell expressed his dissatisfaction with the options presented.

Mayor Stockton summarized the options before the Council: 1.) tear down the building; 2.) further delay a decision in order to retain an expert (potential problems due to the weather); 3.) continue to lay this item over until a future date; or 4.) accept the staff recommendation. He described the situation as unfortunate.

Mr. Floyd noted that water was leeching through the block.

Alderman McDade noted that Target Stores has been using the two step process for over twelve (12) years. A legal process may not be in the City's favor. The Council had requested additional information and received same. The Council needed to start the process by making an informed decision.

Alderman Sage questioned if City staff had seen this process or spoken to anyone at Target. Mr. Floyd noted that Target Stores has used this process for twelve (12) years. He offered to obtain a list of references. Alderman Sage noted that he would not vote to expedite an architect's mistake.

Alderman Stearns restated her request for an expert opinion. She also addressed safety issues, (claims and/or concerns). Mike Kimmerling, Fire Chief, addressed the Council. An air monitoring study was conducted at Fire Station #2. Nothing was found. Similar studies could be conducted at Fire Station #5.

Alderman Fruin noted the various options. City staff had offered to obtain references. He recommended that this item be laid over until December 14, 2009.

Mayor Stockton suggested that the item be approved contingent upon the receipt of positive recommendations.

Alderman Purcell noted that the sealant would be painted on the blocks. Mr. Floyd noted the sealant would be placed on part of the wall. It has had a positive impact in fifty percent (50%) of applications.

Alderman Schmidt noted the thirty (30) year warranty. Mr. Floyd added that if there were leaks and it was determined that the product was at fault, then the product would be replaced. He cited the manufacturer's limited warranty.

Alderman Hanson added that if the appropriate block had been used, then there would have been a one (1) year warranty.

Alderman Stearns restated her interest in an independent concrete block expert. She added her belief that such a person existed.

Mayor Stockton presented three (3) options: 1.) delay and retain an expert; 2.) approve the item contingent upon references; and 3.) approve this item.

Motion by Alderman Anderson, seconded by Alderman Schmidt to suspend the rules to allow someone to address the Council.

Motion carried.

Jed Rocke, Product Manager, and Kurt Baum, Director – Field Operations, Otto Baum, (masonry subcontractor for Peoria Metro), addressed the Council. Mr. Rocke noted that sealing a masonry building was nothing new. The product selected would be a penetrating sealer. Target Stores uses this two (2) step process. He acknowledged that water was penetrating the block. The block should have been water repellent. The sealant has been applied below the roof line. The sealant had not been applied to the living quarters or apparatus bays. The blocks were tested. The proposal was to seal same. The building was structurally sound. Water was leeching through the block. The sealant would stop same. A water repellent is recommended for ground face block. The building was not completed.

Alderman Sage noted the original specifications and questioned if a sealant was specified. Mr. Rocke believed that it was included. He cited Otto Baum's sixty-one (61) years of experience. A water repellent must be applied. The integral water repellent was missing. He compared the combination of these two (2) items to a belt and suspenders.

Alderman Hanson questioned expert opinions. Mr. Rocke recommended that the City look for someone in the Chicago area. He restated that the building was not completely finished. An expert will tell the City to seal the block.

Alderman Sage suggested that the City should retain a Professional Engineer.

Alderman Purcell questioned the type of compound. Mr. Rocke noted that it was silicone based. Peoria Metro has used the product. It works by penetrating and bonding to the block.

Motion by Alderman Schmidt, seconded by Alderman Purcell to return to order.

Motion carried.

Motion by Alderman Purcell, seconded by Alderman Stearns to retain an expert in the area of dual sealant process on concrete block.

Ayes: Aldermen Stearns, Purcell, and Sage.

Nays: Aldermen Huette, Schmidt, McDade, Anderson, Hanson, and Fruin.

Motion failed.

Motion by Alderman McDade, seconded by Alderman Hanson that the Change Order be approved.

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

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

Nays: Aldermen Stearns, Sage, and Purcell.

Motion carried.

MAYOR'S DISCUSSION: None.

CITY MANAGER'S DISCUSSION: David Hales, City Manager, informed the Council that the Public Hearing on the Tax Levy Ordinance would be held at the Council's December 14, 2009 meeting. He questioned if the Council Chambers would be able to facilitate same.

He also reminded the Council that their retreat was scheduled for Tuesday, December 1, 2009 from 12 noon until 6:00 p.m.

He continued his efforts to schedule a meeting with state legislators to discuss issues of mutual concern.

ALDERMAN'S DISCUSSION: Alderman Stearns noted that there had been past discussions regarding televising the Council's meetings. It was her belief that this was a transparency issue. She had received a number of requests regarding same. She requested that this item be placed on a future Council agenda.

Alderman McDade suggested that this issue be addressed during the FY 2010/2011 budget process.

Mayor Stockton noted that the Council should look at City's budget. There were add-ons which could impact the costs. There were low and high end systems. He added that there would be a per session costs. David Hales, City Manager, addressed the Council. He noted that City staff was working on this issue.

Alderman Purcell expressed his support for Alderman Stearns' statement. He suggested that the Council meetings could be placed on YouTube.

Barb Adkins, Deputy City Manager, informed the Council that Comcast will no longer man the public access channel.

Alderman Fruin questioned if the Council had the option to utilize the Government Center's County Board meeting room, and if it was wired for television.

Alderman Purcell wished all those present a Happy Thanksgiving and to be safe while traveling.

Alderman Fruin reminded those present that the Turkey Trot would be held Thanksgiving morning at 8:00 a.m. at Miller Park. He also wished all a Happy Thanksgiving.

Alderman McDade also extended Thanksgiving wishes to all. She added her hope that the feelings that this holiday brings would last beyond this date.

Alderman Fruin addressed the proposed Text Amendment for “pharmacy” and “drug store”. He had sent mail to the Council via email and the United States Postal Service. The Text Amendment was laid over from the Council’s November 9, 2009 meeting until the Council’s December 14, 2009 meeting. In addition, a Special Use Petition has been filed with the Zoning Board of Appeals, (ZBA). It was laid over by the ZBA at their November 18, 2009 meeting until their December 16, 2009 meeting. A neighborhood meeting has been scheduled for Wednesday, December 2, 2009. His goal was to shorten the discussion before the Council. He expressed his support for the proposed Text Amendment.

Alderman Sage recognized Ms. Adkins efforts regarding the Downtown TIF projects.

Alderman McDade noted her anticipation for the upcoming Citizen Summit which would be held on Monday, November 30, 2009 at the Bloomington Center for the Performing Arts, (BCPA). Mayor Stockton requested that signs be posted at City Hall informing all that the Citizens Summit was located at the BCPA.

Alderman Hanson informed the Council that Rowe Construction received an award from the Illinois Department of Transportation for their work on US Rt. 51. This project involved the resurfacing of this state route through the City and the Town of Normal.

Motion by Alderman Anderson, seconded by Alderman Schmidt, that the meeting be adjourned. Time: 9:26 p.m.

Motion carried.

**Tracey Covert
City Clerk**