

**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 7:30 p.m., Monday, June 9, 2008.

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, Allen Gibson, David Sage, John Hanson, Jim Finnegan, Steven Purcell, Karen Schmidt, Jim Fruin and Mayor Stephen F. Stockton.

City Manager Tom Hamilton, City Clerk Tracey Covert, and Corporate Counsel Todd Greenburg were also present.

The following was presented:

To: Honorable Mayor and Members of the City Council
From: Staff
Subject: Opening of One Bid for Windows, Doors and Siding for 2016 Juniper Lane –
 Community Development Project

Bids were received by the City Clerk for windows, doors and siding for 2016 Juniper Lane. There is \$16,600 budgeted for this item. Only one bid was received by the City Clerk and it is City policy in situations where only one bid is received to have the bid opened and read at the Council Meeting.

Staff requests that the City Council authorize to open the bid at the Meeting and present the City Council with a recommendation prior to the end of the Council Meeting concerning award of the bid.

Respectfully,

Tracey Covert
City Clerk

Tom Hamilton
City Manager

Motion by Alderman Purcell, seconded by Alderman Gibson 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, Finnegan, Gibson, Hanson, Sage, Fruin and Purcell.

Nays: None.

Motion carried.

The following was presented:

To: Honorable Mayor and Members of the City Council

From: Staff

Subject: Council Proceedings of January 9, 2006

The Council Proceedings of January 9, 2006 have been reviewed and certified as correct and complete by the City Clerk.

Respectfully,

Tracey Covert
City Clerk

Tom Hamilton
City Manager

Motion by Alderman Gibson, seconded by Alderman Huette that the reading of the minutes of the previous Council Proceedings of January 9, 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, Finnegan, Gibson, Hanson, Sage, Fruin and Purcell.

Nays: None.

Motion carried.

The following was presented:

To: Honorable Mayor and Members of the City Council

From: Staff

Subject: Bills and Payroll

The following list of bills and payrolls have been furnished to you in advance of this meeting. After examination I find them to be correct and, therefore, recommend their payment.

Respectfully,

Brian J. Barnes
Director of Finance

Tom Hamilton
City Manager

(ON FILE IN CLERK'S OFFICE)

Motion by Alderman Gibson, seconded by Alderman Huette 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, Finnegan, Gibson, Hanson, Sage, Fruin and Purcell.

Nays: None.

Motion carried.

The following was presented:

To: Honorable Mayor and Members of the City Council

From: Staff

Subject: Payments from Various Municipal Departments

1. The third partial payment to Soules Bird Repellent Co. in the amount of \$6,000 on a contract amount of \$24,000 of which \$18,000 will have been paid to date for work certified as 75% complete for the Bird Control. Completion date – July 2009.
2. The twenty-second partial payment to Economic Development Council of Bloomington/Normal in the amount of \$6,666.66 on a contract amount of \$400,000 of which \$146,666.52 will have been paid to date for work certified as 37% complete for the McLean County Economic Development. Completion date – August 2011.
3. The ninth partial payment to Farnsworth Group in the amount of \$14,806.48 on a contract amount of \$246,100 of which \$77,920.97 will have been paid to date for work certified as 32% complete for the Design/Development – Kickapoo Creek Renovation. Completion date – October 2008.

4. The tenth partial payment to Farnsworth Group in the amount of \$67,161.76 on a contract amount of \$246,100 of which \$145,082.73 will have been paid to date for work certified as 59% complete for the Design/Development – Kickapoo Creek Renovation. Completion date – October 2008.
5. The first and final payment to Bentley Systems, Inc. in the amount of \$36,639.15 on a contract amount of \$36,369.15 of which \$36,636.15 will have been paid to date for work certified as 100% complete for the Bentley Software Fee for Normal, McLean County, and the Engineering and Water Departments. Completion date – April 2009.
6. The nineteenth partial payment to Farnsworth Group in the amount of \$286 on a contract amount of \$32,562 of which \$22,940.93 will have been paid to date for work certified as 70% complete for the Norfolk Southern Railroad Crossing, 1.) ML King at White Oak; 2.) Hamilton at Commerce, and 3.) Hershey at Hamilton. Completion date – May 2008.
7. The seventh partial payment to Main & Veterans General Partnership in the amount of \$55,000 on a contract amount of \$550,000 of which \$385,000 will have been paid to date for work certified as 70% complete for the Main & Veterans Partnership. Completion date – June 2009.
8. The first and final payment to McLean County Regional Planning in the amount of \$1,797.48 on a contract amount of \$1,797.48 of which \$1,797.48 will have been paid to date for work certified as 100% complete for the Main Street Corridor Form Based Code. Completion date – May 2009.
9. The eleventh partial payment to Rowe Construction Co. in the amount of \$31,066.41 on a contract amount of \$817,603.74 of which \$434,749.26 will have been paid to date for work certified as 53% complete for the 2007 Curb and Gutter Improvements. Completion date – September 2008.
10. The eleventh partial payment to Terracon Consultants, Inc. (Dept. 1277) in the amount of \$1,805 on a per ton and hour contract of which \$30,144.29 will have been paid to date for work certified as ongoing for the 2007-2008 Asphalt & Portland Concrete Plant Inspection & Lab Testing. Completion date – July 2008.
11. The first partial payment to Rowe Construction in the amount of \$280,240.98 on a contract amount of \$2,376,000 of which \$280,240.98 will have been paid to date for work certified as 12% complete for the 2008-2009 General Resurfacing. Completion date – October 2008.
12. The eighth partial payment to Stark Excavating, Inc. in the amount of \$86,339.64 on a contract amount of \$1,925,274.55 of which \$775,024.29 will have been paid to date for work certified as 35% complete for the Morris Ave. – Miller to Fox Hill Apartments. Completion date – January 2009.

13. The sixteenth partial payment to Daily & Associates Engineering, Inc. in the amount of \$3,222.90 on a contract amount of \$410,632.70 of which \$406,243 will have been paid to date for work certified as 99% complete for the Mitsubishi Motorway Study – Design and Specifications. Completion date – May 2008.
14. The ninth partial payment to Rowe Construction, Inc. in the amount of \$93,316.38 on a contract amount of \$2,940,450.76 of which \$793,219.91 will have been paid to date for work certified as 27% complete for the Mitsubishi Motorway – Six Points to Sugar Creek. Completion date – September 2008.
15. The eleventh partial payment to Stark Excavating, Inc. in the amount of \$86,194 on a contract amount of \$1,990,500 of which \$1,866,933 will have been paid to date for work certified as 94% complete for the Recovery Pumps and Piping – Main Branch Kickapoo Creek Pump Station. Completion date – July 2008.
16. The fifty-sixth partial payment to Farnsworth Group in the amount of \$5,393 on a contract amount of \$1,077,688.73 of which \$1,027,256.48 will have been paid to date for work certified as 95% complete for the Design Transmission Water Main to Lake Bloomington. Completion date – July 2008.

All of the above described payments are for planned and budgeted items previously approved by the City Council. I recommend that the payments be approved.

Respectfully,

Tom Hamilton
City Manager

Alderman Finnegan requested information regarding Payment 7. The seventh partial payment to Main & Veterans General Partnership in the amount of \$55,000 on a contract amount of \$550,000 of which \$385,000 will have been paid to date for work certified as 70% complete for the Main & Veterans Partnership. Tom Hamilton, City Manager, addressed the Council. Main & Veterans General Partnership was a redevelopment agreement which helped to fund infrastructure costs.

Motion by Alderman Gibson, seconded by Alderman Huette that the payments be approved.

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

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

Nays: None.

Motion carried.

The following was presented:

To: Members of the City Council
From: Stephen Stockton, Mayor
Subject: Appointment(s) and Reappointment(s) to Various Boards and Commissions

I ask that you concur with the following appointment:

Japan Sister City Committee

Harriett M. Steinbach, 511 E. Market St.
Her term will expire 4/30/2011. She is replacing Larry Sears.

Respectfully,

Stephen F. Stockton
Mayor

Motion by Alderman Gibson, seconded by Alderman Huette that the appointment be approved.

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

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

Nays: None.

Motion carried.

The following was presented:

To: Honorable Mayor and Members of the City Council
From: Staff
Subject: Norfolk Southern Invoice for Railroad Work Associated with the White Oak Road and Dr. Martin Luther King Jr. Drive Intersection Improvements MFT No. 96-00306-00-SP (IDOT Contract 91362), ICC Order T06-0110

The signal and roadway improvements at the intersection of White Oak Road and Dr. Martin Luther King Jr. Drive impact the Norfolk Southern railroad crossing just west of the intersection. Due to this construction, Norfolk Southern needed to perform work on the railroad crossing as stipulated in ICC Order T06-0110. The work performed by Norfolk Southern is covered 95% by the Grade Crossing Protection Fund. The City must pay Norfolk Southern and then request repayment from the Illinois Department of Transportation administered Grade Crossing Protection Fund.

Norfolk Southern has completed the majority of the construction and has submitted a bill for constructing the railroad crossing and gates in the amount of \$148,201.36. Staff has reviewed the bill and finds it to be in order. It is anticipated that one (1) more invoice will be received from Norfolk Southern Railroad in the future for this project.

Staff respectfully requests that Council approve a payment in the amount of \$148,201.36 to Norfolk Southern for the construction work with payment made with Capital Improvement Funds (X40100-72530).

Respectfully,

Douglas G. Grovesteen
Director of Engineering

Tom Hamilton
City Manager

Motion by Alderman Gibson, seconded by Alderman Huette that the payment be approved, and reimbursement requested from IDOT's Grade Crossing Protection Fund.

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

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

Nays: None.

Motion carried.

The following was presented:

To: Honorable Mayor and Members of the City Council

From: Staff

Subject: Request to Pay McLean County Asphalt Company, Inc. for the Repairs of the Roadway Following the Emergency Repair of the 24 Inch Water Main on Ft. Jesse Road

In late January, a 24 inch water main under Ft. Jesse Road, near Towanda Avenue, broke. This water main was under the pavement in the westbound lane of traffic and due the large size of the water main, the entire road needed to be shut down to facilitate repairs. The excavation was quite large and the repair was contracted to a company specializing in road repairs. McLean County Asphalt Company, Inc. was retained to complete the repair of the road. They have submitted a bill for their services in the amount of \$10,989. Staff has reviewed this invoice and found it to be in order.

Staff respectfully requests that Council approve the payment in the amount of \$10,989 to McLean County Asphalt Company, Inc. Payment will be made with Water Department, Transmission and Distribution Division, Repair/Maintenance of Infrastructure (X50120-70550).

Respectfully,

Craig M. Cummings
Director of Water

Tom Hamilton
City Manager

Motion by Alderman Gibson, seconded by Alderman Huette that the payment be approved.

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

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

Nays: None.

Motion carried.

The following was presented:

To: Honorable Mayor and Members of the City Council

From: Staff

Subject: Request to Pay Annual Lease on Choice Ticketing Internet Services for the Bloomington Center for the Performing Arts (BCPA) Box Office

Staff respectfully requests that Council approve a flat-rate \$10,000 payment to Choice Ticketing for the third year of a five-year lease to provide Internet ticketing. Services provided during this renewal period will span from May 1, 2008 to April 30, 2009. Funding for this service will come from account X21100-70990 of the Cultural District budget.

Respectfully,

C. Bruce Marquis
Executive Director, Cultural District

Tom Hamilton
City Manager

Alderman Purcell questioned the viability of the annual lease. Bruce Marquis, Executive Director, Cultural District, addressed the Council. The services through this vendor were extremely helpful. Up to eighty percent (80%) of ticket sales were through credit cards. Internet sales had increased to an average of thirty to thirty-five percent (30 – 35%) of total sales. This vendor provided quality service and opened the Bloomington Center for Performing Arts (BCPA) to a broader customer base. The City recoups the cost of this contract through the convenience fees attached to the online ticket sales.

Alderman Sage recognized the BCPA staff. He cited the record pace of ticket sales over the past months. Mayor Stockton cited the Cultural District's Commission's efforts. Alderman Stearns questioned the number of volunteers associated with the BCPA. Mr. Marquis responded there were over 200 community volunteers.

Motion by Alderman Gibson, seconded by Alderman Huette that the payment be approved.

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

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

Nays: None.

Motion carried.

The following was presented:

To: Honorable Mayor and Members of the City Council

From: Staff

Subject: Waive the Formal Bidding Process and Purchase Advertisements for the Bloomington Center for the Performing Arts (BCPA) in the Pantagraph

Staff respectfully requests that Council waive the formal bidding process and approve a contract for placing advertisements in the Pantagraph from June 2008 to May 2009, to promote the programming of the BCPA and the Cultural District. The Pantagraph is the only major daily newspaper publishing for a general audience in Bloomington-Normal, and provides the only practical solution for promoting these events and activities in the printed media. The total

amount of advertising to be purchased is \$40,097.92. Funding for this advertising will come from account X21100-70730 of the Cultural District budget.

Respectfully,

C. Bruce Marquis
Executive Director, Cultural District

Tom Hamilton
City Manager

RESOLUTION NO. 2008 - 40

**A RESOLUTION WAIVING THE FORMAL BIDDING PROCESS AND
AUTHORIZING A CONTRACT WITH THE PANTAGRAPH FOR ADVERTISING
SERVICES FOR THE BLOOMINGTON CENTER FOR THE PERFORMING ARTS AT
A PURCHASE PRICE OF \$40,097.92**

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

1. That the bidding process be waived and a contract with the Pantagraph for advertising services for the Bloomington Center for the Performing Arts be approved in the amount of \$40,097.92.

ADOPTED this 9th day of June, 2008.

APPROVED this 10th day of June, 2008.

APPROVED:

Stephen F. Stockton
Mayor

ATTEST:

Tracey Covert
City Clerk

(PROPOSAL ON FILE IN CLERK'S OFFICE)

Motion by Alderman Gibson, seconded by Alderman Huette that the formal bidding process be waived, the contract with the Pantagraph for advertising be approved in the amount of \$40,097.92, the Mayor 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, Finnegan, Gibson, Hanson, Sage, Fruin and Purcell.

Nays: None.

Motion carried.

The following was presented:

To: Honorable Mayor and Members of the City Council

From: Staff

Subject: Waive the Formal Bidding Process and Approve a Professional Services Contract for Leak Detection Services

Staff has planned and budgeted for a program of sustained and systematic acoustic leak detection surveying in the water distribution system. This year, staff intends to survey approximately twenty percent, (20%) of the water mains in the distribution system, and to continue surveying similar amounts of the distribution system each year, resulting in a five (5) year cycle of leak detection. The City has used Leak Detection Services, Inc. on a location specific basis and large-scale project in the past and has been pleased with the results.

Staff respectfully requests that the formal bidding process be waived for this professional service and an agreement with Leak Detection Services, Inc. be approved in the amount of \$39,600, the Mayor and City Clerk be authorized to execute the necessary documents, and the Resolution adopted. Funds for this work will be paid from the Water Department, Operations and Maintenance Fund, Repair/Maintenance Infrastructure (Account #5010- 50120-70220). This was a budgeted 2008/09 operational expense.

Respectfully,

Craig M. Cummings
Director of Water

Tom Hamilton
City Manager

RESOLUTION NO. 2008 - 41

**A RESOLUTION WAIVING THE FORMAL BIDDING PROCESS AND
AUTHORIZING AN AGREEMENT WITH LEAK DETECTION SERVICES, INC FOR
FOR LEAK DETECTION SERVICES IN THE AMOUNT OF \$39,600**

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

1. That the bidding process be waived and authorizing an agreement with Leak Detection Services, Inc. for leak detection services in the amount of \$39,600.

ADOPTED this 9th day of June, 2008.

APPROVED this 10th day of June, 2008.

APPROVED:

Stephen F. Stockton
Mayor

ATTEST:

Tracey Covert
City Clerk

Alderman Purcell questioned the benefit of the agreement. He specifically questioned if the City would be able to identify cost savings in association with this agreement. Craig Cummings, Director of Water, addressed the Council. He would provide specific numbers on associated savings to the Council. Leaks were more than lost water and included flooded basements, street damages, breakage, etc. This agreement would minimize the risk to the City as this company specializes in detecting leaks within the lines.

Motion by Alderman Gibson, seconded by Alderman Huette that the formal bidding process be waived, the agreement with Leak Detection Services, Inc. for leak detection services be approved in the amount of \$39,600, the Mayor and City Clerk 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, Finnegan, Gibson, Hanson, Sage, Fruin and Purcell.

Nays: None.

Motion carried.

The following was presented:

To: Honorable Mayor and Members of the City Council

From: Staff

Subject: Proposed Water Main Extension Agreement from Steve Timmermann and Wesley Wombles for Property Located at 309 Hazel Street (a/k/a 107 Hazel Street) in McLean County

Steve N. Timmermann and Wesley A. Wombles, property owners of 309 Hazel Street (a/k/a 107 Hazel St.) in McLean County (Tax ID 21-09-479-004), have requested permission to tap on to the City's Water Main to serve their property. Currently, the property is outside the City's Corporate Limits. The petitioners have signed a Water Main Extension Agreement with the City wherein the property can be annexed to the City whenever the City so requests. The required one-third tap on fee due for this property has been paid to date.

Staff respectfully recommends that Council approve a Water Main Extension Agreement with Steve N. Timmermann and Wesley A. Wombles, property owners of 309 Hazel Street (a/k/a 107 Hazel St) in McLean County (Tax ID 21-09-479-004), and the Mayor and City Clerk be authorized to execute the necessary documents.

Respectfully,

Douglas G. Grovesteen
Director of Engineering

Tom Hamilton
City Manager

WATER & PROPOSED WATER MAIN EXTENSION AGREEMENT

THIS Agreement made and entered into this 9th day of June, 2008, by and between the City of Bloomington, a Municipal Corporation, hereinafter called "City" and Steve N. Timmermann and Wesley A. Wombles, owners of the real property hereinafter described and hereinafter called "Customer", WITNESSETH:

For and in consideration of the mutual covenants and undertakings herein made, City and Customer herein covenant and agree as follows:

1. City agrees to plan, supervise and permit the construction of approximately 105 feet of eight inch water main to be extended along the street(s) and highway (s) known as Hazel Street for use of the Customer in obtaining water service from the water reservoir and water main system of City to and for the benefit of the property or properties in McLean County owned by Customer and legally described as:

Lot 8 in Homer English Subdivision of a part of Lot 8 in Hunt's Subdivision of the east ½ of the southeast ¼ of Section 9, Township 23North Range 2 East of the Third Principal Meridian in

McLean County, Illinois (PIN 21-09-479-004) known as 309 Hazel Street and a/k/a 107 Hazel Street.

and shown by plat of said area attached hereto and made a part hereof, and in accordance with specifications approved by the City.

2. Customer agrees to pay his share of the cost of the water main completed as follows: the total cost of the water main divided by the number of lineal feet of said main, divided by two, multiplied by the frontage of the above described property. Customer's contribution is \$1,785.00 payable in advance, or the Customer agrees that he may pay the amount in three (3) installments. The first installment is payable prior to the customer connecting to the water main. The second installment plus interest is due one year from the date of this agreement. The third installment plus interest is due two years from the date of this agreement. Interest on the unpaid balance shall be 6%. The City may disconnect water if any payment is more than 30 days past due. The payment schedule is attached.

3. Customer agrees that said extended water main shall become the property of and subject to the control of the City as a part of its water distribution system and that Customer and his/her property shall become subject to and shall be obligated to conform to all ordinances and other rules and regulations of the City with regard to the construction, use and maintenance of water mains and for the payment of charges for water services now in effect and as hereinafter enacted and amended from time to time.

4. Customer certifies that Steve N. Timmermann and Wesley A. Wombles are all of the owners and their spouses and mortgagees of said above-described property and there are no other parties who have any other right, title or interest in said property.

5. As a covenant running with the land, Customer agrees that in the event any portion of the above-described property hereafter becomes contiguous with the corporate boundaries of the City of Bloomington, Customer will within one hundred eighty (180) days after the City Council adopts a Resolution requiring him to do so, annex said property to the City of Bloomington by petition or if required by the City, by an annexation agreement. Simultaneously or at the earliest time Customer could legally petition to do so, Customer will petition for annexation to the Bloomington-Normal Water Reclamation District. Upon failure of Customer to do any of the foregoing, the City in its sole discretion may discontinue water service to said property and may refuse and continue to refuse water service to such property until all such annexations have been completed.

6. This Agreement does not affect the operation of City ordinances. At the time of annexation, Customer will in an Annexation Agreement:

- (1) be required to agree to dedicate street Right of Way abutting his property in such amounts as may be required in the then current street plan;
- (2) be required to agree to dedicate any utility easements requested by the City at that time;

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

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

Nays: None.

Motion carried.

The following was presented:

To: Honorable Mayor and Members of the City Council

From: Staff

Subject: Suspension of Chapter 6 Section 26(d) to Allow Possession of Open Alcohol on Public Property for the McLean County Arts Center Event on June 20, 2008

The McLean County Arts Center is hosting a Margarita Night for a fund raiser on June 20, 2008 from 5:00 p.m. until 9:00 p.m. As the name implies, they will be serving margaritas as well as wine and beer to the people who attend. They will be closing East Street in front of their building and will have a band performing in that area. The event organizers want to allow people to walk into the street with their drinks to enjoy the music and have requested Chapter 6 Section 26(d) of the City Code, which prohibits having open containers of alcohol on public rights of way, be suspended for the date, time and location of the event.

This has been done for other organizations. Most recently, Council suspended the Ordinance to allow consumption of alcohol on the street downtown during the WGLT summer concert on June 14th. Staff reviewed plans for the Arts Center event with the organizers. Given the nature event, the type of crowd it attracts, and the high degree of involvement by event staff, all concerned believe that there would be no problem with suspending the ordinance as requested.

Staff prepared the necessary Ordinance suspending the code as needed for this event and respectfully requests Council approval.

Respectfully,

Hannah R. Eisner
Deputy Corporation Counsel

Tom Hamilton
City Manager

ORDINANCE NO. 2008 - 38

AN ORDINANCE SUSPENDING PORTIONS OF SECTION 26(d) OF CHAPTER 6 OF THE BLOOMINGTON CITY CODE TO ALLOW POSSESSION OF OPEN ALCOHOL ON PUBLIC PROPERTY DURING THE MARGARITA NIGHT – McLEAN COUNTY ARTS CENTER

WHEREAS, McLean County Arts Center will hold a Margarita Night fundraiser on June 20, 2008; and

WHEREAS, McLean County Arts Center plans to have a band performing on East Street outside of the facility and has requested permission to allow the consumption of alcohol on East Street and the adjacent sidewalks in front of the Arts Center during the fundraiser; and

WHEREAS, to allow possession of an open container of alcohol on a public street, Section 26(d) of Chapter 6 of the Bloomington City Code, which prohibits the possession of open containers of alcohol on public streets, must be suspended.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BLOOMINGTON, ILLINOIS;

Section 1: That Section 26(d) of Chapter 6 of the Bloomington City Code, 1960, as amended, is suspended on the following dates during the following hours: June 20, 2008 between 5:00 o'clock p.m. and 9:00 o'clock p.m. in front of the Arts Center on East Street. This suspension shall be effective only as to persons inside the designated area and for alcohol provided by the McLean County Arts Center.

Section 2: Except for the dates, times and location set forth in Section 1 of this Ordinance, Section 26(d) of Chapter 6 of the Bloomington City Code, 1969, as amended, shall remain in full force and effect. Nothing in this ordinance shall be interpreted as repealing said Section 26(d).

Section 3: This Ordinance shall be effective on the date of its passage and approval.

Section 4: This Ordinance is adopted pursuant to the home rule authority granted the City of Bloomington by Article VII, Section 6 of the 1960 Illinois Constitution.

PASSED this 9th day of June, 2008.

APPROVED this 10th day of June, 2008.

APPROVED:

Stephen F. Stockton
Mayor

ATTEST:

Tracey Covert
City Clerk

Motion by Alderman Gibson, seconded by Alderman Huette that the Ordinance be passed.

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

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

Nays: None.

Motion carried.

The following was presented:

To: Honorable Mayor and Members of the City Council

From: Staff

Subject: Variance from Chapter 38, Section 123 (a) of City Code to Allow a Second Driveway Entrance at 215 S. Hershey Road

A request has been received from Manuel Reed, Reed's Driveway & Sidewalk Repair, acting on behalf of David Poindexter of 215 S. Hershey Road to grant a variance to Chapter 38, Section 123 (a) of City Code to allow a second driveway entrance in order to construct a circular driveway. This is a single family residence located on the west side of Hershey Road between Ridge and Yorktown. Hershey Road, at this location, is four (4) lanes carrying in excess of 16,000 vehicles per day. A circular drive would allow safer egress onto this busy arterial street. Mr. Poindexter's lot is 82 feet in width. There is sufficient room to construct the desired circular drive. There are other homes on this block with existing circular driveways.

Staff respectfully recommends that Council approve a variance to Chapter 38, Section 123 (a) of City Code to allow a second driveway entrance at 215 S. Hershey Road not to exceed twenty feet, (20') in width measured at the back of sidewalk.

Respectfully,

Douglas G. Grovesteen
Director of Engineering

Tom Hamilton
City Manager

Motion by Alderman Gibson, seconded by Alderman Huette that the variance be approved.

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

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

Nays: None.

Motion carried.

The following was presented:

To: Honorable Mayor and Members of the City Council

From: Staff

Subject: Petition from Cedar Ridge of Bloomington, LLC Requesting Approval of a Final Plat for First Addition to Cedar Ridge Subdivision

A Petition has been received from Cedar Ridge of Bloomington, LLC requesting approval of a Final Plat for the First Addition to Cedar Ridge Subdivision. This subdivision is located north of I-74, south of Woodrig Road and east of U.S. Route 51. The Final Plat is in conformance with the amended preliminary plan approved March 26, 2007. There are fees due from this subdivision prior to recording the plat.

Staff respectfully recommends that Council approve the Petition and adopt an Ordinance approving the Final Plat for First Addition to Cedar Ridge Subdivision.

Respectfully,

Douglas G. Grovesteen
Director of Engineering

Tom Hamilton
City Manager

PETITION FOR APPROVAL OF FINAL PLAT

State of Illinois)
)ss.
County of McLean)

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

Now comes Cedar Ridge of Bloomington, L.L.C., hereinafter referred to as your petitioner, respectfully representing and requesting as follows:

1. That your petitioner is the owner of the freehold estate of the premises hereinafter legally described in Exhibit A attached hereto and made a part hereof by this reference.
2. That your petitioner seeks approval of the Final Plat for the subdivision known and described as First Addition to Cedar Ridge Subdivision, Bloomington, Illinois, and made a part hereof.

WHEREFORE, your petitioner respectfully prays that the Final Plat for First Addition to Cedar Ridge Subdivision submitted herewith be approved with the exemptions or variations as requested herein.

Respectfully submitted,

Cedar Ridge of Bloomington, LLC

By: Steven Turner
It's Attorney

Subscribed and Sworn to before
me this 16th day of May, 2008

Tammie R. Keener
Notary Public, State of Illinois
My Commission Expires 09/10/09

ORDINANCE NO. 2008 - 40

AN ORDINANCE APPROVING THE FINAL PLAT FOR FIRST ADDITION TO CEDAR RIDGE SUBDIVISION

WHEREAS, there was heretofore filed with the City Clerk of the City of Bloomington, McLean County, Illinois, a Petition for approval of the Final Plat for First Addition to Cedar Ridge Subdivision, Bloomington, Illinois, legally described in Exhibit A attached hereto and made a part hereof by this reference; and

WHEREAS, said Petition is valid and sufficient and conforms to the requirements of the statutes in such cases made and provided and the Final Plat attached to said Petition was prepared in compliance with requirements of the Bloomington City Code; 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 Final Plat of First Addition to Cedar Ridge Subdivision is hereby approved with all notes contained thereof.
2. That this Ordinance shall be in full force and effective as of the time of its passage and approval.

PASSED this 9th day of June, 2008.

APPROVED this 10th day of June, 2008.

APPROVED:

Stephen F. Stockton
Mayor

ATTEST:

Tracey Covert
City Clerk

EXHIBIT A

A part of the Northeast Quarter of Section 21, Township 23 North, Range 2 East of the Third Principal Meridian, in the City of Bloomington, McLean County, Illinois, described as follows:

Beginning at the Southeast Corner of Lot 22 in Cedar Ridge Subdivision in the City of Bloomington, Illinois, according to the plat recorded as Document No. 2008-1507 in the McLean County Recorder's Office. From said Point of Beginning, thence north 632.00 feet along the East Line of said Lot 22 and the East Lines of Lots 23 through 29, inclusive, and the East Line of Springdale Avenue, all in said Cedar Ridge Subdivision to the Northeast Corner of said Avenue; thence west 45.00 feet along the North Right of Way Line of said Springdale Avenue which forms an angle to the left of $270^{\circ}-00'-00''$ with the last described course to the Southeast Corner of Lot 30 in said Subdivision; thence north 110.00 feet along the East Line of said Lot 30 which forms an angle to the left of $90^{\circ}-00'-00''$ with the last described course to the Northeast Corner thereof, said Northeast Corner being a point on the South Line of Outlot 35 in said Subdivision lying 335.00 feet west of the Southeast Corner of said Outlot 35; thence east 335.00 feet along said South Line which forms an angle to the left of $90^{\circ}-00'-00''$ with the last described course to said Southeast Corner; thence south 26.00 feet along the Southerly Extension of the East Line of said Outlot 35 which forms an angle to the left of $90^{\circ}-00'-00''$ with the last describe course; thence east 115.00 feet along a line which forms an angle to the left of $270^{\circ}-00'-00''$ with the last described course; thence north 26.00 feet along a line which forms an angle to the left of $270^{\circ}-00'-00''$ with the last described course; thence east 147.50 feet along a line which forms an angle to the left of $90^{\circ}-00'-00''$ with the last described course; thence south 110.00 feet along a line which forms an angle to the left of $90^{\circ}-00'-00''$ with the last described course; thence east 22.50 feet along a line which forms an angle to the left of $270^{\circ}-00'-00''$ with the last described course; thence south 634.00 feet along a line which forms an angle to the left of $90^{\circ}-00'-00''$ with the last described course; thence west 110.00 feet along a line which forms an angle to the left of $90^{\circ}-00'-00''$ with the last described course; thence south 3.00 feet along a line which forms an angle to the left of $270^{\circ}-00'-00''$ with the last described course; thence west 350.00 feet along a line which forms an angle to the left of $90^{\circ}-00'-00''$ with the last described course; thence north 5.00 feet along a line which forms an angle to the left of $90^{\circ}-00'-00''$ with the last described course to a point on the Easterly Extension of the South Line of said Lot 22 lying 115.00 feet east of the Point of Beginning; thence west 115.00 feet along said Easterly Extension which forms an angle to the left of $270^{\circ}-00'-00''$ with the last described course to the Point of Beginning, containing 9.828 acres, more or less.

Motion by Alderman Gibson, seconded by Alderman Huette that the Final Plat 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, Finnegan, Gibson, Hanson, Sage, Fruin and Purcell.

Nays: None.

Motion carried.

The following was presented:

To: Honorable Mayor and Members of the City Council

From: Staff

Subject: Ordinance Authorizing the Acquisition of Part of 1004 East Lincoln Street Through Eminent Domain

The City needs to acquire part of the property at 1004 East Lincoln Street to extend Lincoln Street through Bunn St. and construct a water main to serve properties that do not currently have access to City water. This property is owned by the Gene Goldsborough and is the site of his business and a single family home.

Staff had the property appraised and made Mr. Goldsborough an offer in accordance with the appraiser's findings and recommendations as to the value of the property interests to be taken and damages to the remainder. The offer was tendered in early April. Mr. Goldsborough took several months to respond and came back with a counter offer almost three (3) times more than the City's price.

Although staff is always hopeful that an agreement can be reached, staff believes the City may need to use its power of eminent domain to acquire this property. Staff will continue to make attempts to reach an agreement, but believe it appropriate at this time to take the preliminary step of passing an ordinance authorizing the use of eminent domain which is required as a prerequisite for instituting condemnation proceedings.

Respectfully,

Hannah Eisner
Deputy Corporation Counsel

Tom Hamilton
City Manager

ORDINANCE NO. 2008 - 38

**ORDINANCE AUTHORIZING THE ACQUISITION OF
RIGHT OF WAY PROPERTY FOR CONSTRUCTION OF LINCOLN STREET
BETWEEN MORRISSEY AND BUNN**

WHEREAS, the City of Bloomington plans to extend Lincoln Street west to Bunn Street from its current terminus at the Baker Ash Detention Basin as shown on plans for Proposed Street Improvements Lincoln Street from Bunn Street to Morrissey Drive McLean County M.F.T Section 92-00283-00-RP on file in the Engineering Department at the City of Bloomington; and

WHEREAS, the City of Bloomington does not have the necessary right of way to construct Lincoln Street as planned and the City of Bloomington must acquire additional property from persons who own land within the project area to do so.

NOW, THEREFORE BE IT ORDAINED by the City Council for the City of Bloomington, Illinois.

SECTION 1. That it is hereby determined that Lincoln Street should be constructed as shown on plans for Proposed Street Improvements Lincoln Street from Bunn Street to Morrissey Drive McLean County M.F.T Section 92-00283-00-RP on file in the Engineering Department at the City of Bloomington for the use and benefit of the public and that acquisition of right of way from persons who own property within the project area is necessary to construct the road as planned.

SECTION 2. That it is hereby determined that it is necessary and desirable for the City of Bloomington to acquire title to and possession of the following described real property which said real property is necessary, required and needed for construction of public roads as previously described:

Description of property: Lot 32 of the County Clerk's Subdivision of the Northwest Quarter of Section 10, Township 23 North, Range 2 East of the Third Principal Meridian lying North of the North line of Lincoln Street, except commencing at the intersection of the North line of said Lot 32 and the West Right of Way line of the Leroy Road, thence Southwesterly along the line between Lots 30 and 32 in said County Clerk's Subdivision, 449 feet; thence Southeasterly at right angles to the line between said Lots 30 and 32, 50 feet; thence Northeasterly to a point on the West Right of Way line of the Leroy Road 150 feet Southeasterly from the Point of Beginning, thence Northwesterly along the West Right of Way line of the Leroy Road to the Point of Beginning; also except commencing at a point 150 feet Southeast of the intersection of the North line of said Lot 32 and the West Right of Way line of the Leroy Road, thence Southeasterly along the West line of said Highway to the North line of Lincoln Street, thence West 586 feet, thence North 250 feet, thence Northeasterly 389.5 feet to the Point of Beginning, in McLean County, Illinois.

Parcel 1 to Be Dedicated for Permanent Right of Way: A Part of Lot 32 of the County Clerk's Subdivision of the Northwest Quarter of Section 10, Township 23 North, Range 2 East of the

Third Principal Meridian, McLean County, Illinois, described as: Beginning at the Southwest Corner of said Lot 32. From said Point of Beginning, thence Northeasterly 47.55 feet along the Northwest line of said Lot 32; thence East 113.60 feet along a line 25 feet North of and parallel with the South line of said Northwest Quarter and which forms an angle to the left of 148°-17'-04" with the last described course; thence South 25.00 feet along a line which forms an angle to the left of 90°-00'-00" with the last described course to the South line of said Northwest Quarter; thence West 153.90 feet along said South line which forms an angle to the left of 90°-00'-00" with the last described course to the Point of Beginning, Containing 3342 Sq. Ft. = 0.077 acre, more or less.

Parcel 2 to Be Dedicated for Permanent Right of Way: A Part of Lot 32 of the County Clerk's Subdivision of the Northwest Quarter of Section 10, Township 23 North, Range 2 East of the Third Principal Meridian, McLean County, Illinois, described as: Beginning at a point on the North line of Lincoln Street, said point being 586 feet West of the intersection of the West line of the Right of Way of U.S. Highway 150 (Leroy Road) with said North line and said point also being 25 feet North of the South line of said Northwest Quarter of Section 10. From said Point of Beginning, thence North 8 feet at right angles with said North line; thence West 435.61 feet along a line 33 feet North of and Parallel with the South line of said Northwest Quarter and which forms an angle to the right of 90°-00'-00" with the last described course; thence Northwest 52.81 feet along a line which forms an angle to the right of 198°-46'-41" with the last described course to the Northwest line of said Lot 32; thence Southwest 47.56 feet along said Northwest line which forms an angle to the right of 129°-30'-23" with the last described course to a point lying 47.55 feet Northeasterly of the Southwest Corner of said Lot 32; thence East 526.07 feet along a line 25 feet North of and parallel with said South line and which forms an angle to the right of 31°-42'-56" with the last described course to said Point of Beginning, Containing 4815 Sq. Ft. = 0.111 acre, more or less.

SECTION 3. That the Corporation Counsel, his staff and any attorney retained to represent the City of Bloomington for this purpose be and hereby are authorized, empowered and directed to negotiate for and on behalf of the City of Bloomington with the owner or owners of the herein above described real property for the purchase thereof by the City of Bloomington.

SECTION 4. In the event that the City of Bloomington is unable to agree with the owner or owners of said property as to the compensation to be paid therefore, then title to and possession of said real property legally described in Section 2 of this Ordinance shall be acquired by the City of Bloomington through condemnation and the Corporation Counsel, his staff and any attorney retained to represent the City of Bloomington for this purpose are hereby authorized, empowered and directed to institute proceedings in any court of competent jurisdiction to acquire title to and possession of said property for the City of Bloomington in accordance with the eminent domain laws of the State of Illinois.

SECTION 5. This Ordinance shall take effect and be in full force from and after its passage.

PASSED this 9th day of June, 2008.

APPROVED this 10th day of June, 2008.

APPROVED:

Stephen F. Stockton
Mayor

ATTEST:

Tracey Covert
City Clerk

Alderman Stearns had spoken with the property owner. She expressed her concern about authorizing Eminent Domain. The property owner was a senior citizen and believed that he had been treated unfairly. She toured the property but had no indication where or how much land the road would take.

Doug Grovesteen, Director of Engineering, addressed the Council. This Ordinance was necessary due to the extension of East Lincoln Street. The City tried to negotiate with the land owner on several occasions. The City had an agreement with the state regarding completion of East Lincoln Street. Both the City and State were ready to move forward. Either the road would be completed, or it would not dependant upon acquiring the land. There was no other option. The City needed the right of way.

Tom Hamilton, City Manager, requested to know the size of the strip of land that was in question. Mr. Grovesteen did not have that information. Alderman Stearns questioned if the Eminent Domain would include the house or business. Mr. Grovesteen responded negatively.

Alderman Schmidt noted in past instances, the City had offered above fair market value for these types of issues. Mr. Hamilton added the property had been appraised and appropriate offers submitted. The Council vote would start the clock and set a time frame for negotiations.

Alderman Stearns reiterated she was speaking for her constituent. She voiced her concern and requested more information on the issue.

Alderman Gibson noted this decision was to be in support of this road project or be opposed to it.

Alderman Sage echoed Alderman Stearns' concerns and his need for additional clarification such as how much of the yard would be taken by Eminent Domain.

Mayor Stockton stated there were three (3) issues: 1.) should the road be built; 2.) what type of accommodations could be made to minimize the impact on the landowner;

and 3.) the concern of the treatment of the landowner and the need for discussion. The third item may be independent of the road construction, but it was still necessary.

Alderman Schmidt clarified this action would not close off future negotiations. It was to start the clock, to keep this issue moving forward. She questioned the impact of the Council denying this ordinance. Mr. Hamilton stated it would delay the project another two (2) weeks. By voting affirmatively, the Council would ensure continued meaningful negotiations and set a time table. The landowner had several options he could use during negotiations.

Alderman Schmidt reiterated that Alderman Stearns could continue to be an advocate for the landowner.

Alderman Finnegan stated this vote would show the landowner the City was serious about this issue and the land was needed.

Motion by Alderman Gibson, seconded by Alderman Finnegan that the Ordinance be passed.

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

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

Nays: None.

Motion carried.

The following was presented:

Mark Huber, Director – PACE, presented the sole bid for Windows, Doors and Siding for 2016 Juniper Lane – Community Development Project. Brady’s Lumber had submitted a bid that was lower than staff’s estimate. He questioned if there was a miscalculation and requested that this item be laid over until the Council’s June 23, 2008 meeting. He would contact the vendor and report back to Council at that meeting.

Motion by Alderman Schmidt, seconded by Alderman Purcell that the item be laid over until the Council’s June 23, 2008 meeting.

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

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

Nays: None.

Motion carried.

MAYOR'S DISCUSSION: Mayor Stockton stated he would be attending the United States Conference of Mayors' meeting. He would be absent from the June 23, 2008 Council meeting. He had asked Alderman Schmidt to serve as acting Mayor in his absence as she was the senior Alderman who would be in attendance.

CITY MANAGER'S DISCUSSION: None.

ALDERMEN'S DISCUSSION: Alderman Stearns expressed her appreciation to Bruce Brakebill, Deputy City Manger, Doug Grovesteen, Director of Engineering and the Engineering Department for their assistance with a drainage problem on East Taylor Street.

Alderman Purcell questioned the status of the demolition of the Coachman, 403 E. Washington St. Tom Hamilton, City Manger, responded that the City was working with the Environmental Protection Agency (EPA) on the final report. It would be distributed to the Council in the near future.

Alderman Purcell questioned the Early Retirement Initiative (ERI) Program. Mr. Hamilton stated the City was at twenty-five to twenty-six percent (25 – 26%) of eligible employees accepting early retirement.

Alderman Schmidt expressed her appreciation for Barbara Atkins, Deputy City Manager, and the Police Department who led two (2) neighborhood safety sessions.

Alderman Fruin cited earlier discussion regarding the Bloomington Center for Performing Arts (BCPA) and the US Cellular Coliseum (USCC). He believed the reports were promising with regard to revenue. Mayor Stockton believed the numbers were a credit to the staff.

Alderman Sage echoed Alderman Schmidt's comments regarding the safety seminar. He thought they were very informative.

He also noted the Extreme, Bloomington's indoor football team, was in the playoffs. He believed that was a bright spot for the US Cellular Coliseum (USCC).

Alderman Finnegan explained he had received a call from an angry citizen who had a tree trimmed by a firm retained by Ameren. He contacted Bob Brooks, Parks Forman, who intervned between the parties. The firm retained by Ameren would return and retrim the tree.

Motion by Alderman Schmidt, seconded by Alderman Finnegan, to recess to Executive Session for the purpose of Purchase or Lease of Real Estate Section 2(c)(5). Time: 8:05 p.m.

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

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

Nays: None.

Motion carried.

Motion by Alderman Schmidt, seconded by Alderman Gibson to return to Regular Session and adjourn. Time: 8:36 p.m.

Motion carried.

**Tracey Covert
City Clerk**

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