

**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, February 11, 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: Council Proceedings of November 28, 2005, Council Work Session Minutes of January 14, 2008 and Executive Session Minutes of January 7, 2008

The Council Proceedings of November 28, 2005, Council Work Session Minutes of January 14, 2008 and Executive Session Minutes of January 7, 2008 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 Finnegan, seconded by Alderman Hanson that the reading of the minutes of the previous Council Proceedings of November 28, 2005, Council Work Session Minutes of January 14, 2008 and Executive Session Minutes of January 7, 2008 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 Finnegan, seconded by Alderman Hanson 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 fourth and final payment to BLDD Architects in the amount of \$6,915.45 on a contract amount of \$58,270 of which \$58,270 will have been paid to date for work certified as 100% complete for the Fleet Management Facility Design. Completion date – April 2008.
2. The twentieth partial payment to APACE Architects & Design in the amount of \$21,600 on a contract amount of \$349,800 of which \$277,001.60 will have been paid to date for work certified as 79% complete for the Design of Fire Station #5. Completion date – May 2008.
3. The eleventh partial payment to Thompson Dyke & Associates Ltd. in the amount of \$2,627 on a contract amount of \$248,500 of which \$232,767 will have been paid to date for work certified as 94% complete for the McGraw Park – Phase II. Completion date – December 2009.
4. The fourth partial payment to Farnsworth Group in the amount of \$2,596.38 on a contract amount of \$60,945.31 of which \$45,232.53 will have been paid to date for work certified as 74% complete for the Downtown Main Street Beautification Preliminary Report, Field Survey & Project Development. Completion date – April 2008.
5. The sixth partial payment to Farnsworth Group in the amount of \$2,461.75 on a contract amount of \$23,100 of which \$21,982.25 will have been paid to date for work certified as 95% complete for the Woodrig Road & South Main Street Signals – a/k/a Cedar Ridge IDS. Completion date – February 2008.
6. The seventeenth partial payment to Lewis, Yockey & Brown, Inc. in the amount of \$9,016.98 on a contract amount of \$120,000 of which \$114,645.82 will have been paid to date for work certified as 96% complete for the Dr. M.L. King Jr. Drive – Washington to Oakland. Completion date – January 2008.
7. The fourth partial payment to WHPA Inc. in the amount of \$40,560 on a contract amount of \$518,846 of which \$70,060 will have been paid to date for work certified as 13% complete for the Strategic Source Water Study. Completion date – September 2009.
8. The eighth partial payment to Farnsworth Group in the amount of \$1,991.91 on a contract amount of \$50,000 of which \$14,700.75 will have been paid to date for work certified as 29% complete for the Ultraviolet Light & Hydrogen Peroxide Feasibility Study. Completion date – October 2008.
9. The sixth partial payment to Clark Dietz in the amount of \$4,143.75 on a contract amount of \$16,000 of which \$15,749.77 will have been paid to date for work certified as 95% complete for the Lighting Improvements at Division Street. Completion date – December 2008.

10. The fourth partial payment to Leak Detection Services in the amount of \$4,276.80 on a contract amount of \$35,640 of which \$22,450.80 will have been paid to date for work certified as 63% complete for the Leak Detection. Completion date – December 2007.
11. The second partial payment to Felmley Dickerson in the amount of \$155,933.90 on a contract amount of \$184,200 of which \$182,240 will have been paid to date for work certified as 99% complete for the Stair Replacement at Lake Bloomington. Completion date – December 2008.
12. The fourth partial payment to Clark Dietz in the amount of \$1,586.25 on a contract amount of \$15,000 of which \$9,889.30 will have been paid to date for work certified as 66% complete for the Permit Modification from IDNR Evergreen Reservoir Fish Barrier. Completion date – December 2008.
13. The sixteenth partial payment to Consoer Townsend & Associates in the amount of \$1,702.20 on a contract amount of \$185,000 of which \$76,831.54 will have been paid to date for work certified as 47% complete for the Electrical Improvements at Lake Bloomington. Completion date – December 2007.
14. The third partial payment to Consoer Townsend in the amount of \$1,926.07 on a contract amount of \$11,200 of which \$10,775.90 will have been paid to date for work certified as 96% complete for the Water Age Analysis – Hydraulic Model. Completion date – April 2010.
15. The ninth partial payment to Farnsworth Group in the amount of \$6,527.51 on a contract amount of \$45,000 of which \$30,714.54 will have been paid to date for work certified as 68% complete for the Wastewater Treatment System at Lake Bloomington – Lake Bloomington Cluster. Completion date – October 2008.
16. The tenth partial payment to Stark Excavating, Inc. in the amount of \$42,350 on a contract amount of \$1,990,500 of which \$1,780,739 will have been paid to date for work certified as 89% complete for the Recovery Pumps and Piping (Groundwater) Main Branch Kickapoo Creek Pump Station. Completion date – January 2007.
17. The third and final payment to Concorde Engineering & Science in the amount of \$2,215.93 on a contract amount of \$23,000 of which \$23,003.46 will have been paid to date for work certified as 100% complete for the Design of Water Main Replacement on Olive, Taylor and Jackson. Completion date – December 2008.
18. The fourth partial payment to Clark Dietz in the amount of \$2,229.02 on a contract amount of \$60,000 of which \$7,918.23 will have been paid to date for work certified as 13% complete for the Observation/Inspection of Parkview Water Main Replacement. Completion date – October 2008.

19. The first partial payment to Farnsworth Group in the amount of \$12,400.75 on a contract amount of \$36,500 of which \$12,400.75 will have been paid to date for work certified as 34% complete for the Design Services for Water Main Replacement on Ireland Grove Road from Hershey to Streid. Completion date – October 2008.
20. The first partial payment to Farnsworth Group in the amount of \$404 on a contract amount of \$24,200 of which \$404 will have been paid to date for work certified as 2% complete for the Design Services for Water Main Replacement – Towanda Barnes Victory to Ireland Grove. Completion date – October 2008.
21. The first partial payment to Farnsworth Group in the amount of \$8,656.25 on a contract amount of \$12,100 of which \$8,656.25 will have been paid to date for work certified as 72% complete for the Design Services for Water Main Replacement Towanda Barnes from Rt. 9 S to Oakland. Completion date – October 2008.
22. The second partial payment to Clark Dietz, Inc. in the amount of \$1,333.01 on a contract amount of \$305,000 of which \$8,769.60 will have been paid to date for work certified as 3% complete for the Locust/Colton St. Sewer Separation & Water Main Replacement Design. Completion date – May 2008.
23. The first partial payment to Stark Excavating, Inc. in the amount of \$30,801.51 on a contract amount of \$48,204.50 of which \$30,801.51 will have been paid to date for work certified as 64% complete for the Somerset Court Storm Sewer. Completion date – April 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 questioned Payment 8. The eighth partial payment to Farnsworth Group in the amount of \$1,991.91 on a contract amount of \$50,000 of which \$14,700.75 will have been paid to date for work certified as 29% complete for the Ultraviolet Light & Hydrogen Peroxide Feasibility Study. Completion date – October 2008. Craig Cummings, Director of Water, addressed the Council. The Ultraviolet Light & Hydrogen Peroxide Feasibility Study would be a disinfecting process for water. It would address taste and odor control. This was a new technology.**

**Alderman Stearns questioned if the item had been subject to bid. Mr. Cummings responded negatively. Professional services were not bid. This contract was for consulting services. He noted the engineering difficulties at the older plant. The City has had**

**problems with taste and odor. This item was to address the feasibility and cost for same. This process was energy intensive, (electricity).**

**Alderman Finnegan questioned if the lakes were full. Mr. Cummings responded that the water was over the spillway. Mayor Stockton noted that there were two (2) issues: quality and quantity. He questioned plans to treat organic problems. Mr. Cummings cited nitrates. City staff was researching dilution. He added that there was not a problem with same at this time.**

**Motion by Alderman Finnegan, seconded by Alderman Hanson 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: Honorable Mayor and Members of the City Council**

**From: Staff**

**Subject: Waive Formal Bidding Process and Renew the Fleet Fuel Contract with Evergreen FS**

The City currently has a contract with Evergreen FS for fuel purchases for the fleet vehicles that ends on April 30, 2008. The contract covers bulk fuel delivered by transport load to the Public Service Department fuel station, (up to 7400 gallons); tank wagon loads, (up to 2000 gallons) to the storage tanks at the various parks, golf courses and emergency generators for various buildings, and Fuel 24 cards for purchase at the FS fuel stations when the Public Service Department fuel station is down for maintenance. The purchases of fuel in fiscal year 2006-2007 totaled approximately 453,700 gallons; 225,800 gallons of No Lead w/10% Ethanol and 227,900 gallons of Diesel fuel w/ up to 20% soy oil.

Staff has had several meetings with the Evergreen FS Energy Manager about rising fuel cost and finding a solution for fuel purchases with the goal of saving the City money. Currently when the City orders fuel for the bulk tanks it pays the price at the terminal the day it is ordered, plus \$0.01 per gallon for fuel delivered to the Public Service Department fuel station and \$0.03 per gallon for the fuel delivered to the other various tanks.

Staff has learned that fuel may be purchased mid January through mid March, at prices that are historically the lowest of the year. Staff proposes to pre order up to 15,000 gallons of diesel fuel per month for the calendar year. The Energy Manager at FS will order this fuel over the period of a few weeks during February and March. Once all the fuel is ordered, FS will average the cost of the fuel ordered and add in its markup, establishing the locked in price per gallon the City would pay for the year.

It may also be possible to order gasoline the same way, which would be up to 15,000 gallons per month. This process of ordering fuel is some what of a gamble, however historically this type of fuel purchasing has saved the purchaser money in 13 out of 15 years.

During discussions with Evergreen FS it became apparent that they would not be able to provide fuel using this method past April 30, 2008 without a contract extension. They also informed staff that they would be unable to continue to provide services for the price locked into in May 2006 of \$0.01 per gallon for transport loads and \$0.03 per gallon for tank wagons. In discussions with Evergreen FS their charges to the City would be increased to \$0.02 per gallon for transport loads and \$0.10 per gallon for tank wagons.

When this contract was last bid in 1999, Evergreen FS was the only bidder. Staff is unaware of any other fuel service providers that can provide all the services that the City requires. Staff respectfully recommends waiving the formal bidding process and extending the contract with Evergreen FS for one (1) year, ending April 30, 2009, to purchase fuels for the fleet. Staff will evaluate fuel purchasing with plans to bid this contract in February 2009.

Respectfully,

Daniel Augstin  
Director of Fleet Management

Tom Hamilton  
City Manager

#### **RESOLUTION NO. 2008 - 05**

#### **A RESOLUTION WAIVING THE FORMAL BIDDING PROCESS AND AUTHORIZING AN EXTENSION OF THE CONTRACT WITH EVERGREEN FS FOR ONE (1) YEAR, ENDING APRIL 30, 2009, TO PURCHASE FUELS FOR THE FLEET**

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

1. That the bidding process be waived and authorizing an extension of the contract with Evergreen FS for one (1) year, ending April 30, 2009, to purchase fuels for the fleet.

ADOPTED this 11<sup>th</sup> day of February, 2008.

APPROVED this 12<sup>th</sup> day of February, 2008.

Stephen F. Stockton  
Mayor

ATTEST:

Tracey Covert  
City Clerk

**Alderman Fruin noted the extension to this fuel contract. Alderman Sage agreed that going forward the City needed to solicit competitive bids for expensive items. Mayor Stockton added that this item would be bid next year. Tom Hamilton, City Manager, responded affirmatively. He added that generally only one (1) bid is received which has been opened before the Council. Dan Augstin, Director of Fleet, addressed the Council. FS serviced the City's fuel needs. The agreement included bulk fuel at the Public Service station, tank wagon loads, and delivery to emergency generators. In addition, FS has fueled fire trucks at fire scenes, an important emergency service. FS provided the City with propane and the highest quality biodiesel. FS's delivery charges cover their operating costs, (.03 per gallon to transport and .01 per gallon for wagon). The City purchases fuel at the lowest price possible. He anticipated a .48 per gallon price increase. He cited the City's monthly usage of gasoline and diesel. He added that there was only one (1) vendor in the area.**

**Alderman Stearns noted her interest in looking at City vehicles and the monthly cost for same. Her interest was limited to automobiles. Mr. Augstin noted that the City operated 509 vehicles. The monthly cost for gasoline was estimated at \$48,000. He noted that from May to December 2007 the City used 135,000 gallons of gasoline. Fuel prices had increased by fourteen percent (14%). The average cost for gasoline had been \$2.47 per gallon. He acknowledged that the cost for fuel was lower last year.**

**Motion by Alderman Finnegan, seconded by Alderman Hanson that the formal bidding process be waived and the contract with Evergreen FS for fleet fuel be extended until April 30, 2009, 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, 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: Analysis of Request for Proposals for Professional Audit Services

The five (5) year contract with the audit firm of McGladrey & Pullen expired on April 30, 2007. Request for Proposals (RFP) for auditing services beginning with the fiscal year ending April 30, 2008, and for four (4) subsequent fiscal years were received until January 11, 2008.

Five (5) proposals were received and evaluated. Due to the importance of accuracy, timeliness, technical knowledge and experience, the lowest cost was not the only factor in the selection process.

The firms submitted two (2) proposals each; one (1) sealed technical proposal addressing the specifications and requirements regarding performance and the second sealed proposal was the amount per hours/years. Staff requested that the proposals be submitted in this manner to ensure that qualifications, experience, and audit approach could be evaluated without the influence of cost.

The following proposals were received for each of the fiscal years beginning 4/30/2008 through 4/30/2012:

| <b>Firm</b>            | <b>2008</b> | <b>2009</b> | <b>2010</b> | <b>2011</b> | <b>2012</b> |
|------------------------|-------------|-------------|-------------|-------------|-------------|
| McGladrey & Pullen     | \$73,475    | \$77,575    | \$81,975    | \$87,550    | \$92,125    |
| Sikich LLP *           | \$52,100    | \$54,700    | \$57,400    | \$60,200    | \$63,200    |
| Clifton Gunderson LLP  | \$82,700    | \$85,400    | \$88,000    | \$91,600    | \$94,900    |
| Virchow Krause Company | \$66,600    | \$68,650    | \$71,750    | \$74,950    | \$78,150    |
| Crowe Chizak           | \$71,175    | \$74,025    | \$77,015    | \$80,065    | \$83,175    |

\*Recommended Auditing Firm for City of Bloomington

Included in the proposal was auditing services that are necessary for the preparation of the City's financial statements but the responsibility for the cost is incumbent on other boards or the management for the Coliseum. It is most efficient and cost effective for the boards and management for the Coliseum to select the same audit firm as the City. These costs are displayed in the following table for each of the fiscal years beginning 4/30/2008 through 4/30/2012:

| <b>Firm</b>                  | <b>2008</b> | <b>2009</b> | <b>2010</b> | <b>2011</b> | <b>2012</b> |
|------------------------------|-------------|-------------|-------------|-------------|-------------|
| McGladrey & Pullen:          |             |             |             |             |             |
| Coliseum                     | \$28,100    | \$29,550    | \$31,250    | \$33,500    | \$35,250    |
| Fire Pension Fund            | \$29,525    | \$31,150    | \$32,775    | \$34,400    | \$36,025    |
| Foreign Fire Insurance Board | \$10,500    | \$5,500     | \$5,750     | \$6,000     | \$6,300     |
| Sikich LLP*                  |             |             |             |             |             |
| Coliseum                     | \$27,900    | \$29,300    | \$30,700    | \$32,200    | \$33,800    |
| Fire Pension Fund            | \$24,600    | \$25,400    | \$26,200    | \$27,000    | \$27,800    |

|                              |          |          |          |          |          |
|------------------------------|----------|----------|----------|----------|----------|
| Foreign Fire Insurance Board | \$3,600  | \$2,400  | \$2,450  | \$2,525  | \$2,600  |
| Clifton Gunderson LLP        |          |          |          |          |          |
| Coliseum                     | \$19,000 | \$19,600 | \$20,200 | \$21,000 | \$21,800 |
| Fire Pension Fund            | \$23,000 | \$23,875 | \$24,875 | \$25,800 | \$26,875 |
| Foreign Fire Insurance Board | \$12,400 | \$7,755  | \$8,085  | \$8,375  | \$8,745  |
| Virchow Krause Company       |          |          |          |          |          |
| Coliseum                     | \$29,400 | \$30,200 | \$31,200 | \$32,100 | \$33,000 |
| Fire Pension Fund            | \$23,800 | \$24,500 | \$25,200 | \$26,000 | \$26,800 |
| Foreign Fire Insurance Board | \$12,340 | \$6,800  | \$7,000  | \$7,200  | \$7,430  |
| Crowe Chizak                 |          |          |          |          |          |
| Coliseum                     | \$27,500 | \$28,600 | \$29,755 | \$30,940 | \$32,155 |
| Fire Pension Fund            | \$21,000 | \$21,840 | \$22,715 | \$23,620 | \$24,550 |
| Foreign Fire Insurance Board | \$11,850 | \$10,600 | \$11,025 | \$11,450 | \$11,925 |

\*The Coliseum, Fire Pension Fund and Foreign Fire Insurance Board are interested in using Sikich, LLP the same firm as the City to perform their auditing services.

Staff respectfully recommends that the audit of the financial records and preparation of the Comprehensive Annual Financial report in the manner required for the Certification of Financial Excellence by the Government Financial Officers Association and all other related requirements be awarded to Sikich LLP, Certified Public Accountants, for April 30, 2008, and subsequent four (4) fiscal years. Staff also requests permission to negotiate with Sikich LLP for additional services as described in the proposal, such as required grant auditing and attestation, internal control studies, and employer tax implications of certain employee benefits. Funds have been budgeted in G11510-70090 for this expense.

Respectfully,

Brian Barnes  
Director of Finance

Judy Whitehart  
Asst. Director of Finance

Tom Hamilton  
City Manager

**Alderman Schmidt questioned the audit and pricing for the Foreign Fire Insurance Board. She wanted to be reassured that the pricing was fixed. Tom Hamilton, City Manager, noted that the proposal price was the price for the service. Judy Whitehart, Asst. Finance Director, addressed the Council. She stated that the proposal provided information about revenue, number of checks written, etc. The audit firms were fully aware.**

**Motion by Alderman Schmidt, seconded by Alderman Hanson to suspend the rules to allow someone to speak.**

**Motion carried.**

**Chad Lucas, Sikich LLP, addressed the Council. He informed them that Sikich estimated the number of work hours needed based upon the information provided.**

**Motion by Alderman Schmidt, seconded by Alderman Fruin to return to order.**

**Motion carried.**

**Motion by Alderman Finnegan, seconded by Alderman Hanson that the RFP for Professional Auditing Services be awarded to Sikich LLP 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, 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: Change Order for Fox Creek Road 16" Water Main: Beich Rd to Old Cabintown Rd

On April 24, 2006, Council awarded a contract for the installation of a 16" inch water main on Fox Creek Road from Beich Rd to Cabintown Rd, to Gildner Plumbing, Inc. During construction of this project, we encountered two items which resulted in additional costs.

1. In order to avoid conflict with existing utilities, which were not shown on the plans, additional 16" fittings were needed. The additional cost to install the required fittings was \$6,643.
2. When the 16" inch water main was attached to the interstate bridge, we noticed that forces from water pressure in the main caused the water main to move slightly. Because of this, it became necessary to install additional restraints and supports to properly attach the water main to the bridge. The additional cost of this extra work was \$5,312.

|                    |              |
|--------------------|--------------|
| Original Contract  | \$621,783.00 |
| This Change Order  | \$ 11,955.00 |
| Completed Contract | \$633,738.00 |

These additions were not reasonably foreseeable at the time the contract was awarded and were in the best interest of the City. As this additional work was necessary for the orderly and proper completion of this project, staff respectfully recommends that Council approve this Change

Order to the contract with Gildner Plumbing, Inc. in the amount of \$11,955 with payment to be made with Water Depreciation Funds (X50200-72540).

Respectfully,

Douglas G. Grovesteen  
Director of Engineering

Tom Hamilton  
City Manager

**RESOLUTION NO. 2008 - 06**

**A RESOLUTION AUTHORIZING A CHANGE ORDER IN THE  
AMOUNT OF \$11,955 IN THE CONTRACT BETWEEN THE CITY  
OF BLOOMINGTON AND GILDNER PLUMBING, INC. FOR FOX CREEK ROAD 16”  
WATER MAIN: BEICH RD TO OLD CABINTOWN RD**

WHEREAS, the City of Bloomington has previously entered into a contract with Gildner Plumbing, Inc. for Fox Creek Road 16” Water Main: Beich Rd to Old Cabintown Rd; and

WHEREAS, for the reasons set forth in a staff report dated February 11, 2008, additional 16” fittings were needed and it became necessary to install additional restraints and supports to properly attach the water main to the bridge; and

WHEREAS, it is the finding of the City Council that the decision to perform the work described in the February 11, 2008 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 \$11,955 in the contract between the City of Bloomington and Gildner Plumbing, Inc. for Fox Creek Road 16” Water Main: Beich Rd to Old Cabintown Rd be approved.

ADOPTED this 11<sup>th</sup> day of February, 2008.

APPROVED this 12<sup>th</sup> day of February, 2008.

Stephen F. Stockton, Mayor

ATTEST:

Tracey Covert, City Clerk

**Motion by Alderman Finnegan, seconded by Alderman Hanson that the Change Order be approved and the Resolution be 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: Professional Services Contract

Staff respectfully requests approval of contracts to engage persons and/or groups represented by Sones de Mexico Ensemble, Harmony Artists, Inc., Producers Inc., Sweetwood Productions LLC and Concerted Efforts Inc. to perform services in the Bloomington Center for the Performing Arts on dates agreed by staff. Base expenses for the contracts will be \$65,500.

Staff further respectfully advises Council that contract provisions prohibit public announcements of any persons/groups and/or dates of services until said contracts have been executed by both parties.

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.

Staff respectfully recommends accepting these contracts for the performances and further that the Mayor and City Clerk be authorized to execute the necessary documents. Funding for these contracts will come from account X21100-70220 of the Cultural District budget, to be offset by future revenues.

Respectfully,

C. Bruce Marquis  
Executive Director, Cultural District

Tom Hamilton  
City Manager

(CONTRACTS ON FILE IN THE CLERK'S OFFICE)

**Alderman Fruin complimented the Bloomington Center for the Performing Arts' Advisory Committee for their entertainment recommendations.**

**Motion by Alderman Finnegan, seconded by Alderman Hanson that the contract from Sones de Mexico Ensemble, Harmony Artists, Inc., Producers Inc., Sweetwood Productions LLC, and Concerted Efforts Inc. in the total amount of \$65,500 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, 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: Acquisition of Permanent Sewer Easement from Kaco, Inc.

The developers of Revenue Park Subdivision extended a sanitary sewer line to provide service to a new IRS Distribution Facility being constructed on one of the lots in the subdivision near the intersection of Route 9 and Mitsubishi Motorway. The original plan was to run the line within the existing right of way for Old Peoria Court. However, conditions in the field required that the line be shifted north onto private property owned by Kaco, Inc.

Although the developer constructed the line, it belongs to the City and the City requires a permanent easement giving it the right to operate and maintain the line on Kaco's property. Kaco, Inc. agreed to give the City an easement in exchange for a total payment of \$7,300. \$6,000 is for the easement and \$1,300 is for two (2) years of crop damages. Kaco has the option of receiving payment in cash or crediting the purchase price against sewer tap on fees.

Staff believes the agreed price fairly compensates Kaco, Inc. for the easement and respectfully recommends that the agreement be approved and the Mayor and City Clerk be authorized to execute the necessary documents.

Respectfully,

Hannah Eisner  
Deputy Corporation Counsel

Tom Hamilton  
City Manager

## AGREEMENT

This agreement is entered into between the City of Bloomington, a municipal corporation, (hereinafter referred to as "City"), and the Kaco, Inc. and Illinois Corporation, (hereinafter referred to as "Owner"). In consideration of the mutual promises contained herein, the parties hereby state and agree as follows:

1. That Kaco, Inc. has agreed to grant City a Permanent Sewer Easement across the following described property for the purpose of installing a sanitary sewer line:

That part of the East Half of the Southwest Quarter of Section 36, Township 24 North, Range 1 East of the Third Principal Meridian in McLean County, Illinois described as follows: Commencing at the intersection of the West Line of said East Half with the Centerline of the Old Peoria - Bloomington Road; thence South 68°-42'-25" East 316.38 feet along said Centerline to the True Point of Beginning; thence North 22°-28'-01" East 30.00 feet; thence North 68°-42'-25" West 329.58 feet to said West Line; thence North 01°-27'-09" West 1,358.52 feet along said West Line; thence North 88°-50'-24" East 10.00 feet; thence South 01°-27'-09" East 1,335.55 feet; thence South 68°-42'-25" East 349.73 feet; thence South 22°-28'-01" West 55.01 feet to said centerline; thence North 68°-42'-25" West 20.00 feet along said Centerline to the Point of Beginning, containing 0.524 acres, more or less. PIN # 13-36-326-002 pt.

2. That the owner, Kaco, Inc, is the legal and sole owner of the above-described real estate.

3. That as consideration for the Owner entering into the aforementioned Easement Agreement, the City promises and agrees as follows:

a. To compensate Owner \$6,000.00 for .524 acres of permanent easement, which compensation shall be made either in the form of a cash payment to Owner or as a credit against tap on fees Owner is required to pay for making a connection to the sewer to be constructed within the easement area.

b. To compensate \$1,300.00 for two years of crop damages on 2.156 acres.

c. Payment in cash is to be made by April 1, 2008.

4. That Owner shall be permitted to make a connection to the sanitary sewer to be constructed within the easement being conveyed at such time as sewer service becomes available

and further subject to compliance with all rules and regulations then in effect and payment of all applicable tap on and permit fees.

5. That Owner gives City a temporary working easement across the following described property for the purpose of working and maneuvering space for equipment and personnel and for storing materials used or generated in connection with the installation of a sewer line located on Grantor's property and for grading, shaping and otherwise restoring the said property following the construction of the sewer line:

Temporary Easement for Working Purposes Only During Construction:

That part of the East Half of the Southwest Quarter of Section 36, Township 24 North, Range 1 East of the Third Principal Meridian, in McLean County, Illinois described as follows: Commencing at the intersection of the West Line of said East Half with the centerline of the Old Peoria - Bloomington Road; thence South 88°-42'-25" East 336.38 feet along said centerline; thence North 22°-28'-01" East 30.01 feet to the True Point of Beginning; thence continuing North 22°-28'-01" East 25.00 feet; thence North 68°-42'-25" West 349.73 feet; thence North 01°-27'-09" West 1,335.55 feet; thence South 88°-50'-24" West 10.00 feet to said West Line; thence North 01°-27'-09" West 42.05 feet along said West Line; thence North 88°-32'-51" East 50.00 feet; thence South 01°-27'-09" East 1 351.05 feet; thence South 68°-42'-25" East 363 95 feet; thence South 22°-28'-01" West 65.01 feet; thence North 68°-42'-25" West 40.00 feet to the Point of Beginning containing 1.632 acres more or less.

Said Temporary Easement contains 71,089.92 square feet, more or less, equals 1.632 acres, more or less.

This Agreement is entered into and made a part of the Easement Agreement dated December 10, 2007, between the City of Bloomington and Kaco, Inc, and is dated this 10<sup>th</sup> day of December, 2007.

OWNER

CITY OF BLOOMINGTON

By: Harry J. Mathers  
Kaco, Inc.

By: Stephen F. Stockton  
Mayor

Attest:

Attest:

Phyllis Mathers

Tracey Covert  
City Clerk

Date: December 10, 2007

Jacqueline Legner, Notary Public – State of Illinois



Commission Expires: July 7, 2010

**Motion by Alderman Finnegan, seconded by Alderman Hanson that the 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, 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: Jurisdictional Transfer of Old Peoria Court and Acceptance of Deed from Dry Grove Township

The City took over jurisdiction of almost all of Old Peoria Court Road when it annexed the property for Revenue Park subdivision. There was only a small section of the road between the part annexed and Route 9 that remained under the jurisdiction of Dry Grove Township. The developers of the Revenue Park subdivision constructed a sanitary sewer line from Route 9 to the subdivision and that line runs under a parcel of property owned by Dry Grove Township and crosses the section of Old Peoria Road within the Township's jurisdiction. Ordinarily, the City would acquire an easement for the sewer, but under the circumstances, staff thought it would be in the best interest of the Township and the City to transfer jurisdiction of the remaining piece of road and ownership of the land to the City. The Township concurred with staff's opinion.

An Ordinance and an IDOT Local Agency Agreement of Jurisdictional Transfer are required in order to complete the transfer. Staff respectfully recommends that the agreement be approved and the Ordinance passed.

Respectfully,

Hannah Eisner  
Deputy Corporation Counsel

Tom Hamilton  
City Manager

**ORDINANCE NO. 2008 - 09**

Providing for the addition of part of Old Peoria Court from north right of way FAP Route 693 (IL 9/US RT 150) also known as Market Street northwesterly to the east right of way of FAP Route 676 (US RT 150) also known as Mitsubishi Motorway in its entirety to the City of Bloomington Highway System from the Road System in Dry Grove Township, McLean County, Illinois.

WHEREAS, the Trustees of Dry Grove Township and the City of Bloomington entered into an agreement for transfer of jurisdiction of the above locations to the Municipal Street System.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Bloomington, that the above location, with Department of Transportation approval, be added to the Highway System of the City of Bloomington and that said route was identified as FAP Route 693 (IL 9/US RT 150) also known as Market Street northwesterly to the east right of way of FAP Route 676 (US RT 150) also known as Mitsubishi Motorway, in its entirety from the Road System in Dry Grove Township, McLean County, Illinois.

BE IT FURTHER ORDAINED by the City Council of the City of Bloomington, that the Clerk is hereby directed to transmit three certified copies of this Ordinance to the State through its District Engineer's Office at Paris, Illinois.

PASSED this 11<sup>th</sup> day of February, 2008.

APPROVED this 12<sup>th</sup> day of February, 2008.

Stephen F. Stockton  
Mayor

ATTEST:

Tracey Covert  
City Clerk

(MAP ON FILE IN CLERK'S OFFICE)

**Motion by Alderman Finnegan, seconded by Alderman Hanson that the Agreement 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: Proposed Water Main Extension Agreement from Ronald E. Price and Sandra S. Price for Property Located at #10 Timberlake Rd. in McLean County

Ronald E. Price and Sandra S. Price, property owners of #10 Timberlake Rd. in McLean County (Tax ID 21-06-178-001) 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. Ronald E. Price and Sandra S. Price 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.

As all items are in order, staff respectfully recommends that Council approve a Water Main Extension Agreement with Ronald E. Price and Sandra S. Price, property owners of #10 Timberlake Rd. in McLean County (Tax ID 21-16-103-010.)

Respectfully,

Douglas G. Grovesteen  
Director of Engineering

Tom Hamilton  
City Manager

### **WATER & PROPOSED WATER MAIN EXTENSION AGREEMENT**

This Agreement made and entered into this 11<sup>th</sup> day of February, 2008, by and between the City of Bloomington, a Municipal Corporation, hereinafter called "City" and Ronald E. Price and Sandra S. Price, 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 173 feet of six inch water main to be extended along the street(s) and highway (s) known as Timberlake Road 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:

Tract No. 1: The South 87.22 feet of Parcel 13 and the North 117.63 feet of Parcel 12 of the Survey of Parcel 4 of Loeseke Survey of a part of the North West ¼ of Section 16, Township 23 North, Range 2 East of the 3<sup>rd</sup> Principal Meridian, as shown by Plat recorded as Document No. 68-5410, in McLean County, Illinois

Tract No. 2: Easement for the benefit of Tract No. 1 as created by Warranty Deed dated August 1, 1970, recorded October 1, 1970 as Document 70-6392 made by Carl W. Loeseke and Janet H. Loeseke, husband and wife, to Loeseke Lake Association, Incorporated, an Illinois Corporation for ingress and egress over the following described tract: All the private roads or streets so designated in Loeseke Survey of a part of the North West ¼ Section 16, Township 23 North, Range 2 East of the Third Principal Meridian, McLean County, Illinois, plats of which were recorded on the date of October 3, 1966 as Document No. 66-4969 and on the date of July 22, 1968 as Document No. 68-5410, both in the Recorder's Office, McLean County, Illinois;

Tract No. 3: Easement for the benefit of Tract No. 1 as created by Warranty Deed dated August 1, 1970, recorded October 1, 1970 as Document No. 70-6392 made by Carl W. Loeseke and Janet H. Loeseke, husband and wife, to Loeseke Lake Association, Incorporated, an Illinois Corporation for ingress and egress over the following described tract: Beginning 1990.8 feet South of the Northwest corner of Section 16, Township 23 North, Range 2 East of the Third Principal Meridian, McLean County, Illinois thence East 33 feet parallel to the North section line of said Section 16; thence South 1,302 feet, parallel to the West Section line of said Section 16 to the center of the road running East and West, thence West 33 feet along the center of said road, thence North parallel to the West Section line of said Section 16, 1,302 feet, more or less to the Point of Beginning, all situated in the County of McLean, State of Illinois.

PIN# 21-16-103-010  
(Tax I.D. No.)

A/K/A #10 Timberlake Road  
(Street Address)

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 \$13,259.14 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 Ronald E. Price and Sandra S. Price 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;
- (3) be required to agree to participate Financially to the cost of making local improvements affecting Customer's property.

7. Customer covenants and agrees that he/she will not permit or allow any other person, firm or corporation to connect or annex to said water main or use water therefrom or in any other way benefit from the service provided to Customer under the terms of this Agreement, except where express written permission has been procured therefore from City.

8. CUSTOMER and CITY agree that covenants herein contained are the essence of this Agreement.

IN WITNESSETH WHEREOF the parties have hereunto set their hands and seals the day and year above written.

Ronald E. Price

Sandra S. Price



On August 4, 2006, Council approved the McLean County Joint Resolution forming an Abraham Lincoln Bicentennial Commission. This Commission is charged with planning a county wide celebration commemorating Abraham Lincoln's 200<sup>th</sup> birthday in February of 2009. As the Commission makes plans for this celebration, they are also in charge with applying for any available local, state and federal grants.

The Commission submitted a grant application to the Illinois Abraham Lincoln Bicentennial Commission in the amount of \$25,000. This grant money, if approved, is to assist in the creation of a statuary group to be erected at a location within the community.

On January 25, 2008, Deputy City Manager Barbara Adkins, (a Commission staff person) was informed that the grant was partially approved in the amount of \$22,750. The City will act as the fiscal agent for this grant.

The agreement to accept the grant had to be signed and returned to the Illinois Abraham Lincoln Bicentennial Commission by February 7, 2008, in advance of the February 11, 2008 Council meeting. Staff believes that this grant is in the best interest of the City and respectfully recommends Council approval.

Respectfully,

Barbara J. Adkins  
Deputy City Manager

Tom Hamilton  
City Manager

**A GRANT AGREEMENT BETWEEN THE ILLINOIS HISTORIC PRESERVATION  
AGENCY HEREINAFTER REFERRED TO AS THE AGENCY, AND CITY OF  
BLOOMINGTON HEREINAFTER REFERRED TO AS THE CONTRACTOR**

This agreement shall be governed in all respects by the laws of the State of Illinois.

This agreement is made and entered this day, January 31, 2008, by and between the Illinois Historic Preservation Agency and the Contractor. In view of mutual covenants herewith contained, the parties agree as follows:

1. This agreement shall not be in effect until the later of the date of the Director's signature or the date shown above and shall terminate on January 31, 2010, or as terminated by either party upon 10 days written notification. No services will be paid which are performed prior to execution of the contract.
2. In consideration of the services rendered under the terms of this Agreement, the Agency shall compensate the Contractor \$22,750.00.
3. **SCOPE OF WORK:** The Contractor shall utilize the funds to assist in the creation of a statuary group to be erected in Lincoln Park, Bloomington, IL. The Contractor shall

provide a final report categorizing how funds were expended. See attached grant proposal.

The Contractor shall utilize the funds and complete project by January 31, 2010.

4. **INDEPENDENT CONTRACTOR.** The Contractor shall be an independent contractor. Supplies provided and/or services performed pursuant to this Agreement are not rendered as if to an employee of the Agency or the State of Illinois. Amounts paid pursuant to this Agreement do not constitute compensation paid to an employee.
5. **BRIBERY CLAUSE CERTIFICATION.** The undersigned certifies that they are not barred from being awarded a contract or subcontract under Section 10.1 of the Illinois Purchasing Act, and have not been convicted of bribery or attempting to bribe an officer or employee of the State of Illinois, and have not made an admission of guilt of such conduct which is a matter of record. (30 ILCS 500/50-5)
6. **DISCRIMINATION. STATE:** Contractor agrees not to commit unlawful discrimination in employment in Illinois as that term is used in Article 2 of the Illinois Human Rights Act and further agrees to take affirmative action to ensure that no unlawful discrimination is committed. Contractor agrees to comply with “AN ACT to prohibit discrimination and intimidation on account of race, creed, color, sex, religion, physical or mental handicap unrelated to ability, or national origin in employment under contracts for public buildings or public works,” (775 ILCS 10/1) approved July 8, 1933, as amended. The provisions of this Act are made a part of this contract by reference as though set forth in full herein. **FEDERAL:** Contractor agrees that if they receive funds which are wholly or partially allotted to the State of Illinois, Historic Preservation Agency, from Federal financial assistance, they shall comply with Section 504 of the Rehabilitation Act of 1973, the U.S. Civil Rights Act, and the American with Disabilities Act.
7. **FUNDING.** The Agency shall use its best efforts to secure sufficient appropriations to fund this Agreement. However, the Agency’s obligations hereunder shall cease immediately without penalty or further payment being required if in any fiscal year the Illinois General Assembly or federal funding source fails to make an appropriation or otherwise make available sufficient funds for this Agreement. The Agency shall determine whether amounts appropriated are sufficient.
8. **EDUCATIONAL LOANS.** The Contractor certifies that they are not in default on an educational loan as provided in Public Act 85-827. (105 ILCS 5/30-15.12)
9. **BID RIGGING/BID ROTATING.** The Contractor certifies that they have not been barred from contracting with a unit of State or local government as a result of a violation of Section 33E-3 or 33E-4 of the criminal code of 1961. (720 ILCS 5/33E-3) (720 ILCS 5/33E-4)
10. **DRUG FREE WORKPLACE.** The Contractor certifies that they will not engage in the unlawful manufacture, distribution, dispensation, possession, or use of a controlled



substance in the performance of the contract. False certification or violation of certification may result in sanctions including, but not limited to, suspension of contract or grant payments, termination of the contract or grant, or, debarment of contracting or grant opportunities with the State for at least one year but not more than five years. (30 ILCS 580)

11. **RETENTION OF RECORDS.** The Contractor shall maintain, for a minimum of 3 years after the completion of the contract, adequate books, records, and supporting documents to verify the amounts, recipients, and uses of all disbursements of funds passing in conjunction with the contract; the contract and all books, records, and supporting document related to the contract shall be available for review and audit by the Auditor General; and the Contractor agrees to cooperate fully with any audit conducted by the Auditor General and to provide full access to all relevant materials. Failure to maintain the books, records, and supporting documents required by this section shall establish a presumption in favor of the State for the recovery of any funds paid by the State under the contract for which adequate books, records, and supporting documentation are not available to support their purported disbursement.
12. **COPYRIGHT, PATENTS, TRADEMARKS, ACKNOWLEDGEMENTS, DISCLAIMERS.** Any work produced under this contract shall become and remain the property of the State of Illinois, including any rights that otherwise might be available to the Contractor under copyright, patent, and trademark laws. Contractor specifically agrees that the compensation provided for hereunder also includes such rights. Any product of this contract that is distributed publicly shall include acknowledgement of agency support and the agency logo. If federal funds are part of the contract, the contractor will also affix the proper acknowledgement and disclaimer statements as required by the Department of Interior, National Park Service (specific language to be provided separately by the agency to the contractor.)
13. **INTERNATIONAL ANTI-BOYCOTT.** The Contractor certifies that neither they nor any substantially-owned affiliated company is participating or shall participate in an international boycott in violation of the provisions of the U.S. Export Administration Act of 1979 or the regulations of the U.S. Department of Commerce promulgated under that Act. (30 ILCS 582)
14. **DEBT CERTIFICATION.** The Contractor or bidder certifies that it, or any affiliate, is not barred from being awarded a contract under 30 ILCS 500. Section 50-11 prohibits a person from entering into a contract with a State agency if it knows or should know that it, or any affiliate, is delinquent in the payment of any debt to the State as defined by the Debt Collection Board. Section 50-12 prohibits a person from entering into a contract with a State agency if it, or any affiliate, has failed to collect and remit Illinois Use Tax on all sales of tangible personal property into the State of Illinois in accordance with the provisions of the Illinois Use Tax Act. The Contractor further acknowledges that the contracting State agency may declare the contract void if this certification is false or if the contractor, or any affiliate, is determined to be delinquent in the payment of any debt to the State during the term of the contract.

15. FEDERAL FUNDS CERTIFICATION. Contractor certifies they are not debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in this transaction by any Federal department or agency.
16. FORCED LABOR. Contractor agrees to comply with state law in that no foreign made equipment, materials, supplies furnished to the State of Illinois under this contract may be produced in whole or in part by forced labor, convict labor, or indentured labor under penal sanction. (30 ILCS 583/10)
17. PREVAILING WAGE. Grant for the construction of fixed works. All projects for the construction of fixed works which are financed in whole or in part with funds provided by this Grant Agreement shall be subject to the Prevailing Wage Act (820 ILCS 130/0.01 et seq.) unless the provisions of that Act exempt its application. In the construction of the project, the Grantee shall comply with the requirements of the Prevailing Wage Act, including, but not limited to, inserting into all contracts for such construction a stipulation to the effect that not less than the prevailing rate of wages as applicable to the project shall be paid to all laborers, workers, and mechanics performing work under the contract and requiring all bonds of contractors to include a provision as will guarantee the faithful performance of such prevailing wage clause as provided by contract.
18. FELONY. Contractor certifies in accordance with 30 ILCS 500/50-10.5 that no officer, director, partner or other managerial agent of the contracting business has been convicted of a felony under the Sarbanes-Oxley Act of 2002 or a Class 3 or Class 2 felony under the Illinois Securities Law of 1953 for a period of five years prior to the date of the bid or contract. The contractor acknowledges that the contracting agency shall declare the contract void if this certification is false.
19. TAX EXPENDITURE ACT. This agreement is in compliance with the requirements of the Corporate Accountability for Tax Expenditure Act (PA 93-0552).
20. BARRED FROM BIDDING. The contractor certifies in accordance with 30 ILCS 500/5012 that the bidder or contractor is not barred from being awarded a contract under this Section. The contractor acknowledges that the contracting agency shall declare the contract void if this certification is false.
21. BILLING. Invoices for supplies ordered or services performed or expenses incurred prior to July 1st must be presented to the Agency no later than July 31; otherwise the Contractor may have to seek payment of such invoices through the Illinois Court of Claims. (30 ILCS 105/25)
22. PAYMENT. Late payment charges, if any, shall not exceed the formula established in the State "Prompt Payment" Act (30 ILCS 540/1) and implementing rules (74 III. Adm. Code 900). Payments delayed at the beginning of the State's fiscal year (July and August payments) because of the appropriation process shall not be considered a breach.

23. CONFLICT OF INTEREST DISCLOSURE. Contractor covenants that it has disclosed, and agrees it is under a continuing obligation to disclose to the Agency, financial or other interests (public or private, direct or indirect) that may be a potential conflict of interest under Article 50 of the Illinois Procurement Code. (30 ILCS 500/50)
24. SUBCONTRACTING. Names and address of all subcontractors utilized by the Contractor shall be listed in an addendum to this Agreement together with the anticipated amount of money that the subcontractor is expected to receive under this Agreement. (30ILCS 500/35-40)
25. FEDERAL TAXPAYER IDENTIFICATION NUMBER AND LEGAL STATUS CERTIFICATION. The Contractor certifies that the name, taxpayer identification number, and legal status listed below are correct. New state vendors: please also attach a completed W-9 to this contract.

Name (official EIN name): City of Bloomington

d.b.a if applicable McLean County Museum of History

Social Security Number \_\_\_\_\_ - \_\_\_\_\_ - \_\_\_\_\_ (Individual or Sole Proprietor)

OR

Employer Identification Number \_\_\_\_\_ - \_\_\_\_\_ - \_\_\_\_\_

Legal Status (check one)

- Individual
- Sole Proprietorship
- Partnership/Legal Corporation
- Corporation
- Government
- Estate or Trust
- Non-Resident Alien
- Tax Exempt/Hospital/Extended Care Facility
- Pharmacy/Funeral Home/Cemetery Corporation
- Medical Corporation
- Pharmacy (non-corporate)

26. LEGAL SERVICES. This contract is not subject to the State Indemnification Act.

27. CHILD LABOR. The contractor certifies in accordance with Public Act 94-0264 that no foreign-made equipment, materials, or supplies furnished to the State under the contract have been produced in whole or in part by the labor of any child under the age of 12.

Executed on the \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_

Contractor Name

Jennifer D. Tirey  
Acting Director  
Illinois Historic Presevation Agency

Stephen F. Stockton  
Mayor  
109 E. Olive  
Bloomington, IL 61701

February 1, 2008

**Motion by Alderman Finnegan, seconded by Alderman Hanson that the Agreement to accept the grant 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, 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 Concur in Award of Contract for Improvement of Towanda Barnes Road and Oakland Avenue Intersection and Approve a Supplemental Resolution for the Appropriation of Motor Fuel Tax Funds

On August 28, 2006, Council approved an Intergovernmental Agreement with the County of McLean for the Improvement of the Intersection of Towanda Barnes Road and Oakland Avenue. The agreement obligates the City to pay for one half (½) the cost of the design and construction of the improvements. The preliminary cost estimate for the project was for \$300,000. The amount shown in the 2007-2008 Capital Budget of \$150,000 reflects this preliminary estimate. On April 23, 2007, Council approved \$23,650 to repay the County for the design of the project.

The Intersection Design Study prepared during the design process identified the need for additional turn lanes which were not in the original project scope. The project as designed consists of the widening of the pavement on the east and west approaches to provide left turn lanes, the widening of the north and south approaches to provide right turn lanes, and the installation of traffic signals. The engineer's estimate of cost for the project was \$809,682.35.

The County of McLean opened bids on the project on January 30, 2008. There was one bidder, Rowe Construction Company, who submitted a bid of \$784,681.64 for the work.

On February 5, 2008, the County's Transportation Committee recommended to the Mclean County Board that it approve the award of the contract to Rowe Construction. It is anticipated the County Board will consider the award at their regular meeting on February 19, 2008. Staff has reviewed the Rowe Construction proposal and finds the City's share of \$392,340.82 to be reasonable. There are sufficient Motor Fuel Tax Funds available to cover the City's share. Staff therefore respectfully recommends that Council concur in the award, contingent upon the County Board awarding the contract, and that Council approve a Resolution appropriating \$415,990.82 (\$392,340.82 for construction and \$23,650 for design) in Motor Fuel Tax Funds (X20300-72530) to repay the County for the work.

Respectfully,

Douglas G. Grovesteen  
Director of Engineering

Tom Hamilton  
City Manager

(IDOT RESOLUTION NO. 2008 – 07 ON FILE IN CLERK'S OFFICE)

**Motion by Alderman Finnegan, seconded by Alderman Hanson that Council concurs with the award for the improvement of the intersection of Towanda Barnes Road and Oakland Avenue, and the Resolution be 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: Resolution to Allow Four Years of Illinois Municipal Retirement Fund (IMRF) Service Credit for Military Service

On August 28, 2007, the governor signed Public Act 95-0486 into law allowing an IMRF employer to increase the years of military service an IMRF member can convert to IMRF service credit. Additional service credit increases an employee's pension. Currently the City permits an

employee member to convert two years of past service under a resolution passed in September 1997. The new law permits the conversion of up to four years. A resolution must be passed by the Council to increase this benefit.

Under this program, if an employee earned his or her military service before participating in IMRF or did not return to IMRF participation within 90 days of discharge, the employee can convert up to four years of military service to IMRF service. In order to be eligible to purchase the service, the member must be employed by that employer on or after the date the resolution is adopted.

For military service purchased under P.A. 95-0486, the employee purchasing the service pays the majority of the additional service cost. The employee pays the normal employee contribution (4.5% of wages) plus interest and a portion of the City's usual contribution. The City would pay the remaining portion of the cost which currently equals 2.36% of the member's first IMRF salary for the length of service time being purchased.

The City's cost of additional military service purchases would become part of the overall IMRF program and be paid through future employer contributions.

Respectfully,

Laurie Wollrab  
Compensation and Benefits Manager

Tom Hamilton  
City Manager

#### **RESOLUTION NO. 2008 – 08**

#### **RESOLUTION TO ALLOW SERVICE CREDIT FOR MILITARY SERVICE PRIOR TO IMRF PARTICIPATION (EMPLOYER IMRF I.D. NUMBER 03327)**

WHEREAS, Article 7 of the Illinois Pension Code (40 ILCS 5/7-139) provides that the governing body of a governmental unit may elect to allow service credit in the Illinois Municipal Retirement Fund to members who served in the Armed Forces of the United States for all periods of such service prior to their participation in IMRF or whose participation was interrupted by military leave but did not return to IMRF participation within 90 days of discharge; and

WHEREAS, such allowance of service credit cannot be limited to a specific IMRF member and applies to all employees who were in active participating status under IMRF on the date this resolution was adopted.

RESOLVED, that the City Council of the City of Bloomington elects to allow service credit to members who served in the armed forces of the United States for up to four years of service, prior to their participation in the Illinois Municipal Retirement Fund.

FURTHER RESOLVED, that the City Clerk of the City of Bloomington shall be directed to file a certified copy of this Resolution with the Board of Trustees of the Illinois Municipal Retirement Fund and that this resolution shall remain in full force and effect until modified or rescinded and notice of such modification or rescission has been filed with the Board of Trustees of the Illinois Municipal Retirement Fund. This resolution is not limited to a specific military operation.

APPROVED this 11<sup>th</sup> day of February, 2008.

ADOPTED this 12<sup>th</sup> day of February, 2008.

Stephen F. Stockton  
Mayor

ATTEST:

Tracey Covert  
City Clerk

**Motion by Alderman Finnegan, seconded by Alderman Hanson that the Resolution be 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: Petition from Nova Enterprises, Requesting Approval of a Final Plat for Towanda Barnes Business Park Twenty-first Addition

A petition has been received from Nova Enterprises, requesting Council approval of a Final Plat for Towanda-Barnes Business Park Twenty-first Addition. This subdivision is located west of Towanda-Barnes Road, south of Oakland Avenue and north of Ireland Grove Road. The Final Plat is in conformance with the Preliminary Plan approved on June 10, 1996. As the public

improvements are complete, no performance guarantee is required for this Addition. As per the agreement, there are no tap on fees from the subdivision.

Staff respectfully recommends that Council approve the Petition and adopt an Ordinance approving the Final Plat for the Towanda-Barnes Business Park Twenty-first Addition.

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 NOVA Enterprises, an Illinois Partnership, hereinafter referred to as your  
Petitioner, respectfully representing and requesting as follows:

1.       That your Petitioner is the owner of the freehold or lesser estate therein of the premises hereinafter 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 of said premises to be known and described as Twenty-First Addition to Towanda-Barnes Business Park Bloomington, Illinois, which Final Plat is attached hereto and made apart hereof;
3.       That your Petitioner also seeks approval of the following exemptions or variations from the provisions of Chapter 24 of the Bloomington City Code, 1960:

WHEREFORE, your Petitioner prays that the Final Plat for the Twenty-First Addition to Towanda-Barnes Business Park, Bloomington, Illinois, subdivision submitted herewith be approved with the exemption or variations as requested herein.

Respectfully submitted,  
NOVA Enterprises, an Illinois  
Partnership

By: John Albee

Gene Shrader

Glenn E. Benckendorf  
Managing Partners

**ORDINANCE NO. 2008 - 10**

**AN ORDINANCE APPROVING THE FINAL PLAT OF THE  
TWENTY-FIRST ADDITION TO TOWANDA-BARNES  
BUSINESS PARK 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 of the Twenty-First Addition to Towanda-Barnes Business Park Subdivision, 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

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 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 Final Plat of the Twenty-First Addition to Towanda-Barnes Business Park Subdivision 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 of the time of its passage this 28<sup>th</sup> day of January, 2008.

Stephen F. Stockton  
Mayor

ATTEST:

Tracy Covert  
City Clerk

**EXHIBIT A**

A part of the Northeast Quarter of Section 7, Township 23 North, Range 3 East of the Third Principal Meridian, in the City of Bloomington, McLean County, Illinois, described as follows:

Beginning at the Southwest Corner of Lot 2 in GKC Theatres Subdivision in the City of Bloomington, Illinois, according to the plat recorded as Document No. 2002-24698 in the McLean County Recorder's Office. From said Point of Beginning, thence west 330.00 feet along the North Right-of-Way Line of Wicker Road as dedicated in the Sixteenth Addition to Towanda Barnes Business Park in the City of Bloomington, Illinois, according to the plat recorded as Document No. 2005-19138 in said Recorder's Office and as dedicated in the Seventeenth Addition to said Business Park according to the plat recorded as Document No. 2006-5815 in said Recorder's Office to the Southeast Corner of Lot 33 in the Seventeenth Addition; thence north 295.00 feet along the East Line of said Lot 33 and the East Line of Lot 34 in said Seventeenth Addition which form an angle to the left of 90°-00'-00" with the last described course; thence east 330.00 feet along a line which forms an angle to the left of 90°-00'-00" with the last described course to a point on the West Line of Lot 2 in said GKC Theaters Subdivision lying 295.00 feet north of the Point of Beginning; thence south 295.00 feet along said West Line which forms an angle to the left of 90°-00'-00" with the last described course to the Point of Beginning; containing 2.235 acres, more or less.

**Motion by Alderman Finnegan, seconded by Alderman Hanson 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: Petition submitted by Hamilton E. "Eric" Trujillo requesting approval of a Special Use Permit to allow a Multiple Family Dwelling in an R-2, Mixed Residence District, on property located at 909 South Allin Street and 903 West Wood Street (Case SP-09-07) (Ward 6)

**BACKGROUND INFORMATION:**

Adjacent Zoning

north: R-2, Mixed Residence District  
south: S-2, Public Lands and Institutions District  
east: R-1C, Single Family Residence District  
west: R-2, Mixed Residence District

Adjacent Land Uses

north: single family dwelling  
south: municipal park  
east: single family dwelling  
west: multiple family dwelling

Comprehensive Plan recommends low/medium density residential land use for this property.

These properties have been zoned for residential use since the City's first zoning ordinance was adopted in 1941. The building at 909 South Allin Street was previously occupied for many years by the Park Store (a neighborhood grocery store) and by a Laundromat. There is also one (1) apartment on the second floor of this building. The lot at 903 West Wood Street was used for many years as a customer parking lot for the uses in this building. These two (2) business uses were allowed to continue to operate in a residential district as legal nonconforming uses because they were established before the residential zoning was adopted.

The petitioner desires to renovate 909 South Allin Street for use as a small restaurant and grocery store on the first floor and also construct two (2) additional apartments on the second floor. Multiple-family dwellings are permitted in an R-2 zoning district by Special Use Permit. The Zoning Code stipulates the following standards and conditions for multiple-family dwellings as a Special Use:

- (1) Parking lots shall be screened from adjacent single family dwellings with evergreen plants at least thirty (30) inches high or a solid opaque fence not less than six (6) feet in height.
- (2) Maximum Floor Area Ratio shall be fifty percent (50%).
- (3) Minimum yard requirements are to be the same as the R-2 zoning district: side yard set-backs at six (6) feet; east front yard set-back at fourteen (14) feet; south front yard set-back at twenty-six (26) feet and rear yard set-backs at twenty-five (25) feet.
- (4) At least two (2) parking spaces per dwelling unit are to be provided.

The petitioner is seeking the following variances:

No screening of the parking lot.

To allow a Floor Area Ratio of seventy-seven percent (77%).

Property is a corner lot with two front yards. Existing building does not meet the required setback for either front yard.

Existing parking lot is nonconforming (17 required, 15 provided) Addition of two (2) dwelling units would increase the required parking by four (4) spaces (21 required, 15 provided).

#### BOARD OF ZONING APPEALS PUBLIC HEARING:

The Board of Zoning Appeals conducted a public hearing on this petition on January 16, 2008. The following persons presented testimony in favor of this petition at this hearing:

Mr. Sherman Chandler, 14 Moonstone Court

Mr. Chris Riddle, 1002 Pancake St.

Mr. Henry Wright, 902 N. Linden St.

Mr. Alfonso Arteaga, 2405 Monica Lane  
Ms. Rowena Harris, 214 Packard St., Apt. 3

Mr. Trujillo testified that he believed he had endured great hardship and expense appearing in front of both the Planning Commission and the Board of Zoning Appeals in order to make the desired improvements to this property. He stated that he had a difficult time understanding what the City required of him. He had been granted a building permits for roof repair, siding and window replacements for this property. Later the City required him to provide architectural drawings for any of the additional work proposed. After submitting the drawings he was told that the property would need rezoned to permit these uses. After a petition to rezone was heard by the Planning Commission he was then required to appear before the Board of Zoning Appeals seeking variances and special use permits before continuing with the project.

Mr. Chandler testified that he was the previous owner of the property in question. He stated that Mr. Trujillo had made many improvements to this property and was bringing this property up to City standards. He added that when the Park Store was open, its patrons were primarily the neighbors and were usually walking, thus addressing the parking issue questions that had been raised. Mr. Chandler added that Mr. Trujillo's plans for this property would be good for the neighborhood.

Mr. Riddle, Mr. Wright, Mr. Arteaga and Ms. Harris all testified in favor of Mr. Trujillo's character and his willingness to be helpful to others.

Mr. Mark R. Huber, Director of Planning and Code Enforcement, (PACE) responded that the building permits for the roof repair, siding and window replacements that Mr. Trujillo referred to did not generally require the review of architectural plans even when the property is being used for commercial use.

He stated that the additional plans to add two (2) dwelling units to the upper level had changed the types of architectural plans needed for review and additional requirements that needed to be met. Mr. Huber noted that this is what led to the attempt to get the property rezoned to B-2 for business use. The Planning Commission had tabled any decision on the rezoning until Mr. Trujillo had exhausted all other remedies through other proper Board of Zoning Appeals' hearings as necessary that could potentially help achieve his goals without requiring the rezoning.

No testimony was presented in opposition to this petition at the public hearing on January 16, 2008.

#### BOARD OF ZONING APPEALS RECOMMENDATION:

After having given due consideration to this petition and the testimony presented at the public hearing on January 16, 2008, the Board of Zoning Appeals approved all of the requested variances and passed a motion by a vote of 5 to 0 recommending Council approval of this Special Use permit in Case SP-09-07 to allow a multiple-family dwelling at 909 S. Allin St. and 903 W. Wood St.

STAFF RECOMMENDATION:

Staff concurs with the Board of Zoning Appeals and recommends approval of this special use permit.

Respectfully,

Kenneth Emmons  
City Planner

Tom Hamilton  
City Manager

**PETITION FOR A SPECIAL USE PERMIT FOR  
PROPERTY LOCATED AT: 909 S. ALLEN & 903 W. WOOD**

STATE OF ILLINOIS                    )  
  )SS.  
COUNTY OF MCLEAN                )

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

Now comes Hamilton E. “Eric” Trujillo hereinafter referred to as your petitioner, respectfully representing and requesting as follows:

1.       That your petitioner is the owner of the freehold or lesser estate therein of the premises hereinafter legally described in Exhibit A which is attached hereto and made a part hereof by this reference, or is a mortgagee or vendee in possession, assignee of rents: receiver, executor (executrix); trustee, lease, or any other person firm or corporation or the duly authorized agents of any of the above persons having proprietary interest in said premises;
2.       That said premises presently has a zoning classification of R 2 under the provisions of Chapter 44 of the Bloomington City Code, 1960;
3.       That under the provisions of Chapter 44, Section 7, 30 (K) of said City Code Multi Family Dwellings, are allowed as a special use in a R 2 zoning district;
4.       That the establishment, maintenance, or operation of said special use on said premises will not be detrimental to or endanger the public health, safety, morals, comfort, or general welfare;
5.       That said special use on said premises will not be injurious to the use and enjoyment of other property in the immediate vicinity of said premises for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood;

6. That the establishment of said special use on said premises will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the R 2 zoning district;
7. That the exterior architectural treatment and functional plan of any proposed structure on said premises will not be so at variance with either the exterior architectural treatment and functional plan of the structures already constructed or in the course of construction in the immediate neighborhood or the character of the applicable district, as to cause a substantial depreciation in the property values within the neighborhood adjacent to said premises;
8. That adequate utilities, access roads, drainage and/or necessary facilities have been or are being provided to said premises for said special permitted use;
9. That adequate measures have been or will be taken to provide ingress and egress to and from said premises so designed as to minimize traffic congestion in the public streets; and
10. That said special permitted use on said premises shall, in all other respects, conform to the applicable regulations of the R 2 zoning district in which it is located except as such regulations may, in each instance, be modified by the City Council of the City of Bloomington pursuant to the recommendations of the Bloomington Board of Zoning Appeals.

WHEREFORE, your petitioner respectfully prays that said special use for said premises be approved.

Respectfully submitted,

Hamilton E. Trujillo

**ORDINANCE NO. 2008 – 11**

**AN ORDINANCE APPROVING A SPECIAL USE PERMIT FOR A  
MULTI FAMILY DWELLING FOR PROPERTY  
LOCATED AT: 909 S. ALLIN & 903 W. WOOD**

WHEREAS, there was heretofore filed with the City Clerk of the City of Bloomington, McLean County Illinois, a petition requesting a Special Use Permit for a Multi Family Dwelling for certain premises hereinafter described in Exhibit A; and

WHEREAS, the Bloomington Board of Zoning Appeals, after proper notice was given, conducted a public hearing on said petition; and

WHEREAS, the Bloomington Board of Zoning Appeals, after said public hearing made findings of fact that such Special Use Permit would comply with the standards and conditions for granting such special permitted use for said premises as required by Chapter 44, Sections 7.30(K) of the Bloomington, City Code, 1960; and

WHEREAS the City Council of the City of Bloomington has the power to pass this Ordinance and grant this special use permit.

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

1. That the Special Use Permit for a Multi Family Dwelling on the premises hereinafter described in Exhibit A shall be and the same is hereby approved.
2. This Ordinance shall take effect immediately upon passage and approval.

PASSED this 11<sup>th</sup> day of February, 2008.

APPROVED this 12<sup>th</sup> day of February, 2008.

Stephen F. Stockton  
Mayor

ATTEST:

Tracey Covert  
City Clerk

**EXHIBIT A**

907 S. Allin



The South 50 feet of the east 132 feet of Lot 10 in the Subdivision of Block 4 of James Miller's 2<sup>nd</sup> Addition in the City of Bloomington, McLean County, Illinois.

PIN # 21-08-228-065

903 W. Wood

The South 73 feet of the east 42 feet of Lot 9 of Block 4 of James Miller's 2<sup>nd</sup> Addition in the City of Bloomington, McLean County, Illinois.

PIN # 21-08-228-057

**Alderman Gibson expressed concern about these two (2) Special Uses. He added his concern about the City not following its own code. This neighborhood was congested. He cited the number of variances requested. He noted concerns regarding parking. He encouraged City staff to rethink this Petition. He believed that there would be problems. He also requested that a liquor license not be granted at this location.**

**Mayor Stockton noted City staff's recommendation to the Zoning Board of Appeals, (ZBA). Tom Hamilton, City Manager, addressed the Council. He noted that no one from the neighborhood had testified about this Petition. The Petitioner was cleaning up the old Park Store. The property was being rehabbed. The Petitioner's plan as presented was deemed acceptable.**

**Alderman Schmidt cited the original concern regarding this property was a Rezoning Petition. Mr. Hamilton noted the controls of a Special Use Petition. The Petitioner must submit a site plan.**

**Mark Huber, Director of PACE, addressed the Commission. He reviewed this property's history. It had appeared before the Planning Commission as a Rezoning Petition. The request for B – 2, General Business Service District, was not viewed as appropriate. The Special Use process was applied to the property. A Special Use would allow the non conformity and the business use to continue. No one was present to object to the Petition before the ZBA. He added that the variance had been granted by the ZBA.**

**Alderman Stearns questioned notification. Mr. Huber informed the Council that properties within 500 feet were notified. Signs were posted on both streets. The notification and signage addressed both the Rezoning Petition and the two (2) Special Use Petitions.**

**Alderman Gibson expressed his concern regarding inadequate parking. He noted that work had been begun on the building without signage. He wanted the parking screened and there to be no liquor license at this property.**

**Mr. Huber informed the Council that building permits had been issued which allowed work on the building to continue while the plans were finalized. The ZBA was not**

concerned about the parking. The commercial uses were viewed as similar. The Petitioner had not expressed an interest in a liquor license. He noted that there were two (2) Special Use Petitions. The variances had been applied to the multiple family dwelling.

Alderman Schmidt questioned if the parking lot would be screened. She questioned if screening was required and the impact on parking. Mr. Huber noted that the ZBA had granted variances. The parking lot had been there.

Mayor Stockton questioned what was acceptable. Alderman Gibson expressed his opinion that the Code was not being applied consistently. The City was setting a precedent. Mr. Hamilton stated that each Special Use is reviewed and analyzed. Each petition is unique. No precedent would be set.

Alderman Schmidt noted that the property was located within her ward. She cited the lack of neighborhood push back.

Motion by Alderman Gibson, seconded by Alderman Schmidt that the Special Use for a Multiple Family Dwelling 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: Petition submitted by Hamilton E. "Eric" Trujillo requesting approval of a Special Use Permit to allow a Grocery Store and Restaurant in an R-2, Mixed Residence District, on property located at 909 South Allin Street and 903 West Wood Street (Case SP-08-07) (Ward 6)

**BACKGROUND INFORMATION:**

Adjacent Zoning

north: R-2, Mixed Residence District  
south: S-2, Public Lands and Institutions District  
east: R-1C, Single Family Residence District  
west: R-2, Mixed Residence District

Adjacent Land Uses

north: single family dwelling  
south: municipal park  
east: single family dwelling  
west: multiple family dwelling

Comprehensive Plan recommends low/medium density residential land use for this property.

These properties have been zoned for residential use since the City's first zoning ordinance was adopted in 1941. The building at 909 South Allin Street was previously occupied for many years by the Park Store (a neighborhood grocery store) and by a Laundromat. There is also one (1) apartment on the second floor of this building. The lot at 903 West Wood Street was used for many years as a customer parking lot for the uses in this building. These two (2) business uses were allowed to continue to operate in a residential district as legal nonconforming uses because they were established before the residential zoning was adopted.

The petitioner desires to renovate this building at 909 South Allin Street for use as a small carry-out restaurant and grocery store on the first floor and construct two (2) additional apartments on the second floor. He initially requested rezoning from R-2, Mixed Residence District to B-2, General Business Service District for these two (2) addresses. A public hearing on that rezoning request was opened by the Planning Commission on November 14, 2007. At that hearing, staff recommended denial of the requested rezoning, citing the following concerns: "spot zoning", inadequate area to provide sufficient parking, and the B-2 zoning being inconsistent with the Comprehensive Plan.

Mr. Trujillo noted that the following businesses are also located in residential neighborhoods: Western Tap, Schooners, The Caboose, Nooners, and Parkview Inn. Several individuals from the neighborhood spoke in favor of having a grocery store in this location again. One neighbor, Mr. Joseph Scheck, 905 South Allin St., noted that B-2 zoning would open up many potential uses which could be a problem for this site in the future. Ms. Ogiela-Scheck, 905 South Allin St., testified that she did not wish to see additional rental units being added to the neighborhood and noted that there is limited room for parking. She testified that she did not favor the rezoning to B-2.

The Planning Commissioners expressed some support for what Mr. Trujillo wished to do with this building but understood staff's concerns over rezoning the site to B-2. Mr. Mark R. Huber, Director of Planning and Code Enforcement, (PACE) indicated that the solution may be to take this matter to the Board of Zoning Appeals and ask for two (2) special use permits: one (1) for continuance/expansion of an existing non-conforming use to allow the grocery store and restaurant and one (1) for multifamily use in a R-2, Mixed Residence District. The Planning Commission continued the rezoning case until January 23, 2008 in order to allow time for the Board of Zoning Appeals to take action on this petition for a special use permit to allow the continuance of a non-conforming use.

#### BOARD OF ZONING APPEALS PUBLIC HEARING:

The Board of Zoning Appeals conducted a public hearing on this petition on January 16, 2008. The following persons presented testimony in favor of this petition at this hearing:

Mr. Eric Trujillo, 1901 Dr. Martin Luther King Jr. Drive  
Mr. Sherman Chandler, 14 Moonstone Court  
Mr. Chris Riddle, 1002 Pancake St.

Mr. Henry Wright, 902 N. Linden St.  
Mr. Alfonso Arteaga, 2405 Monica Lane  
Ms. Rowena Harris, 214 Packard St., Apt. 3

Mr. Trujillo testified that he believed he had endured great hardship and expense appearing in front of both the Planning Commission and the Board of Zoning Appeals in order to make the desired improvements to this property. He stated that he had a difficult time understanding what the City required of him. He had been granted a building permits for roof repair, siding and window replacements for this property. Later the City required him to provide architectural drawings for any of the additional work proposed. After submitting the drawings he was told that the property would need rezoned to permit these uses. After a petition to rezone was heard by the Planning Commission he was then required to appear before the Board of Zoning Appeals seeking variances and special use permits before continuing with the project.

Mr.Chandler testified that he was the previous owner of the property in question. He stated that Mr. Trujillo had made many improvements to this property and was bringing this property up to City standards. He added that when the Park Store was open, its patrons were primarily the neighbors and were usually walking, thus addressing the parking issue questions that had been raised. Mr. Chandler added that Mr. Trujillo's plans for this property would be good for the neighborhood.

Mr. Riddle, Mr. Wright, Mr. Arteaga and Ms. Harris all testified in favor of Mr. Trujillo's character and his willingness to be helpful to others.

Mr. Huber, Director of PACE responded that the building permits for the roof repair, siding and window replacements that Mr. Trujillo had referred to did not generally require the review of architectural plans, even when the property is being used for commercial use.

He stated that the additional plans to add two (2) dwelling units to the upper level had changed the types of architectural plans needed for review and additional requirements that needed to be met. Mr. Huber stated that additional dwelling units and proposed building use would normally require that the property be rezoned to B-2 for business use. The Planning Commission had tabled any decision on the rezoning until Mr. Trujillo had exhausted all other remedies through other proper Board of Zoning Appeals' hearings as necessary that could potentially help achieve his goals with out requiring the rezoning.

No testimony was presented in opposition to this petition at this public hearing.

#### BOARD OF ZONING APPEALS RECOMMENDATION:

After having given due consideration to this petition and the testimony presented at the public hearing on January 16, 2008, the Board of Zoning Appeals passed a motion by a vote of 5 to 0 to recommend Council approval of this Special Use permit in Case SP-08-07 to allow a restaurant and grocery store at 909 S. Allin Street and 903 W. Wood Street.

#### STAFF RECOMMENDATION:

Staff concurs with the Board of Zoning Appeals and respectfully recommends approval of this special use permit.

Respectfully,

Kenneth Emmons  
City Planner

Tom Hamilton  
City Manager

**PETITION FOR A SPECIAL USE PERMIT FOR  
PROPERTY LOCATED AT: 909 S. ALLEN & 903 W. WOOD**

STATE OF ILLINOIS                    )  
  )SS.  
COUNTY OF MCLEAN                 )

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

Now comes Hamilton E. “Eric” Trujillo hereinafter referred to as your petitioner, respectfully representing and requesting as follows:

1.     That your petitioner is the owner of the freehold or lesser estate therein of the premises hereinafter legally described in Exhibit A which is attached hereto and made a part hereof by this reference, or is a mortgagee or vendee in possession, assignee of rents: receiver, executor (executrix); trustee, lease, or any other person firm or corporation or the duly authorized agents of any of the above persons having proprietary interest in said premises;
2.     That said premises presently has a zoning classification of R 2 under the provisions of Chapter 44 of the Bloomington City Code, 1960;
3.     That under the provisions of Chapter 44, Section 7, 30 (K) of said City Code Grocery Store & Restaurant, are allowed as a special use in a R 2 mixed residence zoning district;
4.     That the establishment, maintenance, or operation of said special use on said premises will not be detrimental to or endanger the public health, safety, morals, comfort, or general welfare;
5.     That said special use on said premises will not be injurious to the use and enjoyment of other property in the immediate vicinity of said premises for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood;

6. That the establishment of said special use on said premises will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the R 2 zoning district;
7. That the exterior architectural treatment and functional plan of any proposed structure on said premises will not be so at variance with either the exterior architectural treatment and functional plan of the structures already constructed or in the course of construction in the immediate neighborhood or the character of the applicable district, as to cause a substantial depreciation in the property values within the neighborhood adjacent to said premises;
8. That adequate utilities, access roads, drainage and/or necessary facilities have been or are being provided to said premises for said special permitted use;
9. That adequate measures have been or will be taken to provide ingress and egress to and from said premises so designed as to minimize traffic congestion in the public streets; and
10. That said special permitted use on said premises shall, in all other respects, conform to the applicable regulations of the R 2 zoning district in which it is located except as such regulations may, in each instance, be modified by the City Council of the City of Bloomington pursuant to the recommendations of the Bloomington Board of Zoning Appeals.

WHEREFORE, your petitioner respectfully prays that said special use for said premises be approved.

Respectfully submitted,

Hamilton E. Trujillo

**ORDINANCE NO. 2008 – 12**

**AN ORDINANCE APPROVING A SPECIAL USE PERMIT FOR A  
MULTI FAMILY DWELLING FOR PROPERTY  
LOCATED AT: 909 S. ALLIN & 903 W. WOOD**

WHEREAS, there was heretofore filed with the City Clerk of the City of Bloomington, McLean County Illinois, a petition requesting a Special Use Permit for a Grocery Store & Restaurant for certain premises hereinafter described in Exhibit A; and

WHEREAS, the Bloomington Board of Zoning Appeals, after proper notice was given, conducted a public hearing on said petition; and

WHEREAS, the Bloomington Board of Zoning Appeals, after said public hearing made findings of fact that such Special Use Permit would comply with the standards and conditions for granting such special permitted use for said premises as required by Chapter 44, Sections 7.30(K) of the Bloomington, City Code, 1960; and

WHEREAS the City Council of the City of Bloomington has the power to pass this Ordinance and grant this special use permit.

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

1. That the Special Use Permit for a Grocery Store & Restaurant on the premises hereinafter described in Exhibit A shall be and the same is hereby approved.
2. This Ordinance shall take effect immediately upon passage and approval.

PASSED this 11<sup>th</sup> day of February, 2008.

APPROVED this 12<sup>th</sup> day of February, 2008.

Stephen F. Stockton  
Mayor

ATTEST:

Tracey Covert  
City Clerk

**EXHIBIT A**

907 S. Allin

The South 50 feet of the east 132 feet of Lot 10 in the Subdivision of Block 4 of James Miller's 2<sup>nd</sup> Addition in the City of Bloomington, McLean County, Illinois.

PIN # 21-08-228-065

903 W. Wood

The South 73 feet of the east 42 feet of Lot 9 of Block 4 of James Miller's 2<sup>nd</sup> Addition in the City of Bloomington, McLean County, Illinois.

PIN # 21-08-228-057

**Motion by Alderman Gibson, seconded by Alderman Huette that the Special Use to allow a Grocery Store and Restaurant 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: Text Amendment to Chapter 39, Section 130 - Increasing Home Rule Sales Tax

Per direction from Council, staff has prepared documents to implement a 0.25% increase to the Home Rule Tax rate effective July 1, 2008 for 10 years. Projecting current collections indicates that this increase should generate approximately \$2,466,418 which would be deposited into the General Fund. Staff has received direction from Council that this change would provide for the following:

1. Provide for the debt service payments for the Coliseum to address the concerns expressed by the rating agencies.
2. Build up the General Fund reserves to 15% of budgeted expenditures.
3. Address more "Back to Basics" capital needs.

Staff proposes placing a line item in the General Fund Non-Departmental budget showing a transfer each year to debt service from the General Fund to pay for the Coliseum debt service. The increase to Home Rule Sales Tax provides the revenue relief to ensure this long term, (the



bonds are not callable until 2014). This item would be shown in the budget each year during the budget process. Council could change the direction of these funds if desired. Additionally, this step addresses the concerns of the bond rating agencies, providing a “long term revenue stream for the subsidy of the Coliseum” as requested.

Second, with regard to increasing the General Fund reserve and the “Back to Basics” capital needs, Council will also consider increasing the City Reserve Policy to 15% of General Fund budgeted expenditures. This increased reserve will be achieved by budgeting an amount to be determined each year during the budget process into a line item in the same General Fund Non-Departmental budget called “Budget Reserve.” This amount will not be spent. For the first year of this increased tax rate, staff expects to receive one half of the annual amount or approximately \$1,233,209 for 08-09. Staff recommends putting this entire amount in the Budget Reserve line item. This would provide a clear infusion of reserves in the first year.

For 2009-2010 and forward, staff recommends putting \$1,000,000 in the Budgeted Reserve line item and the remainder in Capital Improvements for street repairs. This would provide for continued building of reserves plus provide money in the future for “Back to Basics”, or any other capital needs as directed by Council. These budgeted amounts would be reviewed with Council each year during the budget process to monitor the reserve balance and establish the proper amounts to be budgeted toward these ends.

Staff respectfully recommends that this Ordinance increasing the Home Rule Sales Tax be approved.

Respectfully,

Brian Barnes  
Director of Finance

Tom Hamilton  
City Manager

**ORDINANCE NO. 2008 - 13**

**AN ORDINANCE AMENDING SECTION 130 OF CHAPTER 39  
OF THE BLOOMINGTON CITY CODE, INCREASING THE  
HOME RULE MUNICIPAL RETAILERS' AND  
SERVICE OCCUPATION TAX**

**BE IT ORDAINED BY THE CITY COUNCIL  
OF THE CITY OF BLOOMINGTON, ILLINOIS:**

Section One: Article XI of Chapter 39 of the Bloomington City Code, 1960, as amended, is further amended as follows (additions are indicated by underlines; deletions are indicated by strikeouts):

**ARTICLE XI**

**HOME RULE MUNICIPAL RETAILERS' AND SERVICE OCCUPATION TAX**

**Section 130: Imposition of Tax.**

A tax is hereby imposed upon all persons engaged in the business of selling tangible personal property, other than an item of tangible personal property titled or registered with an agency of this state's government, at retail in this municipality at the rate of one and ~~one-quarter~~ one-half percent (~~1 1/4%~~) (1 1/2%) of the gross receipts from such sales made in the course of such business when this Ordinance is in effect; and a tax is hereby imposed upon all persons engaged in this municipality in the business of making sales of service at the rate of one and ~~one-quarter~~ one-half percent (~~1 1/4%~~) (1 1/2%) of the selling price of all tangible personal property transferred by such serviceman as an incident to a sale of service. The one-quarter percent increment increase imposed by Ordinance 2008 - 12 shall expire on July 1, 2018, 2015.

The imposition of these "home rule sales taxes" are in accordance with the provisions of Sections 8-11-1 and 8-11-5 respectively of the Illinois Municipal Code (65 ILCS 5/8-11-1 and 8-11-5 (~~2000~~)(2006).

Section 131: Collection.

The taxes hereby imposed and all civil penalties that may be assessed as an incident thereto shall be collected and enforced by the Department of Revenue of the State of Illinois. The Department of Revenue shall have full power to administer and enforce the provisions of this Ordinance.

Section 132 Copy of Ordinance to Illinois Department of Revenue

The City Clerk is hereby directed to file a certified copy of this Ordinance with the Illinois Department of Revenue on or before the 30th day of March, 2008.

Section Three: Except as provided for herein, the Bloomington City Code, 1960, as amended, shall remain in full force and effect.

Section Four: The City Clerk is authorized to publish this ordinance in pamphlet form as provided by law.

Section Five: This ordinance shall take effect on the first day of July next following the passage and filing of this Ordinance with the Illinois Department of Revenue. The Illinois Department of Revenue shall have full power to administer and enforce the provisions of Ordinance Number 2000-157 for all taxes which were due and owing prior to July 1, 2008.

Section Six: This ordinance is passed and approved pursuant to the home rule authority granted Article VII, Section 6 of the 1970 Illinois Constitution and the statutory authority granted by the Illinois Municipal Code (65 ILCS 5/8-11-1 and 8-11-5).

PASSED this 11<sup>th</sup> day of February, 2008.

APPROVED this 12<sup>th</sup> day of February, 2008.

Stephen F. Stockton  
Mayor

ATTEST:

Tracey Covert  
City Clerk

**Tom Hamilton, City Manager, introduced this item. He noted that this item was placed on the agenda at the direction of the Council. The quarter cent, (.0025), increase to the Home Rule Sales Tax could generate \$2.4 million. These dollars would address three (3) issues: 1.) provide for the debt service payments for the US Cellular Coliseum, (USCC), and address concerns expressed by the bond rating agencies; 2.) build up the General Fund reserves to fifteen percent (15%) of budgeted expenditures; and 3.) address more "Back to Basics" capital needs. If approved the increase would not take effect until July 2008. The receipt of these dollars would be in October 2008. The first year's receipts would be directed towards building the City's reserves.**

**During the second year, \$1,000,000 would be placed in the Budgeted Reserve line item and the remainder in Capital Improvements for street repairs. He noted that future Councils can change where these dollars are directed.**

**Alderman Purcell recommended that this Text Amendment sunset in seven (7) years. He added that all of the proceeds from the sales tax increase be directed to the**

**USCC's, bond debt. He believed that the sales tax increase should be enacted to support the USCC and pay the bond debt faster.**

**Mayor Stockton questioned if the motion would include the sunset language. The Sales Tax increase would sunset in 2015. He questioned if this language would be built into the Ordinance.**

**Alderman Purcell stated that all proceeds would be directed towards the USCC bond issue. He wanted to satisfy the bond agencies and pay the debt service.**

**Alderman Schmidt questioned the reserve fund. Mr. Hamilton stated that dollars budgeted for the USCC would have to be applied towards the reserve. Alderman Schmidt questioned the rate. She wanted to understand the trade offs. Mr. Hamilton noted that the difference was \$500,000. She questioned if Mr. Hamilton foresaw any problems. Mr. Hamilton recommended that these funds be earmarked for specific projects/problems.**

**Mayor Stockton questioned the USCC's interest rates. Brian Barnes, Finance Director, addressed the Council. The USCC's bonds had a blended rate which averaged 4.2 %. These bonds were not callable until 2014. He cited the importance of accumulated reserves. Mayor Stockton questioned what might happen in 2014 if the City's cost was five percent (5%). Mr. Barnes noted that this Council could not commit future councils. Dollars could be accumulated until 2014. The City could look at the market and the ability to refinance. Mr. Hamilton added that this would be a standard practice when bonds are callable. The key question was what was in the best interest of the City.**

**Alderman Schmidt questioned if these actions would create financial stability. Mr. Barnes responded affirmatively.**

**Mayor Stockton cited the impact of a natural disaster. Mr. Barnes noted that there would be a variety of decisions to be made.**

**Alderman Huette noted that the City would have the ability to apply these dollars towards the USCC's bond debt in 2014 if it so chose. Future councils could make different decisions.**

**Alderman Purcell expressed his opinion that if the Council chose to raise the Sales Tax, then the Council should tell the public what the dollars would be used for – to pay down the USCC bond debt.**

**Alderman Huette expressed support for a seven (7) year sunset. The decision would be made by the Council. The Council would have to assess earmarking dollars towards the USCC bond debt.**

**Alderman Purcell recommended that the City should build the reserve, pay bills and pay down debt.**

**Alderman Hanson questioned the bond rating agencies. Mr. Barnes noted that the sunset language would give the City seven (7) years to address these concerns.**

**Alderman Finnegan questioned if the City would have access to these dollars if needed. Mr. Barnes stated that this evening's discussion was about intent.**

**Alderman Stearns questioned if the City had pulled back on any tax. Mr. Hamilton responded affirmatively. There was a one (1) year Home Rule Sales Tax increase for the Interstate Center. Alderman Stearns questioned the various forms of taxes. Mr. Barnes would have to review the City's budget.**

**Mayor Stockton noted that the ordinance had been drafted for ten (10) years. He restated his concern that these dollars would be put away until 2014. He acknowledged that dollars could be earmarked. He questioned the actions of future councils and future interest rates. He expressed his preference that these dollars be placed in a reserve fund and be used towards street projects.**

**Alderman Huette recommended that dollars be set aside to address debt service. In 2014, these dollars would be applied towards same.**

**Mayor Stockton expressed his concern that this increase would be labeled a USCC sales tax.**

**Alderman Purcell wanted to encourage Central Illinois Arena Management to put dollars towards the debt service. This action would leave dollars in the City's General Fund.**

**Mayor Stockton cited a USCC ticket tax. Alderman Gibson stated that the USCC was an entertainment center. The bond debt was a City debt. The USCC addressed quality of life. He expressed his concern that a ticket tax would impact ticket sales.**

**Mayor Stockton questioned if the Council was playing with labels.**

**Alderman Purcell expressed support for this Text Amendment with the following conditions: 1.) the sunset clause be changed to seven (7) years; and 2.) these dollars be earmarked for the USCC bond debt.**

**Motion by Alderman Purcell, seconded by Alderman Schmidt that the amended Text Amendment be approved and the Ordinance passed.**

**Alderman Stearns described the Text Amendment as a quick fix. She questioned the status of the one (1) million dollar budget cut. She questioned what these cuts might be. She expressed her concern that the Council needed to look harder and deeper at budget cuts. She cited City vehicles, duplicate management, the dispatch center, CIRPA premiums, overtime costs, and vacant positions. The power to tax was the power to**

destroy. The Council needed to look harder and sharpen its pencils. She could not support this item.

Alderman Schmidt did not see this item as an either or. She noted the budget timetable. The bond rating agencies were looking at the Council. The Council needed to make a decision.

Mayor Stockton questioned the Text Amendment language. He also questioned the impact of this item on the City's General Fund Reserves. Todd Greenburg, Corporation Counsel, noted that the only change to the Text Amendment would be the sunset date, (from 2018 to 2015).

Mr. Hamilton stated that the Council could specify a dollar amount. The Council had directed staff to direct sales tax dollars towards the debt service. He recommended that the remainder be directed towards the General Fund Reserve account. This fund would be for the entire City.

Mr. Barnes added that these dollars could be held and accumulated for the bond debt. Alderman Schmidt stated that every year the Council could re-evaluate and reaffirm this action. Mr. Hamilton noted that the Council must pass an annual budget. Mr. Barnes noted that it would be a part of the Budget Work Session.

Alderman Fruin questioned the label for this item. He noted that the Council would have to make a decision year by year. He noted the sunset language, (seven years). He questioned if this would really happen. He questioned if by tying down the language the Council was tying its hands. He noted a variety of City needs, (ambulance service, dispatch, road resurfacing due to the tough winter). He questioned if there would be enough money. He acknowledged that there would be annual flexibility for the unknowns which he believed would occur.

Alderman Huetten noted that if this Text Amendment is passed then the anticipated revenue would be \$2.5 million. He cited the revenue from the Packaged Liquor Tax and the recent increase to the refuse fee. He noted the \$6.5 million difference. He recommended that these Home Sales Tax dollars be set aside for the USCC debt. He added that passage of this item would make budget cuts more difficult.

Alderman Fruin expressed his interest in a consensus regarding where these dollars would be directed.

Alderman Stearns noted that the dollars would not be received any sooner. She recommended that the Council look at spending cuts. The City needed to find cost savings.

Mayor Stockton stated that there would be a million dollars in indirect service cuts. Mr. Hamilton estimated the savings from the hiring freeze at \$600,000 per year. A multitude of line items had been reduced. There would be no effect on direct services.

**Alderman Hanson stated that the Council needed to give direction to staff and stay the course. The Council had been given a check list. He noted that the budget cuts were the Council's idea. He also expressed his opinion that additional budget cuts would impact City services.**

**Mayor Stockton stated that there were also new items. The Council needed to be good stewards of the public's money. The City constantly looked at budget cuts.**

**Alderman Stearns expressed her interest in the City vehicle information. She stated her belief that City services would not be cut.**

**Alderman Hanson noted that the Council requested a study of City vehicles and refuse collection in 2008. These studies could not be completed prior to the budget time line. Mayor Stockton stated that the vehicle report should be completed soon.**

**Alderman Gibson informed the Council that he had received a limited number of telephone calls on this issue.**

**Alderman Hanson expressed his interest in having the City compared to similar municipalities. He added that the City was competitive.**

**Alderman Sage agreed that the bond rating issue was compelling. He had reviewed the material. In 2005, the City knew the day was coming. The Council took a hard look at City spending. He did not believe that the process was complete. The budget cuts to date had been credible.**

**Motion by Alderman Gibson, seconded by Alderman Finnegan to call for the question.**

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

**Ayes: Aldermen Stearns, Schmidt, Finnegan, Gibson, Hanson, and Purcell.**

**Nays: Alderman Huette, Sage, and Fruin.**

**Motion carried.**

**Motion by Alderman Purcell, seconded by Alderman Schmidt that the amended Text Amendment be approved and the Ordinance passed.**

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

**Ayes: Aldermen Huette, Schmidt, Finnegan, Gibson, Hanson, and Purcell.**

**Nays: Alderman Stearns, Sage and Fruin.**

**Motion carried.**

**Mayor Stockton noted his disappointment that dollars were not earmarked for streets.**

**The following was presented:**

To: Honorable Mayor and Members of the City Council

From: Staff

Subject: Increasing General Fund Reserves

The Council has made clear their decision to increase the General Fund reserve balance policy to 15% of budgeted expenditures. This is a very wise decision as the volatility of revenue disbursement from the Department of Revenue in Springfield plus the increased complexity of the City finances makes it prudent to have a higher reserve on hand. This will be accomplished by budgeting a line in the General Fund called "Budget Reserve" each year that cannot be accessed without approval from the Finance Director or City Manager. Each year staff will review the existing reserve balance and the projected needs for the budgeted line item during the budget process to determine the appropriate level.

The City reserve policy is a subsection of the City Investment Policy adopted some years ago. The City can affect this change in policy simply by approving an amendment increasing the General Fund reserve to 15% of budgeted expenditures from the existing 10% level. Staff respectfully recommends that this change to the policy be made.

Respectfully,

Brian Barnes  
Finance Director

Tom Hamilton  
City Manager

**Tom Hamilton, City Manager, introduced this item. The primary reason for it was due to the fact that the state has been holding on to various tax dollars due the City.**

**Alderman Schmidt questioned the impact on the City if the reserve number is not met. Mr. Hamilton stated that the City would begin to build this fund in order to meet this amount.**

**Brian Barnes, Finance Director, addressed the Council. The City would be setting a target and making the reserve fund a priority at budget time. There was no rule as to what is the perfect number. Fifteen percent (15%) would be prudent. The City has not received its sales nor income tax dollars from the state. The City was larger and more complex. It needed a higher reserve. The reserve was previously set at ten percent (10%).**



**Alderman Stearns questioned the approval by the City Manager and/or Finance Director. She requested that the language be amended to approval by the Council. Mr. Hamilton stated that any purchase from the Reserve Fund would take Council approval. Mr. Barnes added that the change to the Reserve Policy would not change the Purchasing Policy. He noted that access to these dollars was limited.**

**Motion by Alderman Schmidt, seconded by Alderman Gibson that the Investment Policy be amended to increase the City General Fund reserve target to fifteen percent (15%) of General Fund budgeted expenditures.**

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

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

**Nays: Alderman Stearns.**

**Motion carried.**

**MAYOR'S DISCUSSION: Mayor Stockton noted that the Council had accomplished a lot this evening. The budget situation was being resolved. The Council had looked at needs and approved new revenues, (by increasing the Packaged Liquor Tax, the Home Rules Sales Tax and the Refuse Fee).**

**He cited the recent incident that occurred during a City Council meeting in Kirkwood, Missouri. City staff will look into building security. There was no perfect answer. He believed that there were obvious and inexpensive ways to improve security at City facilities.**

**CITY MANAGER'S DISCUSSION: Tom Hamilton, City Manager, addressed the Council. The Farnsworth Group located at 2709 McGraw, had received the 2008 Excellence in Engineering Award for the City's CSO (Combined Sewer Overflow) project.**

**ALDERMEN'S DISCUSSION: Alderman Finnegan expressed his appreciation to the Public Service Department's snow removal crews. Alderman Hanson echoed Alderman Finnegan's comments.**

**Alderman Sage cited additions to the City's web site at the Council's direction. He believed that the web site was a good way to share information. He expressed his appreciation to the IT staff for their efforts.**

**Alderman Fruin also cited the Kirkwood, MO incident. He expressed his concern regarding misinformation and the negativity expressed in blogs. The Pantagraph does not require any identification. The media puts this information out to the entire community. He believed that the blogs were damaging as they create an element of dissatisfaction.**

Mayor Stockton added his discouragement over the amount of misinformation. The City needed to do a better job distributing information to the community. The City had a responsibility to communicate with the public.

Alderman Fruin had hoped for consensus on the Home Rule Sales Tax increase. He believed that the tax increase was necessary and supported the increase.

Alderman Schmidt compliment City staff on the web site. She had attended Kid's Expo over the weekend. The City was well represented. It was a great event.

She questioned the status of the draft Ordinance for bulk waste, (pilot program). Alderman Stearns had met with Tom Hamilton, City Manager. She hoped to call the program Parkway Pride. She believed this program would improve the City's appearance. The program might be expanded to include landscape waste. She had not spoken to City staff about all aspects of this program. Some individuals might see this program as a reduction in service. She believed that bulk waste detracted from and devalued the City's core. She wanted to improve the City's core. The plan would need fine tuning. Alderman Schmidt questioned the recommendation that there would not be any brush pick up from October through December. Alderman Stearns cited leaf pick up.

Tom Hamilton, City Manager, cited the program's premise: to set a schedule for bulk pick up. Alderman Schmidt questioned if this pilot would become a part of the overall refuse program.

Alderman Purcell noted that voting for a tax increase was not easy. It was a tough decision. The City needed to stay solvent, pay its bills, and retain its bond rating. The USCC addressed quality of life. The City's finances must be protected.

He also questioned the status of a vicious dog ordinance. Todd Greenburg, Corporation Counsel, addressed the Council. The City has had an Ordinance for a number of years. The proposed ordinance would develop a single procedure for the County's Animal Shelter and clean up the language regarding the hearing process. He hoped to place the Text Amendment on the Council's February 25, 2008 meeting agenda.

Alderman Stearns informed the Council that she had spoken with a Normal Town Council member. This individual did not see a Home Rule Sales Tax increase in the Town's future. The City would be at a competitive disadvantage come July 2008. She added that she did not want the reserve fund touched.

She noted that blogging had become enormous. It was there for individuals to express themselves. She believed that blogs were a good thing as they opened conversations/dialogues.

She extended her appreciation to the Public Service Department's snow plowing crews. She had the opportunity to ride along during the recent snow event.

**Alderman Gibson also extended his thanks to the Public Service Department's snow plowing crews. He encouraged those present to keep Kirkwood, MO in their thoughts and prayers.**

**Motion by Alderman Schmidt, seconded by Alderman Purcell to recess to Executive Session. Time: 9:35 p.m.**

**Motion carried.**

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

**Nays: None.**

**Motion by Alderman Schmidt, seconded by Alderman Purcell, to return to Regular Session and adjourn. Time: 10:00 p.m.**

**Motion carried.**

**Tracey Covert  
City Clerk**

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