

**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 7:40 p.m., Monday, January 14, 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: Proclamation

The following proclamation has been requested and should be received and placed on file with the City Clerk:

1. Proclaiming January 27, 2008 as Surya Namaskar Day.

Respectfully,

Tracey Covert
City Clerk

Tom Hamilton
City Manager

Mayor Stockton read and presented the Surya Namaskar Day Proclamation to Babulal Gupta, who represented Hindu Swayam Sevak Sangh. Mr. Gupta read from a prepared statement.

Mr. Gupta extended his appreciation to the Mayor and Council. The goal of this organization was to create awareness of achieving a healthy body, mind and spirit. The organization promoted good health throughout the community and saw yoga as a gift to humanity.

Motion by Alderman Huette, seconded by Alderman Gibson that the proclamation be made a matter of record.

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

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

Nays: None.

Motion carried.

The following was presented:

To: Honorable Mayor and Members of the City Council
From: Staff
Subject: Council Budget Work Session Minutes of December 10, 2007, Executive Session Minutes of December 10, 2007, and the Council Proceedings of November 14, 2005

The Council Budget Work Session Minutes of December 10, 2007, Executive Session Minutes of December 10, 2007 and the Council Proceedings of November 14, 2005 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 Huette, seconded by Alderman Gibson that the reading of the Council Budget Work Session Minutes of December 10, 2007, Executive Session Minutes of December 10, 2007, and the Council Proceedings of November 14, 2005 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 Huette, seconded by Alderman Gibson 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 seventeenth partial payment to Economic Development Council of Bloomington/Normal in the amount of \$6,666.66 on a contract amount of \$400,000 of which \$113,333.22 will have been paid to date for work certified as 28% complete for the McLean County Economic Development. Completion date – August 2011.

2. The tenth partial payment to McLean County in the amount of \$1,963.17 on a contract amount of \$100,000 of which \$31,536.40 will have been paid to date for work certified as 32% complete for the East Side Corridor. Completion date – February 2008.
3. The nineteenth partial payment to APACE Architects & Design in the amount of \$4,400 on a contract amount of \$349,800 of which \$255,401.60 will have been paid to date for work certified as 73% complete for the Design of Fire Station #5. Completion date – May 2008.
4. The first partial payment to Kirk C&D Recycling, Inc. in the amount of \$23,785.75 on a contract amount of \$27,375 of which \$23,785.75 will have been paid to date for work certified as 87% complete for the Demolition of 904 E. Lincoln St. Completion date – March 2008.
5. The fifth partial payment to Felmley Dickerson in the amount of \$158,471.73 on a contract amount of \$1,097,327.14 of which \$978,885.36 will have been paid to date for work certified as 89% complete for the Miller Park Playground Restoration. Completion date – May 2007.
6. The sixth partial payment to Felmley Dickerson in the amount of \$34,319.70 on a contract amount of \$1,097,327.14 of which \$1,013,205.06 will have been paid to date for work certified as 92 % complete for the Miller Park Playground Restoration. Completion date – May 2007.
7. The tenth partial payment to Gildner Plumbing, Inc. in the amount of \$9,925 on a contract amount of \$621,783 of which \$620,800 will have been paid to date for work certified as 99% complete for the Fox Creek Road 16” Water Main – Beich to Old Cabintown. Completion date – June 2007.
8. The first partial payment to Stark Excavating, Inc. in the amount of \$74,191.59 on a contract amount of \$1,925,274.55 of which \$74,191.59 will have been paid to date for work certified as 4% complete for the Morris Avenue – Miller to Fox Hill Apartments. Completion date – January 2009.
9. The sixth partial payment to Terracon Consultants, Inc. (Dept. 1277) in the amount of \$6,079.75 on a per ton and hour contract of which \$23,194.26 will have been paid to date for work certified as ongoing for the 2007-2008 Asphalt & Portland Concrete Plant Inspection and Lab Testing. Completion date – July 2008.
10. The fourteenth partial payment to Ratio Architects, Inc. in the amount of \$1,846.53 on a contract amount of \$135,240 of which \$113,687.75 will have been paid to date for work certified as 84% complete for the Miller Park Playground Renovation. Completion date – February 2008.

11. The fifteenth partial payment to Daily & Associates Engineering, Inc. in the amount of \$53,457.87 on a contract amount of \$410,632.70 of which \$403,020.10 will have been paid to date for work certified as 98% complete for the Mitsubishi Motorway Study - Design and Specifications. Completion date – December 2007.
12. The tenth partial payment to Farnsworth Group in the amount of \$1,815 on a contract amount of \$28,500 of which \$26,980.17 will have been paid to date for work certified as 95% complete for the Staking of Lake Bloomington Retaining Wall. Completion date – February 2008.
13. The fourth partial payment to Stark Excavating, Inc. in the amount of \$1,532.89 on a contract amount of \$50,000 of which \$34,859.76 will have been paid to date for work certified as 70% complete for the 2006-2007 Sump Pump Drainage System. Completion date – May 2008.
14. The seventh and final payment to Gildner Plumbing, Inc. in the amount of \$19,718.45 on a contract amount of \$388,479 of which \$363,307.45 will have been paid to date for work certified as 100% complete for the Division Street Combined Sewer Overflow Elimination Phase II. Completion date – September 2007.
15. The first partial payment to Clark Dietz, Inc. in the amount of \$7,436.59 on a contract amount of \$305,000 of which \$7,436.59 will have been paid to date for work certified as 2% complete for the Locust/Colton Street Sewer Separation and Water Main Replacement Design. Completion date – May 2008.
16. The fifth partial payment to Farnsworth Group in the amount of \$2,188.48 on a contract amount of \$23,100 of which \$19,520.50 will have been paid to date for work certified as 85% complete for the Woodrig Rd. and South Main Street Signals a/k/a Cedar Ridge IDS. Completion date – February 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

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

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

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

Nays: None.

Motion carried.

The following was presented:

To: Members of the City Council

From: Stephen Stockton, Mayor

Subject: Appointment(s) and Reappointment(s) to Various Boards and Commissions

I ask that you concur with the following appointment:

Airport Authority:

Aaron Quick, 116 Spring Ridge Dr. His term will expire April 30, 2013.

Respectfully,

Stephen F. Stockton
Mayor

Mayor Stockton introduced Aaron Quick. Mr. Quick's professional experience included involvement in federal, state and local governments. He worked with the Federal Aviation Administration and the Illinois Department of Transportation on issues relating to airport financing and planning.

The Airport Authority is a governing board with fiduciary responsibilities. Mayor Stockton noted the Airport Authority was a separate unit of government, similar to the Council.

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

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

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

Nays: None.

Motion carried.

The following was presented:

To: Honorable Mayor and Members of the City Council
From: Staff
Subject: Arbitrage Rebate Calculation and IRS Payment

In 2003, the City issued General Obligation Bonds, Series 2003 for \$10,000,000. These bonds were tax exempt and subject to arbitrage calculations. Council granted approval on February 12, 2007 to hire a firm for the arbitrage calculations. All of the calculations have been completed for this bond issue. The City has a yield restriction liability of \$73,453.15 for the period of June 24, 2006 and ending December 1, 2007. This payment is due to the Internal Revenue Service by January 30, 2008.

Staff respectfully requests permission to issue a check in the amount of \$73,453.15 to the United States Treasury. To avoid any penalty or complication with the tax exempt status of the 2003 Bond Issue the payment must be made by January 30, 2008.

Respectfully,

Brian J. Barnes
Director of Finance

Tom Hamilton
City Manager

Alderman Stearns questioned the purpose of these bonds when they were issued. Brian Barnes, Director of Finance, stated they were for capitol improvements, road projects and parks.

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

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

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

Nays: None.

Motion carried.

The following was presented:

To: Honorable Mayor and Members of the City Council

From: Staff

Subject: Request to Pay Foremost Industrial Technologies for Sewer Lift Pump Repair

It was discovered that one (1) of the two (2) sewage pumps at Eagle Crest Lift Station on Ft. Jesse Road near Towanda Barnes Road was failing and in need of repair. The pump was sent to Foremost Industrial Technologies for evaluation. Upon disassembly, it was discovered that the impeller was noticeably worn and in need of restoration or replacement. Neither restoration nor repair of the impeller was deemed cost effective. The pump was given the standard maintenance of new seals, bearings, and cables, cleaned, painted and reassembled. The pump will operate but at reduced efficiency. This pump will be kept for a spare as there are currently no spares for this location.

Foremost Industrial Technologies has submitted an invoice in the amount of \$5,954. Staff has reviewed the invoice and finds it to be in order.

Staff respectfully requests that Council approve a payment in the amount of \$5,954 to Foremost Industrial Technology for the repair of the pump with payment to be made from Sewer Maintenance Funds (X52100-70990).

Respectfully,

Douglas G. Grovesteen
Director of Engineering

Tom Hamilton
City Manager

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

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

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

Nays: None.

Motion carried.

The following was presented:

January 14, 2008

1141

To: Honorable Mayor and Members of the City Council

From: Staff

Subject: Intergovernmental Agreement for Commercial Building Inspections with the Village of Downs

Several years ago the Village of Downs annexed a large portion of land that is being developed for commercial use. At that time, the Village did not have the staffing or expertise for regulating this type of development. Therefore, the Village requested help from the City of Bloomington. Responding to that request, the City and the Village entered into an intergovernmental agreement that allowed the Planning and Code Enforcement Department to conduct plan reviews, issue permits and collect fees for commercial construction projects in the Village. That agreement expired in 2007.

Since the original agreement, there hasn't been any substantial change in the Village's ability to regulate their commercial development. Therefore, the Village is requesting that the City renew the original inspection services agreement. Staff has reviewed our activity related to the past agreement and found there is a minimal impact upon staff's ability to perform their duties for the City, since there are only one (1) or two (2) projects per year in the Village. Additionally, the fees collected for plan review and permits are adequate to compensate the City for its expenses.

Staff respectfully requests that Council approve an Intergovernmental Agreement with the Village of Downs for commercial building inspection services for a time not to exceed two (2) years.

Respectfully,

Mark R. Huber
Director of PACE

Tom Hamilton
City Manager

AGREEMENT FOR COMMERCIAL BUILDING INSPECTION SERVICES

THIS AGREEMENT is entered into by and between the Village of Downs and City of Bloomington.

WHEREAS, the Village of Downs is a municipal corporation in the State of Illinois with authority to inspect commercial buildings within its corporate limits; and

WHEREAS, the City of Bloomington is a home rule unit of local government within the State of Illinois; and

WHEREAS, pursuant to Article VII, Section 10 of the Illinois Constitution, the Village of Downs and the City of Bloomington may associate by intergovernmental agreement for the delivery of services in any manner not prohibited by law; and

WHEREAS, no law prohibits the City of Bloomington from providing commercial building inspection services for commercial buildings constructed within the Village of Downs.

NOW, THEREFORE, in consideration of the mutual promises contained herein and pursuant to authority granted by the Illinois Constitution, the Village of Downs and the City of Bloomington agree as follows:

1. That the City of Bloomington shall, upon request from the Village of Downs, provide a Building Inspector to the Village of Downs for the purpose of inspecting commercial buildings constructed within the Village of Downs to determine compliance with the Village codes and ordinances.
2. The City of Bloomington will provide commercial building inspection services as provided herein in accordance with the fee schedule for similar inspections in the City of Bloomington. Such fees shall be paid directly by the private commercial developer at the time building plans are delivered to the City of Bloomington for review.
3. During the term of this Agreement, any Inspector provided by the City of Bloomington shall be considered an employee of the City of Bloomington and not an employee of the Village of Downs.
4. This agreement may be terminated by either party upon (30) days written notice. This agreement will expire on January 31, 2010.
5. Upon termination of this Agreement the City of Bloomington shall complete any and all commercial building inspections for which plans have been submitted and fees paid prior to such termination.
6. The City of Bloomington agrees to indemnify, defend and hold harmless the Village of Downs from any civil liability which may arise as a result of claims filed against the Village of Downs for actions taken by the loaned Commercial Building Inspector pursuant to the terms of this Agreement including but not limited to Workers Compensation Claims.
7. That with regard to third party claims neither the Village of Downs nor the City of Bloomington waive any immunities provided pursuant to the Local Governmental and Governmental Employees Tort Immunity Act or common law.
8. The provisions of paragraphs 6 and 7 shall survive termination of this Agreement and continue until any outstanding claim is totally resolved.

Approved this 14th day of January, 2008.

January 14, 2008

1143

Village of Downs

City of Bloomington

By: Jeffrey A. Schwartz
Mayor

By: Stephen F. Stockton
Mayor

Attest:

Attest:

Tammy Keener
Village Clerk

Tracey Covert
City Clerk

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

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

Ayes: Aldermen Stearns, Huette, Schmidt, 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: Renewal of Supreme Radio Communications Maintenance Agreement

Staff respectfully request permission to renew an Agreement with Supreme Radio for maintenance of portable radios and the Fixed Repeater Spectra-Tac System. This agreement will replace the agreement that expired on November 30, 2007. The agreement includes one (1) system audit, parts and labor for portable radios, as well as parts and labor for the Fixed Repeater Spectra-Tac.

The agreement that expired on November 30, 2007 included one (1) system audit, parts and labor for portable radios and labor for Fixed Repeater Spectra-Tac. Due to aging equipment, staff believes it would benefit the City to include the parts for the Fixed Repeater Spectra-Tac. The cost to add the parts to the agreement is \$6,114.96 per year. The total cost of this agreement is \$1,981.50 per month for a total of \$23,778 a year, and is budgeted in account #G15110-70540.

Staff respectfully requests that Council approve the renewal of the service agreement with Supreme Radio for maintenance for the Fixed Repeater Spectra-Tac System and portable radios, and the Mayor and City Clerk be authorized to execute the necessary documents.

Respectfully,

Roger Aikin
Police Chief

Tom Hamilton
City Manager

Motion by Alderman Huette, seconded by Alderman Gibson that the Service Agreement with Supreme Radio for maintenance for the Fixed Repeater Spectra-Tac System and portable radios 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: Proposed Water Main Extension Agreement from David E. Nord for Property Located at 118 Washburn St. in McLean County

David E. Nord, property owner of 118 Washburn St. in McLean County (Tax ID 21-06-178-001) has requested permission to tap-on to the City's water main to serve his property. Currently, the property is outside the City's Corporate Limits. Mr. Nord has signed a Water Main Extension Agreement with the City wherein the property can be annexed to the City whenever the City so requests. The required one-third tap on fee due for this property has been paid to date.

Staff respectfully recommends that Council approve a Water Main Extension Agreement with David E. Nord, property owner of 118 Washburn St. in McLean County (Tax ID 21-06-178-001), and that the Mayor and City Clerk be authorized to execute the necessary documents.

Respectfully,

Douglas G. Grovesteen
Director of Engineering

Tom Hamilton
City Manager

WATER & PROPOSED WATER MAIN EXTENSION AGREEMENT

This Agreement made and entered into this 14th day of January, 2008, by and between the City of Bloomington, a Municipal Corporation, hereinafter called "City" and David E. Nord, owner of the real property hereinafter described and hereinafter called "Customer", Withnessteth:

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 90 feet of water main to be extended along the street(s) and highway (s) known as Washburn Street for use of the Customer in obtaining water service from the water reservoir and water main system of City to and for the benefit of the property or properties in McLean County owned by Customer and legally described as:

Lots 92, 93 and 94 of Bloomington Heights Subdivision of Lots 17, 18, 19 and 20 in Nafziger's Subdivision of part of the North West ¼ of Section 6, Township 23 North, Range 2 East of the Third Principal Meridian

PIN# 21-06-178-001
(Tax I.D. No.)

A/K/A 118 Washburn St., in McLean County Illinois
(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 \$2,592.00 payable in advance, or the Customer agrees that he may pay the amount in three (3) installments. The first installment is payable prior to the customer connecting to the water main. The second installment plus interest is due one year from the date of this agreement. The third installment plus interest is due two years from the date of this agreement. Interest on the unpaid balance shall be 6%. The City may disconnect water if any payment is more than 30 days past due. The payment schedule is attached.

3. Customer agrees that said extended water main shall become the property of and subject to the control of the City as a part of its water distribution system and that Customer and his/her property shall become subject to and shall be obligated to conform to all ordinances and other rules and regulations of the City with regard to the construction, use and maintenance of

I, Christine Harrison Notary Public in and for said County in the State aforesaid, do hereby certify that David E. Nord personally known to me to be the same person(s) whose name(s) is/are subscribed to the foregoing instrument, appeared before me this day in person and acknowledged that the person or persons named in Paragraph 4 of said instrument is/are the only person or persons who have any right, title or interest of record in and to the property described in said instrument, and that he/she signed, sealed, and delivered said instrument as his/her free and voluntary act for the uses and purposes therein set forth, including release and waiver of the right of homestead.

Given under my hand and notarial seal this 18th day of December 2007, A.D.

Christine Harrison
Notary Public
My Commission Expires 3/24/2011

Attest:

City of Bloomington

Tracey Covert
City Clerk

Stephen F. Stockton
Mayor

Alderman Stearns asked for explanation of tap on fees. Tom Hamilton, City Manager stated they were City fees implemented when connection to water/sewer is put in place. The fee was a combination of the cost to install the connection and interest forward.

Motion by Alderman Huette, seconded by Alderman Gibson, that the Water Main Extension 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: Proposed Sewer Extension Agreement from Roland L. Schimanski and Roberta Schimanski for Property Located at 2506 Old Peoria Court in McLean County

Roland L. Schimanski and Roberta Schimanski, property owners of 2506 Old Peoria Court in McLean County (Tax ID 13-36-351-019) have requested permission to tap-on to the City's sewer to serve their property. Currently, the property is outside the City's Corporate Limits. Roland L. Schimanski and Roberta Schimanski have signed a Sewer Extension Agreement with the City wherein the property can be annexed to the City whenever the City so requests. The required tap on fee due for this property has been paid.

Staff respectfully recommends that Council approve a Sewer Extension Agreement with Roland L. Schimanski and Roberta Schimanski, property owners of 2506 Old Peoria Court in McLean County (Tax ID 13-36-351-019) and that the Mayor and City Clerk be authorized to execute the necessary documents.

Respectfully,

Douglas G. Grovesteen
Director of Engineering

Tom Hamilton
City Manager

SEWER & PROPOSED SEWER EXTENSION AGREEMENT

THIS AGREEMENT mad and entered into this 15th day of January, 2008 by and between the City of Bloomington, a Municipal Corporation, hereninafter called "CITY" and, Roland L. Schimanski and Roberta Schimanski, owners of the real property hereinafter described and hereinafter called "CUSTIMER", 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 18" inch sewer to be extended along the street(s) and highway (s) known as Illinois Route 9 (West Market St) for use of the CUSTOMER in obtaining sewer service from the sewer system of CITY to and for the benefit of the property or properties in McLean County owned by CUSTOMER and legally described as:

Lot 2 in Wrightonian Farm Subdivision of a part of the South West ¼ of Section 36, Township 24 North, Range 1 East of the Third Principal Meridian; in McLean County Illinois

Except that part of Lot 2 of Wrightonian Farm Subdivision located in the Southwest Quarter of Section 36, Township 24 North, Range 1 East of the Third Principal Meridian, in McLean County, Illinois per plat of said subdivision recording in Plat Book 15, Page 319 in the Recorder's Office of said county, described as follows and bearings used herein are referenced to grid north of the Illinois Coordinate System, East Zone:

Beginning at the southwest corner of said Lot 2, thence North 00 degrees 48 minutes 45 seconds West 39.91 feet along the west line of said Lot 2; thence North 86 degrees 49 minutes

07 seconds East 119.21 feet; thence South 89 degrees 06 minutes 01 second East 51.32 feet to the east line of said Lot 2; thence South 22 degrees 31 minutes 28 seconds West 51.60 feet along the east line of said Lot 2 to the southeast corner of said Lot 2, said southeast corner being a point on a non-tangential curve having a radius of 34,417.47 feet with the center of circle of said curve bearing South 00 degrees 52 minutes 13 seconds West from said point; thence 150.02 feet westerly along said curve, being also the south line of said lot, through a central angle of 00 degrees 14 minutes 59 seconds to the Point of Beginning, containing 0.165 acre, more or less; also including all rights, title, and interest, if any, in the 0.189 acre in the existing right of way of Illinois Route 9 lying south of the south line of the above described land and north of the south line of said Section 36.

The above described parcel being whom on Right of Way Plans, Sheet Number 5, for F.A.P. Route 693 (IL 9), Section 129(R,W&RS), recorded as Document Number 86-4693 in the Recorder's Office of McLean County.

PIN# 13-36-351-019 A/K/A 2506 Old Peoria Court, Bloomington, Illinois 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/her share of the cost of the sewer completed as follows: the total cost of the sewer divided by the number of lineal feet of said sewer, divided by two, multiplied by the frontage of the above described property. CUSTOMER's contribution is \$1,932.02 payable in advance, or the CUSTOMER agrees that he/she may pay the amount in three (3) installments on an annual basis but that the interest on the unpaid balance will then be 0.06% per year. CUSTOMER agrees that the first installment shall be due and payable following approval of City Council.

3. CUSTOMER agrees that said extended sewer shall become the property of and subject to the control of the CITY as a part of its sewer collection 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 sewers and for the payment of charges for sewer services now in effect and as hereinafter enacted and amended from time to time.

4. CUSTOMER certifies that Roland L. Schimanski and Roberta Schimanski are the owners and his/her spouse 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 sewer

service to said property and may refuse and continue to refuse sewer 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/her 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 sewer or use sewer 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.

Roland L. Schimanski and
Roberta Schimanski

STATE OF ILLINOIS)
) ss.
COUNTY OF MCLEAN)

I, Karen Sue Nord, a Notary Public in and for said County in the State aforesaid, do hereby certify that Roland L. Schimanski and Roberta Schimanski are personally known to me to be the same persons whose names are subscribed to the foregoing instrument, appeared before me this day in person and acknowledged that the person or persons named in Paragraph 4 of said instrument is/are the only person or persons who have any right, title or interest of record in and to the property described in said instrument, and that he/she signed, sealed, and delivered said instrument as his/her free and voluntary act for the uses and purposes therein set forth, including release and waiver of the right of homestead.

Given under my hand and notarial seal this 30th day of November, 2007, A.D.

Karen Sue Nord

My Commission Expires: September 3, 2010

ATTEST:

CITY OF BLOOMINGTON

Tracey Covert, City Clerk

Stephen Stockton, Mayor

Motion by Alderman Huette, seconded by Alderman Gibson that the Sewer Extension 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: Approval of the Main Street Redevelopment Plan: "Main Street: Call for Investment"

Over the past year, staff has been working with Farr Associates and representatives from Illinois Wesleyan University, BroMenn Healthcare, Illinois State University and the Town of Normal (collectively, the Main Street Committee) to create a redevelopment plan for the Main Street corridor through the City and the Town. This corridor extends from the Veterans Parkway (Business, I-55) overpass on the south, through the City and Town to the I-55 overpass on the north.

During the course of creating the plan, Farr Associates held several public meetings including preference surveys, draft reviews and open houses, all in an effort to gain the public's input to the plan. The final plan presents a comprehensive study of the more than five (5) mile stretch of Main Street running through the two (2) cities. The introduction to the plan includes an "Implementation Summary Table," which lists specific actions the City and Town must take in the coming years to ensure Main Street redevelops in the most appropriate and beneficial way. The actions presented fall into three (3) main categories: Development Regulations, Street Design, and Diversity of Travel Modes.

Section II focuses on existing conditions including: zoning, land use, access, intersections, parking, and alternative modes of transportation.

Section III discusses zoning and land use recommendations which include:

- A need for a uniform development code through the two (2) cities. This is suggested to be a form based code. The process would be similar to the one used to create the Gridley Allin Pricketts (GAP) form based code.
- Encouragement of proper development by regulating land use, development type and locations along the corridor.

Section IV centers its attention on mobility recommendations which include areas related to on-street bike lanes, improved sidewalks, expanded public transportation and landscaped medians.

The plan prepared by Farr Associates is an excellent first step in the direction of a more vibrant, attractive and multi-modal Main Street Corridor. The plan lays out specific steps that must be taken both in the short and long term. Implementation of the plan will require much coordination and collaboration with the Town along with the ongoing support of BroMenn, ISU and IWU. Fortunately, all of these parties have been at the table since the beginning of the planning process, and all have indicated their strong support for the plan. In addition, the plan was well received at the public meetings.

The Town adopted a Resolution to accept this redevelopment plan at their December 17, 2007 meeting. For these reasons, staff respectfully recommends that Council approve the Main Street redevelopment plan: *Main Street: a Call for Investment*, as the basis for redevelopment of Main Street in the City.

Respectfully,

Mark R. Huber
Director of PACE

Tom Hamilton
City Manager

Motion by Alderman Huette, seconded by Alderman Gibson that the Redevelopment Plan 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:

January 14, 2008

1153

To: Honorable Mayor and Members of the City Council

From: Staff

Subject: An Ordinance Imposing a Moratorium on Development in the Main Street Study Corridor

This agenda item implements the City's obligation under the previous agenda item to impose a limited moratorium on development in the Main Street Corridor. The proposed ordinance imposes a limited moratorium on issuance of any permit for development or redevelopment in the Main Street Corridor.

The following activities are exempt from the moratorium:

1. Interior alterations that do not change the building footprint.
2. Exterior alterations of less than \$3,000 in value.
3. Emergency situations to protect persons or property from injury or damage.
4. Development approved prior to January 1, 2007.
5. Development approved by the parties as incorporating the planning, design and development principles of the Charter of the New Urbanism.

The moratorium shall terminate upon the earlier of January 1, 2008 or enactment of development design and planning standards implementing the final development plan recommended by the Main Street Corridor Study Group. The Town of Normal approved this ordinance on December 18, 2006.

Exhibit A to the ordinance is a map showing the Main Street corridor properties subject to the moratorium.

Respectfully,

Tom Hamilton
City Manager

ORDINANCE NO. 2008 - 01**AN ORDINANCE EXTENDING THE MORATORIUM ON DEVELOPMENT IN THE
MAIN STREET STUDY CORRIDOR**

WHEREAS, the City of Bloomington is a home unit of local government with authority to legislate in matters concerning its local government and affairs; and

WHEREAS, the City of Bloomington is participating with the Town of Normal, McLean County Regional Planning, Illinois State University, Illinois Wesleyan University and BroMenn Regional Medical Center in a study to develop appropriate development, design and planning standards for the Main Street Corridor (Main Street Corridor Study Group); and

WHEREAS, the Council passed Ordinance No. 2007 - 01, A Moratorium on Development in the Main Street Study Corridor; and

WHEREAS, upon receipt of *Main Street: A Call for Investment* by Farr Associates, City staff determined that it was in the best interest of the City to extend said moratorium.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF BLOOMINGTON, ILLINOIS:

SECTION ONE: That the City of Bloomington Council agrees to an extension of Ordinance No. 2007 - 01.

SECTION TWO: That the foregoing moratorium shall terminate upon the earlier of March 31, 2008 or enactment by the City of Bloomington Council of a form based zoning code.

SECTION THREE: That the foregoing moratorium shall not apply to the following:

- A. Any interior construction, remodeling or alteration that does not increase the building footprint.
- B. Any exterior construction, remodeling or alteration less than \$10,000 in value.
- C. Emergency situations in order to protect persons and/or property from significant injury or damage.
- D. Projects approved by the Main Street Committee.

SECTION FOUR: That the City Clerk be and she is hereby directed and authorized to publish this Ordinance in pamphlet form as provided by law.

SECTION FIVE: That this Ordinance shall take effect January 1, 2008.

SECTION SIX: That this Ordinance is adopted pursuant to Home Rule Authority granted the City of Bloomington by Article 7, Section 6, of the Illinois Constitution, 1970.

ADOPTED this 14th day of January, 2008.

APPROVED this 15th day of January, 2008.

APPROVED:

Stephan F. Stockton
Mayor

ATTEST:

Tracey Covert
Clerk

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

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

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

Nays: None.

Motion carried.

The following was presented:

To: Honorable Mayor and Members of the City Council

From: Staff

Subject: Extension of the Ordinance Imposing a Moratorium on Development in the Main Street Corridor

On January 8, 2007, Council considered and passed an Ordinance which placed a moratorium on construction and/or development along the Main Street Corridor in the City. This moratorium was approved in concert with the Town of Normal with the support of the remaining entities of the Main Street Committee (Illinois State University, Illinois Wesleyan University and BroMenn Health Care). The purpose of the moratorium was to prevent development in the Main Street

corridor that may conflict with the plans and purpose of the redevelopment study initiated by the committee members.

Recently, the study has been completed and recommended for adoption by the City and Town. One of the primary recommendations of the study was the extension of the current moratorium, allowing the Cities time to start development of a form based code. This new code would regulate development in the targeted area. The current moratorium limits construction and redevelopment with the following primary exceptions:

- Interior construction, remodeling, or alterations;
- Emergency situations;
- Exterior alterations less than \$3000 in value; and
- Projects approved by the Main Street Committee.

During Main Street Committee discussion concerning the extension of the moratorium, a question concerning the value limit was raised. It was suggested the value for exterior alterations be raised to \$10,000 to prevent inundating the Main Street Committee with small projects that would be unlikely to have any real effect on the corridor. The Committee agreed with this higher limit provided the intent of the redevelopment plan was met.

Staff respectfully recommends that Council adopt an ordinance extending of the Main Street moratorium for not more than ninety (90) days with the exception that the value for exterior alterations be raised to \$10,000 provided the proposed project meets the use and intent of the Main Street redevelopment plan.

Respectfully,

Mark R. Huber
Director of PACE

Tom Hamilton
City Manager

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

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

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

Nays: None.

Motion carried.

The following was presented:

January 14, 2008

1157

To: Honorable Mayor and Members of the City Council
From: Staff
Subject: Agreement for Development of a Form Based Code for the Main Street Corridor

The City and its partners (Town of Normal, Illinois State University, Illinois Wesleyan University, and BroMenn Healthcare) recently collaborated on a study of the Main Street Corridor through the twin cities. The result of this study was a document called, "*Main Street: A Call for Investment*", prepared by Farr Associates of Chicago. One of the primary recommendations of the Main Street study was to have the two (2) municipalities create a common form based zoning ordinance. This new zoning ordinance would encourage long range and appropriate development of the corridor and provide a unified plan of development between the cities.

Since Farr Associates developed the original study and recommendations, and have a good working relationship with both the Town and City, staff requested a proposal to develop the form based code as recommended by the study. Farr Associates have proposed an agreement for professional services that would provide the cities with a form based code for a total of \$110,320 with an estimated value of reimbursable expenses of \$3,500. These costs would be divided equally between the Town and the City. The City's portion (\$55,160 + \$1,750) is comparable to the cost of the Gridley Allin Pricketts (GAP) form based code prepared for the City just over a year ago.

Staff respectfully recommends that Council approve the Agreement for Professional Services for a form based code on the Main Street Corridor, from Farr Associates in the amount of \$55,160 with reimbursable expenses in the amount of \$1,750. Funds for this agreement are available in account no. 19110-70990.

Respectfully,

Mark R. Huber
Director, PACE

Tom Hamilton
City Manager

**AGREEMENT FOR DEVELOPMENT OF A FORM BASED CODE
FOR MAIN STREET CORRIDOR**

FARR ASSOCIATES

The Monadnock Building
53 West Jackson Suite 650
Chicago IL 60604
312 408 1661 fax 312 4081496

Agreement for Professional Services

This agreement is made this January 28, 2008, by and between the Town of Normal and the City of Bloomington (Client) and Farr Associates (Consultant).

Scope of Services

The Consultant will perform the following tasks with coordination, review, and input provided by the Clients:

PHASE I: MEETINGS, SITE VISITS, & COORDINATION

Task 1A: MAIN STREET COMMISSION MEETINGS \$ 2,460.00

The Consultant will meet three times with the Main Street Commission established during the Main Street Redevelopment Study project. These meetings will occur at the beginning of the project prior to the development of the code and twice during the writing and revision phase of the project to discuss the draft code.

Task 1B: ONGOING PROJECT MANAGEMENT \$ 3,380.00

As a joint project between the City of Bloomington and the Town of Normal, careful coordination will be required to manage the completion of the code. The Consultant will assist in managing the process via phone consultations and email throughout the project. Additionally, the Consultant will maintain the project schedule and will coordinate any revisions with both municipalities.

Task 1C: SITE VISITS \$ 6,750.00

The Consultant will visit up to five times during the course of the project. Each of the first three site visits will include a Main Street Commission meeting. The last two site visits will include meetings with the two Planning Commissions and the City/Town Councils. This task is meant to provide for the Consultant's time in traveling to and from the Main Street Corridor. Fees associated with the meetings mentioned above may be found in Tasks 1A, 5A, and 5B.

PHASE II: INVENTORY & ANALYSIS OF EXISTING CONDITIONS

Task 2A: REVIEW EXISTING CODES & BASE INFORMATION \$ 760.00

Using the information gathered during the Main Street Redevelopment Study, and any updated documents provided by the Clients, the Consultant will review all documents which regulate building and street development along the Main Street Corridor. The Clients will also provide any updated aerials and GIS data, such as curbs, buildings, and parcel lines.

Task 2B: ANALYZE EXISTING CONDITIONS \$ 500.00

The Consultant will use information from the Main Street Redevelopment Study and any updated codes and base information to examine the Main Street Corridor and any new development that has occurred since August 2006.

Task 2C: PUBLIC WORKSHOP \$ 11,240.00

The Consultant will hold one public meeting at the beginning of the code writing process. At this meeting, the Consultant will provide an overview of the proposed form-based code and its organization. During the second half of the meeting, participants will work in small groups to focus on key code issues. The activities will be developed using the results of the Main Street Redevelopment Study and the Consultant's analysis of the existing codes and conditions along the Corridor.

PHASE III: FORM-BASED CODE

Task 3A: DRAFT FORM-BASED CODE \$ 46,840.00

The Consultant will develop one code that will establish zoning standards for the Main Street Corridor through both the Town of Normal and the City of Bloomington. The building type standards shall include building siting, minimum and maximum height, roof type, parking location, and landscape screening of parking areas and trash receptacles. The code will establish standards for building placement, height, facade characteristics, entrances, parking, access, use, density, and special design features. Key terms and concepts will also be defined. All building type standards will be illustrated throughout the code in both two dimensional plan and section view.

The Consultant will also prepare a draft regulating plan or zoning map for the Main Street Corridor. This plan will locate the proposed zoning districts, building types, and uses throughout the Corridor creating one set of cohesive standards for development along the Corridor, regardless of the location in Normal or Bloomington.

Task 3B: LEGAL REVIEW \$ 22,500.00

The draft form-based code will be reviewed by the law firm of Holland and Knight. The Consultant will work with Holland and Knight to ensure their timely review of the draft code. Holland and Knight will also assist the Consultant and the Clients with implementation of the form-based code. Up to a total of four conference calls will occur during the project between Holland and Knight and the attorneys for the City of Bloomington and the Town of Normal.

As part of this task, Holland and Knight will advise the Consultant and the Clients on the best method of implementing of the Main Street Corridor form-based code. Once the best method of implementation has been determined and agreed to by both municipalities, Holland and Knight will be available to draft any necessary agreements; however, this work will require an additional services agreement between Holland and Knight and the municipalities.

PHASE IV: REFINING THE CODE

Task 4A: PRESENTATION OF FIRST DRAFT \$ 1,280.00

The Consultant will present the proposed first draft of the form-based code to the Main Street Commission, providing ten (10) hard copies and a digital copy (PDF) of the draft for review and distribution at the meeting. The Main Street Commission will meet without the Consultant to discuss the draft code; the Clients are responsible for consolidating and forwarding the Main Street Commission's comments to the Consultant. The draft will be revised based on this information. The Consultant encourages members of the Planning Commissions and/or the City and Town Councils attend this presentation to prepare for the Approvals Phase of the project.

Task 4B: REVISE THE DRAFT CODE \$ 5,400.00

The Consultant will revise the draft code twice in Phase IV, once after the presentation of the first draft and then again after presentation of the second draft before the Approval Phase. The revisions will be based upon the comments provided by the Main Street Commission. The Clients are responsible for consolidating and providing all comments to the Consultant in a timely fashion.

Task 4C: PRESENTATION OF THE SECOND DRAFT \$ 690.00

The Consultant will present the second draft of the form-based code to the Main Street Commission, providing ten (10) hard copies and a digital copy (PDF) of the draft for review and distribution at the meeting. The Main Street Commission will meet without the Consultant to discuss the draft code; the Clients are responsible for consolidating and forwarding the Main Street Commission's comments to the Consultant. The draft will be revised based on this information. The Consultant encourages members of the Planning Commissions and/or the City and Town Councils attend this presentation to prepare for the Approvals Phase of the project.

PHASE V: APPROVAL PHASE**Task 5A: PRESENTATION TO THE PLANNING COMMISSIONS \$ 2,300.00**

To assist the approval process, the Consultant will present the proposed code to the Planning Commissions. This presentation will either occur as a special joint meeting between the Town of Normal and the City of Bloomington's Commissions or as separate presentations to each municipality's Commission on consecutive evenings. The Consultant will provide hard copies and a digital copy (PDF) of the code for review and distribution in advance of the meeting(s). The Clients are responsible for collecting, consolidating, and transmitting all comments to the Consultant for review and inclusion into the final code document.

Task 5B: PRESENTATION TO THE CITY & TOWN COUNCILS \$ 2,300.00

To assist the approval process, the Consultant will present the proposed code to the City and Town Councils. This presentation will either occur as a special joint meeting between the Town of Normal and the City of Bloomington or as separate presentations to each municipality's Council on consecutive evenings. The Consultant will provide hard copies and a digital copy

(PDF) of the code for review and distribution in advance of the meeting(s). The Clients are responsible for collecting, consolidating, and transmitting all comments to the Consultant for review and inclusion into the final code document.

Task 5C: PUBLIC HEARING REVISIONS \$ 2,320.00

The Consultant will make two sets of revisions to the code in this Phase; the first to occur after the presentation(s) to the Planning Commissions and the second after City/Town Councils. The revisions will be based upon the comments collected, compiled, and forwarded to the Consultant by the Clients.

Task 5D: FINAL DOCUMENT \$ 600.00

The Consultant will provide the Client with a digital copy of the document (PDF) and up to ten (10) hard copies of the draft code.

Fee for Services

The fee for performing the work outlined above is \$110,320. Reimbursable expenses for up to five trips to the study area, copies of the final document, and other deliverables outlined total \$3,500. Additional trips and presentation materials will be billed as additional services.

The fee for performing the services outlined above will be billed monthly based on percentage of services completed. Interest will accrue at 1.5% for invoice balances not paid after 60 days. Each municipality will be invoiced separately. Additional services over and above scope described herein will be billed hourly at the rates below. The Consultant will not perform additional services without prior approval of Clients.

Farr Associates

Doug Farr, AIA	\$250/hour
Leslie Oberholtzer	\$150/hour
Christina Anderson	\$110/hour
Kristin Ihnchak	\$ 90/hour

The work described will be completed within approximately twelve (12) months of the signed contract; however, the Consultant is dependent upon timely review of drafts of the plan components to complete the project as outlined.

Agreement Provisions

Project Fee

The City of Bloomington and the Town of Normal agree to evenly split the fee of \$110,320 for the creation of a Main Street Corridor form-based code. The Consultant shall invoice each municipality for one-half of its fees and charges on a monthly basis. The invoices will be based upon a percentage of services completed. The Town of Normal and the City of Bloomington are separately liable for each entity's half of the total agreement cost. Each Client shall promptly pay

their invoice in the allotted time as detailed above; failure of one Client to pay may result in a stoppage of work or the termination of this Agreement at the option of the Consultant.

Project Coordination

The City of Bloomington and the Town of Normal will work together to assist the Consultant in managing the project. This includes the coordination of the public and Main Street Commission meetings, as well as the hearings during the Approvals Phase of the project.

Termination

Any party may terminate this Agreement at any time, in whole or in part, for good cause. The termination will be effective immediately upon delivery of written notification, unless otherwise stated in the notification. As of the date of termination by either Client or Consultant. Consultant shall cease providing services on the project and upon payment by Clients for the tasks completed up to the termination date, Consultant shall deliver all materials associated with the project to the Clients. If the remaining Client desires to continue the code writing project for the Main Street Corridor within their municipality, a new contract with revised tasks and fees will be renegotiated with the Consultant.

Severability

If any provision of this Agreement is held to be unlawful, invalid or unenforceable under present or future laws effective during the terms hereof, such provisions shall be fully severable and this Agreement shall be construed and enforced as if such unlawful, invalid or unenforceable provision was not a part of this Agreement. Furthermore, if any provision of this Agreement is capable of two constructions, one of which would render the provision void and the other of which would render the provision valid, then the provision shall have the meaning that renders it valid.

Modification

This Agreement shall not be modified in any manner, except by an instrument in writing executed by or on behalf of all parties.

State of Illinois

This Agreement is being executed and delivered and is intended to be performed in the State of Illinois, and the laws (without regard to principles of conflicts of law) of the State of Illinois shall govern the rights and duties of the parties hereto in the validity, construction, enforcement, and interpretation hereof.

Notices

All notices under this Agreement shall be addressed to the parties as follows:

If to the Consultant or any representative of the Consultant team:

Kristin Ihnchak
Farr Associates
The Monadnock Building
53 West Jackson, Suite 650

Chicago, Illinois 60604 kristin@farrside.com

If to the Client

Mark Huber
Client of Bloomington
115 East Washington Street
Bloomington, Illinois 61720
mhuber@cityblm.org

Mercy Davison
Town of Normal
100 East Phoenix Avenue
Normal, IL 61761
mdavison@normal.org

Signatures

This letter will serve as the contract and notice to proceed between Farr Associates and the City of Bloomington and the Town of Normal for the above outlined tasks and fee. Please return an executed copy for our records. We look forward to beginning work on this exciting project.

Douglas Farr, AIA
President, Farr Associates
Date: January 28, 2008

Stephen Stockton
Mayor, City of Bloomington
Date: January 15, 2008

Christopher Koos
Mayor, Town of Normal
Date: January 7, 2008

Motion by Alderman Huette, seconded by Alderman Gibson that the Agreement for Professional Services for a form based code on the Main Street Corridor, from Farr Associates in the amount of \$55,160 with reimbursable expenses in the amount of \$1,750 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: Rejection of RFP for Assistant Chief Promotional Assessment Center and Acceptance of RFP for Written Examination

Staff prepared a Request for Proposal for the purpose of selecting a vendor or vendors to produce a written examination and an assessment center as a part of the process for establishing a new Assistant Chief promotional list.

The following are the results of the written examination proposals:

MEAS, Inc. Flossmore, IL	\$1,475.00	Proposal with Low Bid
Resource Management Tinley Park, IL	\$1,900.00	
CPS Human Resource Services Washington, DC	\$7,000.00	
Stanard & Associates Chicago, IL	\$2,950.00	

Vendors were allowed to submit for both or either project. Four (4) proposals were received for the Written Examination and three (3) proposals for the Assessment Center. The result was a Written Exam proposal within what staff expected to pay, but the Assessment Center proposals were higher than what was anticipated.

Staff respectfully requests that Council accept the proposal for the Written Examination from MEAS, Inc. and that the proposals for the Assessment Center be rejected. Additionally, that staff be authorized to request new proposals for the Assessment Center portion of the project.

Payment for this project will be made from the Board of Fire & Police Commission, account G15310-70220.

Respectfully,

Keith Ranney
Fire Chief

Kim Nicholson
Purchasing Agent

Tom Hamilton
City Manager

Motion by Alderman Huette, seconded by Alderman Gibson that the proposal for the Written Examination be awarded to MEAS, Inc. in the amount of \$1,475, the proposal for the Assessment Center be rejected, the Purchasing Agent be authorized to issue a Purchase Order for same, and that staff be authorized to seek new proposals for the Assessment Center.

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: Parade Resolution

The Illinois Department of Transportation (IDOT) requires that Council adopt a Resolution requesting permission to close or hinder traffic on a State Route.

Typically the City has only two (2) requests each year for parades on a State Route, (US Route 51) which involves the Labor Day Parade and the Christmas Parade. IDOT has requested that each municipality that experiences multiple parades on a State Route pass one blanket Resolution at the beginning of each calendar year in order to minimize paperwork and manpower expenses.

Therefore, staff respectfully requests that Council adopt the Parade Resolution and further, that the Mayor and City Clerk be authorized to execute the necessary document. Upon adoption and execution, the Resolution will be forwarded to IDOT.

Respectfully,

Tracey Covert
City Clerk

Tom Hamilton
City Manager

RESOLUTION NO. 2008 - 02

**RESOLUTION REGARDING TEMPORARY CLOSING OF
STATE RIGHT OF WAY ANNUAL COMMUNITY EVENTS**

WHEREAS, the City of Bloomington sponsors parades, road races, festivals and other such events which constitute a public purpose; and

WHEREAS, many of these events are held on State rights of way which will require the temporary closure of said highways; and

WHEREAS, Section 4-408 of the Illinois Highway Code, 605 ILCS 5/1-101 et seq., authorizes the State of Illinois Department of Transportation (IDOT) to issue permits to local authorities to temporarily close portions of State Highways for such public purposes.

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

SECTION 1

The City of Bloomington requests an annual permit allowing the temporary closure of State highways for the purpose of conducting various parades, road races, festivals, and other such events. By receiving an annual permit, the City will be required to notify the Department in writing approximately ten (10) days in advance of all road closures so that all emergency agencies will be notified of the proposed event.

SECTION 2

(A) That traffic from the closed portion of highway shall be detoured over routes with an all-weather surface that can accept the anticipated traffic, which will be maintained to the satisfaction of the Department and which is conspicuously marked for the benefit of traffic diverted from the State highway, except as provided in Subsections (B) and (C) hereof.

(B) That when a marked detour is not provided, police officers or authorized flaggers shall, at the expense of the City of Bloomington, be positioned at each end of the closed section of roadway and at other points as may be necessary to assist in directing traffic through the temporary detour.

(C) That when the roadway is closed for less than 15 minutes, police officers, at the expense of the City of Bloomington shall stop traffic for a period not to exceed fifteen (15) minutes and an occasional break shall be made in the procession so that traffic may pass through.

SECTION 3

That the City of Bloomington assumes full responsibility for the direction, protection and regulation of the traffic during the time the detour is in effect.

SECTION 4

That all debris shall be removed by the City of Bloomington prior to reopening the State highway.

SECTION 5

That the closure and detour shall be marked according to the Illinois Manual on Uniform Traffic Control Devices (MUTCD).

SECTION 6

That the City of Bloomington hereby agrees to assume all liabilities and pay all claims for any damage which shall be occasioned by the closing described above and to hold harmless the State of Illinois from all claims arising from the requested road closings.

SECTION 7

That a copy of this resolution be forwarded to the Illinois Department of Transportation; District 5 Bureau of Operations, 13473 IL Hwy. 133, P.O. Box 610, Paris, Illinois 61944-0610 to serve as authorization for the City of Bloomington to request highway closures through December 31, 2008.

ADOPTED this 14th day of January, 2008.

APPROVED this 15th day of January, 2008.

APPROVED:

Stephan F. Stockton
Mayor

ATTEST:

Tracey Covert
Clerk

Motion by Alderman Huette, seconded by Alderman Gibson 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: Text Amendment to Chapter 40 of Bloomington City Code, relating to Vehicles for Hire Operated in the Central Business District

After meeting with representatives of persons operating vehicles for hire within the Central Business District, the need for three (3) amendments to the Ordinance became apparent.

The first amendment is to remove the requirement that all vehicles for hire have seat belts. While most vehicles have seat belts, Illinois law does not require all vehicles to have seat belts. The cost of retrofitting such vehicles for seat belts can be prohibitive and it was not the intent of staff to require seat belts in vehicles where state law does not currently require them.

Secondly, the current Ordinance does not explicitly state that a \$10.00 fee is required each time a vehicle for hire is inspected. This was the intent of the staff, and was mentioned during the discussion on November 26, 2007. The proposed Text Amendment will add the appropriate language.

Finally, it was not the intent of the staff to regulate the Bloomington-Normal Transit Authority. The proposed Text Amendment adds language exempting the Bloomington-Normal Transit Authority from the requirements of the Ordinance.

Staff respectfully recommends that the Text Amendment be approved and the Ordinance passed.

Respectfully,

J. Todd Greenburg
Corporation Counsel

Tom Hamilton
City Manager

ORDINANCE NUMBER 2008 - 03**AN ORDINANCE AMENDING ARTICLE X OF
CHAPTER 40 OF THE CITY CODE, REGULATING VEHICLES FOR HIRE
WITHIN THE CENTRAL BUSINESS DISTRICT**

SECTION ONE: Section 1001 of Chapter 40 of the Bloomington City Code, 1960, as amended, is further amended as follows (additions are indicated by underlines; deletions are indicated by strikeouts):

For the purposes of this Article, “vehicles for hire” shall mean any motor vehicle engaged in the business of carrying persons for hire within the Central Business District of the City of Bloomington and/or the Central Business District of the Town of Normal; however, motor vehicles operated for purposes of mass transit by the City of Bloomington and the Town of Normal shall not be considered vehicles for hire.

SECTION TWO: Section 1010 of Chapter 40 of the Bloomington City Code, 1960, is further amended as follows (additions are indicated by underlines; deletions are indicated by strikeouts):

SEC. 1010 VEHICLES FOR HIRE - LICENSE REQUIRED

(a) Vehicles Must be Licensed. Prior to the use and operation of any vehicle under the provisions of this Article and during the months of January and July of each year, every vehicle shall be thoroughly examined and inspected by the Police Department and found to be satisfactory in regard to the following:

- (1) Steering;
- (2) Brakes;
- (3) Lights;
- (4) Tires;
- (5) Horn;
- (6) Exhaust system;
- (7) Rear view mirror;
- (8) Windshield wipers;
- (9) Properly licensed by State of Illinois;
- (10) Otherwise clean, sanitary and safe for the transportation of passengers;
- (11) State Sticker showing proof of insurance;

~~(12) Seat belts for all authorized passengers which seat belts must not be pushed under seats where they would not be in plain view;~~

~~(13)~~ (12) No crack in a window which cannot be covered by a 1" disk (State law - a quarter);

~~(14)~~ (13) No body damage or condition shall be allowed to remain which would cost in excess of \$250.00 on the regular body work market or which presents sharp edges or other dangerous conditions to passengers.

As part of this examination, every vehicle must pass the safety test provided by an official Illinois testing station as established by the Illinois Compiled Statutes. If the vehicle complies with the City standards set forth above and passes the official Illinois test, the sticker of safety by the official testing station and a sticker issued by the City shall be affixed to said vehicle and it shall at all times be displayed on said vehicle. No sticker issued during the first six (6) months of any year shall be of any effect after August 1st of that year and no such certificate issued during the second six (6) months of any year shall be of any effect after February 1st of the following year. No vehicle for hire shall be operated upon the streets, alley or public places of said City without having been tested as herein required or without having said sticker displayed on said vehicle. A fee of \$10.00 shall be paid to the City for each such certificate.

SECTION THREE: That except as provided herein, the Bloomington City Code, 1960, as amended, shall remain in full force and effect.

SECTION FOUR: That the City Clerk be and she is hereby directed and authorized to publish this ordinance in pamphlet form as provided by law.

SECTION FIVE: That this ordinance shall take effect upon the date of its passage and approval.

SECTION SIX: That this ordinance is adopted pursuant to Home Rule Authority granted the City of Bloomington by Article 7, Section 6, of the Illinois Constitution, 1970.

ADOPTED this 14th day of January, 2008.

APPROVED this 15th day of January, 2008.

APPROVED:

Stephen F. Stockton,
Mayor

ATTEST:

Tracey Covert,
City Clerk

Motion by Alderman Huette, seconded by Alderman Gibson that the Text Amendment be approved and the Ordinance be passed.

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

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

Nays: None.

Motion carried.

To: Honorable Mayor and Members of the City Council

From: Staff

Subject: Text Amendment and Ordinance Amending Chapter 2 of the City Code by Permitting Remote Participation in Open Meetings

Section 7 of the Open Meetings Act (5 ILCS 120/7), which became effective on January 1, 2007, permits a member of a public body to attend, participate and vote at meetings of that body even though he or she is not physically present, so long as certain conditions are met:

- A quorum of the public body must be physically present.
- The member must have been prevented from physically attending because of (i) personal illness or disability; (ii) employment purposes or the business of the public body; or (iii) a family or other emergency.
- The member must notify the recording secretary or clerk of the public body before the meeting unless advance notice is impractical.
- The public body must have adopted rules for remote participation and the participation of the member who is not physically present must be in accordance with those rules.
- The “other means” of attending the public meeting must be by video or audio conference.

Staff has prepared the proposed Text Amendment and Ordinance which complies with the requirements of the Open Meetings Act, and respectfully recommends Council approval.

Respectfully,

J. Todd Greenburg
Corporation Counsel

Tom Hamilton
City Manager

ORDINANCE NO. 2008 - 04**AN ORDINANCE AMENDING CHAPTER 2 OF THE CITY CODE BY
PERMITTING REMOTE PARTICIPATION IN MEETINGS****BE IT ORDAINED BY THE CITY COUNCIL OF
THE CITY OF BLOOMINGTON, ILLINOIS:**

Section One: That Chapter 2 (Administration) of the Bloomington City Code, 1960, as amended, is further amended by the addition of the following Article IV:

ARTICLE IV**REMOTE PARTICIPATION IN MEETINGS**

Sec. 83. DEFINITION OF MEETING. The term “meeting” as applied to any City of Bloomington public body as defined in the Illinois Open Meetings Act shall be defined to mean “Any gathering, whether in person or by video or audio conference, telephone calls, electronic means (such as, without limitation, electronic mail, electronic chat and instant messaging), or other means of contemporary interactive communication, of a majority of a quorum of the members of a public body held for the purpose of discussing public business” or such other definition as shall be contained within the Illinois Open Meetings Act as amended from time to time.

Sec. 84. REMOTE PARTICIPATION POLICY. Any member of a City of Bloomington public body may attend and participate in any meeting of such public body as defined in the Open Meetings Act from a remote location via telephone, video or internet connection provided that such attendance and participation is in compliance with the Remote Participation Policy set forth in this Division and any applicable laws.

- A. Policy Statement. It is the policy of the City of Bloomington that a member of any group associated with this unit of government which is subject to the provisions of the Open Meetings Act (Covered Group) may attend and participate in any open or closed meeting of that Covered Group from a remote location via telephone, video or internet connection, provided that such attendance and participation is in compliance with this policy and any other applicable laws.
- B. Prerequisites. A member of the Covered Group of the City of Bloomington shall be provided the opportunity to attend an open and closed meeting or only one of such meetings from a remote location if the member meets the following conditions and a majority of the members present of the Covered Body votes to approve the remote attendance.
 1. the member must notify the recording secretary or clerk of the Covered Body at least 24 hours before the meeting unless advance notice is impractical.

2. the member must assert one of three reasons described herein why he or she is unable to physically attend the meeting, including either (1) that the member cannot attend because of personal illness or disability; (2) the member cannot attend because of employment purposes or the business of the City of Bloomington; or (3) the member cannot attend because of a family or other emergency; and
 3. a quorum of the Covered Body must be physically present.
- C. Voting Procedures. After roll call, a vote for the Covered Body shall be taken, considering the prerequisites set forth in Section B (2) above, on whether to allow an off-site board member to participate remotely. All of the members physically present are permitted to vote on whether remote participation will be allowed. A vote may be taken to permit remote participation for a stated series of meetings if the same reason applies to each case. Otherwise, a vote must be taken to allow each remote participation.
- D. Quorum and Vote Required. A quorum must be established by members physically present at any meeting before it can be considered whether to allow a member to participate in the meeting remotely. A vote of a majority of the members present shall be necessary to decide the issue. For the meeting to continue, there shall always need to be a quorum physically present.
- E. Minutes. The member participating remotely shall be considered an off-site participant and counted as present by means of video or audio conference for that meeting if the member is allowed to participate. The meeting minutes of the City of Bloomington shall also reflect and state specifically whether each member is physically present, present by video, or present by audio means.
- F. Rights of Remote Member. The member permitted to participate remotely will be able to express his or her comments during the meeting and participate in the same capacity as those members physically present, subject to all general meeting guidelines and procedures previously adopted and adhered to. The remote member shall be heard, considered, and counted as to any vote taken. Accordingly, the name of any remote member shall be called during any vote taken, and his or her vote counted and recorded by the Secretary and placed in the minutes for the corresponding meeting. A member participating remotely may leave a meeting and return as in the case of any member, provided the member attending electronically shall announce his or her leaving and returning.
- G. Closed Meetings. A quorum of the City of Bloomington's members must be physically present at any closed meeting. Members participating remotely shall otherwise be entitled to participate in closed meetings by video or audio conference as provided above.
- H. Costs. A member participating remotely via telephone shall be reimbursed for the cost of the telephone call upon a valid receipt shown. Any other costs

associated with remote participation, including video conferencing and other audio and video equipment, must be approved by the City of Bloomington.

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

Section Three: The City Clerk shall be and is hereby authorized to publish this ordinance in pamphlet form as provided by law.

Section Four: This ordinance shall be effective upon passage and approval.

Section Five: This ordinance is adopted pursuant to the home rule authority granted the City of Bloomington by Article VII, Section 6 of the 1970 Illinois Constitution.

PASSED this 14th day of January, 2008.

APPROVED this 15th day of January, 2008.

APPROVED:

Stephen F. Stockton
Mayor

ATTEST:

Tracey Covert
City Clerk

Motion by Alderman Huette, seconded by Alderman Gibson that the Text Amendment be approved and the Ordinance be passed.

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

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

Nays: None.

Motion carried.

The following was presented:

January 14, 2008

1175

To: Honorable Mayor and Members of the City Council

From: Staff

Subject: Lake Bloomington Lease Transfer Request for Lot 1, Block 4 in Camp Kickapoo of the Resurvey of Lots 3, 4 and 5 from Edgar E. Lundeen, Jr. and Virginia K. Lundeen to Edgar E. Lundeen, Jr., Trustee of McLean County Land Trust H-330

Staff has reviewed the Lake Bloomington Lease Transfer request, the septic system evaluation letter from the McLean County Health Department and the original septic system evaluation report for Lot 1, Block 4 in Camp Kickapoo of the Resurvey of Lots 3, 4 and 5 from Edgar E. Lundeen, Jr. and Virginia K. Lundeen to Edgar E. Lundeen, Jr., Trustee of McLean County Land Trust H-330.

The inspection noted several deficiencies in the septic system as a result of not meeting current code. However, the system was working satisfactorily at the time of the inspection. Staff will not require that the septic system be brought up to current code at this time. Updating at this time is not required because this is a transfer from joint ownership to a Land Trust whose Trustee is one of the current owners.

This system is one of the few systems at Lake Bloomington that is a subsurface discharging system. The discharge from the septic tank goes into a septic field which eventually trickles through the ground. Subsurface systems do not potentially discharge directly to the lake like surface discharging systems. If the septic field should fail the results are quickly evident with a back up of the plumbing into the cabin. This is a small cabin that is only used seasonally and there are no plans to change that use.

If the property is sold to an unrelated buyer or the system fails, it would be required to be brought up to current Code at that time.

Staff respectfully requests that Council approve the Lake Bloomington Lease Transfer request for Lot 1, Block 4 in Camp Kickapoo of the Resurvey of Lots 3, 4 and 5 from Edgar E. Lundeen, Jr. and Virginia K. Lundeen to Edgar E. Lundeen, Jr., Trustee of McLean County Land Trust H-330.

Respectfully,

Craig M. Cummings
Director of Water

Tom Hamilton
City Manager

Motion by Alderman Huette, seconded by Alderman Gibson that the Lake Lease 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: Petition from Andy Holt, Requesting Approval of a Final Plat for Resubdivision of Lot 7 and Outlot 8 in the Third Addition to Towanda Barnes Business Park

A petition has been received from Andy Holt requesting Council approval of a Final Plat for the Resubdivision of Lot 7 and Outlot 8 in the Third Addition to Towanda Barnes Business Park. 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. The public improvements are complete therefore 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 pass an Ordinance approving the Final Plat for the Resubdivision of Lot 7 and Outlot 8 in the Third Addition to Towanda Barnes Business Park.

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 Andy Holt, thereafter referred to as your Petitioner, respectfully representing and requesting as follows:

1. That your petitioner is the owner of the freehold estate of the premises hereinafter described in Exhibit A attached hereto and made a part hereof by reference;
2. That your petitioner seeks approval of the Final Plat for the subdivision known and described as Resubdivision of Lot 7 and Outlot 8 in the Third Addition to Towanda Barnes Business Park, Bloomington, Illinois, which Final Plat is attached herto and part hereof;

WHEREFORE, your petitioner prays that the Final Plat for the Resubdivision of Lot 7 and Outlot 8 in the Third Addition to Towanda Barnes Business Park, Bloomington, IL submitted herewith be approved with the exemptions or variations as requested herein.

Respectfully submitted,

By Mercer Turner his attorney

SUBSCRIBED AND SWORN to before me this 17th day of December, 2007

Tammie R. Keener
Notary Public

ORDINANCE NO. 2008 - 05**AN ORDINANCE APPROVING THE FINAL PLAT OF RESUBDIVISION OF
LOT 7 AND OUTLOT 8 IN THE THIRD 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 Resubdivision of Lot 7 and Outlot 8 in the Third Addition to Towanda Barnes Business Park Subdivision, Bloomington, Illinois, legally described in Exhibit A attached hereto and made a part hereof by this reference; and

WHEREAS, said Petition is valid and sufficient and conforms to the requirements of the statutes in such cases made and provided and the Final Plat attached to said Petition was prepared in compliance with requirements of the Bloomington City Code;

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BLOOMINGTON, MCLEAN COUNTY, ILLINOIS:

1. That the Final Plat of the Resubdivision of Lot 7 and Outlot 8 in the Third Addition to Towanda Barnes Business Park Subdivision is hereby approved.
2. That this Ordinance shall be in full force and effective as of the time of its passage and approval.

PASSED this 14th day of January, 2007.

APPROVED this 15th day of January, 2007.

APPROVED:

Stephan F. Stockton
Mayor

ATTEST:

Tracey Covert
City Clerk

EXHIBIT A

Lot 7 and Outlot 8 in the Third Addition to Towanda Barnes Business Park in the City of Bloomington, McLean County, Illinois, according to the Plat recorded as Document No. 99-5035, in the McLean County Recorder's Office.

This property contains 4.39 acres, more or less, and has been resubdivided into one lot, numbered 43, one outlot, numbered 44 and easements as shown. Said Subdivision is to be known as "Resubdivision of Lot 7 and Outlot 8 in the Third Addition to Towanda Barnes Business Park" in the City of Bloomington, McLean County, Illinois. Also, by virtue of the approval of this plat, a portion of the utility easement between said Lot 7 and said Outlot 8 is to be vacated. Said Easement to be vacated is as shown.

Motion by Alderman Huette, seconded by Alderman Gibson 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: Waive Formal Bidding Process and Purchase New Trucks Using State of Illinois Joint Purchasing Contracts

The Parks Department has three (3) trucks in need of replacement, a 1996 GMC pickup, 1997 GMC pickup truck and a 1992 Chevrolet with a service body. To enhance the efficiencies of the Parks Department, the 1996 GMC will be replaced with a crew cab pickup truck, the 1997 GMC will be replaced with a one (1) ton dump truck and the 1992 Chevrolet will be replaced with another service body truck.

The replacement vehicle for the 1992 Chevrolet service body truck will be a 2008 Ford F350 with a service body and is available from Bob Ridings, Inc., Taylorville, at a cost of \$32,674. The replacement truck for the 1996 GMC will be a 2008 Ford F250 Crew Cab Pickup truck and is available from Landmark Ford, Springfield, at a cost of \$26,637.

The replacement truck for the 1997 GMC pickup will be purchased in two (2) steps. The required cab and chassis will be purchased using the State of Illinois Joint Purchasing Contract. A 2008 Ford F350 cab and chassis is available from Landmark Ford at a cost of \$23,735. Staff will negotiate the purchase of the dump body and accessories to convert the cab and chassis into a complete one (1) ton dump truck. The old vehicles will be sold through an online auction after the new units are in service.

The Parks Department has budgeted \$95,000 in the Equipment Replacement Fund F14110-72130 for the purchase of these vehicles.

Staff respectfully recommends that Council waive the formal bidding process and using the State of Illinois Joint Purchasing Contracts purchase the following vehicles: 1.) a 2008 Ford F350 with service body from Bob Ridings, Inc., Taylorville, at a cost of \$32,674, and 2.) a 2008 Ford F250 Crew Cab Pickup truck at a cost of \$26,637 and a 2008 Ford F350 Cab and Chassis from Landmark Ford, Springfield at a cost of \$23,735, the Purchasing Agent be authorized to issue a Purchase Order for same, and the Resolution adopted.

Respectfully,

Daniel Augstin
Director of Fleet Management

Tom Hamilton
City Manager

RESOLUTION NO. 2008 - 01

**A RESOLUTION WAIVING THE FORMAL BIDDING PROCESS AND
AUTHORIZING THE PURCHASE OF NEW TRUCKS USING STATE OF ILLINOIS
JOINT PURCHASING CONTRACTS FOR THE PARKS DEPARTMENT AT A
PURCHASE PRICE OF \$83,046**

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

1. That the bidding process be waived and the Purchasing Agent be authorized to Purchase New Trucks for the Parks Department using the Illinois Joint Purchasing Contracts at a Purchase Price of \$83,046.

Adopted this 14th day of January, 2008.

Approved this 15th day of January, 2008.

Stephen F. Stockton
Mayor

ATTEST:

Tracey Covert
City Clerk

Alderman Purcell questioned the need and the estimated \$91,000 cost to the City to purchase these trucks. He believed the City could wait another year due to the budget

constraints Daniel Augstin, Director of Fleet Management, addressed the Council. Each of the trucks scheduled to be replaced have at least 100,000 miles. The cost of maintaining them was higher due to age.

Alderman Purcell questioned the resale value. The revenue from same would help to offset the cost of the new trucks. Mr. Augstin stated that each truck was worth approximately \$1,000 - \$1,500. Alderman Purcell requested the status of dump trucks which the City put up for sale after getting newer models. Mr. Augstin noted that three (3) dump trucks were sold. Four (4) other dump trucks were waiting to be sold.

Mr. Augstin added that smaller, City owned cars would be auctioned. The City depreciated vehicles over seven (7) years and replaced same at 100,000 miles.

Alderman Sage questioned the State Joint Purchasing Contract benefit which the City can use. Mr. Augstin explained the State of Illinois had completed an analysis based upon written specifications which set the amount vehicle sellers could charge. It also allowed municipalities to deal directly with the warehouse, not necessarily with a car dealership. This was a benefit for the City. It does not require staff time to research vehicles and saved money because the state received better pricing. Local dealerships are offered opportunities to bid on these contracts.

Alderman Stearns questioned the number of vehicles within the City's fleet. Mr. Augstin responded between 510 – 512 vehicles. Tom Hamilton, City Manager, added this number included tractors and mowers. He continued that each vehicle undergoes an annual review, and the annual cost of maintenance is documented.

Alderman Stearns believed the City should look at the needs. Mr. Augstin noted that the City strived to provide the proper size vehicle for the given task.

Alderman Sage requested the issue of vehicles going home with employees be set aside as a topic for discussion at the next Council Meeting. Mayor Stockton concurred and was aware there were many questions surrounding the issue.

Motion by Alderman Gibson, seconded by Alderman Huette that the formal bidding process be waived, and using the State of Illinois Joint Purchasing Contracts purchase the following vehicles: 1.) a 2008 Ford F350 with service body from Bob Ridings, Inc., Taylorville, at a cost of \$32,674, and 2.) a 2008 Ford F250 Crew Cab Pickup truck at a cost of \$26,637 and a 2008 Ford F350 Cab and Chassis from Landmark Ford, Springfield, at a cost of \$23,735, the Purchasing Agent be authorized to issue a Purchase Order for same and the Resolution adopted.

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

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

Nays: Alderman Purcell.

Motion carried.

The following was presented:

To: Honorable Mayor and Members of the City Council
From: Staff
Subject: Rejection of Single Bid for a Fuel Dispensing Facility

Staff respectfully requests that Council reject the single bid for a fuel dispensing facility that was opened during the Council meeting of December 26, 2007. The bid, as opened was for \$241,500, well over the engineer's estimate of \$100,000. Staff will evaluate the project and determine if the cost can be lowered by modifying some of its aspects.

This project was proposed as an efficiency-booster and to add to the safety and security of the City. The addition of a fuel dispensing facility located at the Division Street facility was designed to provide an alternative fuel dispensing location to the City's sole fuel dispensing facility on East Street. The facility at the Division Street location would be supplied with emergency power, which the East St. facility does not have, should there be a power interruption.

Additionally, the supply of fuel available, both diesel and gasoline, would be increased if other commercial fuel sources were interrupted or unavailable. In the event maintenance was needed at the East Street facility, the Division Street facility would be used as an alternative fueling location.

Lastly, Water Department staff had planned to use this facility on a routine basis to provide better response to operational needs by dispatching response vehicles from the Division Street facility without the need to refuel at the East Street location. This saves time with respect to the trip to the East Street facility. It would also take Water Department vehicles out of the mix of vehicles refueling at the East Street location which can be congested at times.

Staff respectfully requests that Council reject the single bid for a fuel dispensing facility from Leander Construction of Canton, Illinois. Staff will evaluate the specifications and determine if the cost can be lowered by modifying some aspects of the project. Staff will report back to Council in the future.

Respectfully,

Craig M. Cummings
Director of Water

Tom Hamilton
City Manager

Alderman Stearns questioned the need for a second fueling station and whether this request was valid due to the large difference in budget amount versus bid price. She questioned if the requested fueling facility would be a convenience or a need.

Tom Hamilton, City Manager, stated the request for an additional fueling facility would be a combination, (convenience and need). He did not believe the City would be able to have another fueling station at \$100,000. The bid price and budgeted amount differed by a large margin. He did not believe this would happen. He questioned the reasonableness of the request at the bid amount.

Alderman Fruin questioned other facilities or groups within the greater Twin City area with whom the City may be able to partner. He cited the school districts and the Town of Normal as examples.

Mr. Hamilton noted that location was key. Currently the City has one fueling station. It would be possible to have another location, possibly at the airport. Unit 5 School District's fueling facility was located far north on Northtown Road.

The City provided fuel to McLean County and the Housing Authority, as a convenience. The fueling system was computerized and automatically tracks gallons and vehicles. Dan Augstin, Director of Fleet Management, addressed the Council. The City's system tracked fuel usage in two (2) ways. A Fuel Point System which has readers in the nozzle of the pump and readers in the vehicle, to control the type and amount of fuel dispensed. The second was a key system. The key is inserted into the control panel and the type and amount of fuel is determined. These are computerized, real time fueling.

In order for the City to partner with another group for a fueling station, that group would need to use the same fueling system because the computers read differently. Mr. Hamilton stated the other groups may also use a different fuel type and two (2) different types of fuel cannot be mixed.

Motion by Alderman Gibson, seconded by Alderman Schmidt that the bid be rejected.

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

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

Nays: None.

Motion carried.

The following was presented:

To: Honorable Mayor and Members of the City Council

From: Staff

Subject: Ordinance Amending Chapter 16 Increasing Bid Threshold

Staff respectfully requests that Council increase the bid threshold to mirror the bid threshold as provided in the Illinois Compiled Statutes (ILCS) for Municipalities of less than 500,000 (65 ILCS 5/8-9-1: Public Works Contracts). The City's current bid threshold is \$5,000 and has not been adjusted since 1988.

Staff believes that raising the current bid threshold to mirror ILCS will facilitate efficient procedures for the procurement of supplies, services and equipment without compromising the formal bid practices. An indeterminate amount of resources will be saved by eliminating costs associated with formal bidding procedures under the current limitations.

Staff surveyed several Illinois municipalities to compare bid thresholds for procurement of all goods/services and public works/construction. Additionally, the current Purchasing Policy requires (3) quotes for \$500 - \$5,000. The results of the survey follow:

Peoria:	\$10,000 for everything (goods/services/construction)
Rock Island:	decentralized purchasing – department determines what is let for bid
Champaign:	\$17,500 for everything
Decatur:	\$5,000 for everything
Schaumburg:	\$20,000 for everything
Wheaton:	\$20,000 for everything
Village of Elk Grove	\$20,000 for everything
Normal:	\$1,000 - \$9,999 (3) quotes required; \$10,000 bid threshold
Springfield:	\$15,000 for everything
Lisle:	Currently \$20,000 due to recent changes to the Village code stating that the bid threshold will “mirror” the amount in the Illinois Compiled Statutes.

Staff has reviewed the Illinois Compiled Statutes and the Illinois Municipal Code, and found that increasing the bid threshold to mirror the most current dollar amount is permissible under home rule. Currently, each bid or proposal costs anywhere from \$100 – \$150 to advertise; \$15 - \$50 average postage; and an immeasurable amount of staff and clerical time, (requesting department - purchasing, purchasing review, and subsequent recommendation to Council; City Clerk - release and receipt of bid, mailing, tracking and filing of same).

Increasing the bid threshold also provides savings by eliminating the cost of copying bid documents and plans. Additionally, cooperative purchasing opportunities have allowed governmental agencies to save money and decrease expenses related to letting their own bids, such as through the State of Illinois, U.S. Communities or other cooperative purchasing agreements.

January 14, 2008

1185

In addition, the Purchasing Policy will reflect an increase to the requirement of (3) documented quotes from \$2,000 up to the maximum ILCS threshold to ensure competitive pricing for small dollar purchases.

Staff respectfully requests that the Ordinance be passed.

Respectfully,

Kim Nicholson
Purchasing Agent

Tom Hamilton
City Manager

ORDINANCE NO. 2008 - 02**AN ORDINANCE AMENDING CHAPTER 16
ARTICLE V SECTIONS 49, 50 AND 52**

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

SECTION ONE: Chapter 16 (Department of Finance), Article V (Purchasing and Contracts), of the Bloomington City Code, 1960, as amended, is further amended by amending the following Sections 49, 50 and 52:

SEC. 49 PURCHASES COSTING LESS THAN TEN TWENTY THOUSAND DOLLARS
~~FIVE THOUSAND DOLLARS.~~

The City Manager is hereby authorized to purchase, at his discretion, on the open market, commodities and supplies costing less not more than Ten Twenty Thousand Dollars (\$10 20,000). ~~Five Thousand Dollars (\$5,000.00).~~

SEC. 50 QUALIFICATIONS OF BIDDER; APPROVAL OF CONTRACTS;
PURCHASES IN EXCESS OF TEN TWENTY THOUSAND DOLLARS. ~~FIVE THOUSAND
DOLLARS.~~

All contracts or open market orders made by the City shall be awarded to the bidder whose bid is determined by the City Manager to serve best the interest of the City, taking into consideration the quality of the goods or articles ~~of~~ services to be supplied, their conformity with the specifications, the price, delivery terms and the service reputation of the vendor, provided, that the City Manager's action with respect to purchases or contracts involving the expenditure of more than ten twenty thousand dollars (\$10 20,000). ~~Five Thousand Dollars (\$5,000.00)~~ shall be approved by the Council before taking effect. All formal contracts shall be approved as to form by the Corporation Counsel.

All notices to bidders for procurement of goods or services ~~purchase orders or contracts~~ in excess of ten twenty thousand dollars (\$10 20,000). ~~Five Thousand Dollars (\$5,000.00)~~ shall be published no less than at least ten (10) days in advance of the date announced for the receiving of bids, in a daily newspaper of general circulation in the City, and shall simultaneously be available at the City Clerk's office ~~posted on a public bulletin board~~ in the City Hall. The newspaper notice required shall include a general description of the articles to be purchased, shall state where bid documents ~~blanks and specifications~~ may be secured and the time and place for opening bids. In addition, sealed bids shall be solicited by mailing notices requests to prospective suppliers. All such contracts shall be awarded by the City Council. The City Council by Resolution adopted by a majority vote of the Councilmen elected, including the Mayor, may direct the City Manager to enter into such contracts or make such purchases by waiving the bidding process ~~without advertising for bids.~~

SEC. 52 EMERGENCY PURCHASES; REPORT REQUIRED WHEN MORE THAN TEN TWENTY THOUSAND DOLLARS ~~FIVE THOUSAND DOLLARS~~.

In the case of the occurrence of any breakage or loss of equipment, or in other circumstances which could not reasonably be anticipated, whereby any necessary regular service of the City is, or is about to be, interrupted or whereby the City will suffer any great or continuing loss, the City Manager, upon the request of the department head, may negotiate an emergency purchase to restore or maintain such service or to terminate such loss, without advertising for bids and in such amount as may be necessary in the circumstances. In the case of such emergency purchases involving amounts of more than Ten Twenty Thousand Dollars (\$10 20,000) ~~Five Thousand Dollars (\$5,000.00)~~, the City Manager shall, at the next meeting of the Council thereafter, render a full report on the case.

SECTION TWO: That except as provided herein, the Bloomington City Code, 1960, as amended, shall remain in full force and effect.

SECTION THREE: That the City Clerk be and she is hereby directed and authorized to publish this ordinance in pamphlet form as provided by law.

SECTION FOUR: That this ordinance shall take effect immediately upon passage.

SECTION FIVE: That this ordinance is adopted pursuant to Home Rule Authority granted by the City of Bloomington by Article 7, Section 6, of the Illinois Constitution, 1970.

PASSED this 14th day of January, 2008.

APPROVED this 15th day of January 2008.

APPROVED:

Stephen F. Stockton
Mayor

ATTEST:

Tracey Covert
City Clerk

Alderman Stearns requested an explanation of the bid process. Tom Hamilton, City Manager, explained the process would work the same as it does now just at a high threshold. Currently for any purchase over \$5,000 staff wrote specifications, published the bid notice, received bids, analyzed bids, and recommended to Council. This new proposal would be the same except that it would apply only to purchases over \$20,000 instead of the \$5,000.

Alderman Schmidt reminded the Council that all expenditures were listed on the reports included in their packet. Mr. Hamilton concurred and added that nothing was spent without the Council's knowledge.

Alderman Stearns questioned if a vehicle with a purchase price of less than \$20,000 would be listed on the reports. During this budget conscious time she was not comfortable making the jump from \$5,000 to \$20,000. Several of the cities listed as examples were located in the Chicago suburbs, and were very different. Her preference would be a limit of \$10,000.

Alderman Sage echoed Alderman Stearns comments. He appreciated Alderman Fruin's suggestion as it would free staff time. However, he was more comfortable with the \$10,000 limit.

Alderman Gibson reiterated the cost savings in staff time by approving this proposal. The Council would be able to review the expenditures. Mr. Hamilton stated the expenditures would be listed within the Bills/Payroll section of the Consent Agenda. However, this report was a listing of the money which had already been spent. These would not be items voted on by the Council.

Alderman Purcell stated he would not take the time to review the itemized expenditures report. He was comfortable with a \$10,000 limit.

Alderman Stearns cited the staff retreat which incurred \$11,000 for a consultant. If this item had been in place at the \$20,000 limit, the Council would not have voted on that amount.

Alderman Schmidt had been comfortable with the \$20,000. She trusted staff was doing a good job. The cities cited which were close to the City's size all have limits higher than \$10,000. Alderman Fruin concurred and suggested the Council watch the amounts for one to two (1 - 2) years and make an adjustment if necessary.

Alderman Stearns questioned the formal bidding process for amounts between \$1,000 – 10,000 and the quotation requirements. Mr. Hamilton responded the formal bidding process was previously described. The cost for this process was greater to the City as well as the vendors. She expressed her concern for smaller, local businesses and the impact this change may have on them. Mr. Hamilton acknowledged the possibility. Vendors know the City well and would be given the opportunity to bid if they so choose.

Motion by Alderman Huette, seconded by Alderman Purcell that the Text Amendment be approved to decrease the bid threshold request from \$20,000 to \$10,000, with the quote requirement becoming anything over \$1,000.

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 Bid for the Demolition of the Building Formally Known as the Coachmen Hotel (408 E. Washington St.)

Bids were received for the Demolition of the Coachman Hotel (408 E. Washington St.) until Tuesday, Dec. 11, 2007. The bid includes asbestos removal, demolition of the building and filling in the basement area with compacted dirt. The existing parking and driveway area will remain. The bid results are as follows:

Kirk C&D Recycling, Inc. ** Bloomington, IL	\$187,000.00
Stark Excavating, Inc. Bloomington, IL	\$187,500.00
Otto Baum Construction, Inc. Morton, IL	\$220,000.00

** Low bid and recommended contractor

Staff respectfully recommends that Council approve the bid submitted by Kirk C&D Recycling, Inc. in the amount of \$187,000 and, further, that the Mayor and City Clerk be authorized to execute the necessary documents. It should be noted that per the "Consent to Demolish Agreement", approved by Council on June 11, 2007, that the City will be reimbursed the full and actual costs of this demolition.

Funds for this project are available in account #19110-70990.

Respectfully,

Robert Floyd
Facility Manger

Mark R. Huber
Director of PACE

Tom Hamilton
City Manager

Memorandum

To: Mayor and City Council
From: Todd Greenburg, Corporation Counsel
Date: January 4, 2008
Re: Kirk C & D Recycling- City Contracts

At the December 26, 2007 City Council meeting, a question was raised regarding the ability of Kirk C & D Recycling, Inc., to meet certain specifications of the bid for the demolition of the Coachman Motel. It is my opinion that the bidder meets those specifications.

The City's most recent Prevailing Wage Resolution requires that, as a prerequisite to contracts for public work as defined by state statute and the City's Resolution, contractors should provide proof of participation in apprenticeship and training programs approved and registered with the United States Department of Labor's Bureau of Apprenticeship and Training for all construction contracts in excess of \$100,000.

Tom Kirk has provided to City staff a letter from the International Union of Operating Engineers, Local 649, dated August 16, 2007, verifying that Kirk C & D Recycling, Inc. is currently a signatory contractor with I.U.O.E. Local 649 and participates in the Apprenticeship Program. On January 3, 2008, I contacted Robert D. Markham, Business Manager for I.U.O.E. Local 649, who confirmed that Kirk C & D Recycling is still a signatory contractor and still participates in the Apprenticeship Program.

Mr. Kirk also provided to City staff a document showing that Local #649 of the International Union of Operating Engineers is registered with the United States Department of Labor Office of Apprenticeship Training, Employer and Labor Services, Bureau of Apprenticeship and Training, for the trades of Operating Engineer, Repairer, Heavy Equipment, and Plant Equipment Operator. On January 3, 2008, I contacted the U.S. Department of Labor by telephone and spoke with Harry Dispensa, Apprenticeship and Training Representative. He confirmed that Local 649 of the International Union of Operating Engineers remains so registered. He also confirmed that the practice of the Department of Labor is to certify union locals, which then permit signatory contractors such as Kirk C & D Recycling. The Department of Labor does not keep track of individual signatory contractors.

Based on the foregoing, it is my opinion that Kirk C & D Recycling, Inc., is eligible to be awarded the bid for the demolition of the Coachman Motel. If Kirk C & D Recycling uses workers who are classified by the Prevailing Wage Resolution, but who are not covered by the certification of Local 649 of the I.U.O.E., it must use subcontractors who participate in U.S. Dept. of Labor apprenticeship programs for those other classifications. At the December 26th Council meeting Mr. Kirk indicated that it was his intention to do exactly that. So long as Mr. Kirk uses either his own employees or subcontracts with employers who participate in USDOL apprenticeship programs, he meets the specifications at issue.

Todd Greenburg, Corporation Counsel, addressed the Council. He had contacted the Department of Labor and the union in Peoria. Kirk C&D Recycling, Inc., was in

compliance with the City's prevailing wage requirements. The Department of Labor certified the union and he had received a letter from the union stating that Kirk C&D Recycling was a signatory contractor.

Alderman Sage thanked Mr. Greenburg and acknowledged the long process of compiling this information. Alderman Sage questioned if the City would be able to recoup the money currently being allocated for overdue water bills and taxes. Mr. Greenburg reminded the Council, an agreement had already been approved.

Hannah Eisner, Deputy Corporate Counsel, addressed the Council. She explained the lot in question is zoned B-3, Central Business District. There were very few limitations on B-3 acreage. In addition there was very little B-3 vacant property remaining. The City had put a lien on the property for the unpaid water bill. The City was waiting for a buyer.

Alderman Sage questioned if staff was confident that the City would recoup its costs once the land is sold. Ms. Eisner responded affirmatively.

Alderman Stearns questioned the amount of the outstanding water bill and property tax bill. Ms. Eisner was uncertain about the property tax bill. The outstanding water bill was for the usage as well as penalties. She believed the amount was approximately \$13,000.

Mayor Stockton questioned if there were superior liens to the City's lien. Ms. Eisner responded only the property tax lien. The City does not have much risk in this venture. The issue was to find a buyer and ensure the accuracy of the appraisal.

Motion by Alderman Schmidt, seconded by Alderman Purcell that the bid be awarded to Kirk C&D Recycling, Inc. in the amount of \$187,000 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.

MAYOR'S DISCUSSION: Mayor Stockton stated there was confusion regarding the reduction to the City's salt budget. Some individuals questioned if there would be adequate amounts for use on the roads. Tom Hamilton, City Manager, noted that over the last several years the City had purchased new spreaders which were more accurate. The new spreaders were more efficient and could do more with less. Mayor Stockton cited this as an example of a process improvement.

CITY MANAGER'S DISCUSSION: Mr. Hamilton reminded the Council City Hall would be closed on Monday, January 21, 2008 in observance of Martin Luther King Jr. holiday. Refuse pick up would be as usual.

ALDERMAN'S DISCUSSION: Alderman Finnegan noted the number of potholes within the City. Tom Hamilton, City Manager, reminded the Council that individuals can call or email the City to report potholes.

Alderman Finnegan noted that the skate park was doing well. It looked good.

He expressed his concern about personal stun guns. He had read an article about same. He acknowledged their assistance to the Police Department. He was not comfortable having them available to the general public. Mayor Stockton believed they had been legal for some time. However, he believed an Illinois Firearm card was required.

Alderman Sage requested an update on the pipeline. Mr. Hamilton stated there have been several meetings with the management company and staff. They have reviewed the location of the pipeline. It would be encased and the standards the company uses were adequate. They have construction standards and test the pipes periodically. There was limited risk to this venture.

Mayor Stockton stated the pipes will be one (1) of three (3) levels of thickness. The pipes will have a ten (10) mile flow into Lake Bloomington. The City was currently writing a procedure in case the pipe bursts. Mr. Hamilton added that a mitigation plan had been filed with the Illinois Commerce Commission (ICC) and the Environmental Protection Agency (EPA). The ICC made the final decision on this pipeline.

Mayor Stockton noted that the pipeline would be within a quarter (1/4) mile of the City limits. The City has a concern with future developments. Sewer and water lines may need to cross this pipeline. The City was waiting for something in writing from the management company granting the City the authority to cross this pipeline in the future. Mr. Hamilton added that a map had been provided to the management company which outlined the areas the City anticipates having crossings in the future. The City of Champaign had no problems with their pipeline and were in talks to use the easement as a trail in their city.

Alderman Huette stated this was a professional organization. They have electronic monitoring between valves that shuts down the system if there is an issue. This company had permission from the federal and state agencies before coming to the City.

Mayor Stockton reminded the Council he had sent an email to each of them asking for input on this issue. He did not receive any responses.

Alderman Stearns was opposed to this pipeline. She believed it was a threat to the City's water supply and an environmental concern. Marathon, the management company, had several EPA violations. Mayor Stockton was comfortable with the location. There was

nothing the City could do to stop the pipeline. The City needed to ensure future planning can be put in place.

Alderman Fruin expressed his appreciation for the reports to Council from two (2) community organizations. The Downtown Business Association's (DBA) year end report was informative. The update on the standing of the Youth Impact was also informative. He believed these groups were doing a good job and thanked them for keeping the Council informed.

He also acknowledged the Unit 5 Referendum regarding the annexation of land for Unit 5. An information session would be held tomorrow morning. He questioned if the Council should put together a statement regarding same. He thanked the Council for their response regarding this question. Alderman Stearns believed the voters would decide. Unit 5 did not touch her ward. Her constituents were facing a large property tax assessment increase.

Mayor Stockton did not know if there was enough support for this referendum to pass, especially since several of the wards were not in Unit 5. Education was important for the community and the future. This was an individual decision, and people needed to think carefully about their decision.

The City had facilitated several things throughout various annexation agreements such as zoning and the donating acreage for schools within the new subdivisions. Mr. Hamilton concurred and noted a number of formal and informal agreements between the City and Unit 5.

Alderman Purcell thanked the Parks and Recreation staff for their hard work on the skate park. There were youth waiting to access whatever equipment was available.

Alderman Stearns stated the most important issue for a community was schools. The City needed to maintain property value while improving schools. She would be meeting with Mr. Hamilton tomorrow to talk about beautification, livability and quality of life within her ward. She questioned what could be done about refuse on the parkways.

She also invited the Council to the David Davis Mansion on February 7, 2008 for an open house to highlight the new visitor center.

Motion by Alderman Gibson, seconded by Alderman Purcell, that the meeting be adjourned. Time: 9:05 p.m.

Motion carried.

Tracey Covert
City Clerk

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