

**COUNCIL PROCEEDINGS
PUBLISHED BY THE AUTHORITY OF THE CITY COUNCIL
OF BLOOMINGTON, ILLINOIS**

The Council convened in regular Session in the Council Chambers, City Hall Building, at 7:30 p.m., Monday, April 10, 2006.

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: Joseph "Skip" Crawford, Kevin Huette, Allen Gibson, Michael Matejka, Jim Finnegan, Steven Purcell, Karen Schmidt, John Hanson and Mayor Stephen F. Stockton.

City Clerk Tracey Covert and Corporate Counsel Todd Greenburg were also present.

City Manager Tom Hamilton was absent.

The following was presented:

Mayor Stockton presented John Hanson for appointment as Alderman for Ward 8. Mr. Hanson resigned from the District 87 School Board after three (3) years.

Motion by Alderman Finnegan, seconded by Alderman Crawford to approve the appointment of John Hanson, Alderman Ward 8.

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

Ayes: Aldermen Crawford, Huette, Schmidt, Finnegan, Gibson, Matejka and Purcell.

Nays: None.

Motion carried.

Tracey Covert, City Clerk, performed the Oath of Office for John Hanson, Alderman Ward 8. Mr. Hanson thanked the Mayor, Council and City staff for their support and encouragement. He would work to serve his Ward and the City.

The following was presented:

Medals of appreciation for members of the Fire Department who volunteered to serve a two (2) week deployment to aid in the recovery efforts after Hurricane Katrina. 1.) Asst. Chief Steve Barr, 2.) Captain James Poisel, 3.) Captain Ken Sylvester, 4.) Lieutenant Eric West, 5.) Engineer Steve Hill, 6.) Engineer Doug Stretch, 7.) Engineer Eric Leman, and 8.) Firefighter Lance Benedict.

Keith Ranney, Fire Chief, addressed the Council. The City belonged to MAVIS, a statewide mutual aid program for emergency response. The Fire Department's staff was dedicated, well trained, and well equipped. These individuals serve twenty-four (24) hours on and twenty-four (24) hours off shifts. These eight (8) individuals had received a Certificate of Service and a Humanitarian Service awards.

Fire Cpt. Ken Sylvester acted as the group's spokesperson. He informed the Council that the first group spent two (2) weeks living in tents. They worked fourteen to sixteen (14 – 16) hour days every day. They had been assigned to the City proper, (New Orleans). He noted the devastation. There had been no power during the first two (2) weeks. The second group was hit by a hurricane. The third group was housed in fire houses. During off duty hours, they assisted with clean up. Response time to fire calls was forty-five (45) minutes. The military was everywhere. It had been quite an experience, and one which they would never forget. He thanked the City for the opportunity.

Mayor Stockton read the Certificate provided by MAVIS/IFCA. He presented each individual with the Certificate and Humanitarian Service Medal. He acknowledged their sacrifice. He expressed his pride in their service. These individuals were a credit to the City and themselves.

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

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

Ayes: Aldermen Crawford, Huette, Schmidt, Finnegan, Gibson, Matejka and Purcell.

Nays: None.

Abstains: Alderman Hanson.

Motion carried.

The following was presented:

To: Honorable Mayor and Members of the City Council
From: Staff
Subject: Additional Expenditure for the Harriet Fuller Rust Facade Program

In the FY 2005-06, Council approved the expenditure of \$100,000 for the Harriet Fuller Rust Facade Grant Program. Unfortunately, due to a staff error, projects committed in the FY 2004-05 were not properly encumbered and were paid out of the FY 2005-06 budget.

Since this error was not realized until the end of the current fiscal year, additional Downtown rehabilitation projects were committed beyond the limits of the current budget. Staff is respectfully requesting that Council approve an additional expenditure of \$31,000 from the Downtown TIF Fund, Account X40300-79130 to meet the current and final obligations of the Rust Facade Grant Program. This action will reduce or delay any future facade funds.

Respectfully,

Mark R. Huber
Director of PACE

Tom Hamilton
City Manager

Alderman Gibson questioned this item. Mark Huber, Director – PACE, addressed the Council. This program began five to six (5 – 6) years ago. The Harriet Fuller Rust Facade program was available to properties within the Downtown. \$600,000 had been budgeted over five (5) years. Staff failed to encumber funds from the previous fiscal year. This cycle was now complete. The Council would have to decide whether to continue the program or not.

Motion by Alderman Crawford, seconded by Alderman Schmidt that the additional expenditure in the amount of \$31,000 from the Downtown TIF Fund be approved for the Harriet Fuller Rust Facade Grant Program.

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

Ayes: Aldermen Crawford, Huette, Schmidt, Finnegan, Gibson, Matejka and Purcell.

Nays: None.

Abstains: Alderman Hanson.

Motion carried.

The following was presented:

To: Honorable Mayor and Members of the City Council

From: Staff

Subject: Payments from Various Municipal Departments

1. The third partial payment to PSA-Dewberry in the amount of \$14,650.51 on a contract amount of \$40,500 of which \$26,747.57 will have been paid to date for work certified as 66% complete for the Library Expansion Furniture, Fixtures and Equipment. Completion date - November 2006.
2. The ninth partial payment to Pamela Eaton in the amount of \$11,000 on a contract amount of \$100,000 of which \$107,080.96 will have been paid to date for work certified as 107% complete for the Facade Program. Completion date - April 2006.
3. The tenth partial payment to New World Systems in the amount of \$6,918.41 on a contract amount of \$671,523 of which \$440,520.50 will have been paid to date for work certified as 66% complete for the Police and Fire Computer Aided Dispatch System. Completion date - July 2006.
4. The eleventh partial payment to New World Systems in the amount of \$5,975 on a contract amount of \$671,523 of which \$446,495.50 will have been paid to date for work certified as 66% complete for the Police & Fire Computer Aided Dispatch System. Completion date - July 2006.
5. The third partial payment to Motorola in the amount of \$24,494.30 on a contract amount of \$511,250.23 of which \$440,897.40 will have been paid to date for work certified as 86% complete for the Communication Center Equipment. Completion date - June 2006.

6. The twelfth partial payment to PJ Hoerr, Inc. in the amount of \$1,557,443.54 on a contract amount of \$11,451,640.26 of which \$7,217,444.31 will have been paid to date for work certified as 63% complete for the Renovation of the Bloomington Center for the Performing Arts. Completion date - June 2006.
7. The twenty-third partial payment to Hammond Beeby Rupert Ainge, Inc. in the amount of \$30,036.72 on a contract amount of \$1,993,750 of which \$1,894,197.46 will have been paid to date for work certified as 95% complete for the Phase 3 & 4 Renovation of the Bloomington Center for the Performing Arts. Completion date - August 2006.
8. The sixth partial payment to Central Illinois Arena Management Inc. in the amount of \$69,637.29 on a contract amount of \$1,007,697.83 of which \$918,184.33 will have been paid to date for work certified as 91% complete for the Professional Services. Completion date - April 2006.
9. The tenth partial payment to Thompson Dyke & Associates in the amount of \$28,100 on a contract amount of \$227,450 of which \$215,650 will have been paid to date for work certified as 95% complete for the Holiday Pool/Park Renovation. Completion date - August 2006.
10. The third partial payment to F & W Lawn Care Specialists in the amount of \$27,270.70 on a contract amount of \$43,916.55 of which \$43,916.55 will have been paid to date for work certified as 99% complete for the Seeding at Various Locations 2005-2006. Completion date - May 2006.
11. The third and final payment to Rowe Construction Co. in the amount of \$2,914.60 on a contract amount of \$137,624.60 of which \$137,624.60 will have been paid to date for work certified as 100% complete for the Six Points Road at Heartland Hills. Completion date - October 2005.
12. The twenty-fourth partial payment to Stark Excavating, Inc. in the amount of \$56,000 on a contract amount of \$2,573,967.59 of which \$2,571,112 will have been paid to date for work certified as 99% complete for the Airport Rd - Route 9 to Gill Street. Completion date - May 2006.
13. The twenty-sixth partial payment to Clark Dietz, Inc. in the amount of \$6,393.74 on a contract amount of \$366,591.65 of which \$351,396.52 will have been paid to date for work certified as 96% complete for the Hamilton Road - Greenwood to Timberlake Lane. Completion date - May 2006.
14. The second partial payment to Consoer Townsend & Associates in the amount of \$9,971.14 on a contract amount of \$185,000 of which \$23,185.47 will have been paid to date for work certified as 13% complete for the Electrical Improvements at Lake Bloomington. Completion date - December 2006.

15. The seventh partial payment to Clark Dietz, Inc. in the amount of \$840.03 on a contract amount of \$44,000 of which \$33,122.85 will have been paid to date for work certified as 75% complete for the Sugar Creek Headwater Study. Completion date - April 2006.
16. The fourth partial payment to Farnsworth Group in the amount of \$909.95 on a contract amount of \$15,000 of which \$5,149.70 will have been paid to date for work certified as 34% complete for the Ozone Pilot Study for Taste and Odor Compound Elimination. Completion date - October 2006.
17. The third partial payment to Consoer Townsend & Associates in the amount of \$3,420.10 on a contract amount of \$53,580 of which \$13,975.13 will have been paid to date for work certified as 26% complete for the Master Plan Update of Water Treatment Plant. Completion date - December 2006.
18. The second partial payment to Clark Dietz, Inc. in the amount of \$730.89 on a contract amount of \$140,000 of which \$2,298.87 will have been paid to date for work certified as 2% complete for the Locust - Colton CSO Study. Completion date - January 2007.
19. The fourth partial payment to Farnsworth Group in the amount of \$30,484.93 on a contract amount of \$256,000 of which \$46,599.09 will have been paid to date for work certified as 18% complete for the Kickapoo Force Main Design, and Brokaw Road Property Surveys. Completion date - November 2006.

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 Crawford, seconded by Alderman Schmidt that the payments be approved.

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

Ayes: Aldermen Crawford, Huette, Schmidt, Finnegan, Gibson, Matejka and Purcell.

Nays: None.

Abstains: Alderman Hanson.

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 and reappointment:

Cultural District Commission:

Judy Markowitz, 324 Vista Dr. Her term will expire on 4/30/2009.

Police Pension Board:

Curt Oyer, 2501 E. Washington #3. His term will expire on 04/30/3008.

Respectfully,

Stephen F. Stockton
Mayor

Motion by Alderman Crawford, seconded by Alderman Schmidt that the appointment and reappointment be approved.

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

Ayes: Aldermen Crawford, Huette, Schmidt, Finnegan, Gibson, Matejka and Purcell.

Nays: None.

Abstains: Alderman Hanson.

Motion carried.

The following was presented:

To: Honorable Mayor and Members of the City Council
From: Staff
Subject: Payment for Door Replacements at the Davis Lodge

The main entrance doors at the Davis Lodge have not fit well since the structure was rebuilt. This has caused discomfort for guests to the lodge due to drafts. Additionally, the ill-fitting doors have undoubtedly increased heating and cooling costs for the facility. A log structure, such as the Davis Lodge, will settle and change the shape of openings (doors and windows) for several years.

Although staff tried many times to make adjustments to the original entrance doors, they were not of a style that could be adjusted beyond minimal changes. These doors were recently replaced, and have provided a much better fit. Once it was determined that the north entrance doors were superior to the original entrance doors, the doors on the south side were replaced as well.

Staff has received an invoice for these replacement doors from Doors Unlimited of Hudson, in the amount of \$8,310. Staff respectfully requests that Council approve the payment to Doors Unlimited in the amount of \$8,310, with payment to be made from Water Department, Water Equipment Replacement Fund, Lake Maintenance Division, Fixed Asset Account F5030 - 50300- 50140-72140.

Respectfully,

Craig M. Cummings
Director of Water

Tom Hamilton
City Manager

Motion by Alderman Crawford, seconded by Alderman Schmidt that the payment be approved.

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

Ayes: Aldermen Crawford, Huette, Schmidt, Finnegan, Gibson, Matejka and Purcell.

Nays: None.

Abstains: Alderman Hanson.

Motion carried.

The following was presented:

To: Honorable Mayor and Members of the City Council

From: Staff

Subject: Payment for Lime Sludge Removal

The Water Department has a ten (10) year contract, which was awarded in 1997, to remove lime sludge from the water treatment plant storage lagoon. Lime sludge is a reusable byproduct of the water softening process. It is removed from the sludge lagoon by Evergreen Farm Service (FS) and marketed to farmers for pH control of their farmland.

This process must take place each year as the water softening process creates about 25,000 lbs. of sludge each day. The contract called for the payment of a base amount of \$163,000 in 1997 with future years to be calculated using this amount and an adjustment based upon the Consumer Price Index. There is also an credit adjustment based upon the amount of revenue earned by Evergreen FS in selling the product. An invoice for \$170,700 has been received for the fall 2005 work. Staff has reviewed this invoice and has determined that it is in accordance with the contract.

Staff respectfully requests that Council approve the payment of \$170,700 to Evergreen FS for the 2005 removal of lime sludge from the water treatment plant. Payment is to be made with Water Department Operations and Maintenance Funds, Lime Sludge Hauling (X50130-70840).

Respectfully,

Craig M. Cummings
Director of Water

Tom Hamilton
City Manager

Motion by Alderman Crawford, seconded by Alderman Schmidt that the payment be approved.

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

Ayes: Aldermen Crawford, Huette, Schmidt, Finnegan, Gibson, Matejka and Purcell.

Nays: None.

Abstains: Alderman Hanson.

Motion carried.

The following was presented:

To: Honorable Mayor and Members of the City Council

From: Staff

Subject: Request for Proposal for Concrete Ground Storage Reservoir Inspection Services

The City has two ground storage tanks at the Division Street property. These tanks collectively store fifteen (15) million gallons of water for repumping. One reservoir stores five (5) million gallons of water and the other stores the remaining 10 million gallons of water. Staff has determined that it has been ten (10) years since the ten (10) million gallon reservoir has been drained and completely inspected.

This reservoir has been in continuous service since at least 1910. This inspection will determine the condition of the concrete, address any needed security upgrades, recommend changes to the vents that need to be made, inspect the roof system and determine a scope of work for making any anticipated repairs. Staff respectfully requests permission to request proposals for this service. This inspection service was budgeted in the Water Department FY 2005/06 Capital Budget. Anticipated repairs are budgeted in the FY 2006/07 Capital Budget.

Respectfully,

Craig M. Cummings
Director of Water

Tom Hamilton
City Manager

Alderman Schmidt questioned this item. She noted that it had been ten (10) years since the reservoir was last drained and inspected. Craig Cummings, Director – Water, addressed the Council. He informed them that the water level would be pumped down to a half million. A valve would be shut off. Water would be deposited in the bottom of a tank.

Motion by Alderman Crawford, seconded by Alderman Schmidt that staff be allowed to seek Request for Proposals for Concrete Ground Storage Reservoir Inspection Services.

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

Ayes: Aldermen Crawford, Huette, Schmidt, Finnegan, Gibson, Matejka and Purcell.

Nays: None.

Abstains: Alderman Hanson.

Motion carried.

The following was presented:

April 10, 2006

1915

To: Honorable Mayor and Members of the City Council

From: Staff

Subject: Waive the Formal Bidding Process and Approve a Professional Services Contract for a Feasibility Study and Conceptual Design of a Clustered Wastewater Treatment System at Lake Bloomington

Staff is proposing a feasibility study and conceptual design of alternatives for wastewater treatment in the Lake Bloomington area. Currently, this area is not served by a wastewater treatment facility, rather, individual homes have their own septic systems. Many of these systems are old and undersized. Since the discharge from many of these systems is into the Lake Bloomington reservoir, it is in the City's best interest to look at innovative ways to treat this wastewater.

A previous study to investigate more traditional methods (a treatment plant or connection to the Bloomington Normal Water Reclamation District system) of wastewater treatment for this area indicated the cost could exceed \$10 million for the approximately 250 households in the Lake Bloomington area.

This current proposal will investigate technologies that are gaining favor with the Environmental Protection Agency. These systems can possibly be installed in neighborhoods to handle the wastewater flow from several homes and not discharge to the ground surface (a surface discharging system), as most of the systems in the area do now. The investigation will focus on systems that do not surface discharge. These might be systems that store treated liquids in an evaporation lagoon or simply store liquids until warm, dry months when the liquid can be land applied.

Staff respectfully recommends that Council waive the formal bidding process and approve a professional service Agreement with the Farnsworth Group for a Feasibility Study and Conceptual Design of a Clustered Wastewater Treatment System at Lake Bloomington in an amount not to exceed \$45,000 and the Mayor and City Clerk authorized to execute the necessary documents. Payment for this work will be paid for with funds from the Water Department, Water Depreciation, Other Professional and Technical Services (5020-X50200-70050).

Respectfully,

Craig M. Cummings
Director of Water

Tom Hamilton
City Manager

RESOLUTION NO. 2006 - 48**A RESOLUTION WAIVING THE FORMAL BIDDING PROCESS AND
AUTHORIZING A FEASIBILITY STUDY AND CONCEPTUAL DESIGN OF A
CLUSTERED WASTEWATER TREATMENT SYSTEM AT LAKE BLOOMINGTON
IN AN AMOUNT NOT TO EXCEED \$45,000**

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

1. That the bidding process be waived and a Feasibility Study and Conceptual Design of a Clustered Wastewater Treatment System at Lake Bloomington be approved in an amount not to exceed \$45,000.

ADOPTED this 10th day of April, 2006.

APPROVED this 11th day of April, 2006.

Stephen F. Stockton
Mayor

ATTEST:

Tracey Covert
City Clerk

**AGREEMENT FOR ENGINEERING SERVICES
for
REPORT ON PROPOSED CLUSTERED WASTEWATER SYSTEM
LAKE BLOOMINGTON AREA CITY OF BLOOMINGTON, ILLINOIS
WATER DEPARTMENT**

This AGREEMENT, made this 11th day of April, 2006 by and between the CITY OF BLOOMINGTON, P.O. BOX 3157, Bloomington, Illinois 61702-3157, hereinafter referred to as the OWNER, and FARNSWORTH GROUP, INC., 2709 McGraw Dr., Bloomington, Illinois 61704, hereinafter referred to as the ENGINEER.

The OWNER intends to investigate and report on clustered wastewater systems to serve the area around Lake Bloomington; hereinafter referred to as the PROJECT. The ENGINEER agrees to perform various professional engineering services required by OWNER to do the investigation and report the findings as specified herein.

WITNESSETH:

That for and in consideration of the mutual covenants and promises between the parties hereto, it is hereby agreed:

SECTION A – SCOPE OF ENGINEERING SERVICES

The ENGINEER shall investigate and prepare a report for the City of Bloomington for review by and input from the Illinois Environmental Protection Agency and the McLean County Health Department. The report shall be according to the following agreed upon outline:

1. Report to IEPA (MCHD) for Review and Approval
 - A. Background
 - a. Previous wastewater facility plan summary
 - b. City's goal and plan for a clustered treatment system approach
 - B. Identification of a Demonstration Site and Characterization of Wastewater Sources
 - C. Review of No Discharge / No Leaching Treatment Alternatives
 - a. Evaporation lagoon
 - b. Storage / wastewater application on crop land
 - c. Clustered evapotranspiration storage/treatment system
 - D. Review of Transport Alternatives
 - a. Conventional sewers
 - b. Pressure sewers
 - c. Vacuum sewers
 - E. Construction and Operation Cost Estimates
 - F. Recommendation
 - G. Basis of Design for Selected Alternative
 - H. Test Protocol for Demonstration
 - I. Schedule of Demonstration
 - J. Contingency Plan
2. Time of Performance
 - a. Services will be provided by ENGINEER in accordance with the following schedule:
 - (1) Work shall begin immediately on execution of contract.
 - (2) Work shall progress depending on reviews by IEPA and MCHD.
3. Other Services
 - (1) Other services to be provided as directed by the OWNER at a time and fee agreed upon by the OWNER and ENGINEER.

SECTION B – OWNER'S RESPONSIBILITIES

The OWNER shall:

1. Designate in writing a person to act as the OWNER's representative with respect to the

ENGINEER's services. Such person shall have complete authority to transmit instructions, receive information, and interpret and define the OWNER's policies and decisions with respect to materials, equipment, elements and systems pertinent to the ENGINEER's circumstances.

2. Provide full information as to OWNER's requirements for the project.
3. Assist the ENGINEER by placing at his disposal all available information pertinent to the project including previous reports and any other data relative to the project.
4. Guarantee access to and make all provisions for the ENGINEER to enter upon public and private property as required for the ENGINEER to perform its services.
5. Examine all studies, reports, sketches, drawings, specifications, proposals and other documents presented by the ENGINEER, and render in writing decisions pertaining thereto within a reasonable time so as not to delay the services of the ENGINEER.
6. Provide such legal, accounting, independent cost estimating and insurance counseling services as may be required for the PROJECT.
7. Give prompt written notice to the ENGINEER whenever the OWNER becomes aware of any defect in the PROJECT or changed circumstances which may alter the scope of services specified herein.
8. Furnish or direct the ENGINEER to provide necessary additional services as required by changed conditions.
9. Furnish approvals and permits from all governmental authorities having jurisdiction over the project and such approvals and consents from others as may be necessary for completion of the project except those permits specifically noted in Section A which the ENGINEER is required to obtain.
10. Publish all notices which may be required.
11. Provide or direct the ENGINEER to provide all soil borings and associated field geotechnical engineering services required for the Project.
12. Provide construction inspection and submit as-built information to ENGINEER.
13. Bear all costs incidental to compliance with the requirements of this Section B.

SECTION D – CHANGES AND TERMINATION

D.1. The OWNER may, at any time by written order, make changes within the general scope of this Agreement in the services or work to be performed. If such changes cause an increase or decrease in the ENGINEER's cost of or time required for, performance of any services under this

Agreement, whether or not changed by any order, an equitable adjustment shall be made and this Agreement shall be modified in writing accordingly on a basis to be mutually agreed upon. Any claim of the ENGINEER for adjustment under this clause must be asserted in writing within 30 days from the date of receipt by the ENGINEER of the notification of change unless the OWNER grants a further period of time before the date of final payment.

D.2. No services for which an additional compensation will be charged by the ENGINEER shall be furnished without the written authorization of the OWNER.

D.3. Changes in the scope of the PROJECT and/or substantial delays in the progress of the PROJECT by the OWNERS actions requiring additional engineering services shall be considered changes in scope for which the ENGINEER may claim additional compensation. Such additional compensation shall be negotiated on the basis of the time and expense required for performance based upon the current fee schedule. Changes in scope may include, but not be limited to, the following actions:

- a. Additions or deletions of the facilities to be studied in Section A.1.
- b. Changed conditions to the PROJECT not anticipated by the OWNER or ENGINEER.

D.4. This Agreement may be terminated at any time by the OWNER or the ENGINEER upon written notice to the other party. Upon termination, the OWNER shall compensate the ENGINEER for all services rendered prior to notification of termination including costs of labor, materials, subconsultants fees and other expenses which may have been incurred by the ENGINEER prior to termination. Compensation shall be based upon the ENGINEER'S then current hourly fee schedule.

SECTION E – GENERAL CONDITIONS

The General Conditions, as attached hereto, shall apply to this AGREEMENT.

SECTION F – SUCCESSORS AND ASSIGNS

OWNER and ENGINEER each binds himself and his partners, successors, executors, administrators and assigns to the other party of this Agreement and to the partners, successors, executors, administrators and assigns of such other party, in respect of all covenants of this Agreement. Except as above, neither OWNER nor ENGINEER shall assign, sublet or transfer his interest in this Agreement without the written consent of the other. Nothing herein shall be construed as creating any personal liability on the part of any officer or agency of any public body which may be a party hereto, nor shall it be construed as giving any rights or benefits hereunder to anyone other than OWNER and ENGINEER.

SECTION G – ACCESS TO RECORDS

G.1. The OWNER, IEPA or any duly authorized representative shall have access to records.

- a. Books, records, documents and other evidence directly pertinent to performance of Agency loan work under this Agreement shall be maintained consistent with generally accepted accounting principles and practices consistently applied, and 40 CFR Part 30, in effect on the date of execution of this Agreement. The Agency or any of its duly authorized representatives shall have access to all such books, records, documents and other evidence for the purpose of inspection, audit and copying during normal business hours. Facilities for such access and inspection shall be provided.
- b. The ENGINEER agrees to include Paragraphs (a) through (e) of the clause in all his Agreements and all lower-tier subagreements in excess of \$25,000 and to make Paragraphs (a) through (e) of this clause applicable to all change orders directly related to PROJECT performance.
- c. Audits conducted pursuant to this provision shall be in accordance with generally accepted auditing standards.
- d. Disclosure of all information and reports resulting from access to records pursuant to Paragraphs (a) and (b) of this clause shall be provided to the Agency. The final audit report will include the written comments, if any, of the audited parties.
- e. Records under Paragraphs (a) and (b) above, shall be maintained and made available during performance of projects services under this Agreement and until three years after the final loan closing. In addition, those records which relate to any "dispute" appeal under the Agency loan agreement, or litigation, or the settlement of claims arising out of such performance, or costs or items to which an audit exception has been taken, shall be maintained and made available until three years after the date of resolution of such appeal, litigation, claim or exception.

SECTION H – COVENANT AGAINST CONTINGENT FEES

The ENGINEER warrants that no person or selling agency has been employed or retained to solicit or secure this Agreement upon an Agreement or understanding for commission, percentage, brokerage or contingent fee, excepting bona fide employees or bona fide established commercial or selling agencies maintained by the ENGINEER for the purpose of securing business. For breach or violation of this warranty, the OWNER shall have the right to annul this agreement without liability or in its discretion to deduct from the contract price or consideration, or otherwise recover the full amount of such commission, percentage, brokerage or contingent fee.

SECTION I – GRATUITIES

I.1. If the recipient finds after a notice and hearing that the ENGINEER, or any of the ENGINEER's agents or representatives, offered or gave gratuities (in the form of entertainment, gifts, or otherwise), to any official, employee, or agent of the awarding, amending, or making

any determinations related to the performance of this Agreement, the OWNER may, by written notice to the ENGINEER, terminate this Agreement. The OWNER may also pursue other rights and remedies that the law of this Agreement provides. However, the existence of the facts on which the OWNER bases such findings shall be in issue and may be reviewed in proceedings under the Remedies Clause of this Agreement.

I.2. In the event this Agreement is terminated as provided in Paragraph (a), the OWNER may pursue the same remedies against the ENGINEER as it could pursue in the event of a breach of the Agreement by the Engineer, and (2) as a penalty in addition to any other damages to which it may be entitled by law, to exemplary damages in an amount (as determined by the OWNER) which shall be not less than three, nor more than 10 times the costs the ENGINEER incurs in providing any such gratuities to any such officer or employee.

SECTION J – DEBARMENT CERTIFICATION

The ENGINEER certifies that to the best of his knowledge and belief that they and their principals:

J.1. Are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from covered transactions by and Federal department or agency;

J.2. Have not, within a three-year period preceding this AGREEMENT, been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain or performing a public (Federal, State or local) transaction or contract under a public transaction; violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements or receiving stolen property;

J.3. Are not presently indicted for or otherwise criminally or civilly charged by a governmental entity (Federal, State or local) with commission of any of the offenses enumerated in Paragraph (1)(b) of this certification; and

J.4. Have not within a three-year period preceding this application/proposal had one or more public transactions (Federal, State or local) terminated for cause or default.

IN WITNESS WHEREOF, the parties hereto have made and executed this AGREEMENT as of the day and year first above written.

OWNER:

ENGINEER:

CITY OF BLOOMINGTON
ENGINEERING DEPARTMENT

FARNSWORTH GROUP, INC.

By: Stephen F. Stockton
Title: Mayor

Steve Myers, P.E.
Title: Principal

Attest: Tracey Covert
Title: City Clerk

Attest: Steve Himmell, P.E.
Title: Principal

Alderman Purcell questioned this item. He noted the size of the homes which have been built around the Lake. He questioned the current use of septic systems which may allow the run off of contaminants. Craig Cummings, Director – Water, addressed the Council. Septic system regulations are determined by the Illinois Department of Public Health, (IDPH). Locally, the McLean County Health Department administers the IDPH's rules/regulations. There were a number of factors which impacted a septic system, number of bedrooms and bathrooms, garbage disposal, surface discharge, etc. He added that sand filter systems need to be chlorinated. A sewerage system for Lake Bloomington would cost an estimated \$25 million. There were only 200 homes at the Lake. There was no surface discharge with a cluster system. He had no idea of what one would cost or how many homes would be served. The City would be the first demonstrate this type of system to the Illinois Environmental Protection Agency. Cluster systems have been used elsewhere. They have been used well. The City may need to store liquid waste in the winter.

Motion by Alderman Crawford, seconded by Alderman Schmidt that the Formal Bidding process be waived, the Agreement with Farnsworth Group to perform a Feasibility Study and Conceptual Design of a Clustered Wastewater Treatment System at Lake Bloomington be approved in an amount not to exceed \$45,000, the Mayor and City Clerk authorized to execute the necessary documents, and the Resolution adopted.

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

Ayes: Aldermen Crawford, Huette, Schmidt, Finnegan, Gibson, Matejka and Purcell.

Nays: None.

Abstains: Alderman Hanson.

Motion carried.

The following was presented:

To: Honorable Mayor and Members of the City Council

From: Staff

Subject: Waive the Formal Bidding Process and Purchase Replacement Water Quality Monitor for the Water Department

As part of the source water quality monitoring program, staff regularly performs on-site observations of the water quality conditions in both of the reservoirs. The monitoring device that

is currently used measures temperature, dissolved oxygen, pH, and conductance. The device currently in use is now scheduled for replacement.

Staff recommends purchasing a Hydrolab DS5X to replace this device. The dissolved oxygen probe is superior to the type currently used and is much more accurate. The unit also has additional sensors for measuring the turbidity (cloudiness) of the water and can measure the amount of blue-green algae pigment in the water, projecting the amount of taste and odor causing algae that are present.

Staff respectfully requests that Council waive the formal bidding process and approve of the purchase of a Hydrolab DS5X water quality monitor from Hach Environmental in the amount of \$14,320. Funds for this purchase will be made with Fixed Asset Replacement Funds, F50130-72120.

Respectfully,

Craig M. Cummings
Director of Water

Tom Hamilton
City Manager

RESOLUTION NO. 2006 - 49

**A RESOLUTION WAIVING THE FORMAL BIDDING PROCESS AND
AUTHORIZING THE PURCHASE OF A HYDROLAB DS5X FROM HACH
ENVIRONMENTAL AT A PURCHASE PRICE OF \$14,320**

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 a Hydrolab DS5X from Hach Environmental at a Purchase Price of \$14,320.

ADOPTED this 10th day of April, 2006.

APPROVED this 11th day of April, 2006.

Stephen F. Stockton
Mayor

ATTEST:

Tracey Covert
City Clerk

Motion by Alderman Crawford, seconded by Alderman Schmidt that the Formal Bidding Process be waived, the Hydrolab DS5X be purchased from Hach Environmental in the amount of \$14,320, the Purchasing Agent 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 Crawford, Huette, Schmidt, Finnegan, Gibson, Matejka and Purcell.

Nays: None.

Abstains: Alderman Hanson.

Motion carried.

The following was presented:

To: Honorable Mayor and Members of the City Council

From: Staff

Subject: Waive the Formal Bidding Process and Purchase Replacement Stream Water Velocity/Flow Measurement System for the Water Department

As part of the source water quality monitoring program, staff performs measurements of the amount of water entering and leaving the reservoirs. One of the methods for measuring flow involves measuring the speed and depth of water at various locations in the streams. The device currently in use is now scheduled for replacement.

Staff recommends the SonTek Flow Tracker Handheld ADV as the replacement unit. The United States Geological Survey is adopting this unit as their standard device for performing wading discharge measurements.

Staff respectfully requests that Council waive the formal bidding process and approve of the purchase of a SonTek Flow Tracker Handheld ADV system from SonTek in the amount of \$7,055. Payment for this purchase will be made with Fixed Asset Replacement Funds, F50130-72120.

Respectfully,

Craig M. Cummings
Director of Water

Tom Hamilton
City Manager

RESOLUTION NO. 2006 - 50

**A RESOLUTION WAIVING THE FORMAL BIDDING PROCESS AND
AUTHORIZING THE PURCHASE OF A SONTEK FLOW TRACKER HANDHELD
ADV SYSTEM FROM SONTEK AT A PURCHASE PRICE OF \$7,055**

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 a SonTek Flow Tracker Handheld ADV system from SonTek at a Purchase Price of \$7,055.

ADOPTED this 10th day of April, 2006.

APPROVED this 11th day of April, 2006.

Stephen F. Stockton
Mayor

ATTEST:

Tracey Covert
City Clerk

Motion by Alderman Crawford, seconded by Alderman Schmidt that the Formal Bidding Process be waived, the SonTek Flow Tracker Handheld ADV system be purchased from SonTek in the amount of \$7,055, the Purchasing Agent 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 Crawford, Huette, Schmidt, Finnegan, Gibson, Matejka and Purcell.

Nays: None.

Abstains: Alderman Hanson.

Motion carried.

The following was presented:

To: Honorable Mayor and Members of the City Council

From: Staff

Subject: Waive the Formal Bidding Process and Purchase a Sound Monitor System from Professional Audio Designs, Inc. for the Bloomington Center for the Performing Arts (BCPA)

Staff respectfully requests permission to waive the bidding process and acquire a sound monitor system and related equipment from Professional Audio Designs (PAD) in Wauwatosa, WI for the Bloomington Center for the Performing Arts (BCPA).

PAD is the vendor currently providing/installing all audio and sound reinforcement systems as a part of the BCPA renovation contract. The company is currently converting its inventory and has made available a package of new, display and "demonstrator" monitor equipment to the City at a reduced price of \$55,294.20, a discount of \$57,124.43. The price of this equipment if purchased new is \$112,418.63. This equipment coordinates with the permanently installed equipment, can be upgraded, and meets anticipated needs of the BCPA, both in serving an artist's on-stage monitor requirements, and as a portable system to service activities in the BCPA ballroom.

Professional Audio will provide a 45 day warranty on the demonstrator items and a full warranty on all new equipment. Staff has inspected the proposed equipment and finds all equipment to be of professional quality and well within accepted industry standards. The demonstrator equipment has had minimal wear and should achieve the same life span as new equipment.

Given the unique vendor circumstances that will enable the City to realize a significant savings, the quality of the equipment and that the proposed package coordinates well with BCPA installed systems, staff respectfully requests that Council waive the formal bidding process and approve the purchase of a sound monitor system and related equipment from Professional Audio Designs in the amount of \$55,294.20, the Purchasing Agent authorized to issue a Purchase Order for same, and the Resolution adopted. Funds for this purchase will come from account X21100-72620 of the Cultural District budget.

Respectfully,

C. Bruce Marquis
Executive Director, Cultural District

Tom Hamilton
City Manager

RESOLUTION NO. 2006 - 51

**A RESOLUTION WAIVING THE FORMAL BIDDING PROCESS AND
AUTHORIZING THE PURCHASE OF A SOUND MONITOR SYSTEM AND RELATED
EQUIPMENT FOR THE BLOOMINGTON CENTER FOR THE PERFORMING ARTS
FROM PROFESSIONAL AUDIO DESIGNS IN THE AMOUNT OF \$55,294.20**

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 a sound monitor system and related equipment for the Bloomington Center for the Performing Arts from Professional Audio Designs in the amount of \$55,294.20.

ADOPTED this 10th day of April, 2006.

APPROVED this 11th day of April, 2006.

Stephen F. Stockton
Mayor

ATTEST:

Tracey Covert
City Clerk

Motion by Alderman Crawford, seconded by Alderman Schmidt that the Formal Bidding Process be waived, a sound monitor system and related equipment be purchased from Professional Audio Designs in the amount of \$55,294.20, the Purchasing Agent 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 Crawford, Huette, Schmidt, Finnegan, Gibson, Matejka and Purcell.

Nays: None.

Abstains: Alderman Hanson.

Motion carried.

The following was presented:

To: Honorable Mayor and Members of the City Council

From: Staff

Subject: Boiler Replacement for Headquarters Fire Station

Staff solicited bids for replacement of the boiler at Headquarters Fire Station. Three (3) companies attended the pre-bid meeting and all submitted bids. The bids are listed below:

Tom Laskowski Plumbing	Bloomington, IL	\$73,340.00
The Lane Company	Bloomington, IL	\$98,252.00
Mid Illinois Mechanical	Bloomington, IL	\$83,600.00

All bids met the requirements of the specifications and the bid documents were in order. Staff respectfully requests that the low bid submitted by Tom Laskowski Plumbing be accepted in the amount of \$73,340, and that the Mayor and City Clerk be authorized to execute the necessary documents. The cost of this project is below budget. Funds for this work will be paid from account F15210-72190.

Respectfully,

Keith Ranney,
Fire Chief

Tom Hamilton
City Manager

Alderman Gibson questioned the dollar figures cited. Keith Ranney, Fire Chief, addressed the Council. Each bid met the specifications. Each bid was for the same product. The project included removing the old boiler from the 1970's. The new models were much smaller. City staff conducted a prebid tour. He believed that the City had received good pricing.

Motion by Alderman Crawford, seconded by Alderman Schmidt that the bid for the replacement of the boiler for Headquarters Fire Station be awarded to Tom Laskowski Plumbing in the amount of \$73,340 and the Mayor and City Clerk authorized to execute the necessary documents.

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

Ayes: Aldermen Crawford, Huette, Schmidt, Finnegan, Gibson, Matejka and Purcell.

Nays: None.

Abstains: Alderman Hanson.

Motion carried.**The following was presented:**

To: Honorable Mayor and Members of the City Council

From: Staff

Subject: Structured Connectivity System for the Bloomington Center for the Performing Arts

Staff respectfully requests Council approval to award the Structured Connectivity System (SCS) contract for the Bloomington Center for the Performing Arts (BCPA) to Zeller Electric, Inc. of Morton. The SCS is the cabling infrastructure that will provide connectivity for telephones and computer related equipment within in the building, and connect the building to the City's network. As part of the BCPA renovation, staff recently released a request for proposal (RFP) for the SCS. The following responses were received.

WM Masters, Inc.	Bloomington, IL	\$62,060.00
Heart Technologies	East Peoria, IL	\$67,991.17
Zeller Electric	Morton, IL	\$48,913.00 **recommended

Staff initially had concerns about Zeller Electric's proposal. However, staff has confirmed the proposal meets all requirements of the RFP and Zeller Electric's representatives have confirmed their pricing.

Staff respectfully requests that the proposal of Zeller Electric in the amount of \$48,913 be accepted, and that the Purchasing Agent be authorized to issue a Purchase Order for same. Payment for this work is to be made with funds budgeted in the Cultural District Fixed Asset (X21100-72120) and Other Capital Improvements (X21100-72620) accounts.

Respectfully,

Scott Sprouls
Director of Information Services

Tom Hamilton
City Manager

Alderman Gibson questioned the prices for this item. Scout Sprouls, Director – IS, addressed the Council. He noted that each Request for Proposal met the specifications. The hardware was the same. Zeller Electric quoted lower labor costs.

Motion by Alderman Crawford, seconded by Alderman Schmidt that the Proposal of Zeller Electric be accepted in the amount of \$48,913 and the Purchasing Agent authorized to issue a Purchase Order for same.

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

Ayes: Aldermen Crawford, Huette, Schmidt, Finnegan, Gibson, Matejka and Purcell.

Nays: None.

Abstains: Alderman Hanson.

Motion carried.

The following was presented:

To: Honorable Mayor and Members of the City Council

From: Staff

Subject: Waive the Formal Bidding Process and Approve an Agreement with Insight Media for Bloomington Center for the Performing Arts (BCPA) Advertising

Staff respectfully requests that Council waive the formal bidding process and approve an agreement with Insight Media for cable television advertising to promote the BCPA and the Cultural District in an amount not to exceed \$9,000. Insight Media is the only cable advertising service in Bloomington-Normal. Their scope and coverage for television advertising makes them an excellent resource for promoting BCPA and Cultural District activities.

The \$9,000 advertising commitment is necessary to activate a dollar for dollar matching offer from Insight Media. At this level of advertising for the season, which can be used whenever and however staff deems necessary, the City will receive one free commercial for each paid commercial placed. As such, Insight Media provides a cost-effective and practical solution to promoting BCPA and Cultural District events and activities to a wide-ranging television audience.

Staff respectfully requests the formal bidding process be waived and an agreement with Insight Media for cable television advertising be approved in an amount not to exceed \$9,000, the Mayor and City Clerk authorized to execute the necessary documents and the Resolution adopted. Funding for advertising will come from account X21100-70730 of the Cultural District budget.

Respectfully,

C. Bruce Marquis
Executive Director, Cultural District

Tom Hamilton
City Manager

RESOLUTION NO. 2006 - 52

**A RESOLUTION WAIVING THE FORMAL BIDDING PROCESS AND
AUTHORIZING AN AGREEMENT WITH INSIGHT MEDIA FOR CABLE
TELEVISION ADVERTISING IN AN AMOUNT NOT TO EXCEED \$9,000**

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

1. That the bidding process be waived and an agreement with Insight Media for cable television advertising be authorized in an amount not to exceed \$9,000.

ADOPTED this 10th day of April, 2006.

APPROVED this 11th day of April, 2006.

Stephen F. Stockton
Mayor

ATTEST:

Tracey Covert
City Clerk

Motion by Alderman Crawford, seconded by Alderman Schmidt that the formal bidding process be waived, the agreement with Insight Media for cable television advertising be approved in an amount not to exceed \$9,000, the Mayor and City Clerk authorized to execute the necessary documents, and the Resolution adopted.

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

Ayes: Aldermen Crawford, Huette, Schmidt, Finnegan, Gibson, Matejka and Purcell.

Nays: None.

Abstains: Alderman Hanson.

Motion carried.

The following was presented:

To: Honorable Mayor and Members of the City Council
From: Staff
Subject: Analysis of Bids – Rental Skates

At the March 27, 2006 Council meeting, the one bid for rental skates was publicly opened and read. The rental skates are for the new Pepsi Ice Center.

FIRM	BID PRICE
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Reidell Shoes, Inc.	\$15,761.85
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Reidell Shoes Inc. submitted the proper bid guarantee. Staff respectfully requests that Council waive the technicality that the company bid a lesser quantity than requested and accept the bid as submitted. The specifications requested were met for the skates they can provide. The requested tot size 7 in figure and hockey skates, and sizes 14 or 15 in adult skates are not available through this company. Staff will seek the additional skates from another company.

Staff believes that the bid price is a fair price, and respectfully requests that Council accept the bid price of \$15,761.85 submitted by Reidell Shoes Inc., and authorize the Purchasing Agent to issue a purchase order for same. The skates are part of the bond issue for the Pepsi Ice Center, and will be paid for with funds from account X40750-71990.

Respectfully,

Dean Kohn
Director of Parks & Recreation

Barb Wells
Supt. of Recreation

Tom Hamilton
City Manager

Motion by Alderman Crawford, seconded by Alderman Schmidt that the bid be awarded to Reidell Shoes Inc., in the amount of \$15,761.85, and the Purchasing Agent authorized to issue a Purchase Order for same.

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

Ayes: Aldermen Crawford, Huette, Schmidt, Finnegan, Gibson, Matejka and Purcell.

Nays: None.

Abstains: Alderman Hanson.

Motion carried.

The following was presented:

April 10, 2006

1933

To: Honorable Mayor and Members of the City Council

From: Staff

Subject: Change Order for Additional Required Signage

In January Council approved the purchase of interior and exterior signage for the US Cellular Coliseum. Bendsen Signs and Graphics was awarded the proposal. Bendsen Signs & Graphics successfully completed the requirements listed in the scope of work, and before the deadline, which had been a major concern for Coliseum staff.

Upon inspection by staff, it was determined that the number of exit signs was inadequate, which required additional signs. By request of Coliseum staff, changes were made to the design of the Americans with Disabilities Act (ADA) interior signage and the quantity of these signs was increased. These changes and additions totaled \$6,034. The original approved amount for this project was \$118,080. The final amount including this change order is \$ 124,114.

Staff respectfully requests that Council approve the change order to Bendsen Signs and Graphics in the amount of \$6,034. Funds are available in F56200-72140 - Coliseum Fixed Asset Replacement Fund.

Respectfully submitted,

Kim Nicholson
Purchasing Agent

Tom Hamilton
City Manager

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

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

Ayes: Aldermen Crawford, Huette, Schmidt, Finnegan, Gibson, Matejka and Purcell.

Nays: None.

Abstains: Alderman Hanson.

Motion carried.

The following was presented:

1934

April 10, 2006

To: Honorable Mayor and Members of the City Council

From: Staff

Subject: Revised Income Limits for Eligibility Guidelines for Community Development Activities

Participation in many of Community Development's Block Grant, (CDBG), activities are based on income eligibility guidelines, as established annually by the Department of Housing and Urban Development, (HUD). HUD has revised the income limits for low/moderate income households under Section 3(b)(2) of the United States Housing Act of 1937. The referenced limits which are set forth by dollar amount and adjusted for family size for each Standard Metropolitan Statistical Area (SMSA), have been revised upward for Bloomington-Normal. The net effect of revisions is to increase the number of families who are now eligible for participation in CDBG activities.

Staff respectfully recommends that Council approve and adopt the income limits for program eligibility in CDBG activities.

Respectfully,

Mark Huber
Director of PACE

Tom Hamilton
City Manager

HUD INCOME GUIDELINES FOR COMMUNITY DEVELOPMENT ACTIVITIES
Median Family Income: \$73,500.00 (previously \$69,650.00)
Effective 4/10/06

Size of Household	<30% Ext. Low	31%-50% Very Low	51%-80% Low
1	\$15,450	\$25,750	\$41,150
2	\$17,650	\$29,400	\$47,050
3	\$19,850	\$33,100	\$52,900
4	\$22,050	\$36,750	\$58,800
5	\$23,800	\$39,700	\$63,500
6	\$25,600	\$42,650	\$68,200
7	\$27,350	\$45,550	\$72,900

8 \$29,100 \$48,500 \$77,600

Motion by Alderman Crawford, seconded by Alderman Schmidt that the income limits for program eligibility in CDBG activities be adopted.

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

Ayes: Aldermen Crawford, Huette, Schmidt, Finnegan, Gibson, Matejka and Purcell.

Nays: None.

Abstains: Alderman Hanson.

Motion carried.

The following was presented:

To: Honorable Mayor and Members of the City Council
From: Staff
Subject: Change Order for Motorola Communications Equipment

As a result of the Fire Department leaving the current E.F. Johnson radio system and returning to a Motorola radio system, it is necessary to change the equipment that controls the alerting the Fire Stations. This equipment is used to turn on the lights at the stations and open the intercom so staff are alerted to an incoming dispatch while in the station.

Motorola, Inc. was selected as the vendor by Council at the September 26, 2005 meeting. A change was requested for the radio system purchase and installation. As a result, Motorola submitted a change order in the amount of \$32,088.37.

Council previously approved \$511,250.23 for Dispatch Center equipment on February 27, 2006. An additional \$88,258.64 was approved by Council on March 27, 2006. This change order would increase the total contract to \$543,338.60.

Staff requests that this change order be approved and the needed equipment be purchased under the existing contract with Motorola.

Respectfully,

Roger J. Aikin
Chief of Police

Tom Hamilton
City Manager

RESOLUTION NO. 2006 - 53**A RESOLUTION AUTHORIZING A CHANGE ORDER IN THE
AMOUNT OF \$32,088.37 IN THE CONTRACT BETWEEN THE CITY
OF BLOOMINGTON AND MOTOROLA, INC. FOR FIRE STATION ALERTING
EQUIPMENT**

WHEREAS, the City of Bloomington has previously entered into a contract with Motorola for Communications Equipment; and

WHEREAS, for the reasons set forth in a staff report dated April 10, 2006 it was necessary to change the equipment that alerts Fire Stations; and

WHEREAS, it is the finding of the City Council that the decision to perform the work described in the April 10, 2006 Council memo was in the best interest of the citizens of the City of Bloomington.

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

That a change order in the amount of \$32,088.37 in the contract between the City of Bloomington and Motorola, Inc. for Fire Station Alerting Equipment be approved.

ADOPTED this 10th day of April, 2006.

PASSED this 11th day of April, 2006.

Stephen F. Stockton
Mayor

ATTEST:

Tracey Covert
City Clerk

Motion by Alderman Crawford, seconded by Alderman Schmidt that the Change Order from Motorola, Inc. in the amount of \$32,088.37, for the Fire Station alerting equipment be approved, and the Resolution adopted.

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

Ayes: Aldermen Crawford, Huette, Schmidt, Finnegan, Gibson, Matejka and Purcell.

Nays: None.

Abstains: Alderman Hanson.

Motion carried.

The following was presented:

To: Honorable Mayor and Members of the City Council

From: Staff

Subject: Request to Renew Agreement for Office Supplies

The City currently has an agreement for the purchase of office supplies with OfficeMax with the option to renew that agreement each year, ending April 30, 2008. The terms of renewal are contingent upon mutual agreement, quality and performance. OfficeMax has met all of the terms and continues to provide excellent service to the City.

The City continues to receive excellent customer service, quality products and additional discounts from OfficeMax. Staff respectfully recommends that Council approve the renewal of the agreement with OfficeMax for the fiscal year May 1, 2006 through April 30, 2007.

Respectfully,

Kim Nicholson
Purchasing Agent

Tom Hamilton
City Manager

Motion by Alderman Crawford, seconded by Alderman Schmidt that the existing agreement with OfficeMax for office supply products be renewed for FY 2006, ending April 30, 2007, with the provision that the agreement be renewable at the end of each fiscal year for a period of two (2) more consecutive years, ending April 30, 2008, upon mutual agreement, and the Purchasing Agent authorized to issue a Blanket Purchase Order.

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

Ayes: Aldermen Crawford, Huette, Schmidt, Finnegan, Gibson, Matejka and Purcell.

Nays: None.

Abstains: Alderman Hanson.

Motion carried.

The following was presented:

To: Honorable Mayor and Members of the City Council
From: Staff
Subject: Request to Renew Agreement for Clothing

The City currently has an agreement for clothing items, (program t-shirts, etc.), with T-Shirt House with the option to renew that agreement each year, ending April 30, 2008. The terms of renewal are contingent upon mutual agreement, quality and performance. T-Shirt House has met all of the terms and continues to provide excellent service to the City. Their product prices for 2006 have not increased from 2005.

The price for most of the T-shirts are covered with program fees. Individuals in Day Camp, T-Ball, Kick for Kids, Summer Adventures, Art Camp, and winners in most of the sports leagues, as well as other programs, receive t-shirts or hats. Additionally, shirts and shorts for all Summer Program staff are purchased in order to make them easily identified as working for the Bloomington Parks and Recreation Department.

Staff respectfully requests that Council authorize the Purchasing Agent to issue a purchase order for \$8,485.53. There are sufficient funds budgeted in FY 05-06 accounts G14112-71990, G14122-62190, G1460-62190, and X20600-70990 for these items.

Respectfully,

Dean Kohn
Dir. of Parks and Recreation

Barb Wells
Supt. of Recreation

Tom Hamilton
City Manager

Motion by Alderman Crawford, seconded by Alderman Schmidt that the existing agreement with T-Shirt House for clothing items be renewed for FY 06-07, ending April 30, 2007, with the provision that the agreement be renewable at the end of each fiscal year for a period of two (2) more consecutive years, ending April 30, 2008, upon mutual agreement, and the Purchasing Agent authorized to issue a Blanket Purchase Order.

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

Ayes: Aldermen Crawford, Huette, Schmidt, Finnegan, Gibson, Matejka and Purcell.

Nays: None.

Abstains: Alderman Hanson.

Motion carried.

The following was presented:

To: Honorable Mayor and Members of the City Council
From: Staff
Subject: Professional Services Contracts for Bloomington Center for the Performing Arts

Staff respectfully requests approval of three (3) contracts to engage persons and/or groups represented by Red Ryder Entertainment, Gami/Simonds and William Morris Agency, LLC to perform services in the Bloomington Center for the Performing Arts (BCPA) on dates agreed by staff. Base expenses for these three (3) contracts will be \$34,000.

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

The selections of these individuals and/or groups was coordinated with the Cultural Commission and the Cultural District's Programming Advisory Committee. Staff and community advisors agree that these visiting professionals would attract broad, positive community involvement and contribute to the public service mission of the Cultural District and the BCPA.

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

Respectfully,

C. Bruce Marquis
Executive Director, Cultural District

Tom Hamilton
City Manager

(CONTRACTS ON FILE IN THE CLERK'S OFFICE)

Motion by Alderman Crawford, seconded by Alderman Schmidt that the contracts from Red Ryder Entertainment, Gami/Simonds, and William Morris Agency, LLC be accepted in an amount not to exceed \$34,000 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 Crawford, Huette, Schmidt, Finnegan, Gibson, Matejka and Purcell.

Nays: None.

Abstained: Alderman Hanson.

Motion carried.

The following was presented:

To: Honorable Mayor and Members of the City Council

From: Staff

Subject: Form Based Zoning Proposal for the Gridley Allin Pricketts Neighborhood

Early last year, interest was raised in the Dimmits Grove and the Gridley, Allin and Pricketts (GAP) neighborhoods for opportunities to preserve the neighborhoods without necessarily overlaying the current zoning with historic preservation districts. Out of these dialogues, the concept of form-based zoning created a great amount of interest. After staff presented a form-based zoning tutorial, the GAP neighborhood took a particular interest in pursuing this concept and acting as a test case for other areas of the City that may also be interested in using this tool.

In October of 2005, Statement of Qualifications to provide services for a Form-Based Zoning Code Study for the Gridley, Allin and Pricketts Neighborhood (GAP) was published. Additionally, four additional requests were direct mailed to parties outside the City's publication area. This action resulted in the following proposals being submitted to staff:

	Base Fee	Reimbursable	Total
Camiros, Ltd. 411 South Wells Chicago, IL 60607	\$80,750.00	\$10,700.00	\$91,450.00
Farr Associates 53 West Jackson, Suite 650 Chicago, IL 60604	*** \$46,000.00	\$3,000.00	\$49,000.00

*** Recommended Proposal

In December, a steering committee consisting of: Mark R. Huber - Director, P.A.C.E.; Ken Emmons - City Planner; Stan Cain - Chairman, Planning Commission; Catherine Dunlap - Director, Downtown Bloomington Association; and Dennis Arnold - President, GAP Neighborhood Association, met to discuss these proposals. Each of the applicants were invited to make presentations to the steering committee for explanation and evaluation of the processes used.

After reviewing all the information, the steering committee found that both candidates were fully capable of performing the work desired. The only real separation between the two (2) groups was the cost of the proposals. Since the proposal of Farr Associates is substantially less than Camiros, staff recommends that the contract for professional services to create a form-based zoning code study for the GAP Neighborhood be awarded to Farr Associates in an amount not to

April 10, 2006

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exceed \$49,000. Funds for this work will be paid from account 1001-15420-70990 of the 2006-07 budget.

Respectfully,

Mark R. Huber
Director of PACE

Tom Hamilton
City Manager

(CONTRACT ON FILE IN CLERK'S OFFICE)

Alderman Schmidt expressed her appreciation to Ken Emmons, City Planner, Stan Cain, Planning Commission Chairman, and the Gridley Allin Pricketts neighborhood.

Motion by Alderman Crawford, seconded by Alderman Schmidt that the contract be awarded to Farr Associates for professional services to create a form-based zoning code study for the GAP Neighborhood in an amount not to exceed \$49,000, 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 Crawford, Huette, Schmidt, Finnegan, Gibson, Matejka and Purcell.

Nays: None.

Abstains: Alderman Hanson.

Motion carried.

The following was presented:

To: Honorable Mayor and Members of the City Council

From: Staff

Subject: Resolution to Cede "Private Activity Bonding Cap" to the Illinois Housing Development Authority (IHDA) for 2006

The Internal Revenue Code permits the City, as an Illinois Home Rule Municipality, to issue private activity bonds which are capped at the rate of \$80.00 per capita per year (for population based on 69,282). The City has a volume cap of \$5,542,560 for calendar year 2006.

The Illinois Housing Development Authority works with communities to help working families and individuals achieve home ownership. The City has ceded over either all or a portion of the bond volume cap for the past several years for the successful Mortgage Credit Certificate (MCC) Program and/or the Mortgage Revenue Bond (MRB) Program.

The MCC program allows first-time home buyers who hold the certificate to use 25% of the interest paid on their mortgage loan, to a maximum of \$2,000 per year for the life of the mortgage, as a tax credit on their federal income tax return. The MRB program assists first time home buyers to purchase homes in the City.

As in the past, this cede does not obligate the City financially or in any other way. The program is administered by local lending institutions who deal directly with IHDA. Staff respectfully recommends that Council adopt the Resolution to cede "Private Activity Bonding Cap" to the Illinois Housing Development Authority (IHDA) for 2006.

Respectfully,

Mark Huber
Director of PACE

Tom Hamilton
City Manager

RESOLUTION NO. 2006 - 54

A RESOLUTION AUTHORIZING THE CEDING OF THE PRIVATE ACTIVITY BOND VOLUME CAP FOR THE YEAR 2006 THE ILLINOIS HOUSING DEVELOPMENT AUTHORITY

BE IT RESOLVED by the City Council of Bloomington, Illinois:

Section 1: That the City hereby cedes to the Illinois Housing Development Authority \$5,542,560.00 private activity bond allocation for Calendar Year 2006, said Volume cap to be used for (1) the establishment and/or maintenance of the Mortgage Credit Certificate Program (MCC) to help first-time home buyers purchase a home pursuant to Section 25 of the Internal Revenue Code of 1986 and (2) for the establishment and/or maintenance of the Mortgage

Revenue Bond Program (MRB) pursuant to Section 143 of the Code to assist first time home buyers to purchase homes in the City.

Section 2: That the City Manager is authorized to execute a letter of Agreement with the Illinois Housing Development Authority consenting to such reallocation on behalf of City as authorized hereby.

Section 3: The City Manager is authorized and directed to maintain a record of such allocation for the term of the bond issued pursuant to such allocation.

Section 4: The City Manager shall provide a notice of such reallocation to the Office of the Governor.

Section 5: This Resolution shall be effective from and after its passage.

ADOPTED this 10th day of April, 2006.

APPROVED this 11th day of April, 2006.

Stephen F. Stockton
Mayor

ATTEST:

Tracey Covert
City Clerk

Motion by Alderman Crawford, seconded by Alderman Schmidt that the Resolution be adopted.

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

Ayes: Aldermen Crawford, Huette, Schmidt, Finnegan, Gibson, Matejka and Purcell.

Nays: None.

Abstains: Alderman Hanson.

Motion carried.

The following was presented:

1944

April 10, 2006

To: Honorable Mayor and Members of the City Council
From: Staff
Subject: Request to Create a Second Driveway at 1402 West Oakland Avenue

Teri Mills, owner of 1402 West Oakland Avenue, has requested to make a second curb cut for a second drive. The owner is requesting the second drive to provide off street parking as parking is limited on West Oakland Avenue. The property is a single family house which has 76 feet of frontage. As per City Ordinance, up to two curb cuts of a maximum of 22 feet each are allowed if the frontage exceeds 100 feet. Since this lot does not exceed 100 feet, the owners are requesting Council waive the 100 foot minimum frontage requirement.

Staff has reviewed this request and finds that the requested second curb cut will not have an adverse impact on the traffic, therefore respectfully recommends that Council approve the request for the additional curb cut.

Respectfully,

Douglas G. Grovesteen
Director of Engineering

Tom Hamilton
City Manager

Motion by Alderman Crawford, seconded by Alderman Schmidt that the Driveway Variance be approved.

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

Ayes: Aldermen Crawford, Huette, Schmidt, Finnegan, Gibson, Matejka and Purcell.

Nays: None.

Abstains: Alderman Hanson.

Motion carried.

The following was presented:

To: Honorable Mayor and Members of the City Council
From: Staff
Subject: Petition from Beich III, LLC for Approval of a Final Plat for the Resubdivision of Lots 1, 2, and 3 of Access Park Subdivision

April 10, 2006

1945

A petition has been received from Beich III, LLC, requesting approval of the Final Plat for the Resubdivision of Lots 1, 2, and 3 of Access Park Subdivision. Access Park Subdivision is commonly located south of Nestle Beich Candy Co., east of Southern Pacific Railroad and west of I-55 and Beich Road. Staff reviewed the Final Plat and found it generally in conformance with the approved Preliminary Plan dated May 10, 1999.

The public improvements for this subdivision are complete, therefore, no bond is required. All tap-on fees for these lots were paid when the lots were originally platted in 1999. Staff respectfully recommends that Council approve the petition for the Final Plat of the Resubdivision of Lots 1, 2, and 3 of Access Park Subdivision, and the Ordinance be passed.

Respectfully,

Douglas G. Grovesteen
Director of Engineering

Tom Hamilton
City Manager

ORDINANCE NO. 2006 - 35

**AN ORDINANCE APPROVING THE FINAL PLAT OF THE
RESUBDIVISION OF LOT 1, 2 AND 3, ACCESS PARK SUBDIVISION
TO THE CITY OF BLOOMINGTON.**

WHEREAS, there was heretofore filed with the City Clerk of the City of Bloomington, McLean County, Illinois a Petition for Approval of the Final Plat of the RESUBDIVISION OF LOT 1,2 AND 3, ACCESS PARK SUBDIVISION legally described in Exhibit A attached hereto and made 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 the requirements of the Bloomington City Code except for the requested exemptions and variances; and

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

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

That the Final Plat of RESUBDIVISION OF LOT 1, 2 AND 3, ACCESS PARK SUBDIVISION is hereby approved.

That this Ordinance shall be in full force and effective as of the time of passage this 10th day of April, 2006.

Stephen F. Stockton
Mayor

ATTEST:

Tracey Covert
City Clerk

**EXHIBIT A
LEGAL DESCRIPTION
RESUBDIVISION OF LOT 1, 2 AND 3 ACCESS PARK SUBDIVISION**

Lot 1, 2 and 3 in Access Park Subdivision, according to the Plat thereof recorded as Document No. 99-25788, being a part of the NE 1/2 of Section 19, Township 23 North, Range 2 East of the Third Principal Meridian, City of Bloomington, McLean County, Illinois.
Said tract contains 7.12 acres, more or less.

Motion by Alderman Crawford, seconded by Alderman Schmidt 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 Crawford, Huette, Schmidt, Finnegan, Gibson, Matejka and Purcell.

Nays: None.

Abstains: Alderman Hanson.

Motion carried.

The following was presented:

To: Honorable Mayor and Members of the City Council

From: Staff

Subject: Petition from Park II, LLC for Approval of a Final Plat of Tipton Trails Subdivision Eighth Addition

A petition has been received from Park II, LLC requesting approval of the Final Plat for Tipton Trails Subdivision Eighth Addition. This subdivision is commonly located north of General Electric Road, west of Airport Road and south of College Avenue. Staff reviewed the Final Plat and found it generally in conformance with the approved Preliminary Plan dated April 24, 2000.

Per the Pre-Annexation Agreement with Tipton Trails Partnership dated April 10, 2000, there are tap-on fees due and a performance guarantee is to be posted for the completion of all public improvements prior to the recording of the Final Plat.

Staff respectfully recommends that Council approve the petition for the Final Plat of Tipton Trails Subdivision Eighth Addition, subject to the Petitioner paying the required tap on fees and posting a guarantee for unfinished public improvements prior to recording of the plat.

Respectfully,

Douglas G. Grovesteen
Director of Engineering

Tom Hamilton
City Manager

**PETITION FOR APPROVAL OF FINAL PLAT OF THE TIPTON TRAILS
SUBDIVISION EIGHTH ADDITION**

State of Illinois)
)ss.
County of McLean)

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

Now comes Park II, LLC, an Illinois Limited Liability Company, hereinafter referred to as
Petitioner, respectfully representing and requesting as follows:

1. That your petitioner is the owner of the premises described in Exhibit A attached hereto and made a part hereof by this reference;
2. That your petitioner seeks approval of the Final Plat for a subdivision of said premises to be known and described as the Tipton Trails Subdivision Eighth Addition, City of Bloomington, in McLean County, Illinois, which Final Plat is attached hereto as Exhibit B and made part hereof by this reference;
3. That the Final Plat substantially conforms to the Preliminary Plan hereto approved by the City Council;
4. That Petitioner hereby dedicates to the Public, all public rights of way and easements as shown on said Final Plat.

WHEREFORE, your petitioner prays that said Final Plat for the Tipton Trails Subdivision Eighth Addition submitted herewith be approved with the exemptions or variations as requested herein.

Respectfully submitted,

PARK II, LLC, an Illinois Limited
Liability Company

By: Hundman Management, LLC,
Manager

By: Laurence F. Hundman,
Chairman

ORDINANCE NO. 2006 - 36**AN ORDINANCE APPROVING THE FINAL PLAT OF THE
TIPTON TRAILS SUBDIVISION EIGHTH ADDITION TO THE CITY OF
BLOOMINGTON**

WHEREAS, there was heretofore filed with the City Clerk of the City of Bloomington, McLean County, Illinois, a Petition for approval of the Final Plat of the Tipton Trails Subdivision Eighth Addition, 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 except for said requested exemptions and/or variations; and

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

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

1. That the variances and exemptions requested and approved in the Preliminary Plan Petition for the Subdivision are hereby ratified and approved.
2. That the Final Plat of the Tipton Trails Subdivision Eighth Addition is hereby approved.
3. That this Ordinance shall be in full force and effective as of the time of its passage this 10th day of April, 2006.

APPROVED:

Stephen F. Stockton
Mayor

ATTEST:

Tracey Covert
City Clerk

EXHIBIT A
Legal Description

Part of the SE 1/4 of Section 25, Township 24 North, Range 2 East of the Third Principal Meridian, City of Bloomington, McLean County, Illinois, more particularly described as follows: Beginning at the northeast corner of Lot 50 in Tipton Trails Subdivision Fifth Addition; thence S.89°-35'-14"E. 1339.51 feet parallel with the north line of the SE 1/4 of Section 25 to the west right of way line of Stone Mountain Boulevard as dedicated to the City of Bloomington, recorded as Document No. 2005-12688 in the McLean County Recorder of Deeds Office; thence S.00°-24'-46"W. 605.15 feet on said west right of way line to the Northeast corner of Lot 1 in Tipton Trails Subdivision Seventh Addition; thence S.89°-38'-00"W. 131.55 feet to the northwest corner of said Lot 1, said point lying on the east right of way line of Fifer Drive; thence N.00°-22'-00"W. 5.70 feet on said east right of way line to the north line of said Tipton Trails Subdivision Seventh Addition; thence S.89°-38'-00"W. 930.29 feet on said north line to the northwest corner of Lot 81 in said Tipton Trails Subdivision Seventh Addition, said point also being the southeast corner of Lot 61 in Tipton Trails Subdivision; thence N.00°-22'-00"W. 180.00 feet on the east line of said Tipton Trails Subdivision to the north right of way line to Stevenson Drive; thence S.89°-38'-00"W. 23.90 feet on said north right of way line to the southeast corner of Lot 43 in said Tipton Trails Subdivision thence; N.00°-22'-00"W. 120.00 feet to the northeast corner of said Lot 43; thence S.89°-38'-00"W. 256.48 feet to the northwest corner of Lot 45 in said Tipton Trails Subdivision; thence N.00°-24'-46"E. 233.99 feet to the southeast corner of Lot 50 in said Tipton Trails Subdivision; thence N.05°-01'-14"E. 84.02 feet to the Point of the Beginning containing 16.94 acres, more or less, with assumed bearings given for description purposes only.

Motion by Alderman Crawford, seconded by Alderman Schmidt 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 Crawford, Huette, Schmidt, Finnegan, Gibson, Matejka and Purcell.

Nays: None.

Abstains: Alderman Hanson.

Motion carried.

The following was presented:

To: Honorable Mayor and Members of the City Council

From: Staff

Subject: Petition submitted by RBT of Illinois, LLC, requesting approval of the Annexation and Rezoning to R-1C, High Density Single Family Residence District, R-2, Mixed Residence District, and S-2 Public Lands and Institutions District, and B-1, Highway Business District for the southern 42.91 acres of the

110.52 acre vacant land, a/k/a Harvest Pointe Subdivision, north of Illinois Route 9 East, and east of St. Patrick's of Merna Catholic Church, east of Towanda Barnes Road (east of Ward #3) (Case Z-16-05)

BACKGROUND INFORMATION:

The Annexation Agreement for the proposed Harvest Pointe Subdivision, including this 42.91 acre tract of vacant land, was approved by Council on November 14, 2005, after the required public hearings were held by both the Planning Commission and Council. The southern boundary of this 42.91 acre tract abuts the City limits. This petition requests that the following zoning classifications be assigned to this tract upon annexation to the City, consistent with the approved annexation agreement:

- B-1 Highway Business District for southern 14.36 acres north of and along Illinois Route 9;
- S-2 Public Lands and Institutions District for the southeastern 3.16 acres of storm water detention basin area;
- R-2 Mixed Residence District for the 14.40 acres north of and along this aforementioned B-1 area; and
- R-1C High Density Single Family Residence District for the remaining 11.00 acres to the north.

STAFF RECOMMENDATION:

Since all of the required public hearings on the annexation agreement were held by the Planning Commission and the Council, staff respectfully recommends that Council approve this petition for annexation and rezoning, which is consistent with terms of the annexation agreement that was approved on November 14, 2005.

Respectfully,

Kenneth Emmons
City Planner

Tom Hamilton
City Manager

PETITION FOR ANNEXATION TO THE CITY OF BLOOMINGTON, MCLEAN COUNTY, ILLINOIS AND FOR AMENDMENT OF THE OFFICIAL ZONING MAP OF THE CITY OF BLOOMINGTON, MCLEAN COUNTY, ILLINOIS

State of Illinois)
) ss.
County of McLean)

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

Now come RBT of Illinois, LLC, hereinafter referred to as your petitioner, respectfully representing and requesting as follows:

1. That your petitioner is the owner premises hereinafter legally described in Exhibit A which is attached hereto made and a part hereof;
2. That said premises presently have a zoning classification of Agriculture under the provisions of the McLean County Zoning Ordinance;
3. That your petitioner hereby requests that they Honorable Mayor and City Council of the City of Bloomington, McLean County, Illinois annex said property to the City;
4. That the premises which is described above is contiguous to the City of Bloomington;
5. That the premises would be zoned as described on the attached plat according to the annexation agreement.

WHEREFORE, your petitioner respectfully prays that said premises be annexed to the City of Bloomington, McLean County, Illinois.

Respectfully submitted,

RBT of Illinois, LLC

By: Mercer Turner, their Attorney

Subscribed and Sworn to before me this 14th day of March, 2006.

Tammie Keener
Notary Public

EXHIBIT A

A part of the Southwest Quarter of Section 32, Township 24 North, Range 3 East of the Third Principal Meridian, McLean County, Illinois, more particularly described as follows: Beginning at the intersection of the North Right-of-Way Line of Illinois Route 9 (Route F.A.P. 693) according to the Deed recorded as Document No. 95-5263 in the McLean County Recorder's Office, with the East Line of a parcel of land conveyed to St. Patrick's Roman Catholic Congregation of Merna by Deed recorded as Document No. 99-3108 in said Recorder's Office. From said Point of Beginning, thence north 966.98 feet along said East Line and the Northerly Extension thereof; thence east 120.09 feet along a line which forms an angle to the left of 89°-59'-16" with the last described course; thence north 1.00 foot along a line which forms an angle to the left of 270°-00'-00" with the last described course; thence east 180.00 feet along a line which forms an angle to the left of 90°-00'-00" with the last described course; thence south 5.00 feet along a line which forms an angle to the left of 90°-00'-00" with the last described course; thence east 120.00 feet along a line which forms an angle to the left of 270°-00'-00" with the last described course; thence north 29.00 feet along a line which forms an angle to the left of 270°-00'-00" with the last described course; thence east 1430.64 feet along a line which forms an angle to the left of 90°-00'-00" with the last described course to a point on the East Line of the Southwest Quarter of said Section 32; thence south 1039.82 feet along said East Line which forms an angle to the left of 90°-00'-00" with the last described course to the North Right-of-Way Line of said Illinois Route 9; thence west 1851.14 feet along said North Right-of-Way Line which forms an angle to the left of 88°-31'-10" with the last described course to the Point of Beginning, containing 42.91 acres, more or less.

ORDINANCE NO. 2006 - 37

AN ORDINANCE ANNEXING CERTAIN TERRITORY AS HEREINAFTER DESCRIBED TO THE CITY OF BLOOMINGTON, MCLEAN COUNTY, ILLINOIS

WHEREAS, there has heretofore entered into a certain Annexation Agreement between the City of Bloomington and RBT of Illinois, LLC, which Agreement is attached hereto and made a part hereof by this reference as Exhibit A; and

WHEREAS, the City Council of the City of Bloomington, after proper notices were given, conducted a Public Hearing on said Annexation Agreement; and

WHEREAS, the City Council of the City of Bloomington has determined that said premises are contiguous to the corporate limits of the City of Bloomington and are not within the confines of any other municipality of the State of Illinois, and that the Owner has given all notices required to be given by *65 ILCS 5/7-1-1*; and

WHEREAS, the City Council of the City of Bloomington has considered the question of annexation and has determined that said Annexation Agreement is proper and in due form according to the statutes of the State of Illinois as in such case made and provided. Said City Council has further determined that the proposed zoning, as established in the aforesaid Agreement, follows the general comprehensive plan and development theme heretofore established by the corporate authorities of the City of Bloomington and should be place in effect as to said land upon the annexation of same, all as by Statute specifically provided.

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

SECTION ONE: That the City Council of the City of Bloomington, Illinois, determines that the territory described in the attached Exhibit B is not within the confines of any municipality of the State of Illinois, but is however, contiguous to the City of Bloomington.

SECTION TWO: That the property hereinabove described is by this Ordinance hereby annexed to and does by said Ordinance become a part of the incorporated City of Bloomington, McLean County, Illinois and that the boundary of said City is hereby changed to include the property hereinabove described.

SECTION THREE: That the Annexation Agreement, hereinabove referred to and hereto attached be and the same hereby is ratified, affirmed, and incorporated into this Ordinance.

SECTION FOUR: The Exhibit B premises be hereby zoned as follows under Chapter 44 of the Bloomington City Code as follows:

- A. The premises described in Exhibit C to B-1;
- B. The premises described in Exhibit D to S-2;
- C. The premises described in Exhibit E to R-2;

D. The premises described in Exhibit F to R-1C.

SECTION FIVE: That this Ordinance shall be in full force from the date of its passage.

PASSED this 10th day of April, 2006.

APPROVED this 11th day of April, 2006.

Stephen F. Stockton
Mayor

ATTEST:

Tracey Covert
City Clerk

EXHIBIT A
ANNEXATION AGREEMENT

(APPROVED BY COUNCIL AT THEIR NOBEMBER 14, 2005 MEETING. SEE COUNCIL PROCEEDINGS FOR THAT DATE, PAGES 1167 – 1171)

EXHIBIT B

A part of the Southwest Quarter of Section 32, Township 24 North, Range 3 East of the Third Principal Meridian, McLean County, Illinois, more particularly described as follows: Beginning at the intersection of the North Right-of-Way Line of Illinois Route 9 (Route F.A.P. 693) according to the Deed recorded as Document No. 95-5263 in the McLean County Recorder's Office, with the East Line of a parcel of land conveyed to St. Patrick's Roman Catholic-Congregation of Merna by Deed recorded as Document No. 99-3108 in said Recorder's Office. From said Point of Beginning, thence north 966.98 feet along said East Line and the Northerly Extension thereof; thence east 120.09 feet along a line which forms an angle to the left of 89°-59'-16" with the last described course; thence north 1.00 foot along a line which forms an angle to the left of 270°-00'-00" with the last described course; thence east 180.00 feet along a line which forms an angle to the left of 90°-00'-00" with the last described course; thence south 5.00 feet along a line which forms an angle to the left of 90°-00'-00" with the last described course; thence east 120.00 feet along a line which forms an angle to the left of 270°-00'-00" with the last described course; thence north 29.00 feet along a line which forms an angle to the left of 270°-00'-00" with the last described course; thence east 1430.64 feet along a line which forms an angle to the left of 90°-00'-00" with the last described course to a point on the East Line of the Southwest Quarter of said Section 32; thence south 1039.82 feet along said East Line which forms an angle to the left of 90°-00'-00" with the last described course to the North Right-of-Way Line of said Illinois Route 9; thence west 1851.14 feet along said North Right-of-Way Line which forms an angle to the left of 88°-31'-10" with the last described course to the Point of Beginning, containing 42.91 acres, more or less.

EXHIBIT C

Area to be Rezoned B-1:

A part of the Southwest Quarter of Section 32, Township 24 North, Range 3 East of the Third Principal Meridian, McLean County, Illinois, more particularly described as follows: Beginning at the intersection of the North Right-of-Way Line of Illinois Route 9 (F.A.P. Route 693) according to the deed recorded as Document No. 95-5263 in the McLean County Recorder's Office, with the East Line of a parcel of land conveyed to St. Patrick's Roman Catholic Congregation of Merna by deed recorded as Document No. 97-3108 in said Recorder's Office. From said Point of Beginning, thence east 1,601.06 feet along said North Right-of-Way Line; thence north 411.35 feet along a line which forms an angle to the right of $88^{\circ}-31'-10''$ with the last described course; thence west 1,600.60 feet along a line which forms an angle to the right of $90^{\circ}-00'-00''$ with the last described course to a point on the East Line of the said St. Patrick's Roman Catholic Congregation of Merna Parcel, lying 369.98 feet north of the Point of Beginning; thence south 369.98 feet along said East Line which forms an angle to the right of $89^{\circ}-59'-16''$ with the last described course to the Point of Beginning, containing 14.36 acres, more or less.

EXHIBIT D

Area to be Rezoned S-2:

A part of the Southwest Quarter of Section 32, Township 24 North, Range 3 East of the Third Principal Meridian, McLean County, Illinois, more particularly described as follows: Beginning at the intersection of the North Right-of-Way Line of Illinois Route 9 (F.A.P. Route 693) according to the deed recorded as Document No. 95-5263 in the McLean County Recorder's Office, with the East Line of said Southwest Quarter. From said Point of Beginning, thence north 550.65 feet along said East Line; thence northwest 141.64 feet along a line which forms an angle to the right of $111^{\circ}-36'-53''$ with the last described course; thence southwesterly 113.39 feet along an arc of a curve concave to the northwest with a radius of 95.00 feet and the 106.78 foot chord of said arc forms an angle to the right of $124^{\circ}-11'-34''$ with the last described course to a point of tangency; thence west 3.58 feet along a line which forms an angle to the right of $224^{\circ}-11'-33''$ with the last described chord; thence south 125.00 feet along a line which forms an angle to the right of $90^{\circ}-00'-00''$ with the last described course; thence west 26.42 feet along a line which forms an angle to the right of $270^{\circ}-00'-00''$ with the last described course; thence south 411.35 feet along a line which forms an angle to the right of $90^{\circ}-00'-00''$ with the last described course to a point on said North Right-of-Way Line lying 1,601.06 feet east of the intersection of said North Right-of-Way Line with the East Line of a parcel of land conveyed to St. Patrick's Roman Catholic Congregation of Merna by deed recorded as Document No. 97-3108 in said Recorder's Office, thence east 250.08 feet along said North Right-of-Way Line which forms an angle to the right of $91^{\circ}-28'-50''$ with the last described course to the Point of Beginning, containing 3.16 acres, more or less.

EXHIBIT E

Area to be Rezoned R-2:

A part of the Southwest Quarter of Section 32, Township 24 North, Range 3 East of the Third Principal Meridian, McLean County, Illinois, more particularly described as follows: Commencing at the intersection of the North Right-of-Way Line of Illinois Route 9 (F.A.P. Route 693) according to the deed recorded as Document No. 95-5263 in the McLean County Recorder's Office, with the East Line of a parcel of land conveyed to St. Patrick's Roman Catholic Congregation of Merna by deed recorded as Document No. 97-3108 in said Recorder's Office, thence north 369.98 feet along said East Line to the Point of Beginning. From said Point, thence east 1,627.02 feet along a line which forms an angle to the left of $89^{\circ}-59'-16''$ with the last described course; thence north 125.00 feet along a line which forms an angle to the right of $90^{\circ}-00'-00''$ with the last described course; thence east 3.58 feet along a line which forms an angle to the right of $270^{\circ}-00'-00''$ with the last described course to a point of curve; thence northeasterly 113.39 feet along the arc of said curve concave to the northwest with a radius of 95.00 feet and the 106.78 foot chord of said arc forms an angle to the right of $145^{\circ}-48'-27''$ with the last described course; thence southeast 141.64 feet along a line which forms an angle to the right of $235^{\circ}-48'-26''$ with the last described chord to the East Line of said Southwest Quarter lying 550.65 feet north of the intersection of said East Line with said North Right-of-Way Line; thence north 176.02 feet along said East Line which forms an angle to the right of $68^{\circ}-23'-07''$ with the last described course; thence west 125.00 feet along a line which forms an angle to the right of $90^{\circ}-00'-00''$ with the last described course; thence north 2.15 feet along a line which forms an angle to the right of $270^{\circ}-00'-00''$ with the last described course; thence west 1,425.64 feet along a line which forms an angle to the right of $90^{\circ}-00'-00''$ with the last described course; thence north 287.00 feet along a line which forms an angle to the right of $270^{\circ}-00'-00''$ with the last described course; thence west 180.00 feet along a line which forms an angle to the right of $90^{\circ}-00'-00''$ with the last described course; thence south 1.00 feet along a line which forms an angle to the right of $90^{\circ}-00'-00''$ with the last described course; thence west 120.09 feet along a line which forms an angle to the right of $270^{\circ}-00'-00''$ with the last described course to the Northerly Extension of the East Line of said St. Patrick's Roman Catholic Congregation of Merna Parcel; thence south 597.00 feet along said Northerly Extension and along said East Line which form an angle to the right of $89^{\circ}-59'-16''$ with the last described course to the Point of Beginning, containing 14.40 acres, more or less.

EXHIBIT F

Area to be Rezoned R-1C:

A part of the Southwest Quarter of Section 32, Township 24 North, Range 3 East of the Third Principal Meridian, McLean County, Illinois, more particularly described as follows: Commencing at the intersection of the North Right-of-Way Line of Illinois Route 9 (F.A.P. Route 693) according to the deed recorded as Document No. 95-5263 in the McLean County Recorder's Office, with the East Line of said Southwest Quarter, thence north 726.67 feet along said East Line to the Point of Beginning. From said Point of Beginning, thence north 313.15 feet along said East Line; thence west 1,430.64 feet along a line which forms an angle to the right of $90^{\circ}-00'-00''$ with the last described course; thence south 29.00 feet along a line which forms an angle to the right of $90^{\circ}-00'-00''$ with the last described course; thence west 120.00 feet along a line which forms an angle to the right of $270^{\circ}-00'-00''$ with the last described course; thence

south 282.00 feet along a line which forms an angle to the right of 90°-00'-00" with the last described course; thence east 1,425.64 feet along a line which forms an angle to the right of 90°-00'-00" with the last described course; thence south 2.15 feet along a line which forms an angle to the right of 270°-00'-00" with the last described course; thence east 125.00 feet along a line which forms an angle to the right of 90°-00'-00" with the last described course to the Point of Beginning, containing 11.00 acres, more or less.

Motion by Alderman Crawford, seconded by Alderman Schmidt that the Annexation and Rezoning be approved and the Ordinance be passed.

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

Ayes: Aldermen Crawford, Huette, Schmidt, Finnegan, Gibson, Matejka and Purcell.

Nays: None.

Abstains: Alderman Hanson.

Motion carried.

The following was presented:

To: Honorable Mayor and Members of the City Council
From: Staff
Subject: Case Z-08-06 Petition submitted by Paul F. Nord and Karen Nord requesting rezoning of approximately 18.16 acres of vacant land located south of Illinois Route 9, north of Constitution Trail and east and west of the Mitsubishi Motorway extension between Route 9 & Constitution Trail from B-1 Highway Business District to M-1 Restricted Manufacturing District (Ward #7)

BACKGROUND INFORMATION:

Adjacent Zoning

Adjacent Land Uses

north: B-1 & Commercial/Agriculture (County)
south: (County) Agriculture
east: M-1 Restricted Manufacturing
west: (County) Agriculture

north: vacant & single family dwellings
south: bike/jogging trail, cropland
east: warehouse-storage
west: cropland

Comprehensive Plan recommends: "light industrial" use for the property in question.

The property in question is a tract of approximately 18.16 acres of vacant land that is along the east, south and west portion of the Business Park at Nord Farms Subdivision that was annexed to

the City and zoned B-1 on May 9, 2005 in accordance with an annexation agreement approved on April 11, 2005. Such tract includes Lots 2, 3, 4, 5, 6, 7, 8, 17, 18, and 19 and the two storm water detention basins in the Business Park at Nord Farms. The petitioners now wish to offer and market these lots for developments that are permitted in the M-1 Restricted Manufacturing District (mini warehouses & industrial uses for example). This zoning is consistent with the Comprehensive Plan, adopted October 10, 2005, which recommends "light industrial" use for this tract of land.

PLANNING COMMISSION PUBLIC HEARING:

The Planning Commission held a public hearing on this petition on March 22, 2006 and recommends the same. Mr. Kenneth Emmons, City Planner, recommended that the Planning Commission pass a motion to recommend Council approval of rezoning of the subject property from B-1 to M-1. The following persons presented arguments in favor of this petition at this public hearing:

- Mr. Frank Miles, Attorney at Law, 202 N. Center Street
- Mr. Stan Nord, 905 Martin Luther King Jr. Drive

Mr. Miles noted that while there is a market for commercial lots fronting on Route 9, the property to the south of Route 9 had a stronger market for warehouse storage and other light industrial uses. He noted that this request is similar to the rezoning that had been approved for the tract to the east (the Scherf property) and south of Route 9 where the southern rear portion had been changed from B-1 to M-1.

Commissioner Cain questioned why the frontage west of the Mitsubishi Motorway extension would not stay B-1. Mr. Nord replied that Constitution Trail narrows the lots and that there are high voltage power lines running along the north side of the trail, which in combination make the lots less desirable as commercial. He also noted that some of this is detention area as well. No testimony was presented in opposition to this petition at this public hearing.

PLANNING COMMISSION RECOMMENDATION:

After consideration of this petition and the testimony presented, the Planning Commission passed a motion by a vote of 7 to 0 recommending Council approval of Case Z-08-06 as presented.

STAFF RECOMMENDATION:

Staff concurs with the Planning Commission's recommendation for Council approval of this petition in Case Z-08-06.

Respectfully submitted,

Kenneth Emmons
City Planner

Tom Hamilton
City Manager

Respectfully submitted,

Paul F. Nord and Karen Nord

By: Frank A. Miles

ORDINANCE NO. 2006 - 38

**AN ORDINANCE REZONING BUSINESS PARK AT NORD FARMS FROM B-1,
HIGHWAY BUSINESS DISTRICT TO M-1, RESTRICTED MANUFACTURING
DISTRICT**

WHEREAS, there was heretofore filed with the City Clerk of the City of Bloomington, McLean County, Illinois, a Petition for rezoning of certain premises hereinafter described in Exhibit "A"; and

WHEREAS, the Bloomington Planning Commission, after proper notice was given, conducted a public hearing on said Petition; and

WHEREAS, the City Council of said City has the power to pass this Ordinance and rezone said premises.

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

1. That the premises hereinafter described in Exhibit "A" shall be and the same are hereby rezoned from B-1, Highway Business District to M-1, Restricted Manufacturing District.
2. The Official Zoning Map of said City shall be amended to reflect this change in zoning classification.
3. This Ordinance shall take effect immediately upon passage and approval.

PASSED and APPROVED this 11th day of April, 2006.

APPROVED:

Stephen F. Stockton
Mayor

ATTEST:

Tracey Covert
City Clerk

**EXHIBIT A
Legal Description Tract II**

Tract of Land to be Re-Zoned to City of Bloomington Zoning Classification M-1

A part of the NE 1/4, of Section 2, Township 23 North, Range 1 East of the Third Principal Meridian, City of Bloomington, McLean County, Illinois, more particularly described as follows: Commencing at the northwest corner of Business Park at Nord Farms First Addition on the south right of way line of F.A. Route 693/Illinois Route 9; thence S.89°-33'20"W. 205.40 feet on said south right of way line; thence S.86°-41'-35"W. 200.25 feet on said south right of way line; thence S.89°-33'-20"W. 24.35 feet on said south right of way line to the Point of Beginning; thence S.46°-02'-11"E. 21.43 feet; thence S.01°-37'-42"E. 606.03 feet to the north right of way line of the former Penn Central Railroad; thence N.63°-23'-05"W. 813.47 feet on said north right of way line of the former Penn Central Railroad; thence N.09°-15'-16"W. 67.96 feet to the west line of the East 45 Acres of the NE 1/4 of Section 2 as fenced and occupied; thence N.00°-34'-38"W. 183.68 feet on said west line of the East 45 Acres of the NE 1/4 of Section 2 as fenced and occupied to the south right of way line of F.A. Route 693/Illinois Route 9; thence N.89°-33'-20"E. 707.42 feet on said south right of way line to the Point of Beginning containing 7.21 acres, more or less, with assumed bearings given for description purposes only.

EXHIBIT A
Legal Description Tract I

Tract of Land to be Re-Zoned to City of Bloomington Zoning Classification M-1

Lots 2, 3, 4, 5 and Outlot A in Business Park at Nord Farms and part of the W 1/2 of the NW 1/4 of Section 1, all in Township 23 North, Range 1 East of the Third Principal Meridian, City of Bloomington, McLean County, Illinois, more particularly described as follows: Beginning at the northeast corner of Lot 2 in Business Park at Nord Farms on the east line of the W 1/2 of the NW 1/4 of Section 1; thence S.01°-03'-29"E. 935.01 feet on said east line of the W 1/2 of the NW 1/4 of Section 1 to the southeast corner of Outlot A in said Business Park at Nord Farms, said point lying on the north right of way line of the former Penn Central Railroad; thence N.67°-30'-18"W. 916.10 feet on said north right of way line of the former Penn Central Railroad; thence northwesterly 372.15 feet on said north right of way line of the former Penn Central Railroad on a non-tangential curve concave to the northeast having a central angle of 03°-42'-18", a radius of 5755.00 feet and a chord of 372.08 feet bearing N.65°-36'-23"W. from the last described course; thence N.01°-37'-42"W. 191.73 feet; thence N.88°-22'-18"E. 93.29 feet; thence southeasterly 111.57 feet on a tangential curve concave to the southwest having a central angle of 24°-07'-24", a radius of 265.00 feet and a chord of 110.75 feet bearing S.79°-34'-00"E. from the last described course; thence S.67°-30'-18"E. 562.79 feet; thence southeasterly 38.16 feet on a tangential curve concave to the northwest having a central angle of 14°-34'-36", a radius of 150.00 feet and a chord of 38.06 feet bearing S.74°-47'-36"E from the last described course to the northwest corner of Lot 5 in Business Park at Nord Farms, said point lying on the southerly right of way line of Thor Drive; thence continuing northeasterly 259.12 feet on the easterly right of way line of said Thor Drive on a tangential curve concave to the northwest having a central angle of 98°-58'-36", a radius of 150.00 feet and a chord of 228.08 feet bearing N.48°-25'-49"E. from the chord of the last described arc; thence N.01°-03'-29"W. 325.84 feet on said east right of way line of Thor Drive parallel with the east line of the W 1/2 of the NW 1/4 of Section 1 to the northwest corner of Lot 2 in Business Park at Nord Farms; thence N.88°-56'-31"E. 250.00 feet to the Point of Beginning containing 10.95 acres, more or less, with assumed bearings given for description purposes only.

Motion by Alderman Crawford, seconded by Alderman Schmidt that the Rezoning be approved and the Ordinance passed.

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

Ayes: Aldermen Crawford, Huette, Schmidt, Finnegan, Gibson, Matejka and Purcell.

Nays: None.

Abstains: Alderman Hanson.

Motion carried.

The following was presented:

To: Honorable Mayor and Members of the City Council

From: Staff

Subject: Public Hearing on the 2006-2007, and Five-Year Budget and Passage of an Ordinance Titled, "Budget and Appropriation Ordinance for the Fiscal Year ending April 30, 2007"

Attached is the Budget and Appropriation Ordinance for the Fiscal Year ending April 30, 2007. There have been no changes, the budget is identical to the one discussed at the March 22, 2006 work session. A summary of the budget is attached.

A public hearing is required and a notice was published on March 31, 2006 announcing this hearing. Staff respectfully recommends that the public hearing be held and the 2006-2007 Annual Budget and the 2008-2011 Five-Year Budget Ordinance be passed.

The final printed budget document will be filed with the County Clerk and Treasurer within thirty (30) days of the adoption and will be available for distribution.

Respectfully,

Brian J. Barnes
Finance Director

Tom Hamilton
City Manager

ORDINANCE NO. 2006 - 39**BUDGET AND APPROPRIATION ORDINANCE
FISCAL YEAR ENDING APRIL 30, 2007 CITY OF BLOOMINGTON**

Make appropriations for all Corporate Purposes for the Fiscal Year beginning May 1, 2006 and ending April 30, 2007, for the City of Bloomington, McLean County, Illinois.

Be It Ordained by the City Council of the City of Bloomington, Illinois: that passage of the Budget Document shall be in lieu of passage of a separate Appropriation Ordinance, as required by 65 ILCS 5/8-2-9 and 5/8-2-9.4.

Section One. That the amounts hereinafter set forth, or so much thereof as may be authorized by law, as may be needed and same is hereby appropriated for such purposes as General Fund, Motor Fuel Tax Fund, Sister City Fund, S.O.A.R. Fund, Board of Election Fund, Drug Enforcement Fund, Cultural District Fund, Cultural District Donations Fund, Cultural District Equipment Replacement Fund, Residential Rehabilitation Fund, Community Development Fund, Library Maintenance and Operation Fund, Library Equipment Replacement Fund, General Bond and Interest Fund, Market Square TIF Bond Redemption Fund, 2004 Arena Bond Redemption, 2004 Multi-Project Bond Redemption, Capital Improvements Fund, 2003 Bond Project Fund, Central Bloomington TIF Fund, U.S. Cellular Coliseum Capital Project Fund, Public Ice Rink Capital Fund, Cultural District Capital Project Fund, Fixed Asset Replacement Fund, Water Maintenance and Operation Fund, Water Supply/Depreciation Fund, Water Equipment Replacement Fund, IEPA Loan Disb. Fund, Sewer Maintenance and Operation Fund, Sewer Depreciation Fund, Sewer Equipment Replacement Fund, Parking Maintenance and Operation Fund, Parking Equipment Replacement Fund, Lincoln Parking Facility Fund, West Side Parking Facility Capital Project, Storm Water Management Fund, Storm Water Depreciation Fund, Storm Water Equipment Replacement Fund, U.S. Cellular Coliseum Fund, U.S. Cellular Coliseum Equipment Replacement Fund, Employee Group Health Care Fund, Judgment Fund, Flex Cash Fund, Park Dedication Fund, J.M. Scott Health Care Fund, Police Pension Fund and the Fire Pension Fund for the fiscal year of said City of Bloomington, McLean County, Illinois, beginning May 1, 2006 and ending April 30, 2007.

Section Two. The amount appropriated for each object or purpose is set forth in the Annual Budget for the year ending April 30, 2007, a copy of which is available at the City Clerk's Office and incorporated by reference.

(NOTE: Amounts appropriated hereby are contained in the Annual Budget for the year ending April 30, 2007, published in book form, copies of which are available for inspection at City Hall, Bloomington Public Library, and other places throughout the City.)

Section Three. That all sums of money not needed for immediate specific purposes may be invested in City of Bloomington Tax Warrants, Tax Sale Certificate, or Notes of Indebtedness, General Water, Parking or Sewer Revenue Bonds, in securities of the Federal Government, in Federal Insured Savings and Loan Associations, Certificates of Deposit in Commercial Banks, or other instruments as allowed by law.

Section Four. Pursuant to 65 ILCS 5/8-2-9.6, and the home rule authority granted to the City of Bloomington pursuant to Article 7, Section 6 of the 1970 Illinois Constitution, the Finance Director, with the concurrence of the City Manager is authorized to revise the annual budget by deleting, adding to, changing or creating sub-classes within object classes budgeted previously to a Department, Board or Commission, and to transfer amounts within a particular fund established by this Ordinance, with the restrictions that no such action may be taken which shall increase the budget in the event funds are not available to effectuate the purpose of the revision, and that the City Council shall hereafter be notified of such action by written report of the City Manager.

Section Five. Partial Invalidity. If any section, subdivision, sentence or clause of this Ordinance is for any reason held invalid or to be unconstitutional, such decision shall not affect the validity of the remaining portion of this Ordinance.

Section Six. That all Ordinances or parts of Ordinances conflicting with any of the provisions of this Ordinance be and the same are hereby repealed.

Section Seven. This Ordinance shall be in full force and effect from and after its passage.

PASSED by the City Council of the City of Bloomington, Illinois this 10th day of April, 2006.

APPROVED by the Mayor of the City of Bloomington, Illinois this 10th day of April, 2006.

APPROVED:

Stephen F. Stockton
Mayor

ATTEST:

Tracey Covert
City Clerk

Mayor Stockton introduced this item. He noted that the City's Fiscal Year, (FY), started on May 1st. Work Sessions have been held. He opened the Public Hearing. No one came forward to address the Council. Mayor Stockton closed the Public Hearing.

Alderman Finnegan informed the Council that he had received a note from a citizen. It addressed the Cultural District's budget and the quarter cent, (.0025), sales tax. He believed that this would generate \$1.25 million annually. He did not recall an agreement to provide additional funds to the Cultural District.

Alderman Crawford encouraged the Council to examine the out years. It appears that this figure was increasing.

Bruce Marquis, Executive Director – Cultural District, addressed the Council. He noted that the Cultural District became a City department two (2) FY’s ago. The Cultural District would apply for funding each year. He cited the bond issue proposal. He acknowledged that there was a slight increase projected per year, (\$50,000). These dollars would cover the cost of salaries, benefits, insurance, and the rate of inflation.

Alderman Crawford cited the following figure increases: FY05/06 - \$1,510,000; FY06/07 - \$1,721,000, and FY07/08 - \$2,000,000.

Brian Barnes, Finance Director, addressed the Council. He noted that these figures came from the Fund Balance Summary not expenditures. Cash flow had been projected out twenty (20) years due to the bond issue.

Alderman Finnegan noted what the Council agreed to do. Alderman Schmidt added that funds for the Cultural District would come from the quarter cent, (.0025) sales tax. Mr. Barnes noted that City staff anticipated that there would be additional revenue from other sources. Alderman Schmidt cited that the sales tax provided the Cultural District with a source of funding. Mr. Barnes noted that the goals set hoped that revenue from all sources identified would pay for a variety of things. Amounts would change over time as the project’s focus changed.

Alderman Matejka cited the quarter cent, (.0025), sales tax. He added his belief that the dollar figure would increase annually. Mr. Marquis referred to a fall 2003 Work Session. A portion of the proposed sales tax increase would be given to the Cultural District. He noted that there were other Downtown issues cited such as parking and security.

Alderman Finnegan questioned the dollars generated from the quarter, (.0025), sales tax. Mr. Barnes estimated that the Cultural District would receive \$1.8 million. The total amount of anticipated revenue was \$2.4 - \$2.5 million. He offered to provide the information in writing.

Alderman Huette noted that the discussion had been about projected operating income. He requested the actual numbers.

Mayor Stockton noted that this item equaled \$2.6 million. He questioned the Cultural District’s net revenue. Mr. Barnes informed the Council the figures provided included all revenue sources. He referred them back to the department’s budget.

Alderman Matejka addressed the Coliseum budget. He questioned the general sense of revenue and expenditures. He noted that the Council did not dictate salaries at this facility. Todd Greenburg, Corporation Counsel, noted the Management Agreement and PreOpening Budget. Central Illinois Arena Management, (CIA), had until September 1st to submit budgets for operations and cash flow. These budgets would be reviewed for possible revision. Any request that increased costs meant that CIA had the right to request

increased funding. The City can approve and/or amend the budget requests. Mayor Stockton added that the City did not dictate wage rates.

Alderman Huette questioned the Cultural District's revenue and expense summary. He questioned the projected figure for donations. Mr. Marquis noted that this figure was separate from operating revenue. The Capital Campaign was on going. Work continued on naming rights for the building. Gifts were being solicited. Funds have been invested. When appropriate, applications for dispersals have been made. He reminded the Council that there were two (2) other elements: Festival Park and the Education Center. He estimated the current balance at \$1.2 million in pledges and cash. He hoped that there would be \$1.5 million by midyear. Currently, he was working to secure up to \$1.5 million in federal funding during FY07.

Alderman Crawford questioned the US Cellular Coliseum budget. He questioned the Council's request for an additional \$200,000 to CIA's financial statement. Mayor Stockton stated that City staff would check on this request.

Alderman Purcell questioned if the FY07/08 budget was set. Mr. Barnes noted that the only year that was legally binding was FY06/07. The out years were looser. In reality, things can change, things happen to capital projects.

Alderman Matejka cited the impact of 9-11. Mr. Barnes restated that in reality things change. There would be some change to the out years. Mayor Stockton added that goals are discussed at the August Work Session. Mr. Barnes noted that this year's budget was smaller. The City was at the tail end of a cycle. This Council needed to set a new direction. The budget can be amended if necessary. Housekeeping budget amendments are placed before the Council in June. The Tax Levy would be edited. The tax rate would be kept below \$1.00 per \$100 of Equalized Assessed Value, (EAV), less the library.

Alderman Finnegan questioned the next trend report. Mr. Barnes noted that it would be distributed in November/December 2006.

Motion by Alderman Finnegan, seconded by Alderman Gibson that the Public Hearing be held, after which the Ordinance be passed.

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

Ayes: Aldermen Crawford, Huette, Schmidt, Finnegan, Gibson, Matejka and Purcell.

Nays: None.

Abstained: Alderman Hanson.

Motion carried.

The following was presented:

Discussion of Proposed Smoking Ordinance. Mayor Stockton noted that the Council began its consideration of this issue in January 2006. A couple of Public Hearings had been held on this subject. The City had received a lot of input. The time table had been set for an April/May 2006 vote. Both sides of the issue were not together. He believed that the gap had been narrowed. The Smoke Free group had labeled the City's proposed ordinance as a fake. Mayor Stockton noted that the Council had been presented with a range of options from do nothing to a comprehensive ban. Most communities which have adopted a smoking ban also have exemptions. Exemptions would not mean that an ordinance was bad. He expressed his belief that an all or do nothing approach was dangerous. He believed that citizens wanted some type of control. He cited three (3) exemptions: 1.) all taverns and some restaurants, 2.) separated smoking rooms/separate ventilation systems; and 3.) delayed implementation, (principally for taverns). He noted that at most taverns liquor is consumed, little to no food is available, and minors were not present. He cited his personal belief that smoking should not be allowed where meals are consumed and children are present. He added his concern for employees. He stated his intention to allow one (1) speaker from each side to address the Council. They would be limited to four to five (4 – 5) minutes. He requested that the individual be specific in their remarks.

Alderman Gibson noted that all things considered, he wanted the Council to take no action on this item.

Alderman Finnegan noted a Council memorandum which stated that there were sixty-five (65) nonsmoking restaurants in the City. The market was moving in this direction, (smoke free). He believed that the Council would go too far and recommended doing nothing further.

Alderman Schmidt expressed her interest in a compromise. The City had proposed dramatic and expansive change. She anticipated that the state would pass a statewide smoking ban. She had received comments that the City's actions were unfair and unrealistic.

Mayor Stockton anticipated action state wide. This has been cited as a reason for a delay. The City should allow time for research and for the state to act.

Alderman Huetten noted that the Mayor had presented various options. He did not believe that there was a middle ground on this issue. He noted that passage might result in business hardship and personal inconvenience. He questioned enforcement. He recommended doing nothing or adopting the total ban if enforcement issues could be eliminated.

Mayor Stockton cited the proposed exemptions from other ordinances. He cited the ability of all involved to reach a compromise. He requested the Council's opinion.

Alderman Huette recommended that the City be consistent with the Town of Normal. The City and the Town had worked to develop an ordinance. Both needed to vote on same. The City should duplicate the Town's ordinance and vote it up or down.

Mayor Stockton questioned if Normal's ordinance would be a good fit for the City. Alderman Huette noted that the answer was dependent upon the individual. Alderman Purcell informed the Council that he had attended the Town's meeting. The Town was waiting on the City. Alderman Huette expressed his preference for consistency between the two (2) cities.

Alderman Matejka noted that local tavern and restaurant owners had expressed their opposition to the proposed ordinance. He questioned the national chains' opinions. Alderman Huette expressed his belief that the locally owned establishments were concerned about the impact upon the pocketbook. Mayor Stockton informed the Council that he had been contacted by Buffalo Wild Wings. This chain is concerned about the economic impact.

Alderman Matejka recommended a survey be done at all local taverns as there was a lot of concern. Questions could address the percentage of customers that are residents, the percentage of regular customers, etc. The opinion of the majority would also impact the minority. Taverns serve an adult population. He had encouraged taverns to serve food. Many are primarily drinking establishments. These local businesses have made a personal investment in the community.

Alderman Huette expressed his concern regarding an unfair advantage. Alderman Matejka recommended that the City eliminate the Tavern and Restaurant liquor license classification. The smoking ban strictly defined would address the presence of children. The Downtown was an entertainment district. Activities should be confined within the building. Other issues have been created, (noise, litter, illegal consumption). These issues impact Downtown businesses and residents, and the Police Department.

Alderman Purcell noted that the Town has proposed an indoor and outdoor smoking ban. The ban would be in effect wherever people congregate. He cited parks, pools, beer gardens, etc. Mayor Stockton stated that the Council could address outdoor events. He cited outdoor seating as an example.

Alderman Purcell noted indoor or outdoor or both, the key question was enforcement. Mayor Stockton restated that most ordinances have exemptions. A number of cities are satisfied with their ordinances. On the front end, the issue appeared to be complex.

Alderman Purcell stated that he would not support a total ban. He might support a partial ban.

Alderman Hanson cited his brief background. This ordinance could be viewed as a public health or a special interest issue. Mayor Stockton expressed his opinion that both

groups saw this ordinance as a public health issue. He noted that there was a nationwide campaign.

Alderman Hanson noted that a state mandate would supersede City action. He questioned if taking action on the local level overstepped the role of the state or federal government. Local businesses do not have contingency funds for legislative mandates. Unfunded mandates play havoc on the budget. If this is a public health issue, then it would need to be banned every where to resolve the issue. He did not understand the thought process or rationale behind this issue.

Mayor Stockton stated that the purpose was to reduce the level. Smoking would be banned where families/children are present. He was not aware of a total ban.

Alderman Finnegan acknowledged that these were well meaning individuals. There was no problem with the idea to stop smoking. He did not believe that it was the City's role to ban same. He read from an advertisement placed by Smoke Free Bloomington which appeared in the Pantagraph. He found their message disturbing.

Alderman Crawford did not believe that any current Council members were smokers. He expressed his support for a compromise. He expressed his concern as tobacco and food do not go together. He believed that the exemptions were workable. A compromise would be the best way.

Alderman Finnegan questioned posting a sign. Alderman Crawford cited the number of restaurants which have gone smoke free voluntarily. Alderman Finnegan stated that the coalition should direct their concerns to the business community.

Alderman Purcell expressed his interest in hearing from a representative from each side.

Motion by Alderman Finnegan, seconded by Alderman Matejka to suspend the rules to allow some one to speak.

Motion carried.

Barbara Taft, 121 Ruth Rd., addressed the Council. She represented the independent restaurant and tavern owners. She addressed her client's concerns. Smoking could be restricted where food is served. They were concerned about a forced full ban. Some of these individuals had been in business for over thirty (30) years. Some have adopted smoke free restaurants and taken a business loss. Ventilation systems are very costly. She questioned who would test them. She also noted the large financial investment to develop separate facilities which would include restrooms. There was a perceived health issue. Smoking was a nuisance. She put forth a proposal for adult venues where forty percent, (40%) or more of revenue is generated from alcohol sales – smoking would be allowed; smoking would be banned where sixty percent (60%) of revenue is generated from food sales. She described the compromise as simple and workable. Establishments would

voluntarily post “smoking” signage. The community would be served. The Council needed to consider the economic impact.

Mayor Stockton requested an explanation of the compromise. Ms. Taft stated if forty percent (40%) of earnings or greater is from on premise alcohol sales the business would be exempt. All taverns would be exempt. If food sales generated sixty percent, (60%), or more of total revenues then the establishment would be smoke free. It would be an all or nothing ordinance based upon percentage of sales. Percentage of sales would be easy and comprehensive.

Alderman Huette questioned the figures. Ms. Taft cited other city ordinances. There was no one size fits all for an adult style exemption. The market place was dictating a change.

Peggy Jones, 7 Stark Circle, addressed the Council on behalf of the Smoke Free Coalition. She was currently employed with the American Heart Association. The Coalition was concerned about the public’s health. They were concerned about waiting for a decision from employers and/or the marketplace. They were concerned about employees whose choice was a pay check versus their health. The City was waiting for a trend of states taking action to protect workers. She cited the evidence. She addressed the issue of ventilation. Currently, the technology was not available. It was not a solution. A comprehensive ordinance with exemptions was not logical. She questioned why the City should be different. The City needed to protect workers. The local economy would not be effected. She noted the various negative opinions cited. She encouraged the Council to take a different perspective. The impact might be positive. The citizens would adjust. She cited the recent Florida law which passed by a ninety/ten split. The Coalition was willing to work with the Council. She had a Petition of support. The members of the Coalition hearts were in the right place. The Pantagraph ad was not aimed at the Council. The intent was not confrontational.

Mayor Stockton questioned the Coalition’s stand on the proposed exemptions. He believed that the Coalition wanted an all or nothing ordinance. Ms. Jones noted that the Coalition was opposed to the exemptions as it put workers at risk. The Coalition wanted the Council to take action which would address workers’ health. The City did not have to address the outdoors. The Coalition would go forward with a referendum if the Council did not take action. The Coalition would wait to see the ordinance, the number of workers affected, and the percentage of taverns affected.

Alderman Finnegan questioned the Coalition’s public education efforts. Ms. Jones cited public events, such as Business Showcase. The Coalition has participated in health fairs. She cited the dangers of second hand smoke. The group has promoted smoking cessation. Alderman Finnegan noted that the proposed referendum would be nonbinding. Ms. Jones responded affirmatively.

Alderman Matejka questioned if the Coalition was willing to meet with the independent business owners. Ms. Jones anticipated that in conclusion everyone involved

would not be happy. Alderman Matejka noted that he was searching for understanding. He questioned if the Coalition would be willing to dialogue. He expressed his willingness to set up a meeting this week. Ms. Jones noted that the Coalition wanted what was best for the City.

Alderman Gibson noted that the Coalition was not interested in a compromise at the previous meeting. He believed that their petition held over 2,000 signatures. Ms. Jones noted that the Coalition relied upon science, constituent feedback, and signatures which had been obtained face to face. The Coalition planned to continue its efforts.

Alderman Purcell questioned the percentage that did not sign.

Bobbie Lewis Sibley, 1350 Wildhorse, Normal, addressed the Council. She had walked the wards. The target was to obtain signatures from a higher percentage of voters than had turned out at the last election. In two (2) hours, there were few refusals to sign. She estimated the signature percentage at sixty to eighty percent, (60 – 80%). She described the response as overwhelming and positive.

Alderman Purcell cited the Coalition's intent to protect workers. He cited home health care workers. Ms. Jones noted that every situation could not be eliminated. Some may not be aware of the risk. Alderman Purcell questioned if a smoking ban might cause people to quit smoking. Ms. Jones restated that the goal was to improve public health. The Coalition was not trying to outlaw smoking. Mayor Stockton expressed his opinion that one goal was to influence smoking behavior.

Alderman Purcell stated that the CDC, (Communicable Disease Center) had approved a ventilation system. Mayor Stockton noted that the filtration system was for biochemical hazards. It claimed to filter smoke effectively.

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

Motion carried.

Mayor Stockton questioned direction from here. He expressed his willingness to facilitate a meeting. The Council could also vote on the issue at its next meeting.

Alderman Gibson expressed his support for putting this issue to a vote. Mayor Stockton noted that a vote could not be taken tonight.

Alderman Purcell expressed his support for placing this item on the Council's April 24, 2006 meeting.

Alderman Matejka expressed his appreciation for the independent business owners' efforts. Normal does not have a tavern license. The situation was different in the City. He had hoped for a meeting/dialogue. He wanted an ordinance which reflected the reality of

the City's tavern licenses. He requested that these businesses be given fair consideration. He would support a ban in primarily food establishments.

Alderman Schmidt expressed support for continued work towards a compromise.

Alderman Finnegan encouraged the Mayor to set a date for the vote on this issue.

Mayor Stockton noted that the Council had taken a lot of time on this issue. He noted the comments of the American Cancer Society. He had prepared a draft ordinance. He also had the Town of Normal's draft ordinance. The independent business owners had also prepared a draft ordinance. This item would appear on a Council meeting agenda in the near future.

MAYOR'S DISCUSSION: None.

CITY MANAGER'S DISCUSSION: None.

ALDERMEN'S DISCUSSION: Alderman Purcell questioned the status of the skate board park in the City's Fiscal Year 2007/08 budget. Alderman Schmidt thought that there were planning dollars in this year's budget.

Motion by Alderman Finnegan, seconded by Alderman Matejka, that the meeting be adjourned. Time: 10:02 p.m.

Motion carried.

**Tracey Covert
City Clerk**

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