

**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, July 25, 2005.

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, Michael Sprague, Steven Purcell, Karen Schmidt and Mayor Stephen F. Stockton.

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

Absent: Alderman James Finnegan.

The following was presented:

To: Honorable Mayor and Members of the City Council
From: Staff
Subject: Opening of One Bid for 2005-2006 General Resurfacing

Bids were received by the City Clerk on July 15, 2005 for 2005-06 General Resurfacing. There is \$500,000 budgeted for this item. Only one bid was received by the City Clerk and it is City policy in situations where only one bid is received to have the bid opened and read at the Council Meeting.

Staff requests that the City Council authorize the Purchasing Agent to open the bid at the July 25, 2005 Meeting and present the City Council with a recommendation prior to the end of the Council Meeting concerning award of the bid.

Respectfully,

Tracey Covert
City Clerk

Tom Hamilton
City Manager

Motion by Alderman Crawford seconded by Alderman Schmidt that the Bid be opened at the Council meeting, referred to staff for analysis and reported back to Council prior to the end of the meeting.

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

Ayes: Alderman Crawford, Huette, Schmidt, Gibson, Sprague, Matejka and Purcell.

Nays: None.

Motion carried.

The following was presented.

To: Honorable Mayor and Members of the City Council
From: Staff
Subject: Opening of One Bid for 2005-06 MFT General Resurfacing

Bids were received by the City Clerk on July 11, 2005 for 2005-06 MFT General Resurfacing. There is \$500,000 budgeted for this item. Only one bid was received by the City Clerk and it is City policy in situations where only one bid is received to have the bid opened and read at the Council Meeting.

Staff requests that the City Council authorize the Purchasing Agent to open the bid at the July 25, 2005 Meeting and present the City Council with a recommendation prior to the end of the Council Meeting concerning award of the bid.

Respectfully,

Tracey Covert
City Clerk

Tom Hamilton
City Manager

Motion by Alderman Crawford, seconded by Alderman Schmidt that the Bid be opened at the Council meeting, referred to staff for analysis and reported back to Council prior to the end of the meeting.

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

Ayes: Alderman Crawford, Huette, Schmidt, Gibson, Sprague, Matejka and Purcell.

Nays: None.

Motion carried.

Alderman Crawford questioned the timing of these two (2) items. Doug Grovesteen, Director of Engineering, addressed the Council. He noted that the dollars became available on May 1, 2005.

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 Sprague, seconded by Alderman Crawford 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: Alderman Crawford, Huette, Schmidt, Gibson, Sprague, Matejka and Purcell.

Nays: None.

Motion carried.

The following was presented.

To: Honorable Mayor and Members of the City Council
From: Staff
Subject: Payments from Various Municipal Departments

1. The second partial payment to Peace Meal in the amount of \$2,082 on a contract amount of \$25,000 of which \$4,164 will have been paid to date for work certified as 17% complete for the Peace Meals. Completion date - April 2006.
2. The second partial payment to Peace Meal in the amount of \$624 on a contract amount of \$7,500 of which \$1,254 will have been paid to date for work certified as 17% complete for the John M. Scott Home Delivered Meals. Completion date - May 2006.
3. The third partial payment to Felmley Dickerson in the amount of \$12,000 on a contract amount of \$212,000 of which \$55,000 will have been paid to date for work certified as 26% complete for the Library Expansion. Completion date - July 2006.
4. The seventh partial payment to Economic Development Council of Bloomington/Normal in the amount of \$3,750 on a contract amount of \$45,000 of which \$26,250 will have been paid to date for work certified as 58% complete for the McLean County Economic Development. Completion date - December 2008.
5. The first partial payment to JG Stewart Contractors in the amount of \$24,736.35 on a contract amount of \$180,000 of which \$24,736.35 will have been paid to date for work certified as 14% complete for the 2005-2006 Sidewalk Replacement and Handicap Ramp Program. Completion date - December 2005.
6. The fifth and final payment to F & W Lawncare Specialists in the amount of \$511.40 on a contract amount of \$15,000 of which \$14,487.59 will have been paid to date for work certified as 100% complete for the Seeding at Various Locations 2004-2005. Completion date - June 2005.
7. The fifteenth partial payment to Turner Construction Company in the amount of \$6,518 on a contract amount of \$187,824 of which \$116,126 will have been paid to date for work certified as 61.83% complete for the Project Management Services for the Bloomington Center for the Performing Arts. Completion date - June 2006.
8. The first partial payment to American Passion Play in the amount of \$12,760 on a contract amount of \$66,000 of which \$12,760 will have been paid to date for work certified as 19% complete for the American Passion Play Memorandum of Understanding 01/21/05. Completion date - September 2006.
9. The thirteenth partial payment to Central IL Arena Management, Inc. in the amount of \$54,996.61 on a contract amount of \$738,188.75 of which \$283,967.87 will have been paid to date for work certified as 38% complete for the Professional Services. Completion date - December 2005.

10. The fifteenth partial payment to Johnston Contractors in the amount of \$169,177.53 on a contract amount of \$3,374,550 of which \$1,674,197.13 will have been paid to date for work certified as 50% complete for the Design/Build for the U.S. Cellular Coliseum. Completion date - April 2006.
11. The sixth partial payment to D & H Electric in the amount of \$231,741 on a contract amount of \$2,777,272 of which \$432,891 will have been paid to date for work certified as 16% complete for the Design/Build for the U.S. Cellular Coliseum. Completion date - April 2006.
12. The twelfth partial payment to Mid-Illinois Mechanical, Inc. in the amount of \$29,610 on a contract amount of \$3,387,343 of which \$910,282.69 will have been paid to date for work certified as 27% complete for the Design/Build for the U.S. Cellular Coliseum. Completion date - April 2006.
13. The seventh partial payment to G.A. Rich & Sons, Inc. in the amount of \$65,246.40 on a contract amount of \$1,194,558 of which \$275,824.80 will have been paid to date for work certified as 23% complete for the Design/Build for the U.S. Cellular Coliseum. Completion date - April 2006.
14. The sixth partial payment to Technical Design Services, Inc. in the amount of \$4,752.92 on a contract amount of \$48,200 of which \$21,820.08 will have been paid to date for work certified as 45% complete for the Cabling System and Telecommunications for the U.S. Cellular Coliseum. Completion date - March 2006.
15. The twenty-sixth partial payment to Brisbin, Brook, Beynon Architects in the amount of \$9,918.52 on a contract amount of \$1,421,000 of which \$1,287,711.65 will have been paid to date for work certified as 86% complete for the U.S. Cellular Coliseum Architects. Completion date - April 2006.
16. The fourth partial payment to Automatic Fire Sprinkler, LLC in the amount of \$21,339 on a contract amount of \$355,000 of which \$68,481 will have been paid to date for work certified as 19% complete for the Design/Build for the U.S. Cellular Coliseum. Completion date - April 2006.
17. The first partial payment to CIMCO Refrigeration, Inc. in the amount of \$371,033.10 on a contract amount of \$1,591,141 of which \$371,033.10 will have been paid to date for work certified as 23% complete for the Design/Build for the U.S. Cellular Coliseum. Completion date - April 2006.
18. The second partial payment to Kelly Glass in the amount of \$104,580 on a contract amount of \$305,398 of which \$113,400 will have been paid to date for work certified as 37% complete for the Design/Build for the U.S. Cellular Coliseum. Completion date - April 2006.

19. The fourth partial payment to Felmley Dickerson in the amount of \$10,998 on a contract amount of \$663,114 of which \$51,543 will have been paid to date for work certified as 8% complete for the Design/Build for the U.S. Cellular Coliseum. Completion date - April 2006.
20. The second partial payment to Felmley Dickerson in the amount of \$30,429 on a contract amount of \$729,727 of which \$44,685 will have been paid to date for work certified as 6% complete for the Design/Build for the U.S. Cellular Coliseum. Completion date - April 2006.
21. The fifth partial payment to Merrill Iron & Steel Inc. in the amount of \$193,968.90 on a contract amount of \$795,654 of which \$492,520.50 will have been paid to date for work certified as 62% complete for the Design/Build - Erection for the U.S. Cellular Coliseum. Completion date - April 2006.
22. The seventh partial payment to Merrill Iron & Steel, Inc. in the amount of \$63,702.72 on a contract amount of \$1,526,586 of which \$1,261,142.57 will have been paid to date for work certified as 83% complete for the Design/Build - Fabrication for the Design/Build for the U.S. Cellular Coliseum. Completion date - April 2006.
23. The third partial payment to Hoerr, Inc. in the amount of \$144,000 on a contract amount of \$782,930 of which \$244,800 will have been paid to date for work certified as 31% complete for the Design/Build for the U.S. Cellular Coliseum. Completion date - April 2006.
24. The tenth partial payment to Stark Excavating, Inc. in the amount of \$68,236.79 on a contract amount of \$3,557,749 of which \$2,405,247.30 will have been paid to date for work certified as 68% complete for the Design/Build for the U.S. Cellular Coliseum. Completion date - April 2006.
25. The first partial payment to D & H Electric in the amount of \$12,411 on a contract amount of \$108,500 of which \$12,411 will have been paid to date for work certified as 11% complete for the Design/Build for the U.S. Cellular Coliseum. Completion date - April 2006.
26. The first partial payment to Kelly Glass in the amount of \$51,082 on a contract amount of \$89,758 of which \$51,082 will have been paid to date for work certified as 57% complete for the Design/Build for the U.S. Cellular Coliseum Parking Garage. Completion date - April 2006.
27. The fifth partial payment to IPC, Inc. in the amount of \$841,131 on a contract amount of \$1,271,950 of which \$1,076,734.80 will have been paid to date for work certified as 85% complete for the Design/Build for the U.S. Cellular Coliseum Parking Garage. Completion date - April 2006.

28. The fourth partial payment to Felmley Dickerson in the amount of \$69,390 on a contract amount of \$823,000 of which \$472,410 will have been paid to date for work certified as 57% complete for the Design/Build for the U.S. Cellular Coliseum Parking Garage. Completion date - April 2006.
29. The seventh partial payment to Johnston Contractors, Inc. in the amount of \$72,398.54 on a contract amount of \$371,005 of which \$184,065.67 will have been paid to date for work certified as 50% complete for the Design Build for the U.S. Cellular Coliseum Parking Deck. Completion date - April 2006.
30. The fourth partial payment to Thompson Dyke & Associates in the amount of \$40,150 on a contract amount of \$227,450 of which \$110,161.94 will have been paid to date for work certified as 47.04% complete for the Holiday Pool/Park - Renovation. Completion date - August 2006.
31. The third and final payment to Thompson Dyke & Associates in the amount of \$3,282.79 on a contract amount of \$8,750 of which \$9,727.31 will have been paid to date for work certified as 100% complete for the Miller Park Grant Application. Completion date - December 2006.
32. The ninth partial payment to Lewis, Yockey, & Brown in the amount of \$19,879 on a contract amount of \$139,500 of which \$91,992.30 will have been paid to date for work certified as 66% complete for the Design of Hamilton Road from Bunn to Commerce. Completion date - October 2005.
33. The second partial payment to Clark Dietz, Inc. in the amount of \$14,223.06 on a contract amount of \$330,000 of which \$44,091.31 will have been paid to date for work certified as 13% complete for Hamilton Road - Timberlake to Main Street. Completion date - December 2006.
34. The nineteenth partial payment to Clark Dietz, Inc. in the amount of \$2,773.02 on a contract amount of \$366,591.65 of which \$340,113.06 will have been paid to date for work certified as 93% complete for Hamilton Road - Greenwood to Timberlake Lane. Completion date - July 2005.
35. The fourth partial payment to Stark Excavating, Inc. in the amount of \$51,803 on a contract amount of \$285,592.80 of which \$157,687 will have been paid to date for work certified as 55% complete for Erickson Avenue - Oakland to Illinois. Completion date - July 2005.
36. The seventeenth partial payment to Stark Excavating, Inc. in the amount of \$47,941 on a contract amount of \$2,518,251.70 of which \$1,884,352 will have been paid to date for work certified as 75% complete for Airport Rd. - Route 9 to Gill Street. Completion date - November 2005.

37. The first partial payment to GM Snipes Construction Company in the amount of \$58,554 on a contract amount of \$250,000 of which \$58,554 will have been paid to date for work certified as 23.4% complete for the 2004-2005 Rigid Pavement Patching Program. Completion date - September 2005.
38. The seventh partial payment to Rowe Construction Company in the amount of \$28,769 on a contract amount of \$917,226.95 of which \$866,764 will have been paid to date for work certified as 94% complete for the Ft. Jesse Road Improvements - Phase I - east of Airport Rd. to Kaisner Dr. Completion date - August 2005.
39. The second partial payment to Rowe Construction in the amount of \$96,871 on a contract amount of \$843,492.81 of which \$145,480 will have been paid to date for work certified as 17% complete for the Hershey Road Widening - Yorktown to Eastland. Completion date - September 2005.
40. The second partial payment to Clark Dietz, Inc. in the amount of \$5,131.72 on a contract amount of \$44,000 of which \$12,833.09 will have been paid to date for work certified as 29% complete for the Sugar Creek Headwater Study. Completion date - January 2006.
41. The eleventh and final payment to Gildner Plumbing, Inc. in the amount of \$259,431.09 on a contract amount of \$646,076.51 of which \$646,076.51 will have been paid to date for work certified as 100% complete for the West Route 9 Water Main Improvements - 3500' West of Wylie Drive. Completion date - July 2005.
42. The third partial payment to Stark Excavating, Inc. in the amount of \$6,600 on a contract amount of \$94,673 of which \$85,025 will have been paid to date for work certified as 86% complete for the Greenwood Avenue Sanitary Sewer Relocation. Completion date - August 2005.
43. The third partial payment to Farnsworth Group in the amount of \$7,469.90 on a contract amount of \$50,500 of which \$26,005.04 will have been paid to date for work certified as \$51% complete for the Preliminary Study for the Location and Sizing of Main Branch of Kickapoo Pump Station, Force Main and Gravity Sewer. Completion date - November 2005

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

Respectfully,

Tom Hamilton
City Manager

Alderman Matejka requested that payment 6B9 be pulled for separate discussion.

Motion by Alderman Sprague, seconded by Alderman Crawford that with the exception of payment 6B9, the payments be approved.

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

Ayes: Alderman Crawford, Huette, Schmidt, Gibson, Sprague, Matejka and Purcell.

Nays: None.

Motion carried.

The following was presented.

To: Honorable Mayor and Members of the City Council
From: Staff
Subject: Audit of the Accounts for the Township Supervisor of General Assistance Fund and General Town Fund for the Month of June, 2005

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

The Audit of these accounts took place on Monday, July 25, 2005 at 6:30 p.m. in the Conference Room of Bloomington City Hall and should, at this time, be made a matter of record.

Respectfully,

Tracey Covert
City Clerk

Motion by Alderman Sprague, seconded by Alderman Crawford that the audit of the bills and payrolls for the Township for the month of June, 2005 be made a matter of record.

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

Ayes: Alderman Crawford, Huette, Schmidt, Gibson, Sprague, Matejka and Purcell.

Nays: None.

Motion carried.

The following was presented.

To: Honorable Mayor and Members of the City Council
From: Staff
Subject: Reports

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

1. Motor Fuel Tax Allotment for the month of June, 2005.
2. Monthly Receipt & Expenditure Report, June, 2005.

Respectfully,

Tracey Covert
City Clerk

Tom Hamilton
City Manager

REPORTS ON FILE IN CLERK'S OFFICE

Motion by Alderman Sprague, seconded by Alderman Crawford that the reports be received and placed on file.

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

Ayes: Alderman Crawford, Huette, Schmidt, Gibson, Sprague, Matejka and Purcell.

Nays: None.

Motion carried.

The following was presented.

To: Honorable Mayor and Members of the City Council
From: Staff
Subject: Bonds - Sidewalk Contractor

The following Sidewalk Contractor's Bonds in the amount of \$1,000.00 are in order and should be received and placed on file in the Clerk's Office:

1. Antonio J. Ramirez
903 S. Low St. Bloomington, IL 61701.

Respectfully,

Doug Grovesteen
Director of Engineering

Tom Hamilton
City Manager

Motion by Alderman Sprague, seconded by Alderman Crawford that the bond be received and placed on file with the Clerk's Office.

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

Ayes: Alderman Crawford, Huette, Schmidt, Gibson, Sprague, Matejka and Purcell.

Nays: None.

Motion carried.

The following was presented.

To: Honorable Mayor and Members of the City Council

From: Staff

Subject: Annual Subscription Fees for Membership in the American Water Works Association Research Foundation (AWWARF)

The City has long been a member of the American Water Works Association Research Foundation. AWWARF is a member supported, nonprofit organization that promotes and funds the research of drinking water. The City has benefited from numerous educational publications and seminars dealing with emerging water regulations and research into current issues. Based upon the amount of water that the City pumps each year to its citizens, the annual dues for 2005 are \$8,204.

Staff respectfully recommends that Council approve the 2005 subscription fee to the American Water Works Association Research Foundation (AWWARF) in the amount of \$8,204 with payment to be made from Water Department, A & G Division, Operations and Maintenance funds, Registration and Membership Dues #50110 - 70780.

Respectfully,

Craig M. Cummings
Director of Water

Tom Hamilton
City Manager

Motion by Alderman Sprague, seconded by Alderman Crawford that the payment to AWWARF in the amount of \$8,204 be approved 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: Alderman Crawford, Huette, Schmidt, Gibson, Sprague, Matejka and Purcell.

Nays: None.

Motion carried.

The following was presented.

To: Honorable Mayor and Members of the City Council
From: Staff
Subject: Payment for Lime Sludge Removal Equipment Maintenance

The Water Department has a 10-year contract, which was awarded in 1997, to remove lime sludge from the water treatment plant storage lagoon. The lime sludge is removed from the sludge lagoons by Evergreen Farm Service (FS) and marketed to farmers for pH control of their farmland. The payment for the 2004 removal of the lime sludge was approved at the April 11, 2005 Council meeting.

The contract with Evergreen FS also has a provision in it for the City to make payments for major maintenance on the large equipment used to remove the sludge, such as the dredge. Additionally, any new additions to the equipment at the sludge lagoons will be paid for by the City after it is an agreed upon necessity.

Evergreen FS has submitted bills totaling \$31,829.56 for maintenance performed on the dredge and related equipment in 2004. This bill was submitted after the deadline for the April 11, 2005 Council meeting, and was not included with the payment request submitted at that meeting. Staff has reviewed the bill for equipment repair expenses and found it to be in order.

Staff respectfully requests that Council approve the payment for the 2004 equipment maintenance on the lime sludge removal and spreading equipment to Evergreen FS for \$31,829.56 with payment to be made with Water Department, Purification Division, Operations and Maintenance, Lime Sludge Hauling Funds (X50130-70840).

Respectfully,

Craig M. Cummings
Director of Water

Tom Hamilton
City Manager

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

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

Ayes: Alderman Crawford, Huette, Schmidt, Gibson, Sprague, Matejka and Purcell.

Nays: None.

Motion carried.

The following was presented.

To: Honorable Mayor and Members of the City Council

From: Staff

Subject: Waive the Formal Bidding Process and Approve a Contract with Starnet Technologies, Inc. for Preventive Maintenance of the Water Department Supervisory Control and Data Acquisition System

The Water Department Supervisory Control and Data Acquisition (SCADA) system is over ten (10) years old and has experienced an increasing need for maintenance. Currently, the department utilizes its system integrator, Starnet Technologies, Inc., to provide these services on an as-needed basis. Staff believes that it would be more cost effective to purchase this service in a preventative maintenance contract.

At staff's request, Starnet Technologies, Inc. submitted a proposal for the preventive maintenance services to provide ten (10) one-day preventative maintenance visits and twenty (20) hours of telephone consultation for \$11,270 per year. Staff has reviewed this proposal and finds it to be in order.

Staff respectfully requests that Council waive the formal bidding process and approve a contract for preventative maintenance of the Water Department's SCADA system at a cost of \$11,270 per year, with payment to be made equally from funds in the Water Department, Purification Division, Operations and Maintenance accounts, Other Professional and Technical Services, account number 50130 - 70220 and Water Department, Transmission and Distribution Division, Operations and Maintenance accounts, Other Professional and Technical Services, account number 50120 - 70220.

Respectfully,

Craig M. Cummings
Director of Water

Tom Hamilton
City Manager

RESOLUTION NO. 2005 - 95

**A RESOLUTION WAIVING THE FORMAL BIDDING PROCESS AND
AUTHORIZING THE CONTRACT WITH STARNET TECHNOLOGIES, INC. TO
PROVIDE PREVENTATIVE MAINTENANCE OF THE WATER DEPARTMENT'S
SCADA SYSTEM IN AN AMOUNT NOT TO EXCEED \$11,270 PER YEAR**

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

1. That the bidding process be waived and authorizing the contract with Starnet Technologies, Inc. to provide preventative maintenance of the Water Department's SCADA system in an amount not to exceed \$11,270 per year.

Adopted this 25th day of July, 2005.

Approved this 26th day of July, 2005.

Stephen F. Stockton, Mayor

ATTEST:

Tracey Covert, City Clerk

Alderman Purcell questioned this item. Craig Cummings, Director of Water, addressed the Council. This item addressed electronic controls and pump security with an overall view of the system. There was a hub at Lake Bloomington and one at the Hamilton Road water tower. This issue will address trouble shooting and programming. This was a preventative approach which should reduced costs and increase control.

Motion by Alderman Sprague, seconded by Alderman Crawford that the formal bidding process be waived, the contract with Starnet Technologies, Inc. to provide preventative maintenance of the Water Department's SCADA system be approved in an amount not to exceed \$11,270 per year, 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: Alderman Crawford, Huette, Schmidt, Gibson, Sprague, Matejka and Purcell.

Nays: None.

Motion carried.

The following was presented.

To: Honorable Mayor and Members of the City Council

From: Staff

Subject: Waive the Formal Bidding Process and Purchase Plastic Pavement Marking Materials

The City has placed plastic pavement marking successfully on newly resurfaced pavements, in place of traffic paint, for a number of years. 3M Stamark Tape has always been used in the City. The Public Service Department requested quotes from 3M for Stamark materials in various widths. These unit prices are listed below.

36 Rolls 6" Yellow @ 448.20/roll	\$16,135.20
10 Rolls 6" White @ 448.20/roll	\$ 4,482.00
2 Rolls 12" White @ 224.10/roll	\$ 448.20
11 Pkgs Left Turn Arrow @ 171.46/pkg	\$ 1,886.06
21 Rolls 8" White @ 149.40/roll	\$ 3,137.40
TOTAL	\$26,088.86

The Engineering Department has supplied the quantity of tape needed for the following two projects and the quantities to be purchased are needed to add to the existing stock of 3M Stamark material to place tape on the following streets: Hershey Road, Yorktown to Eastland and Hershey Road, Rainbow to Empire.

Staff respectfully requests that Council waive the formal bidding process, accept the unit prices submitted by 3M, authorize the Purchasing Agent to issue a Purchase Order for same, and the Resolution be adopted. Plastic pavement marking materials have been budgeted and are funded in account 1001-16230- 71080.

Respectfully,

Brian Brakebill
 Director of Public Service

Tom Hamilton
 City Manager

RESOLUTION NO. 2005 - 96**A RESOLUTION WAIVING THE FORMAL BIDDING PROCESS AND
AUTHORIZING THE PURCHASE OF STAMARK PLASTIC PAVEMENT MARKING
MATERIALS AT A PURCHASE PRICE OF \$26,088.86**

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 Stamark Plastic Pavement Marking Materials at a purchase price of \$26,088.86.

Adopted this 25th day of July, 2005.

Approved this 26th day of July, 2005.

Stephen F. Stockton, Mayor

ATTEST:

Tracey Covert, City Clerk

Motion by Alderman Sprague, seconded by Alderman Crawford that the formal bidding process be waived, the Stamark Tape be purchased from 3M, in the amount of \$26,088.86, 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: Alderman Crawford, Huette, Schmidt, Gibson, Sprague, Matejka and Purcell.

Nays: None.

Motion carried.

The following was presented.

To: Honorable Mayor and Members of the City Council

From: Staff

Subject: Permission to Waive Bids and Accept Competitive Quotes for the Purchase of Disc Golf Holes

The Parks and Recreation Department currently has a nine (9) hole disc golf course located in Miller Park. The course is adjacent to the tennis courts and was installed in 1986. Over the past few months we have been meeting with the disc (frisbee) golf enthusiasts in the community with the idea of expanding the course to eighteen (18) holes and moving it to another location.

Due to the growth of the trees, size of the area available, and other activities in Miller Park it is not feasible to expand the course there. Staff suggested that the disc golf group look at P.J. Irvin Park to see if it would suit their needs. The group laid out an 18 hole course in the park, set up temporary targets, played it, and came away feeling that P.J. Irvin Park would be an excellent location for the course.

Staff requested quotes from the two manufacturer's recommended by the disc golf group. These quotes are as follows:

FIRM	PRICE
Innova Disc Golf (Rock Hill, SC)	\$6,118.00*
Disc Golf Association (Watsonville, CA)	8,399.06
Alternate quote	7,221.06

*Low and recommended quote

The low quote submitted by Innova Disc Golf for the DISCatcher Pro baskets is actually the goal/basket preferred by the disc golf group. They believe that this is a top quality basket. Staff believes that this is a fair price as the City purchased nine (9) goals from Disc Golf Association in 1986 for \$5,060.72.

Staff respectfully requests that Council waive the formal bidding procedure, accept the low quote of \$6,118 submitted by Innova Disc Golf, and authorize the Purchasing Agent to issue a purchase order for same. With this purchase there will be \$45,082 remaining in the Fixed Asset Replacement Fund, account F14110-72140 for Park Equipment.

Respectfully,

Jerry Armstrong,
Asst. Director, Parks & Recreation

Tom Hamilton
City Manager

RESOLUTION NO. 2005 - 97

**A RESOLUTION WAIVING THE FORMAL BIDDING PROCESS AND
AUTHORIZING THE PURCHASE OF DISCATCHER PRO BASKETS FROM INNOVA
DISC GOLF IN THE AMOUNT OF \$6,118**

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 DISCatcher Pro baskets from Innova Disc Golf in the amount of \$6,118.

Adopted this 25th day of July, 2005.

Approved this 26th day of July, 2005.

Stephen F. Stockton, Mayor

ATTEST:

Tracey Covert, City Clerk

Alderman Schmidt questioned if this park had been considered as the City's dog park. She questioned what happened to this concept. Keith Rich, Director of Parks & Recreation, addressed the Council. The idea of a dog park had not been forgotten. The location was key. City staff was considering a larger park. The City needed five (5) acres for a dog park. He anticipated that this type of park would create a lot of traffic. He described the disc park as an edge park.

Alderman Purcell questioned if there was sufficient room/space. Mr. Rich stated that the park was a natural resource. There was one (1) soccer field. City staff had worked with a local disc golf group. It was determine that this was the best location. There would be eighteen (18) holes instead of nine (9). There would also be a picnic area with a playground. There were sixteen (16) acres available.

Motion by Alderman Sprague, seconded by Alderman Crawford that the formal bidding process be waived, the DISCatcher Pro baskets be purchased from Innova Disc Golf in the amount of \$6,118, 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: Alderman Crawford, Huette, Schmidt, Gibson, Sprague, Matejka and Purcell.

Nays: None.

Motion carried.

The following was presented.

To: Honorable Mayor and Members of the City Council

From: Staff

Subject: Analysis of Bids - Compact Utility Loader for the Parks & Recreation Department

On Friday, July 1, 2005 at 11:00 a.m., bids were publicly and read for a compact utility loader and Harley rake for the Parks & Recreation Department. Turf Professionals Equipment Co. was the only firm that did not submit the proper bid guarantee. The bids were as follows:

FIRM	LOADER	RAKE	TOTAL BID
Bobcat of Peoria - Bellevue, IL	\$15,637.65	\$2,000.00	\$17,637.65*
Dunmire Equipment Co., Inc. - El Paso, IL	12,515.00	5,900.00	18,415.00
Tri State Co. - Bettendorf, IA	13,585.32	5,128.57	18,713.89**
Payline West, Inc. - South Elgin, IL	14,089.00	4,640.00	18,729.00
Turf Professionals Equipment Co. Hazelwood, MO	13,753.00	5,807.00	19,620.00
Vermeer of Central IL - Eureka, IL	15,635.00	5,700.00	21,335.00

*Low bid

**Recommended bid

Bobcat of Peoria did not bid a Harley rake as specified. They bid a Bobcat soil conditioner which is not an equivalent unit. The unit also requires manual angling rather than hydraulic as specified. The Thomas loader bid by Dunmire Equipment does not meet the specification in a number of areas. It has a two speed transmission rather than a true hydrostatic transmission. A maximum width of thirty-six (36) inches was specified and this unit is forty-two (42) inches wide. Thus it will not go through a three (3) foot gate and would be more difficult to maneuver in tight spaces. When demonstrating this unit staff also found the controls for this unit more difficult to manage.

The Toro Dingo TX 420 bid by Tri State Co. meets the specification in all respects. The department currently has one of these units and it has performed well. The biggest advantage of purchasing a second Toro Dingo is that the extra bucket and auger the department owns can be used on either unit.

Staff respectfully requests that Council accept the bid of \$18,713.89 submitted by Tri State Co. and authorize the Purchasing Agent to issue a purchase order for same. A total of \$20,000 was budgeted in the Fixed Asset Replacement Fund, account F14110-72140 for this unit.

Respectfully,

Jerry Armstrong,
Asst. Director, Parks & Recreation

Tom Hamilton
City Manager

Motion by Alderman Sprague, seconded by Alderman Crawford that the bid from TriState Co. be accepted in the amount of \$18,713.89, 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: Alderman Crawford, Huette, Schmidt, Gibson, Sprague, Matejka and Purcell.

Nays: None.

Motion carried.

The following was presented.

To: Honorable Mayor and Members of the City Council

From: Staff

Subject: Amended Agreement with Lewis, Yockey & Brown for Design of the U.S. Cellular Coliseum Infrastructure Improvements

On March 8, 2004, Council approved an agreement with Lewis, Yockey & Brown to provide professional services for the design of new streets for West Olive Street (from Center Street to Lee Street), Lee Street (from Olive Street to Washington Street), Front Street (from Lee Street to Madison Street) and Roosevelt Avenue (from Olive Street north to the Center). This contract also included the design of water mains on Lee Street (from Washington Street to Olive Street), on Olive Street (from Lee Street to Madison Street), and on Front Street (from Lee Street to Madison Street). The total of the contract was a not to exceed value of \$88,000.00.

During the design of Lee, Olive, Front, and Roosevelt streets it was discovered that a pavement marking plan had not been included within the original scope of services. Given that a pavement marking plan was necessary to evaluate the geometrics of the proposed roadways and to check that the proposed roads conformed with approved Intersection Design Studies, staff requested a price from Lewis, Yockey & Brown to develop such a plan.

A proposal was submitted to perform the additional work at a cost not to exceed \$7,500, for a total amount of \$95,500. Staff has examined the submittal by Lewis, Yockey & Brown for additional payment and finds it acceptable.

Original Contract 6/14/04	\$88,000.00
This Change Order	<u>7,500.00</u>
New Total Contract Amount	\$95,500.00

Staff respectfully requests that Council approve an amendment to the design agreement with Lewis, Yockey & Brown, Inc. for the design of water mains and streets in the area surrounding the U.S. Cellular Coliseum in the additional amount of \$7,500 for a new total contract cost not to exceed \$95,500 with payment to be made with Arena Grant Funds (X40710-70050).

Respectfully,

Douglas G. Grovesteen
 Director of Engineering

Tom Hamilton
 City Manager

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

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

Ayes: Alderman Crawford, Huette, Schmidt, Gibson, Sprague, Matejka and Purcell.

Nays: None.

Motion carried.

The following was presented.

To: Honorable Mayor and Members of the City Council

From: Staff

Subject: Proposed Change Order to Stark Excavating, Inc. for Szarek Subdivision Sanitary Sewer Extension

During construction of the recent Szarek Subdivision Sanitary Sewer Extension Project, two items were encountered which resulted in additional costs.

1. There were seven existing septic systems which were found to be in conflict with the new sewer. Due to the depth of the new sewer it was not possible to repair the existing septic systems. It then became necessary to remove the existing septic tanks and connect those seven houses to the new sewer. The additional cost of this extra work was \$10,965.

2. To properly restore existing pavement disturbed by the sewer construction, it was necessary to construct additional Bituminous Pavement Patching at an additional cost of \$7,901.69.

Original Contract	\$201,994.50
This Change Order	<u>18,866.69</u>
Completed Contract	\$220,861.19

These additions were not reasonably foreseeable at the time the contract was signed and were in the best interest of the City. As this additional work was necessary for the orderly and proper completion of this project, staff respectfully recommends that Council approve this Change Order in the amount of \$18,866.69 with payment to be made with Sewer Depreciation Funds (X52200-72550).

Respectfully,

Douglas G. Grovesteen
Director of Engineering

Tom Hamilton
City Manager

RESOLUTION NO. 2005 - 98

**A RESOLUTION AUTHORIZING A CHANGE ORDER IN THE
AMOUNT OF \$18,866.69 IN THE CONTRACT BETWEEN THE CITY
OF BLOOMINGTON AND STARK EXCAVATING, INC. FOR SZAREK SUBDIVISION
SANITARY SEWER EXTENSION**

WHEREAS, the City of Bloomington has previously entered into a contract with Stark Excavating, Inc. for Szarek Subdivision Sanitary Sewer Extension; and

WHEREAS, for the reasons set forth in a staff report dated July 25, 2005 it was necessary to remove the existing septic tanks, connect those seven houses to the new sewer, and construct additional Bituminous Pavement Patching;

WHEREAS, it is the finding of the City Council that the decision to perform the work described in the July 25, 2005 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 \$18,866.69 in the contract between the City of Bloomington and Stark Excavating, Inc. be approved.

ADOPTED this 25th day of July, 2005.

APPROVED this 26th day of July, 2005.

Stephen F. Stockton, Mayor

ATTEST:

Tracey Covert, City Clerk

Motion by Alderman Sprague, seconded by Alderman Crawford the Change Order in the amount of \$18,866.69 be approved, and the Resolution adopted.

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

Ayes: Alderman Crawford, Huette, Schmidt, Gibson, Sprague, Matejka and Purcell.

Nays: None.

Motion carried.

The following was presented.

To: Honorable Mayor and Members of the City Council
 From: Staff
 Subject: Change Order to the Contract with P.J. Hoerr, Inc. for the Renovation of the Bloomington Center for the Performing Arts

P.J. Hoerr, Inc. has requested the following change orders to their contract for work associated with the renovation of the Bloomington Center for the Performing Arts. These change orders were reviewed by staff and found them to be acceptable. The total amount of these change orders is \$65,656.90.

#14 Additional demolition & rerouting gas piping in kitchen	8,036.90
#15 Additional plumbing as suggested by City's Engineering Department	2,697.00
#16 Additional plumbing at water heater	0.00
#17 Change plumbing fixtures in lavatories	-1,579.00
#18 Revise dining room ductwork to fit existing spaces	22,835.00
#19 Delete fin tube heating units in dining room	-7,158.00
#20 Reduce size of cabinet heaters to fit space	-825.00
#21 Provide new wall in green room	1,189.00
#22 Additional structural reinforcement under rest room	6,260.00
#23 Repair rear of auditorium floor	<u>34,201.00</u>
Total this Change Order	65,656.90
Revised contract	<u>11,019,547.02</u>
New Total Amount	11,085,203.92

This work is outside the existing contract of P.J. Hoerr. Changes are being requested to accommodate new ductwork in the kitchen causing the gas lines to be moved. At the Water Department's request, the installation of a bypass line with fittings around the new water meter. Staff requested change in lavatory faucets. Sizing changes in the supply and return ductwork above the dining room ceiling to fit the existing spaces available. Deletion of wall mounted heating units from the dining room as redundant capacity. A reduction in the size of the cabinet heaters to fit the spaces. The construction of a new wall to better accommodate new plumbing in lieu of demolition and repair of existing brick wall. Additional structural reinforcement under the east rest room as needed. Repair and structural reinforcement of the rear floor of the auditorium as needed.

This change order amount will be added to the guaranteed bid price and will be paid for out of the renovation contingency fund.

Contingency Fund:	\$600,000.00
Total Change Orders to date:	\$ 97,003.92
Contingency Balance:	\$502,996.08

Staff respectfully recommends that Council approve this change order to the contract with P.J. Hoerr, Inc. in the amount of \$65,656.90. Payment for this work will come from account X21100-72620 of the Cultural District budget.

Respectfully,

C. Bruce Marquis
Executive Director

Tom Hamilton
City Manager

RESOLUTION NO. 2005 - 99

A RESOLUTION AUTHORIZING A CHANGE ORDER IN THE AMOUNT OF \$65,656.90 IN THE CONTRACT BETWEEN THE CITY OF BLOOMINGTON AND P.J. HOERR, INC. FOR THE RENOVATION OF THE BLOOMINGTON CENTER FOR THE PERFORMING ARTS

WHEREAS, the City of Bloomington has previously entered into a contract with P.J. Hoerr, Inc. for the Renovation of the Bloomington Center for the Performing Arts; and

WHEREAS, for the reasons set forth in a staff report dated July 25, 2005 it was necessary to: 1.) accommodate new ductwork in the kitchen causing the gas lines to be moved; 2.) at the Water Department's request, the installation of a bypass line with fittings around the new water meter; 3.) staff requested change in lavatory faucets; 4.) sizing changes in the supply and return ductwork above the dining room ceiling to fit the existing spaces available; 5.) deletion of wall mounted heating units from the dining room as redundant capacity; 6.) reduction in the size of the cabinet heaters to fit the spaces; 7.) the construction of a new wall to better accommodate

new plumbing in lieu of demolition and repair of existing brick wall; 8.) additional structural reinforcement under the east rest room as needed, and 9.) repair and structural reinforcement of the rear floor of the auditorium as needed;

WHEREAS, it is the finding of the City Council that the decision to perform the work described in the July 25, 2005 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 \$65,656.90 in the contract between the City of Bloomington and be approved.

ADOPTED this 25th day of July, 2005.

APPROVED this 26th day of July, 2005.

Stephen F. Stockton, Mayor

ATTEST:

Tracey Covert, City Clerk

Alderman Purcell questioned this change order. Tom Hamilton, City Manager, noted the age of the structure. Alderman Purcell questioned future expectations. Mr. Hamilton expected further additional change orders. There were dollars held in a contingency fund.

Motion by Alderman Sprague, seconded by Alderman Crawford that the Change Order be approved, and the Resolution adopted.

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

Ayes: Alderman Crawford, Huette, Schmidt, Gibson, Sprague, Matejka and Purcell.

Nays: None.

Motion carried.

The following was presented.

To: Honorable Mayor and Members of the City Council

From: Staff

Subject: Extension of the Contract with Felmley-Dickerson Company for Downtown Courthouse Square Streetscape Improvements

On September 8, 2003, Council approved a contract with Felmley-Dickerson Company in the amount of \$361,969.09. This work consisted of the reconstruction streetscape on the west side of Center Street, the north side of Jefferson Street and the east side of Main Street surrounding the courthouse square. There are sufficient funds in the Downtown Tax Increment Financing (TIF) Fund to extend the contract to include reconstruction of the south side of Washington Street from Main Street to Center Street.

Original Contract Amount	\$361,969.09
This Extension	<u>\$250,000.00</u>
New Contract Amount	\$611,969.09

Staff respectfully recommends that Council approve extending the contract with Felmley-Dickerson Company for the Downtown Courthouse Square Streetscape Improvements by an additional \$250,000 with payment to be made with Downtown TIF Funds (X40300-72560).

Respectfully,

Douglas G. Grovesteen
Director of Engineering

Brian Brakebill
Director of Public Service

Tom Hamilton
City Manager

Alderman Schmidt questioned the Downtown TIF, (Tax Increment Financing District). She noted the south side of the square and pending decision on the Ensenberger Building. She questioned where the Downtown TIF was at. Tom Hamilton, City Manager, addressed the Council. He noted that until the fall the Downtown TIF revenues would be lower. He noted that there was an agreement on the Ensenberger building with Mr. Huff. City staff was currently waiting for the title.

He noted that the City had an agreement with the state. These dollars could be used to replenish the Downtown TIF.

Motion by Alderman Sprague, seconded by Alderman Crawford that the contract with Felmley-Dickerson Company for the Downtown Courthouse Square Streetscape Improvements be extended, 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: Alderman Crawford, Huette, Schmidt, Gibson, Sprague, Matejka and Purcell.

Nays: None.

Motion carried.

The following was presented.

To: Honorable Mayor and Members of the City Council

From: Staff

Subject: Regional Planning Services Agreement

Attached is the proposed Planning Services Agreement between the City and the McLean County Regional Planning Commission for its fiscal year which begins July 1, 2005 and ends June 30, 2006.

The PACE Planning Division budget for "Other Purchased Services" has a balance of \$40,980 to cover the payment of the \$23,793 cited in this service agreement. This represents a 3.9% decrease from last year's agreement of \$39,117.

Section "B" of the proposed agreement outlines the long range planning services that the Commission's staff will perform utilizing the contributions from the City, the Town of Normal and the County of McLean.

In addition to these services, the Commission staff has worked very well with staff on the McLean County Geographic Information System, the City's proposed new Erosion and Sediment Control Ordinance, and on the updating of the Comprehensive Plan for the City.

The Regional Planning Commission has done a commendable job in focusing on long-range planning for the City, the Town and the County as a whole. The Commission has also been effective in coordinating specific planning activities and projects that involved the City and Normal, as well as the surrounding parts of McLean County. This role of coordinator for these types of projects has been very beneficial to the City.

Staff believes that the proposed Regional Planning Services Agreement is in the best interest of the City, and respectfully recommends that Council approve the agreement.

Respectfully,

Kenneth Emmons
City Planner

Tom Hamilton
City Manager

REGIONAL PLANNING SERVICE AGREEMENT

This agreement is entered into as of the 1st day of July, 2005, by and between the McLean County Regional Planning Commission (hereinafter referred to as the "Commission") and the City of Bloomington (hereinafter referred to as the "City").

The parties do mutually agree as follows:

A. Period of Agreement

This agreement shall remain in full force and effect through June 30, 2006.

B. Long Range Planning Services

The "Commission" shall maintain a permanent professional planning staff capable of performing, or causing to be performed, a long range planning work program including visionary planning and the following activities:

1. Prepare and maintain current base maps for public use.
2. Prepare and maintain statistical data and other information in order to assist public agencies in their development decisions.
3. Attendance at meetings of county, municipal, civic clubs or other groups interested in planning and development.
4. Prepare or coordinate the preparation of applications for Federal or State projects provided that no special studies or analysis need to be made.
5. Prepare or coordinate the preparation of reports which are an integral part of the McLean County Transportation Study; including the Unified Work Program (UWP); the preliminary and final long range transportation plan; and the Transportation Improvement Program (TIP) including plan and program implementation technical assistance.
6. Assist the City in the periodic updating of plans, laws and ordinances which have a direct relationship to planning and development, including zoning ordinances and subdivision regulations.
7. Assist all governmental departments concerning matters of long range planning and development.
8. Coordinate with the City's short range planner in matters pertaining to the process of developing and/or updating the Comprehensive Plan for the City.

C. Staff

The "Commission" shall employ a Director of the "Commission" and other employees which are necessary and authorized by the budget. It is agreed by all parties that the "City" short range planner will be available to assist the Commission staff to accomplish the activities specified in "B" above.

D. Financing

The City of Bloomington will cause to be placed in the accounts of the "Commission" the sum of TWENTY-THREE THOUSAND SEVEN HUNDRED AND NINETY THREE DOLLARS (\$23,793.00). The above contribution for the period of July 1, 2005 through June 30, 2006 shall be available for deposit in the accounts of the "Commission" upon the City's receipt of an invoice for said contribution.

Stephen F. Stockton Mayor - City of Bloomington	Tracey Covert City Clerk - City of Bloomington	July 26, 2005 Date
Donald L. Fernandes McLean County Regional Planning Commission	Paul Russell McLean County Regional Planning Commission	June 10, 2005 Date

Motion by Alderman Sprague, seconded by Alderman Crawford that the Regional Planning Services Agreement for July 1, 2005 through June 30, 2006 be approved and the Mayor and City Clerk be authorized to execute the necessary documents.

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

Ayes: Alderman Crawford, Huette, Schmidt, Gibson, Sprague, Matejka and Purcell.

Nays: None.

Motion carried.

The following was presented.

To: Honorable Mayor and Members of the City Council

From: Staff

Subject: Exchange of Property with Custom Homes, LLC for Constitution Trail

On July 11, 2005, Council approved a contract for the design of the extension of Constitution Trail from its current terminus on Grove Street south to Hamilton Road. The City owns most of the property needed to construct this part of the trail. However, there are two (2) parcels that must still be acquired. One them belongs to Custom Homes, LLC. This land is located at the corner of Oakland Avenue and Robinson Street. The City requires 25 feet along the east side of

this property for the trail and some additional land at the south end to build approaches for the bridge that will be constructed over Oakland Avenue.

The City owns the land immediately to the north of the Custom Homes site. This land was purchased several years ago in anticipation of building this section of trail. It was subdivided into three (3) lots with the expectation that two (2) of the lots would be exchanged for land for the trail.

Staff knew that Illinois Power needed land for a new, larger substation and one (1) of the lots and part of another were traded for Illinois Power's old substation site on Oakland Avenue. Additionally, staff had discussions with the former owners of the Custom Homes site regarding trading the remaining lot with them. However, negotiations ceased due to the property being sold. Staff resumed discussions with the new owners and an agreement for the exchange was made.

Staff respectfully recommends that Council approve the Contract and authorize the Mayor and City Clerk to execute the necessary documents.

Respectfully,

Hannah Eisner
Deputy Corporation Counsel

Tom Hamilton
City Manager

CONTRACT FOR EXCHANGE OF REAL ESTATE

THIS CONTRACT is entered into between the City of Bloomington, hereinafter referred to as City, and Custom II, LLC, hereinafter referred to as Custom, who agree as follows:

1. **DESCRIPTION:** City and Custom each own the following described parcels of property shown on the drawings attached hereto as Exhibits A and B:

A. City Property:

Parcel I: Lot 3 in the Finrock Subdivision in the City of Bloomington.

PIN #

See Exhibit A

Parcel II: (former Illinois Power Substation site on Oakland Avenue)

A part of the Southwest Quarter of Section 3, Township 23 North, Range 2 East of the Third Principal Meridian, in the City of Bloomington, McLean County, Illinois, more particularly described as: commencing at the Southwest corner of Lot 4 in L.E. and J.B. Holmes Addition to the City of Bloomington and which point is also on the West line of Lot 20 in the Subdivision of the South Half of said Section 3; thence South 241.07 feet along the West line of said Lot 20 (being also the original East right of way line of the former ICG Railroad) to the point of beginning. From said point of beginning; thence

South 80.63 feet along said East right of way line to the North right of way line of Oakland Avenue as extended West from the South line of Lot 9 in said L.E. and J.B. Holmes Addition; thence west 125 feet along said north right of way line which forms an angle to the left of $86^{\circ}-59'-30''$ with the last described course; thence Northwest 74.52 feet along a line which forms an angle to the left of $99^{\circ}-07'-30''$ with the last described course; thence East 132.76 feet along a line which forms an angle to the left of $83^{\circ}-53'$ with the last described course to the point of beginning, EXCEPT all coal, oil, gas and other minerals together with the right to mine and remove the same, in McLean County, Illinois, according to the Plat recorded March 11, 1988 as Document No. 88-3696.

PIN # 21-03-352-029

See Exhibit B

B. Custom Property:

Parcel III:

Tract 1: A part of the Southwest Quarter of Section 3, Township North, Range 2 East of the Third Principal Meridian; also, Lots 4 through 13 and part of Lot 14, all in Block 5 of Robinson's 3rd Addition to the City of Bloomington, said Addition being a part of the Southwest Quarter of Section 4, Township 23 North, Range 2 East of the Third Principal Meridian: Commencing at the Southwest corner of said Section 3, thence North $00^{\circ}-52'-33''$ East on the West line of said Section 3, 39.05 feet to the point of beginning; thence South $86^{\circ}-30'-27''$ East on the Northerly right of way line of U.S. Route 150, 137.22 feet; thence North $05^{\circ}-38'-27''$ West 74.52 feet; thence South $89^{\circ}-32'-27''$ East 60.51 feet; thence North $09^{\circ}-15'-33''$ East 46.64 feet; thence North $10^{\circ}-18'-33''$ East 50.00 feet; thence North $14^{\circ}-55'-33''$ East, 2.28 feet; thence $01^{\circ}-01'-27''$ West 414.80 feet; thence North $88^{\circ}-37'-15''$ West 190.93 feet to a point in the West line of said Section 3, also a point in the East line of said Section 4; thence North $88^{\circ}-38'-27''$ West on the North line of said Lot 4, 141.98 feet; thence South $00^{\circ}-52'-33''$ West on the West line of said Block 5, 539.68 feet; thence South $89^{\circ}-59'-27''$ East 70.00 feet; thence South $00^{\circ}-52'-33''$ West 43.88 feet; thence South $89^{\circ}-59'-27''$ East on the North right of way line of U.S. Route 150, 52.33 feet; thence South $84^{\circ}-13'-22''$ East on said North right of way line, 19.73 feet to the place of beginning, in McLean County, Illinois.

Tract 2: A part of Lot 14 in Block 5 of Robinson's 3rd Addition to the City of Bloomington, Illinois, said Addition being a part of the Southeast Quarter of Section 4, Township 23 North, Range 2 East of the Third Principal Meridian: Commencing at the Southeast corner of said Section 4; thence North $00^{\circ}-52'-33''$ East on the East line of said Section 4, 39.05 feet, thence North $84^{\circ}-13'-22''$ West on the North right of way line of U.S. Route 150, 19.73 feet; thence North $89^{\circ}-59'-27''$ West on said North right of way line 52.33 feet to the Place of Beginning, thence North $00^{\circ}-52'-33''$ 43.88 feet; thence North $89^{\circ}-59'-27''$ West 70.00 feet to the West line of said Lot 14; thence South $00^{\circ}-52'-33''$ West on said West line, 24.02 feet; thence South $38^{\circ}-59'-57''$ East on said North right of way line 25.58 feet; thence South $89^{\circ}-59'-27''$ East on said North right of way line 53.61 feet to the Place of Beginning, in McLean County, Illinois.

PIN # 21-04-486-009

See Exhibit B

(EXHIBITS A AND B ON FILE IN CLERK'S OFFICE)

City will convey the following property to Custom: a) the south 159.45 feet, except the west 25 feet of Parcel I and b) all that part of Parcel II not needed for the construction of Constitution Trail. Custom will convey that part of Parcel III shown as Tract A on Exhibit B to City. There shall be no cash consideration due from either party for the property being conveyed.

2. **EVIDENCE OF TITLE:** Each party shall obtain written commitment from a title insurance company duly authorized to do business in Illinois, showing title to the property to be conveyed to it subject only to matters to which this sale is subject by the terms hereof and to the customary exceptions contained in owners policies issued by such company.

If written commitment discloses defects in title other than matters to which this sale is subject by the terms hereof and the customary exceptions in such policies, then each shall have until date for delivery of deed to correct such defects.

3. **DEED AND POSSESSION:** City will convey fee simple title to the Parcel I property to Custom by Warranty Deed and shall deliver possession of the property on or before the 31st day of December, 2004. City will convey fee simple title to any available Parcel II property to Custom by warranty deed and shall deliver possession after it completes construction of the Constitution Trail improvements. Custom will convey fee simple title to the Parcel III property to City by warranty deed and shall deliver possession at such time as City prepares a plat of survey describing the property to be conveyed. Each party shall pay water, sewer and public utility service charges incurred for improvements on said real estate up to the time when possession passes to the other.

4. **INSURANCE:** This Contract is subject to the State of Illinois Uniform Vendor and Purchaser Risk Act (765 ILCS 65/1), which provides, in general, that Seller shall bear the risk of loss until transfer of possession or receipt of deed, whichever occurs first.

5. **TAXES:** Unless otherwise provided for herein, all general real estate taxes shall be prorated as of the date of delivery of possession of Parcel II to City, and by allowance of IP's share thereof being a credit against the purchase price at closing, based upon the latest tax information available. Parcel I is tax exempt and there will be no proration of taxes and no credit due IP. Further, the parties agree that the real estate taxes shall be re-prorated for a given year upon receipt of the actual real estate tax bills. The re-proration shall be done by the party receiving the tax bill with notice to the other party. If the re-prorated amount differs from the credit amount by \$100.00 or more, the Seller shall pay Buyer, or Buyer shall pay Seller, the appropriate adjustment within 15 days from receipt of the re-proration computation (or receipt of the actual real estate tax bill, whichever is received first by the party obligated to pay—the adjustment).

6. **ENCUMBRANCES:**

- A. Mortgages, if any, shall be satisfied out of purchase price and released when deed is delivered. The obligation to obtain the mortgage release shall continue until the release is obtained and recorded.
- B. Easements and building or use restrictions of record, and zoning and building ordinances, if any, which shall not be considered as rendering title unmerchantable or unacceptable, provided same are not violated by the existing improvements or the use thereof or the proposed use thereof as an electrical transmission substation.

7. **TOXIC OR HAZARDOUS WASTE:** Neither City nor Custom are aware of any toxic or hazardous waste materials being stored or having been stored on their respective properties or the existence of any underground fuel storage tanks on those properties, and further represent that no notices have been received from the Illinois Environmental Protection Agency or the Illinois Environmental Pollution Control Board or any other governmental entity with regard to a toxic or hazardous waste problem with their property.

8. **WARRANTIES:** Each party provides the following warranties with respect to the property being transferred by that party:

- A. That no work has been done upon, or materials furnished to, the premises which could give rise to a lien under the Illinois Mechanics' Lien Act;
- ~~B. Seller has indefeasible title to all of the personal property to which reference is made in Paragraph 7, and all of said property, together with all appliances and mechanical systems built into the premises are free from security interests or liens other than the lien of any real estate mortgage noted in Paragraph 6 herein;~~
- ~~C. Additional Warranties:~~

9. **ADDITIONAL PROVISIONS:**

- A. Words importing the masculine gender include the feminine, words importing the singular number include the plural, and words importing the plural include the singular;
- B. The covenants and agreements herein contained shall extend to and be obligatory upon the heirs, executors, administrators, and assigns of the respective parties;
- C. This contract is contingent upon approval by the Bloomington City Council. City will seek such approval by placing the contract on the agenda for the first regularly scheduled Council meeting following the date Custom executes the contract.
- D. City will locate and mark the corners of the property being conveyed from Parcel I.

- E. City will install a fence along the east property line of Parcel I and Parcel III in connection with the construction of Constitution Trail improvements.
- F. The City retained the east 25 feet of City's Parcel I because it is currently used for ingress and egress for the houses on Lots 2 and 3 in Block 5 of Robinson's Addition and is subject to an easement for that purpose. City may convey all or part of that land to the adjacent home owners. If City decides to convey that property and does not convey all of it to the home owners, City will convey any part of that land remaining to Custom.

10. **NOTICES, ETC.:** Title commitments, communications or notices with reference to this Contract shall be delivered by or to the parties or their respective attorneys as shown on the first page hereof.

11. **PREPARATION AND APPROVAL:** This Contract was prepared by Hannah Eisner, City's attorney, and approved by _____, _____ attorney.

12. **SETTLEMENT:** Closing shall be held at such place as the parties may agree.

13. **ATTORNEY'S FEES AND EXPENSES:** Should either party be required to incur attorney's fees, costs and/or other expenses (including expenses of litigation) as a result of the other party's failure to perform any obligation pursuant to the terms of this Contract, then the party so failing to perform shall be liable to the other party for any reasonable attorney's fees, costs, and expenses (including expenses of litigation) incurred by such other party. This provision shall survive closing and delivery of deeds.

IN WITNESS WHEREOF, the parties to these presents have executed several counterparts of this Contract, of equal effect.

Custom II, LLC

City of Bloomington

By:

By: Stephen F. Stockton
Mayor

Attest:

Attest:

Tracey Covert

Alderman Sprague questioned the time frame for this section of Constitution Trail. Keith Rich, Director of Parks & Recreation, addressed the Council. The Parks & Recreation Department would be applying for a grant. He anticipated a response in six (6) months or less. He added that the project would take two (2) years to complete. This section would cover the section from Grove to Lafayette. There would be a bridge over Oakland Avenue and Lincoln Street. Alderman Sprague questioned if the City had acquired the necessary right-of-way. Mr. Rich noted that there was one (1) small piece

which was still outstanding. He added that Phase II would address the section from Lafayette to Hamilton Rd.

Alderman Schmidt questioned if S - 2, Public Lands & Institutions District, would be appropriate. She questioned when the rezoning would occur. Tom Hamilton, City Manager, noted that the land would be rezoned S -2 if the land was adjacent to a park and/or school. The City would need an exact legal description to petition for rezoning. At this time, the zoning would match the adjacent property. He added that the railroad property was acquired through a quit claim deed.

Mayor Stockton noted that the railroad property was zoned commercial and manufacturing. This zoning has remained. Mr. Hamilton noted that there were a large number of commercial uses which were still there. He did not see this fact changing. There were a combination of commercial and residential uses along the Constitution Trail.

Motion by Alderman Sprague, seconded by Alderman Crawford that the Contract for Exchange of Real Estate with Custom Homes L.L.C. be approved, and the Mayor and City Clerk be authorized to execute the necessary documents.

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

Ayes: Alderman Crawford, Huette, Schmidt, Gibson, Sprague, Matejka and Purcell.

Nays: None.

Motion carried.

The following was presented.

To: Honorable Mayor and Members of the City Council

From: Staff

Subject: Property Easement for Ingress/Egress Along Township Road 2300 North from Township Road 1840 East, 1500 feet to the east over Money Creek, for Mr. Rod Martin

Mr. Rod Martin has requested an access easement from Township Road 1840 East Road over Money Creek on a bridge that is owned by him, but is situated upon land owned by the City, in order to reach his property which is just east of the bridge.

The Martin property is approximately twenty-seven (27) acres, and has been in the family for some time. The property is located approximately 1,300 feet east of Township Road 1840 East. Originally, there was a small public steel truss bridge over Money Creek which allowed access along Township Road 2300 North from Township Road 1840 East.

This bridge was abandoned by the Township many years ago. Rod Martin's father, Bill Martin purchased the bridge from the Township and has since deeded that bridge to his son, Rod Martin. Bill Martin originally had a lease with the City for this access easement, however, with the real estate transfer from father to son, the lease was not maintained.

Mr. Rod Martin has indicated that it is his intention to upgrade the bridge to provide access to his property from the west. He provided the City with a letter from an Illinois Licensed Structural Engineer stating what repairs are necessary to make the bridge safe for personal use, as well as proof of insurance and a Bill of Sale for those repairs.

Township Road 2300 North (the southern boundary of the City's and Mr. Martin's property) is accessible from the east, from County Highway 29. The bridge has been closed for many years. The Township has not maintained the road from the east and the road is not much more than ruts. Mr. Martin intends to use the western access (from Township Road 1840 East) as the primary access to his property, across the bridge.

The road east of the bridge is no longer maintained for public transportation purposes and is abandoned. Adjacent landowners, including the Martins, own to the centerline of the Township Road 2300 North. Mr. Martin is requesting that approximately fifty (50) feet along the south boundary of Section 18, Township 25 North, Range 3 East be leased for the purpose of the installation of his driveway. Mr. Martin only owns one half ($\frac{1}{2}$) of the road width, and the fifty feet (50') leased from the City, would allow his driveway to be shifted to the north in order to avoid any ownership issues with adjacent landowners.

Additionally, Mr. Martin requests that the original "lane" across City property to the long removed farmhouse on his property be allowed as access from Township Road 2300 North. The lane is already in place and has mature trees growing on either side of it, providing a natural canopy and delineation of the lane.

Mr. Martin has agreed to only use the easement as access to his property, hold the City harmless and maintain an insurance policy naming the City as additional insured in the amount of \$1,000,000. The City will require as a condition of this easement, that an Illinois licensed structural engineer evaluate the bridge, after the repairs have been completed, to determine its structural soundness for the purpose of providing access to his property under the load limits identified by Mr. Martin for his personal vehicles.

Staff respectfully recommends approval of an ingress/egress easement to Mr. Rod Martin to access the property. Said easement shall consist of a strip of land along the City's parcel, 50 feet north of the southern boundary of Section 18, Township 25 North, Range 2 East from the Township line (the approximate centerline of the previous Township Road 2300 North and the southern boundary of the City's and Martin parcels), and running east to approximately 1,500 feet east from the centerline of Township Road 1840 East to the eastern edge of Mr. Martin's property.

The easement shall also include a strip of land approximately 50 feet wide, running north/north-east from Township Road 2300 North , commencing approximately 1,000 feet east of the center-line of Township Road 1840 East Road and running for approximately 700 feet to the western property line of Mr. Martin's property with the following conditions:

1. The access easement is for the personal access to Mr. Martin's property as described in the attached legal description.
2. Mr. Martin must maintain a hold harmless agreement with the City.
3. The access easement is not transferable.
4. No trees may be removed without written consent of the City.
5. The bridge over Money Creek must be determined to be in a structurally sound condition by a licensed structural engineer after repairs have been made by Mr. Martin. If the bridge is not deemed to be structurally sound, this easement is null and void.
6. The lease shall be renewable by Mr. Rod Martin at \$100 per year.

Respectfully,

Craig M. Cummings
Director of Water

Tom Hamilton
City Manager

Motion by Alderman Sprague, seconded by Alderman Crawford that the easement be granted with the following conditions: 1.) the access easement is for the personal access to Mr. Martin's property as described in the attached legal description; 2.) Mr. Martin must maintain a hold harmless agreement with the City; 3.) the access easement is not transferable; 4.) no trees may be removed without written consent of the City; 5.) the bridge over Money Creek must be determined to be in a structurally sound condition by a licensed structural engineer after repairs have been made by Mr. Martin, (if the bridge is not deemed to be structurally sound, this easement is null and void); and 6.) the lease shall be renewable by Mr. Rod Martin at \$100 per year; 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: Alderman Crawford, Huette, Schmidt, Gibson, Sprague, Matejka and Purcell.

Nays: None.

Motion carried.

The following was presented.

To: Honorable Mayor and Members of City Council
From: Staff
Subject: Acquisition of Part of 709 W. Hamilton Road

The City needs to acquire part of the property at 709 W. Hamilton Road and obtain a permanent easement across the same property to construct the next phase of the Hamilton Road improvements. Timothy and Tammy McWhorter own this property. The City needs .001 acres off of the west end of the property for road right of way, .022 acres of permanent easement along the south property line for sanitary sewer and .056 acres of temporary easement to restore the property following construction.

The owners have agreed to convey the necessary property interests to the City for a total payment of \$5,500. The payment includes \$300 for the land, \$3,700 for the permanent easement, and \$1,500 for the temporary easement. The payments for the easement include compensation for the loss of two mature trees that may be damaged during installation of the sanitary sewer pipes. Staff had the property appraised prior to entering into negotiations with the owners and the price agreed upon reflects the appraised value.

Staff believes this fairly compensates the McWhorters for the taking and respectfully recommends that Council approve the contract and authorize the Mayor and City Clerk to execute the necessary documents.

Respectfully,

Hannah R. Eisner
Deputy Corporation Counsel

Tom Hamilton
City Manager

Seller: **Timothy McWhorter**

Buyer: **City of Bloomington**

Social Security No. or FEIN

Social Security No. or FEIN

Seller: **Tammy McWhorter**

Address: **109 E. Olive Street**

Social Security No. or FEIN

City/State/Zip: **Bloomington, IL 61701**

Address: **709 W. Hamilton Road**

Attorney/Telephone/Fax: **Hannah Eisner**

City/State/Zip: **Bloomington, IL 61704**

Street, PO Box: **109 E. Olive Street**

Attorney/Telephone/Fax:

City/State/Zip: **Bloomington, IL 61701**

CONTRACT FOR SALE OF REAL ESTATE

THIS IS INTENDED TO BE A LEGAL DOCUMENT. AN ATTORNEY AT LAW SHOULD BE CONSULTED PRIOR TO THE EXECUTION OF THIS DOCUMENT.

THIS CONTRACT is entered into between Timothy and Tammy McWhorter, hereinafter referred to as Seller, and the City of Bloomington, hereinafter referred to as Buyer, who agree as follows:

1. **DESCRIPTION, PRICE and PAYMENT:** Seller sells the following described real estate and grants easements across the following described real estate for the purpose of constructing public improvements as shown on plans for Proposed Federal Aid Highway City of Bloomington, Illinois City Section 93-00295-02-PV Hamilton Road F.A.U. Rte. 6371 and Morris Avenue F.A.U. Rte. 6391 on file in the Engineering Department at the City of Bloomington, hereafter referred to as the Project:

A. Right of Way:

That part of Lot 1 in Meadowlane Subdivision, McLean County, Illinois, recorded as Document Number 53587; described as follows with bearings being used referring to a local assumed datum: Commencing at the southeast corner of the above described Lot 2; thence along the southerly line of said Lot 2, North 89°-59'-42" West 69.90 feet, to the Point of Beginning; thence continuing along said southerly line, North 89°-59'-42" West 30.10 feet, to the southwest corner of said Lot 2; thence along the westerly line of said Lot 2, North 00°-05'-40" West 2.43 feet; thence along a curve to the left having a radius of 419.92 feet an arc length of 30.21 feet a chord bearing of South 85°-22'-17" East and a chord length of 30.20 feet, to the Point of Beginning, containing 0.001 of an acre, more or less.

B. Permanent Easement:

That part of Lot 2 in Meadowlane Subdivision, McLean County, Illinois, recorded as Document Number 53587; described as follows with bearings being used referring to a local assumed datum: Beginning at the southeast corner of the above described Lot 2; thence along the easterly line of said Lot 2, North 00°-06'-07" West 10.00 feet; thence North 89°-59'-42" West 100.00 feet, to the westerly line of said Lot 2; thence along said westerly line, South 00°-05'-40" East 7.57 feet; thence along a curve to the left having a radius of 419.92 feet, an arc length of 30.21 feet, a chord bearing of South 85°-22'-17" East and a chord length of 30.20 feet, to the southerly line of said Lot 2; thence along said southerly line, South 89°-59'-42" East 69.90 feet, to the Point of Beginning, containing 0.022 of an acre, more or less.

C. Temporary Working Easement:

That part of Lot 2 in Meadowlane Subdivision, McLean County, Illinois, recorded as Document Number 53587; described as follows with bearings being used referring to a local assumed datum: Commencing at the northeast corner of the above described Lot 2; thence along the easterly line of said Lot 2, South 00°-06'-07" East 156.00 feet, to the Point of Beginning; thence North 89°-59'-42" West 49.83 feet; thence South 00°-00'-18" West 25.00 feet; thence North 89°-59'-42" West 50.12 feet, to the westerly line of the aforesaid Lot 2; thence along said westerly line, South 00°-05'-40" East 12.00 feet; thence South 89°-59'-42" East 100.00 feet, to the aforescribed easterly line of Lot 2; thence along said easterly line, North 00°-06'-07" West 37.00 feet, to the Point of Beginning, containing 0.056 of an acre, more or less.

~~with improvements, commonly known as — located thereon, to Buyer, who agrees to pay a total of \$5,500.00 therefor; \$300.00 of which is payment for right of way; \$3,700.00 of which is payment for the permanent easement; and \$1,500.00 of which is payment for the temporary working easement in the manner following: \$ — (inclusive of earnest money) upon the execution of this Contract and the remainder by cashier's check, certified funds or the equivalent Payment to be made on or before the 1st day of July, 2005, and on receipt of deed and grant of easements.~~

~~_____ A. To be held in escrow until evidence of merchantable title is approved by Buyer's attorney, and financing is approved as per Paragraph 8;~~

~~_____ B. To be held in escrow until closing;~~

~~_____ C. To be delivered to Seller, receipt of which is hereby acknowledged; and the remainder by cashier's check, certified funds or the equivalent on or before the 1st day of July, 2005, and on receipt of deed.~~

2. **EVIDENCE OF TITLE:** ~~Not less than 14 days prior to closing, Seller will furnish Buyer with~~ *Buyer shall obtain* written commitment from a title insurance company duly authorized to do business in Illinois, showing title to said premises subject only to matters to which this sale is subject by the terms hereof and to the customary exceptions contained in owners policies issued by such company. If written commitment discloses defects in title other than matters to which this sale is subject by the terms hereof and the customary exceptions in such policies, then Seller shall have until date for delivery of deed to correct such defects.

Owners title policy, in amount of the purchase price for said premises, will be paid for by Seller and issued to Buyer after delivery of deed.

3. **DEED, GRANT OF EASEMENT AND POSSESSION:** Seller will cause fee simple title to said real estate to be conveyed to Buyer, or to such party as Buyer may direct, by Warranty Deed (or Trustee's Deed or Executor's Deed, where applicable), and execute a Grant of Easement and Temporary Easement in the form attached hereto as Exhibits A and B and deliver possession to Buyer ~~upon payment being made as herein provided~~, on or before the 1st day of July, 2005. Seller shall pay all owners' association(s) dues and/or assessments, and water, sewer and public utility service charges incurred for improvements on said real estate up to the time when possession passes to Buyer.

4. **INSURANCE:** This Contract is subject to the State of Illinois Uniform Vendor and Purchaser Risk Act (765 ILCS 65/1), which provides, in general, that Seller shall bear the risk of loss until transfer of possession or receipt of deed, whichever occurs first.

5. **TAXES:** Seller shall pay all general real estate taxes assessed for 2004 and Buyer shall pay all such taxes assessed for 2005 and subsequent years as to that part of Seller's property being conveyed. This provision shall survive closing and delivery of deeds.

6. **ENCUMBRANCES:**

- A. Mortgages, if any, shall be satisfied out of purchase price and released when deed is delivered. Seller's obligation to obtain the mortgage release shall continue until the release is obtained and recorded.
- B. Easements and building or use restrictions of record, and zoning and building ordinances, if any, which shall not be considered as rendering title unmerchantable or unacceptable, provided same are not violated by the existing improvements or the use thereof.

7. **PERSONAL PROPERTY:** (Deleted)

8. **FINANCING:** (Deleted)

9. **TERMITE PROVISION:** (Deleted)

10. **EQUIPMENT & INSPECTIONS:**

A. **EQUIPMENT:** (Deleted)

B. **INITIAL INSPECTIONS:** (Deleted)

C. **RADON TESTING:** (Deleted)

D. **WELL/SEPTIC TESTING:** (Deleted)

- E. **TOXIC OR HAZARDOUS WASTE:** Seller is unaware of any toxic or hazardous waste materials being stored or having been stored on the premises or the existence of any underground fuel storage tanks on the property, and further represents that no notices have been received from the Illinois Environmental Protections Agency or the Illinois Environmental Pollution Control Board or any other governmental entity with regard to a toxic or hazardous waste problem with the property.
- F. **FINAL INSPECTION:** (Deleted)
- 11. **LEAD-BASED PAINT AND/OR LEAD-BASED HAZARDS:** (Deleted)
- 12. **SELLER'S WARRANTIES:** Seller hereby provides the following warranties:
 - A. That no work has been done upon, or materials furnished to, the premises which could give rise to a lien under the Illinois Mechanics' Lien Act;
- 13. **ADDITIONAL PROVISIONS:**
 - A. Buyer shall assume any assumption or transfer fees incurred as a result of Buyer assuming, or taking subject to, Seller's existing mortgage, and both Seller and Buyer agree to comply with the requirements of the Real Estate Settlement Procedures Act;
 - B. Words importing the masculine gender include the feminine, words importing the singular number include the plural, and words importing the plural include the singular;
 - C. The covenants and agreements herein contained shall extend to and be obligatory upon the heirs, executors, administrators, and assigns of the respective parties;
 - D. The Parties acknowledge that the State of Illinois has enacted a Smoke Detector Act (425 ILCS 60/1, et seq.);
 - E. Time is of the essence of this Contract;
 - F. *This contract is contingent upon approval by the Bloomington City Council. Buyer will seek such approval by placing the contract on the agenda for the first regularly scheduled Council meeting following the date Seller executes the contract.*
 - G. *The terms and conditions of the easements to be granted pursuant to this Contract shall be as set forth in the Grant of Easement and Temporary Easement attached hereto as Exhibit A and B respectively and incorporated herein by reference.*

H. Buyer shall be responsible for removing two trees in Seller's front yard and restoring the yard following removal of the trees if they die within five years of the date Buyer completes construction of road and sewer improvements adjacent to Seller's remaining property. Buyer shall restore the driveway and yard to like condition as it existed prior to any construction/demolition by the Buyer.

14. **ESCROWEE:** (Deleted)

15. **NOTICES, ETC.:** Title commitments, communications or notices with reference to this Contract shall be delivered by or to the parties or their respective attorneys as shown on the first page hereof.

16. **PREPARATION AND APPROVAL:** This Contract was prepared by Hannah Eisner, Buyer's attorney, and approved by _____, _____ attorney.

17. **SETTLEMENT:** Closing shall be held at the office at Buyer's lending institution, or such place as the parties may agree.

18. **SELLER'S DISCLOSURE:** The parties acknowledge that this Contract is *not* subject to the Illinois Residential Real Property Disclosure Act (765 ILCS 77/1, et. seq.)

19. **ATTORNEY'S FEES AND EXPENSES:** Should either Seller or Buyer be required to incur attorney's fees, costs and/or other expenses (including expenses of litigation) as a result of the other party's failure to perform any obligation pursuant to the terms of this Contract, then the party so failing to perform shall be liable to the other party for any reasonable attorney's fees, costs, and expenses (including expenses of litigation) incurred by such other party. This provision shall survive closing and delivery of deeds.

20. **DEFAULT:** In the event either party should breach this agreement, the other party may pursue any and all remedies provided by law.

21. **ENTIRE AGREEMENT:** This Contract represents the entire agreement of the parties. Any prior written or oral agreements of the parties regarding the transaction which is the subject of this Contract merge with and are superseded by this Contract.

22. **FORM OF AGREEMENT:** This Contract conforms in all respects with the form Contract for Sale of Real Estate adopted by the McLean County Bar May 21, 1997 with the exception of language contained in the following paragraphs: 1, 2, 5, 12 and 18.

THIS IS INTENDED TO BE A LEGAL DOCUMENT. AN ATTORNEY AT LAW SHOULD BE CONSULTED PRIOR TO THE EXECUTION OF THIS DOCUMENT.

IN WITNESS WHEREOF, the parties to these presents have executed several counterparts of this Contract, of equal effect.

SELLER

BUYER

Timothy McWhorter

City of Bloomington, a Municipal
Corporation

Tammy McWhorter

Stephen F. Stockton,
Mayor

Attest:

Tracey Covert, City Clerk

Date: July 25, 2005

Exhibit A
EASEMENT

This Indenture Witnesseth that Timothy R. and Tammy L. McWhorter, hereinafter referred to as "Grantor", for and in consideration of TEN AND NO/100 (\$10.00) DOLLARS AND OTHER GOOD AND VALUABLE CONSIDERATION, the receipt and sufficiency of which is hereby acknowledged grants, conveys, quit claims and dedicates to the City of Bloomington, Illinois, a municipal corporation, hereinafter referred to as "Grantee", a permanent utility easement across the following described property for the purpose of clearing, trenching for, laying, constructing, operating, altering, maintaining and removing a sanitary sewer and all necessary appurtenances thereto, which easement is depicted on the plat attached hereto and is described as follows:

That part of Lot 2 in Meadowlane Subdivision, McLean County, Illinois, recorded as Document Number 53587; described as follows with bearings being used referring to a local assumed datum: Beginning at the southeast corner of the above described Lot 2; thence along the easterly line of said Lot 2, North 00°-06'-07" West 10.00 feet; thence North 89°-59'-42" West 100.00 feet, to the westerly line of said Lot 2; thence along said westerly line, South 00°-05'-40" East 7.57 feet; thence along a curve to the left having a radius of 419.92 feet, an arc length of 30.21 feet, a chord bearing of South 85°-22'-17" East and a chord length of 30.20 feet, to the southerly line of said Lot 2; thence along said southerly line, South 89°-59'-42" East 69.90 feet, to the Point of Beginning, containing 0.022 of an acre, more or less. PIN # 21-17-427-010 pt.

The grant of this Easement is subject to the following terms and conditions:

1. Grantee shall have through its employees, agents and/or contractors the free right of ingress and egress over and across the easement property insofar as such right of ingress and egress is necessary for the proper use of any right granted herein.

2. Grantee agrees to repair or pay Grantor for any damage to Grantor's property resulting from Grantee's exercise of the rights granted hereunder, including without limitation any damage to field tile, water mains, sewers or fences. Grantee further agrees that anytime it digs into, excavates or otherwise disturbs the surface area of the easement, it will restore any such surface area so disturbed to its pre-existing condition.

Exhibit B
TEMPORARY WORKING EASEMENT

The undersigned, Timothy and Tammy McWhorter, hereinafter referred to as "Grantor", grants, conveys, quit claims and dedicates to the City of Bloomington, Illinois, a municipal corporation, hereinafter referred to as "Grantee", a temporary use permit across the following described property for the purpose of grading shaping and otherwise restoring the said property following the construction of public improvements in and about Morris Avenue, in Bloomington, Illinois:

That part of Lot 2 in Meadowlane Subdivision, McLean County, Illinois, recorded as Document Number 53587; described as follows with bearings being used referring to a local assumed datum: Commencing at the northeast corner of the above described Lot 2; thence along the easterly line of said Lot 2, South 00°-06'-07" East 156.00 feet, to the Point of Beginning; thence North 89°-59'-42" West 49.83 feet; thence South 00°-00'-18" West 25.00 feet; thence North 89°-59'-42" West 50.12 feet, to the westerly line of the aforesaid Lot 2; thence along said westerly line, South 00°-05'-40" East 12.00 feet; thence South 89°-59'-42" East 100.00 feet, to the aforescribed easterly line of Lot 2; thence along said easterly line, North 00°-06'-07" West 37.00 feet, to the Point of Beginning, containing 0.056 of an acre, more or less.
PIN # 21-17-427-010 pt.

The grant of this Easement is subject to the following terms and conditions:

1. Grantee shall have through its employees, agents and/or contractors the free right of ingress and egress over and across the easement property insofar as such right of ingress and egress is necessary for the proper use of any right granted herein.
2. Grantee will restore any part of the easement area disturbed by its activities to its pre-existing condition, including but not limited to regrading, reseeding, and replacing landscaping materials in such areas and replacing any driveway and/or sidewalk surface with like materials and replacing any fencing disturbed by City's activities.
3. Grantee agrees to indemnify and hold Grantor harmless from any and all liability, damage, expense, cause of action, suits or claims of judgment arising from injury to persons and/or property on the above-described premises which arise out of the act, or failure to act, or negligence of Grantee, its agents, employees or assigns in the exercise of the rights under this Grant of Easement.
4. This easement shall remain in effect from the date of execution until one (1) year from the date of acceptance of the public improvements for which this easement was required.
5. The terms, conditions and provisions of this Grant of Easement as herein set forth shall be binding upon and inur to the benefit of the heirs, successors and assigns of the respective parties hereto and shall run with title to the land.

DATED this _____ day of _____, 2005.

Timothy McWhorter

Tammy McWhorter

Constitution Trail between Grove and Lafayette Streets and also provide for the design of the connection of this extension to the existing Constitution Trail system.

As part of the grant application, it is necessary to pass a Resolution of Support and Leverage which documents the Council's approval and support for the project, providing the Mayor, City Clerk, City Treasurer and the Director of Parks & Recreation the authority to execute documents necessary for the completion of the application and grant, if awarded. The Resolution also states that the City agrees to the terms and conditions of the application and grant, which includes that the City agrees to provide 100% of the project funds, and under the ITEP Program be provided with a reimbursement of 80% of eligible funds, leveraging the ITEP funds with a 20% local match.

Staff respectfully requests that Council adopt this Resolution to be included in the ITEP application.

Respectfully,

Keith Rich
Director of Parks & Recreation

Tom Hamilton
City Manager

RESOLUTION NO. 2005 - 100

CITY OF BLOOMINGTON, ILLINOIS CITY COUNCIL RESOLUTION OF SUPPORT AND LEVERAGE

WHEREAS, the City of Bloomington, Illinois is applying to the State of Illinois Department of Transportation for an ITEP (Illinois Transportation Enhancement Program) funds to provide financing for the design and construction of a one (1) mile extension of the Constitution Trail, between Grove and Lafayette Streets, and also provide for the design of the connection of this extension to the existing Constitution trail system; and

WHEREAS, it is necessary that an application be made and agreements entered into with the State of Illinois; and

NOW, THEREFORE BE IT RESOLVED by the City Council of the City of Bloomington as follows:

- 1) That the City of Bloomington apply for funds, under this program, under the terms and conditions of the State of Illinois and shall enter into and agree to the understandings and assurances contained in said application; and
- 2) That the proposals contained in the grant application are compatible with the City of Bloomington goals for orderly community growth and development; and

3) That the City of Bloomington hereby agrees to provide 100% of the project funds, and under the ITEP Program be provided with a reimbursement of 80% of eligible funds, leverage the ITEP funds with a 20% local match; and

4) That the City of Bloomington Mayor, City Clerk and City Treasurer, and Director of Parks & Recreation, on behalf of the City, execute such documents and all other documents necessary for the execution and completion of said application, and/or grant if awarded; and

5) That the City of Bloomington Mayor, City Clerk and City Treasurer, and Director of Parks & Recreation, be authorized to provide such additional information as may be required to accomplish the obtaining and execution of such grant.

ADOPTED AND APPROVED by the City Council of the City of Bloomington, Illinois this 25th day of July, 2005

Stephen F. Stockton, Mayor

ATTEST:

Tracey Covert, City Clerk

Alderman Schmidt extended her appreciation to Brian Brakebill, Deputy City Manager, and Catherine Dunlap, Executive Director - Downtown Business Association, for a well written grant.

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

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

Ayes: Alderman Crawford, Huette, Schmidt, Gibson, Sprague, Matejka and Purcell.

Nays: None.

Motion carried.

The following was presented.

To: Members of the City Council

From: Liquor Commission

Subject: Application of DooMi, Inc., d/b/a The Park, located at 1611 Morrissey Dr., for an RAS liquor license, which will allow the sale of all types of alcohol by the glass for consumption on the premises seven (7) days a week

The Bloomington Liquor Commissioner Stephen Stockton called the Liquor Hearing to hear the application of DooMi, Inc., d/b/a The Park, located at 1611 Morrissey Dr., requesting an RAS liquor license which allows the sale of all types of alcohol by the glass for consumption on the premises seven (7) days a week. Present at the hearing were Liquor Commissioners Stephen Stockton, Marabeth Clapp, Steve Petersen and Mark Gibson; Hannah Eisner, Deputy Corporation Counsel, and Tracey Covert, City Clerk; Basri Emini and Shefki Emini, owner and Applicant representatives, and Merrick Hayes, Applicant's attorney.

Commissioner Stockton requested that the Applicant explain the business plan. Basri Emini, Applicant representative and owner, addressed the Commission. The Park would be located in the former OTB. He described the establishment as a high end sports club and restaurant. The menu would feature steaks, fish, and pasta. Commissioner Stockton questioned the average dinner cost. Mr. Emini estimated the average dinner cost at \$19. Commissioner Stockton requested additional information regarding the menu detail, facility changes, and investment. Mr. Emini stated that there would be six (6) appetizers, six to seven (6 - 7) salads, entrees offerings would include steak and fish. There would be two (2) size cuts of each steak offered. The menu would change on a monthly basis. The remodeling cost was estimated at \$175,000. This figure included the fixtures and furnishings.

Mr. Emini reminded the Commission that he currently operates the Range, El Paso. It opened in November 2003. Merrick Hayes, Applicant's attorney, addressed the Commission. He reminded them that the Eminis had appeared before them in the recent past. Mr. Emini still hosts a cooking segment on a local television news show.

Commissioner Stockton noted that back room was the lounge area. Mr. Emini described this area as the event room. Food would be offered buffet style. A DJ would be available in the evening. Commissioner Stockton questioned the floor plan and the bar's location and size. Mr. Emini informed the Commission that the bar would not be L shaped. It had been reduced in size. Commissioner Stockton questioned the seating capacity of the bar area. Mr. Emini informed the Commission that the occupancy for OTB had been set at 517.

Commissioner Stockton questioned if there would be a stage area. He also questioned if the lounge area would be open when it was not reserved for a special event. Mr. Emini expressed his intention to operate the lounge area. It would be open during the business hours allowed by the City Code.

Commissioner Stockton questioned the kitchen hours. Mr. Emini stated that the kitchen hours would be based upon demand. He added that he planned to be open as late as possible citing 11:00 p.m.

Commissioner Gibson noted that the north end of the establishment was the restaurant area. He questioned if this section would be closed when the kitchen closed. Commissioner Stockton questioned if food service would be available at midnight. He added that once the kitchen closed for all intents and purposes the Park would become a tavern. No one under twenty-one (21) would be allowed on the premise. Commissioner Gibson concurred with these statements. He noted that there are other restaurants in similar situations. The establishment is a restaurant until one (1) hour after the kitchen closes. He encouraged the Applicant to set a closing time. Hannah Eisner, Deputy Corporation Council, cited Central Station as an example. No one under twenty-one (21) may enter the Loft.

Commissioner Stockton defined the two (2) areas: 1.) restaurant and 2.) lounge. Commissioner Gibson questioned the lounge clientele. Mr. Emini expressed his hope that local businesses would reserve the lounge area during the week for special events. It would operate as a lounge only on the weekends. Commissioner Stockton noted that the south end of the establishment would be used as a bar and should operate under tavern rules. Mr. Emini noted that there would be a doorman after certain hours to control access to this area.

Commissioner Petersen questioned if there would also be a bar in the restaurant area. Mr. Emini responded affirmatively. The server would be responsible for checking identification.

Commissioner Clapp questioned his experience in El Paso. Mr. Emini noted that there had not been any problems. He added that the majority of the liquor served is with table service.

Commissioner Stockton proposed the following condition: for the north end - tavern rules would apply one (1) hour after food orders are ceased; and for the south end if there is no buffet offered nor a special event, tavern rules would apply after 10:00 p.m.

Ms. Eisner questioned if appetizers would qualify as a menu. Commissioner Stockton noted a full menu. The establishment must operate in the true spirit of a restaurant to obtain and operate with an R license. If the facility is being operated as a tavern, then the tavern rules should be applied.

Based on the above, the Liquor Commission recommends to the City Council that an RAS liquor license for DooMi, Inc., d/b/a The Park, located at 1611 Morrissey Dr., be created, contingent upon compliance with all applicable health and safety codes with the following condition that tavern rules be applied 1.) at the north end one (1) hour after menu ordering is discontinued; and 2.) at the south end when there is no buffet menu offered or after 10:00 p.m.

Respectfully,

Stephen F. Stockton
Chairman of Liquor Commission

Alderman Sprague questioned who would be responsible for the enforcement of these conditions. Mayor Stockton stated that if the City was given notice of a complaint, then the City would inspect the premise. The Commission discussed that this change be uniform. Alderman Sprague questioned if the City planned to increase the staffing within the Legal Department. Todd Greenburg, Corporation Counsel, addressed the Council. He noted that there had been discussions within the Legal Department to use support staff in an overtime role to address conditions. Alderman Sprague questioned if the Legal Department had a list of the conditions. Mr. Greenburg noted that the conditions will be displayed at each establishment. The Legal Department staff would meet with the staff of the City Clerk's office.

Mayor Stockton explain the various conditions. He noted that questions had been raised regarding enforcement. Alderman Sprague questioned the fifteen percent (15%) floor space alcohol restriction which is placed on "G" (Gasoline) liquor licenses. He questioned if the small airline bottles would still be available. Mayor Stockton noted that there were a number of conditions which were placed upon the "G" license classification.

Motion by Alderman Sprague, seconded by Alderman Crawford that an RAS liquor license for DooMi, Inc., d/b/a The Park located at 1611 Morrissey Dr., be created, contingent upon compliance with all applicable health and safety codes with the following condition that tavern rules be applied 1.) at the north end one (1) hour after menu ordering is discontinued; and 2.) at the south end when there is no buffet menu offered or after 10:00 p.m.

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

Ayes: Alderman Crawford, Huette, Schmidt, Gibson, Sprague, Matejka and Purcell.

Nays: None.

Motion carried.

The following was presented.

To: Members of the City Council

From: Liquor Commission

Subject: Application of David G. Dearth, d/b/a Twin City Lanes & the Bowlers Pro Shop, located at 1006 E. Lincoln St., for an RAS liquor license, which will allow the sale of all types of alcohol by the glass for consumption on the premises seven (7) days a week

The Bloomington Liquor Commissioner Stephen Stockton called the Liquor Hearing to hear the application of David G. Dearth, d/b/a Twin City Lanes & the Bowlers Pro Shop, located at 1006 E. Lincoln St., requesting an RAS liquor license which allows the sale of all types of alcohol by the glass for consumption on the premises seven (7) days a week. Present at the hearing were Liquor Commissioners Stephen Stockton, Marabeth Clapp, Steve Petersen and Mark Gibson; Hannah Eisner, Deputy Corporation Counsel, and Tracey Covert, City Clerk; David Dearth, owner and Applicant representative.

Commissioner Stockton requested that the Applicant explain the business plan. David Dearth, Applicant representative and owner, addressed the Commission. Twin City Lanes would offer bowling leagues for various ages seven (7) days a week. The plan calls for the lease to change hands on August 1, 2005. He informed the Commission that he had managed the pro shop at Circle Lanes for fourteen (14) years. He noted that new lanes and machines were being installed.

Commissioner Clapp questioned the location. Mr. Dearth noted that it was located adjacent to the Casey's General Store, located at 911 Morrissey Dr. It is located in the same building as the VFW Club.

Commissioner Stockton questioned Mr. Dearth's liquor experience. Mr. Dearth expressed his intention to retain Twin City Lane's head bartender. At this time, the bowling alley is only opened when there is a league. The lounge is bowler oriented.

Commissioner Stockton noted that the Applicant had requested an "S" (Sunday) license. Commissioner Gibson noted the change of ownership. City staff acknowledged that Twin City Lanes was granted an RAS license but chose to operate with an RA.

Commissioner Clapp questioned the lounge size. Mr. Dearth recalled that there were approximately twelve (12) stools at the bar and three (3) small tables. She questioned if food would also be available. Mr. Dearth noted that at this time pizza, hot dogs and popcorn is available. He informed the Commission that no changes were planned at this time.

Commissioner Petersen arrived at 4:11 p.m.

Commissioner Gibson questioned youth leagues. He expressed his concern with underage persons being present in the lounge area. Mr. Dearth informed the Commission that the serving area is separate and enclosed. Hannah Eisner, Deputy Corporation Counsel, noted that in the

past the Commission has placed a restriction on bowling alleys which states that no one under the age of twenty-one (21) may be present in the bar area. Commissioner Stockton expressed his opinion that such a condition would be appropriate.

Based on the above, the Liquor Commission recommends to the City Council that an RAS liquor license for David G. Dearth, d/b/a Twin City Lanes, located at 1006 E. Lincoln St., be created, contingent upon compliance with all applicable health and safety codes with the following condition 1.) that no one under the age of twenty-one (21) may be present in the bowler's lounge.

Respectfully,

Stephen F. Stockton
Chairman of Liquor Commission

Motion by Alderman Sprague, seconded by Alderman Crawford that an RAS liquor license for David G. Dearth, d/b/a Twin City Lanes located at 1006 E. Lincoln St., be created, contingent upon compliance with all applicable health and safety codes with the following condition 1.) that no one under the age of twenty-one (21) may be present in the bowler's lounge.

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

Ayes: Alderman Crawford, Huette, Schmidt, Gibson, Sprague, Matejka and Purcell.

Nays: None.

Motion carried.

The following was presented.

To: Members of the City Council

From: Liquor Commission

Subject: Application of OSF St. Joseph Medical Center Foundation, located at Eastland Medical Plaza I, Atrium, 1505 Eastland Dr., for an LB liquor license, which will allow the selling and serving of beer and wine by the glass for consumption on the premise

The Bloomington Liquor Commissioner Steve Stockton called the Liquor Hearing on July 12, 2005 to consider the application of OSF St. Joseph Medical Center Foundation for a Limited Alcoholic Liquor License, Class LB, which will allow the selling and serving of beer and wine by the glass for consumption on the premise. Present at the hearing were Liquor Commissioners

Steve Stockton, Marabeth Clapp, and Mark Gibson; Hannah Eisner, Asst. Corporation Counsel, and Tracey Covert, City Clerk; and Bob Myrvold, OSF St. Joseph Medical Center Foundation Council Executive Director and Applicant representative and Shirley Weller, owner/operator Villa di Vino.

Commissioner Stockton questioned the purpose of this application. Bob Myrvold, OSF St. Joseph Medical Center Foundation Council Executive Director and Applicant representative, began by informing the Commissioner that this application is for a fund raiser for the OSF St. Joseph Medical Center Foundation to be held at the Eastland Medical Plaza I Atrium on Friday, August 26, 2005 from 6:00 to 8:30 p.m. This request is for a limited license for a nonprofit corporation.

He added that this would be the ninth or tenth World Tour, A Sampling of International Beer, Wine and Food. He stressed that taster cups would be used to serve the beer and wine. Commissioner Stockton questioned who would be the servers. Mr. Myrvold responded that OSF would be working with Villa di Vino, located at 413 N. Main St., this year. Villa di Vino will provide the staff. Hannah Eisner, Asst. Corporation Counsel, cautioned that Villa di Vino could not accept orders at the event. Acceptance of same would be the point of sale. Villa di Vino can act as the event's caterer/distributor. Mr. Myrvold stated his understanding and would share this information with Villa di Vino.

Mr. Myrvold restated that this year would mark this event's ninth or tenth anniversary. The event was originally held at Central Station. This will be the sixth year for it to be held at OSF campus. There also are corporate sponsors for this event.

Mr. Myrvold estimated the event attendance would be 200. This event recognized OSF/St. Joseph's donor base. Dollars raised from this year's event will support the Foundation's programs and services. Commissioner Clapp noted that the event had good past experience with no problems.

Commissioner Stockton informed the applicant that the license fee would be waived as in the past.

Based on the above, the Liquor Commission recommends to the City Council that an LB liquor license for OSF St. Joseph Medical Center Foundation located at Eastland Medical Plaza I, Atrium, 1505 Eastland Dr., be created, contingent upon compliance with all applicable health and safety codes.

Respectfully,

Stephen F. Stockton
Chairman of Liquor Commission

Alderman Purcell questioned the service of alcohol at OSF St. Joseph Hospital. Mayor Stockton noted that this was an annual event which was held in the atrium and hosted by OSF Foundation.

Motion by Alderman Sprague, seconded by Alderman Crawford that an LB liquor license for OSF St. Joseph Medical Center Foundation located at Eastland Medical Plaza I, Atrium, 1505 Eastland Dr. be created for its annual fundraiser on August 26, 2005 from 6:00 - 8:30 p.m.

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

Ayes: Alderman Crawford, Huette, Schmidt, Gibson, Sprague, Matejka and Purcell.

Nays: None.

Motion carried.

The following was presented.

To: Honorable Mayor and Members of the City Council

From: Staff

Subject: Proposed Erosion and Sediment Control Ordinance. (Case CH-24-01-05) and Text Amendments to the Manual of Practice for the Design of Public Improvements in the City of Bloomington, Illinois, and Text Amendments to Chapter 1, Section 9(g)

BACKGROUND INFORMATION:

The proposed Erosion and Sediment Control Ordinance has been prepared to fulfill a requirement of Phase II of the Federal Clean Water Act as passed by Congress in 1999 and in response to the adoption of the Bloomington Storm Water Management Plan by Council in March 2003.

This plan mandated that the City address six (6) minimum storm water management controls, including construction site run off controls and post construction site run off controls. This Erosion and Sediment Control Ordinance deals with all phases of construction as a means of controlling sediment that may become air borne or water borne as a result of land disturbance during the construction process, and is a provision mandated by the U.S. Environmental Protection Agency.

Approximately 148 copies of this Ordinance and notice of public hearing were mailed to landscapers, excavators, developers, builders, and the membership list of the Bloomington-Normal Home Builder's Association.

INFORMATIONAL PUBLIC HEARINGS:

Staff held ten (10) informational public meetings on various dates, with 219 total people attending said meetings. Staff met with the Bloomington Normal Area Homebuilders Executive Committee on June 14, 2005 to discuss the contents of this Ordinance and to address any concerns.

Several other one-on-one meetings were held with various local contractors to address individual concerns regarding this Ordinance. Additionally, staff met on four (4) separate occasions with Mr. Bruce Anderson, a local environmentalist, to discuss the new Ordinance and provide literature, comments and suggestions regarding it.

Staff created an informational Erosion and Sediment Control web site on May 16, 2005 (www.cityblm.org/erosion). This web site contains frequently asked questions, permit and appeal applications, inspection, permit fees, and complaint guidelines as well as technical diagrams specified within the proposed Ordinance.

Attached, please find memorandums that were prepared in response to questions raised by Bloomington-Normal Home Builder's Association regarding this proposed Ordinance.

PLANNING COMMISSION PUBLIC HEARING:

The Planning Commission held public hearings on this proposed Erosion and Sediment Control Ordinance on April 13, May 25, June 8, and June 22, 2005 and recommends the same. Mr. Kenneth Emmons, City Planner, recommended that the Planning Commission open the public hearing, receive testimony and then after consideration, pass a motion recommending Council approval as presented in the public interest. The following testimony was presented at the April 13, 2005 public hearing:

Mr. Kurt Haas, Engineering Technician, noted that this Ordinance is in response to the Federal Clean Water Act and the U.S. Environmental Protection Agency Phase II Program that requires the City have a Stormwater Management Plan. This Ordinance is a part of that plan. Mr. Haas explained that packets had been mailed out and informational meetings held.

He noted that on April 12, 2005 the Construction Board of Appeals had recommended the Ordinance for approval. He noted there is the concern about mud on the streets, but more so the quantity of silt that gets washed from sites into storm sewers and eventually into streams and other waterways. He explained that this is countered by use of silt fencing and inlet protection. Mr. Doug Grovesteen, Director of Engineering, explained that this Ordinance had been worked on in intergovernmental meetings with the intent that Bloomington, Normal, and McLean County might have similar ordinances.

The following persons offered testimony in opposition to this proposed Ordinance at the April 13th public hearing:

- Ms. Lisa Cohn, Executive Officer, Bloomington-Normal Home Builder's Association,

12 Westport Court

- Mr. Erik Sloneker, 4 Carri Drive
- Mr. Dennis Grieder, 1804 Towanda Barnes Road
- Mr. David Reeves, 2704 Parkridge Road

Ms. Cohn requested that this case be laid over until after the April 21, 2005 meeting of the B-N Home Builder's Association was held. She believed that a lot of individuals intended to attend.

Mr. Sloneker stated that his business is building basements and testified that these requirements could add \$1,200 to \$3,000 to the cost of every home. He noted that the City of Peoria, IL has such an ordinance. He derived these cost figures from his work experience there. He also questioned the ability to maneuver and the added difficulty of stocking dirt on another site before backfilling.

Mr. Greider indicated his preference of removing the fence after final grading is done (instead of when vegetation cover is established) so that irrigation systems could be installed with proper drainage established. He added that \$3,000 cost per lot may be a conservative figure.

Mr. Reeves inquired if silt fences were the only product acceptable. Mr. Haas replied that any erosion control plan submitted with a permit application would be reviewed and many different options may be approved so long as it promised to be effective.

The following testimony was presented at the May 25, 2005 public hearing:

Mr. Kurt Haas, Engineering Technician, provided the Commission with copies of the revised Ordinance and a May 24, 2005 memorandum summarizing the changes. He noted that this case had been continued from the meeting of April 13, 2005 to allow for a meeting with the Home Builder's Association on April 21, 2005.

He indicated that the meeting had occurred. The Home Builder's Website references (nationally) a cost of \$1,500 to \$4,500 to comply with "Phase II" of the Clean Water Act. Mr. Haas referred to the memorandum, the "TOTAL COST SUMMARY" comparison showed that local costs would be in line with these figures. He also noted that seeding costs or sod costs are currently required, and that it is not really a new expense.

Mr. Haas indicated that he was questioned if the Ordinance would apply to all new construction, including existing neighborhoods. He indicated that he held a series of meetings including four (4) informational meetings on April 26 to 29, 2005. He noted that only seven (7) people attended these meetings.

Mr. Haas indicated that there had been extensive comparison to Peoria's plan. Enforcement in Peoria was proactive the first year, but due to lack of funding became only complaint driven thereafter. Peoria did not require a mat under the gravel of a driveway, and that the mat keeps the mud from working through, the gravel from being driven down, and the result is a much better surface.

Mr. Haas indicated that he was questioned about enforcement for noncompliance. It was the City's intention to investigate the reason for noncompliance and to work with the people on resolution. It was not the City's objective to issue fines, but if needed, a \$1,000 a day fine could be issued or even a "stop-work order" which would stop all construction activity on that site.

He was questioned about the level of compliance "before this Ordinance." There had been minimal compliance before this Ordinance was proposed. However several developers have already "gotten on board" and have started using the erosion control provisions, such as providing a designated concrete-truck washout area. On the other end of the scale, there are developers who pile dirt on the streets.

The following testimony in opposition to this Ordinance was presented at this May 25th public hearing.

Ms. Lisa Cohn, Executive Officer, Bloomington-Normal Home Builder's Association, indicated that a meeting was held on April 22, 2005 with the Association and Mr. Haas. Questions were assembled and copies of answers were sent. Ms. Cohn received this information of May 13, 2005 and requested more time for discussion and dialogue.

Mr. Erik Sloneker, #4 Carri Drive, stated that progress had been made. He also requested that the City consider the large financial impact this makes on the industry. He expected compliance with the Ordinance would result in a lot of extra dirt hauling increasing expenses.

Dr. Bruce Anderson, 140303 Lara Trace, requested to speak in favor of the Ordinance. Dr. Anderson commented that Phase I of the Clean Water Act went into effect years ago. The issue is to prevent large quantities of silt from entering into streams, creeks, and rivers. Billions of dollars are being spent in Illinois to dredge in order to allow barge traffic on the Illinois River. Excess silt also causes many aquatic species to die out. This federal mandate forces municipalities to be responsible for what is coming out of their storm sewers. He expressed a belief that the engineers already know how to write stormwater pollution prevention plans and that most laborers already know how to do the work. He stated his belief that it is necessary that the City require this in order to provide a "level playing field."

Mr. Grovesteen, Director of Engineering, reminded the Commission that this plan was based on a model ordinance and developed in conjunction with the Town of Normal, County of McLean, and the McLean County Regional Planning Commission. Commissioner Dulac inquired as to the expected time frame for the adoption of this Ordinance. Mr. Haas indicated his hope to have it approved by Council by May 1, 2005 in order to be in effect for the upcoming construction season. Commissioner Morton inquired whether the provisions applied to commercial construction as well as residential. Mr. Haas replied affirmatively.

Chairperson Cain inquired if Ms. Cohn felt a delay of thirty (30) days would be a reasonable amount of time to convey ideas and discuss concerns. Ms. Cohn replied affirmatively.

The following update was presented at the June 8, 2005 public hearing:

Mr. Kurt Haas, Engineering Technician, presented a June 8, 2005 Memorandum and reviewed eight (8) concerns listed therein. The Bloomington-Normal Home Builder's Association (BNHBA) proposals were followed by City's responses. BNHBA had requested to be allowed to pile dirt within three (3) feet of the back of the curb. Typically a fifteen (15) foot distance from the curb is City owned right-of-way and that the City had initially proposed a twenty-five (25) foot setback from the lot line.

The City is willing to allow the distance of fifteen (15) feet off the curb. Commissioner Morton inquired regarding the setback for the rear and sides. Mr. Haas replied that unless those borders are adjacent to roadway or drainageway, they may pile to the property line. BNHBA requested that construction and erosion control permits be issued at the same time, and that the City would require two (2) days notice, to ensure that control measures were in place before construction. BNHBA requested to be allowed to have the silt fence down for longer than four (4) days when laying sod or doing final grading. Four (4) days is an industry standard.

In regard to permanent seeding after construction, Mr. Haas indicated that work done "in the dead of winter" can proceed "as soon as possible" (not in January, but in April.). The BNHBA had requested that fines be less than \$1,000 a day. Mr. Haas indicated that a \$50 fine may not result in compliance, and noted that the EPA fines \$2,500 a day.

Ms. Lisa Cohn, Executive Officer, Bloomington-Normal Home Builder's Association, noted there had been a lot of discussion about stockpiling dirt. She commented that any additional expense works against the notion of affordable housing. Commissioner Rackauskas replied that she is sympathetic to the idea of promoting affordable housing but acknowledged that there is also a cost in cleaning up rivers if preventative measures are not made. Chairperson Cain stated that it was his understanding that the intent was to review how the administration of this Ordinance was working over the course of a year and make changes if warranted. Mr. Haas agreed that it would be reviewed and that policy changes would be possible. Commissioner Baughan commended the open mindedness of staff and the BNHBA and the progress that had been made to resolve issues.

The following testimony was presented at the June 22, 2005 public hearing:

Mr. Kurt Haas, Engineering Technician, reviewed the additional meetings and the discussions that had been held with the BNHBA. He characterized the Association as being "on board" with the Ordinance. There had been discussion about reusing silt fencing and stabilizing the entrances after backfill, on a "case by case" basis. The City would allow all the permits to be obtained at the same time. Mr. Haas noted that the City reduced fines to \$250 for the first and second offenses and \$500 for the third and thereafter. Other items had no further adjustment. He had begun discussion with the Association regarding two (2) additional ordinances which might come along in the next few years, the updated Flood Plain Ordinance and the Stream Buffer Ordinance.

Commissioner Rackauskas praised the efforts that Mr. Haas had shown. She particularly praised the Engineering Department for being proactive and seeking to educate and work with interested

groups. Other Commissioners concurred. Commissioner Shaw commented that the City seemed to be taking a middle position, with places in California tending to be more aggressive and restrictive and places in West Virginia more “hands off.”

Dr. Bruce Anderson, 140303 Lara Trace, reported that he had received an E-mail expressing support from the group “Friends of the Kickapoo”, of which Dr. Anderson is a member. He expressed enthusiasm for the progress that this represents, and he stated a belief that it will be of benefit to the Kickapoo Creek watershed.

PLANNING COMMISSION RECOMMENDATION:

The Planning Commission closed the public hearing for this proposed Erosion and Sediment Control Ordinance on June 22, 2005, and passed a motion by a vote of 8 to 0 recommending Council approval of Case CH-24-05 as revised in the public interest.

STAFF RECOMMENDATION:

Staff concurs with the Planning Commission and respectfully recommends Council approval and adoption of the Erosion and Sediment Control Ordinance, the amendments to the Manual of Practice for the Design of Public Improvements in the City of Bloomington, Illinois and the amendments to Chapter 1, Section 9(g) for the City of Bloomington, Illinois.

Respectfully,

Douglas G. Grovesteen
Director of Engineering

Kenneth Emmons
City Planner

Tom Hamilton
City Manager

(ORDINANCE 2005-78 AND MANUAL OF PRACTICE FOR THE DESIGN OF PUBLIC IMPROVEMENTS IN THE CITY OF BLOOMINGTON, ILLINOIS ON FILE IN THE CITY CLERK’S OFFICE)

Alderman Purcell questioned if City staff had done enough research and if this was the best plan. Doug Grovesteen, Director of Engineering, addressed the Council. He noted that City staff developed the City’s Storm Water Plan. The goal was to enhance erosion control. City staff worked with McLean County, the Town of Normal, and the McLean County Regional Planning Commission. The Town of Normal will be adopting similar ordinances. City staff held a number of meetings and public hearings. Alderman Purcell questioned if this ordinance would be enforceable. Mr. Grovesteen responded affirmatively. Erosion control must be addressed. A permit would be issued.

Alderman Huette questioned silt fencing on vacant lots. Mr. Grovesteen responded affirmatively. Alderman Huette noted that each piece of property would be responsible for run off. Mr. Grovesteen noted that if 500 square feet was disturbed. Alderman Huette questioned the cost. Kurt Haas, Engineering Technician, addressed the Council. He noted that the cost would vary based upon the layout of the lot. The cost for a 10,000 square foot

lot would range from \$2,200 to \$4,900. He restated that the size of the lot would impact the cost. The least expensive option was permanent seeding.

Alderman Sprague stated that he had received a number of telephone calls. The tone has been negative. He expressed his opinion that this program could become a positive. City staff needed to work with the area's contractors. He commended City staff's efforts.

Alderman Huette questioned if this program would involve soil removal. Mr. Haas noted that this would be dependent upon if an additional lot was available. Currently, ninety percent (90%) of the effective lots were hauling the soil. Mayor Stockton noted that a pile of dirt on a lot had been a common manifestation. Mr. Haas noted that the most common choice was a silt fence. There were over 250 products available. The City may host an informational seminar. There were a number of vendors which had been approved by the IEPA, (Illinois Environmental Protection Agency).

Alderman Sprague questioned the relevancy of the questions. This program would keep the streets clean in new subdivisions. Mr. Haas responded affirmatively. He noted that there were guidelines and timelines. The guidelines addressed inspections and complaints. The City would issue orders to appear and then a fine would be issued. Alderman Sprague questioned who would be fined. Mr. Haas noted that the responsible party would be fined.

Motion by Alderman Sprague, seconded by Alderman Crawford that the Text Amendments be approved and the Ordinance passed.

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

Ayes: Alderman Crawford, Huette, Schmidt, Gibson, Sprague, Matejka and Purcell.

Nays: None.

Motion carried.

The following was presented.

To: Honorable Mayor and Members of the City Council

From: Staff

Subject: Lake Bloomington Lease Transfer request for Lot 1, Block 13 in Camp Potawatomie, Evelyn Jo While to Matthew While and Kyle While

Staff has reviewed a Lake Bloomington Lease Transfer request and a site plan for the construction of a new home for Lot 1, Block 13 in Camp Potawatomie. The lot is currently occupied by a fire damaged structure that will be demolished.

As part of the construction of the new home, a new septic system will be installed, and will not be occupied until construction is complete. Staff has agreed to waive the current septic system inspection due to the new septic system going through the traditional permitting process. Staff will review the permit at that time to ensure that Lake Bloomington is adequately protected.

The petitioner's lease transfer request was accompanied with a request to amend the lease by adding the east 30 feet of Lot 4 Block 13 Camp Potawatomie which is immediately to the west of this lot. Additional land is needed to accommodate the seepage field for the new septic system.

Lot 1 is only 60 feet deep and contains many large, mature trees. The trees would have to be removed to fit the house and septic field on the lot. Lot 4 is not leased to anyone and it is the City's intent to keep it undeveloped. Staff has no objection to amending the lease as requested.

Staff respectfully requests that Council approve the Lake Bloomington Lease Transfer for Lot 1, Block 13 in Camp Potawatomie, with the septic system approval process to take place when the new system is permitted for construction, and to include the east 30 feet of Lot 4 Block 13 Camp Potawatomie.

Respectfully,

Craig M. Cummings
Director of Water

Tom Hamilton
City Manager

Motion by Alderman Sprague, seconded by Alderman Crawford that the Lake Lease with the addition of the east 30 feet of Lot 4 Block 13 Camp Potawatomie, be approved and the Mayor and City Clerk be authorized to execute the necessary documents.

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

Ayes: Alderman Crawford, Huette, Schmidt, Gibson, Sprague, Matejka and Purcell.

Nays: None.

Motion carried.

The following was presented.

To: Honorable Mayor and Members of the City Council
From: Staff
Subject: Request to Make a Wider Curb Cut at 1615 S. Roosevelt Street

A request has been received from Mr. Stephen Prochnow, owner of 1615 S. Roosevelt Street, to make a single curb cut 24 feet wide at the property line. As per City Ordinance, the maximum width is 20 feet measured at the property line. The owner is requesting the wider curb cut to change the existing 12.5 foot wide single car drive to a two car drive for easier and safer egress/ingress to the property. The property is a single family house and has approximately 85 feet of frontage.

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

Respectfully,

Douglas G. Grovesteen
Director of Engineering

Tom Hamilton
City Manager

Motion by Alderman Sprague, seconded by Alderman Crawford that the curb cut be approved.

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

Ayes: Alderman Crawford, Huette, Schmidt, Gibson, Sprague, Matejka and Purcell.

Nays: None.

Motion carried.

The following was presented.

2. That your petitioners seek approval of the Utility Easement Vacation Plat of Lots 304 and 305 Ninth Addition to Fox Creek Country Club, Bloomington, Illinois, which Plat is attached hereto and made a part hereof;

3. That all utility companies have approved the proposed vacation.

Wherefor, your petitioners pray that the Utility Easement Vacation Plat of Lots 304 and 305 Ninth Addition to Fox Creek Country Club Subdivision submitted herewith be approved with the exemptions or variations as requested herein.

Respectfully submitted,

Mercer Turner as Trustee of Land Trust
CC-1

STATE OF ILLINOIS)
)SS
MCLEAN COUNTY)

I, the undersigned Notary Public in and for said County, in the State aforesaid, do hereby certify that Mercer Turner, personally known to me to be the same person whose name is subscribed to the foregoing instrument, appeared before me this day in person and acknowledged that he signed, sealed and delivered the said instrument as his free and voluntary act for the uses and purposes therein set forth.

Given under my hand and notarial seal, this 7th day of July, 2005.

Tammie R. Keener
Notary Public, State of Illinios
My Commission expires 09-10-2005

ORDINANCE NO. 2005 - 79

**AN ORDINANCE APPROVING THE UTILITY EASEMENT VACATION PLAT LOTS
304 AND 305 NINTH ADDITION TO FOX CREEK COUNTRY CLUB**

WHEREAS, there was heretofore filed with the City Clerk of the City of Bloomington, McLean County, Illinois a Petition for approval of the Utility Easement Vacation Plat Lots 304 and 305 Ninth Addition to Fox Creek Country Club Subdivision, Bloomington, Illinois, legally described in Exhibit A attached hereto and made a part hereof by this reference; and

WHEREAS, said Petition is valid and sufficient and conforms to the requirements of the statutes in such cases made and provided and the Utility Easement Vacation Plats Lots 304 and 305 Ninth Addition Fox Creek Country Club Subdivision attached to said Petition was prepared in compliance with the requirements of the Bloomington City Code.

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

1. That the Utility Easement Vacation Plat Lots 304 and 305 Ninth Addition to Fox Creek Country Club Subdivision is hereby approved.
2. That this Ordinance shall be in full force and effective as of the time of its passage and approval.

PASSED this 25th day of July, 2005.

APPROVED this 26th day of July, 2005.

Stephen F. Stockton
Mayor

ATTEST:

Tracey Covert
City Clerk

EXHIBIT A

10-Foot Wide Utility Easement to be Vacated:

The Northeast 5 feet of Lot 304 and the Southwest 5 feet of Lot 305, both in the Ninth Addition to Fox Creek Country Club in the City of Bloomington, McLean County, Illinois, according to the Plat recorded as Document No. 2003-56459 in the McLean County Recorder's Office, except therefrom the Northwest 15 feet thereof and also, except the Southeast 15 feet thereof.

Motion by Alderman Sprague, seconded by Alderman Crawford that the Vacation be approved and the Ordinance passed.

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

Ayes: Alderman Crawford, Huette, Schmidt, Gibson, Sprague, Matejka and Purcell.

Nays: None.

Motion carried.

The following was presented.

To: Honorable Mayor and Members of the City Council

From: Staff

Subject: Petition from Paul & Karen Nord Requesting Approval of a Final Plat for Business Park at Nord Farms Subdivision

A petition has been received from Paul & Karen Nord requesting Council approval of a Final Plat for Business Park at Nord Farms Subdivision. This subdivision is located south of IL Rte. 9 at the intersection of Mitsubishi Motorway. The Final Plat is in conformance with the Preliminary Plan.

The public improvements have not been finished, therefore, a performance guarantee is required, and various tap on fees from the subdivision are due from this Addition.

Staff respectfully recommends that Council approve the Petition and adopt an Ordinance approving the Final Plat for the Business Park at Nord Farms Subdivision, subject to the Petitioner posting the necessary performance bond and paying the tap on fees before recording the plat.

Respectfully,

Douglas G. Grovesteen
Director of Engineering

Tom Hamilton
City Manager

PETITION FOR APPROVAL OF FINAL PLAT

STATE OF ILLINOIS)
)SS
COUNTY OF MCLEAN)

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

NOW COMES Paul F. Nord and Karen Nord, hereinafter referred to as your petitioners, respectfully representing and requesting as follows:

1. That your petitioners are the owners of the freehold or lesser estate therein of the premises hereinafter described in Exhibit A attached hereto and made a part hereof and made a part hereof by reference;
2. That your Petitioners seek approval of the Final Plat for the subdivision to be known and described as Business Park at Nord Farms, which Final Plat is attached hereto and made a part hereof;
3. That your Petitioners also seek approval of the following exemptions or variations from the provisions of Chapter 24 of the Bloomington City Code - 1960 as amended: all those listed on the approved Preliminary Plan, or permitted by Annexation Agreements of record;
4. That the Final Plat substantially conforms to the Preliminary Plan of said Subdivision heretofore approved by the City Council;
5. That your Petitioners hereby dedicate to the public, all public right-of-way and easements shown on said Final Plat.

Wherefore, your Petitioner prays that the Final Plat for the Business Park at Nord Farms Subdivision submitted herewith be approved with the exemptions or variations as requested herein.

Respectfully submitted,

Paul F. Nord and Karen Nord

ORDINANCE NO. 2005 - 80**AN ORDINANCE APPROVING THE FINAL PLAT OF THE BUSINESS PARK AT
NORD FARMS SUBDIVISION**

WHEREAS, there was heretofore filed with the City Clerk of the City of Bloomington, McLean County, Illinois a Petition for approval of the Final Plat of the Business Park at Nord Farms Subdivision, legally described in Exhibit A attached hereto and made a part hereof by this reference; and

WHEREAS, said Petition requests the following exemptions or variations from the provisions of Chapter 24 of the Bloomington City Code - 1960, as amended: all those listed on the approved Preliminary Plan, or permitted by Annexation Agreements of record; and

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

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

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

1. That the Final Plat of the Business Park at Nord Farms Subdivision and any and all requested exemptions and/or variations be, and the same is hereby approved, and all dedications made therein are accepted.
2. That this Ordinance shall be in full force and effective as of the time of its passage and approval.

PASSED this 25th day of July, 2005.

APPROVED this 26th day of July, 2005.

Stephen F. Stockton
Mayor

ATTEST:

Tracey Covert
City Clerk

EXHIBIT A

Part of the W ½ of the NW ¼ of Section 1, 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 southwest corner of Joseph A. and Carrie G. Scharf Industrial P.U.D. Subdivision on the east line of the W ½ of the NW ¼ of Section 1, said point also being on the north right of way line of the former Penn Central Railroad; thence N. 67°-30'-18"W. 572.35 feet on said north right of way line of the former Penn Central Railroad; thence N. 22°-29'-42"E. 253.41 feet; thence N. 07°-55'-06"E. 70.00 feet; thence northeasterly 138.20 feet on a non-tangential curve concave to the northwest having a central angle of 98°-58'-36", a radius of 80.00 feet and a chord of 121.64 feet bearing N. 48°-25'-49"E. from the last described course; thence N. 01°-03'-29"W. 626.23 feet parallel with the east line of the W ½ of the NW ¼ of Section 1 to the south right of way line of F.A. Route 693/Illinois Route 9; thence N. 89°-33'-20"E. 0.63 feet on said right of way line; thence northeasterly, on said right of way line 69.38 feet on a tangential curve concave to the southeast having a central angle of 00°-06'-57", a radius of 34317.47 feet and a chord of 69.38 feet bearing N. 89°-36'-48"E, from the last described course; thence S. 01°-03'-29"E. 299.57 feet parallel with the east line of the W ½ of the NW ¼ of Section 1; thence N. 88°-56'-31"E. 250.00 feet to said east line of the W ½ of the NW ¼ of Section 1; thence S. 01°-03'-29"E. 935.01 feet on said east-line of the W ½ of the NW ¼ of Section 1 to the Point of Beginning containing 8.05 acres, more or less, with assumed bearings given for description purposes only.

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

Nays: None.

Motion carried.

The following was presented.

To: Honorable Mayor and Members of the City Council

From: Staff

Subject: Petition from Paul & Karen Nord Requesting Approval of a Final Plat for Business Park at Nord Farms Subdivision, 1st Addition

A petition has been received from Paul & Karen Nord requesting Council approval of a Final Plat for Business Park at Nord Farms Subdivision, 1st Addition. This subdivision is located south of IL Rte. 9 at the intersection of Mitsubishi Motorway. The Final Plat is in conformance

with the Preliminary Plan. This Final Plat creates a lot for the existing home site separating it from the land being developed.

The public improvements have not been finished, therefore, a performance guarantee is required, and various tap on fees from the subdivision are due from this Addition.

Staff respectfully recommends that Council approve the Petition and adopt an Ordinance approving the Final Plat for the Business Park at Nord Farms Subdivision, 1st Addition, subject to the Petitioner posting the necessary performance bond and paying the tap on fees before recording the plat.

Respectfully,

Douglas G. Grovesteen
Director of Engineering

Tom Hamilton
City Manager

PETITION FOR APPROVAL OF FINAL PLAT

STATE OF ILLINOIS)
)SS
COUNTY OF MCLEAN)

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

NOW COMES Paul F. Nord and Karen Nord, hereinafter referred to as your petitioners, respectfully representing and requesting as follows:

1. That your petitioners are the owners of the freehold or lesser estate therein of the premises hereinafter described in Exhibit A attached hereto and made a part hereof and made a part hereof by reference;
2. That your Petitioners seek approval of the Final Plat for the subdivision to be known and described as Business Park at Nord Farms First Addition, which Final Plat is attached hereto and made a part hereof;
3. That your Petitioners also seek approval of the following exemptions or variations from the provisions of Chapter 24 of the Bloomington City Code - 1960 as amended: all those listed on the approved Preliminary Plan, or permitted by Annexation Agreements of record;
4. That the Final Plat substantially conforms to the Preliminary Plan of said Subdivision heretofore approved by the City Council;
5. That your Petitioners hereby dedicate to the public, all public right-of-way and easements shown on said Final Plat.

Wherefore, your Petitioner prays that the Final Plat for the Business Park at Nord Farms First Addition Subdivision submitted herewith be approved with the exemptions or variations as requested herein.

Respectfully submitted,

Paul F. Nord and Karen Nord

ORDINANCE NO. 2005 - 81**AN ORDINANCE APPROVING THE FINAL PLAT OF THE BUSINESS PARK AT
NORD FARMS FIRST ADDITION SUBDIVISION**

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

WHEREAS, said Petition requests the following exemptions or variations from the provisions of Chapter 24 of the Bloomington City Code - 1960, as amended: all those listed on the approved Preliminary Plan, or permitted by Annexation Agreements of record; and

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

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

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

1. That the Final Plat of the Business Park at Nord Farms First Addition Subdivision and any and all requested exemptions and/or variations be, and the same is hereby approved, and all dedications made therein are accepted.
2. That this Ordinance shall be in full force and effective as of the time of its passage and approval.

PASSED this 25th day of July, 2005.

APPROVED this 26th day of July, 2005.

Stephen F. Stockton
Mayor

ATTEST:

Tracey Covert
City Clerk

EXHIBIT A

Part of the W ½ of the NW ¼ of Section 1, 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 Joseph A. And Carrie G. Scharf Industrial P.U.D. Subdivision on the east line of the W ½ of the NW ¼ of Section 1, said point also being on the south right of way line of F.A. Route 693/Illinois Route 9; thence N. 74°-41'-39" W. 46.05 feet on said south right of way line of F.A. Route 693/Illinois Route 9; thence southwesterly 275.22 feet on said right of way line on a non-tangential curve concave to the southeast having a central angle of 00°-27'-34", a radius of 34,317.47 feet and a chord of 275.22 feet bearing S. 89°47'-07"W. From the last described course; thence S. 89°-33'-20"W. 293.64 feet on said right of way line to the Point of Beginning; thence S. 01°-03'-29" E. 318.52 feet parallel with the east line the W ½ of the NW ¼ of Section 1; thence S. 88°-56'31" W. 325.00 feet; thence N. 01°-03'-29" W. 322.00 feet parallel with said east line of the W ½ of the NW ¼ of Section 1 to the south right of way line of F.A. Route 693/Illinois Route 9; thence N. 89°-33'-20" E. 325.02 feet to the Point of Beginning containing 2.39 acres, more or less, with assumed bearings given for description purposes only.

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

Nays: None.

Motion carried.

The following was presented.

To: Honorable Mayor and Members of the City Council

From: Staff

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

A petition has been received from Park II, LLC requesting Council approval of a Final Plat for Tipton Trails Subdivision, Seventh Addition. This subdivision is located south of College Avenue, west of Airport Road, north of G. E. Road and east of Hedgwood Subdivision. The Final Plat is in conformance with the Preliminary Plan approved on April 24, 2000.

The public improvements have not been finished, therefore, a performance guarantee is required, and various tap on fees from the subdivision are due from this Addition.

Staff respectfully recommends that Council approve the Petition and adopt an Ordinance approving the Final Plat for the Tipton Trails Subdivision, Seventh Addition, subject to the Petitioner posting the necessary performance bond and paying the tap on fees before recording the plat.

Respectfully,

Douglas G. Grovesteen
Director of Engineering

Tom Hamilton
City Manager

**PETITION FOR APPROVAL OF FINAL PLAT OF THE TIPTON TRAILS
SUBDIVISION SEVENTH 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 your 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 Seventh Addition, City of
Bloomington, in McLean County, Illinois, which Final Plat is attached hereto as Exhibit Band
made a 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 right-of-way and easements
shown on said Final Plat.

Wherefore, Petitioner prays that the Final Plat for the Tipton Trails Subdivision Seventh
Addition submitted herewith be approved with the variations and waiver as requested.

Respectfully submitted,

Park II, LLC, an Illinois Limited Liability
Company

By: Hundman Management, LLC, Manager

By: Laurence F. Hundman, Chairman

ORDINANCE NO. 2005 - 82**AN ORDINANCE APPROVING THE FINAL PLAT OF TIPTON TRAILS
SUBDIVISION SEVENTH 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 Tipton Trails Subdivision Seventh Addition, 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 said requested exemptions and variations; and

WHEREFORE, said exemptions and variations are reasonable and in keeping with the intent of the Land Subdivision and Planned Unit Development 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 Tipton Trails Subdivision Seventh Addition is hereby approved.
3. That this Ordinance shall be in full force and effective as of the time of its passage this 25th day of July, 2005.

Stephen F. Stockton
Mayor

ATTEST:

Tracey Covert
City Clerk

**EXHIBIT A
Legal Description**

Part of the SE ¼ 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 162 in Tipton Trails Subdivision Fifth Addition; thence S.89°-38'-00"W. 1049.69 feet on the north line of said Tipton Trails Subdivision Fifth Addition, Tipton Trails Subdivision Sixth Addition, and Tipton Trails

Subdivision Fourth Addition to the northwest corner of Lot 172 in said Tipton Trails Subdivision Fourth Addition on the east line of Tipton Trails Subdivision; thence N.00°-22'-00"W. 180.00 feet on said east line of Tipton Trails Subdivision to the north right of way line of DeGarmo Drive; thence S.89°-38'-00"W. 20.61 feet on said right of way line to the southeast corner of Lot 82 in said Tipton Trails Subdivision; thence N.00°-22'-00"W. 120.00 feet to the northeast corner of said Lot 82; thence N.89°-38'-00"E. 930.29 feet parallel with the north line of Tipton Trails Subdivision Sixth Addition; thence S.00°-22'-00"E. 5.70 feet parallel with the east line of said Tipton Trails Subdivision Sixth Addition; thence N.89°-38'-00"E. 131.55 feet parallel with the north line of said Tipton Trails Subdivision Sixth Addition to the west right of way line of Stone Mountain Boulevard; thence S.00°-24'-46"W. 114.31 feet on said right of way line to the north line of Tipton Trails Subdivision Fifth Addition; thence S.89°-38'-00"W. 12.87 feet on said north line of Tipton Trails Subdivision Fifth Addition; thence S.00°-22'-00"E. 60.00 feet on the west line of said Tipton Trails Subdivision Fifth Addition; thence N.89°-38'-00"E. 22.87 feet on the line of said Tipton Trails Subdivision Fifth Addition to the west right of way line of Stone Mountain Boulevard; thence S.00°-22'-00"E. 120.00 feet on said right of way line to the Point of Beginning containing 7.21 acres, more or less, with assumed bearings given for description purposes only.

Underlying Land Number (31) 14-25-403-004.

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

Nays: None.

Motion carried.

The following was presented.

To: Honorable Mayor and Members of the City Council

From: Staff

Subject: Petition Submitted by Merle Deiss and Susan Deiss Requesting Approval of the Final Plat of the Resubdivision Lot 1 Dakota Grove Subdivision, on 2.03 Acres Commonly Located in Bloomington Township, south of Six Points Road (Road 1200 North) Along the east side of Ridge Creek Drive, east of the Christadelphian Church. (Case FS-04-05) (west of Ward 2)

BACKGROUND INFORMATION:

Adjacent Zoning

Adjacent Land Uses

north: A- Agriculture District
 south: R-2 Two Family District
 east: A- Agriculture District
 west: C- Commercial District

north: agriculture
 south: two family lots
 east: agriculture
 west: church

Present Zoning: C- Commercial District

Comprehensive Plan: recommends “ Neighborhood Commercial ” use for this property.

The property in question is a 2.03 acre tract that is presently the site of buildings used for business purposes. The subdivision will consist of just two lots: Lot “1-A”, a 1.015 acre lot at the southeast corner of Six Points Road and Ridge Creek Drive, and Lot “1-B”, a 1.015 acre lot, to the south of it. The petitioner is not seeking Annexation to the City at this time. This subdivision remains in the County, but as it is within a mile and a half of the City limits, it is subject to City review and approval. Vehicular access to Lot “1-A” is limited to a gravel driveway directly from Six Points Road. Lot “1-B” is provided with an asphalt driveway to Ridge Creek Drive.

The City’s Land Subdivision Code requires that the petitioners comply with the following financial exactions, per Mr. Doug Grovesteen, Director of Engineering’s attached June 28, 2005 letter to Mr. Curtis, in order to secure Council approval of Final Plat of the Resubdivision Lot 1 Dakota Grove Subdivision:

1. A \$3,451 fee in lieu of providing storm water detention, based on an exaction of \$1,700 per acre, (the current estimated per acre cost to construct a storm water detention basin) x 2.03 acres; and
2. A \$33,125 Substandard Adjacent Roadway Improvement Guarantee (secured by a corporate surety bond, a cash reserve escrow account or an irrevocable letter of credit from a local bank or savings & loan association for up to 10 years) for the improvement of Six Points Road to City standards, based on an exaction of \$ 125.00 per foot (the current estimated cost per foot to construct one half of a 30 foot wide City street) x 265 feet of frontage along Six Points Road.

The petitioners are requesting the following waivers from the Bloomington Land Subdivision Code:

1. waiver of the preliminary plan requirements;
2. waiver of the requirements to extend sanitary sewer to this subdivision;
3. waiver of the requirements to extend a water main to this subdivision;
4. waiver of the requirements for parkland dedication or payment of a fee in lieu thereof; and
5. waiver of Section 24-4.6.2 of the Bloomington Land Subdivision Code requiring the adjacent substandard road improvement guarantee.

The requested waiver of the Preliminary Plan requirements is appropriate for this simple two lot, 2.03 acre subdivision that does not require the installation of any infrastructure improvements to be dedicated to the City. The requested waivers of the requirements to extend sanitary sewer and a water main to this subdivision is appropriate because no City sanitary sewers or water mains are presently located within a reasonable distance from this subdivision that would allow such extensions to be feasible.

The requested waiver of the requirements for parkland dedication or payment of a fee in lieu thereof is appropriate for this two lot subdivision that is zoned for commercial use, not residential use. The requested waiver of Section 24-4.6.2 of the Bloomington Land Subdivision Code requiring the \$33,125 adjacent substandard road improvement guarantee for ten (10) years should not be granted because Six Points Road MAY BE UPGRADED by the City to City standards within the next ten (10) years.

The final plat should also indicate the total area of the subdivision in hectares (metric measure) as required by the Bloomington Land Subdivision Code.

PLANNING COMMISSION PUBLIC HEARING:

The Planning Commission held a public hearing on this petition on July 13, 2005 and recommends the same. Mr. Kenneth Emmons, City Planner, noted that state law gives the City authority to review proposed subdivisions that are outside of the corporate limits but within one and one-half miles of those limits. Mr. Merle Deiss, 2006 Ridge Creek Drive, submitted testimony in favor of this petition at this public hearing. He noted that the only reason that he is subdividing this property is to comply with County zoning requirements that mandate that different land uses must be on separate lots. He stated that a fire had recently destroyed his storage garage building for his construction business and he wanted to rebuild on Lot "1-B". He asked for a waiver of the \$33,125 adjacent substandard road improvement guarantee for Six Points Road which he believed was burdensome and excessive.

Mr. Doug Grovesteen, Director of Engineering, stated that when the City upgrades Six Points Road it will be a federally funded road improvement project with 80% of the cost being the federal share, 10% being the County's share, and 10% being the City's share. He noted that this funding would reduce the petitioners' adjacent substandard road improvement guarantee from \$33,125 to \$3,313.

No other testimony was presented in favor of or in opposition to this petition at this public hearing.

PLANNING COMMISSION RECOMMENDATION:

The Planning Commission closed the public hearing this petition on July 13, 2005, and passed a motion by a vote of 10 to 0 recommending Council approval of the Final Plat of the Resubdivision Lot 1 Dakota Grove Subdivision with the following waivers:

1. waiver of the preliminary plan requirements;

2. waiver of the requirements to extend sanitary sewer to this subdivision;
3. waiver of the requirements to extend a water main to this subdivision;
4. waiver of the requirements for parkland dedication or payment of a fee in lieu thereof;
5. waiver of Section 24-4.6.2 of the Bloomington Land Subdivision Code requiring the \$ 3,313.00 adjacent substandard road improvement guarantee; and
6. waiver of the \$ 3,451.00 fee in lieu of providing storm water detention.

STAFF RECOMMENDATION:

Staff does not concur with the Planning Commission regarding the waivers and recommends Council approval of the Final Plat of the Resubdivision Lot 1 Dakota Grove Subdivision in Case FS-04-05 subject to the following exactions and with the following waivers from the Bloomington Land Subdivision Code:

A. Exactions:

1. A \$3,451 fee in lieu of providing storm water detention, based on an exaction of \$1,700 per acre (the current estimated per acre cost to construct a storm water detention basin) x 2.03 acres; and
2. A \$3,313 Substandard Adjacent Roadway Improvement Guarantee (secured by a corporate surety bond, a cash reserve escrow account or an irrevocable letter of credit from a local bank or savings & loan association for up to 10 years) for the improvement of Six Points Road to City standards.

B. Waivers:

1. waiver of the preliminary plan requirements;
2. waiver of the requirements to extend sanitary sewer to this subdivision;
3. waiver of the requirements to extend a water main to this subdivision;
4. waiver of the requirements for parkland dedication or payment of a fee in lieu thereof;

Respectfully,

Kenneth Emmons
City Planner

Tom Hamilton
City Manager

AMENDED PETITION FOR APPROVAL OF FINAL PLAT

STATE OF ILLINOIS)
)SS
COUNTY OF MCLEAN)

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

NOW COME Merle Deiss and Susan Deiss, hereinafter referred to as your petitioners, respectfully representing and requesting as follows:

1. That your petitioners are the owners of the freehold or lesser estate therein of the premises described in Exhibit A attached hereto and made a part hereof by this reference;
2. That your Petitioners seek approval of the Final Plat for the subdivision to be known and described as Resubdivision of Lot 1 Dakota Grove Subdivision, which Final Plat is attached hereto and made a part hereof;
3. That your Petitioners also seek approval of the following exemptions or variations from the provisions of Chapter 24 of the Bloomington City Code - 1960:

- Waiver of Preliminary Plan
- Waiver of Requirements to Extend Sewer
- Waiver of Requirements to Extend Water
- Waiver of Park Dedication of Fee in Lieu Thereof
- Waiver of Substandard Adjacent Roadway Guarantee

Wherefore, your Petitioners pray that the Final Plat for the Resubdivision of Lot 1 Dakota Grove Subdivision submitted herewith be approved with the exemptions or variations as requested herein.

Respectfully submitted,

Brian L. Curtis
Attorney for Petitioners
Costigan & Wollrab, P.C.
308 E. Washington Street
Bloomington, Illinois 61701
Telephone: 309-828-4310

ORDINANCE NO. 2005 - 83**AN ORDINANCE APPROVING THE FINAL PLAT OF THE RESUBDIVISION OF
LOT 1 DAKOTA GROVE SUBDIVISION**

WHEREAS, there was heretofore filed with the City Clerk of the City of Bloomington, McLean County, Illinois a Petition for approval of the Final Plat of the Resubdivision of Lot 1 Dakota Grove Subdivision, legally described in Exhibit A attached hereto and made part hereof by this reference; and

WHEREAS, said Petition requests the following exemptions or variations from the provisions of the Bloomington City Code - 1960, as amended:

Waiver of Preliminary Plan
Waiver of Requirements to Extend Sewer
Waiver of Requirements to Extend Water
Waiver of Park Dedication of Fee in Lieu Thereof
Waiver of Substandard Adjacent Roadway Guarantee;

and

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

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

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

1. That the Final Plat of the Resubdivision of Lot 1 Dakota Grove Subdivision and any and all requested exemptions and/or variations be, and the same is hereby approved.
2. That this Ordinance shall be in full force and effective as of the time of its passage this 25th day of July, 2005.

Stephen F. Stockton
Mayor

ATTEST:

Tracey Covert
City Clerk

EXHIBIT A

A subdivision of Lot 1 in Dakota Grove Subdivision, being a part of the Northwest Quarter OF Section 18, Township 23 North, Range 2 East of the Third Principal Meridian, McLean County, being more particularly described as follows: beginning at the Northwest corner of said Lot 1, AS recorded in Document Number 92-2571; thence North 89 Degrees 59 Minutes 59 Seconds East, along the North line of said Lot 1, 265.04 Feet to the Northeast corner of said Lot 1; thence South 00 Degrees 33 Minutes 13 Seconds East, along the East line of said Lot 1, 330.27 Feet to the Southeast corner of said Lot 1; thence South 89 Degrees 25 Minutes 38 Seconds West, along the South line of said Lot 1, a distance of 253.52 Feet to the Southwest corner of said Lot 1; thence along the West line of said Lot 1 on a circular curve to the right, having an arc length of 49.67 feet, a radius of 270.00 Feet, and a chord of 49.60 Feet bearing North 05 Degrees 27 minutes 31 Seconds West; thence North 00 Degrees 00 Minutes 00 Seconds West, along said West line, A distance of 283.51 Feet to the point of beginning; containing 203 acre, more or less, and being subject to all existing easements and rights of way. bearings are assumed for the purpose of description only.

Motion by Alderman Sprague, seconded by Alderman Crawford that the Final Plat of the Resubdivision Lot 1 Dakota Grove Subdivision be approved and the Ordinance passed subject to the following exactions and with the following waivers from the Bloomington Land Subdivision Code: A. Exactions: 1.) \$3,451 fee in lieu of providing storm water detention, based on an exaction of \$1,700 per acre (the current estimated per acre cost to construct a storm water detention basin) x 2.03 acres; and 2.) \$3,313 Substandard Adjacent Roadway Improvement Guarantee, (secured by a corporate surety bond, a cash reserve escrow account or an irrevocable letter of credit from a local bank or savings & loan association for up to 10 years) for the improvement of Six Points Road to City standards. B. Waivers: 1.) waiver of the preliminary plan requirements; 2.) waiver of the requirements to extend sanitary sewer to this subdivision; 3.) waiver of the requirements to extend a water main to this subdivision; and 4.) waiver of the requirements for parkland dedication or payment of a fee in lieu thereof.

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

Ayes: Alderman Crawford, Huette, Schmidt, Gibson, Sprague, Matejka and Purcell.

Nays: None.

Motion carried.

The following was presented.

To: Honorable Mayor and Members of the City Council

From: Staff

Subject: Petition submitted by the Community Unit 5 School District requesting the rezoning of the Fox Creek Elementary School, 3910 Fox Creek Road, from A-Agriculture District to S-2 Public Lands and Institutions District (Case Z-11-05) (Ward 2)

BACKGROUND INFORMATION:

Adjacent Zoning

north: A- Agriculture District
 south: A- Agriculture District
 east: A- Agriculture District
 west: A- Agriculture District

Adjacent Land Uses

north: agriculture
 south: agriculture
 east: agriculture
 west: agriculture

1998 Comprehensive Plan recommends: “Low to Medium Density Residential” use.

Proposed Comprehensive Plan recommends: “Conservation/ Recreation” use.

The 20 acre property in question was annexed into the City on July 9, 2001, as the result of an “annexation only” petition from the Community Unit 5 School District, and was classified A-Agriculture District by the annexation language in Chapter 44, Section 5.20 (d) of the City Code.

Now the School District is requesting that the proper zoning classification be assigned to the property in question. The S-2 Public Lands and Institutions District is consistent with the proposed Bloomington Comprehensive Plan which recommends “Conservation/ Recreation” use for this property.

PLANNING COMMISSION PUBLIC HEARING:

The Planning Commission held a public hearing on this petition on July 13, 2005 and recommends the same. Mr. Kenneth Emmons, City Planner, recommended that the Planning Commission recommend Council approval of Case Z-11-05 as presented in the public interest. Mr. Frank Miles, Attorney at Law, 202 N. Center Street, presented arguments at this public hearing in support of this petition on behalf of the Community Unit 5 School District.

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

PLANNING COMMISSION RECOMMENDATION:

The Planning Commission closed the public hearing on this petition on July 13, 2005, and passed a motion by a vote of 10 to 0 recommending City Council approval of Case Z-11-05 as presented in the public interest.

STAFF RECOMMENDATION:

The City staff concurs with the Planning Commission's recommendation for approval of this petition in Case Z-11-05.

Respectfully,

Kenneth Emmons
City Planner

Tom Hamilton
City Manager

PETITION FOR ZONING MAP AMENDMENT

STATE OF ILLINOIS)
)SS
COUNTY OF MCLEAN)

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

NOW COMES Community Unit School District No. 5, hereinafter referred to as your petitioner, respectfully representing and requesting as follows:

1. That your petitioner is the owner of the freehold or lesser estate therein of the premises hereinafter legally described in Exhibit A which is attached hereto made a part hereof by this reference or is a mortgagee or vendee in possession, assignee of rents, receiver, executor (executrix), trustee, lessee or other person, firm or corporation or the duly authorized agents of any of the above persons having proprietary interest in said premises;

2. That said premises presently has a zoning classification of A, Agricultural under the provisions of Chapter 44 of the Bloomington City Code, 1960;

3. That the present zoning on said premises is inappropriate due to error in original zoning, technological changes altering the impact or effect of the existing land uses, or the area in question having changed such that said present zoning is no longer contributing to the public welfare;

4. That your petitioner hereby requests that the Official Zoning Map of the City of Bloomington, McLean County, Illinois be amended to reclassify said premises into the S-2 Public Lands and Institutions zoning district classification;

5. That said requested zoning classification is more compatible with existing uses and/or zoning of adjacent property than the present zoning of said premises; and

6. That said requested zoning classification is more suitable for said premises and the benefits realized by the general public in approving this petition will exceed the hardships imposed on your petitioner by the present zoning of said premises.

Wherefore, your Petitioner respectfully prays that the Official Zoning Map of the City of Bloomington, McLean County, Illinois be amended by changing the zoning classification of the above described premises from A, Agricultural to S-2 Public Lands and Institutions.

Respectfully submitted,

Community Unit School District No. 5

By: Alan Chapman

ORDINANCE NO. 2005 - 84

**AN ORDINANCE REZONING LOT 101 IN PALMER SUBDIVISION NO. 1,
BLOOMINGTON, ILLINOIS FROM A, AGRICULTURAL TO S-2, PUBLIC LANDS
AND INSTITUTIONS**

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 COUNCIL OF THE CITY OF BLOOMINGTON, MCLEAN COUNTY, ILLINOIS

1. That the premises hereinafter described in Exhibit(s) A shall be and the same are hereby rezoned from A, Agricultural to S-2, Public Lands and Institutions.
2. The Official Zoning Map of said City shall be amended to reflect this change in zoning classification.
3. That this Ordinance shall be in full force and effective as of the time of its passage and approval.

PASSED AND APPROVED this 25th day of July, 2005.

Stephen F. Stockton
Mayor

ATTEST:

Tracey Covert
City Clerk

EXHIBIT A

Lot 101 in Palmer Subdivision No. 1, being a part of the Northwest ¼ of Section 24, Township 23 North, Range 1 East of the Third Principal Meridian, according to the plat thereof recorded the 15th day of October, 1999 as Document No. 99-31975, in the City of Bloomington, McLean County, Illinois.

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

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

Ayes: Alderman Crawford, Huette, Schmidt, Gibson, Sprague, Matejka and Purcell.

Nays: None.

Motion carried.

The following was presented.

Payment 6B9. The thirteenth partial payment to Central IL Arena Management, Inc. in the amount of \$54,996.61 on a contract amount of \$738,188.75 of which \$283,967.87 will have been paid to date for work certified as 38% complete for the Professional Services. Completion date - December 2005.

Alderman Matejka questioned this payment to CIA (Central Illinois Arena Management, Inc.). He had reviewed the current bills and invoices. There were bills for professional services. He wanted to insure that the City was not paying for CIA's legal services. He requested that City staff perform a thorough review of this payment.

Alderman Crawford requested that the Council meet in Executive Session regarding this payment. Todd Greenburg, Corporation Counsel, addressed the Council. He would need to verify if Pending Litigation would apply.

Alderman Sprague requested a report from Tom Hamilton, City Manager, within the week.

Motion by Alderman Matejka, seconded by Alderman Huette that Payment 6B9 be laid over until the Council's August 8, 2005 meeting to allow time for a report from City Manager Hamilton.

Ayes: Alderman Crawford, Huette, Schmidt, Gibson, Sprague, Matejka and Purcell.

Nays: None.

Motion carried.

The following was presented.

To: Honorable Mayor and Members of the City Council

From: Staff

Subject: Petition submitted by Laurence F. Hundman requesting approval of the Preliminary Plan for Bill’s Place Subdivision, on approximately 6.29 acres commonly located north of Road 1000 North and southeast of NU-Way Transportation Service (Case PS-07-05) (Ward 2)

BACKGROUND INFORMATION:

Adjacent Zoning

Adjacent Land Uses

north: M-1, Restricted Manufacturing
 south: R-1C, High Density Single Family
 east: A- Agriculture
 west: M-1, Restricted Manufacturing

north: vacant
 south: single family homes
 east: Beich Road & Interstate 55
 west: drainage way & vacant land

Comprehensive Plan recommends: “heavy industrial” use for this property.

The City’s Comprehensive Plan approved by Council on December 14, 1998 recommends “heavy industrial use” for this property. A new precedent for residential use has been established in the area with the Habitat for Humanity’s Founder’s Square Subdivision and the Prairie Place Subdivision to the southwest of the property in question.

The petitioner is proposing to subdivide this property into 31 lots that will sold as sites for new detached single family dwellings sited in a zero lot line configuration (10’ side yard building setback on one side & zero side yard setback on the other side, 20’ front yard setback and 25’ rear yard setback). Vehicular access to these lots from Beich Road will be facilitated by way of a new east-west public street (Ashley Drive) intersecting with two north-south public cul-de-sacs (Kendahl Ct. & Casey Ct.).

The land on the north side of Ashley Drive is presently zoned M-1 Restricted Manufacturing District, and the undeveloped land to the west of the subject premises is also zoned M-1. If these M-1 zoned areas are accessible from Ashley Drive, the result will be that traffic with origins or destinations in the residential subdivision will be forced to share Ashley Drive with traffic (including truck traffic) with origins or destinations in the M-1 zoned areas to the north and to the west.

The public park land dedication requirement for this proposed 31 lot subdivision is 0.7254 of an acre (10 acres per 1,000 people multiplied by 2.34 persons per housing unit multiplied by 31 housing units). The fee in lieu of dedicating 0.7254 of an acre of land to the City for a public park is \$22,850 based on a fair market value of \$31,500 per acre.

Staff has reviewed the first draft of the preliminary plan for Bill’s Place Subdivision and recommends the following changes:

1. There should be designated a “no-access strip” running along the north side of Ashley Drive and along its west end in order to avoid the mixing of traffic with origins or destinations in the residential subdivision with traffic (including truck traffic) with origins or destinations in the M-1 zoned area to the north.
2. On sheet 2; the street name Ashley Drive sounds very similar to Ashling Court. The street name Casey Court sounds very similar to Case Drive. Both of these names should be approved by the Fire Chief prior to their use in the Final Plat.
3. The developer should clarify how storm sewer and sanitary sewer will be extended to the M-1 zoned parcel on the north side of Ashley Drive.
4. The existing 12 inch sanitary sewer crossing lots 27 through 31 shall be in a minimum 12 foot wide sanitary sewer easement. Since this is a rear yard sewer, a minimum 12 foot wide paved access road shall be provided across lots 27 to 31 to provide maintenance access to the existing sewer. A “no access strip” should be delineated on Lots 27 through 31 next to this maintenance access to prevent its use as an alley for these lots.
6. The cul-de-sac labeled Casey Court has 17 lots which is in excess of the maximum allowable 15 lots and would require a variance from the City’s Manual of Practice for the Design of Public Improvements. This is a minor variance, but consideration could be given to a looped road instead of the two cul-de-sacs.
7. If a two-car driveway is constructed for each of lots 6 through 13 or each of lots 22 through 28, then the cul-de-sacs will have in excess of 50% of their perimeter as driveway in violation of the Manual of Practice. The Plan has been revised to specify that the maximum curb cut width for Lots 7 through 12 and 23 through 27 shall be 12 feet.

PLANNING COMMISSION PUBLIC HEARING:

The Planning Commission held a public hearing on this petition on July 13, 2005 and recommends the same. Mr. Laurence F. Hundman, 405 N. Hershey Road, submitted testimony in favor of this petition at this public hearing. He stated that he agrees with all of the changes recommended by staff except for the “no-access strip” running along the west end of Ashley Drive which would leave the M-1 property “landlocked” with no vehicular access to it for a public street.

He noted that the Preliminary Plan will show a “no-access strip” running along the north side of Ashley Drive in order to avoid the mixing of traffic with origins or destinations in the residential subdivision to the south with traffic with origins or destinations in the M-1 zoned area to the north. Mr. Doug Grovesteen, Director of Engineering, recommended that the Preliminary Plan be revised to show Ashley Drive being constructed with a minimum thickness of eight inches (8”) of Portland Cement Concrete since it will be the sole means of vehicular access to the M-1 zoned area to the west.

Mr. Hundman agreed to make this revision to the Plan, as cited by Mr. Grovesteen, and noted that he is planning to plant a landscaped buffer screen along the north side of his property to the west as a sound barrier south of the NU-Way Transportation Service with intentions to secure R-2 zoning for that western property in the future.

No other testimony was presented in favor of or in opposition to this petition at this public hearing.

PLANNING COMMISSION RECOMMENDATION:

The Planning Commission closed the public hearing for this petition on July 13, 2005, and passed a motion by a vote of 9 to 1 recommending Council approval of Case PS-07-05, the revised Preliminary Plan for Bill's Place Subdivision, as amended to show Ashley Drive being constructed with a minimum thickness of eight inches (8") of Portland Cement Concrete.

STAFF RECOMMENDATION:

The Staff concurs with the Planning Commission and recommends approval of this preliminary plan.

Respectfully,

Kenneth Emmons
City Planner

Tom Hamilton
City Manager

**PETITION FOR APPROVAL OF THE PRELIMINARY PLAN FOR THE BILL'S
PLACE SUBDIVISION TO THE CITY OF BLOOMINGTON**

STATE OF ILLINOIS)
)SS
COUNTY OF MCLEAN)

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

NOW COMES Laurence F. Hundman, hereinafter referred to as your petitioner,
respectfully representing and requesting as follows:

1. That your petitioner is interested as Owner/Developer of the premises hereinafter
legally described in Exhibit A attached hereto made a part hereof by this reference;

2. That your Petitioner seeks approval of the Preliminary Plan for a subdivision of said
premises to be known and described as the Bill's Place Subdivision which Preliminary Plan is
attached hereto as Exhibit B and made part hereof;

3. That your Petitioner also seeks no exemptions or variations from the provisions of
Chapter 24 of the Bloomington City Code, 1960;

WHEREFORE, your Petitioner prays that the Preliminary Plan for the Bill's Place
Subdivision submitted herewith be approved with the exemptions or variations as requested
herein.

Respectfully submitted,

Laurence F. Hundman

By: Chad Ritchie, His Attorney

ORDINANCE NO. 2005 - 85

**AN ORDINANCE APPROVING THE PRELIMINARY PLAN OF THE BILL'S PLACE
SUBDIVISION**

WHEREAS, there was heretofore filed with the City Clerk of the City of Bloomington, McLean County, Illinois a Petition for Approval of the Preliminary Plan of the Bill's Place 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 Preliminary Plan attached to said Petition was prepared in compliance with the requirements of the Bloomington City Code except for the requested exemptions and variances; and

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

1. That the Preliminary Plan of Bill's Place Subdivision is hereby approved.
2. That this Ordinance shall be in full force and effective as of the time of its passage this 25th day of July, 2005.

Stephen F. Stockton
Mayor

ATTEST:

Tracey Covert
City Clerk

LEGAL DESCRIPTION

Part of Lot 2 in the Subdivision of Section 19, being part of the lands subdivided for the Estate of William King, deceased, recorded in Chancery Record 7, Page 275 in the Office of the Clerk of the Circuit Court of McLean County, Illinois, and part of Lots 5 and 6 in Industrial Park Subdivision, all in Township 23 North, Range 2 East of the Third Principal Meridian, City of Bloomington, McLean County, Illinois, more particularly described as follows: Commencing at the southeast corner of Lot 7 in Access Park Subdivision First Addition on the westerly right of way line of F.A.I. Route 55 as conveyed by a Trustee's Deed recorded as Document No. 72-5946 in the McLean County Recorder of Deeds Office; thence S. 38°-37'-02"W. 93.15 feet on said westerly right of way line of F.A.I. Route 55; thence S. 45°-01'-34"W. 201.56 feet on said right of way line; thence S. 37°-54'-03"W. 59.50 feet on said right of way line to the Point of Beginning; thence continuing S. 37°-54'-03"W. 140.50 feet on said right of way line as conveyed in Document No. 72-5946 and on the westerly right of way line of F.A I. Route 55 as conveyed by a Warranty Deed recorded as Document No. 72-9376 in the McLean County Recorder of Deeds Office; thence S. 32°-11'-25"W. 100.50 feet on said westerly right of way line of F.A.I. Route 55 as conveyed in Document No. 72-9376; thence S. 37°-54'-03"W. 262.55

feet on said right of way line; thence N. 52°-05'-18"W. 687.55 feet; thence N. 51°-58'-48"E. 375.02 feet to a point on the southerly line of Lot 5 in Access Park Subdivision lying 136.10 feet westerly of the southeast corner of said Lot 5; thence S. 65°-27'-07"E. 602.61 feet on said southerly line of Lot 5 and the easterly extension thereof to the Point of Beginning containing 6.29 acres, more or less, with assumed bearings given for description purposes only.

Alderman Huette questioned if this Preliminary Plan needed to be addressed by Council. The Comprehensive Plan recommended heavy industrial use. This Preliminary Plan was against this plan. He described this petition as a big leap. He questioned the impact upon the future. He noted the no access strip at the end of the street, (M - 1, Restricted Manufacturing District, property). Eventually, this street would have to handle truck traffic. This would be truck traffic on a residential street. He cited another concern - the intention for this area to zoned M - 1, and approval of this Petition would change the zoning to R - 2, Mixed Residence District. He again cited the truck traffic. The petition addressed affordable housing which might create additional issues.

Tom Hamilton, City Manager, cited the intention for the future. The residential tread could continue. He added that twenty to twenty-five (20 - 25) years ago the City set this property aside for manufacturing. The residential zoning would be a less intensive use. The City could protect the street from commercial vehicles. He noted that there was an issue to the west. An illegal lot would be created. City code requires that each lot have frontage on a public street. The Petitioner's intention was a development similar to Prairie Place. He acknowledged that a situation could occur when an M - 1 District would take access through an R - 2 District. The R - 2 zoning classification is a transition from other "R" (Residential) zoning classification.

Motion by Alderman Huette, seconded by Alderman Matejka to suspend the rules to allow someone to speak.

Motion carried.

Larry Hundman, 1 Raspberry Ct., addressed the Council. The land had been rezoned. The Preliminary Plan was for a piece of land to the west. The Petition for rezoning to "R" (Residential) was denied and the land was left M - 1. If successful this six (6) acre tract would be rezoned from M - 1 to R.

Alderman Sprague questioned how to remove the M - 1 zoning. Tom Hamilton, City Manager, stated Petition the City Council. Mr. Hundman noted the no access strip to the north. Alderman Sprague questioned what would happen if the Petition was denied. Mr. Hundman responded that the land would be remain M - 1, the same as Nu-Way.

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

Motion carried.

Alderman Matejka noted the good discussion. There was a good business to the north. It had been there first. The City needed to be fair to both parties.

Alderman Huette voiced his concerns prior to the vote. He saw the potential for problems and encouraged the City to eliminate same.

Mayor Stockton noted that the rezoning would be a change from the Comprehensive Plan. Mr. Hamilton responded affirmatively. It would reflect actual land use.

Motion by Alderman Huette, seconded by Alderman Matejka that the revised Preliminary Plan for Bill's Place Subdivision, as amended to show Ashley Drive being constructed with a minimum thickness of eight inches (8") of Portland Cement Concrete and a "no access strip" running along the north side of Ashley Dr., be approved and the Ordinance passed.

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

Ayes: Alderman Crawford, Schmidt, Gibson, Sprague, Matejka and Purcell.

Nays: Alderman Huette.

Motion carried.

The following was presented.

To: Honorable Mayor and Members of the City Council

From: Staff

Subject: Public Hearing on the Petition submitted by Pony League Baseball, Inc., requesting approval of the Annexation Agreement and Petition to Annex and Rezone from A- Agriculture District to S-2, Public Lands and Institutions District zoning for property located south of Ireland Grove Road, north of Norfolk and Southern; Railroad; west of County Highway 29 (Towanda Barnes Road); and east of the Links at Ireland Grove Road, consisting of 24.05 acres. (Case Z-12-05)

The Planning Commission held a public hearing on this petition on July 13, 2005 and deferred a recommendation until August 10, 2005, at the request of Pony League Baseball, Inc., in order to allow for the Planning Commission's August 10, 2005 public hearing on the preliminary plan for the Golwitzer Commercial Subdivision (including the eastern portion of Pony League's property) after proper public notice publication as required by Bloomington City Code.

Staff respectfully recommends that the public hearing on this annexation agreement in Case Z-12-05 be opened at the July 25, 2005, and that the item be laid over until the August 22, 2005 Council meeting.

Respectfully,

Kenneth Emmons
City Planner

Tom Hamilton
City Manager

Mayor Stockton opened the Public Hearing. No one came forward to address the Council. Mayor Stockton closed the Public Hearing.

Motion by Alderman Sprague, seconded by Alderman Gibson that the public hearing be opened and the item laid over until the August 22, 2005 Council meeting.

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

Ayes: Alderman Crawford, Huette, Schmidt, Gibson, Sprague, Matejka and Purcell.

Nays: None.

Motion carried.

The following was presented.

To: Honorable Mayor and Members of the City Council

From: Staff

Subject: Public Hearing on the Petition Submitted by TGFP, LLC, Requesting Approval of the Annexation Agreement and Petition for Annexation and Rezoning from A-Agriculture District to B-1, Highway Business District Zoning for the Property Located east of Illinois Power Company Subdivision, Lot 1; north of Norfolk & Southern Railroad; west of County Highway 29 (Towanda Barnes Road); and east of the Links at Ireland Grove Road, Consisting of Approximately 6.103 acres (Case Z-13-05)

The Planning Commission opened a public hearing for this petition on July 13, 2005 and continued such hearing until August 10, 2005 in order to allow for the deferral of the Preliminary Plan approval for the Golwitzer Commercial Subdivision. Such plan will be the subject of a separate public hearing on August 10, 2005.

Staff respectfully recommends that Council open the public hearing for this Annexation Agreement in Case Z-13-05, and lay the item over until the August 22, 2005 Council meeting.

Respectfully,

Kenneth Emmons
City Planner

Tom Hamilton
City Manager

Mayor Stockton opened the Public Hearing. No one came forward to address the Council. Mayor Stockton closed the Public Hearing.

Motion by Alderman Sprague, seconded by Alderman Crawford that the public hearing for this Annexation Agreement be opened and the item be laid over until the August 22, 2005 Council meeting.

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

Ayes: Alderman Crawford, Huette, Schmidt, Gibson, Sprague, Matejka and Purcell.

Nays: None.

Motion carried.

The following was presented.

Doug Grovesteen, Director of Engineering, addressed the Council regarding the one bid for 2005-2006 MFT General Resurfacing. Rowe Construction Co. submitted a bid in the amount of \$522,491.95. The engineer's estimate was \$584,340.85. The budget for this contract was \$500,000. He presented a price comparison: last year - \$56.50 per ton, this year - \$57.25 per ton. The increase was described as modest. He recommended that the bid be approved but limited to the budgeted amounts.

Alderman Crawford questioned these lone bids. Mr. Grovesteen informed the Council that two (2) local companies (Rowe Construction and Freesen) had merged and become United Contractors Midwest. The asphalt must be delivered hot. Alderman Crawford expressed his opinion that this should be a more competitive field. Mr. Grovesteen restated that the bid award be limited to the budgeted dollars.

Alderman Sprague requested that City staff provide the Council with a final list of streets.

Motion by Alderman Matejka, seconded by Alderman Schmidt that the Bid for MFT (Motor Fuel Tax) General Resurfacing 2005-2006 be awarded to Rowe Construction Co., in an amount not to exceed \$500,000, 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: Alderman Crawford, Huette, Schmidt, Gibson, Sprague, Matejka and Purcell.

Nays: None.

Motion carried.

(CONTRACT ON FILE IN CLERK'S OFFICE)

The following was presented.

Doug Grovesteen, Director of Engineering, presented the one bid for 2005-2006 General Resurfacing. Rowe Construction Co. submitted a bid in the amount of \$807,690.40. The engineer's estimate was \$908,571.80. He presented a price comparison: last year - \$78 per ton, this year - \$65 per ton. The budget for resurfacing was as follows: Capital Improvement Fund (CIF) - \$500,000; Capital Improvement Fund/Constitution Trail - \$100,000; Parks & Recreation/parking lot - \$35,000; Water/Lake Bloomington roads - \$45,000; and Water/Treatment plant - \$65,000. Total dollars available - \$745,000. He recommended that the bid be approved but limited to the budgeted amounts.

Mayor Stockton noted the price difference. Mr. Grovesteen noted that the MFT Resurfacing contract involved long urban stretches of road. The CIF General Resurfacing contract involved scattered streets and parking lots which increased the cost. Tom Hamilton, City Manager, noted that City staff had attempted to keep the work tight geographically.

Motion by Alderman Sprague, seconded by Alderman Purcell that the Bid for General Resurfacing 2005-2006, be awarded to Rowe Construction Co., in an amount not to exceed \$745,000, 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: Alderman Crawford, Huette, Schmidt, Gibson, Sprague, Matejka and Purcell.

Nays: None.

Motion carried.

(CONTRACT ON FILE IN CLERK'S OFFICE)

MAYOR'S DISCUSSION: Mayor Stockton addressed public comments regarding the changes made on Linden Street. He recommended that a Work Session be held regarding traffic calming. He noted a City staff report which provided a rationale for the action taken.

Alderman Crawford expressed his opinion that traffic calming only moves the problem. He agreed that the Council needed to discuss this subject. Alderman Schmidt requested a general discussion regarding how decisions are made regarding same.

Alderman Huette expressed his opinion that Linden St. was unusual. He generally believed that traffic calming was a good idea. Tickets had been issued. He had been pulled over by two (2) squad cars. This had been an extreme change and the citizens were not used to it. This change was radical in that it made the street off limits.

Mayor Stockton expressed his support for traffic calming when used properly. He expressed his opinion that during the initial stages warnings should have been issued not citations. He added that the discussion had gone on for two to three (2 - 3) years. This street was being used as a through street.

Alderman Crawford informed the Council that he had met with the David Davis Mansion staff, Al Swanson, Traffic Engineer, and Jeff Sanders, Asst. Police Chief. There were conflicting signs and tickets had been issued.

Alderman Sprague expressed his opinion that this issue went beyond traffic calming. He noted that this situation was high profile and had brought attention to traffic calming. He questioned the time line for traffic citations.

Mr. Hamilton noted that there were ten (10) working days before the August 8, 2005 meeting. Todd Greenburg, Corporation Counsel, addressed the Council. Traffic citations are advisory. Ultimately, the state's circuit court would decide. The police officer appears at the hearing and an agreement is reached with the McLean County State's Attorney's office.

Alderman Sprague expressed his hope that leeway would be granted in fairness to all.

Mayor Stockton noted that the signs was already posted. He recommended that enforcement be put on hold until after the Work Session. Alderman Sprague suggested lenience and recommended that only warning tickets be issued. Mr. Greenburg noted that it would be at the Police Chief's discretion. He added that citizens are under duty to obey the signs.

Alderman Crawford noted that the traffic calming action taken regarding Linden St. was to be a ninety (90) day pilot.

Alderman Matejka expressed his disappointment in City staff. He expressed his opinion that Council should have granted its approval. He added that the Police Department had more important work to do.

Alderman Sprague questioned why speed humps were not used. He added that he did not hold the Police Department in a negative light. Mr. Hamilton restated that enough signatures had not been obtained. He questioned Council's direction.

Mayor Stockton recommended that the signs be removed. He sought legal advice regarding the citations issued. Mr. Greenburg noted that these tickets were filed in McLean County Circuit Court. The final decision would be at the discretion of the McLean County State's Attorney. Mayor Stockton expressed his willingness to speak with same. He expressed his opinion that these tickets would be difficult to justify.

Alderman Sprague and Matejka expressed their support for the Mayor's comments.

Alderman Schmidt expressed support for leniency towards the ticket holders. She questioned what the neighborhood wanted. If the signs are taken down, then what would be the neighborhood's consensus. She added her support to a discussion regarding same. There might be a compelling reason for City staff's action.

Mayor Stockton noted that the Council was not abandoning the neighborhood.

Alderman Purcell questioned Chief Roger Aikin's opinion. He also questioned when the signs were installed and if this street could become a private street. Mayor Stockton noted that the signs went up ten (10) days ago. The street is public. He questioned if Linden Street should be one way and Davis posted as a no through street.

Alderman Crawford recommended that the City be lenient. The Work Session should be held before the signs are removed.

Alderman Huette noted that the pilot program was to last for ninety (90) days. It had not been received well. He supported the removal of the signs. He also requested the City's traffic calming guidelines. He questioned if they were uniform throughout the City. He support leniency regarding the issuance of tickets. He recognized that police officers use discretion. In this situation, it would be a good will effort.

Alderman Gibson recommended that the City address the tickets which had been issued. In addition, the signs should be removed until the Council takes final action.

Mayor Stockton noted that these comments were not binding. These comments were instructive to City staff.

Alderman Crawford questioned a date for the Work Session. Mr. Hamilton recommended August 1, 2005. Mayor Stockton recommended that a Work Session be held prior to the August 8, 2005 meeting.

Mayor Stockton questioned the water at Lake Bloomington. Mr. Hamilton noted that both lake levels were down: Lake Bloomington - 3.2 feet and Lake Evergreen - 1.3 feet. Currently, the City was pumping from Lake Bloomington. On this date, 16.5 million

gallons had been pumped out of the lake. A new charcoal filter was being testing at Lake Evergreen due to geosmin. Other techniques are available to address this issue on a long term basis. For the end of July and the heat, he expressed his opinion that things were not bad.

Mayor Stockton noted City staff's intent to bring Lake Bloomington's water level down. Mr. Hamilton responded affirmatively. This would be done to complete work on the sea wall.

Alderman Purcell questioned the timing for this work. Craig Cummings, Director of Water, addressed the Council. Work would begin in the near future. Test columns were being set up.

CITY MANAGER'S DISCUSSION: Tom Hamilton, City Manager, informed the Council that the US Cellular Coliseum's topping out ceremony would be held on Wednesday, August 3, 2005 at 11:30 a.m. Lunch would be provided.

Alderman Sprague questioned the time line for the parking deck and public ice sheet. He questioned the March/April 2006 time frame. Mr. Hamilton responded affirmatively. The outline for the public rink was in place. Construction was going well.

Mr. Hamilton reminded those present that National Night Out would be held on Tuesday, August 2, 2005.

ALDERMEN'S DISCUSSION: Alderman Crawford noted the Farmer' Market which he described as a nice event.

Alderman Schmidt noted questions raised by her Ward's residents regarding nuisance abatement. There was a focus on property. She cited the chronic problems with certain landlords. City staff needed to address the rental housing ordinance. She expressed her frustration.

Mr. Greenburg offered to review same. He noted that for the City's enforcement efforts to be legal City staff must focus its efforts on the number of violations. He recommended that the Council considered increasing the fines.

Alderman Schmidt expressed her opinion that a license should not be issued. She was addressing those property owners with repeat violations. Mr. Greenburg noted that a property owner must comply with court orders. Action is taken in relation to the problem. He acknowledged her frustration.

Alderman Schmidt addressed Linden St. The Zoning Board of Appeals needed to do a better job of notifying the citizens. Many residents do not understand the substance behind these petitions. She wanted citizens to be more engaged in order for the process to perform better.

Alderman Matejka noted the percentage of buildings which are not up to code. Those property owners should be penalized for noncompliance.

Alderman Sprague requested an updated report regarding the security of City property. Mr. Hamilton noted that there was a report for the City's water facility. This was a requirement of 911. Alderman Sprague expressed his belief that such an incident would not happen here.

Mayor Stockton noted that the City must be prepared to respond to local issues.

Motion by Alderman Sprague, seconded by Alderman Matejka, that the meeting be adjourned. Time: 9:18 p.m.

Motion carried.

**Tracey Covert
City Clerk**