

**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, May 9, 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, Jim Finnegan, 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.

The following was presented:

Review Harassment/Diversity Policy by Megan Devlin-Petty, Organization Development Manager. Ms. Devlin-Petty, addressed the Council. She provided them with a copy of the City's Equal Employment Opportunity with an acknowledgment. The EEO & Public Accommodations Policy Acknowledgment should be returned to Tracey Covert, City Clerk. She noted the role of elected officials and their influence in the decision making process. She noted that City's Human Relations ordinance includes sexual orientation. She noted that this group would be covered state wide effective January 1, 2006. She noted that RIMCO provided public officials coverage to all elected officials. She noted a public forum for newly elected officials. The Council was invited to attend. She also invited the Council to attend a new employee orientation. She encouraged the Council to contact her with their questions.

The following was presented:

The Historic Preservation Commission (HPC) presented the 2005 Heritage Awards. Mike Cardinal, HPC Vice Chairman, recognized Russel Francois and Terri Clemmons, HPC members, who were present. This annual award acknowledges historic preservation work which preserves the City's heritage. The 2005 Heritage Awards were presented to the following: Residential: 502 E. Walnut St., J. Wallace Johnson House - Steve Parker, restoration; 715 W. Market St., Warren C. Watkins House - Harold Frasen accepted the award on behalf of his father, continued maintenance; 1501 E. Grove St., Charles Murray House - Howard and Patricia Parette, restoration; Commercial: 209 E. Washington, Castle Theater - Ben Slotky, restoration; 101 W. Jefferson St., Cornbelt Bank Building - Paul

Brown, restoration; 210 N. Center St., Benjamin Schermerhorn Building - Ken Frost, Osco Store Manager, restoration; 200 N. Main St., old Courthouse - Jack Moody, McLean County Facilities Manager, and Greg Koos, Executive Director McLean County Museum of History, restoration of copper dome. This project included a \$500,000 grant. Ken Kashian was presented with an award for his Exhibit: "Details of Architecture in Downtown Bloomington and Surrounding Areas". This exhibit brought public awareness to value of historic preservation.

The final award was presented to former Mayor Markowitz by Russell Francois, HPC Chairman. This award recognized an individual who lived up to the spirit of preservationist. Her gift had been advocacy. She had worked long and hard. She attended many 7:00 a.m. Uniquely Bloomington meetings. He cited her involvement in Sesqui and the Farmer's Market. He noted the impact of the Rust Facade Grant and cited the various building which had benefited from this program. She generated a will to value history. He noted her twenty-five (25) years of service to the City.

Ms. Clemmons thanked the Mayor and Council for the opportunity to present the 2005 Heritage Awards. Mayor Stockton noted that the HPC made the City a better place to live.

The following was presented:

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

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

1. Declaring May, 2005 Catholic Charities Month.
2. Declaring May 9, 2005 Delta Day.
3. Declaring May 15, through May 21, 2005 as National Police Week.

Respectfully,

Tracey Covert
City Clerk

Tom Hamilton
City Manager

Mayor Stockton read and presented a Proclamation to former Mayor Judy Markowitz. Mayor Markowitz thanked the Mayor and Council for the recognition. Her

time in office had been a labor of love. She was happy to retire. She wished them the best.

Mayor Stockton read and presented the Catholic Charities Month Proclamation to Tim Glancy, Branch Office Coordinator.

Mayor Stockton read and presented the Delta Day Proclamation to Gina Lee, Chapter President. Ms. Lee requested that the Delta sorority members who were present to stand and be recognized. She thanked the Mayor and Council for the opportunity to come before them. She noted the Deltas long standing relationship in the community. The Deltas would continue to develop and partner.

Mayor Stockton read and presented the National Police Week Proclamation to Todd Keil. Officer Keil addressed the Mayor and Council on behalf of the 115 uniformed officers which comprise the Police Department. He expressed his thanks for the recognition and noted that all were proud to serve the community.

Motion by Alderman Sprague, seconded by Alderman Crawford that the proclamation be made a matter of record.

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

Ayes: Aldermen Crawford, Huette, Schmidt, Finnegan, 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: Council Proceedings of August 23, 2004 and September 13, 2004

The Council proceedings of August 23, 2004 and September 13, 2004 have been reviewed and certified as correct and complete by the City Clerk.

Respectfully,

Tracey Covert
City Clerk

Tom Hamilton
City Manager

Motion by Alderman Sprague, seconded by Alderman Crawford that the reading of the minutes of the previous Council Meetings of August 23, 2004 and September 13, 2004 be dispensed with and the minutes approved as printed.

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

Ayes: Aldermen Crawford, Huette, Schmidt, Finnegan, 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: 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: Aldermen Crawford, Huette, Schmidt, Finnegan, 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 ninth partial payment to Central Illinois Arena Management in the amount of \$5,018.48 on a contract amount of \$738,188.75 of which \$153,762.97 will have been paid to date for work certified as 21% complete for the Professional Services. Completion date - December 2005.
2. The twenty-third partial payment to Brisbin, Brook, Beynon Architects in the amount of \$14,299.39 on a contract amount of \$1,421,000 of which \$1,228,350.13 will have been paid to date for work certified as 82% complete for the US Cellular Coliseum Architects. Completion date - April 2006.
3. The twelfth partial payment to Hammond Beeby Rupert Ainge, Inc. in the amount of \$34,920.23 on a contract amount of \$1,993,750 of which \$1,549,116.91 will have been paid to date for work certified as 78% complete for the Phase 3 & 4 of the Renovation of the Bloomington Center for the Performing Arts. Completion date - August 2006.
4. The first partial payment to PJ Hoerr, Inc. in the amount of \$189,777.60 on a contract amount of \$10,988,200 of which \$189,777.60 will have been paid to date for work certified as 2% complete for the Renovation of the Bloomington Center for the Performing Arts. Completion date - June 2006.
5. The second and final payment to Laesch Electric, Inc. in the amount of \$4,220.83 on a contract amount of \$32,480.83 of which \$32,480.83 will have been paid to date for work certified as 100% complete for the Communication Cable Information Systems Interconnect Division B. Completion date - May 2005.
6. The fourth partial payment to F & W Lawn Care Specialists in the amount of \$6,054.50 on a contract amount of \$15,000 of which \$13,976.19 will have been paid to date for work certified as 93% complete for the 2004-2005 Seeding at Various Locations. Completion date - June 2005.
7. The fifth partial payment to Consoer Townsend in the amount of \$1,034.24 on a contract amount of \$74,700 of which \$22,876.12 will have been paid to date for work certified as 31% complete for the Comprehensive Water Distribution System Hydraulic Model a/k/a Master Plan. Completion date - June 2005.

8. The first partial payment to Farnsworth Group in the amount of \$6,926.60 on a contract amount of \$35,000 of which \$6,926.60 will have been paid to date for work certified as 20% complete for the Study of Powder Activated Carbon for Taste and Odor Removal Bloomington Water Treatment Plant Taste and Odor Study. Completion date - October 2005.
9. The fourth partial payment to Economic Development Council of Bloomington/Normal in the amount of \$3,750 on a \$45,000 per year contract of which \$15,000 will have been paid to date for work certified as 33% complete for the McLean County Economic Development. Completion date - December 2008.
10. The eleventh and final payment to Thompson Dyke & Associates in the amount of \$560.34 on a contract amount of \$22,500 of which \$25,854.41 will have been paid to date for work certified as 100% complete for the Parks & Recreation Comprehensive Plan. Completion date - May 2005.
11. The seventeenth and final payment to Thompson Dyke & Associates in the amount of \$747.56 on a contract amount of \$210,700 of which \$210,700 will have been paid to date for work certified as 100% complete for McGraw Park. Completion date - May 2005.
12. The fourth partial payment to Stark Excavating, Inc. in the amount of \$185,607.04 on a contract amount of \$1,495,727.60 of which \$1,010,984.64 will have been paid to date for work certified as 67.60% complete for the Tipton Park - Phase II. Completion date - July 2005.
13. The first partial payment to Thompson Dyke & Associates in the amount of \$2,500 on a contract amount of \$8,750 of which \$2,500 will have been paid to date for work certified as 29% complete for the Miller Park Grant Application. Completion date - December 2006.
14. The third partial payment to Thompson Dyke & Associates in the amount of \$5,135.19 on a contract amount of \$41,750 of which \$12,500 will have been paid to date for work certified as 30% complete for the Miller Park Zoo Development - South End. Completion date - December 2006.
15. The second partial payment to Thompson Dyke & Associates in the amount of \$22,761.94 on a contract amount of \$227,450 of which \$30,000 will have been paid to date for work certified as 13.19% complete for the Holiday Pool/Park Renovation. Completion date - August 2006.
16. The second partial payment to Rowe Construction Company in the amount of \$153,096 on a contract amount of \$917,226.95 of which \$253,963 will have been paid to date for work certified as 17% complete for the Ft. Jesse Road Improvements - Phase I - East of Airport Rd. To Kaisner Dr. Completion date - August 2005.

17. The twelfth partial payment to Stark Excavating, Inc. in the amount of \$135,225 on a contract amount of \$2,518,251.70 of which \$1,381,024 will have been paid to date for work certified as 55% complete for the Airport Rd: Route 9 to Gill Street. Completion date - November 2005.
18. The eleventh partial payment to Stark Excavating, Inc. in the amount of \$246,519 on a contract amount of \$3,765,738.25 of which \$3,317,718 will have been paid to date for work certified as 88% complete for the Pipeline Road Watermain, Division B - Watermain from Northtown Road to 2350 N. Road. Completion date - June 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

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

The Mayor directed the Clerk to call the roll which resulted as follows:

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

Nays: None.

Motion carried.

The following was presented:

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

I ask that you concur with the following reappointments to the Japan Sister City Committee:

Shelly Peden, 3213 Yorkshire, Bloomington, IL 61704
Larry Sears, 26 Kenfield Cir., Bloomington, IL 61704
Nobu Tanaka, 2513 Garlington Lane, Bloomington, IL 61704

Their new terms will expire April 30, 2008.

Respectfully,

Stephen F. Stockton
Mayor

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

The Mayor directed the Clerk to call the roll which resulted as follows:

Ayes: Aldermen Crawford, Huette, Schmidt, Finnegan, 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 Donate or Sell Old Surplus Computers and Equipment

During prior fiscal years, Council has given permission to donate old, fully depreciated computers and equipment to a worthy cause. For fiscal year 2005-2006, staff is again respectfully requesting permission to donate to organizations wishing to obtain this equipment.

The City may also have old surplus computer/networking equipment that these organizations can not use. In this case, staff respectfully requests permission to sell this equipment to a re-marketer. There are several re-manufacturers of computer/networking equipment that may be interested in buying this equipment. Staff also seeks approval to use public auctions as an alternative for selling surplus equipment.

Finally, it is possible there will be old equipment that staff is unable to dispense by any of these methods. In this case, staff respectfully requests Council permission to safely dispose of this equipment.

Respectfully,

Scott Sprouls
I.T. Manager

Kim Nicholson
Purchasing Agent

Brian Barnes
Finance Director

Tom Hamilton
City Manager

Motion by Alderman Sprague, seconded by Alderman Crawford that the donation, sales, or disposal of old surplus computers and equipment be approved.

The Mayor directed the Clerk to call the roll which resulted as follows:

Ayes: Aldermen Crawford, Huette, Schmidt, Finnegan, 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 Seek Request for Proposals for the Purchase of Personal Computers, Computer Software, LAN Equipment, Printers, Other Computer Peripherals, and Associated Maintenance

Annually, staff comes to Council to request permission to seek proposals or quotations on personal computers, computer software, network equipment and infrastructure, printers and other computer related peripheral equipment and associated maintenance budgeted for purchase during the next fiscal year. Staff respectfully requests Council permission to continue this form of purchasing for fiscal year 2005-2006.

Historically, Council's waiving the bidding process for this type of equipment has been related to the State of Illinois Statute 132.6 and Chapter 16 Section 50 of the City of Bloomington Ordinance. The State statute and past Council Resolutions waives the bidding process due to the complexity of these specialized components, and the rapid industry changes to technology, where the time involved in the bidding process would be detrimental to the operations of the City as a whole.

Whenever the option is available, staff will seek requests for proposals or quotations from vendors who sell the necessary equipment and software needed to get the best possible prices and service. Staff seeks Council's approval to continue the contract with the Western States Contracting Alliance, U.S. Communities and Central Management Services joint purchasing

with the State of Illinois, and to pursue other joint purchasing opportunities that may become available.

Respectfully Submitted,

Scott Sprouls
I.T. Manager

Kim Nicholson
Purchasing Agent

Brian Barnes
Finance Director

Tom Hamilton
City Manager

Motion by Alderman Sprague, seconded by Alderman Crawford that staff be authorized to seek Requests for Proposals for Personal Computers, Computer Software, LAN Equipment, Printers, Other Computer Peripherals, and Associated Maintenance.

The Mayor directed the Clerk to call the roll which resulted as follows:

Ayes: Aldermen Crawford, Huette, Schmidt, Finnegan, 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: Bid Analysis for 2005-2006 Sidewalk Reconstruction

Bidding proposals for the 2005-2006 Sidewalk Reconstruction Program were received until 2:00 p.m., Monday, May 2, 2005, at the office of the City Clerk where bids were opened and read aloud as follows:

J.G. Stewart, Inc., Bloomington, IL	\$188,534.50 (Low Bidder)
WAS CON Co., Hammond, IL	\$216,584.00
Stark Excavating, Inc., Bloomington, IL	\$258,793.00

Budget:	Residential Sidewalk Program	\$50,000	CIF
	Residential Sidewalk Program	\$50,000	PRI PROP
	Sidewalk Wheelchair Ramps	\$50,000	CIF
	Downtown Sidewalk Program	\$20,000	TIF
	Downtown Sidewalk Program	<u>\$20,000</u>	<u>PRI PROP</u>
	Total	\$190,000	

This project includes three budgeted projects, one being the 50/50 Residential Sidewalk Replacement Program, the second one being the Downtown Sidewalk Replacement Program and the third being the Americans With Disabilities Sidewalk Wheelchair Ramp Program.

Staff respectfully recommends that Council accept the low bid of J.G. Stewart, Inc. for the 2005-2006 Sidewalk Reconstruction Program in the amount of \$188,534.50 and, further, that the Mayor and City Clerk be authorized to execute the necessary documents, with payment to be made with Sidewalk Funds (X40100-72530 & X40100-72560).

Respectfully,

Douglas G. Grovesteen
Director of Engineering

Tom Hamilton
City Manager

(CONTRACT ON FILE IN THE CITY CLERK'S OFFICE)

Alderman Schmidt questioned sidewalks on private property. Tom Hamilton, City Manager, noted the City's 50/50 program. It was similar to the City's residential program. One (1) source of revenue was TIF (Tax Increment Financing). Another source was revenue from property owners. This program was dependent upon demand.

Motion by Alderman Sprague, seconded by Alderman Crawford that the bid for the 2005-2006 Sidewalk Reconstruction Program be awarded to J.G. Stewart, Inc. in the amount of \$188,534.50, and the Mayor and City Clerk be authorized to execute the necessary documents.

The Mayor directed the Clerk to call the roll which resulted as follows:

Ayes: Aldermen Crawford, Huette, Schmidt, Finnegan, 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: Bid Analysis for East Street Water Main - Mulberry to Locust

Bidding proposals for East Street Water Main - Mulberry to Locust were received until 2:00 p.m. Monday, May 2, 2005, in the office of the City Clerk, at which time and place the bids were opened and read aloud as follows:

George Gildner, Inc.	\$75,189.00 (Low Bid)
Stark Excavating, Inc.	\$81,797.10
Engineer's Estimate	\$72,221.00

This project consists of the installation of an 8" water main along East Street from Mulberry to the north side of Locust Street. The project will also provide a new water service for the Cultural District's Center for the Performing Arts and fire protection for businesses near the intersection of East Street and Locust Street.

The proposed improvement is not a budgeted project, however, it is necessary in order to provide sufficient water service to the Center for the Performing Arts and fire protection to a currently unprotected area.

Staff respectfully requests that Council accept the low bid of George Gildner, Inc. in the amount of \$75,189 and, further, that the Mayor and City Clerk be authorized to execute the necessary documents for said work with payment to be made with Water Depreciation Funds (X50200-72540).

Respectfully,

Douglas G. Grovesteen
Director of Engineering

Tom Hamilton
City Manager

(CONTRACT ON FILE IN CITY CLERK'S OFFICE)

Motion by Alderman Sprague, seconded by Alderman Crawford that the bid for the East Street Water Main - Mulberry to Locust, be awarded to George Gildner, Inc. in the amount of \$75,189, 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, Finnegan, 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 Professional Proposals for 2005-2006 Asphalt and Portland Cement Concrete Plant Inspection and Laboratory Testing, Subsurface Soil Exploration and Geotechnical Investigation

Professional proposals for 2005-2006 Asphalt and Portland Cement Concrete plant inspection and Laboratory Testing, Subsurface Soil Exploration and Geotechnical Investigation were received in the Office of the City Clerk until 2:00 p.m., Friday, April 29, 2005 at which time, the proposals were opened and read aloud as follows:

Bidder	Asphalt Plant Observation >300 tons / day (\$ per ton)	Asphalt Plant Observation <300 tons / day (\$ per hour)	Asphalt Extraction Analysis (each)	P.C. Concrete Plant Observation (\$ per hour)	P.C. Concrete Cylinder Testing (each)
SKS Engineers, Inc., Decatur, IL	0.67	50.00	120.00	50.00	15.00
Terracon, Bloomington, IL	0.30	37.00	100.00	37.00	11.00
Testing Service Corporation Bloomington, IL	0.30	39.00	105.00	39.00	11.50

Annually, the City hires a professional engineering firm to provide Asphalt and Concrete Plant Inspection. The consultant selected is paid based upon the amount of work performed. Payment is made from the line item in the budget for which the project is budgeted. For work involving subdivisions, payment is made with General Funds through the Engineering Department's "Engineering Services" line item.

Terracon Consultant's proposal is low on all items, and has provided the City's annual geotechnical services for the past several years. Staff respectfully recommends that Council accept the proposal of Terracon Consultants for Asphalt and Concrete Plant Observation and Laboratory Testing and, further, that the Mayor and City Clerk be authorized to execute the necessary documents.

Respectfully,

Douglas G. Grovesteen
Director of Engineering

Tom Hamilton
City Manager

(CONTRACT ON FILE IN THE CITY CLERK'S OFFICE)

Motion by Alderman Sprague, seconded by Alderman Crawford that the proposal of Terracon Consultants for Asphalt and Concrete Plant Observation and Laboratory

Testing be approved on a time and material basis, and, further, that 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, Finnegan, 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 for Seeding at Various Locations 2005-2006

Bidding proposals for Seeding at Various Locations 2005-2006 were received until 2:00 p.m. on Friday, April 29, 2005, in the office of the City Clerk at which time and place the bids were opened and read aloud as follows:

Westfall Landscaping	\$23,770.00	
F & W Landscaping	\$16,807.00 (Low Bid)	
Engineer's Estimate	\$19,647.50	
 Budget	 \$25,000.00	 Capital Improvement Funds

This project consists of providing landscaping services such as topsoil placement, seeding, sodding and fertilizing to areas disturbed by construction activities at various locations about the City.

Staff respectfully recommends that Council accept the low bid of F & W Landscaping in the amount of \$16,807 and, further, that the Mayor and City Clerk be authorized to execute the necessary documents for said work with payment to be made with Capital Improvement Funds (X40100-72530).

Respectfully,

Douglas G. Grovesteen
Director of Engineering

Tom Hamilton
City Manager

(CONTRACT ON FILE IN THE CITY CLERK'S OFFICE)

Motion by Alderman Sprague, seconded by Alderman Crawford that the bid for seeding at various locations be awarded to F & W Landscaping in the amount of \$16,807, 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, Finnegan, 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: Bid Analysis for the Fell Avenue Bridge over Sugar Creek

Bidding proposals for the Fell Avenue Bridge over Sugar Creek, State Contract No. 87270, Section 02-00325-00-BR, were opened by the Illinois Department of Transportation at 10:00 a.m. on Friday, April 29, 2005, in the Springfield Central Office.

Stark Excavating	\$1,178,319.85 (Low Bid)	
Otto Baum	\$1,336,138.06	
Engineer's Estimate	\$1,090,187.15	
Budget	\$125,000.00	Motor Fuel Tax Fund
	\$498,000.00	Federal Bridge Replacement Fund
	\$51,000.00	Water Depreciation Fund
	\$226,000.00	Bloomington Normal Water Reclamation District
	<u>\$220,000.00</u>	Sewer Depreciation Fund
Total =	\$1,120,000.00	

The low bid of Stark Excavating is \$88,132.70 (8%) over the Engineer's Estimate. The State of Illinois Department of Transportation (IDOT) has indicated that most of the additional cost is in the Excavation and Backfill for the Station and in the Engine Generator Set for the Pump Station. There are sufficient Sewer Depreciation Funds available to cover the additional costs.

Staff respectfully recommends that Council concur with IDOT in awarding the contract to the low bidder of Stark Excavating, Inc. in the amount of \$1,178,319.85.

Respectfully,

Douglas G. Grovesteen
Director of Engineering

Tom Hamilton
City Manager

Motion by Alderman Sprague, seconded by Alderman Crawford that the bid for the Fell Avenue Bridge over Sugar Creek be awarded to Stark Excavating, Inc. in the amount of \$1,178,319.85, 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, Finnegan, 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 Request for Proposals (RFP) for the Employee Assistance Program

The Analysis of Request for Proposals (RFP) for the Employee Assistance Program (EAP) presented to Council on April 11, 2005 was laid over for two weeks, and staff was directed to obtain additional information, clarify questions regarding pricing, and seek input from department heads and employees to the degree possible. Staff was unable to resolve all of the issues and requested that the matter be laid over until the May 9, 2005 Council meeting.

Staff invited Bensinger, DuPont, & Associates (BDA) and Chestnut Health Systems to make presentations to the Wellness Team. The Wellness Team is comprised of employees who have an interest in their fellow employees and in health and wellness topics. For the purposes of these presentations, several ad hoc members were also invited. The ad hoc members were invited based on their interactions with the EAP program, to schedule training, work with the Department of Transportation's (DOT) drug and alcohol testing program, and may act as a liaison between the EAP and the department's employees. These ad hoc members included representatives from Fire, Police, Public Service and Human Resources.

Staff provided specific instructions and requested additional information via a Provider Overview Questionnaire in an effort to prepare the Wellness Team for the presentations. The Questionnaire also requested background information about each company to include their capabilities and processes. The information was intended as a supplement to the presentations

and was requested in advance of the presentations. The presentations were held on Wednesday, April 20, 2005. In an effort to compare both companies, the companies were provided presentation requirements which requested a specific outline.

Attendees of the presentations were asked to complete an evaluation. There were thirteen (13) in attendance, and eight (8) completed evaluations. The results of the evaluations did not present an overwhelming preference for one provider over the other. Discussions with department heads fared similarly. There was a general consensus that either company could provide a quality EAP program.

There are many similarities between the two providers. Both have extensive experience in the field of Employee Assistance Programs, however, there were notable differences which became apparent during the comparisons using the information provided in the Provider Overview Questionnaire. The following is a brief analysis of each.

Chestnut Health Systems - The City entered into a contract with Chestnut on May 1, 1994 after a ten year relationship with Gerald Rehagen as the EAP Coordinator (through both BroMenn and his own personal EAP company). During the past ten years, Chestnut has provided a quality EAP program that is efficient, cost-effective and user friendly. They have improved and expanded their array of services with emphasis on customer service that is accessible and sensitive.

According to Chestnut, the City's EAP utilization has been consistent and above the national standard (6.0%) for the past eight years (1994-2002). The initial contract with Chestnut was for a single year which was renewed for two consecutive years. Staff requested a multi-year (three year) contract and sought proposals in 1997 and again in 2000. Chestnut was the successful provider. In 2003 the contract was extended for one additional year due to the change in staffing, Wellness Coordinator position was created. Staff has been satisfied with the level of services provided by Chestnut.

BDA - Staff believes that BDA's presentation and extensive proposal were very impressive. New ideas were offered and they appeared to have a strong desire to do business with the City. They are extremely motivated to ensure that a high quality program is delivered to City employees. BDA possesses a number of strengths.

One of significant importance is that Master's level clinicians answer intake calls 24 hours a day, 7 days per week. Seeking counseling is an important first step, and when an individual makes the decision to seek counseling, it is key that they have access to someone initially to assist them. Referral to someone other than the initial intake person could mean the difference in that employee receiving service or not, particularly if they are then asked to follow up at a later time.

BDA requires their counselors have a Master's Degree and at least six years clinical experience. Their corporate offices are located in Chicago, however, there are six office locations in the Bloomington area and offer Master's level or higher counselors providing face to face

counseling in eleven other central Illinois cities, eight of which are the same cities provided by the City's current provider.

Additionally, BDA has 8,100 national affiliation locations and provide EAP to 21 municipalities in Illinois. The average wait time to see a counselor face to face in a non emergency situation is within 48 hours compared to within 3 workdays with Chestnut. The average wait time to see a Substance Abuse Professional (SAP), a requirement under the DOT regulations, is immediate scheduling and seen within 48 hours of contact compared to one week with Chestnut. BDA is more progressive in addressing a diverse workforce by providing counselors who speak a second language and providing information in Spanish on their Internet website.

The remaining fundamental issue is pricing. The RFP provided specifications regarding the number of employees for which the EAP program would apply. That number was 993 which included full-time, part time, seasonal and retirees. Both providers quoted a per employee per month figure.

Chestnut's per employee per month figure is \$2.66 (\$31.95 per year/12), however the pricing is based on 750 employees, which is the current billing used by Chestnut for a total annual rate of \$23,962.50. Chestnut has billed the City based on this number for the past four (4) years.

BDA's per employee per month figure is \$1.80 using the RFP specifications of 993 for a total annual rate of \$21,448.00. Chestnut's pricing is 11.7 % higher than BDA.

After thoroughly reviewing the additional information, staff recommends BDA over Chestnut based on the additional level of services BDA can provide to the City and the 11.7% lower annual rate.

Staff has secured a one month extension of the existing contract with Chestnut. This is a professional courtesy extended when making a transition of providers to ensure that individuals who may be in counseling are not impacted by the change in providers.

While contract with BDA is for three years, there is a provision in the contract that states, "...either party may cancel upon ninety (90) days written notice to the other". Staff has no reason to believe that this will occur and has spoken with three of BDA's current clients. All references gave glowing reviews.

The cost of these services is budgeted at \$23,400 for FY 2005-2006 from 1001-11410-70990, Human Resources, Other Purchased Services. Staff respectfully requests that Council award the contract to BDA and further that the Mayor and City Clerk be authorized to execute the necessary documents.

Respectfully submitted,

Emily Bell
Human Resources Director

Tom Hamilton
City Manager

Alderman Matejka expressed his concern that the City would lose continuity. Mayor Stockton anticipated no problems and noted that it was time for a change.

Motion by Alderman Sprague, seconded by Alderman Crawford that the Proposal for the Employee Assistance Program for a three (3) year contract be awarded to Bensinger, DuPont, & Associates (BDA) in an amount not to exceed \$23,400, 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, Finnegan, 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 Fertigation Station for The Den

The Parks and Recreation Department would like to purchase a Fertigation Station for The Den Golf Course. The station is attached to the course's irrigation system and allows for the feeding of soluble fertilizer and iron in small amounts during the regular irrigation cycle. This is one of the best management strategies for controlling bent grass turf growth and containing some disease problems such as dollar spot.

The system will not eliminate the application of granular fertilizer in the spring and fall. During the growing season staff are currently trying to spray .10 lb. of nitrogen per 1,000 square feet every 10-14 days. The Fertigation Station would allow for these applications during night time irrigation, eliminate any disruption in play, and greatly reduce the man hours used to spray.

The Fertigation Station System 30/80 is a sole source item distributed by Prime Turf. A quote was provided in the amount \$9,750 for the system which includes installation and one year maintenance.

Staff believes that the system will improve the overall quality of the turf and reduce the man hours needed for spraying. Staff respectfully request that the Council waive the formal bidding procedure, accept the quote of \$9,750 from Prime Turf, and authorize the Purchasing Agent to issue a purchase order for same. A total of \$10,000 was budgeted in the Fixed Asset Replacement Fund, account #14154-72140 for the purchase of this unit.

Respectfully,

Jerry Armstrong,
Asst. Director Parks & Recreation

Tom Hamilton
City Manager

RESOLUTION NO. 2005 - 64

**A RESOLUTION WAIVING THE FORMAL BIDDING PROCESS AND
AUTHORIZING THE PURCHASE OF A FERTIGATION STATION FROM PRIME
TURF AT A PURCHASE PRICE OF \$9,750**

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

1. That the bidding process be waived and the Purchasing Agent be authorized to Purchase a Fertigation Station from Prime Turf at a Purchase Price of \$9,750.

Adopted this 9th day of May, 2005.

Approved this 10th day of May, 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 Fertigation Station be purchased from Prime Turf in the amount of \$9,750, 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, Finnegan, 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 of Forensic Software

Due to the increase in identity theft and computer crimes, staff respectfully requests permission to purchase EnCase Forensic V5 software from Guidance Software, Inc. EnCase is a powerful software tool that provides investigators with an effective and efficient means to analyze all electronic data contained on computer drives for forensic evidentiary purposes.

Guidance Software Inc. is the sole source provider of the EnCase software. Included in the package is the EnCase Forensic V5 software and license for a total price of \$5,579. This amount has been budgeted in line item F11610-72120.

Staff respectfully requests that the formal bidding process be waived, and the EnCase software be from Guidance Software Inc. in an amount not to exceed \$5,579.

Respectfully,

Roger J. Aikin
Chief of Police

Tom Hamilton
City Manager

RESOLUTION NO. 2005 - 65

**A RESOLUTION WAIVING THE FORMAL BIDDING PROCESS AND
AUTHORIZING THE PURCHASE OF ENCASE SOFTWARE FROM GUIDANCE
SOFTWARE, INC. IN AN AMOUNT NOT TO EXCEED \$5,579**

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 EnCase Software from Guidance Software, Inc. in an amount not to exceed \$5,579.

Adopted this 9th day of May, 2005.

Approved this 10th day of May, 2005.

Stephen F. Stockton
Mayor

ATTEST:

Tracey Covert
City Clerk

Alderman Finnegan questioned this item. Roger Aikin, Police Chief, addressed the Council. He noted that this software would be used by the Cyber Crime Task Force. It would assist with investigations. It would involve the FBI, (Federal Bureau of Investigation) and Homeland Security.

Motion by Alderman Sprague, seconded by Alderman Crawford that the formal bidding process be waived, the EnCase Software purchased from Guidance Software, Inc. in an amount not to exceed \$5,579, the Purchasing Agent be authorized to issue a Purchase order for same, and the Resolution adopted.

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

Ayes: Alderman Crawford, Huette, Schmidt, Finnegan, 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: Waiver of the Formal Bid Process and Award of Technical Support Agreement for Four (4) Defibrillators

Staff respectfully requests that Council waive the formal bid process and approve a five (5) year technical support agreement with Medtronic Physio-Control Corporation in the amount of \$15,496.53. This cost is for a five (5) year agreement, payable in annual installments. In addition, the cost will be partially offset by a credit of \$5,945.60 that occurred when the previously purchased three (3) year contract was canceled due to the four (4) new defibrillators that were recently purchased.

The Fire Department purchased four (4) defibrillator units from Medtronic Physio-Control Corporation who is the exclusive, authorized service provider for the units. Medtronic is also the

vendor who had provided the previous defibrillators, and service agreement used by the Fire Department.

The new units are a more current and up-to-date model. Staff was having difficulty obtaining replacement parts for the old units, making it necessary to replace the existing service agreement. Both the recently canceled and new service agreements provide for the routine preventive maintenance of these units. Due to the critical nature of this equipment, staff believes it is essential to continue with the inspection and maintenance by using the manufacturer's trained technicians. Funds for the technical support agreement is budgeted in account G15210-70990 - Other Purchased Services.

Respectfully,

Keith A. Ranney
Fire Chief

Tom Hamilton
City Manager

RESOLUTION NO. 2005 - 66

**A RESOLUTION WAIVING THE FORMAL BIDDING PROCESS AND
AUTHORIZING THE APPROVAL OF A FIVE (5) YEAR TECHNICAL SUPPORT
AGREEMENT WITH MEDTRONIC PHYSIO-CONTROL CORPORATION IN THE
AMOUNT OF \$15,496.53**

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

1. That the bidding process be waived and authorizing a five (5) year technical support agreement with Medtronic Physio-Control Corporation in the amount of \$15,496.53

Adopted this 9th day of May, 2005.

Approved this 10th day of May, 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 five (5) year technical support agreement with Medtronic Physio-Control Corporation in the amount of \$15,496.53 be approved, and the Mayor and City Clerk be authorized to execute the necessary documents, and the Resolution adopted.

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

Ayes: Alderman Crawford, Huette, Schmidt, Finnegan, 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: Acquisition of Site for New Southwest Side Fire Station

The last Comprehensive Plan for the City identified a need for an additional fire station on the southwest side of Bloomington to handle the increased demand for service generated by development and associated population growth in that area. The plan currently under review repeats this recommendation. There are monies budgeted in the current fiscal year to acquire the land and prepare construction plans for the new facility. Construction is planned for the 2006-2007 fiscal year.

The Comprehensive Plan recommended locating the station on Six Points Road west of Oakland Avenue. Staff identified a prime site within the Heartland Hills Subdivision being developed on the south side of Six Points Road. There are two acres of land available on what will be the southwest corner of Six Points Road and Mitsubishi Motorway. Staff negotiated an agreement with the developer to purchase this property for \$217,800.

The City will receive slightly more than 2 acres for that price. Part of the property is burdened by a 30' X 30' easement to Verizon and the developer agreed to convey an additional 900 square feet to the City at no additional consideration to provide a full 2 acres of useable space.

The property will need to be subdivided to create a lot for the City. The developer has also agreed to dedicate all of the right of way for Mitsubishi Motorway along the east side of Heartland Hill Subdivision when it plats the City's lot.

Staff believes this is an opportunity to acquire property in an optimal location for a fair price and respectfully recommends approval of the contract.

Respectfully,

Keith Ranney
Fire Chief

Hannah R. Eisner
Deputy Corporation Counsel

Tom Hamilton
City Manager

SELLER:
Pontial National Bank
As Trustee of Land Trust No. 2364-03

BUYER:
City of Bloomington

Attorney/Telephone/Fax
Mercer Turner
#1 Brickyard Drive, Suite 202
Bloomington, IL 61701
309-662-3078 (phone)
309-662-8821 (fax)

Attorney/Telephone/Fax
Todd Greenburg
109 E. Olive Street
Bloomington, IL 61702-3157
309-434-2213 (phone)
309-434-2316 (fax)

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

THIS CONTRACT is entered into between PONTIAC NATIONAL BANK, as Trustee of Land Trust No. 2364-03, hereinafter referred to as Seller, and City of Bloomington, hereinafter referred to as Buyer, who agrees as follows:

1. DESCRIPTION, PRICE and PAYMENT: Seller sells the following described real estate, to wit:

The North 255.87 feet of Lot 159 plus that area west dedicated for Mitsubishi Motor, plus an area that contains an easement previously conveyed to Verizon, which is 30 feet by 30 feet, shown on the Revised Preliminary Plan to the Heartland Hills Subdivision, Bloomington, Illinois (area is east of the 6th Addition to Heartland Hills Subdivision.)

With improvements, located thereon, to Buyer, who agrees to pay \$217,800.00 therefore in the manner following: \$1,000.00 (the "down payment," inclusive of earnest money) upon the execution of this Contract.

A. To be held in escrow until evidence of merchantable title is approved by Buyer's attorney, and financing is approved as per Paragraph 7;

XX 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 June 2005, and on receipt of deed.

2. **EVIDENCE OF TITLE:** Not less than fourteen (14) days prior to closing, Seller will furnish Buyer with 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 to the terms hereof and to the customary exceptions in such policies, then Seller shall have until date of delivery of deed to correct such defects. Owners title policy,

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

3. DEED AND POSSESSION: That 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 shall deliver possession to Buyer upon payment being made as herein provided, on or before the 1st day of May, 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. RISK OF LOSS: 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 allocated as of the date of delivery of possession of the premises to Buyer, and by allowance of Seller's share thereof being a credit against the purchase price at closing, based upon the latest tax information available. The proration shall be based on a computation which allocates to the Buyer all real estate taxes which have accrued from the date of closing and thereafter. 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-prorated amount differs from the credit amount by \$100.00 or more, Seller shall pay Buyer, or Buyer shall pay Seller, the appropriate adjustment within fifteen (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). All transfer taxes shall be paid by Seller. This provision shall survive closing and delivery of deeds.

6. ENCUMBRANCES:

A. Mortgage, if any, shall be satisfied out of the 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, shall not be considered as rendering title unmerchantable or unacceptable.

(b) Easements and building or use restrictions of record, and provisions of zoning and building ordinances, if any, none of which shall be considered as rendering title unmerchantable or unacceptable, provided same or not violated by the existing improvements or the use thereof.

7. FINANCING: This Contract is not subject to Buyer obtaining financing.

8. 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 Protection Agency or the Illinois Environmental Pollution Control Board or any other government entity with regard to a toxic or hazardous waste problem with the property.

9. SELLER'S WARRANTIES: Seller hereby provides the following warranties:

A. No work has been done upon, or materials furnished to, the premises which could give rise to a lien or liens under the Illinois Mechanics' Lien Act:

B. Additional Warranties: N/A

10. 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 number include the singular;

C. The covenants and agreements herein contained shall extend and be obligatory upon the heirs, executors, administrators, and assigns of the respective parties;

D. Time is of the essence of the Contract;

E. Other:

1. Final plat to be prepared by Seller at Seller's expense.

2. Seller to extend sanitary sewer main at Seller's expense to southwest corner of the premises.

3. All Municipal City fees, road improvement expenses on Six Points Road, tap on fees, detention fees, as a result of the annexation agreement dated on or about December 12, 1995 shall be the Seller's expense. Any other municipal fees and road improvements shall be at the Buyer's expense.

11. ESCROWEE: The parties agree that Prudential Snyder Armstrong Realty is hereby designated as Escrowee for the purposes of any escrow created or hereafter required in connection with this Contract. The escrow conditions are as follows:

A. Escrowee shall hold in escrow the downpayment pursuant to the terms of this contract until closing and not release said funds except with the agreement of all parties, or an order entered by a court of competent jurisdiction;

B. Additional conditions: N/A

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

13. PREPARATION AND APPROVAL: This Contract was prepared by Mercer Turner, Seller's attorney, and approved by the Buyer and/or Buyer's attorney.

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

15. 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 the closing and deliver of deeds.

16. LIQUIDATED DAMAGES: If Buyer defaults, Seller may elect to:

(A) Retain the downpayment (including earnest money) as full compensation for all loss (in which event the earnest money will be treated as liquidated damages), or

(B) Pursue any available remedy.

17. 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 suspended by this Contract.

18. FORM OF AGREEMENT: this contract conforms to all respects with the form Contract for Sale of Real Estate - Vacant Land suggested by the McLean County Bar Association Real Estate Committee, with the exception of language contained in the following paragraphs: M/A.

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 hereunto set this hands and seals to several counterparts of this Contract, of equal effect. This contract will be deemed effective as of the last date signed.

SELLER:

Pontiac National Bank, as Trustee
of Land Trust N. 2364-03

BUYER:

City of Bloomington

By:

By: Stephen F. Stockton
Mayor

Motion by Alderman Sprague, seconded by Alderman Crawford that the contract for the purchase of two (2) acres in the Heartland Hills Subdivision between the City and Pontiac National Bank as Trustee of Land Trust No. 2364-03 in the amount of \$217,800 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, Finnegan, Gibson, Sprague, Matejka and Purcell.

Nays: None.

Motion carried.

The following was presented.

To: Honorable Mayor and Members of City Council

From: Staff

Subject: Sewer Easement across 703 W. Hamilton Road

The City is installing sanitary sewer as part of the Hamilton Road improvements between Morris Avenue and Timberlake. The sewer will be installed on the north side of Hamilton Road within easements on private property and the City must acquire those easements to proceed with construction.

The property at 703 W. Hamilton Road is one of the properties affected by this project. The City must acquire a ten foot wide permanent easement, containing 1,000 square feet, across the south end of this lot and a thirty foot wide temporary easement north of the permanent easement area for use during construction and restoration following construction. There is a row of shrubs and a mature tree within the easement areas that will be removed or may be damaged during construction.

The easement interest was appraised and the owners were offered the following amounts for the property interests to be acquired in accordance with the appraised values: \$2,450 for the permanent easement and \$3,750 for the temporary easement, for a total payment of \$6,200. The owners have accepted the City's offer.

Staff believes the agreed price fairly compensates the owners for the easements and respectfully recommends Council approval of the payment in that amount.

Respectfully,

Hannah R. Eisner
Deputy Corporation Counsel

Tom Hamilton
City Manager

Motion by Alderman Sprague, seconded by Alderman Crawford that payment in the amount of \$6,200 for a permanent and temporary easement across the property at 703 W. Hamilton Road 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, Finnegan, 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: Agreement to Loan \$3 Million to the Public Library

Staff has been working with the Library Board on the issue of securing financing for the upcoming Library Expansion Project. Fortunately, the greatly improved financial condition of the City has left sufficient fund balances to loan money to the Public Library.

Staff has proposed that the Library Board consider a \$3,000,000 loan from the City at 4% for up to 10 years. A \$400,000 debt service payment, to come out of the existing \$700,000 increased Library levy, would retire the principal plus 4% interest in 9 years. Staff would deduct the City's payment from the property tax collections in the fall of each year, with the first payment due in September of 2006. The reasons for considering this approach are as follows:

1. This would eliminate the flotation costs for issuing debt. There is an estimated savings of approximately \$50,000 in flotation costs via this method.
2. The City is guaranteed repayment. The City receives the Library's tax levy allocations direct and can take the repayment amount from these proceeds.
3. The City, and thus the taxpayer, would realize the 4% interest on the loan rather than the credit market.

4. As creditor the City would have increased oversight control over the project itself.
5. There would be a significant savings in time for the City Manager and City Finance Director, since the Library is not familiar with the procedures for issuing debt. The task of researching those procedures would fall to City staff and is very time consuming.

This concept has been reviewed by the City's bond counsel and have been assured that there are no legal hurdles to overcome. Council simply needs to formalize this in an agreement by approving this arrangement. Staff has proposed the \$3,000,000 at 4% to be repaid by approximately \$400,000 a year for nine (9) year scenario to the Library Board. The Library Board has agreed to the proposal in principal, and wish to express their thanks for the assistance. Staff believes that this is a win - win for every body involved, and respectfully requests Council approval.

Respectfully,

Brian J. Barnes
Finance Director

Tom Hamilton
City Manager

Alderman Sprague noted that the loan was in place for the library.

Motion by Alderman Sprague, seconded by Alderman Crawford that the Agreement to loan \$3,000,000 to the Library, to be repaid at four percent (4%) interest a year over nine (9) years 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, Finnegan, 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: Highway Permit Application from the Illinois Department of Transportation (IDOT) for the Installation of a Water Main in the IL Route 9 (Locust Street) Right-of-Way

Attached is an Illinois Department of Transportation Highway Permit Application for the installation of a water main in the IL Route 9 (Locust Street) Right-of-Way. A Highway Permit from the Illinois Department of Transportation is required whenever a public work is performed in the State's right-of-way.

The Illinois Department of Transportation requires the City to sign the application form and adopt a Resolution for the performance of the water main work holding IDOT harmless for any damages to persons or properties.

Staff respectfully recommends that Council authorize the Mayor and City Clerk to sign the application required by the Illinois Department of Transportation and adopt the attached resolution.

Respectfully,

Douglas G. Grovesteen
Director of Engineering

Tom Hamilton
City Manager

(APPLICATION AND RESOLUTION NO. 2005-67 ON FILE IN THE CITY CLERK'S OFFICE)

Motion by Alderman Sprague, seconded by Alderman Crawford that the IDOT Application be approved, the Mayor and City Clerk be authorized to execute the necessary documents, and the Resolution adopted.

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

Ayes: Alderman Crawford, Huette, Schmidt, Finnegan, 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: An Ordinance Revising Chapter 29, Traffic Code

On a periodic basis, Engineering staff reviews the traffic control devices and parking regulations for City streets. Based on that review, a Text Amendment is proposed, making various changes

in Chapter 29 which permit the City to post signs making various changes in the traffic and parking regulations on city streets. Staff respectfully recommends that the Ordinance be passed.

Respectfully,

J. Todd Greenburg
Corporation Counsel

Doug Grovesteen
Director of Engineering

Tom Hamilton
City Manager

ORDINANCE NO. 2005- 35

**AN ORDINANCE ADDING BLOOMINGTON CITY CODE CHAPTER 29
BY MAKING PERIODIC REVISIONS THERETO**

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

SECTION 1. Bloomington City Code Chapter 29, Section 115(c) shall be and the same is hereby amended by adding and deleting the following:

(c) Designation of Spaces.

- (1) Center Street on the east side from 109' to 127' north of the north line of Jefferson Street
- (2) Center Street on the west side from 95' to 112' north of the north line of Jefferson Street
- (3) Center Street on the east side from 50' to 67' north of the north line of Mulberry Street
- (4) Front Street on the north side from 20' to 37' west of the west line of Prairie Street
- (5) Front Street on the north side from 30' to 48' east of the east line of Prairie Street
- (6) Front Street on the north side from 53' to 70' east of the east line of Roosevelt Street
- Lee Street on the east side from 20' to 36' south of the south line of Mulberry Street
- Lee Street on the west side from 20' to 36' south of the south line of Mulberry Street
- Lee Street on the west side from 20' to 36' north of the north line of Mulberry Street
- Lee Street on the east side from 38' to 54' north of the north line of Mulberry Street
- (7) Main Street, west side, 20' to 38' north of the north line of Front Street
- (8) Main Street, on the west side from 20' to 60' south of the south line of Chestnut
- (9) Main Street, west side, 20' to 38' north of the north line of Jefferson Street
- (10) Market Street, on the south side, from 81' to 97' east of the east line of Center Street
- (11) Market Street, on the south side, from 30' to 46' west of the west line of Main Street
- (12) Market Street, on the south side, from 69' to 87' west of the west line of Main Street
- (13) Market Street, on the north side, from 150' to 168' east of the east line of East Street
- (14) Washington Street, on the north side from 240' to 223' east of the east line of East Street
- (15) Washington Street, on the north side from 160' to 177' east of the east line of East Street
- (16) Washington Street, on the south side, from 150' to 166' west of the west line of Prairie St.

SECTION 2. Bloomington City Code Chapter 29, Section 145(d) shall be and the same is hereby amended by adding the following:

- Rexel Stops for Ft. Jesse
- Royal Stops for Airport
- Westgate Stops for Interstate

SECTION 3. Bloomington City Code Chapter 29, Section 145(e) shall be and the same is hereby amended by adding the following:

- Lisa Yields for Kenneth

Wedgewood Yields for Berrywood

SECTION 4. Bloomington City Code Chapter 29, Section 148, under the heading Weekdays shall be and the same is hereby amended by adding the following:

8:00 a.m. - 1:00 p.m.

Lee on the east side from 30' to 125' south the of south line of Washington

8:00 a.m. - 5:00 p.m.

Washington on the south side from 30' to 95' east of the east line of Lee

SECTION 5. Bloomington City Code Chapter 29, Section 149, shall be and the same is hereby amended by adding and correcting the following:

Biasi on both sides from College to a point 125' south
 Briarwood on the east side from Dawes to north corporate limits
 Dawes on the north side from ~~75' east of the east line of Linden~~ to Linden Norbloom
 Interstate Dr. on both sides from Market north to north end of public road
 Norbloom on the east side from Dawes to north corporate limits
 Stone Mountain from ~~College to Southfork~~ to Degarmo
 Westgate on both sides Interstate Dr. to Wal-Mart parking lot

SECTION 6. Bloomington City Code Chapter 29, Section 152, under the heading 7:00 a.m. to 5:00 p.m. shall be and the same is hereby amended by adding the following:

Roosevelt on the west side from 150' south of Olive to Water

SECTION 7. Bloomington City Code Chapter 29, Section 153(a), shall be and the same is hereby amended by adding the following:

Grove on the south side in the first parkway parking space west of McClun
 Jackson on the north side in front of 510 E. Jackson
 Niccolls on the north side from 30' to 50' east of the east line of East
 Oakland on the south side in front of 808 W. Oakland

SECTION 8. Bloomington City Code Chapter 29, Section 153(a) shall be and the same is hereby amended by deleting the following:

Monroe on the north side in front of 607 W. Monroe

SECTION 9. Bloomington City Code Chapter 29, Section 153(b), shall be and the same is hereby amended by adding the following:

Major Butler Parking Lot - 1 space on northeast corner

SECTION 10. Bloomington City Code Chapter 29, Section 156.5 shall be and the same is hereby amended by adding and correcting the following:

Bunn, Railroad Tracks south of Veterans Parkway south to south corporate limits - 35 m.p.h.

Ft. Jesse, ~~1100' east of Airport~~ east corporate limits to west corporate limits - 45 m.p.h.

SECTION 11. Bloomington City Code Chapter 29, Section 156.5 be and the same is hereby by deleting the following:

Ft. Jesse, 500' east to 500' west of Towanda Barnes - 45 m.p.h.

SECTION 12. Bloomington City Code Chapter 29, Section 192.1(a) shall be and the same is hereby amended by adding the following:

Lee on the east side from Mulberry to a point 36' south
Lee on the west side from Mulberry to a point 36' south
Lee on the west side from Mulberry to a point 36' north
Lee on the east side from Mulberry to a point 54' north

SECTION 13. Bloomington City Code Chapter 29, shall be and the same is hereby amended by removing the existing Exhibit B and replacing it with Exhibit B attached hereto.

SECTION 14. Except as provided herein, the Bloomington City Code, 1960, as amended, shall remain in full force and effect.

SECTION 15. The City Clerk shall be, and she is hereby directed and authorized to publish this Ordinance in pamphlet form as provided by law.

SECTION 16. This Ordinance is enacted pursuant to the authority granted to the City as a home rule unit by Article VII, Section 6 of the 1970 Illinois Constitution.

SECTION 17. This Ordinance shall take effect ten (10) days after passage and approval.

PASSED this 9th day of May, 2005.

APPROVED this 10th day of May, 2005.

APPROVED:

STEPHEN F. STOCKTON
Mayor

ATTEST:

TRACEY COVERT
City Clerk

Motion by Alderman Sprague, seconded by Alderman Crawford that the Text Amendment 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, Finnegan, 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 9, Block 4 in Camp Kickapoo.
Chris D. Williams and Kristi K. Williams to Jeff Gilmore

Staff has reviewed the Lake Bloomington Lease Transfer request and the septic system evaluation report for Lot 9, Block 4 in Camp Kickapoo. Two deficiencies noted were: 1.) the septic tank needs to be pumped, and 2.) the septic tank is too small with a garbage disposal in use.

The septic tank must be pumped by May 15, 2005 and the garbage disposal will need to be permanently disconnected. Once the garbage disposal is no longer in service, the septic tank is sized appropriately. Additionally, the plot layout indicates a five foot rock "pit" aeration/evaporation. Lake Bloomington surface discharging wastewater systems require a fifty foot long rock trench. Therefore, the rock pit must be extended by forty five feet to the standard fifty feet. This item must be corrected by July 1, 2005.

Staff respectfully requests that Council approve the Lake Bloomington Lease Transfer for Lot 9, Block 4 in Camp Kickapoo upon the conditions that the septic tank be pumped by May 15, 2005, the garbage disposal being permanently disconnected, and the rock trench extended to fifty feet by July 1, 2005.

Respectfully,

Craig M. Cummings
Director of Water

Tom Hamilton
City Manager

Motion by Alderman Sprague, seconded by Alderman Crawford that the Lake Lease be approved with the following conditions: 1.) the septic tank be pumped by May 15, 2005, 2.) the garbage disposal be permanently disconnected, and 3.) the rock trench extended to fifty feet (50') by July 1, 2005, 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, Finnegan, 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 2, Block 12 in Camp Potowatomie. Alan C. Curry to James R. Niebur and Susan E. Niebur

Staff has reviewed the Lake Bloomington Lease Transfer request, the septic system evaluation report and the McLean County Health Department (MCHD) deficiency letter for Lot 2, Block 12 in Camp Potowatomie.

This septic system does not have sufficient records from when it was installed twenty-nine (29) years ago. It is difficult for staff to make a completely informed decision about the current status of the system and the overall sizing. It appears that the system is functioning correctly at this time.

The system is a subsurface discharging system, meaning that the effluent does not discharge directly into Lake Bloomington and poses little threat to the water quality. However, there are issues that need to be addressed immediately and in the future for staff to recommend approval of this lease transfer.

The baffles in the septic tank are in poor condition and need to be replaced. Additionally, there are two sinks and a floor drain that do not discharge to the septic system. These drains apparently discharge to a drain tile, of which the discharge point of that tile is unknown. This is a violation of the Illinois Plumbing Code and must be corrected. The sinks and the floor drain must either be routed to the septic system or removed. These two items must be completed by July 1, 2005.

On a longer term, the potential new owner has indicated an interest in removing the existing house and building a new one in the future. At that time, a new septic system would be required, with a minimum design consideration of a jet aeration system with a one-half size sand filter.

The City is willing to wait for the new construction to occur because it would be difficult to install a new septic system at this time, given the constraints of the lot size and the location of the house on the lot.

Since this septic system is twenty-nine (29) years old and is seriously undersized by current standards, it must be addressed in a reasonable time frame. In the event the prospective owner does not remove the current house and build new, as a condition of the lease transfer, the septic system will be required to be replaced within five years.

Staff respectfully requests that Council approve the Lake Bloomington Lease Transfer for Lot 2, Block 12 in Camp Potowatome based upon the septic tank baffles being replaced, the two sinks and floor drain in the lower level be either routed to the septic system or removed by July 1, 2005.

Additionally, the septic system must be entirely replaced with a minimum of a jet aeration system with a one-half size sand filter or any other system acceptable to MCHD and the City at the time the current house is removed and rebuilt, or within five years, whichever comes first.

Respectfully,

Craig M. Cummings
Director of Water

Tom Hamilton
City Manager

Alderman Schmidt questioned how this lease would be monitored. Craig Cummings, Water Director, addressed the Council. City staff would follow up on the conditions. He described this lease as unique as the lot was small. The Water Department would maintain a tickler file for tracking purposes.

Motion by Alderman Sprague, seconded by Alderman Crawford that the Lake Lease be approved, with the following conditions: 1.) the septic tank baffles be replaced, 2.) the two sinks and floor drain in the lower level either routed to the septic system or removed by July 1, 2005, and 3.) the septic system replaced with a minimum of a jet aeration system with a one-half size sand filter or other system acceptable to MCHD and the City at the time the current house is removed and rebuilt, or within five (5) years

whichever comes first, 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, Finnegan, 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 National City Bank of Midwest, Requesting Approval of a Final Plat for the Resubdivision of Interchange City West Subdivision Eleventh Addition

A Petition has been received from National City Bank of Midwest requesting approval of a Final Plat for the Resubdivision of Interchange City West Eleventh Addition. This subdivision is located on the northeast quadrant of J.C. Parkway and West Market Street.

As the public improvements have been finished, no performance guarantee is required for this Addition. Additionally, this is a resubdivision of an existing addition, therefore, no tap on fees are required.

Staff respectfully recommends that Council approve the Petition and adopt an Ordinance approving the Final Plat for the Resubdivision of Interchange City West Subdivision Eleventh Addition.

Respectfully,

Douglas G. Grovesteen
Director of Engineering

Tom Hamilton
City Manager

PETITION FOR APPROVAL OF RESUBDIVISION LOT 105-B IN INTERCHANGE CITY WEST SUBDIVISION, 11TH ADDITION

STATE OF ILLINOIS)
)SS
COUNTY OF McLEAN)

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

Now come National City Bank of the Midwest hereinafter referred to as your Petitioner, respectfully representing and requesting as follows:

- 1. That your Petitioner is interested as Fee Owner in the premises hereinafter described in Exhibit A attached hereto and made a part hereof by this reference;
2. That your Petitioner seeks approval of the Preliminary Plan for a subdivision of said premises to be known and described as Resubdivision Lot 105-B in Interchange City West Subdivision, 11th Addition which Preliminary Plan is attached hereto and made a part hereof;
3. That your Petitioner also seeks approval of the following exemptions or variations from the provisions of Chapter 24 of the Bloomington City Code - 1960 as amended:

Waiver from the requirements of stubbing water services for the proposed Lot 2 in the Resubdivision.

WHEREFORE, your petitioner(s) pray(s) that the Preliminary Plan for the Resubdivision Lot 105-B in Interchange City West Subdivision, 11th Addition submitted herewith be approved with the exemptions or variations as requested herein.

Respectfully submitted,

National City Bank of the Midwest

By: Peter Foto'
Title: Authorized Representative

ORDINANCE NO. 2005 - 36

**AN ORDINANCE APPROVING THE RESUBDIVISION LOT 105-B IN
INTERCHANGE CITY WEST SUBDIVISION 11TH ADDITION**

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 Resubdivision Lot 105-B in Interchange City West Subdivision, 11th Addition, legally described as Exhibit A attached hereto and made a part hereof by this reference; and

WHEREAS, said Petition requests that the following exemptions or variations from the provisions of Chapter 24 of the Bloomington City Code - 1960, as amended:

Waiver from the requirements of stubbing water service for the proposed Lot 2 of the Resubdivision; and

WHEREAS, said Petition is valid and sufficient and conforms to the requirements of the statutes in such cases made and the Preliminary Plan 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

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

1. That the Preliminary Plan of the Resubdivision Lot 105-B in Interchange City West Subdivision, 11th Addition and any and all requested exemptions and/or variations be, and the same is hereby approved.
2. That the Ordinance shall be in full force and effective as the time of its passage and approval.

PASSED this 9th day of May, 2005.

APPROVED this 10th day of May, 2005.

Stephen F. Stockton
Mayor

ATTEST:

Tracey Covert
City Clerk

EXHIBIT A

Lot 105-B in Interchange City West Subdivision 11th Addition, being a part of the Southwest ¼ of Section 31, Township 24 North, Range 2 East of the Third Principal Meridian and a part of the Northwest ¼ of Section 6, Township 23 North, Range 2 East of the Third Principal Meridian, according to the Plat thereof recorded October 28, 2002 as Document Number 2002-39222, all in the City of Bloomington, McLean County, Illinois.

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, Finnegan, 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 HOS II, LLC Requesting Approval of a Final Plat for Route 150 Business Park Subdivision, First Addition

A Petition has been received from HOS II, LLC requesting approval of a Final Plat for Route 150 Business Park Subdivision, First Addition. This subdivision is located south of Hamilton Road, and west of IL Route 150 (Morrissey Drive). The Final Plat is in conformance with the amended Preliminary Plan.

A tap on fee is due prior to recording the final plat. No performance guarantee is required as there are no public improvements.

Staff respectfully recommends that Council approve the Petition and adopt an Ordinance approving the Final Plat for Route 150 Business Park First Addition, subject to the Petitioner paying the tap on fee before recording the plat.

Respectfully,

Douglas G. Grovesteen
Director of Engineering

Tom Hamilton
City Manager

PETITION FOR APPROVAL OF FINAL PLAT OF ROUTE 150 BUSINESS PARK
SUBDIVISION FIRST 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 HOS II, LLC., and Illinois Limited Liability Company, hereinafter referred to as
your Petitioner, respectfully representing and requesting as follows:

1. That 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 seek approval of the Final Plat for a subdivision of said premises to be
known and described as the Route 150 Business Park Subdivision First Addition, City of
Bloomington, in McLean County, Illinois, which Final Plat is attached hereto as Exhibit B and
made part hereof by this reference.
3. That the Final Plat substantially conforms to the Preliminary Plan hereto approved by the City
Council.
4. That Petitioner hereby dedicates to the Public, all public rights of way and easements as
shown on said Final Plat;

WHEREFORE, your petitioner pray that the Final Plat for the Route 150 Business Park
Subdivision First Addition submitted herewith be approved with the variations and waiver as
requested.

Respectfully submitted,

HOS II, LLC., an Illinois Limited Liability
Company

By: Hundman Management, LLC, Manager
By: Laurence F. Hundman, Chairman

ORDINANCE NO. 2005 - 37**AN ORDINANCE APPROVING THE FINAL PLAT OF ROUTE 150 BUSINESS PARK
SUBDIVISION FIRST ADDITION**

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 Route 150 Business Park Subdivision, First Addition, legally described as Exhibit A attached hereto and made a part hereof by this reference; and

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

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

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

1. That the variances and exemptions requested and approved in the Preliminary Plan Petition for the Subdivision are hereby ratified and approved.
2. That the Final Plat of Route 150 Business Park Subdivision First Addition is hereby approved.
3. That the Ordinance shall be in full force and effective as the time of its passage and approval.

PASSED this 9th day of May, 2005.

APPROVED this 10th day of May, 2005.

Stephen F. Stockton
Mayor

ATTEST:

Tracey Covert
City Clerk

EXHIBIT A

That part of Section 15, Township 23 North, Range 2 East of the Third Principal Meridian described as follows: commencing at the southwest corner of Lot 1 of Commerce Park

Subdivision 1st Addition as platted and recorded at the Office of the McLean County Recorder; thence South 01 Degrees 47 Minutes 46 Seconds West 205.59 feet along the East Line of Lot 2 in said subdivision to the Southwest corner of a parcel of land described in a Warranty Deed recorded as document number 97-9820 at the Office of the McLean County Recorder, said Southwest corner of said parcel being the true point of beginning; thence North 89 Degrees 09 Minutes 46 Seconds EAST 223.77 feet along the South line of said parcel to the Westerly right of way line of US Route 150 as shown on sheet 4 of the right of way plans recorded as document number 91-441 at the Office of the McLean County Recorder; thence 19 Degrees 54 Minutes 19 Seconds EAST 286.91 feet along said right of way line to the Northeast corner of Lot 1 in the Route 150 Business Park as platted and recorded as document number 2005-8429 at the Office of the McLean County Recorder; thence South 90 Degrees 00 Minutes 00 Seconds West 272.88 feet along the North line of said Lot 1 to the Northwest corner of said Lot 1; thence South 00 Degrees 00 Minutes 00 Seconds West 119.93 Feet to the North line of Tract No. 1 as described in a Warranty Deed recorded as document number 76-2419 at the Office of the McLean County Recorder; along the North line of said Tract No. 1 and its extension to the place of beginning for Tract No. 2 as described in said document number 76-2419; thence North 00 Degrees 39 Minutes 18 Seconds Weest 292.00 feet along an Easterly line of said Tract No. 2 to the South line of said Lot 2; thence North 88 Degrees 36 Minutes 16 Sceonds East 107.29 Feet along the South line of said Lot 2 to the Southeast corner of said Lot 2; thence North 01 Degrees 47 Minutes 46 Seconds East 93.55 feet along the Eeast line of said Lot 2 to the point of beginning, said lands containing 2.546 acres more or less, all being situated in McLean County, Illinois.

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, Finnegan, 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 Gaelic Place West, LLC, Requesting Approval of a Final Plat for Gaelic Place West Subdivision

A petition has been received from Gaelic Place West, LLC, requesting Council approval of a Final Plat for Gaelic Place West Subdivision. This subdivision is located north of Ireland Grove Road, west of Streid Drive, south of Old Farm Lakes Subdivision and east of Stonebridge Court

Subdivision. The Final Plat is in conformance with the Preliminary Plan approved on September 27, 2004.

The public improvements have not been finished. A performance guarantee is required, as well as various tap on fees are due.

Staff respectfully recommends that Council approve the Petition and adopt an Ordinance approving the Final Plat for Gaelic Place West Subdivision, subject to Petitioner posting the necessary performance guarantee 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 Gaelic Place West, LLC., hereinafter referred to as your Petitioner, respectfully representing and requesting as follows:

1. That Petitioner is the owner of the freehold or lesser estate therein of the premises hereinafter described in Exhibit A attached hereto and made a part hereof by this reference;
2. That your Petitioner seeks approval of the Final Plat for a subdivision to be known and described as Gaelic Place West Subdivision, which Final Plat is attached hereto and made part hereof;
3. That Petitioner also seeks approval of the following exemptions or variations from the provisions of Chapter 24 of the Bloomington City Code, 1960: all those listed on the approved Preliminary Plan; if any
4. That the Final Plat substantially conforms to the Preliminary Plan of said subdivision heretofore approved by the City Council;
5. That your Petitioner hereby dedicates to the public, all public rights-of-way and easements shown on said Final Plat.

WHEREFORE, your petitioner prays that the Final Plat for the Gaelic Place West Subdivision submitted herewith be approved with the exemptions or variations as requested herein.

Respectfully submitted,

Gaelic Place West, LLC
By: Frank Miles

ORDINANCE NO. 2005 - 38**AN ORDINANCE APPROVING THE FINAL PLAT OF THE GAELIC PLACE WEST
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 Gaelic Place West Subdivision, legally described in Exhibit(s) 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; if any

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

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

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

1. That the Final Plat of the Gaelic Place West 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 9th day of May, 2005.

APPROVED this 10th day of May, 2005.

Stephen F. Stockton
Mayor

ATTEST:

Tracey Covert
City Clerk

EXHIBIT A

A part of the West half of the West half of the Southeast quarter of Section 12, Township 23 North, Range 2 East of the Third Principal Meridian, McLean County, Illinois, more particularly described as follows: beginning at the Northwest corner of the Southeast quarter of said Section 12. From said point of beginning, thence East 678.85 Feet along the North line of the West half of the West half of the Southeast quarter of said Section 12 to the Northeast corner thereof, said Northeast corner also being the Northwest corner of Lot 70 in the Second Addition to Gaelic Place Subdividison in the City of Bloomington, Illinios, according to the plat recorded as Document No. 2002-06562 in the McLean County Recorder'S Office; thence South 609.23 feet along the East line of the West half of the West half of said Southeast quarter, said East line also being the West line of said Lot 70 and the West lines of Sable Oaks Road, Lot 71 and Outlot 76 in said Second Addition, which lines form an angle to the left of 88°-54'-38" with the last described course; thence West 368.88 feet along a line which forms an angle to the left of 90°-00'-51" with the last described course; thence South 130.00 feet along a line which forms an angle to the left of 270°-00'-00" with the last described course; thence West 180.00 feet along a line which forms an angle to the left of 90°-00'-00" with the last described course; thence North 15.00 feet along a line which forms an angle to the left of 90°-00'-00" with the last described course; thence West 130.25 feet along a line which forms an angle to the left of 270°-00'-00" with the last described coures to a point on the West line of the Southwest quarter of said Section 12, said West line also being the East line of Stonebridge Court Subdividison First Additioin in the City of Bloomington, Illinois, according to the plat recorded as Document No. 2002-01526 in said Recorder's Office; thence North 711.48 feet along said West line which forms an angle to the left of 89°-58'-18" with the last described course to the point of beginning, containing 10.275 acres, more or less.

Alderman Sprague questioned this subdivision's exit on to Ireland Grove Rd. Tom Hamilton, City Manager, noted that the second entrance would be west of Ballyshannon. Alderman Sprague questioned if there was traffic calming on Ballyshannon. Mr. Hamilton noted that there would be a diversion study. Alderman Sprague expressed support for traffic calming for two (2) streets within this subdivision. Mr. Hamilton noted that the two (2) streets were not the same length. It is not possible to always predict human behavior.

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, Finnegan, 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 Gary Justis and L.J. Douglas Requesting a Zoning Map Amendment to Rezone the Judge Sain Welty House (c.1888) at 612 East Grove Street from R-2 Mixed Residence District to R-2 / S-4 Mixed Residence District / Historic and Cultural District (Case Z-09-05)

BACKGROUND INFORMATION:Adjacent Zoning

north: R-2 Mixed Residence District
 south: R-2 Mixed Residence District
 east: R-2 Mixed Residence District
 west: R-2 Mixed Residence District

Adjacent Land Uses

north: multiple family dwelling
 south: single & two family dwellings
 east: single family dwelling
 west: single family dwelling

Comprehensive Plan recommends: “high density residential ” use.

The subject property known as the “Judge Sain Welty House” was constructed in 1888, and alterations were made in the 1960’s with the removal of a large front porch and the addition of a small room to the first story. It was zoned R-2 Mixed Residence District on February 23, 1979 along with the adoption of a comprehensive amendment of the Bloomington Zoning Code.

The Judge Sain Welty House description prepared by Mr. Greg Koos, East Grove Street National Register Historic District Principal Investigator, provides documentation of the historic significance of this building and justifies the granting of the S-4 Historic and Cultural District designation.

HISTORIC PRESERVATION COMMISSION RECOMMENDATION:

The Historic Preservation Commission reviewed this petition on April 21, 2005, and passed a motion recommending that the Planning Commission recommend Council approval of Case Z-09-05 as presented in the public interest.

PLANNING COMMISSION PUBLIC HEARING:

The Planning Commission held a public hearing on this petition on April 27, 2005 and recommends the same. Mr. Kenneth Emmons, City Planner, recommended that the Planning Commission pass a motion recommending Council approval of this petition in Case Z-09-05 as presented in the public interest.

Mr. Gary Justis, 612 E. Grove Street, presented testimony in favor of this petition at this public hearing on April 27, 2005. Planning Commissioner Sage questioned if the home was a multifamily dwelling. Mr. Justis responded that this home contained three dwelling units, one of which he and his wife occupy. He related that the style of the home is an untypical brick Victorian and that he has not discovered the architect. He commented that he intends to restore the porch that was removed in the 1960's. No testimony was presented in opposition to this petition at this public hearing.

PLANNING COMMISSION RECOMMENDATION:

The Planning Commission closed the public hearing for this petition on April 27, 2005, and passed a motion by a vote of 8 to 0 recommending Council approval of Case Z-09-05 as presented in the public interest.

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 Gary Justice, and L.J. Douglas., hereinafter referred to as your Petitioner(s), respectfully representing and requesting as follows:

1. That 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 by this reference, or are 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 R-2 under the provisions of Chapter 44 of the Bloomington City Code - 1960, as amended;
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 Petitioners hereby request that the Official Zoning Map of the City of Bloomington, McLean County, Illinois be amended to reclassify said premises into the R-2/S-4 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 Petitioners by the present zoning of said premises.

WHEREFORE, your Petitioners respectfully pray 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 R-2 to R-2/S-4.

Respectfully submitted,

Gary Justice
L.J. Douglas

ORDINANCE NO. 2005 - 39

AN ORDINANCE REZONING 612 E. GROVE ST. FROM R-2, MIXED RESIDENCE DISTRICT TO R-2/S-4 HISTORIC AND CULTURAL DISTRICT OVERLAY

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

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

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

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

1. That the premises hereinafter described in Exhibit "A" shall be and the same are hereby rezoned from R-2 District to R-2/S-4 District.
2. The Official Zoning Map of said City shall be amended to reflect this change in zoning classification.
3. This Ordinance shall take effect immediately upon passage and approval.

PASSED this 9th day of May, 2005.

APPROVED this 10th day of May, 2005.

Stephen F. Stockton
Mayor

ATTEST:

Tracey Covert
City Clerk

EXHIBIT A

Legal Description: West 14 feet of lot 10, and all of lot 9 in block 5 of Dimmitt's Addition.

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, Finnegan, 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 Devyn Corporation Requesting a Zoning Map Amendment to Rezone the McBarnes Building (c. 1923) at 201 East Grove Street from S-2 Public Lands and Institutions District to B-3 /S-4 Central Business District/ Historic and Cultural District (Case Z-06-05)

BACKGROUND INFORMATION:

Adjacent Zoning

north: B-3, Central Business District
south: S-2 Public Lands and Institutions, District
east: B-3, Central Business District
west: S-2 Public Lands and Institutions, District

Adjacent Land Uses

north: parking lot
south: Chamber of Commerce office
east: funeral home
west: government office building

Comprehensive Plan recommends: “governmental or institutional ” use.

The subject property known as the “John McBarnes Memorial Building” was designed by A.F. Moratz and Company and was constructed in 1922 and opened in May of 1923 as a war memorial building to honor McLean County soldiers and sailors of World War I and provide a museum for the McLean County Historical Society.

The building was closed in 1972 after a major fire, subsequently renovated and reopened, and then was sold by the County to the Devyn Corporation, the petitioner, in 2004. It was zoned S-2 Public Lands and Institutions District on February 23, 1979 along with the adoption of a comprehensive amendment of the Bloomington Zoning Code. The April 7, 2005 “Historic Certification Description”, prepared by Architectural Restoration Consultants, Inc., provides ample documentation of the historic significance of this building and justifies the granting of the S-4 Historic and Cultural District designation. The B-3 Central Business District is appropriate considering the private ownership and other B-3 zoning districts to the north and east of this property.

HISTORIC PRESERVATION COMMISSION RECOMMENDATION:

The Historic Preservation Commission reviewed this petition on April 21, 2005, and passed a motion recommending that the Planning Commission recommend Council approval of Case Z-06-05 as presented in the public interest.

PLANNING COMMISSION PUBLIC HEARING:

The Planning Commission held a public hearing on this petition on April 27, 2005 and recommends the same. Mr. Kenneth Emmons, City Planner, recommended that the Planning Commission pass a motion recommending City Council approval of this petition in Case Z-06-05 as presented in the public interest.

Mr. David Bentley, 2121 Morrisey Drive, presented testimony in favor of the petition at the public hearing. Mr. Bentley identified himself as President of Devyn Corporation, a Property Management Development Company. Devyn Corporation purchased this building in 2004. Mr. Bentley explained that Architectural Restoration Consultants ha been hired to help restore the building properly and that local architect Russel Francois, AIA, is helping with architectural drawings. Mr. Bentley testified that the building is in good shape, the facade needs cleaning and the brick work tuck pointed. No testimony was presented at this public hearing in opposition to this petition.

PLANNING COMMISSION RECOMMENDATION:

The Planning Commission closed the public hearing for this petition on April 27, 2005, and passed a motion by a vote of 8 to 0 recommending City Council approval of Case Z-06-05 as presented in the public interest.

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 Devyn Corporation hereinafter referred to as your Petitioner, respectfully representing and requesting as follows:

1. That Petitioner is the owners of the freehold or lesser estate therein of the premises hereinafter described in Exhibit A attached hereto and made a part hereof by this reference, 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 S-2 Public Lands and Institutions under the provisions of Chapter 44 of the Bloomington City Code - 1960, as amended;
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 request that the Official Zoning Map of the City of Bloomington, McLean County, Illinois be amended to reclassify said premises into the S-4 Historic and Cultural District / B-3 Central Business district zoning 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 S-2 Public Lands and Institutions to S-4 Historic and Cultural District / B-3 Central Business District zoning district classification.

Respectfully submitted,

Devyn Corporation

ORDINANCE NO. 2005 - 40

AN ORDINANCE REZONING 201 EAST GROVE STREET FROM S-2 PUBLIC LANDS AND INSTITUTIONS TO S-4 HISTORIC AND CULTURAL DISTRICT / B-3 CENTRAL BUSINESS DISTRICT

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

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

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

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

1. That the premises hereinafter described in Exhibit "A" shall be and the same are hereby rezoned from S-2 Public Lands and Institutions to S-4 Historic and Cultural District/B-3 Central Business District.
2. The Official Zoning Map of said City shall be amended to reflect this change in zoning classification.
3. This Ordinance shall take effect immediately upon passage and approval.

PASSED this 9th day of May, 2005.

APPROVED this 10th day of May, 2005.

Stephen F. Stockton
Mayor

ATTEST:

Tracey Covert
City Clerk

EXHIBIT A

(Legal Description, 201 East Grove Street)

Lots 5 and 6, Bloomington Town Survey, a part of the City of Bloomington Township being part of the East Half of the Southwest Quarter in Section 4, Township 23 North, Range 2 East of the Third Principal Meridian, EXCEPT, Beginning at the Southwest Corner of said Lot 5, thence

East 95.08 feet along the South Line of Said Lots 5 and 6 to the Southeast Corner of said Lot 6, thence North 112.66 feet along the East Line of said Lot 6, thence west 95.95 feet to a point on the West Line of said Lot 5, said point being 112.77 feet north of the Southwest Corner thereof, thence south 112.77 feet along the West Line of said Lot 5 to the Point of Beginning, McLean County, Illinois.

Motion by Alderman Sprague, seconded by Alderman Crawford that the Rezoning 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, Finnegan, 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 John and Rebecca Novack Requesting Rezoning of 1411 East Grove Street from R-1C, High Density Single Family Residence District to R-1C/S-4 High Density Single Family Residence District Zoning with Historic and Cultural District Overlay.(Case Z-08-05)

BACKGROUND INFORMATION:

Adjacent Zoning

north: R-1C - High Density Single Family Residence District
south: R-1C
east: R-1C
west: R-1C

Adjacent Land Uses

north: single family dwelling
south: single family dwelling
east: single family dwelling
west: single family dwelling

Comprehensive Plan recommends: “low to medium density residential” use.

The subject property known as the “Wellmerling House” is a Tudor Revival/English Cottage style and was constructed in 1929. The architect was Arthur F. Moratz. Distinctive features are the rolled steel casement windows and steep pitched cross-gable roof and all brick walls with lintels, sills and cornices of Indiana limestone.

The interior is Mission/Spanish Colonial Revival style and features flooring of terra cotta tile and oak. There are arched entryways, barrel vaulted and timbered ceilings, and leaded glass built-ins.

The facade displays a limestone crest marked "W." The first owners were Dr. Herman W. and Freda (Woleslagel) Wellmerling. Dr. Wellmerling practiced medicine locally and is best known for his pioneering work in the pinning of bones during hip surgery. In 1938 he helped form what is now known as the American Fracture Association (serving as President in 1943-44).

HISTORIC PRESERVATION COMMISSION RECOMMENDATION:

The Historic Preservation Commission reviewed this petition on April 21, 2005, and passed a motion recommending that the Planning Commission recommend Council approval of Case Z-08-05 as presented in the public interest.

PLANNING COMMISSION PUBLIC HEARING:

The Planning Commission held a public hearing on this petition on April 27, 2005 and recommends the same. Mr. Kenneth Emmons, City Planner, recommended that the Planning Commission pass a motion recommending Council approval of this petition in Case Z-08-05 as presented in the public interest. There was no one in attendance to speak for the petition. Mr. Emmons reported that Mrs. Novack had been present and answered questions at the Historic Preservation meeting on April 21, 2005. No testimony was presented at this public hearing in opposition to this petition.

PLANNING COMMISSION RECOMMENDATION:

The Planning Commission closed the public hearing for this petition on April 27, 2005, and passed a motion by a vote of 9 to 0 recommending Council approval of Case Z-08-05 as presented in the public interest.

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 John Novack and Rebecca Novack hereinafter referred to as your Petitioners, respectfully representing and requesting as follows:

1. That 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 by this reference, or are 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 R-1C 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 Petitioners hereby request that the Official Zoning Map of the City of Bloomington, McLean County, Illinois be amended to reclassify said premises into the R-1C/S-4 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 Petitioners by the present zoning of said premises.

WHEREFORE, your Petitioners respectfully pray 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 R-1C to R-1C/S-4.

Respectfully submitted,

John Novack
Rebecca Novack

ORDINANCE NO. 2005 - 41

AN ORDINANCE REZONING 1411 E. GROVE STREET FROM R-1C HIGH DENSITY SINGLE FAMILY RESIDENCE TO R-1C / S-4 HISTORIC AND CULTURAL DISTRICT OVERLAY

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

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

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

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

1. That the premises hereinafter described in Exhibit "A" shall be and the same are hereby rezoned from R-1C District to R-1C/S-4 District.
2. The Official Zoning Map of said City shall be amended to reflect this change in zoning classification.
3. This Ordinance shall take effect immediately upon passage and approval.

PASSED this 9th day of May, 2005.

APPROVED this 10th day of May, 2005.

Stephen F. Stockton
Mayor

ATTEST:

Tracey Covert
City Clerk

EXHIBIT A

The west fifty four feet of Lot four in Frink and Dooley's Groveland Subdivision of 3.45 acres in the east half of Section 3 township 23 range 2 east.

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, Finnegan, 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 filed by Paul F. Nord and Karen Nord Requesting Approval of the Annexation and Rezoning to B-1 Highway Business District for Property Located at the Intersection of Illinois Route 9 West and Mitsubishi Motorway, north of Constitution Trail and south of Illinois Route 9, Consisting of Approximately 36.34 acres (west of Ward 7)

BACKGROUND INFORMATION:

Adjacent Zoning

north: (County) Commercial,
 (County) Agriculture
 south: (County) Agriculture
 east: M-1 Restricted Manufacturing
 west: (County) Agriculture

Adjacent Land Uses

north: vacant
 single family dwellings
 south: trail, cropland
 east: warehouse-storage
 west: cropland

Comprehensive Plan recommends: "light industrial" use.

The property in question is a tract of approximately 36.34 acres, containing cropland, a house and farm buildings. The Council approved the Annexation Agreement for this property which included the commitment to rezone it into the B-1 Highway Business District on April 11, 2005. All the public hearings on such Annexation Agreement required by law were held on February 9, 2005 and on April 11, 2005.

STAFF RECOMMENDATION:

Staff respectfully recommends that Council approve this Annexation and Rezoning as presented.

Respectfully,

Kenneth Emmons
City Planner

Tom Hamilton
City Manager

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

STATE OF ILLINOIS)
)SS.
COUNTY OF McLEAN)

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

Now comes Paul F. And Karen Nord hereinafter referred to as your petitioner(s), respectfully
representing and requesting as follows:

1. That your petitioners are the owners of the freehold or lesser estate therein of the premises hereinafter legally described in Exhibits A which is attached hereto made a part hereof by this reference, of are a mortgagee or vendee in possession, assignee of rents, receiver, executor (executrix), trustee, lessee or other person, firm or corporation of 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, Agriculture under the provisions of the McLean County Zoning Ordinance;
3. That there is attached hereto and made a part hereof a proposed annexation agreement between said City and your petitioners which provides for the annexation of the premises described in Exhibit A to said City;
4. That said Annexation Agreement provides that, upon annexation of said premises to said City, said premises would be zoned as follows under the provisions of Chapter 44 of the Bloomington City Code - 1960, as amended B-1 Highway Business District;
5. That your petitioners hereby request that the Honorable Mayor and City Council of the City of Bloomington, McLean County, Illinois approve said Annexation Agreement, annex said premises to said City and amend the Official Zoning Map of said City to reclassify said premises into the zoning district classification;
6. That said requested zoning classification is more compatible with existing uses and/or zoning adjacent property than the zoning of said premises to the A-Agriculture District; and

7. 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 petitioners by the zoning of said premises to the A-Agriculture District.

WHEREFORE, your petitioners respectfully pray that said Annexation Agreement be approved, that said premises be annexed to the City of Bloomington, McLean County, Illinois, and 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 to B-1 Highway Business District.

Respectfully submitted,

By: Frank A. Miles
Attorney for Paul F. and Karen Nord
Owners/Petitioners

ORDINANCE NO. 2005 - 42

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

WHEREAS there has heretofore been entered into a certain Agreement for Annexation between the City of Bloomington and Paul F. And Karen Nord, the owner of the premises hereinafter described, which Agreement is attached hereto and made a part hereof by this reference as Exhibit A; and

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

WHEREAS the City Council of the City of Bloomington has determined that said premises are contiguous to the corporate limits of the City of Bloomington and are not within the confines of any other municipality of the State of Illinois, and that the Owner has given all notices required to be given by Section 7-1-1 of the Illinois Municipal Code (IL. Rev. Stat., Chapter 24, Section 7-1-1); and

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

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

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

SECTION TWO: That the Annexation Agreement heretofore filed concerning Annexation of the aforesaid property has been executed by the record owner of the property described therein, and that the Owner's Acknowledgment has been duly executed, under oath, by the owner of said property.

*If the property is held in a land trust, the name and address of each beneficiary of such land trust shall be identified in compliance with Chapter 148, Sec. 71 (ILL. Rev. Stat.)

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

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

SECTION FIVE: That this Ordinance shall be in full force and shall be effective as of the time of its passage this 9th day of May, 2005.

APPROVED:

Stephen F. Stockton
Mayor

ATTEST:

Tracey Covert
City Clerk

ORDINANCE NO. 2005 - 43

**AN ORDINANCE REZONING BUSINESS PARK AT NORD FARMS FROM A,
AGRICULTURE TO B-1 HIGHWAY BUSINESS DISTRICT**

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

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

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

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

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

PASSED AND APPROVED this 9th day of May, 2005.

APPROVED:

Stephen F. Stockton, Mayor

ATTEST:

Tracey Covert, City Clerk

EXHIBIT A

Legal Description Tract. 1

Part of the W ½ of the NW ¼ of Section 1 and part of the NE ¼ of Section 2, all in Township 23 North, Range 1 East of the Third Principal Meridian, McLean County, Illinois, more particularly described as follows: Beginning 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 S. 01°-03'-29" E. 1218.37 feet on said east line of the W ½ of the NW ¼ of Section 1 to the north right of way line of the former Penn Central Railroad, said point also being the southwest corner

of Joseph A. and Carrie G. Scharf Industrial P.U.D. Subdivision; thence N. 67°-30'-18'' W. 916.10 feet on said north right of way line of the former Penn Central Railroad; thence northwesterly on said right of way line 408.50 feet on a non-tangential curve concave to the northeast having a central angle of 04°-04'-01'', a radius of 5755.00 feet and a chord of 408.42 feet bearing N. 65°-25'-31''W. from the last described course; thence N. 63°-23'-05''W. 970.03 feet on said right of way line; thence N. 09°15'-16'' W. 67.96 feet to the west line of the East 45 acres of the NE ¼ of Section 2 as fenced and occupied; thence N. 00°-34'-38''W. 183.68 feet on said west line of the East 45 acres of the NE ¼ of Section 2 as fenced and occupied to the south right of way line of F.A. Route 693/Illinois Route 9; thence N. 89°-33'-20''E. 731.78 feet on said right of way line; thence N. 86°-41'-35''E. 200.25 feet on said right of way line; thence N. 89°-33'-20'' E. 824.06 feet on said right of way line; thence northeasterly on said right of way line 275.22 feet on a tangential curve concave to the southeast having a central angle of 00°-27'-34'', a radius of 34317.47 feet and a chord of 275.22 feet bearing. N. 89°-47'-07'' E. from the last described course; thence S. 74°-41'-39''E. 46.05 feet on said right of way line to the Point of Beginning containing 36.34 acres, more or less, with assumed bearings given for description purposes only.

Legal Description Tract 2

Part of the SW ¼ of Section 36 and part of the SE ¼ of Section 35, all in Township 24 North, Range 1 East of the Third Principal Meridian, McLean County, Illinois, being more particularly described as all that portion of the dedicated and occupied public road- right of way of F.A. Route 693/Illinois Route 9 lying north of and adjacent to the north line of the hereon described Tract 1.

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

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

Ayes: Alderman Crawford, Huette, Schmidt, Finnegan, 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: Annexation Agreement for Eastlake Subdivision

The Planning Commission held a public meeting on this petition on April 27, 2005. The item was laid over until the Planning Commission's meeting of May 11, 2005. A public hearing will be held this evening due to the legal publication.

Staff respectfully requests that the public hearing on this petition be held, and laid over until the May 23, 2005 Council meeting.

Respectfully,

Tracey Covert
City Clerk

Tom Hamilton
City Manager

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

Motion by Alderman Matejka, seconded by Alderman Finnegan that the public hearing be held, and the item laid over until the May 23, 2005 Council meeting.

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

Ayes: Alderman Crawford, Huette, Schmidt, Finnegan, 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 Redevelopment Agreement for the Ensenberger Building

Enclosed is a proposed Redevelopment Agreement for the Ensenberger Building. The proposed agreement obligates the City to provide \$2,228,000 in Tax Increment Financing (TIF) revenues over the next five years. It would be provided at \$400,000 per year for the first four years and at \$328,000 in year five.

The total project cost is just under \$9,000,000. Hard construction costs are estimated at about \$6,100,000 by P.J. Hoerr. Staff believes this to be an accurate estimate. The agreement requires the project to be completed by January 1, 2007. It is estimated that the project will generate about \$160,000 in property taxes when complete.

The Developer for this project is Mr. Ward Waller. His architect is Francois and Associates and P.J. Hoerr is the general contractor. Private financing is being provided by CEFCU. The property owner, Mr. Merle Huff, is co-signing the construction loan and will be paid a fee of \$235,000 for doing so as part of the property purchase price of \$1, 235,000. The agreement also obligates Mr. Huff to complete the project in the event that Mr. Waller is unable to complete it.

Historically, the City has assisted downtown redevelopment projects at about 28% of project costs, less land costs. This project involves a participation rate of about 29%.

The issues involved as staff sees them are:

1. Total dollar cost to the City. This would be the single largest project undertaken by the City during the current TIF District life span. It is also the largest in terms of square footage, with over 56,000 square feet.

2. Impact on TIF Fund. Last year the TIF produced about \$900,000. Current obligations over the next five years will decline as projects are paid off. Currently, major outstanding obligations are to the Brown Building expiring in 2007, Parker project expiring in 2006, and the Castle Theater expiring in 2007.

In total, obligations from the fund are now at about \$460,000 per year. Thus, the fund could support this project, but no other major projects could be added until the existing obligations are retired. This means no funds would be available for facade grants or streetscape in 2006 or 2007.

3. Experience of the Developer. To staff's knowledge, Mr. Waller has not been the primary developer on a project of this magnitude. Mr. Huff owns property in downtown Bloomington and in Peoria. Staff is not aware of major redevelopment projects that have been completed by Mr. Huff in either city.

Russel Francois and P.J. Hoerr have strong track records throughout the area. It is staff's opinion that the architect and contractor can handle a project of this magnitude. Staff is unsure about Mr. Waller and Mr. Huff as they have no local track record. However, CEFCU believes that the project can be successful with Mr. Huff's financial backing and the fact that seven condo units have been presold.

4. Project Impact on Downtown. This is the remaining large building in the downtown awaiting redevelopment. There is no doubt that if this project were completed as planned, it will be a have a tremendous impact on downtown, bringing home ownership to the center of downtown. Ownership will strengthen the current residential development trend in the downtown. It should also enhance real estate values through ownership and the prices paid for each unit.

5. What if this project does not happen. This proposal is the first complete redevelopment project brought forth for this building. Staff may not have seen other proposals because of the project's scale, risk to the developer, building cost, market conditions or owner. There is no way to know if this building would interest others if the City provided a like amount of assistance.

Everyone would like to see this building redeveloped. There are a number of key questions regarding this proposal: 1.) is this the right deal; 2.) the proposed sale of the building by Mr. Huff to another party under the proposed terms; 3.) potential for another party to come forward if this proposal is turned down; 4.) impact of delayed redeveloped on this building if this proposal is not accepted and 5.) impact of delayed redevelopment upon the downtown. Only time can answer these questions, but still need to be considered.

Staff has reviewed and analyzed each of the above issues, had conversations with all parties involved, and reviewed all of the supporting documentation. It is staff's conclusion that this project as proposed could not be completed with less City assistance, as it appears that the only way to lower the project price is for the owner to lower the asking price. It is staff's impression that the price will not be lowered.

Given the future uncertainty of this building, and concerns raised, if this agreement is not approved, staff recommends that Council pass a motion approving this redevelopment agreement as presented.

Respectfully submitted,

Tom Hamilton
City Manager

(CONTRACT ON FILE IN THE CITY CLERK'S OFFICE)

Tom Hamilton, City Manager, introduced this item. This redevelopment agreement included various stages of review. The total cost of the project was \$9 million. The building was located on the west side of the square. It was the largest Downtown building with over 56,000 square feet. The first two (2) floors would be commercial. The upper levels would house condominiums. Seven (7) units were already sold at this time. Ward Waller would purchase the building from Merle Huff. The project architect was Russell Francois. The general contractor was PJ Hoerr who had put in a bid of \$6 million. The Downtown TIF generates \$900,000 per year. He cited the City's current obligations. He noted the cash flows for 2006 and 2007. Funds would be tight and the City could not become engaged in any other significant projects. This project would be completed in a year and a half, (1½ years). The developer was present this evening. The building had been sitting vacant for a number of years. This was the first complete development proposal for this site. It also has the support of the current owner. He expressed his confidence in the project architect and general contractor. He did not know what would happen if the Council did not vote to support this project. The TIF would be freed up in three (3) years.

Alderman Finnegan questioned how much of the \$169,000 would revert back to the TIF. Mr. Hamilton responded all. After 2009, these funds would be dispersed to the other taxing bodies within the district.

Alderman Crawford questioned the payback. Alderman Sprague cited \$160,000 in three (3) years. Mr. Hamilton noted that the TIF would receive \$160,000 for two (2) years. At this time, the City controls the funds. After the TIF expires, the City would receive thirteen percent (13%) of \$160,000.

Alderman Schmidt questioned dollars for facade grants. She questioned if the pay back could be shortened. She noted the generation of \$40,000. Mr. Hamilton described the figures as conservative. The EAV (Equalized Assessed Value) and tax rates would have an impact. These two (2) factors might free up some dollars. The City could afford a tight squeeze at this time. He noted that the former proposal was for twelve (12) years and requested an additional million dollars. He described the proposal as a short term pain for long term gain.

Alderman Huette noted that Mr. Hamilton had endorsed the project architect and general contractor. However, he questioned Mr. Huff. Mr. Hamilton noted that Mr. Huff was not involved in any Downtown redevelopment projects. He also owned property in Peoria. Alderman Huette questioned other sizable projects. There was nothing of this scale in the Downtown. Mr. Hamilton was not aware of anything. He restated that this was the largest Downtown building. It was totally empty.

Alderman Purcell requested more time to evaluate the proposal. He expressed his interest in the developer making a larger investment. Todd Greenburg, Corporation Counsel, noted that the City's duties were subject to a cap. Mr. Hamilton noted that November would be the time of deposit. The City will have received dollars from the County by then. Alderman Purcell noted that this individual did not have a proven track record. He also questioned interest payments. Mr. Hamilton responded negatively (for City dollars). He noted that the hard redevelopment costs were contain in Section 4, Paragraph D. He added that the TIF law permits that interest rates be written down. Alderman Purcell expressed his opinion that this project was not complete. Mr. Hamilton noted that Mr. Huff would be on the line to complete the project. He will have cosigned the loan with CEFUCU. Alderman Purcell questioned if there would be a performance and/or completion bond. He noted CEFUCU's letter of commitment was limited to \$6 million. Mr. Hamilton responded negatively regarding the bond and affirmatively regarding the letter of commitment. Alderman Purcell questioned Merle Huff's million dollar escrow. Mr. Hamilton noted that this item was not a part of this proposal. Alderman Purcell noted that there would not be any funds for Downtown facades and streetscapes. He noted that if there was a shortfall at the US Cellular Coliseum, there would not be any TIF funds available. Mr. Hamilton noted that although allowable, it had never been done. Private development meant that 100% went back into Downtown redevelopment. Alderman Purcell questioned if General Fund dollars would be used is there was a shortfall in the TIF. Mr. Hamilton noted that the TIF could borrow funds from the General Fund. These dollars would be replenished. There was no plans to do this at this time.

Alderman Sprague noted that the TIF would end in 2009. Mr. Hamilton noted that the last receipts would be received in 2010. This would be the 2009 receipts. City staff would try to insure that the TIF did not borrow from the General Fund.

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

Motion carried.

Ward Waller, Waller Home, 216 N. Center, addressed the Council. He made a limited presentation. He cited the strength of the project architect and general contractor. He provided information regarding the history of the building. He expressed his opinion that the best use was residential home ownership. He cited increased property values. He addressed Downtown concerns. Merle Huff currently owned the property.

Alderman Huette noted that the roof top area had been removed from the proposal. He questioned the commitments to purchase. Mr. Waller noted that the seven (7) units were sold prior to the proposal for a roof top clubhouse. It was not a necessity, but a perk. Mr. Huff had lowered the purchase price.

Leon Zanoni, 306 E. Grove St., addressed the Council. He had been retained by Mr. Waller. This project was ready to go. Due to the various delays, four (4) buyers had rescinded their offers. Other prospective buyers have committed dollars. The commercial uses would be limited. There would be rental restrictions for the condominiums. Mr. Huff would cosign the loan and review all pay outs. CEFCU was committed to a \$6 million loan. Mr. Huff was willing to comply with the agreement. The City would only pay if the building is redeveloped. There were built in protections. This type of development has happened in other communities.

Alderman Crawford noted that four (4) potential buyers had backed out. Mr. Waller noted that the project had been too drawn out. One third (1/3) of the square footage had been sold. He expressed his belief that the building would sell out. CEFCU's loan commitment would total \$7.6 million. Mr. Huff noted that no money would be spent until the project was complete. CEFCU would be paid back.

Alderman Sprague questioned the \$500,000 CD (certificate of deposit). Mr. Waller noted that it too would be secured by CEFCU. The project cannot be done without it. He cited Mr. Huff's vast resources. Alderman Sprague expressed his interest in seeing something in writing. Mr. Zanoni suggested that it would be similar to a subdivision bond. The same conditions on the principal would apply (CEFCU's repayment). Mr. Waller noted that the lender was not present. Mayor Stockton noted that a CD was an investment vehicle which would be titled to CEFCU. Mr. Huff noted that there was \$500,000 in an escrow account at CEFCU.

Greg Koos, Executive Director, McLean County Museum of History, 200 N. Main St., addressed the Council. He provided information regarding the history of the property. It was listed on the National Historic Register. It was part of the impact of German immigration upon the community. The building was built by a prosperous furniture seller. The Madison St. side of the building was designed by George Miller. The Center St. Gothic

facade was designed by Arthur Pillsbury. He described the building as a landmark. He cited the terra cotta facade. Two (2) of the City's most significant architects designed it. The building was important to the community. It was in need of preservation.

Russell Francois, Francois Associates, 118 W. Washington, project architect, addressed the Council. The Ensenberger building was a seven (7) story structure. It contain 61,000 gross square feet. Livable space was 56,000 square feet. The budget was sufficient. The plan efficiently used the space on each floor. He cited the elevators, stairs and circulation space. The first floor lobby was large, (30% of the space). Floors two through seven (2 - 7) offered 80% usable space. In comparison, the Brown Building which only offered 40 - 50% usable space. Other building uses included parking. Building projects included the exterior and new roof. The building would be cleaned, and all exterior walls would be tuck pointed. The building was in good shape. The terra cotta panels required patched repair. The windows and doors would be restored/replaced. The residential units would offer minimal natural lighting. The mechanicals would need to be completed. There would be an elevator and two (2) stairwells, (eight stories). Fire suppression would be installed. In January 2004, a proposal was prepared which excluded acquisition. The estimated cost at that time was \$7 million. He cited the project negotiation phase. In working with PJ Hoerr, the hard cost was \$6.1 million. The cost breakdown was as follows: \$2.1 million - interior improvements, and \$4 million for exterior work. The cost per square foot was \$100. If the project cost \$9 million, then the square footage cost would be \$147. In 2005, the national average was \$123 per square foot for a four to seven (4 - 7) story building. This was a wonderful building. It could become the life center of the Downtown with residents living in it. The Council might be surprised by this project. He hoped it would represent an ongoing trend. Two (2) couples had purchased a building on Main St. They plan on becoming Downtown residents.

Alderman Schmidt questioned if there were plans to request an S - 4, Historic and Cultural District overlay. She questioned the impact upon the numbers. Mr. Francois noted that his familiarity with this zoning classification. A petition would have to appear before the Historic Preservation Commission and the Planning Commission. He expressed his concern about the degree of renovation to the building's first floor. The streetscape appearance would involve a major change. There would be no significant impact on cost. Alderman Schmidt noted that this project's work would be in keeping with the S - 4 zoning classification. Mr. Francois responded affirmatively.

Alderman Sprague requested help with the numbers. He questioned the \$9 million figure and what percentage of this figure would be spent on the first floor. He also questioned what the average cost for the twenty-eight (28) units would have to be to make the project work. He added that removing the retail space resulted in a figure of \$321,000 per unit to break even. Mr. Francois noted that this question would have to be addressed by the owner. He noted that there was 10,000 square feet on the building's first floor. Mr. Waller noted that the costs have not been broken down. Alderman Sprague restated his belief that for this project to be successful the average cost per unit would have to be \$321,000. Mr. Waller estimated the cost per unit at \$240,000 plus parking. Alderman Sprague questioned if the real estate market would support this figure. Mr. Waller noted

that the end lender was Countrywide. There were two (2) sets of appraisals and five (5) different units. He added that Mr. Hamilton has been provided with copies. He noted that the higher cost units would be on the building's upper floors. The price range was \$134,000 to \$375,000.

Alderman Sprague questioned the seventh floor. Mr. Waller noted that the top floor would be the most flexible. Current plans showed three (3) units. Alderman Sprague questioned the sixth floor. Mr. Waller informed the Council that floors two through six, (2 - 6), would offer five (5) units. The project would take one and a half (1½) years. PJ Hoerr's timeline was one (1) year to complete.

Bruce Johnson and Vicky Morgan, 3105 Redder Ln., addressed the Council. They were employed at Illinois State University (ISU) as Curriculum and Instruction professors. They had made a financial investment in this project. This was a progressive development. They had toured the building and visited with the architect. This was a special and unique opportunity. This was an investment in a home, a neighborhood and community.

Mr. Johnson had been an ISU student in the 1970's. The City was coming alive. The City offered urban living without the hassle. He had sold his lawn mower. This project presented a unique opportunity. The neighborhood was growing and the residents were responsible.

Mr. Waller expressed his opinion that this project was the best used for this historic building. The building would host a mixed use. There would be twenty-six to twenty-eight, (26 - 28), owner/occupied condominiums. A team was in place and work could begin in two (2) weeks.

Alderman Finnegan noted that move in could begin in one (1) year. He questioned the rental restriction. Mr. Zanoni noted that the rental restriction would be listed in the covenants. Mr. Waller restated that the units would be owner occupied. There will be a home owners association. Dues will be paid. The building will be repaired. He restated the various team members and noted that local laborers would be employed on this project. The pay back time line was twelve to fourteen (12 - 14) years.

Alderman Sprague recommended that a performance bond be purchased until the completion of the project. Mr. Zanoni noted that such a document would be difficult to obtain. A corporate performance bond was almost impossible to obtain. The project would involve an escrow agreement. Alderman Sprague noted that individuals default. Mr. Zanoni noted that this request was too costly. Alderman Sprague expresses his opinion that the developers did not want to pay the premium. Mr. Hamilton noted that the developer has the choice of a bond, an escrow, and/or a letter of credit. It was easier to obtain these dollars from an escrow and/or letter of credit. Mr. Zanoni could not speak for CEFCU. CEFCU's attorney had provided the detail.

Alderman Schmidt questioned if the City could fund any other TIF projects. Mr. Hamilton responded negatively. Mayor Stockton noted that if the developer defaulted,

then the City could compel performance. Alderman Sprague questioned what would happen if the resources were already spoken for or obligated elsewhere. Mr. Hamilton noted that CEFCU would be behind Mr. Huff. There would be no further assistance from the City. Alderman Sprague questioned what would happen if both parties walked away. Mr. Hamilton noted that there would not be a pay out without proper documentation. The project would take a year and a half (1½) years to complete. If the project would be completed and there were no unit sales, then CEFCU would foreclose on the building. The units do not have to be sold for the building to be renovated. Someone would pay the property taxes. Mayor Stockton noted that a large number of the unsold units were of lower value. Mr. Waller informed the Council that he did not own rental property. Eight (8) units can be retained if necessary.

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

Motion carried.

Alderman Schmidt expressed her interest in receiving feedback from the Downtown as this was a key building which she described as the center piece.

Alderman Crawford noted that there was some risk. Today, the City had a deteriorating building. Rehabilitation can be contagious. He encouraged the Council to take the risk.

Alderman Sprague stated that he was unwilling to take the risk. The project was not the usual development. The City needed some type of guarantee. The TIF dollars needed to be protected. There was still work to be done. He described the process as incomplete. He restated his interest in a performance guarantee. He requested a copy of the appraisals and the sale contracts. He questioned how the cosign would work.

Alderman Matejka stated that it would be worthwhile to lay this item over for two (2) weeks. The time would give the Council time to review the paperwork. Mr. Huff and CEFCU would have the opportunity to formulate a performance guarantee. He noted that the Council had been told that Mr. Huff had the financial where with all. He noted the concern about funds being available if the project would fail. The City will not be responsible for financially backing this project.

Alderman Huette noted that \$325,000 had been pledged to back this project. The developer had secured a \$6 million loan with CEFCU. CEFCU would be repaid. He questioned the opportunity for the City if the building remained empty. Individuals had already put money down to purchase a unit. There was interest in this project.

Alderman Sprague stated that he did not question the intent. He again cited the tremendous risk.

Alderman Schmidt questioned what pragmatic things could be accomplished in the next two (2) weeks. Mr. Hamilton suggested that the Council request a financial statement

from Mr. Huff. In addition, there should be a request for the security agreement between Mr. Huff and CEFCU. Mr. Hamilton informed the Council that he had already seen the loan agreement and the sales agreements. He had not seen Mr. Huff's financial statement. He added that CEFCU appeared to be comfortable with this project.

Mayor Stockton expressed his opinion that this was a worthwhile project. He cited the concern raised regarding the risk to the TIF funds should the project default. The developer has provided a list of assets and a letter of credit. These items documented over protection. Mr. Hamilton noted that the City could not take title to this project. CEFCU would own the building. The Council had requested that the agreement be amended to address access to the TIF dollars. A question had also been raised regarding Mr. Huff's pledge to CEFCU.

Motion by Alderman Matejka, seconded by Alderman Schmidt to suspend the rules.

Motion carried.

Merle Huff, 4018 Keating, Peoria, addressed the Council. He agreed to provide a financial statement. He noted that he was CEFCU's largest client. Currently, he also owned the Front and Center Building. In addition, he held over 300 rental properties. He estimated the annual income at \$1.5 million. A number of his businesses are operated by his children. Work on this building began three (3) years ago. Mr. Francois has been involved. The plan for the building back then was commercial use. He described his relationship with Mr. Waller as amicable. He noted his success in the real estate market. Prior to this, he had sold insurance for thirty-five (35) years.

Alderman Sprague questioned a guarantee. Mr. Huff stated that he did not know if CEFCU would agreed to do so. No dollars would be received until the project was paid off. Alderman Sprague cited a \$300,000 payment. Mr. Huff noted that there would be no profit. Expenses would be reviewed monthly. CEFCU would not make any payments without Mr. Huff's signature.

Mayor Stockton requested that Mr. Huff provide a financial statement.

Alderman Sprague expressed his appreciation to Mr. Huff for the consideration. Alderman Sprague's concern was for future TIFs and for the integrity of the Downtown TIF dollars.

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

Motion carried.

Alderman Sprague requested that the guarantee be provided to Tom Hamilton, City Manager, and Todd Greenburg, Corporation Counsel. Alderman Finnegan added that it should be a contractual guarantee. Mr. Hamilton cited the City's contribution to the entire project. Alderman Sprague questioned if the amount would decrease over time. Mr. Hamilton restated that the loan value was \$6 million. Alderman Huette noted that the City

was risking \$2.2 million. Mr. Hamilton restated that CEFCU would own the building. City staff would explore mechanisms which would provide security until the project was completed, not until the units were sold. The goal was to secure the \$2.2 million. City staff would work with Mr. Huff. The project would be deemed complete when the occupancy permits were issued. The City would only make three (3) payments by the time the project is complete. Alderman Sprague noted that the financial guarantee should state that the TIF dollars would be returned.

Motion by Alderman Sprague, seconded by Alderman Matejka to lay the item over until the May 23, 2005 Council meeting in order to allow Tom Hamilton, City Manager, and Todd Greenburg, Corporation Counsel, to secure an acceptable financial guarantee.

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

Ayes: Aldermen Purcell, Finnegan, Sprague, and Matejka.

Nays: Aldermen Huette, Crawford, Gibson, Schmidt and Mayor Stockton.

Motion failed.

Mayor Stockton noted that he was unsure if Mr. Huff had the necessary assets to secure an acceptable financial guarantee.

Alderman Matejka expressed his opinion that due to the time, energy and effort shown, the full Council would support this project. The building was a key piece to the Downtown. However, the tax dollars needed to be protected.

Alderman Finnegan recommended that the item be voted on tonight with contingencies.

Alderman Sprague expressed his opinion that there was a need for continued dialogue. He wanted a good solid agreement. Alderman Matejka noted that there had been one and half to two (1½ - 2) years of work on this project. Alderman Sprague restated a good, solid project which would allow the City to maintain the TIF for the next four to five (4 - 5) years.

Alderman Huette noted that the City does not wish to accept the exposure. Mr. Greenburg noted that there were sufficient resources to repay the City's TIF funds. Alderman Huette requested that City staff check these resources to insure they will back up the contract. Mr. Greenburg noted that a Letter of Credit was a pledge of assets.

Mayor Stockton noted that Mr. Huff's financial statement would list his assets. The question was how to secure these assets.

Motion by Alderman Schmidt, seconded by Alderman Matejka that the redevelopment agreement with Ensenberger Condominiums, LLC, an Illinois Limited

Liability Company, obligating the City to provide \$2,228,000 in Tax Increment Financing (TIF) revenues over the next five (5) years, provided with \$300,000 initially and then at \$400,000 per year for the first four (4) years and at \$328,000 in year five be approved, and the Mayor and City Clerk be authorized to execute the necessary documents, contingent upon an acceptable guarantee for the TIF funds/financing subject to the approval of the City Manager and Corporation Counsel.

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

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

Nays: Alderman Purcell.

Motion carried.

Mayor Stockton requested that Mr. Hamilton and Mr. Greenburg report back to the Council.

MAYOR'S DISCUSSION: Mayor Stockton informed the Council that Proclamations had also been prepared for former Aldermen Veitengruber and Whalen. He planned to deliver same.

He distributed a copy of the survey, (March 2005 Survey Bloomington Voters), he had conducted during his mayoral campaign to the Council. He noted that it provided ideas for future discussion. There were a number of issues.

He informed the Council that the Eastlake Annexation and the Comprehensive Plan, which would include an east side corridor, would appear on the Council's June 13, 2005 meeting agenda.

He questioned where the City was at on the MetCom issue. He expressed his interest in reconsidering this subject. He noted that the Town of Normal and McLean County had discussed the break up of MetCom. He informed the Council that he and Tom Hamilton, City Manager, planned to meet with John Zeunik, County Administrator, Michael Sweeney, County Board Chairman, and Chris Koos, Mayor - Town of Normal. Mr. Hamilton had prepared a list of major issues. Mark Peterson, City Manager - Town of Normal, had presented a response. A copy of the letter was provided to the Council. Mr. Hamilton informed the Council that he had drafted a response. However, he needed to meet with Roger Aikin, Police Chief, and Keith Ranney, Fire Chief. Things were not clear and there were strong disagreements. He added that the residents do not understand. The City needed to provide an explanation. Mr. Hamilton had recently spoken with Mr. Peterson. He expresses his opinion that the matter could be resolved quickly.

Alderman Schmidt expressed her interest in a reasonable time limit. Mr. Hamilton noted that the County Board meets once a month. The ETSB would be next to take action.

July might be too tight. Alderman Schmidt expressed her opinion that the City could not go back. There needed to be improvements.

Mayor Stockton suggested that perhaps the City needed more control. Alderman Sprague noted that was part of the reason why the City left. He noted the differences between the communities. MetCom had been unwilling to support the City's urban needs for technology. What had changed was the fact that there was no face to face contact between the telecommunicators and the police officers.

Alderman Schmidt requested that the door be kept open as it might be worthwhile to pursue a dialogue. Alderman Sprague noted that the City had tried to resolve the issues between three (3) Police Chiefs and five (5) MetCom Directors. Alderman Schmidt noted that the elected officials for the Town of Normal and McLean County were willing to become involved.

Alderman Huette questioned what had taken place that they were now willing to address the issue. He cited a concern to protect funding. Alderman Sprague stated that the City needed to put a deal on the table. Alderman Huette agreed that \$300,000 was better than nothing. Alderman Sprague recommended that the City send a letter which would state that the City intended to pay nothing. Alderman Huette expressed his opinion that there was a better solution. The City should be more open and eager to listen to the MetCom board.

Mayor Stockton noted that the City had their attention. Alderman Sprague noted their past unwillingness and questioned why now. Mayor Stockton expressed his opinion that the City was not seriously at the table. The City needed to protect itself. The City also needed to help the public understand. Mr. Hamilton expressed an interest in reaching an agreement. The City was the number one funder and user of the service. All the City has to offer is good will. The County will not give up control of MetCom nor the ETSB. He expressed concern regarding the budget. Alderman Huette questioned if there was a neutral party/swing vote. He understood various individuals' reluctance. Mr. Hamilton noted that the City cannot control MetCom. It was the largest user, funder and risk taker.

Alderman Matejka noted the April 11, 2005 Work Session on Ambulance Service. The City was interested in AVL (Automatic Vehicle Locator). MetCom had turned down the City's request stating that it was too expensive. If the City is willing to pay for AVL and/or more dispatchers, then the City should be able to obtain these things. There had been an unwillingness to change the power structure. The City had to threaten to pull out in order for service to improve. The Council wanted to provide excellent service in order to protect the City. He fore saw additional problems down the road.

Alderman Huette expressed his opinion that the citizens were happy with the system. Alderman Matejka acknowledged that there had been incremental improvements. The dispatch issues were just a symptom of the problem. Mayor Stockton noted his unsurety. He believe that the Town of Normal and McLean County would be willing to pay extra for improvements. Mr. Hamilton restated that MetCom's employees were

employed by McLean County. Alderman Matejka noted that the City had voiced its concerns. MetCom's structure should match the populations served and the funding requested.

Mayor Stockton questioned which Aldermen were willing to reconsider this issue: The following Aldermen responded affirmatively: Alderman Schmidt, Huette and Gibson.

Alderman Purcell questioned cell phone calls. Roger Aikin, Police Chief, noted that these calls would be directed to the primary PSAP, MetCom. Alderman Purcell questioned the number of cell phone calls. Police Chief Aikin responded that he did not know. Alderman Purcell questioned if the two (2) telecommunication centers would have the ability to work together.

Alderman Sprague noted that the time frame was critical. Mayor Stockton recommended that the issue be reconsidered at the Council June 13, 2005 meeting. He had already sent a message to the Town of Normal and McLean County.

CITY MANAGER'S DISCUSSION: Tom Hamilton, City Manager, informed the Council that he would be out of the office on Thursday, May 12, 2005 and Friday, May 13, 2005 at training.

He requested that the Council provide their vacation schedules to him.

ALDERMEN'S DISCUSSION: Alderman Crawford questioned the status of the RFP, (Request for Proposal) to televise the Council meetings. Mr. Hamilton noted that it had been sent to Insight. It would involve an equipment exchange and a long term franchise agreement. He estimated the value at \$80,000. City staff has also considered Internet broadcast. Alderman Crawford noted that this should be in addition to not a substitute for television. Mayor Stockton noted that the City would need to monitor accessibility. Mr. Hamilton noted that he did not have an exact answer. Barb Adkins, Community Affairs Specialist, would follow up. This would not be local decision for Insight.

Alderman Purcell thanked City staff for the welcome. He looked forward to serving on the Council.

Alderman Finnegan encouraged the Council to look at the Brown Building as a positive TIF story. He informed the Council that he served as a reader at the Moses Montefiore Temple Night of Glass, celebration of the Holocaust.

Motion by Alderman Matejka, seconded by Alderman Schmidt to recess into executive session, (Section 2 (c) (2) - Collective Bargaining. Time: 10:30 p.m.

Motion by Alderman Matejka, seconded by Alderman Schmidt to return to regular session and adjourn. Time: 11:00 p.m.

Motion carried.

**Tracey Covert
City Clerk**

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