

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

The Council convened in regular Session in the Council Chambers, City Hall Building, at 7:30 p.m., Monday, February 22, 2010.

The Meeting was opened by Pledging Allegiance to the Flag followed by Silent Prayer.

The Meeting was called to order by the Mayor who directed the City Clerk to call the roll and the following members answered present:

Aldermen: Judy Stearns, Kevin Huette, Bernie Anderson, David Sage, John Hanson, Jennifer McDade, Steven Purcell, Karen Schmidt, Jim Fruin and Mayor Stephen F. Stockton.

City Manager David Hales, City Clerk Tracey Covert, and Corporate Counsel Todd Greenburg were also present.

The following was presented:

Oaths of Office – Police Patrol Officers Jason Haworth and Evan Hurt.

Randy McKinley, Police Chief, introduced Jason Haworth and Evan Hurt, Police Patrol Officers. Both had completed their probationary periods. Chief McKinley introduced Mr. Hurt. He had attended Parkland Community College and Southern Illinois University to earn a Bachelor's Degree. Mr. Haworth had attended Western Illinois University. He had served eight (8) years as a Military Police Officer. He had also been a Community Service Officer. He was accompanied this evening by his mother, son and girl friend.

Mayor Stockton presented Officers Haworth and Hurt with their certificate. He congratulated both of them.

Tracey Covert performed the Oath of Office.

The following was presented:

SUBJECT: Council Proceedings of December 28, 2009 and Executive Session Minutes of January 25, 2010

RECOMMENDATION: That the reading of the minutes of the previous Council Proceedings of December 28, 2009 and the Executive Session Minutes of January 25, 2010 be dispensed with and the minutes approved as printed.

BACKGROUND: The Council Proceedings of December 28, 2009 and the Executive Session Minutes of January 25, 2010 have been reviewed and certified as correct and complete by the City Clerk.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: Not applicable.

FINANCIAL IMPACT: Not applicable.

Respectfully submitted for Council consideration.

Prepared by:

Recommended by:

Tracey Covert
City Clerk

David A. Hales
City Manager

Motion by Alderman Hanson, seconded by Alderman Anderson that the reading of the minutes of the previous Council Meeting of December 28, 2009 and Executive Session Minutes of January 25, 2010 be dispensed with and the minutes approved as printed.

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

Ayes: Aldermen Stearns, Huette, Schmidt, McDade, Anderson, Hanson, Sage, Fruin and Purcell.

Nays: None.

Motion carried.

The following was presented:

SUBJECT: Bills and Payroll

RECOMMENDATION: That the bills and payroll be allowed and orders drawn on the Treasurer for the various amounts as funds are available.

BACKGROUND: The list of bills and payrolls will be furnished to you on Friday, February 19, 2010 by posting via the City's web site.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: Not applicable.

FINANCIAL IMPACT:

Respectfully submitted for Council consideration.

Prepared by:

Recommended by:

Timothy Ervin
Director of Finance

David A. Hales
City Manager

(ON FILE IN CLERK'S OFFICE)

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

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

Ayes: Aldermen Stearns, Huette, Schmidt, McDade, Anderson, Hanson, Sage, Fruin and Purcell.

Nays: None.

Motion carried.

The following was presented:

SUBJECT: Payments from Various Municipal Departments

RECOMMENDATION: That the payments be approved.

BACKGROUND: All of the described payments are for planned and budgeted contracts previously approved by the City Council.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: Not applicable.

FINANCIAL IMPACT: As follows:

1. The seventh partial payment to Convention and Visitors Bureau in the amount of \$41,666.66 on a contract amount of \$510,000 of which \$343,333.29 will have been paid to date for work certified as 67% complete for the Convention and Visitors Bureau Annual Funding. Completion date – June 2010.
2. The tenth partial payment to Economic Development Council of Bloomington/Normal in the amount of \$6,666.66 on a contract amount of \$80,000 of which \$66,666.60 will have been paid to date for work certified as 83% complete for the McLean County Economic Development. Completion date – April 2010.

3. The eighth partial payment to the Pantagraph in the amount of \$6,682 on a contract amount of \$46,580.16 of which \$35,088.20 will have been paid to date for work certified as 75% complete for the 2009-2010 Seasonal Advertizing Services. Completion date – April 2010.
4. The first partial payment to Testing Services Corporation in the amount of \$1,970 on a per ton and hour contract of which \$1,970 will have been paid to date for work certified as ongoing for the 2010-2011 Asphalt & Portland Concrete Plant Inspection & Laboratory Testing. Completion date – December 2011.

Respectfully submitted for Council consideration.

Prepared by:

Recommended by:

Tracey Covert
City Clerk

David A. Hales
City Manager

Motion by Alderman Hanson, seconded by Alderman Anderson that the payments be approved.

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

Ayes: Aldermen Stearns, Huette, Schmidt, McDade, Anderson, Hanson, Sage, Fruin and Purcell.

Nays: None.

Motion carried.

The following was presented:

SUBJECT: Report

RECOMMENDATION: That the report be received and placed on file.

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

1. Monthly Receipt & Expenditure Report, January, 2010.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: Not applicable.

FINANCIAL IMPACT: Not applicable.

Respectfully submitted for Council consideration.

Prepared by:

Reviewed by:

Recommended by:

Tracey Covert
City Clerk

Timothy Ervin
Director of Finance

David A. Hales
City Manager

(REPORT ON FILE IN CLERK'S OFFICE)

Motion by Alderman Hanson, seconded by Alderman Anderson that the report be placed on file and made a matter of record.

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

Ayes: Aldermen Stearns, Huette, Schmidt, McDade, Anderson, Hanson, Sage, Fruin and Purcell.

Nays: None.

Motion carried.

The following was presented:

SUBJECT: Payment to RBT of Illinois, LLC for the Upsizing of the Water Main in the First Addition of Harvest Pointe Subdivision from an Eight Inch (8") to a Sixteen Inch (16") Water Main

RECOMMENDATION: That the payment be approved.

BACKGROUND: On November 14, 2005, Council approved an Annexation Agreement with RBT of Illinois, LLC for the Harvest Pointe Subdivision. The Harvest Pointe Subdivision is located on the north side of Route 9, just east of Towanda Barnes Road. The Annexation Agreement obligated the City to reimburse the developers for the Water Department requested upsizing of the water main from eight inches (8") to sixteen inches (16"). The developer has installed the water main and has requested reimbursement. Staff has reviewed the invoice and finds it to be in order.

Staff respectfully recommends that Council approve the payment of \$20,435.45 to RBT of Illinois, LLC with payment to be made from Water Depreciation Funds (X50200-72540).

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: Not applicable.

FINANCIAL IMPACT: The payment of this invoice in the amount of \$20,435.45 will be made from Water Depreciation Funds (X50200 – 72540). The current budget does not show this

expense in FY 2009-10. It was expected to be a FY 2010-11 capital expense. The Water Depreciation Fund has a positive fund balance and this invoice will have little impact on the Department's overall budget.

Respectfully submitted for Council consideration.

Prepared by:

Reviewed by:

Recommended by:

Craig M. Cummings
Director of Water

Timothy Ervin
Director of Finance

David A. Hales
City Manager

Motion by Alderman Hanson, seconded by Alderman Anderson that the payment be approved.

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

Ayes: Aldermen Stearns, Huette, Schmidt, McDade, Anderson, Hanson, Sage, Fruin and Purcell.

Nays: None.

Motion carried.

The following was presented:

SUBJECT: Request to Approve Purchase of New Police Patrol Cars by Using State Of Illinois Joint Purchasing Contract

RECOMMENDATION: That the two (2) replacement police vehicles be purchased from Bill Jacobs Chevrolet, Joliet, through the State of Illinois Joint Purchasing Contract, in the amount of \$39,698.82 and additional equipment to be installed by City staff at a cost of \$6,215.70, for a total of \$45,914.52, and one (1) police undercover vehicle be purchased through the State of Illinois Joint Purchasing Contract, in the amount of \$19,196, the Purchasing Agent be authorized to issue a Purchase Order for same, and the Resolution adopted.

BACKGROUND: At this time, a total of ten (10) units in the Police Department have mileage exceeding 100,000 and are in need of replacement at this time. Scheduled vehicle replacements were discontinued in the middle of Fiscal Year 2008 - 09. At that time, there were eight (8) vehicles that were scheduled to be replaced. In addition, two (2) of the four (4) vehicles scheduled for replacement during the current FY have been replaced.

Normally replacement of marked patrol cars occurs at 100,000 miles. Staff respectfully requests to replace two (2) units with the highest mileage or units whose needed repairs exceed their value

at the time the new units are put in service. Staff respectfully requests to have the replacement units declared surplus and sold at public auction.

The two (2) units will cost \$19,849.41 each for a total of \$39,698.82. The equipment which will be installed in these two (2) units will cost \$6,215.70, for a total of \$45,914.52. City staff is currently soliciting equipment quotations to obtain the best pricing. The police undercover vehicle will cost \$19,196. Staff also respectfully requests to have the replacement unit declared surplus and sold at public auction.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: Not applicable.

FINANCIAL IMPACT: The total cost to purchase the two (2) marked patrol cars plus equipment is \$45,914.52: \$39,698.82, the cost of the cars and \$3,330, towards equipment, will be paid from the Police Department FY 09 - 10 Budget, #15110-72130. The remaining balance of \$2,885.70, for the equipment, will be paid from the Public Works Fleet Division FY 09 - 10 Budget, #16310-71710. The cost to purchase the police undercover vehicle is \$19,196.00 and will also be paid from the Police Department FY 09 - 10 Budget, #15110-72130. The total cost for the three (3) vehicles and equipment is \$65,110.52.

Respectfully submitted for Council consideration.

Prepared by:

Jim Karch
Director of Public Works

Recommended by:

David A. Hales
City Manager

RESOLUTION NO. 2010 - 05

A RESOLUTION AUTHORIZING THE PURCHASE OF TWO (2) REPLACEMENT POLICE VEHICLES FROM BILL JACOBS CHEVROLET, JOLIET, THROUGH THE STATE OF ILLINOIS JOINT PURCHASING CONTRACT UTILIZING THE STATE'S BIDDING PROCESS IN THE AMOUNT OF \$39,698.82 AND ADDITIONAL EQUIPMENT IN THE AMOUNT OF \$6,215.70, FOR A TOTAL OF \$44,914.52 AND ONE (1) POLICE UNDERCOVER VEHICLE BE PURCHASED THROUGH THE STATE OF ILLINOIS JOINT PURCHASING CONTRACT IN THE AMOUNT OF \$19,196, FOR A COMBINED TOTAL PURCHASE PRICE OF \$65,110.52

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

1. That the State of Illinois Joint Purchasing Contract be utilizing to purchase the two (2) replacement police vehicles from Bill Jacobs Chevrolet, Joliet, in the amount of \$39,698.82 and additional equipment in the amount of \$6,215.70, for a total of \$44,914.52, and one (1) Police undercover vehicle be purchased in the amount of

\$19,196, for a combined total purchase price of \$65,110.52, and the Purchasing Agent be authorized to issue a Purchase Order.

ADOPTED this 22nd day of February, 2010.

APPROVED this 23rd day of February, 2010.

Stephen F. Stockton
Mayor

ATTEST:

Tracey Covert
City Clerk

Motion by Alderman Hanson, seconded by Alderman Anderson that two (2) replacement vehicles be purchased from Bill Jacobs Chevrolet, Joliet, through the State of Illinois Joint Purchasing Contract, in the amount of \$39,698.82 and additional equipment to be installed by City staff at a cost of \$6,215.70, for a total of \$45,914.52, and one (1) police undercover vehicle be purchased through the State of Illinois Joint Purchasing Contract, in the amount of \$19,196, the Purchasing Agent be authorized to issue a Purchase Order for same, and the Resolution adopted.

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

Ayes: Aldermen Stearns, Huette, Schmidt, McDade, Anderson, Hanson, Sage, Fruin and Purcell.

Nays: None.

Motion carried.

The following was presented:

SUBJECT: Change Order to Professional Services Agreement with AECOM Technical Services, Incorporated (AECOM) for Design Services for the Design, Recommendation, Specification Development, and Bidding Services for a Replacement to Dust Collector System at the Water Treatment Plant

RECOMMENDATION: That the Change Order to the Agreement with AECOM for Design Services for the Design, Recommendation, Specification Development, and Bidding Services for a Replacement to Dust Collector System at the Water Treatment Plant in the amount of \$21,600 be approved, the Mayor and City Clerk be authorized to execute the necessary documents, and the Resolution adopted.

BACKGROUND: The lime dust collector system is used when lime, a chemical used every day to remove hardness causing chemicals from the water, is unloaded at the Water Treatment Facility. Lime is unloaded several times a week. The current system is having operational problems including difficulty in changing the filter bags, obsolescence of the filter bags, a general decline in the overall capability of the system to remove dust, and numerous welds have failed on the lime silo.

The “bag house”, the enclosure that houses the filter bags, is at the top of the lime silos. To replace the bags, maintenance personnel must climb approximately fifty feet (50’) on a vertical ladder to reach the bag house. Additionally, the manufacturer for the filter bags went out of business at the end of 2007. The City purchased several years worth of replacement bags when notice was received from the manufacturer that they were going out of business. Staff has not yet located an after-market filter bag manufacturer and these bags may need to be custom made. Due to these problems, staff sought an analysis of the current dust collection system. Council approved the selection of AECOM for the analysis on January 26, 2009. The study is now complete. During the study phase, the lime dust collection system completely failed. This is a critical situation for the plant as dust collects on equipment that can eventually lead to equipment failure. AECOM recommends the complete replacement of the system. Staff seeks the design of a new dust collection system utilizing the newest technology to replace the failed system. Once this design project is completed, the staff would work with AECOM for competitive bidding services on the specified dust collection system.

AECOM designed the Water Treatment Plant expansion in the late 1980’s and is familiar with its operating conditions. They completed the analysis of the existing lime dust collector system on time and under budget by 40%.

Staff respectfully recommends that Council approve a Change Order to the Agreement with AECOM in the amount of \$21,600 with the project to be paid from the Water Department/Depreciation Fund, Consultant Services (Account # X50200-70050).

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: Not applicable.

FINANCIAL IMPACT: This design project will require the payment of \$21,600 from the Water Fund, Depreciation, Consultant Services X50200-72540. The Water Fund has a positive balance. This lime dust collector system design was not included specifically in the 2009/10 capital budget. It was not anticipated that the system would fail. Since other projects have been delayed in FY 2009/10, the Water Depreciation Fund has a positive balance.

Respectfully submitted for Council consideration.

Prepared by:

Craig M. Cummings
Director of Water

Recommended by:

David A. Hales
City Manager

RESOLUTION NO. 2010 - 06

A RESOLUTION AUTHORIZING A CHANGE ORDER TO THE AGREEMENT WITH AECOM, TECHNICAL SERVICES, INC. FOR DESIGN SERVICES FOR THE DESIGN, RECOMMENDATION, SPECIFICATION DEVELOPMENT AND BIDDING SERVICES FOR A REPLACEMENT TO DUST COLLECTOR SYSTEM FOR THE AT THE WATER TREATMENT PLANT IN THE AMOUNT OF \$21,600

WHEREAS, the City of Bloomington has previously entered into a contract with AECOM, Technical Services, Inc. for Design Services for a New Dust Collector System for the Lime Conveyance System at the Water Treatment Plant; and

WHEREAS, for the reasons set forth in a staff report dated February 22, 2010 it is necessary to design of a new dust collection system utilizing the newest technology to replace the failed system; and

WHEREAS, it is the finding of the City Council that the decision to perform the work described in the February 22, 2010 memo is in the best interest of the citizens of the City of Bloomington.

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

That a change order in the amount of \$21,000 in the contract between the City of Bloomington and AECOM, Technical Services, Inc. for Design Services for the Design, Recommendation, Specification Development, and Bidding Services for a Replacement to Dust Collector System at the Water Treatment Plant be approved.

ADOPTED this 22nd day of February, 2010.

APPROVED this 23rd day of February, 2010.

Stephen F. Stockton
Mayor

ATTEST:

Tracey Covert
City Clerk

AECOM
303 East Wacker Drive. Suite 900,
Chicago, IL 60601
T 312.938.0300
F 312.938.1109 www.aecom.com

November 2, 2009

Mr. Craig M. Cummings
Director of Water
City of Bloomington
603 W. Division Street
P.O. Box 3157
Bloomington, IL 61702-3157

Reference: Lime Dust Collection

Dear Mr. Cummings:

This letter constitutes the proposal of AECOM USA, Inc. (“AECOM”) to perform certain services as an independent consultant for the City of Bloomington, Illinois (hereinafter “Client”).

Scope of Service: Our scope of services will include the following:

Utilizing the recommendations of the document entitled, “Study Regarding Lime Dust Collection at the Water Treatment Plant” dated October, 2009, we will prepare plans and specifications for a new dust collection system consisting of one (1) silo mounted dust collector with inter tank venting. Electrical and control connections to existing equipment will be provided.

We propose to perform these engineering services for a fee equal to two and thirty-five hundredths (2.35) times the “salary costs of engineering and technical personnel” expended in performing the work, the term “salary costs of engineering and technical personnel” shall mean the actual wages paid to these members of staff who are classified as officers, engineers, technicians, draftsman and field party personnel and who perform services under this Agreement plus employees’ benefits, which include state and federal taxes, social security, employment and retirement benefits as defined in the American Society of Civil Engineers (ASME) Manual No. 45.

Our fee will be \$21,600.00 for these design services. The fee for the study phase is \$20,000.00. Of this amount, \$7,523.57 was expended leaving a balance of \$12,476.43. Therefore, the additional monies, which will be required will be \$21,600.00 - \$12,476.43 or \$9,123.57. The total amount for the study, design and bidding phase will therefore be \$29,123.57.

AECOM shall be an independent contractor for purposes of the Scope of Work set forth above.

AECOM shall be entitled to rely upon any documentation and materials provided to AECOM by “The City of Bloomington, Illinois” in performing the Scope of Work. It is understood that no one, other than the Client, is entitled to rely (subject to the limitations set forth herein) upon the documents provided by AECOM in accordance with this agreement.

AECOM shall provide you with an invoice each month and shall be paid for each invoice within thirty (30) days. Past due amounts will accrue interest at the rate of 1 1/2% per month on the unpaid balance or the maximum amount allowed by law.

For your convenience, we have structured this proposal as a letter agreement. This will allow us to begin our services promptly.

AECOM shall maintain professional liability insurance for its work. However, AECOM warrants only that it will perform its services in accordance with the standards of care and diligence normally practiced by recognized engineering firms in performing services of a similar nature at the time such services are performed. If, during the one year period following completion or termination of the Services it is shown that there is an error in the services solely as a result of AECOM negligently failing to meet those standards, and you have promptly notified us in writing of such error within that period, we will perform, at our cost, such corrective services within the original Scope of Work as may be necessary to remedy such error. **AECOM’s performance of corrective services within the original scope of services shall constitute your sole remedy and AECOM’s sole liability with respect to the services regardless of the basis for such liability.**

AECOM makes no other warranties either express or implied, and shall not be responsible for the removal or remediation of any environmental contaminants or hazardous materials that may be found at the property. Notwithstanding any other provision of this proposal, in no event shall either party be liable to the other, for loss of use, loss of profits, loss of investment or business interruption, or for any other indirect and consequential damages. Further, AECOM shall not be responsible for the means, methods or procedures of any other contractor or subcontractor, nor shall AECOM be responsible for the safety of any individuals other than its own employees. The limitations of liability expressed in this paragraph shall apply whether arising in contract, tort (Including negligence and strict liability) or strict liability.

You may terminate the services upon written notice to us. Upon termination of the services, you will be obligated to pay AECOM only that portion of the fixed price equal to the costs incurred for the services performed to the date of termination, provided that the same shall in no event be less than the fair value of the services completed in relation to the total fixed price], and neither party shall have any further liability to the other.

This letter, including those attachments specifically referenced in this letter, sets forth the full and complete proposal of AECOM and it sets forth the full and complete agreement of the parties with respect to the Services to be provided hereunder, and it supersedes any and all proposals, agreements and representations made or dated prior thereto. Modifications or amendments to this agreement must be in writing and executed by a duly authorized

representative of each party. This agreement is for the exclusive benefit of you and AECOM and not for the benefit of any third party.

If this proposal is acceptable to you, please have two copies of this letter signed by an authorized representative in the space provided below, indicating your agreement with the terms and conditions of this letter, and return one of them to me.

Very truly yours,

AECOM USA, INC.

Michael H. Winegard, P.E.
Vice President

Christopher N. Yamaya, P.E.
Vice President

Alderman Purcell questioned this item. He cited the design cost, (\$21,000). Craig Cummings, Director of Water, addressed the Council. He addressed the pneumatics. There was no off the shelf product. All components must be the proper size. The plan was to use compressed air. The current system was thirty (30) years old. He estimated the cost at \$200,000. He hoped that the new technology would have a longer life.

Motion by Alderman Hanson, seconded by Alderman Anderson that the Change Order be approved in the amount of \$21,600 and the Resolution adopted.

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

Ayes: Aldermen Stearns, Huette, Schmidt, McDade, Anderson, Hanson, Sage, Fruin and Purcell.

Nays: None.

Motion carried.

The following was presented:

SUBJECT: Change Order #4 to Johnston Contractors for McGraw Park Phase II

RECOMMENDATION: That the Change Order be approved.

BACKGROUND: Johnston Contractors has presented a reduction change order for modification to their contract for the development of the restroom/concessions building in McGraw Park - Phase II, which has a credit of \$609.

This change order is for the removal of shelving that was to be installed in the concession area. During construction, staff worked with the McLean County Health Department on requirements for food service. During those conversations it was determined that based on the limited service plans for concessions within this building, the shelving units were not required. Therefore the units have not been purchased, resulting in this deduction. Staff agreed that these units would not be needed in the foreseeable future and recommends not purchasing or installing same for a savings of \$609.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: McLean County Health Department.

FINANCIAL IMPACT: Reduction to the contract with Johnston Contractors from \$372,639.02 to \$372,030.02 with funds available in X40100-72570-91815.

Respectfully submitted for Council consideration.

Prepared by:

John Kennedy
Director of Parks, Recreation & Cultural Arts

Reviewed by:

Barbara J. Adkins
Deputy City Manager

Recommended by:

David A. Hales
City Manager

Motion by Alderman Hanson, seconded by Alderman Anderson the Change Order be approved.

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

Ayes: Aldermen Stearns, Huette, Schmidt, McDade, Anderson, Hanson, Sage, Fruin and Purcell.

Nays: None.

Motion carried.

The following was presented:

SUBJECT: Change Order to the Joint Agreement between the City and the Illinois Department of Transportation Reimbursement for Hamilton Road – Greenwood Avenue to Timberlake Lane (MFT Section 93-00295-02-PV)

RECOMMENDATION: That the Change Order in the amount of \$18,485.17 be approved and the Resolution adopted.

Staff recommends Council approve a project change order of \$18,485.17 with revised funding as follows:

<u>Fund Information</u>	<u>Original Contract</u>	<u>Final City Share</u>	<u>Change</u>
Motor Fuel Tax (X20300-72530)	\$ 610,995.91	\$ 593,568.81	(\$17,427.10)
Water Depreciation (X50200-72530)	\$ 470,316.00	\$ 519,864.77	\$49,548.77
Sewer Depreciation (X52200-72550)	\$ 268,352.10	\$ 254,715.60	<u>(\$13,636.50)</u>
Total Project Change			\$18,485.17

BACKGROUND: On April 25, 2005, Council approved a Joint Agreement with the Illinois Department of Transportation (IDOT) to fund roadway improvements on Hamilton Road from Greenwood Avenue to Timberlake Lane. The Agreement between the City and IDOT provides that the City will reimburse part of the construction costs. The project included Surface Transportation Urban funds, partial matching funds (MFT) from the City, and City sewer and water funds. The improvements included constructing Hamilton Road on a new alignment between Greenwood Avenue and Morris Avenue, rebuilding the section of Hamilton Road between Morris Avenue and Timberlake Lane, traffic signals; water main improvements, and installation of a new sanitary sewer to serve homes east of Morris Avenue on Hamilton Road.

During construction, portions of the proposed water main were increased in size and length to provide service to the future additions of Wittenberg Woods at Prairie Vista and the Village at Prairie Vista Subdivisions. Additional valves to allow for improved maintenance on the water main were also added. The total cost of the additional water main improvements from the water fund is \$49,548.77.

A final invoice and explanation of charges from IDOT for the City’s share of the improvements have been received. The City is obligated to pay the invoice. A total change order in the amount of \$18,485.17 is needed to make final payment.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: None.

FINANCIAL IMPACT: This change order will require the payment of an additional \$49,548.77 from the Water Department fund, X50200-72530. This fund has a positive balance. This change order will have little impact on the Water Department’s overall budget.

The final payment of \$217,851.76 to IDOT for the local share of Hamilton Road from Greenwood Avenue to Timberlake Lane will be funded as follows:

Requested Change Order

\$49,548.77 Water Depreciation (X50200-72530) Change Order

Current Encumbrances Previously Approved by Council

\$127,899.19	Motor Fuel Tax (X20300-72530)	PO117543
\$24,684.82	Water Depreciation (X50200-72530)	PO117544
\$15,718.98	Sewer Depreciation (X52200-72550)	PO117545

Respectfully submitted for Council consideration.

Prepared by:	Reviewed by:	Reviewed as to legal sufficiency:
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Jim Karch Director of Public Works	Craig M. Cummings Director of Water	J. Todd Greenburg Corporation Counsel
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Recommended by:

David A. Hales
City Manager

RESOLUTION NO. 2010 - 07

A RESOLUTION AUTHORIZING A CHANGE ORDER IN THE AMOUNT OF \$18,485.17 IN THE JOINT AGREEMENT BETWEEN THE CITY OF BLOOMINGTON AND THE ILLINOIS DEPARTMENT OF TRANSPORTATION FOR ROADWAY IMPROVEMENTS ON HAMILTON ROAD FROM GREENWOOD AVENUE TO TIMBERLAKE LANE

WHEREAS, the City of Bloomington has previously entered into a contract with the Illinois Department of Transportation for roadway improvements on Hamilton Road from Greenwood Avenue to Timberlake Lane; and

WHEREAS, for the reasons set forth in a staff report dated February 22, 2010 it was necessary to:

- 1.) Increase portions of the proposed water main in size and length to provide service to the future additions of Wittenberg Woods at Prairie Vista and the Village at Prairie Vista Subdivisions;
- 2.) Add additional valves to allow for improved maintenance on the water main; and

WHEREAS, it is the finding of the City Council that the decision to perform the work described in the February 22, 2010 memo was in the best interest of the citizens of the City of Bloomington.

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

That a change order in the amount of \$18,485.17 in the contract between the City of Bloomington and Illinois Department of Transportation for roadway improvements on Hamilton Road from Greenwood Avenue to Timberlake Lane be approved.

ADOPTED this 22nd day of February, 2010.

APPROVED this 23rd day of February, 2010.

Stephen F. Stockton
Mayor

ATTEST:

Tracey Covert
City Clerk

Alderman Stearns questioned the water main's cost. Craig Cummings, Director of Water, addressed the Council. He noted that this item involved an existing water main. It was up sized and needed to be moved. This area would be developed and staff was looking to the future. The decision was to err on the side of growth. The City's Master Plan showed this area as "R" Residential development. This was an opportune time.

Motion by Alderman Hanson, seconded by Alderman Anderson that the Change Order in the amount of \$18,485.17 be approved and the Resolution adopted.

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

Ayes: Aldermen Stearns, Huette, Schmidt, McDade, Anderson, Hanson, Sage, Fruin and Purcell.

Nays: None.

Motion carried.

The following was presented:

SUBJECT: Change Order to Agreement with Stark Excavating, Inc. for an Emergency Water Main Rerouting Project on Pipeline Road, North of Northtown Road

RECOMMENDATION: That the Change Order with Stark Excavating, Inc. in the amount of \$42,391.98 be approved and the Resolution adopted.

BACKGROUND: The Town of Normal is widening Pipeline Road north of Northtown Road to Ziebarth Road. As part of this work, they are extending a drainage way across the road with three (3) seventy-two inch (72") pipes which cross the City's three (3) active water transmission mains coming from the water treatment plant into the City. There also is a recently abandoned twenty-four inch (24") water transmission main in the vicinity as well. During the road work, Stark Excavating, Inc., the contractor, was performing work on the drainage way. The City's concrete transmission main was mismarked. The contractor accidentally hit the pipe with the tooth of a track hoe which caused a leak. The close proximity of the four (4) water transmission mains caused the locating and marking mistake.

Water main repair would normally be a routine task for a water distribution crew and the road work would have continued. As staff prepared to make the repair, it became apparent that it would be in the City's best interest to lower the transmission main. Currently, the bottom of the storm water pipes is close to the top of the City's concrete transmission main. The other active transmission mains are at different elevations therefore their locations are not problematic.

Concrete pipe has very specific and complex repair techniques. Typically, more working room is needed to make a repair on concrete pipe as compared to iron one. In addition, if the concrete pipe were to fail in the future under these pipes, it would be very difficult to shore up as repair would take place under these large diameter storm water pipes. Staff determined that lowering the elevation, replacing the damaged portion with ductile iron pipe, and placing it in a casing would provide the best long term solution.

If there would happen to a be a main break or leak in the future, staff would be working with more easily repairable material, have enough clearance, and not work directly under the storm water pipes. Additionally, the new pipe can be pulled out of the casing for any necessary repairs. Staff requested and obtained Council approval of this emergency work in the amount of \$35,000 on August 10, 2009.

Once the work began on the rerouting project, it was beset with problems not under the control of the contractor. The contractor was delayed for eight (8) days after mobilizing, as staff was not able to obtain a good shut down on the large diameter transmission main. Repairs were made to existing valves in order to make the necessary shut down. Additionally, staff believed the transition fittings for the ductile iron pipe would be supplied from existing inventory. When the pipe was exposed, the fittings would not work.

Additional pipe restraint was requested by staff once the pipe was exposed and its condition was known. Although this project was substantially over the estimate provided by the contractor, the actual conditions encountered in the field necessitated several substantive changes to the scope of the original work. Field staff directed these changes as conditions dictated and respectfully recommends that Council approve a change order in the amount of \$42,391.98.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: Not applicable.

FINANCIAL IMPACT: An expenditure of \$42,391.98 from the Water Department Operating and Maintenance Fund, Distribution Division, Repair/Maintenance of Infrastructure, 5010-50120-70550. This change order will have minimal impact on the Water Department's overall budget.

Respectfully submitted for Council consideration.

Prepared by:

Recommended by:

Craig M. Cummings
Director of Water

David A. Hales
City Manager

RESOLUTION NO. 2010 - 08

**A RESOLUTION AUTHORIZING A CHANGE ORDER IN THE
AMOUNT OF \$42,391.98 IN THE CONTRACT BETWEEN THE CITY
OF BLOOMINGTON AND STARK EXCAVATING, INC. FOR AN EMERGENCY
WATER MAIN REROUTING PROJECT ON PIPELINE ROAD, NORTH OF
NORTHTOWN ROAD**

WHEREAS, the City of Bloomington has previously entered into a contract with Stark Excavating, Inc. for an Emergency Water Main Rerouting Project on Pipeline Road, North of Northtown Road; and

WHEREAS, for the reasons set forth in a staff report dated February 22, 2010 it was necessary to repair existing valves and replace transition fittings; and

WHEREAS, it is the finding of the City Council that the decision to perform the work described in the February 22, 2010 memo was in the best interest of the citizens of the City of Bloomington.

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

That a change order in the amount of \$42,391.98 in the contract between the City of Bloomington and Stark Excavating, Inc. for an Emergency Water Main Rerouting Project on Pipeline Road, North of Northtown Road be approved.

ADOPTED this 22nd day of February, 2010.

APPROVED this 23rd day of February, 2010.

Stephen F. Stockton, Mayor

ATTEST:

Tracey Covert, City Clerk

Alderman Schmidt questioned this item. Craig Cummings, Director of Water, addressed the Council. This change order would pay for the cost of rerouting. The City mismarked the area and the change was needed to alleviate future issues. Rerouting was the right thing to do.

Ron Schultz, 1208 E. Oakland Ave., addressed the Council. He questioned this item and the issue of liability. Mr. Cummings noted that the design firm was selected with the Town of Normal. The property was separated by a duo box culvert. A casing pipe would be installed due to the possibility of future repair. This was a logical decision. There was no violation of engineering standards. The situation was not ideal. It was the City's choice.

Motion by Alderman Hanson, seconded by Alderman Anderson that the Change Order with Stark Excavating, Inc. in the amount of \$42,391.98 be approved and the Resolution adopted.

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

Ayes: Aldermen Stearns, Huette, Schmidt, McDade, Anderson, Hanson, Sage, Fruin and Purcell.

Nays: None.

Motion carried.

The following was presented:

SUBJECT: Correction to Harriet Fuller Rust Façade Grant Agreement

RECOMMENDATION: That the clerical correction to the Agreement be approved and the Mayor and City Clerk be authorized to execute the necessary documents.

BACKGROUND: On December 22, 2009, Council approved several Harriet Fuller Rust Façade Grants to Downtown business owners to be paid from the Downtown Tax Increment Financing. During the processing of the application for the project located at 602 N. Main Street, the name of the applicant was inserted in lieu of the business name. This action simply voids the contract with Jack Bataoel and creates an identical contract with CANAMBO, LLC.

Staff respectfully recommends that Council approve the replacement Harriet Fuller Rust Grant contract originally issued to the individual, Jack Bataoel to CANAMBO, LLC. Neither the work nor the amount of the contract will change with this action.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: Not applicable.

FINANCIAL IMPACT: Not applicable.

Respectfully submitted for Council consideration.

Prepared by:

Reviewed by:

Recommended by:

Mark R. Huber
Director of PACE

Barb Adkins
Deputy City Manager

David A. Hales
City Manager

THIS AGREEMENT, entered into this 22nd day of February, 2010, between the City of Bloomington, Illinois (hereinafter referred to as “City”) and the following designated OWNER/LESSEE, to witness:

Owner’s/Lessee’s Name: CANAMBO, LLC
Address of Property to be Improved: 602 N. Main St. (Bloomington, IL)
Work Summary: Store Front, Awnings, Painting

WITNESSETH:

WHEREAS, the City developed the Harriet Fuller Rust Façade Program, which offers financial incentives to improve the appearance and quality of storefronts in the center core area; and

WHEREAS, said Program is funded entirely by the City in recognition of the positive impact individual façade renovations can have on the overall appearance and quality of the downtown streetscape; and

WHEREAS, pursuant to the Program and subject to the City’s sole discretion, property and business owners within the target area are eligible to apply for grants not to exceed 50% of the total cost of qualified façade rehabilitation, with a maximum grant amount of \$20,000 per contract; and

WHEREAS, the OWNER’S/LESSEE’S property is located within the target area, and the OWNER/LESSEE desires to participate in the Program pursuant to the terms and provisions of this Agreement.

NOW THEREFORE, in consideration of the mutual covenants and agreements obtained herein, the City and the OWNER/LESSEE do hereby agree as follows:

SECTION 1. With respect to the façade improvements to the structural elevation fronting a public roadway and related improvements, the City shall reimburse the OWNER/LESSEE for the cost of improvements to the OWNER’S/LESSEE’S property, not to

exceed 50% of the total cost of the qualified façade rehabilitation, with a maximum grant amount of \$20,000 per project. The actual total reimbursement amount for façade improvements per this Agreement is **\$14,174.00**. The improvement costs, which are eligible for City reimbursement, include all labor, materials, equipment, and other contract items necessary for the proper execution of the work to be performed as provided under this Agreement.

SECTION 2. Only structurally sound buildings with safely functioning mechanical, electrical, plumbing systems will be considered for the grant. Following approval, the OWNER/LESSEE shall contract for the work and shall commence and complete all such work within one hundred eighty days (180) from the date of such approval. The OWNER/LESSEE may request a ninety-day (90) extension provided there is demonstrated hardship.

SECTION 3. All contractors and subcontractors used for work funded by this grant must be licensed as required by law and must be able to demonstrate such qualifications. Such contractors and subcontractors shall pay not less than the prevailing hourly rate of wages, the generally prevailing rate of hourly wages for legal holiday and overtime work, and the prevailing hourly rate for welfare and other benefits as determined by the Illinois Department of Labor and as set forth in the schedule of prevailing wages for all laborers, workers and mechanics performing work funded by this grant. Such contractor and subcontractor must further stipulate that he or she has maintained a satisfactory record of Prevailing Wage Act compliance with no significant Prevailing Wage Act violations for the past three (3) years. In accordance with Public Act 94-0515, upon completion of the work funded by this grant, all contractors and subcontractors, must submit to the City certified payroll records (to include for every worker employed on the project the name, address, telephone number, social security number, job classification, hourly wages paid in each pay period, number of hours worked each day and starting and ending time of work each day) on a monthly basis, along with a statement affirming that such records are true and accurate, that the wages paid to each worker are not less than the required prevailing rate and that the contractor and subcontractor is aware that knowingly filing false records is a Class B Misdemeanor.

SECTION 4. Upon completion of the improvements and upon their final inspection and approval by the City, the OWNER/LESSEE shall submit to the City a properly executed and notarized contractor statement showing the full cost of the work as well as each separate component amount due to the contractor and each and every subcontractor involved in furnishing labor, materials, or equipment necessary to complete the façade improvement related work. In addition, the OWNER/LESSEE shall submit to the City proof of payment of the contract cost pursuant to the contractor's statement and final lien waivers from all contractors and subcontractors. The City shall, within forty-five (45) days of receipt of the contractor's statement, proof of payment, and lien waivers issue a check to the OWNER/LESSEE as reimbursement for the façade improvements, not to exceed 50% of the total cost of the qualified façade rehabilitation, with a maximum grant amount of \$20,000 per project.

SECTION 5. If the OWNER/LESSEE or the OWNER/LESSEE contractor fails to complete the improvement work provided for herein in conformity with the proposed plans, design drawings, and specifications of this Agreement, then upon written notice being given by the City Manager to the OWNER/LESSEE, by certified mail to the address listed above, this

Agreement shall terminate and the financial obligation on the part of the City shall cease and become null and void.

SECTION 6. Upon completion of the improvement work pursuant to this Agreement and for a period of four (4) years thereafter, the OWNER/LESSEE shall be responsible for properly maintaining such improvements in finished form and without change or alteration thereto, as provided in this Agreement, and for the said period of four (4) years following completion of the construction thereof, the OWNER/LESSEE shall not enter into any Agreement or contract or take any other steps to alter, change, or remove such improvements, or the approved design thereof, nor shall the OWNER/LESEE undertake any other changes, by contract or otherwise, to the improvements provided in this Agreement unless such changes are first submitted to the City for approval. Such approval shall not be unreasonably withheld if the proposed changes do not substantially alter the original design concept of the improvements as specified in the plans, design drawings, and specifications approved pursuant to this Agreement.

SECTION 7. This Agreement shall be binding upon the City and upon the OWNER/LESSEE and its successors, to said property for a period of four (4) years from and after the date of completion and approval of the façade improvements provided herein. It shall be the responsibility of the OWNER/LESSEE to inform subsequent OWNER(S)/LESSEE(S) of the provisions of this Agreement.

SECTION 8. The OWNER/LESSEE releases the City from, and covenants and agrees that the City shall not be liable for, and covenants and agrees to indemnify and hold harmless the City and its officials, officers, employees, and agents from and against any and all losses, claims, damages, liabilities, or expenses, of every conceivable kind, character and nature whatsoever arising out of, resulting from or in any way connected with directly or indirectly with the façade improvements, including, but not limited to, actions arising from the Prevailing Wage Act (820 ILCS 30/0.01 et. seq.) The OWNER/LESSEE further covenants and agrees to pay for or reimburse the City and its officials, officers, employees, and agents for any and all costs, reasonable attorney's fees, liabilities, or expenses incurred in connection with investigating, defending against or otherwise in connection with any such losses, claims, damages, liabilities or causes of action. The City shall have the right to select legal counsel and to approve any settlement in connection with such losses, claims, damages, liabilities, or causes of action. The provisions of this Section shall survive the completion of said façade improvements.

SECTION 9. No City officer, employee, spouse or dependent of the same shall be interested directly or indirectly in any façade grant. No grant funds shall be assigned or pledged to any third party, nor be used for any purpose other than reimbursement of project costs as approved by the City.

SECTION 10. Nothing herein is intended to limit, restrict, or prohibit the OWNER/LESSEE from undertaking any other work in or about the subject premises, which is unrelated to the façade improvement provided for in this Agreement.

IN WITNESS THEREOF, the parties hereto have executed this Agreement on the date first appearing above.

CITY OF BLOOMINGTON, ILLINOIS
A Municipal Corporation

OWNER/LESSEE

By: Stephen F. Stockton, Mayor

By: Jack Baeotel, Canambo, LLC

Attest:

Tracey Covert, City Clerk

Motion by Alderman Hanson, seconded by Alderman Anderson that the clerical correction to the Agreement be approved and the Mayor and City Clerk be authorized to execute the necessary documents.

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

Ayes: Aldermen Stearns, Huette, Schmidt, McDade, Anderson, Hanson, Sage, Fruin and Purcell.

Nays: None.

Motion carried.

The following was presented:

SUBJECT: Application of PATH for a fund raiser to be held on March 18, 2010 from 5:00 - 11:00 p.m. at the Bloomington Center for the Performing Arts, for a Limited Alcoholic Liquor License, Class LA, which will allow the selling and serving of all types of alcohol by the glass for consumption on the premise

RECOMMENDATION: Based upon the report from the Liquor Hearing, the Liquor Commission recommends to the City Council that an LA liquor license for PATH for a fund raiser to be held on March 18, 2010 from 5:00 - 11:00 p.m. at the Bloomington Center for the Performing Arts, (BCPA), be created, contingent upon compliance with all applicable health and safety codes.

BACKGROUND: The Bloomington Liquor Commissioner Stephen Stockton called the Liquor Hearing to hear the application of PATH for a Limited Alcoholic Liquor License, Class LA, which will allow the selling and serving of all types of alcohol by the glass for consumption on the premise. Present at the hearing were Liquor Commissioner Steven Stockton, and Tracey Covert, City Clerk; and Karen Zangerle, PATH's Director and Applicant representative.

Commissioner Stockton questioned the purpose of this application. Karen Zangerle, PATH's Director and Applicant representative, began by informing the Commission that this application was for a fund raiser for PATH to be held at the BCPA on Thursday, March 18, 2010 from 5:00 to 11:00 p.m. This request was for a Limited License for a nonprofit corporation.

This would be the second year for Chef's for PATH. Last year, Central Station partnered with PATH. Ticket sales would be limited to 250. As of this date, seventy (70) tickets had been sold. Ticket price was \$60. There will be five (5) chef stations, (Biaggi's, Central Station Cafe, Destihl, Medici, and Swingers). Each will prepare 250 servings. Desserts will be provided by Luther Oaks. The top two (2) chefs, (determined by vote), will have a live cook off.

Last year's event raised \$32,000. The event included a live and silent auction. Chef's for PATH came about as a Leadership McLean County small group project.

Commissioner Stockton questioned liquor sales. Ms. Zangerle noted that the liquor distributor had not been selected. There will be six (6) volunteer bartenders. These full time bartenders were offering their time at no charge. Identification would be requested. The cash bar would offer specialty beer and wine and high end liquor.

Attendees will be greeted by a maitre d. A hostess will escort the guests to their table and present the beverage list. This year, there will be a specialty drink, (PATH martini). PATH would be a restaurant for one night. There would be sixty (60) volunteers plus PATH staff on hand to man the event.

Ms. Zangerle noted that there would also be a jazz band.

Commissioner Stockton did not see any problems with this event.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: Notice of the Liquor Hearing was placed in the press boxes at City Hall.

FINANCIAL IMPACT: None.

Respectfully,

Reviewed and concur:

Stephen F. Stockton
Chairman of Liquor Commission

Randall D. McKinley
Police Chief

Motion by Alderman Hanson, seconded by Alderman Anderson that an LA liquor license for PATH for a fund raiser to be held on March 18, 2010 from 5:00 – 11:00 p.m. at the Bloomington Center for the Performing Arts, (BCPA), be created, contingent upon compliance with all applicable health and safety codes.

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

Ayes: Aldermen Stearns, Huette, Schmidt, McDade, Anderson, Hanson, Sage, Fruin and Purcell.

Nays: None.

Motion carried.

The following was presented:

SUBJECT: Suspension of Ordinances to Allow Consumption of Alcohol at Lake Bloomington's Davis Lodge on March 20, 2010

RECOMMENDATION: Based upon the report from the Liquor Hearing, the Liquor Commission recommends that the City Council suspend the ordinance to allow liquor service at the Davis Lodge on March 20, 2010 under the conditions set forth in the rental agreement, 1.) restrict alcohol consumption to the building's interior; 2.) requiring a class "W", catering liquor license (no cash bar); 3.) provide appropriate liquor bond and liquor liability certificate for the specific event; and 4.) setting the time of day.

BACKGROUND: The Bloomington Liquor Commissioner Steve Stockton called the Liquor Hearing to hear the request of Edith Brady-Lunny, to allow moderate consumption of alcohol at her son's March 20, 2010 wedding reception to be held at Lake Bloomington's Davis Lodge. Present at the hearing were Liquor Commissioners Steve Stockton, Rich Buchanan, and Marabeth Clapp; David Hales, City Manager, George Boyle, Asst. Corporation Counsel; and Renee Gooderham, Chief Deputy Clerk.

Commissioner Stockton opened the liquor hearing. He asked that David Hales, City Manager, attend the meeting. He noted that a representative from the wedding party was not in attendance. He stated his interest in allowing liquor service at City facilities, (Miller Park Pavilion and Davis Lodge). At this time the City did not have a policy/procedure in place that would allow same. The Commission could forward a recommendation to the Council to suspend City ordinance. He noted that there might be jurisdictional issues as the City owned the facility which was located in McLean County.

In addition, he noted the following: 1.) if consumption is allowed, the liquor provider must hold an appropriate catering liquor license from the City, McLean County or another municipality; 2.) if the liquor provider has a license other than the City's they must provide a copy of said license, and 3.) must provide appropriate liquor bond and liquor liability insurance which would list the date and time of the event. It was noted that both facilities, (Davis Lodge and Miller Park Pavilion), were located within City parks.

George Boyle, Asst. Corporation Counsel addressed the Commission. He noted that Craig Cummings, Director – Water, was developing a contract based on the Commission January 12, 2010 discussion. He expressed concern regarding a barrier to be placed at the patio's edge.

Commissioner Stockton reminded the Commission that the caterer would be held responsible. City staff would not to supervise the event. He suggested having at least a half dozen events before recommending a text amendment. Events would not be allowed when the park is heavily populated. Commissioner Stockton introduced Mr. Hales. A brief history of alcohol service at Miller Park Pavilion and Davis Lodge was presented.

Mr. Hales addressed the Commission. He had been contacted by Mr. Cummings who stated his concern regarding responsibility. He noted that this was a major change from past practice. There was also concerned about alcohol in other areas around the lake. He expressed his belief that it could present more problems when people become aware that alcohol is permitted at the Lodge.

Commissioner Buchanan stated his belief that the Commission would look favorably on the proposal as long as it did not create a major burden on staff. He expressed interest in reviewing a draft of the contract.

Commissioner Clapp expressed concern about controlling what people brought with them to the event. She also expressed an interest in reviewing the draft.

Mr. Hales expressed his belief that this was a good idea. He suggested beyond a catering license Mr. Cummings and Mr. Kennedy bring other restrictions to the Commission for review.

Commissioner Stockton restated that the Commission's role at this time was to make a recommendation to the Council regarding suspending City ordinance. City staff would continue to work towards establishing policies and procedures for liquor service within park facilities. After conducting at least half dozen events information would be presented to the Commission for a recommendation regarding a proposed text amendment.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: The Agenda for the January 12, 2010 Meeting of the Liquor Commission was placed on the City's web site. There also is a list serve feature for the Liquor Commission.

FINANCIAL IMPACT: None.

Respectfully,

Stephen F. Stockton
Chairman of Liquor Commission

Reviewed and concur:

George Boyle
Asst. Corporation Counsel

ORDINANCE NO. 2010 - 06

AN ORDINANCE SUSPENDING PORTIONS OF SECTION 701 OF CHAPTER 31 AND SECTION 26(d) OF CHAPTER 6 OF THE BLOOMINGTON CITY CODE FOR A WEDDING RECEPTION AT THE LAKE BLOOMINGTON DAVIS LODGE

WHEREAS, an individual is planning to hold her wedding reception at the Lake Bloomington Davis Lodge from 6:30 p.m. to 10:00 p.m. on March 20, 2010; and

WHEREAS, the individual has requested permission from the City to serve beer and wine during this event; and

WHEREAS, in order to legally possess alcohol in a City Park, Section 701(a), (b) and (c) of Chapter 31 of the Bloomington City Code, which prohibits the drinking, selling and possessing alcohol beverages with the City parks and Section 26(d) of Chapter 6 of the Bloomington City Code, which prohibits possession of open alcohol on public property must be suspended.

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

Section 1: That Sections 701(a), (b) and (c) of Chapter 31 and Section 26(d) of Chapter 6 of the Bloomington City Code, 1960, as amended, are suspended for the duration of the wedding reception at the Lake Bloomington Davis Lodge on March 20, 2010 on the following conditions: a) this suspension shall be effective only for guests at the reception and shall be restricted to the interior of the building; b) alcohol shall only be provided by a person holding a Class W catering license, and c) there shall be no sales of alcohol.

Section 2: Except for the date of date set forth in Section 1 of this Ordinance, Sections 701(a), (b) and (c) of Chapter 31 and Section 26(d) of Chapter 6 of the Bloomington City Code, 1960, shall remain in full force and effect. Nothing in this Ordinance shall be interpreted as repealing said Sections 701(a), (b) and (c) of Chapter 31 and Section 26(d) of Chapter 6.

Section 3: This Ordinance shall be effective on the date of its passage and approval.

Section 4: This Ordinance is adopted pursuant to the home rule authority granted the City of Bloomington by Article VII, Section 6 of the 1960 Illinois Constitution.

PASSED this 22nd day of February, 2010.

APPROVED this 23rd day of February, 2010.

APPROVED:

Stephen F. Stockton
Mayor

ATTEST:

Tracey Covert
City Clerk

Motion by Alderman Hanson, seconded by Alderman Anderson that the Ordinance Suspending Section 26(d) of Chapter 6 and Section 701 of Chapter 31 to allow the possession and consumption of alcohol at the Lake Bloomington Davis Lodge on March 20, 2010 be passed.

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

Ayes: Aldermen Stearns, Huette, Schmidt, McDade, Anderson, Hanson, Sage, Fruin and Purcell.

Nays: None.

Motion carried.

The following was presented:

SUBJECT: Participation in Illinois Housing Development Authority Single Family Owner Occupied Rehabilitation (SFOOR) Program

RECOMMENDATION: That the Illinois Housing Development Authority (IHDA) Grant Agreement for the administration of the Single Family Owner Occupied Rehabilitation (SFOOR) program be approved, and the Mayor and City Clerk be authorized to execute the necessary documents.

BACKGROUND: The Community Development Division submitted a grant application in October, 2009, to IHDA for HOME, (A division of IHDA) funding through the SFOOR Program. In January 2010, IHDA's board approved the provision of \$378,000 to the City to administer a two (2) year SFOOR program. In order to start receiving these funds, the City must execute a Grant Agreement.

Staff would like to provide a minimum of nine (9) rehabilitation loans. The basic terms for assistance in IHDA's program are very similar to the existing Community Development Block Grant (CDBG) funded program, which Community Development has administered for more than thirty (30) years. The basic terms are as follows:

\$4,000 minimum - \$40,000 maximum loan

Loan type is a 0% interest, forgivable loan (as long as the participant remains the owner and occupant of the property throughout the loan term, the loan is forgiven at the end.)

If loan amount is between \$4,000 and \$15,000, loan term is five (5) years, 0% interest, forgivable loan to homeowners (1/60th forgiven each month.)

If loan amount is between \$15,000 and \$40,000, loan term is ten (10) years, 0% interest, forgivable loan to homeowners (1/120th forgiven each month.)

Eligible households are owner-occupants of single-family dwellings who meet Housing and Urban Development (HUD) income guidelines of less than or equal to 80% of the area median income and are located within the City’s corporate limits.

The house must meet Section 8 Housing Quality Standards once the rehabilitation is complete.

The after rehabilitation value cannot exceed \$200,160.

Staff would operate this program if funding is received. This would not eliminate the existing CDBG funded rehabilitation program, but would possibly allow CDBG funds to be allocated to other high priority community needs which benefit low/moderate income households.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: Not applicable.

FINANCIAL IMPACT: Administrative and Project Delivery revenues will help offset current salary/benefits paid out of General Fund for existing staff and provide additional funding for low/moderate income families.

Respectfully submitted for Council consideration.

Prepared by:

Reviewed by:

Recommended by:

Mark R. Huber
Director of PACE

Barbara J. Adkins
Deputy City Manager

David A. Hales
City Manager

Motion by Alderman Hanson, seconded by Alderman Anderson that the Illinois Housing Development Authority (IHDA) Grant Agreement for the administration of the Single Family Owner Occupied Rehabilitation (SFOOR) Program be approved, and the Mayor and City Clerk be authorized to execute the necessary documents.

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

Ayes: Aldermen Stearns, Huette, Schmidt, McDade, Anderson, Hanson, Sage, Fruin and Purcell.

Nays: None.

Motion carried.

The following was presented:

SUBJECT: Public Hearing for Approval and Authorization to submit the Community Development Block Grant Program Year 2010-2015 Consolidated Plan and 2010-2011 Annual Action Plan

RECOMMENDATION: That the 2010-2015 Consolidated Plan and 2010-2011 Annual Action Plan be approved.

BACKGROUND: In the mid-1990's, under Title 24 Housing and Urban Development, (HUD) Part 91 Consolidated Submissions for Community Planning and Development Programs, entitlement cities were required to develop and submit to HUD, at minimum, a five (5) year plan, known as the Consolidated Plan (Con Plan). Since then, three (3) five (5) year plans have been created and approved by Council (the first in 1995). This year a new updated five (5) year Consolidated Plan was required to be completed.

The consolidated submission, described in Part 91, requires the jurisdiction to state in one (1) document its plan to pursue HUD's overall goal to "develop viable urban communities by providing decent housing and a suitable living environment and expanding economic opportunities principally for low and moderate income persons." The Consolidated Plan serves the following functions:

- (1) A planning document for the jurisdiction, which builds on a participatory process at the lowest levels;
- (2) An application for federal funds under HUD's formula grant programs;
- (3) A strategy to be followed in carrying out HUD programs; and
- (4) An action plan that provides a basis for assessing performance.

On May 1, 2010, the Community Development Division will begin its Fiscal Year 36 (FY 2010-2011). For the past thirty-five (35) years, the City has applied for funding under the Federal Community Development Block Grant (CDBG) Program, through HUD.

A summary table of the Priority Needs and Goals for the next five (5) years, as identified in the 2010-2015 Consolidated Plan is available for review. Each year's Action Plan must then comply

with the five (5) year plan. Included is the proposed 2010-2011 Budget Summary, which lists the activities as part of the Annual Action Plan (i.e. Budget) for fiscal year 36, 2010-2011.

Staff respectfully recommends that Council, 1) approve the submittal of the 2010-2015 Consolidated Plan to the Department of Housing and Urban Development; 2) authorize the filing of the 2010 Consolidated Plan for the period May 1, 2010 through April 30, 2015; and 3) approve the proposed budget and activities for the 2010-11 year.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: Several local individual key informant interviews were conducted during the preparation of the Consolidated Plan. In addition, several local focus groups, consisting of those populations that the grant serves, were also involved in the process.

The draft plan has been made available for thirty (30) days for review and public comment beginning on January 29, 2010. A Public Hearing was held Monday, February 15, 2010, in an attempt to gather more input from citizens. No written comments have been received to date.

FINANCIAL IMPACT: Delay or lack of approval would result in the loss of approximately \$600,000 in federal grants used for several programs benefiting low to moderate income families in the City.

Respectfully submitted for Council consideration.

Prepared by:

Reviewed by:

Recommended by:

Mark R. Huber
Director of PACE

Barbara J. Adkins
Deputy City Manager

David A. Hales
City Manager

RESOLUTION NO. 2010 - 09

RESOLUTION AUTHORIZING THE FILING OF THE CITY OF BLOOMINGTON CONSOLIDATED PLAN (May 1, 2010-April 30, 2015)

WHEREAS, it is necessary and in the public interest that the City of Bloomington, otherwise known as the Local Public Agency, avail itself of the financial assistance provided by Title I of the Housing and Community Development Act of 1987, to continue a Community Development Program; and

WHEREAS, it is necessary for the Local Public Agency to certify that it will carry out the provisions of Title 24 -- Housing and Urban Development, Part 91 -- Consolidated Submissions for Community Planning and Development Programs.

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

1. The City Manager is hereby authorized and directed to submit the City of Bloomington 2010-2015 Consolidated Plan to the Department of Housing and Urban Development; to act as the assuring officer for the City of Bloomington that the Local Public Agency shall comply with all other general requirements of Title 24, Part 91.
2. The Director of Planning and Code Enforcement, Community Development Division, is hereby authorized and directed to provide such additional information and to furnish such documents as may be required on behalf of the Department of Housing and Urban Development, and to act as the authorized correspondent of the City of Bloomington.
3. The City Clerk is hereby authorized and directed to certify such documents as needed by the Department of Housing and Urban Development on behalf of the City of Bloomington.

Adopted this 22nd day of February, 2010.

Approved this 23rd day of February, 2010.

Stephen F. Stockton
Mayor

ATTEST:

Tracey Covert,
City Clerk

RESOLUTION NO. 2010 - 10

**RESOLUTION AUTHORIZING THE FILING OF A COMMUNITY DEVELOPMENT
PROGRAM APPLICATION FOR PROGRAM YEAR THIRTY-SIX (36)
(May 1, 2010-April 30, 2011)**

WHEREAS, it is necessary and in the public interest that the City of Bloomington, otherwise known as the Local Public Agency, avail itself of the financial assistance provided by Title I of the Housing and Community Development Act of 1987, to continue a Community Development Program; and

WHEREAS, it is necessary for the Local Public Agency to certify that it will carry out the provisions of the Housing and Community Development Act of 1974, regulations.

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

That an application on behalf of the City of Bloomington for a grant under said Title I in the amount of \$605,838.00 (estimated) as the full amount available for undertaking and financing the thirty-sixth (36th) increment of such program is hereby approved; and

1. The City Manager is hereby authorized and directed to execute and to file such application with the Department of Housing and Urban Development; to act as the certifying officer and assure the status of a responsible Federal Official under the National Environmental Protection Act of 1969; to act as the assuring officer for the City of Bloomington that the Local Public Agency shall comply with those items listed on HUD application forms.
2. The Counsel for the Code Enforcement Division is hereby authorized and directed to file legal certification.
3. The Director of Planning and Code Enforcement, Code Enforcement Division, is hereby authorized and directed to provide such additional information and to furnish such documents as may be required on behalf of the Department of Housing and Urban Development, and to act as the authorized correspondent of the City of Bloomington.
4. The City Clerk is hereby authorized and directed to certify such documents as needed by the Department of Housing and Urban Development on behalf of the City of Bloomington.

ADOPTED this 22nd day of February, 2010.

APPROVED this 23rd day of February, 2010.

Stephen F. Stockton
Mayor

ATTEST:

Tracey Covert
City Clerk

Mark Huber, Director of PACE, addressed the Council and introduced Sharon Walker, Division Manager. Ms. Walker addressed the Council. The Consolidated Plan must be filed every five (5) years. It addressed needed projects within the community. Ms. Walker recognized Karen Zangerle, PATH's Executive Director. She spearheaded the plan and gathered important data. Ms. Walker also addressed the 2010 – 2011 projects: rehabilitation grants, demolition, public services – homeless outreach and housing and benefits workers, emergency services grant, Peace Meals, and job training. She noted Housing and Urban Development's (HUD) requirement for a continuum of care. These

projects would reach a variety of populations in the community. In addition, they would meet the needs listed in the Consolidated Plan.

Alderman Schmidt questioned rehabilitation grants. Ms. Walker informed the Council that the only advertising used was word of mouth. There always is a waiting list. The Single Family Owner Occupied Rehabilitation Program was advertised. Currently there was a waiting list of twelve (12) and only nine (9) individuals could be served.

Alderman Schmidt questioned the job training. She noted that the City Township offered life skills classes. Ms. Walker noted another HUD requirement, Section 3 training. Public housing authorities hiring practices should result in thirty percent (30%) of its vacancies being filled with low to moderate income individuals or job training would be provided.

Alderman Schmidt questioned the five (5) year plan and its relationship to the West Bloomington Revitalization Project, (WBRP). She questioned if CDBG funds might be a source of funding for this project. She questioned if the plan was set or if it could be modified. Ms. Walker informed the Council that the City performed infrastructure work in the WBRP area. In addition, one (1) in three (3) rehabilitation loans by the City were also awarded in this area.

Mayor Stockton noted that the list of resources needed to be updated due to personnel changes. He added that the Plan contained a lot of information. He suggested that it be placed on the City's web site.

Alderman Stearns questioned the amount of the federal grant. Ms. Walker stated the amount had varied over the years. The City had not been informed of the final figure. Appropriations to the City had been steady in the recent past. She anticipated receiving at least \$600,000.

Alderman Purcell stated that the budget projection listed a figure of \$741,000. Ms. Walker stated that this figure included the program's income.

Mayor Stockton opened the Public Hearing.

Ron Schultz, 1208 E. Oakland Ave., addressed the Council. He questioned the amount of money spent on administration. Ms. Walker noted that the budget summary listed \$34,300 for Administration and General Management or approximately twenty percent (20%) of the total grant.

Mayor Stockton closed the Public Hearing.

Motion by Alderman Schmidt, seconded by Alderman McDade that that the 2010 - 2015 Consolidated Plan and 2010 - 2011 Annual Action Plan be approved, and the Resolutions adopted.

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

Ayes: Aldermen Stearns, Huette, Schmidt, McDade, Anderson, Hanson, Sage, Fruin and Purcell.

Nays: None.

Motion carried.

SUBJECT: Analysis of Proposals for the Renovation Design of the Creativity Center

RECOMMENDATION: That the Request for Proposal for design services for the Creativity Center be awarded to the Farnsworth Group and that the Mayor and City Clerk be authorized to execute the necessary documents.

BACKGROUND: Staff respectfully requests approval of a contract to engage the Farnsworth Group for the architectural and engineering design services for the renovation of the Creativity Center building located at 107 E Chestnut Street. A Request for Qualifications for this renovation project was published on August 21, 2009. Qualifications were received until September 17, 2009. A committee, consisting of John Kennedy, Director of Parks, Recreation, and Cultural Arts; Joel Aalberts, Performing Arts Manager, and Bobby Moews, Superintendent of Parks, was appointed and reviewed the qualifications of thirty-one (31) firms. David Young, Facilities Manager for the Bloomington Center for the Performing Arts (BCPA), abstained from participation due to his relationship with a couple of the firms who submitted qualifications. Five (5) firms were chosen to submit renovation proposals along with the firm's cost to perform the work. Those five (5) firms are listed below:

- | | |
|--|------------------------|
| • Francois & Associates – Bloomington, IL | \$172,800 |
| • Farnsworth Group – Bloomington, IL | \$173,000* Recommended |
| • LZT Associates – Peoria, IL | \$185,000 |
| • Hartshorne Plunkard Architecture – Chicago, IL | \$198,000 |
| • Hammond Beeby Rupert Ainge, Inc – Chicago, IL | \$229,000 |

The review of the proposals was completed on December 2, 2009 using the criteria of each firm's experience with existing building renovation/restoration, ability to complete design within the time line and cost. David Young was involved in the committee reviewing the five (5) proposals as there were no longer any conflicts with remaining firms who submitted proposals.

The Farnsworth Group is being recommended as the firm offering the best product proposal, engineering and design team, time line, and end value to the City. Farnsworth Group's design proposal is deemed to be preferred over all other proposals as it demonstrated design concepts that showed their full understanding of the project and brought out their design creativity. Their ability to offer all services in-house and quickly mobilize, as needed, adds considerable value to their proposal. In addition, they have demonstrated extensive experience in construction management of a project of this size.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: Numerous community groups involve. Past and future users of the BCPA supplied input of their needs during the fact finding period of planning for the renovation of the BCPA. Further input was received from Heartland Community College and the City's Parks, Recreation and Cultural Arts Department. In addition, a City Council Work Session discussion was held on February 8, 2010.

FINANCIAL IMPACT: The cost to engage the Farnsworth Group for this project is \$173,000. Funding for this contract will come from the Cultural District Capital Campaign funds. All funds in the capital campaign were raised through local donations with a current balance of \$874,990. An additional \$166,250 federal grant is also due to be received.

Respectfully submitted for Council consideration.

Prepared by:

John Kennedy
Director of Parks, Recreation & Cultural Arts

Reviewed by:

Barbara J. Adkins
Deputy City Manager

Reviewed as to legal sufficiency:

J. Todd Greenburg
Corporation Counsel

Recommended by:

David A. Hales
City Manager

(CONTRACT ON FILE IN THE CLERK'S OFFICE)

Alderman Huette noted that this item appeared to be routine. Issues arose and the Council requested further review. Questions were raised regarding the long term operating costs, revenue projections, depreciation expenses, and insurance costs. The Council's goal was to reduce surplus property. The City would become a land lord. He questioned the timing of this item in light of the City's budget uncertainty. He expressed his concern regarding potential future expenses. He questioned the City's intention to follow through.

He questioned the role of the Community Foundation. He also questioned the goals and plans for the facility. He noted that \$1 million had already been raised. He recommended that the project be turned over to the Community Foundation for completion. He believed that the Foundation would be the best entity to understand the needs and goals for this facility. He recommended that the Council return this item to staff. A possible resolution would be for the City to sell the facility to the Community Foundation.

The City funded the Bloomington Center for the Performing Arts, (BCPA). This project has not lacked support for its efforts. The City could show its support for this

project by selling the facility at a discounted price. A compromise would protect the City and address any future liability.

Mayor Stockton noted the role of the Community Foundation. The Cultural District Commission performed the fundraising. The Community Foundation was an investment vehicle. He invited the Council to participate in a discussion. The Council had expressed its concern about taking on another venture. He believed that the building should break even. He added his concern about the impact on the project, private fundraising and the ability to obtain grants. Dollars would be spent for design purposes. The dollars raised can only be spent on this project. This project needed Council action. The Council needed to move forward. The dollars raised to complete this project were endowment funds. The City has had a successful fundraising effort.

Alderman Anderson encouraged the Council to look at the past history. He believed that future revenues would cover the costs. However, he believed that there should be no new amenities. This project was not Back to the Basics. If there was a revenue short fall, the Council would lean on staff. The Council needed to address the City's reserve fund. The Council needed to slow down. He expressed his support and agreement with Alderman Huette's comments.

Alderman Schmidt stated that the City owned the building. She expressed her concern about the consequences of doing nothing. She cited the building's inferior HVAC (Heating, Ventilating and Air Conditioning) system. This building was a part of the Cultural District. The Council could lose the good will of the community.

Alderman Huette believed that it was time to explore opportunities. He stated his intention to revise the project's final destination.

Alderman Schmidt noted that private citizens have donated money towards this project. She believed that the fundraising would be reorganized by forward movement by the Council.

Alderman McDade addressed this project. The Council should not change the rules in the middle of the game. The City had a role in the cultural arts. Groups had partnered with the City. She believed that in the short term there would be negative consequences to the "wait and see" approach. Consistency was an issue. This item had appeared on a Council agenda. It was also the subject of a Work Session.

Alderman Anderson stated that things were different today. He encouraged the Council to look at the City's budget. This project was the wrong thing to do.

Alderman McDade expressed her belief that it was the Council's job to look forward and backwards. She cited the Council's strategic plan which included a commitment to the Downtown and the cultural arts.

Mayor Stockton restated that these were not City dollars. He expressed his concern regarding the long term commitment when the City requests funds. The City may need to find other ways to fund this building. If the economy improves, the City might make a different decision.

Alderman Hanson noted the Work Session held on February 8, 2010. This item was for design services. The Council would release their (Cultural District Commission) money. No one has requested a financial forecast. There may be questions regarding the future feasibility of the project. The issue appeared to be the use of taxpayer dollars for operations. This issue was not a part of this request.

Alderman Huette restated that the City should turn control over this building to a group. There would be no future decisions for the Council. He restated that the Community Foundation would purchase the property. The City needed to adjust its past, due to the financial times.

Alderman Hanson noted that this suggestion, (purchasing the property from the City), was not part of the fundraising efforts. He stated that the Council needed to move forward. The project was a private/public partnership. There was a risk for the fundraising efforts.

Alderman Fruin expressed his interest in a good decision. A decision must be made in the present day based upon prior planning. He questioned ownership. He noted the debate regarding continued funding for this project. He cited other organizations, (Downtown Bloomington Association, Economic Development Council, and Convention & Visitors Bureau). Government funding levels were changing. Continuation of this project would be based upon prior planning which showed this building as an integral part of the Cultural District. The Cultural District was part of the City's quality of life. He believed this project could be successful. He cited two (2) Council goals: financial responsibility versus quality of life. He did not want this project to lose momentum. The City was a wealthy community.

Alderman Purcell cited BCPA's expenditures. He recommended turning the Creativity Center over to the fundraisers.

Alderman Schmidt noted that the Cultural District Commission was the fundraising organization. This Commission was a part of the City. The Creativity Center was City property occupied by City staff.

Alderman Fruin believed that there was consensus. In the long term, the City may need to step back from this project.

Alderman Stearns expressed her interest in opening this item up for public comment. She also questioned the math, (total funding raising dollars - \$779,000). David Hales, City Manager, noted that these dollars were from donations. Tim Ervin, Finance Director, added that there was over \$800,000 available.

Alderman Stearns noted the design fee. She expressed her opinion that the renovation costs would be \$2 - \$2.5 million. The goal was to renovate the building and the fundraising goal needed to match the cost. She addressed the rental market in the community. This building would offer a lot of space. Commercial space was the weakest sector. She believed that this building would remain vacant. There was no certainty and the real estate market was not predictable. She restated her concern regarding the math. The City's economy was dire. She cited road conditions. If the projection showed no cost for the City, then the building should be turned over to the private sector.

Motion by Alderman Stearns, seconded by Alderman Purcell to suspend the rules to allow someone to speak.

Motion carried.

Dan Leifel, 212 Parkview, addressed the Council. He had served as the Cultural District Commission's third chairman and no longer was a member. There were a number of Commission board members present. In 2003, the Council establish this project. The issues were discussed well. The City was worthy of this project. He cited the Council's vision in 2001. He had been involved in the fundraising efforts. The Commission hoped to continue down this path. Fundraising efforts had been effective. He feared that donors would request that their donations be returned. He believed that the Council was changing horses midstream.

Patty Donsbach, 1402 Ironwood, Normal, addressed the Council. She had headed up the fundraising efforts with Julie Dobski. She recently resigned as fundraising chair as there was no road map. The cultural arts effected tourism within the County. The dollars invested to date would be lost. She believed that the Council was changing the rules. The donors wanted to see progress. Dollars needed to be spent in order to continue the fundraising efforts. There needed to be a plan. The Community Foundation was a separate organization. The Commission was a participant donor. One goal of the Foundation was to see community projects advance. It may be necessary to return all of the funds raised to the donors.

Marty Seigel, 615 E. Chestnut, addressed the Council. She stated her opposition to this item. She was not comfortable with her position. She wanted to make three (3) statements: 1.) there have been opportunities for free/no cost space; 2.) this building was not like the BCPA, small groups want to have a say in the design process; and 3.) community residents would give of their time for free or at a low rate.

Ron Schultz, 1208 E. Oakland, addressed the Council. The City was in a different time. He believed that the situation would continue to decline. He addressed real estate values and street conditions. He did not belief that this building would operate at no cost to the taxpayers. The City owned the building. The City would be in competition with the private sector. The building should be sold at a loss.

Carol Ringer, 27 Country Club Place, addressed the Council. She supported the arts and was a major donor. There was community support for this project. The City was a wonderful place to live. The Creativity Center would be a place for children and adults to participate in the arts. She cited its value to the community. The arts provide a way to look at the world, to be creative and think outside of the box. She noted the impact of music upon learning. The building would become a part of the culture. Donations were made for a specific purpose.

Jim Waldorf, 1603 E. Washington, addressed the Council. He currently served as a Commission board member. A number of issues had been discussed tonight. Dollars were raised for this purpose. The design services contract needed to happen. The rental cost at the BCPA would be higher than at the Creativity Center. This building would offer affordable rental rates. He acknowledged that the City would act as landlord. He believed that this space was needed. He restated that this project needed to move forward. Discussions would be held which would insure this project's success.

Buddy Hall, 2404 Six Points Rd., addressed the Council. He recommended that the fundraising dollars be returned to the Commission. This building should be a private/public sector venture. If there was a market and/or need in the community for this project, then dollars could be raised privately. He acknowledged that the City owned the building. He believed that the City had spent enough money on entertainment. This project should be delayed. If the City could not move ahead, then the building should be given away.

Motion by Alderman McDade, seconded by Alderman Hanson to return to order.

Motion carried.

Alderman Huette recommended that a separate non for profit organization be formed to address this building.

Alderman McDade believed that the Council would be setting a bad precedent. The building would have to be declared surplus property. This building was under the Parks, Recreation & Cultural Arts Department. She cited her recent experience with Ewing Park and would not support this idea. She expressed her confusion regarding the discussion of this item.

Alderman Purcell cited budget concerns. He specifically cited Fire Station #5 and employee lay offs. He believed that this project would require a budget adjustment. The Commission needed to raise \$2.5 million. He recommended that the building be sold for \$800,000. He believed that the plan called for the building's remodeling to be completed by the end of 2010.

Alderman Schmidt noted that the design phase would be completed by then.

Alderman Hanson expressed his opinion that no further Council action would be required for over a year.

Mayor Stockton noted that concerns had been raised regarding the City's budget. In addition, concerns had been raised regarding the City's need to subsidize this project. This project could be a free enhancement for the people of the county. If done correctly, there will be no cost to the City. Changing rules at this time would complicate the fundraising efforts and potentially kill the project.

Alderman Huette stated that was not his intention. His intention was to give the building to the Commission.

Mayor Stockton expressed his concern on other fundraising entities. He cited the Ewing Zoo Foundation. It was a partnership. The Council would be sending a message which could have a long term impact. He believed that future donors would be discouraged. He recommended that the Council release the privately raised dollars for the design phase and that the fundraising efforts be continued. The motion before the Council would not release these privately raised dollars.

Alderman Sage noted that these dollars could not be spent for any other purpose. He shared concerns raised regarding projected revenues and expenditures. He acknowledged that the City owned the building. He expressed his opinion that this should have been a private sector project not a private/public sector one. The City did not have a good financial forecasting track record. He questioned the accuracy of the estimate costs and the potential subsidy requirements.

Alderman Anderson questioned if the Council should delay taking action on this item. He suggested a two to four (2 – 4) week time line. Mr. Hales believed more time would be needed. The Council's focus would be on the budget for the next couple of months. He recommended that the Council allow ninety (90) days for staff to develop a plan with options/alternatives.

Alderman Schmidt expressed her concern regarding the consequences of a ninety (90) day delay. Donors were requesting that their dollars be returned. The City currently owns the building with its inferior HVAC system.

Mayor Stockton expressed his concern regarding Council denial to access fundraising dollars. Mr. Hales presented another option. Dollars would be released for design work subject to the condition/requirement that Commission undertake a study of this project addressing the management, operations and fiscal policy. This study would cover operations and maintenance costs. In addition, there could be an independent cost analysis done. Dollars would be released to allow the design study. An alternative would be that the Commission develop a long term model for the Cultural District. He acknowledged that this option would put a damper on fundraising.

Alderman Anderson expressed his support for Mr. Hales' suggestions. He wanted to abstain from voting. The Council needed to send a signal to the community that the City was not willing to subsidize this building. The Council was attempting to hold the line on spending.

Motion by Alderman Huette, seconded by Alderman Stearns that City staff meet with the Cultural District Commission to facilitate the sale of the building in order to minimize the City's economic exposure.

By agreement of Aldermen Huette and Stearns this motion was withdrawn.

Motion by Alderman Huette, seconded by Alderman Stearns that the Request for Proposal for Design Services for the Creativity Center be awarded to the Farnsworth Group and that the Mayor and City Clerk be authorized to execute the necessary documents with the following conditions: 1.) City staff undertake a study of the Creativity Center which would address the building's management, operations, and fiscal policy; and 2.) City staff present the Council with a long term model for the Creativity Center.

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

Ayes: Aldermen Stearns, Huette, Schmidt, McDade, Anderson, Hanson, Sage, and Fruin.

Nays: Alderman Purcell.

Motion carried.

Alderman McDade noted that the Council could have accepted staff's recommendation regarding this item. She stressed that the Council's intention was not to place this building on the taxpayers' backs.

Alderman Anderson noted the lengthy discussion regarding this project. He hoped the Council would adhere to the discussion and no longer continue to subsidize the Creativity Center.

The following was presented:

SUBJECT: Fiscal Year 2010 Midyear Budget Amendment

RECOMMENDATION: That the Fiscal Year 2010 Midyear Budget Amendment be approved, and the Ordinance passed.

BACKGROUND: State of Illinois statutes require expenditures incurred within each individual fund not to exceed the appropriation amount set forth in the annual budget of an established fiscal period. In an effort to strengthen the fiscal controls of the budgetary process, staff has

prepared a list of budgetary amendments for the current Fiscal Year. This action corresponds with the August 24, 2009 discussion where staff committed to Council that the majority of budget amendments would be presented in the fiscal year the expenditure occurred, rather than in the proceeding fiscal year.

The appropriated budget of individual funds may be exceeded for several reasons such as but not limited to:

- Prior year encumbrances paid out of the fiscal period in question;
- Transfers to cover higher than planned expenses;
- Purchases and/or projects (ex. grants) that were approved in mid year but not included within the appropriated budget;
- Projects approved after the annual budget was approved; and
- Cost incurred for unforeseen circumstances.

A document has been created which itemized the proposed mid year budgetary amendments and gives a short description of the reason behind the budget amendment. As part of the Financial Impact section for each Council memo, staff has been directed to include a statement that will disclose the need for a budget amendment if the applicable item is approved by Council. This amendment is still needed after the \$2 million FY 09-10 General Fund budget reduction.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: Not applicable.

FINANCIAL IMPACT: Not applicable.

Respectfully submitted for Council consideration.

Prepared by:

Reviewed by:

Recommended by:

Timothy L Ervin
Director of Finance

Barbara J Adkins
Deputy City Manager

David A. Hales
City Manager

ORDINANCE NO. 2010 - 07

**AN ORDINANCE AMENDING THE BUDGET ORDINANCE
FOR THE FISCAL YEAR ENDING APRIL 30, 2010**

WHEREAS on April 13, 2009 by Ordinance Number 2009 - 22, the City of Bloomington passed a Budget and Appropriation Ordinance for the Fiscal Year Ending April 30, 2010, which Ordinance was approved by Mayor Stephen F. Stockton on April 14, 2009; and

WHEREAS a budget amendment is needed as detailed in Exhibits 1 and 2.

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

Section One: Ordinance Number 2009 - 22 (the Budget and Appropriation Ordinance for the Fiscal Year Ending April 30, 2010) is further hereby amended by inserting the line items and amounts presented in Exhibits 1 and 2 in the appropriate place in said Ordinances.

Section Two: Except as provided for herein, Ordinance Number 2009 - 22 shall remain in full force and effect, provided, that any budgeted or appropriated amounts which are changed by reason of the amendments made in Section One of this Ordinance shall be amended in Ordinance Number 2009 - 22.

Section Three: This Ordinance shall be in full force and effect upon its passage and approval.

PASSED the 22nd day of February, 2010.

APPROVED the 23rd day of February, 2010.

APPROVED:

Stephen F. Stockton
Mayor

ATTEST:

Tracey Covert
City Clerk

(EXHIBITS 1 AND 2 ON FILE IN CLERK'S OFFICE)

Mayor Stockton introduced this item. This was an amendment to the current Fiscal Year, (FY), (2009 – 2010) budget.

David Hales, City Manager, added staff's intention to make budget adjustments during the current FY. He noted that revenues continued to decline.

Alderman Purcell stated his support for the salary freeze and voluntary budget reductions.

Motion by Alderman Hanson, seconded by Alderman Adkins that the Fiscal Year 2010 Midyear Budget Amendment be approved and the Ordinance passed.

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

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

Nays: None.

Motion carried.

The following was presented:

SUBJECT: Excess General Obligation Funds

RECOMMENDATION: That the expenditure of the excess General Obligation Bond Series 2004 and 2007 Proceeds, in the amount of \$467,362.07 be approved for capital improvement projects, and the Ordinances passed.

BACKGROUND: The City issued General Obligation (GO) Debt in 2004 (October 13, 2007 issue date) in the amount of \$15.6 million and GO Debt in 2007 (August 29, 2007 issue date) in the amount of \$10 million. These projects included the construction of the Pepsi Ice Center, McGraw Park, Pepsi Ice Center Parking Deck, and the renovation of the Bloomington Center for the Performing Arts (BCPA). The Finance Department continues to review individual City funds. During this review, it was determined that 'excess' proceeds exist in the capital project funds where the bond proceeds were deposited. The total 'excess' proceeds for the GO Series 2004 has been calculated at \$261,065.84, while the GO, Series 2007 has been calculated as \$206,296.23.

The City has identified projects within the BCPA, Pepsi Ice Center, and O'Neil Pool to expend the excess funds from the GO, Series 2004, and projects at Fire Station #2 to expend the excess funds from the GO, Series 2007. These projects were chosen based on the original purpose of the bonds plus an urgent need, (leaking roof at the BCPA), safety (replace baby filter at O'Neil Pool), and asset preservation (redesign and repair leaky roof at Fire Station #2). These items were budget requests as part of the City's Capital Improvement Program for FY 2011. Due to the large list of capital projects it is unlikely funds would be available.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: Not applicable.

FINANCIAL IMPACT: Federal Law requires bond proceeds to be expended within three (3) years of the issuance of the GO Debt. For the GO Series 2004, the three (3) year period ended on October 27, 2007, while for the GO Series 2007 the period ends on August 10, 2010. The City exceeded the time period for the GO Series 2004. Once the excess funds have been expended, the City is required to prepare a yield rate study to determine whether the City remains in compliance with Federal Laws.

Respectfully submitted for Council consideration.

Prepared by:

Reviewed by:

Recommended by:

Timothy Ervin
Director of Finance

Barbara J. Adkins
Deputy City Manager

David A. Hales
City Manager

ORDINANCE NO. 2010 – 08A

AN ORDINANCE AMENDING ORDINANCE NO. 2004-10, AN ORDINANCE PROVIDING FOR THE ISSUE OF GENERAL OBLIGATION DEMAND BONDS, SERIES 2004, OF THE CITY OF BLOOMINGTON, MCLEAN COUNTY, ILLINOIS, AND FOR THE LEVY OF A DIRECT ANNUAL TAX SUFFICIENT TO PAY THE PRINCIPAL AND INTEREST ON SUCH BONDS, AND RELATED MATTERS

WHEREAS, the City of Bloomington, McLean County, Illinois (the “**Issuer**”), is a municipality duly organized, operating, and validly existing under the constitution and laws of the State of Illinois, including Section 6 (Powers of Home Rule Units) of Article VII (Local Government) of the Constitution of the State of Illinois and the Illinois Municipal Code, and all laws amendatory thereof and supplementary thereto (collectively, the “**Act**”); and

WHEREAS, the Issuer on October 13, 2004 issued \$15,600,000 General Obligation Demand Bonds, Series 2004 (the “**Bonds**”) under Ordinance No. 2004-90, adopted September 27, 2004 (as supplemented, the “**2004 Ordinance**”) to finance a public ice arena, parking facilities, and cultural district improvements and facilities, and related facilities, improvements and costs (the “**2004 Project**”); and

WHEREAS, the Issuer has excess proceeds with respect to which the Issuer will expand the 2004 Project to expend excess Bond proceeds.

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

Section 1. Amendment. The 2004 Ordinance is hereby amended, as follows:

(a) In Article I, the definition of “**Project**” is hereby amended to read, as follows:

“**Project**” shall mean the acquisition, construction and installation of public facilities and improvements (including design, remodeling, repairs, renovations and extensions): a public ice arena, parking facilities, swimming pool and cultural district improvements and facilities, and related facilities, improvements and costs.

(b) In all references to the Project in the 2004 Ordinance, the term “**Project**” shall be given effect as in (a) above.

Section 2. Finding. Under the 2004 Ordinance, Section 1 is not prejudicial to the rights of the owners of the Bonds.

Section 3. Effective Date. Pursuant to the Issuer’s home rule power and authority, this ordinance shall be in full force and effect immediately upon its passage and approval, without publication.

Adopted on February 22, 2010, upon motion by Council Member Anderson, seconded by Council Member Purcell, by the roll call vote (all in physical attendance), as follows:

AYES (names): Aldermen Stearns, Huette, Schmidt, McDade, Anderson, Hanson, Sage, Fruin and Purcell.

NAYS (names): None

ABSENT (names): None

Attest:

Approved: February 23, 2010.

Tracey Covert
City Clerk, City of Bloomington,
McLean County, Illinois

Stephen F. Stockton
Mayor, City of Bloomington,
McLean County, Illinois

ORDINANCE NO. 2010 - 08

AN ORDINANCE AMENDING ORDINANCE NO. 2007-70, AN ORDINANCE OF THE CITY OF BLOOMINGTON, MCLEAN COUNTY, ILLINOIS, PROVIDING FOR THE ISSUANCE OF GENERAL OBLIGATION BONDS, SERIES 2007, PROVIDING THE DETAILS OF SUCH BONDS AND FOR A LEVY OF TAKES TO PAY THE PRINCIPAL OF AND INTEREST ON SUCH BONDS AND FOR CERTAIN REVENUE SOURCES TO PAY AND SECURE THE PRINCIPAL OF AND INTEREST ON SUCH BONDS, AND RELATED MATTERS

WHEREAS, the City of Bloomington, McLean County, Illinois (the **“Issuer”**), is a home rule unit pursuant to the provisions of Section 6 (Powers of Home Rule Units) of Article VII (Local Government) of the Constitution of the State of Illinois and accordingly may exercise any power and perform any function pertaining to its government and affairs, as supplemented and amended, including by the Bond Authorization Act, the Registered Bond Act, the Bond Replacement Act and the Local Government Debt Reform Act, (the **“Act”**); and

WHEREAS, the City Council of the Issuer (the **“Corporate Authorities”**) on August 29, 2007 issued \$10,000,000 General Obligation Bonds, Series 2007 (the **“Bonds”**) to acquire, construct and install public facilities and improvements: a fire station, sewerage system improvements and park and recreation facilities and improvements, and related facilities, improvements and costs (collectively, the **“2007 Project”**) under Ordinance No. 2007-70 adopted July 23, 2007 (the **“2007 Ordinance”**); and plans, specifications and costs estimates prepared by the engineers and other design professionals engaged by the Issuer for such purposes and now on file with the City Clerk; and

WHEREAS, the Issuer has excess proceeds, with respect to which the Issuer will expand the 2007 Project to expend excess Bond proceeds.

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

Section 1. Amendment. The Amendment to the 2007 Ordinance shall be, as follows:

(a) In Section 1 the definition of **“Project”** shall be amended to read, as follows:

“Project” means the acquisition, construction and installation of public facilities and improvements (including design, remodeling, repairs, renovations and extensions): a fire station, sewerage system improvements and park and recreation facilities and improvements, and related facilities, improvements and costs.

(b) In all references to the Project in the 2007 Ordinance, the term **“Project”** shall be given effect as in (a) above.

Section 2. Finding. Under Section 19 of the 2007 Ordinance Section 1 is not prejudicial to the rights of the owners of the Bonds.

Section 3. Effective Date. Pursuant to the Issuer’s home rule power and authority, this ordinance shall be in full force and effect immediately upon its passage and approval, without publication.

Adopted on February 22, 2010, upon motion by Council Member Anderson, seconded by Council Member Purcell, by the roll call vote (all in physical attendance), as follows:

AYES (names): Aldermen Stearns, Huette, Schmidt, McDade, Anderson, Hanson, Sage, Fruin and Purcell.

NAYS (names): None

ABSENT (names): None

Attest:

Approved: February 23, 2010.

Tracey Covert
City Clerk, City of Bloomington,
McLean County, Illinois

Stephen F. Stockton
Mayor, City of Bloomington,
McLean County, Illinois

David Hales, City Manager, introduced this item. All accounts had been reviewed. The goal was to eliminate unnecessary funds. There were legal requirements regarding the expenditure of these funds. Expenditures must be for like projects. These dollars would be directed towards capital improvements which the City has been unable to fund in the next Fiscal Year (2010 – 2011).

Tim Ervin, Finance Director, addressed the Council. This item involved two (2) separate bond issues: 1.) 2004 General Obligation Bonds, (Pepsi Ice Center and Parking Garage, and the Bloomington Center for the Performing Arts/BCPA); and 2.) 2007 General Obligation Bonds, (Fire Station #5). Funds from the 2004 issue would be directed towards the following projects: 1.) BCPA roof replacement – preservation and safety; 2.) Pepsi Ice Center – energy efficient lighting; and 3.) O’Neil Pool – health safety issue. Funds from the 2007 issue would be directed towards the following projects: 1.) Fire Station #2 – roof design and construction; and 2.) Fire Stations #1 and #3 – roof design. All of these projects were related to the bonds original intent.

Alderman Anderson noted that AmerenIP had grant dollars available for light conversion projects. John Kennedy, Director – Parks, Recreation & Cultural Arts, addressed the Council. He currently was working with AmerenIP.

Alderman Sage requested that Mr. Hales’ comments be clarified. He specifically cited that funds/accounts had been consolidated. Mr. Ervin noted that these dollars must be spent on capital projects. Alderman Sage noted that these dollars should have been spent and represented left over proceeds from the bond issues. The City needed to stay close to the bonds’ original intent. Mr. Ervin informed the Council that the City needed to

perform an arbitrage study. A comparison would be made between the interest rate paid versus the interest rate earned. The City was approaching the three (3) year deadline for the 2007 issue.

Motion by Alderman Anderson, seconded by Alderman Purcell that the expenditure of the excess General Obligation Bond Series 2004 and 2007 Proceeds, in the amount of \$467,362.01 be approved for capital improvement projects, and the Ordinances passed.

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

Ayes: Aldermen Stearns, Huette, Schmidt, McDade, Anderson, Hanson, Sage, Fruin and Purcell.

Nays: None.

Motion carried.

The following was presented:

SUBJECT: Petition submitted by Heritage Enterprises, Inc., requesting the Rezoning of land located at 1006 and 1008 Elder St., from R-2, Mixed Residence District, to R-3A Multiple-family Residence District for the property adjacent to Heritage Manor, 700 E. Walnut St.

RECOMMENDATION: That the Rezoning be approved and the Ordinance passed.

BACKGROUND: This case was before the Planning Commission on January 13, 2010. Ben Hart, Sr. Vice President for Corporate Services, Heritage Enterprises and Frank Miles, Attorney were present to speak in favor of this petition. Four (4) people spoke in opposition to the request. Note that one person who initially spoke under opposition or questioning the request, later supported the request.

The existing Heritage Manor nursing home has an R-3A zoning and the proposed rezoning is applicable to the two (2) lots northeast and adjacent to the nursing home. The rezoned property, if approved, will match the R-3A zoning of the existing nursing home. The two (2) lots currently contain single family homes. The petitioner plans to demolish the two (2) houses and expand the nursing home and parking lot.

If the rezoning is approved, the petitioner will also need approval of a special use permit for the expansion of the nursing home. This is a separate application but is running concurrently with this petition. The Planning Commission concurred with staff and recommend by a vote of 8-0 that Council approve rezoning the properties located at 1006 and 1008 Elder Sts. from R-2, Mixed Residence District, to R-3A Multiple-Family Residence District.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: Public notices in the newspaper, mailings to the nearby property owners, and a public notice/identification sign was posted on the property.

A meeting was held at Heritage Manor on February 10, 2010. In attendance were Steve Wannemacher and Ben Hart from Heritage Enterprises, Bernie and Dorothy Deany, 711 E. Empire St., Marty Seigel, 615 E. Chestnut St., and Mark Huber Director of PACE. A good portion of the meeting centered around the proposed addition; operations; parking; security; use of the alley, and zoning. The meeting was concluded with the sentiment that Heritage Enterprises had answered all outstanding questions and had presented reasonable solutions to the issues.

FINANCIAL IMPACT: Not applicable.

Respectfully submitted for Council consideration.

Prepared by:

Reviewed by:

Recommended by:

Mark R. Huber
Director, PACE

Barb Adkins
Deputy City Manager

David A. Hales
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, MC LEAN COUNTY, ILLINOIS

Now comes HERITAGE ENTERPRISES, INC., hereinafter referred to as your petitioner, respectfully representing and requesting as follows:

1. That your petitioner is the owner of the freehold or lesser estate therein of the premises hereinafter legally described in Exhibit A, which is attached hereto and made a part hereof by this reference, or is a mortgagee or vendee in possession, assignee of rents, receiver, executor (executrix), trustee, 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 legally described in Exhibit "A" presently has a zoning classification of R-2 Mixed Residence District under the provisions of Chapter 44 of the Bloomington City Code, 1960;

3. That the present zoning on said premises is inappropriate due to error in original zoning, technological changes altering the impact or effect of the existing land uses, or the area in question having changed such that said present zoning is no longer contributing to the public welfare;
4. That your petitioner hereby requests that the Official Zoning Map of the City of Bloomington, McLean County, Illinois be amended to reclassify said premises into the R-3A Medium Multiple Family Residence zoning district classification;
5. That said requested zoning classification is more compatible with existing uses and/or zoning of adjacent property than the present zoning of said premises; and
6. That said requested zoning classification is more suitable for said premises and the benefits realized by the general public in approving this petition will exceed the hardships imposed on your petitioner by the present zoning of said premises.

WHEREFORE, your petitioner respectfully prays that the Official Zoning Map of the City of Bloomington, McLean County, Illinois be amended by changing the zoning classification of the above-described premises from R-2 Mixed Residence District to R-3A Medium Density Multiple Family Residence District.

Respectfully submitted,

HERITAGE ENTERPRISES, INC.

By: Ben Hart

ORDINANCE NO. 2010 - 09

**AN ORDINANCE REZONING PROPERTY AT 700 EAST WALNUT STREET,
BLOOMINGTON, ILLINOIS FROM R-2 MIXED RESIDENCE DISTRICT TO
R-3A MEDIUM DENSITY MULTIPLE FAMILY RESIDENCE 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(s) "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 Mixed Residence District to R-3A Medium Density Multiple Family Residence 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 22nd day of February, 2010.

APPROVED this 23rd day of February, 2010.

APPROVED:

Stephen F. Stockton
Mayor

ATTEST:

Tracey Covert
City Clerk

EXHIBIT A – LEGAL DESCRIPTION

Lots 1 and 2 in Block 4 in Stone's Subdivision of the South 222 feet of the part of Lot 1 in Flagg's Third Addition to Bloomington lying between Clinton and Elder Street, according to plat thereof recorded in Book 8, Page 123, McLean County, Illinois.

PIN: 21 – 04 – 227 - 009 and 010

Mayor Stockton introduced the following two (2) items, (Rezoning and Special Use for Heritage Enterprises). David Hales, City Manager, informed the Council that a neighborhood meeting was held. There were lengthy and frank discussions and issues were clarified. He believed the issues had been resolved. Mayor Stockton noted that assurances were given.

Mark Huber, Director – PACE, addressed the Council. Neighborhood concerns addressed truck traffic and the relocation of a utility pole. Heritage Enterprises had drafted a letter which stated that the company had no intentions of moving north of the alley. There was not room for high density multi family housing at this location. He expressed his belief that there was an understanding between the parties.

Alderman Purcell requested that the Council suspend the rules to hear the neighborhood's understanding.

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

Motion carried.

Bernie Deanie, 711 E. Empire St., addressed the Council. He noted that Mr. Huber's comments were fairly accurate. The neighborhood had concerns regarding parking. He cited traffic generated from outpatient care. The entrance would be used by staff and visitors. He added his concern regarding the R – 3A zoning. There should not be any change in density. In addition, concerns were raised regarding truck traffic existing from the alley. Heritage Enterprises had purchased isolated homes over ten (10) year ago. The neighborhood was also concerned about this.

Steve Wannemacher, 23 Monarch Dr., addressed the Council. He was employed by Heritage Enterprises. He expressed his appreciation to the Council, Alderman Purcell, City staff and the neighbors. This facility had been at this location for over forty-seven (47) years. This proposal would extend the useful life of the building. Parking and use of alley were discussed at the neighborhood meeting. There would be a new design to the alley's entrance. Two (2) curb cuts would be eliminated. Heritage Enterprises was not in the apartment business. The company had no intentions north of the alley. Currently, Heritage Enterprises owned half (1/2) of the block.

Alderman Schmidt requested that the Old House Society be contacted regarding salvage efforts.

Alderman Purcell thanked all who attended the neighborhood meeting.

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

Motion carried.

Alderman Schmidt expressed her concern for Empire St. and the sense of permanency. She requested that Mr. Huber hold meetings with older neighborhoods to discuss zoning.

Alderman Purcell acknowledged Heritage's need to improve the facility. This project would allow them to remain in the neighborhood. He believed that in the end all parties would benefit.

Motion by Alderman Anderson, seconded by Alderman McDade that the Rezoning be approved and the Ordinance passed.

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

Ayes: Aldermen Stearns, Huette, Schmidt, McDade, Anderson, Hanson, Sage, Fruin and Purcell.

Nays: None.

Motion carried.

Alderman Fruin expressed his appreciation to Alderman Purcell for his effort regarding these two (2) petitions.

The following was presented:

SUBJECT: Petition submitted by Heritage Enterprises, Inc., requesting a Special Use Permit for a nursing home located at 700 E. Walnut St., including the properties at 1006 and 1008 Elder St.

RECOMMENDATION: That the Special Use Permit be approved and the Ordinance passed.

BACKGROUND: On January 20, 2010, the Zoning Board of Appeals (ZBA) heard the Petition submitted by Heritage Enterprises, Inc., requesting a Special Use Permit for a nursing home located at 700 E. Walnut St including the properties at 1006 and 1008 Elder St.

The case was represented by Ben Hart, Sr. Vice President of Corporate Services, Heritage Enterprises and Frank Miles, Attorney. Five (5) people appeared to speak in opposition to the petition. The existing nursing home holds R-3A, Multiple Family Residence District zoning. This is the second part of a two (2) part process requiring Council approval. The first part was rezoning of 1006 and 1008 Elder St. which adjoins the principle site.

The proposed nursing home expansion is not for additional rooms for the residents. The goal is to improve therapy services and staff facilities. Additional parking would also be added. No variances were requested and additional parking spaces should help alleviate problems created by current on-street parking. Any negative impacts upon the surrounding properties should not be significantly different than what already exists.

The Board discussed the existing congestion in the alley but believed that any possible mitigation should be dealt with separately from this request. The ZBA concurred with staff and voted 5-1 to recommend Council approve a Special Use Permit for expansion of Heritage Manor located at 700 E. Walnut Street (including sites formally known as 1006 and 1008 Elder St).

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: Public notices in the newspaper, mailings to the nearby property owners, and a public notice/identification sign posted on the property.

FINANCIAL IMPACT: Not applicable.

Respectfully submitted for Council consideration.

Prepared by:

Reviewed by:

Recommended by:

Mark R. Huber
Director, PACE

Barb Adkins
Deputy City Manager

David A. Hales
City Manager

**PETITION FOR A SPECIAL USE PERMIT FOR PROPERTY LOCATED AT:
700 EAST WALNUT STREET, BLOOMINGTON, 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 HERITAGE ENTERPRISES, INC., hereinafter referred to as your petitioner,
respectfully representing and requesting as follows:

1. That your petitioner is the owner of the freehold or lesser estate therein of the premises hereinafter legally described in Exhibit A, which is attached hereto and made a part hereof by this reference, or is a mortgagee or vendee in possession, assignee of rents: receiver, executor (executrix); trustee, lease, or any other person, firm or corporation or the duly authorized agents of any of the above persons having proprietary interest in said premises;
2. That said premises presently has a zoning classification of R-3A under the provisions of Chapter 44 of the Bloomington City Code, 1960;
3. That under the provisions of Chapter 44, Section 7, 30 (K) of said City Code Nursing Homes, are allowed as a special use in a R-3A zoning district;
4. That the establishment, maintenance, or operation of said special use on said premises will not be detrimental to or endanger the public health, safety, morals, comfort, or general welfare;
5. That said special use on said premises will not be injurious to the use and enjoyment of other property in the immediate vicinity of said premises for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood;
6. That the establishment of said special use on said premises will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the R-3A zoning district;
7. That the exterior architectural treatment and functional plan of any proposed structure on said premises will not be so at variance with either the exterior architectural treatment and functional plan of the structures already constructed or in the course of construction in the immediate neighborhood or the character of the applicable district, as to cause a substantial depreciation in the property values within the neighborhood adjacent to said premises;

8. That adequate utilities, access roads, drainage and/or necessary facilities have been or are being provided to said premises for said special permitted use;
9. That adequate measures have been or will be taken to provide ingress and egress to and from said premises so designed as to minimize traffic congestion in the public streets; and
10. That said special permitted use on said premises shall, in all other respects, conform to the applicable regulations of the R-3A zoning district in which it is located except as such regulations may, in each instance, be modified by the City Council of the City of Bloomington pursuant to the recommendations of the Bloomington Board of Zoning Appeals, including a variance to permit transitional yard landscaping screening to the north to be as depicted on the Site Plan filed with this application.

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

Respectfully submitted,

HERITAGE ENTERPRISES, INC.

BY: Ben Hart

ORDINANCE NO. 2010 - 10

**AN ORDINANCE APPROVING A SPECIAL USE PERMIT FOR A
NURSING HOME FOR PROPERTY LOCATED AT: 700 EAST WALNUT STREET,
BLOOMINGTON, ILLINOIS**

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

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

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

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

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

1. That the Special Use Permit for a Nursing Home on the premises hereinafter described in Exhibit A shall be and the same is hereby approved with a waiver of transitional yard landscaping and screening requirements to permit landscaping and screening to be as depicted on the Site Plan filed with the City Clerk.
2. This Ordinance shall take effect immediately upon passage and approval.

PASSED this 22nd day of February, 2010.

APPROVED this 23rd day of February, 2010.

Stephen F. Stockton
Mayor

ATTEST:

Tracey Covert
City Clerk

EXHIBIT A – LEGAL DESCRIPTION

Lots 1 and 2 in Block 4 in Stone's of the South 222 feet of the part of Lot 1 in Flagg's Third Addition to Bloomington lying between Clinton and Elder Street, according to plat thereof recorded in Book 8, Page 123, McLean County, Illinois.

PIN: 21 – 04 – 227 - 009 and 010

Motion by Alderman Anderson, seconded by Alderman McDade that the Special Use be approved and the Ordinance passed.

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

Ayes: Aldermen Stearns, Huette, Schmidt, McDade, Anderson, Hanson, Sage, Fruin and Purcell.

Nays: None.

Motion carried.

MAYOR'S DISCUSSION: None.

CITY MANAGER'S DISCUSSION: David Hales, City Manager, addressed the Farmer's Market. This had been a successful program which had changed over the years. In 2009, the Market involve three (3) City blocks, (100 and 200 blocks of N. Main St., and the 100 block of W. Jefferson St.). This year's request was for four (4) blocks, (200 and 300 block of N. Main St., and the 100 blocks of E. and W. Jefferson St.) Two (2) of the blocks would be new. He had met with the Downtown Bloomington Association (DBA) and granted conditional approval contingent upon effected property owners and/or tenants' consent. The Farmer's Market was a Special Event and there was an annual application process. He wanted to inform the Council and question if they were aware of any issues. His concern involved the approval of the two (2) new blocks. The City needed to have the support of the effected property owners/tenants. A retailer may be concerned about the impact upon business. Concerns needed to be mitigated. A block would be closed for half a year on Saturday mornings. He noted the misinterpretation that the Farmer's Market was not welcomed in Downtown. This was a twenty-three (23) week event. The goal was proper notification and feedback in support of or in opposition to this request. He believed that the DBA wanted additional time. He had expressed his willingness to meet with the DBA and the Farmer's Market Committee. The Farmer's Market had expressed an interest in a permanent location. He noted that this event has changed from year to year. The focus this year was on Special Events. A future location for the Market should be addressed at a future date.

Alderman Schmidt believed that the Farmer's Market had made accommodations. In addition, she did not believe that the Market would obtain the requested approvals.

Elaine Sebald, Farmer's Market Coordinator, believed that the Market needed to be moved.

Mayor Stockton noted that one (1) person stood opposed to the proposed locations. Mr. Hales stated his intention to bring the issue back to the Council for final decision. The Council may need to take action on this item.

Alderman McDade stated that the application had been submitted in November 2009. Efforts were being made to finalize this event. She expressed her concern regarding the value of the Market to the Downtown. She acknowledged their desire for permanency. This event was growing and was good for the community. She noted that the Town of Normal also hosted a Farmer's Market. She believed that the Market might choose to relocate there.

Mr. Hales acknowledged the application's submittal. He cited staff's work load and the focus placed on the Downtown TIF (closing year). Staff has been unable to stay on top of every issue. He did not believe that staff's request was onerous. The City could not guarantee a location from year to year. The City must be careful when closing a public right of ways.

Mayor Stockton encouraged staff to do as much as possible. The Market was not permanent and Councils changed over time. He encouraged all to find a compromise. Mr. Hales questioned authorizing the Market over retailer opposition. Alderman Schmidt expressed her belief that there would be no harm to any independent business owner. Additional offers would be made in a good faith effort. Alderman McDade believed that the City would be setting a difficult precedent by allowing one (1) business to determine the outcome. Mr. Hales noted that when the Farmer's Market was extended to Center St. there were issues at CVS. There was not a perfect solution.

ALDERMEN'S DISCUSSION: Alderman Anderson expressed his interest in feasibility studies prior to approval of any future annexations.

Alderman Fruin addressed consistency by the Council when an item had been subject to a public hearing and neighborhood meetings.

He also informed the Council that Mike Sweeney, former McLean County Board Chairman, had passed away. He had been a community leader who believed in compromise, solutions and intergovernmental cooperation.

Alderman Sage recognized this evening's Work Session with state legislators. He commented on State Representative Dan Brady's relationship with David Hales, City Manager. He appreciated Mr. Hales' efforts.

Motion by Alderman Schmidt, seconded by Alderman Purcell, that the meeting recessed to Executive Session for Collective Bargaining, Section 2(c)(2). Time: 10:27 p.m.

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

Ayes: Aldermen Stearns, Huette, Schmidt, McDade, Anderson, Hanson, Sage, Fruin and Purcell.

Nays: None.

Motion carried.

Motion by Alderman Anderson, seconded by Alderman Schmidt to return to regular session and adjourn. Time: 11:29 p.m.

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

Ayes: Aldermen Stearns, Huette, Schmidt, McDade, Anderson, Hanson, Sage, Fruin and Purcell.

Nays: None.

Motion carried.

**Tracey Covert
City Clerk**