

**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, November 9, 2009.

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.**

**Deputy City Manager Barbara J. Adkins, Chief Deputy Clerk Renee Gooderham, and Corporate Counsel Todd Greenburg were also present.**

**Absent: City Manager David Hales, and City Clerk Tracey Covert.**

**The following was presented:**

SUBJECT: Council Proceedings of October 23, 2006 and October 12, 2009, and Work Session Minutes of August 31, 2009

**RECOMMENDATION:** That the reading of the minutes of the previous Council Proceedings of October 23, 2006 and October 12, 2009, and the Work Session Minutes of August 31, 2009 be dispensed with and the minutes approved as printed.

**BACKGROUND:** The Council Proceedings of October 23, 2006 and October 12, 2009, and the Work Session Minutes of August 31, 2009 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:

Tracey Covert, City Clerk

Recommended by:

David A. Hales, City Manager

**Motion by Alderman Anderson, seconded by Alderman Schmidt, that the reading of the minutes of the previous Council Meeting of October 23, 2006 and October 12, 2009 and Work Session Minutes of August 31, 2009 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, November 6, 2009 by posting via the City's web site. After examination, I will notify the Council of any items which may need to be addressed.

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

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

**Ayes: Aldermen 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 sixteenth partial payment to Stark Excavating, Inc. in the amount of \$264,988.28 on a contract amount of \$2,589,000 of which \$2,271,470.41 will have been paid to date for work certified as 86% complete for the McGraw Park – Phase II – General Construction. Completion date – December 2009.
2. The first partial payment to Stark Excavating, Inc. in the amount of \$751,513.50 on a contract amount of \$1,318,948 of which \$751,513.50 will have been paid to date for work certified as 57% complete for the Kickapoo Creek Restoration – Phase II. Completion date – August 2010.
3. The second partial payment to Felmley Dickerson in the amount of \$22,462.20 on a contract amount of \$148,157.50 of which \$34,816.39 will have been paid to date for work certified as 15% complete for the 2009-2010 Sidewalk Replacement and Handicap Ramp Program. Completion date – April 2010.
4. The fifteenth partial payment to Testing Services Corporation in the amount of \$2,048 on a per ton and hour contract of which \$37,207.88 will have been paid to date for work certified as ongoing for the 2008-2009 Asphalt & Portland Concrete Plant Inspection and Laboratory Testing. Completion date – December 2009.
5. The fourth partial payment to Rowe Construction Co. in the amount of \$249,695.46 on a contract amount of \$746,708.79 of which \$372,054.69 will have been paid to date for work certified as 50% complete for the 2009-2010 General Resurfacing. Completion date – November 2009.

6. The seventeenth partial payment to Clark Dietz in the amount of \$297.50 on a contract amount of \$50,000 of which \$47,304.77 will have been paid to date for work certified as 95% complete for the Water Mapping Services. Completion date – December 2009.
7. The second partial payment to Consoer Townsend Envirodyne in the amount of \$2,854.24 on a contract amount of \$20,000 of which \$5,138.46 will have been paid to date for work certified as 26% complete for the Design of Dust Collection System for Lime Conveyance System at Lake Bloomington. Completion date – December 2010.
8. The fifth partial payment to Consoer Townsend in the amount of \$2,524.16 on a contract amount of \$41,760 of which \$17,591.77 will have been paid to date for work certified as 42% complete for the Direct Injection of Carbon Dioxide at Treatment Plant. Completion date – December 2009.
9. The fourth partial payment to Clark Dietz, Inc. in the amount of \$6,279.80 on a contract amount of \$20,000 of which \$12,027.72 will have been paid to date for work certified as 60% complete for the Inspection of Water Main Construction on Ireland Grove Road from Kickapoo Creek to Benjamin School. Completion date – December 2009.
10. The twenty-first partial payment to Clark Dietz, Inc. in the amount of \$910.18 on a contract amount of \$60,000 of which \$59,983.87 will have been paid to date for work certified as 99% complete for the Observation/Inspection of Parkview Water Main Replacement – Phase I. Completion date – January 2010.
11. The eighth partial payment to Clark Dietz, Inc. in the amount of \$450 on a contract amount of \$20,000 of which \$10,915.54 will have been paid to date for work certified as 55% complete for the Inspection Services for Water Main Construction on E. Lincoln from Morrissey to McGregor. Completion date – December 2009.
12. The tenth partial payment to Clark Dietz, Inc. in the amount of \$900 on a contract amount of \$21,700 of which \$20,528.11 will have been paid to date for work certified as 95% complete for the Lincoln Street – Bunn to Morrissey Observation. Completion date – January 2010.

Respectfully submitted for Council consideration.

Prepared by:

Tracey Covert  
City Clerk

Recommended by:

David A. Hales  
City Manager

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

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

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

**Nays: None.**

**Motion carried.**

**The following was presented:**

**SUBJECT:** Funding for the McLean County Wheels to Work Program

**RECOMMENDATION:** That the funding be approved.

**BACKGROUND:** Since 1999, both the Town of Normal and the City have contributed to the YWCA's Wheel's to Work Transportation Program. The program provides residents with an affordable public transportation option to places of employment and day care facilities in the Bloomington/Normal community at such times when the Bloomington Normal Public Transit System (BNPTS) service is unavailable. Given the current BNTS schedule, the Wheels to Work Program operates on Sunday's from 6:00 a.m. to midnight.

All funding provided by the City and the Town for this program are matched dollar for dollar with federal monies available through the Job Access Reverse Commute (JARC) Program. The City's historical contributions to the program have been as follows:

1999	\$28,000
2000	\$28,000
2001	\$19,000
2002	\$6,500
2003	\$7,250
2004	\$8,125
2005	\$9,125
2006	\$9,375
2007	\$10,500
2008	\$10,500

The current request from the YWCA is for \$10,500.

Staff believes that this program has been a highly successful venture that has helped to meet the public transportation needs of residents in situations that cannot be served on Sundays by the BNPTS. The Town approved the program at the same level as they did in 2008 and, therefore, necessary matching funds will be assured through the federal JARC Program.

**COMMUNITY GROUPS/INTERESTED PERSON CONTACTED:** YWCA of McLean County, Bloomington/Normal Public Transit System, social service organizations, and present-future citizens of the current program.

**FINANCIAL IMPACT:** \$10,500 was budgeted in the City's FY 2009-2010 General Fund as approved by Council. Funds are available in Other Department's Line Item 19150.

Respectfully Submitted for Council consideration.

Prepared by:

Recommended by:

Barbara J. Adkins  
Deputy City Manager

David A. Hales  
City Manager

**Motion by Alderman Anderson, seconded by Alderman Schmidt, that the funding 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: Young Adult Dependent Coverage Required Under State Law

**RECOMMENDATION:** That an additional premium be required for young adult dependents added to the City's insurance plans as required under the Illinois Public Act 95-0958.

**BACKGROUND:** Recently the State passed Illinois Public Act 95-0958 (commonly known as House Bill 5285), which requires some employers and certain units of government, including municipalities, to offer health insurance benefits to unmarried dependents up to age twenty-six (26). Coverage must be offered without regard to student status and to dependents up to age thirty (30) for veterans residing in Illinois.

This law also applies to dental and vision plans. Currently, the City's PPO plan covers dependents up to age nineteen (19) and to age twenty-three (23) for full time students. The City's HMO plan extends the coverage to age twenty-five (25) as does the police union plan. The law is effective for the City's plans and the police union plan beginning January 1, 2010. An enrollment period before that date will be provided.

The law does not require an employer to contribute to the coverage of the young adult dependents. Hence, the City has two (2) options on how to administer the changes required by the law. The young adult dependents could be added to their parents' existing insurance plan.

Under this scenario, the City would not receive an additional premium from the employee for a young adult dependent. The other option is to require that the young adults be covered separately and have to pay the cost of single coverage which will be approximately \$440 per month. In light of ever increasing health costs and the City's current financial situation, staff respectfully recommends that the City not subsidize the cost of this coverage.

City PPO data shows that people covered under this law had an average medical paid claim cost between \$1,032 and \$3,024 per year depending on their age. These costs do not include pharmacy claims. Young adults have relatively few medical claims and lower cost claims than most other age groups. However, since the City is self insured in its PPO plan, it is responsible for paying the actual claim costs regardless of what they may be.

The benefit to an employee is that their qualifying unmarried dependents up to age twenty-six (26) or qualifying unmarried military veteran dependents up to age thirty (30), who are in Illinois, would be able to join the City's plan even if they are unable to obtain insurance elsewhere. Also, they would be able to reenroll into the City's plan if they lose coverage elsewhere.

On the other hand, if the City were to allow the young adult dependents to enroll in their parents' existing coverage, the IRS would in most cases, view the value of the adult dependent insurance as taxable income to the parent. Also, due to IRS regulations, if a young adult were added to their parent's coverage, again in most cases, the parent would be unable to have their premiums deducted from their paychecks on a pre-tax basis.

**COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED:** Director of Finance.

**FINANCIAL IMPACT:** Covering claim cost with premium and the savings on FICA for otherwise taxable benefits.

Respectfully submitted for Council consideration.

Prepared by:

Recommended by:

Laurie Wollrab  
Compensation & Benefits Manager

David A. Hales  
City Manager

**Motion by Alderman Anderson, seconded by Alderman Schmidt, that an additional premium be required for young adult dependents added to the City's insurance plans as required under the Illinois Public Act 95-0958.**

**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: Extension of Police Sergeant and Lieutenant Eligibility Lists

**RECOMMENDATION:** That the Ordinance be passed.

**BACKGROUND:** The Board of Fire and Police Commissioners prepares the eligibility lists for the entry level hiring and promotion of uniformed police officers and firefighters. The eligibility list for Police Sergeant will expire on December 1, 2009. However, the Police Lieutenant's eligibility list expired on September 8, 2009. New eligibility lists are not yet available. There are persons remaining on the expired list. Staff respectfully requests that the Council revive the expired list and soon to expire one and extend them both until March 8, 2010.

**COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED** Board of Fire & Police Commissioners, Police Sgt. & Lt.'s union, and City staff.

**FINANCIAL IMPACT:** Not applicable.

Respectfully submitted for Council consideration.

Prepared by:

Reviewed as to legal sufficiency:

Tracey Covert  
City Clerk

J. Todd Greenburg  
Corporation Counsel

Recommended by:

David A. Hales  
City Manager



**ORDINANCE NO. 2009 - 70**

**AN ORDINANCE EXTENDING THE CURRENT ELIGIBILITY LIST FOR POLICE SERGEANTS AND LIETENANTS TO MARCH 8, 2010**

WHEREAS, the Board of Fire and Police Commissioners prepares eligibility lists which are used to promote individuals within the Police Department to the ranks of Sergeant and Lieutenant; and

WHEREAS, under the home rule authority granted to the City of Bloomington by Article VII, Section 6 of the Illinois Constitution, the City Council has the authority to authorize the Board of Fire and Police Commissioners to extend the expiration date of an eligibility list; and

WHEREAS, at its regular meeting of August 3, 2009, the Board of Fire and Police Commissioners vacated the results of the promotional testing for Police Sergeant and Lieutenant; and

WHEREAS, this action requires that the City Council consider passage of an ordinance extending the expiration date of the current Police Sergeants and Lieutenant's eligibility list;

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

That the Board of Fire and Police Commissioners of the City of Bloomington, Illinois be authorized to extend the expiration date of the current lists for Police Sergeant originally established on December 1, 2006 and Police Lieutenant originally established September 6, 2006 on until March 8, 2010.

PASSED this 9<sup>th</sup> day of November, 2009.

APPROVED this 10<sup>th</sup> day of November, 2009.

Stephen F. Stockton  
Mayor

ATTEST:

Tracey Covert  
City Clerk

**Alderman Stearns questioned how the change affects the current list. Randy McKinley, Police Chief, addressed the Council. He had met with the Command and Patrol Officer's Union. The eligibility lists would be extended and a new testing vendor selected. Officers originally eligible would be allowed to take the make up exam. Alderman Stearns inquired about the vendor payment. Police Chief McKinley responded that a payment to**

**the Conley Group in the amount of \$6,000 had been paid. Todd Greenburg, Corporation Counsel, replied he had spoken with Dr. Conley, the prepayment would not be returned.**

**Motion by Alderman Anderson, seconded by Alderman Schmidt, that the Ordinance 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: Amendment to Chapter 6, Alcoholic Beverages, Section 7A Classification and 7B License Fees

**RECOMMENDATION:** That the Text Amendment be approved. The Liquor Commission recommends to the City Council that the Text Amendment to Chapter 6, Alcoholic Beverages, Section 7A Classification and 7B License Fees be amended as follows: class “SPA” (Seasonal Performance – All Types of Alcohol) and class “SPB” (Seasonal Performance – Beer and Wine Only) and the Ordinance passed.

**BACKGROUND:** Commissioner Buchanan introduced the proposed text amendment, recommending the addition of two (2) classifications “SPA” and “SPB” that would allow a business or organization to apply for a liquor license for seasonal events, lasting a specific time frame. Present at the hearing were Liquor Commissioners Rich Buchanan, Steve Petersen, and Mark Gibson; Todd Greenburg, Corporation Counsel; Renee Gooderham, Chief Deputy Clerk; and Sgt. Randy Wikoff.

Commissioner Buchanan opened the liquor hearing and requested that Renee Gooderham, Chief Deputy Clerk, speak to this item. On March 14, 2007 the Liquor Commission recommended an amendment to Chapter 6 Section 7A and 7B, Changing the Definition and Fees for SA and SB Licenses. This change allowed lifting the three (3) day restriction and established a maximum charge of \$500.00. The belief was this would allow the Bloomington Center for Performing Arts (BCPA) and the Illinois Shakespeare Festival to provide alcohol at their venues, which do not have a large enough demand to warrant applying for and holding a year round liquor license.

The proposed amendment was in direct response to the State of Illinois Liquor Control Commission’s requirements. The State charges \$100.00 per event when the event or performer is not exactly the same. In the case of the BCPA, which will host a total of thirty-two (32) different performance events for the 2009 – 2010 season, the cost to the preferred vendor, KPTS,

d/b/a Six Strings would be approximately \$2800 for the state licenses. By adding the classifications, it would allow the vendor to apply for a local license for \$500 and a state retail license at a fee of \$500.

Commissioner Gibson questioned if a hearing would be required of all applicants. Ms. Gooderham responded negatively. The application would be processed the same as an "S" Secondary Alcoholic Liquor license. The applicant would apply, provide proof of bond and liquor liability. The license issued would be site and date specific.

The Commission expressed concern that the City's process be in line with the State. Todd Greenburg, Corporation Counsel, offered to contact the State Liquor Control Commission.

**COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED:** The Agenda for the October 13, 2009 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,

Reviewed as to legal sufficiency:

Stephen F. Stockton  
Chairman of Liquor Commission

George Boyle  
Asst. Corporation Counsel

**ORDINANCE NO. 2009 - 71**

**AN ORDINANCE AMENDING BLOOMINGTON  
CITY CODE CHAPTER 6**

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

SECTION 1: The Bloomington City Code Chapter 6, Section 7A shall be and the same is hereby amended by adding new subsections (18) and (19) and by renumbering subsequent subsections accordingly, said added subsections to read as follows: (additions are indicated by underlining; deletions are indicated by strikeouts):

(18) Class “SPA” (Seasonal Performance – All Types of Alcohol)

(a) Authorizes by secondary license the retail sale of all types of alcoholic liquor at a performance venue designated by the Liquor Commissioner for a specified season by the holder of a current TA, TB, RA, RB, PA or PB license. This license may be issued at the discretion of the Liquor Commissioner. All of the terms and conditions of the license holder’s primary license shall extend to the issued seasonal performance license. The license holder must submit proof of adequate Dram Shop insurance covering the premises licensed under the SPA license prior to being issued such license. Any violation of the terms of the SPA license shall be considered a violation of the license holder’s primary license and shall subject the license holder to penalties and/or sanctions directed at the primary license.

(b) As used in this and in the succeeding subsection, the term “season” shall mean a defined span of time, not less than 30 days and no more than 1 year, during which a given venue hosts 4 or more performances per month. The length of the performance season for a given venue shall be as defined herein, or as otherwise designated by the Liquor Commissioner.

(c) The term “season” as applied to the Bloomington Center for the Performing Arts shall mean the period of time from August 1 through May 31 of the succeeding year.

(d) The term “season” as applied to the Illinois Shakespeare Festival performed at Ewing Manor shall be the period from June 1 through August 31.

(19) Class “SPB” (Seasonal Performance – Beer and Wine Only) authorizes by secondary license the retail sale of beer and wine at a performance venue designated by the Liquor Commissioner for a specified season by the holder of a current TA, TB, RA, RB, PA or PB license. This license may be issued at the discretion of the Liquor Commissioner. All of the terms and conditions of the license holder’s primary license shall extend to the issued seasonal performance license. The license holder must submit proof of adequate Dram Shop insurance covering the premises licensed under the SPB license prior to being issued such license. Any violation of the terms of the SPB license shall be considered a violation of the license holder’s

primary license and shall subject the license holder to penalties and/or sanctions directed at the primary license.

SECTION 3: That the Bloomington City Code Chapter 6, Section 7B shall be and the same is hereby amended by adding Subsection (d) to read as follows:

(d)The fee for each Class “SPA” or “SPB” license issued shall be \$500.00 for each season.

SECTION 4. Except as provided herein, the Bloomington City Code, as amended, shall remain in full force and effect.

SECTION 5. The City Clerk shall be, and she is hereby directed and authorized to publish this Ordinance in pamphlet form as provided by law.

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

SECTION 7. This Ordinance shall take effect immediately upon passage and approval.

PASSED this 9<sup>th</sup> day of November, 2009.

APPROVED this 10<sup>th</sup> day of November, 2009.

APPROVED:

Stephen F. Stockton  
Mayor

ATTEST:

Tracey Covert  
City Clerk

**Motion by Alderman Anderson, seconded by Alderman Schmidt, that the Text Amendment be approved and the Ordinance passed.**

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

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

**Nays: None.**

**Motion carried.**

**The following was presented:**

SUBJECT: Acceptance of Right of Way and Easement Dedications- Property Adjacent to George Evans Jr. Middle School

**RECOMMENDATION:** That the Dedications and Conveyance be accepted and the documents recorded.

**BACKGROUND:** Unit 5 is constructing a middle school (George Evans Jr. Middle School) on Morrissey Drive. As part of the construction, it has dedicated a portion of right of way, an easement for general utility purposes, and an easement for a water main. These documents have been reviewed by staff and all are in order. Staff respectfully requests that the dedications be accepted and the documents be recorded.

**COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED:** Representatives of Unit 5.

**FINANCIAL IMPACT:** Not applicable.

Respectfully submitted for Council consideration.

Prepared by:

Concurred with:

Concurred with:

J. Todd Greenburg  
Corporation Counsel

Jim Karch  
Director of Public Works

Craig Cummings  
Director of Water

Recommended by:

David A. Hales  
City Manager

(WARRENTY DEED, EASEMENT FOR WATER MAIN AND EASEMENT FOR GENERAL UTILITY PURPOSES ON FILE IN CLERK'S OFFICE)

**Motion by Alderman Anderson, seconded by Alderman Schmidt, that the Dedications and Conveyance be accepted and the documents recorded.**

**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 CIP, LLC, requesting the rezoning of land from B-1, Highway Business District, to R-3B Multiple-Family Residence District, for Lot 262 in the Airport Park Subdivision, 6<sup>th</sup> Addition

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

**BACKGROUND:** On October 14, 2009 the Planning Commission, held a public hearing on this petition and continued the case until the October 28, 2009, meeting. One person was present to speak on behalf of the petition, Larry Hundman. No one spoke against the request and the Commission voted 7-0 in favor of recommending approval of the rezoning.

The Planning Commission and staff respectfully requests that Council approve the petition to rezone Lot 262 in Airport Park Subdivision, 6<sup>th</sup> Addition, from B-1, Highway Business to R-3B, Multiple-Family Residence.

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

**FINANCIAL IMPACT:** Not applicable.

Respectfully submitted for Council consideration.

Prepared by:	Reviewed by:	Recommended
Mark R. Huber Director of 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 CIP, LLC, an Illinois Limited Liability Company, hereinafter referred to as your petitioner, respectfully representing and requesting as follows:

1. That your petitioner is the owners of the freehold or lesser estate therein of the premises hereinafter legally described in Exhibit A, which is attached hereto and made apart 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 B-1 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(s) hereby request that the Official Zoning Map of the City of Bloomington, McLean County, Illinois be amended to reclassify said premises into the R-3B 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(s) by the present zoning of said premises.

WHEREFORE, your petitioner(s) respectfully pray(s) 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 B-1 to R-3B.

Respectfully submitted,

CIP, LLC, an Illinois Limited Liability Company

By: Hundman Management, L.L.C., Manager

By: Laurence F. Hundman, Chairman



**ORDINANCE NO. 2009 - 72**

**AN ORDINANCE REZONING A PORTION OF AIRPORT PARK SUBDIVISION  
FROM B-1 TO R-3B**

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

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

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

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

1. That the premises hereinafter described in Exhibit "A" shall be and the same are hereby rezoned from B-1 District to the R-3B 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 9<sup>th</sup> day of November, 2009.

APPROVED this 10<sup>th</sup> day of November, 2009.

APPROVED:

Stephen F. Stockton  
Mayor

ATTEST:

Tracey Covert  
City Clerk

**Exhibit A**  
Legal Description

A part of the SW¼ and a part of the SE¼ of Section 31, Township 24 North, Range 3 East of the Third Principal Meridian, City of Bloomington, McLean County, Illinois, more particularly described as follows: Beginning at the southwest corner of Lot 262 in Airport Park Subdivision 6<sup>th</sup> Addition according to the plat thereof recorded as Document No. 2003-42269 in the McLean County Recorders of Deeds Office; thence N.00°-28'-08"W. 168.19 feet on the west line of said Lot 262; thence S.88°-37'-35"E. 588.93 feet parallel with the south line of said Lot 262; thence S.01°-22'-25"W. 168.10 feet parallel with the east line of said Lot 262 to the south line of said Lot 262; thence continuing S.01°-22'-25"W. 200.00 feet parallel with the east line of Lot 131 in Airport Park Subdivision to the north right of way line of Gerig Drive; thence N.88°-37'-35"W. 267.09 feet on the north right of way line of Gerig Drive; thence northwesterly 103.37 feet on the said right of way line of Gerig Drive on a non-tangential curve concave to the southwest having a radius of 60.00 feet, central angle of 98°-42'-42" and a chord of 91.05 feet bearing N.83°-40'-03"W. from the last described course to the northeast corner of Lot 136 in Airport Park Subdivision 11<sup>th</sup> Addition according to the plat thereof recorded as Document No. 2006-24104 in the McLean County Recorders of Deeds Office; thence N.43°-01'-24"W. 268.90 feet on the northeasterly line of said Lot 136 to the south line of Lot 262 in said Airport Park Subdivision 6<sup>th</sup> Addition; thence N.88°-37'-35"W. 37.59 feet to the Point of Beginning, containing 4.28 acres, more or less, with assumed bearings given for description purposes only.

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

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

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

**Nays: None.**

**Motion carried.**

**The following was presented:**

**SUBJECT:** Petition from Harvest Developers, Inc., Requesting Approval of a Final Plat for the First Addition to Harvest Pointe Subdivision commonly located north of IL Route 9 and east of Towanda Barnes Road (Ward 9)

**RECOMMENDATION:** That the Final Plat be approved and the Ordinance passed.

**BACKGROUND:** On November 14, 2005, Council approved an annexation agreement by and between the City, RBT of Illinois, LLC, an Illinois Limited Liability Company, and St. Patrick's

Church of Merna. The proposed subdivision is in accordance with this agreement. The proposed subdivision is immediately north of IL Route 9 and east of Towanda Barnes Road. The final plat is generally in conformance with the preliminary plan approved by Council on January 23, 2006, except for minor changes to the lot lines and easements. At the petitioner's request, the lot sizes have increased slightly and some zero lot line areas have changed to a single family configuration to better accommodate the current market demand.

Staff respectfully recommends that Council accept the petition and pass an Ordinance approving the Final Plat for the First Addition to Harvest Pointe Subdivision subject to the Petitioner supplying a surety for any uncompleted public improvements, paying the required tap-on fees, and satisfying the parkland dedication requirements prior to recording of the plat.

**COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED:** Not applicable.

**FINANCIAL IMPACT:** The future residential properties will generate property tax revenue. There are revenues and costs associated with the entire Harvest Pointe Development that are detailed in the approved Annexation Agreement and are triggered by construction of utilities or final platting. The estimated cost for over sizing the water main in this portion of the development from an eight inch (8") to a sixteen inch (16") water main is \$20,000 (50200-72540), payable at the completion of construction. The water main is expected to be completed this fall. The estimated cost for over sizing the street (Harvest Pointe Boulevard) in this portion of the development from the standard thirty foot (30') street to a boulevard with a sixteen foot (16') median, two (2) twenty-four foot (24') driving/parking lanes, and a bike trail is \$45,000 (40100-72530), payable at the completion of construction. Harvest Pointe Boulevard is expected to be completed this fall. These items are not budgeted in the 2009-2010 Capital Improvements budget.

Respectfully submitted for Council consideration.

Prepared by:

Jim Karch  
Director of Public Works

Reviewed as to legal sufficiency:

J. Todd Greenburg  
Corporation Counsel

Recommended by:

David A. Hales  
City Manager

**PETITION FOR APPROVAL OF FINAL PLAT**

State of Illinois )  
 ) ss.  
County of McLean )

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

Now comes HARVEST DEVELOPERS, INC., is an Illinois corporation, hereinafter referred to as your petitioner, respectfully representing and requesting as follows:

1. That your petitioner is the owner of the freehold estate therein of the premises hereinafter legally described in Exhibit A, which is attached hereto and made a part hereof by this reference;
2. That your petitioner seek approval of the Final Plat for the subdivision of said premises to be known and described as the First Addition to Harvest Pointe Subdivision to the City of Bloomington, McLean County, Illinois, (herein also referred to as the "Subdivision").
3. That your petitioner also seeks approval of the following exemptions or variations from the provisions of Chapter 24 of the Bloomington City Code, 1960: none.

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

Respectfully submitted,

By: Harvest Developers, Inc., an Illinois Corporation

By: William Peifer, Vice President

**ORDINANCE NO. 2009 - 73**

**AN ORDINANCE APPROVING THE FINAL PLAT OF THE  
FIRST ADDITION TO HARVEST POINTE SUBDIVISION TO THE CITY OF  
BLOOMINGTON, MCLEAN COUNTY, ILLINOIS**

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

WHEREAS, said Petition requests the following exemptions or variations from the provisions of the Bloomington City Code-1960, as amended: none; and

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

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

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

1. That the Final Plat of the First Addition to Harvest Pointe Subdivision to the City of Bloomington, McLean County, Illinois and any and all requested exemptions and/or variations be, and the same is hereby approved.
2. That this Ordinance shall be in full force and effective as of the time of its passage this 9<sup>th</sup> day of November, 2009.

APPROVED:

Stephen F. Stockton  
Mayor

ATTEST:

Tracey Covert  
City Clerk

**EXHIBIT A**  
Harvest Pointe 1<sup>st</sup> Addition

A part of the Southwest Quarter of Section 32, Township 24 North, Range 3 East of the Third Principal Meridian, McLean County, Illinois, more particularly described as follows: Beginning at the Northwest Corner of Lot 143 in Harvest Point Subdivision according to the Plat recorded as Document No. 2006-30281 in the McLean County Recorder's Office, said point being on the East Line of a parcel of land conveyed to St. Patrick's Roman Catholic Congregation of Merna by Deed recorded as Document No. 97-3108 in said Recorder's Office. From said Point of Beginning, thence east 120.03 feet along the North Line of said Lot 143 to the Northeast Corner thereof, said Northeast Corner being on the West Line of Homestead Drive as dedicated in said Subdivision; thence north 22.90 feet along said West Line which forms an angle to the right of 90°-00'-00" with said North Line to the Northwest Corner of said Homestead Drive; thence east 180.00 feet along the North Lines of said Homestead Drive and Lot 142 in said Harvest Point Subdivision which form an angle to the right of 270°-00'-00" with said West Line to the Northeast Corner of said Lot 142; thence south 27.00 feet along the East Line of said Lot 142 which forms an angle to the right of 270°-00'-00" with said North Line to the Northwest Corner of Lot 138 in said Harvest Point Subdivision; thence east 142.15 feet along the North Lines of Lots 138 through 135, inclusive, which form an angle to the right of 90°-00'-00" with said East Line of Lot 142 to the Northeast Corner of said Lot 135, said Northeast Corner also being the Northwest Corner of Harvest Point Boulevard as dedicated in said Subdivision; thence northeast 100.00 feet along the North Line of said Harvest Point Boulevard which forms an angle to the right of 163°-49'-48" with the last described course to the Northeast Corner of said Harvest Point Boulevard; thence southeasterly 3.61 feet along the East Line of said Harvest Point Boulevard being the arc of a curve concave to the east with a radius of 460.00 feet and the 3.61 foot chord of said arc forms an angle to the right of 269°-46'-27" with said North Line to a Point of Tangency; thence southeast 19.03 feet along said East Line which forms an angle to the right of 179°-46'-33" with the last described chord to a Point of Curvature; thence southeasterly 6.40 feet along said East Line being the arc of a curve concave to the west with a radius of 560.00 feet and the 6.40 foot chord of said arc forms an angle to the right of 180°-19'-39" with said East Line to the Northwest Corner of Lot 134 in said Subdivision; thence east 1179.19 feet along the North Line of said Lot 134 and the North Lines of Lots 133 through 119, inclusive, and the North Line of Dry Sage Circle in said Harvest Point Subdivision which form an angle to the right of 106°-17'-33" with said East Line to the Northeast Corner of said Dry Sage Circle; thence south 2.15 feet along the East Line of said Dry Sage Circle which forms an angle to the right of 270°-00'-00" with said North Line to the Northwest Corner of Lot 118 in said Subdivision; thence east 125.00 feet along the North Line of said Lot 118 which forms an angle to the right of 90°-00'-00" with said East Line of Dry Sage Circle to the Northeast Corner thereof, said Northeast Corner being on the East Line of the Southwest Quarter of said Section 32; thence north 315.15 feet along said East Line which forms an angle to the right of 90°-00'-00" with said North Line; thence west 1850.73 feet along a line which forms an angle to the right of 90°-00'-00" with said East Line to the Northerly Extension of the East Line of said parcel of land conveyed to St. Patrick's Roman Catholic Congregation of Merna; thence south 306.90 feet along said East Line which forms an angle to the right of 89°-59'-16" with the last described course to the Point of Beginning, containing 13.063 acres, more or less.

**Motion by Alderman Anderson, seconded by Alderman Schmidt, that the Final Plat be approved and the Ordinance passed.**

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

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

**Nays: None.**

**Motion carried.**

**The following was presented:**

SUBJECT: Petition from McLean County Farm Bureau, an Illinois Not for Profit Corporation, Requesting Approval of a Final Plat for the Resubdivision of Part of Lots 1 & 2 in Interstate Center Subdivision commonly located north of IL Route 9 and south of College Avenue at the north terminus of Interstate Drive (Ward 6)

**RECOMMENDATION:** That the Final Plat be approved and the Ordinance passed.

**BACKGROUND:** The proposed resubdivision will create a new lot to allow the sale of the Interstate Center to Birkey's Farm Store. The new lot created from the resubdivision will include the Interstate Center Building and south parking area.

Staff respectfully recommends that Council accept the petition and pass an Ordinance approving the Final Plat for the Resubdivision of Part of Lots 1 & 2 in Interstate Center Subdivision subject to the Petitioner supplying a surety for any uncompleted public improvement and paying any required tap-on fees prior to recording of the plat.

**COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED:** McLean County Farm Bureau

**FINANCIAL IMPACT:** The proposed relocation of Birkey's Farm Store to the Interstate Center facility may generate sales tax revenue.

Respectfully submitted for Council consideration.

Prepared by:

Reviewed as to legal sufficiency:

Recommended by:

Jim Karch  
Director of Public Works

J. Todd Greenburg  
Corporation Counsel

David A. Hales  
City Manager

**PETITION FOR APPROVAL OF FINAL PLAT**

State of Illinois )  
 ) ss.  
County of McLean )

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

Now comes MCLEAN COUNTY FARM BUREAU, an Illinois Not-for-Profit Corporation, hereinafter referred to as your petitioner, respectfully representing and requesting as follows:

1. That your petitioners is the owners of the freehold or lesser estate thereof the premises hereinafter legally described in Exhibit A, which is attached hereto and made a part hereof by this reference, of 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 your petitioner seeks approval of the Final Plat for the subdivision of said premises to be known and described as Resubdivision of Part of Lots 1 & 2 Interstate Center Subdivision.
3. That your petitioner also seek approval of the following exemptions or variations from the provisions of Chapter 24 of the Bloomington City Code, 1960: all those contained in Annexation Agreement of record and /or necessary to final plat this one-lot subdivision.

WHEREFORE, your petitioner respectfully prays that said Final Plat for the Resubdivision of Part of Lots 1 & 2 Interstate Center Subdivision submitted herewith be approved with the exemptions or variations as requested herein.

Respectfully submitted,

McLean County Farm  
Bureau, an Illinois Not-for-Profit  
Corporation



**ORDINANCE NO. 2009 - 74**

**AN ORDINANCE APPROVING THE FINAL PLAT OF THE  
RESUBDIVISION OF LOTS 1 & 2 INTERSTATE CENTER SUBDIVISION**

WHEREAS, there was heretofore filed with the City Clerk of the City of Bloomington, McLean County, Illinois, a Petition for approval of the Final Plat of the Resubdivision of Lots 1 & 2 Interstate Center Subdivision, legally described in Exhibit A attached hereto and made a part hereof by this reference; and

WHEREAS, said Petition requests the following exemptions or variations from the provisions of the Bloomington City Code-1960, as amended: all those contained in Annexation Agreement of record and /or necessary to final plat this one-lot subdivision, and

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

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

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

1. That the Final Plat of the Resubdivision of Lots 1 & 2 Interstate Center Subdivision and any and all requested exemptions and/or variations be, and the same is hereby approved.
2. That this Ordinance shall be in full force and effective as of the time of its passage this 9<sup>th</sup> day of November, 2009.

APPROVED:

Stephen F. Stockton  
Mayor

ATTEST:

Tracey Covert  
City Clerk

**EXHIBIT A**  
Legal Description

A part of Lots 1 and 2 in Interstate Center Subdivision, recorded as Document No. 2004-15809 in the McLean County Recorder of Deeds Office, in the SE¼ of Section 36, Township 24 North, Range 1 East of the Third Principal Meridian, City of Bloomington, McLean County, Illinois, more particularly described as follows: Beginning at the southeast corner of Lot 2 in Interstate Center Subdivision; thence S.00°-18'-41"E. 339.18 feet to the southeast corner of Lot 1 in said Interstate Center Subdivision, said point also being the northeast corner of Lot 5 in West Gate Plaza Subdivision 1<sup>st</sup> Addition, recorded as Document No. 2004-21244 in the McLean County Recorder of Deeds Office; thence S.88°-59'-18"W. 147.76 feet along an existing fence line on the south line of said Lot 1; thence continuing S.88°-59'-18"W. 408.51 feet along an existing fence line to a point on the northerly extension of the east right of way line of Interstate Drive as dedicated in said West Gate Plaza Subdivision 1<sup>st</sup> Addition; thence S.01°-02'-47"E. 121.35 feet to the northwest corner of Lot 5 in said West Gate Plaza Subdivision 1<sup>st</sup> Addition on the east right of way line of said Interstate Drive, said point also being on the south line of said Lot 1 in Interstate Center Subdivision; thence S.88°-20'-23"W. 60.06 feet on the south line of said Lot 1; thence N.01°-03'-19"W. 226.02 feet to a point on the southerly line of said Lot 1; thence continuing N.01°-03'-19"W. 375.36 feet; thence N.06°-09'-53"E. 17.79 feet; thence N.08°-36'-05"E. 113.28 feet; thence N.06°-53'-05"E. 29.88 feet; thence N.01°-04'-02"W. 452.24 feet along the west edge of an existing concrete drive; thence N.88°-56'-37"E. 605.24 feet to the east line of said Lot 1 in Interstate Center Subdivision; thence S.00°-18'-41"E. 150.01 feet on the east line of said Lot 1 to the northeast corner of Lot 2 in said Interstate Center Subdivision; thence S.88°-56'-37"W. 165.24 feet on the north line of said Lot 2; thence S.01°-02'-20"E. 190.22 feet to a point on the north line of said Lot 2; thence continuing S.01°-02'-20"E. 293.96 feet to a point at the back of the existing concrete curb on the south line of said Lot 2; thence southeasterly 67.02 feet along the back of the existing concrete curb on the southerly line of said Lot 2 on a non-tangential curve concave to the southwest having a radius of 155.65 feet, a central angle of 24°-40'-16" and a chord of 66.51 feet bearing S.45°-35'-24"E. from the last described course; thence S.32°-55'-27"E. 15.58 feet along the back of the existing concrete curb on the south line of said Lot 2; thence S.39°-08'-21"E. 22.13 feet along the back of the existing concrete curb on the southerly line of said Lot 2; thence southeasterly 91.76 feet along the back of the existing concrete curb on the south line of said Lot 2 on a non-tangential curve concave to the northeast having a radius of 119.70 feet, a central angle of 43°-55'-13" and a chord of 89.53 feet bearing S.65°-02'-50"E. from the last described course; thence S.88°-44'-36"E. 8.59 feet along the back of the existing concrete curb on the south line of said Lot 2 to the Point of Beginning containing 13.40 acres, more or less, with assumed bearings given for description purposes only.

**Motion by Alderman Anderson, seconded by Alderman Schmidt, that the Final Plat be approved and the Ordinance passed.**

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

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

**Nays: None.**

**Motion carried.**

**The following was presented:**

**SUBJECT:** Illinois Commerce Commission Order to Improve the Norfolk Southern Railroad Crossing at Abraham Road (Ward 8)

**RECOMMENDATION:** That the Change Order to the Contract with McLean County Asphalt in the amount of \$125,000 for the 2009-2010 Street and Alley Repair be approved and the Resolution adopted.

**BACKGROUND:** On September 22, 2008, Council approved Stipulated Agreement No. 1352 between the ICC, Norfolk Southern Railroad Company (NSRR) and the City. This Agreement requires the City to improve the road and NSRR to install lighted signals and gates at the crossing by December 17, 2009. The Agreement also requires the City to obtain liability insurance and a Right of Entry Permit from NSRR for any work performed on their property.

To comply with this requirement, staff submitted preliminary construction plans to NSRR in May 2009. To date, no comments, questions or any communication from NSRR have been received. After numerous phone calls, emails and correspondence to NSRR went unanswered; staff submitted final construction plans on September 17, 2009. A Right of Entry Permit Application and the associated \$750 fee were also submitted. To date, we have received Construction Plan approval from NSRR, but not the Right of Entry Permit.

Despite the obvious lack of cooperation from NSRR, the ICC has indicated that the City must complete its work by the December 17, 2009 deadline. If this work were bid, Rowe Construction Company and Mclean County Asphalt would likely be the only bidders. To avoid delay with a lengthy bidding process, staff respectfully recommends that the 2009-2010 Street and Alley Repair contract with McLean County Asphalt be adjusted to include this additional work. Thus, work can begin as soon as the NSRR Right of Entry Permit is obtained.

The original contract approved by Council on July 27, 2009 was limited to \$250,000. Mclean County Asphalt completed all of the original contract work on time and within the contract amount.

**COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED:** Illinois Commerce Commission and Norfolk Southern Railroad.

**FINANCIAL IMPACT:** Change Order for \$125,000. The City's approved 2009-2010 Budget includes \$200,000 in account #X40100-72530 for the NSRR crossing improvement at Abraham Road.

Respectfully submitted for Council consideration.

Prepared by:

Jim Karch  
Director of Public Works

Recommended by:

David A. Hales  
City Manager

**RESOLUTION NO. 2009 - 51**

**A RESOLUTION AUTHORIZING A CHANGE ORDER IN THE  
AMOUNT OF \$125,000 IN THE CONTRACT BETWEEN THE CITY  
OF BLOOMINGTON AND MCLEAN COUNTY ASPHALT FOR THE 2009-2010  
STREET AND ALLEY REPAIR**

WHEREAS, the City of Bloomington has previously entered into a contract with McLean County Asphalt for the 2009-2010 Street and Alley Repair; and

WHEREAS, for the reasons set forth in a staff report dated November 9, 2009 it was necessary to improve the Norfolk Southern Railroad Crossing at Abraham Road; and

WHEREAS, it is the finding of the City Council that the decision to perform the work described in the November 9, 2009 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 \$125,000 in the contract between the City of Bloomington and McLean County Asphalt for the 2009-2010 Street and Alley Repair be approved.

ADOPTED this 9<sup>th</sup> day of November, 2009.

APPROVED this 10<sup>th</sup> day of November, 2009.

Stephen F. Stockton  
Mayor

ATTEST:

Tracey Covert  
City Clerk

**Alderman Stearns questioned the Change Order. Barbara Adkins, Deputy City Manager, addressed the Council. This was a new addition to the current contract to meet the Illinois Commerce Commission's December 17, 2009 deadline weather permitting.**

**Motion by Alderman Anderson, seconded by Alderman Schmidt, that the Change Order to the contract with McLean County Asphalt in the amount of \$125,000 for the 2009-2010 Street and Alley Repair 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:** Application of KOS LLC, d/b/a The Teebox Bar & Grill, located at Lot 145 Airport Park Subdivision, 12<sup>th</sup> Addition, located on Gerig Dr., near the southwest corner of Gerig Dr. and Ekstam Dr., for an RAS liquor license which will allow the sale of all types of alcohol by the glass for consumption on the premises seven (7) days a week, previously approved for Lot 132

**RECOMMENDATION:** Based upon the report from the Liquor Hearing, the Liquor Commission recommends to the City Council that an RAS liquor license for KOS LLC, d/b/a The Teebox Bar & Grill, located at Lot 145 Airport Park Subdivision, 12<sup>th</sup> Addition, located on Gerig Dr., near the southwest corner of Gerig Dr. and Ekstam Dr., be created, contingent upon compliance with all applicable health and safety codes with the following condition: 1.) the Commission reserves the right to observe the establishment and apply tavern "T" rules, if needed.

**BACKGROUND:** The Bloomington Liquor Commissioner Rich Buchanan called the Liquor Hearing to order to hear the application of KOS LLC., d/b/a The Teebox Bar & Grill, located at Lot 145 Airport Park Subdivision, 12<sup>th</sup> Addition, located on Gerig Dr., near the southwest corner of Gerig Dr. and Ekstam Dr., requesting an RAS liquor license which would allow the sale of all types of alcohol by the glass for consumption on the premises seven (7) days a week, previously approved for Lot 132.

Present at the hearing were Liquor Commissioners Rich Buchanan, Steve Petersen, and Mark Gibson; Todd Greenburg, Corporation Counsel; Renee Gooderham, Chief Deputy Clerk; Sgt. Randy Wikoff; Greg Sheffield, owner/operator and Applicant representative.

Absent: Commissioners Steve Stockton and Marabeth Clapp.

Commissioner Buchanan opened the liquor hearing. He explained to the Commissioners that the Applicant had appeared before the Commission on April 14, 2009. Greg Sheffield, owner/operator and Applicant representative, addressed the Commission. He informed them that he had previously been approved for Lot 132. The business would now be relocated to Lot 145.

Commissioner Petersen questioned the change. Mr. Sheffield explained that part of Lot 132 had been sold. The business would now be located next to the new Avanti's Italian Restaurant. He provided the Commission with a new floor plan. Mr. Sheffield stated that his business plan remained the same. It would offer golfing and NASCAR simulators. He planned to offer a full service menu.

Commissioner Gibson inquired about the beer garden. Mr. Sheffield responded that the beer garden faced Empire St. (Rt. 9). It would be fenced. Commissioner Gibson expressed his concern regarding amplified music.

Mr. Sheffield stated amplified music would be controlled, and only outside during certain times of the summer. If necessary amplified music would be moved inside.

Commissioner Buchanan inquired about staffing, especially during the busier hours. Mr. Sheffield responded that a full time manager would move from the current Bloomington location. In addition, two (2) assistant managers would be hired. A manager would be there at all times. Support for the beer garden would be at a minimum one (1) bartender and one (1) server, serving four to five (4-5) tables relative to the patrons in the area. The server could also function as the bartender. Commissioner Buchanan questioned video surveillance in the garden. Mr. Sheffield expressed his belief that it would be added. Commissioner Buchanan stated that should video not be added at this time, the Commission could come back and make it a requirement at a future date. Commissioner Buchanan inquired if someone under the age of twenty-one (21) would be allowed in the garden. Mr. Sheffield responded he would have to play it by ear. There was the possibility that this area would be restricted to allow minors when accompanied by a parent.

Sgt. Wikoff arrived at 4:30 p.m.

Commissioner Gibson questioned when an establishment licensed as an "R" (Restaurant) turns into a "T" (Tavern). Mr. Sheffield stated that the business would open 9:00/10:00 a.m., and close at midnight. On the weekends, closing time would be 2:00 a.m. The kitchen would remain open until closing. Commissioner Gibson commented that the bar menu could be limited. If the kitchen closed before the establishment it might have a different atmosphere.

Commissioner Buchanan questioned the planned opening. Mr. Sheffield stated the lease would be signed by the beginning of next week. The plan was to open March 1, 2010.

Commissioner Petersen asked if family specials would be offered. Mr. Sheffield responded affirmatively but not on the weekends.

**COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED:** Public notice was published in the Pantagraph in accordance with City Code. In accordance with City Code, approximately nine (9) courtesy copies of the Public Notice were mailed. In addition, the Agenda for the October 13, 2009 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:** A new "R" (Restaurant) liquor license for 2010. Anticipated annually revenue \$2210.00.

Respectfully,

Reviewed and concur:

Stephen F. Stockton  
Chairman of Liquor Commission

Randall D. McKinley  
Police Chief

**Motion by Alderman Anderson, seconded by Alderman Schmidt, that an RAS liquor license for KOS LLC, d/b/a The Teebox Bar & Grill, located at Lot 145 Airport Park Subdivision, 12<sup>th</sup> Addition, located on Gerig Dr., near the southwest corner of Gerig Dr. and Ekstam Dr., be created, contingent upon compliance with all applicable health and safety codes with the following condition: 1.) the Commission reserves the right to observe the establishment and apply tavern "T" rules, if needed.**

**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 the City of Bloomington, requesting the amendment of Chapter 44 (Zoning), by adequately defining "drug store" and "pharmacy"; and identifying "pharmacy" as a permissible use, special use, or accessory in certain zoning districts within the City of Bloomington

**RECOMMENDATION:** That the Text Amendment be approved and the Ordinance passed.

**BACKGROUND:** On October 14, 2009 the Planning Commission held a public hearing on this petition. No one from the public spoke against the request. Troy Williams spoke in favor of the request and explained his pharmacy's operation and purpose and how the amendment language appears to be in line with his operation. The Planning Commission voted unanimously to recommend approval of this zoning text amendment.

Staff respectfully recommends that Council approve the Text Amendment amending Chapter 44 (Zoning), by adequately defining “drug store” and “pharmacy”; and identifying “pharmacy” as a permissible use, special use, or accessory in certain zoning districts within the City.

**COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED:** A public notice was placed in the newspaper. This Text Amendment applies city wide therefore no other notice was required.

**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

**Alderman Fruin informed the Council that Planning Commission members were absent from the October 14, 2009 meeting. He had received numerous inquiries from the neighborhood and adjoining property owners.**

**Motion by Alderman Fruin, seconded by Alderman Hanson, that the Text Amendment be laid over until the December 14, 2009 City Council Meeting.**

**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: Reschedule December 28, 2009 Council Meeting to December 21, 2009

**RECOMMENDATION:** That the regular Council Meeting scheduled for December 28, 2009 be rescheduled to December 21, 2009.

**BACKGROUND:** The City Clerk must publish an annual list of meetings. The Council’s regular meetings are scheduled for the second and fourth Mondays of the month. This year, the fourth Monday in December falls on December 28, 2009. The City will be closed on Thursday and Friday, December 24 and 25, 2009.



**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

**Mayor Stockton stated that moving the regular scheduled meeting would be unduly burdensome to staff. Barbara Adkins, Deputy City Manager, stated additional days would benefit staff's preparation of council memorandums.**

**Motion by Alderman Anderson, seconded by Alderman Huette, to maintain the regular Council Meeting scheduled and hold said meeting on December 28, 2009.**

**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: Proposed 2009 Tax Levy and Process

**RECOMMENDATION:** That the proposed tax levy be adopted as the estimate of \$25,586,675 for the 2009 Tax Levy.

**BACKGROUND:** It is past practice, the City begin preparation of the annual tax levy in early fall of the calendar year. This is the initial step of the establishment of the 2009 Tax Levy. This estimated tax levy will be adopted based upon appropriations for the City's Fiscal Year 2009 - 2010. Keep in mind; that property taxes will be collected by McLean County during June and September 2010.

In order to adopt a levy, the City has to formally establish an estimate, which is represented by the figures contained in this document. The Truth in Taxation Law (35 ILCS 200/18-85) has two (2) requirements to comply with the adoption process for the levy. These requirements include:

1. "Not less than 20 days prior to the adoption of its aggregate levy....the corporate authority of each taxing district shall determine the amounts of money....estimated to be necessary to be raised by taxation for that year upon the taxable property in its district."

2. "If the estimate of the corporate authority made....is more than 105% of the amount extended or estimated to be extended....the corporate authority shall give public notice of and hold a public hearing on its intent to adopt an aggregate levy in an amount which is more than 105% of the amount extended or estimated to be extended....The notice shall appear not more than 14 days nor less than 7 days prior to the date of the public hearing."

In addition, the tax levy ordinance must be passed by a vote of the City Council and a certified copy thereof filed with the County Clerk on or before the last Tuesday in December. This year's deadline is December 29<sup>th</sup>. In order to meet the various timing requirements to legally adopt a levy in December, the City must set an "estimated" tax levy in November. Adoption of the 2009 Tax Levy Ordinance will be placed on the Council's December 14<sup>th</sup> meeting agenda.

**COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED:** Mike Ireland – City of Bloomington Township Assessor, and subject on November 2, 2009 Council Work Session.

**FINANCIAL IMPACT:** The 2009 estimated property tax levy is \$25,586,675 which is a 17.79% increase over the 2008 property tax levy extension of \$21,722,046. This significant increase can be directly tied to the following four components of the overall city levy:

These levies are applicable to the Truth in Taxation statute:

- This estimate includes a \$500,000 increase for the following four tax levies: General Corporation Purpose, Police Protection, Fire Protection, and Public Parks to cover ongoing expenses incurred in these areas. The total increase is \$2,000,000.
- A thirty percent (30%) increase (\$577,605) in the Illinois Municipal Retirement Fund. This levy funds the retirement pensions for the majority of the City employees (non-sworn police and fire personnel) which includes 667 active and retired participants. The increase in this pension fund includes the costs for the Early Retirement Incentive and investment losses related to the IMRF pension fund.
- A 31.13% increase (\$739,760) in the Firemen's Pension Fund. This levy funds the retirement pensions for 183 active and retired participants. The May 1, 2008 actuarial valuation showed the funded ratio of this pension fund at 60.42% in comparison to the state average of 64.46%. The levy amount proposed in the estimated tax levy is the minimum statutory tax levy required by state statute.
- A 21.77% increase (\$687,262) in the Policemen's Pension Fund. This levy funds the retirement pensions for 207 active and retired participants. The May 1, 2008 actuarial valuation showed the funded ratio of this pension fund at 58.92% in comparison to the state average of 61.50%. The levy amount proposed in the estimated tax levy is the minimum statutory tax levy required by state statute.

The proposed levy is based on a projected 2008 Equalized Assessed Valuation of \$1,789,295,470 which is 3.5% above the 2007 EAV of \$1,728,787,894. The City determined the EAV estimate from discussions with Mike Ireland, City of Bloomington Township Assessor.

The tax rate per \$100 of EAV for the 2008 levy was \$1.25649 (\$0.99541 for the City and \$0.26108 for the Library). The projection for the 2009 levy generates an estimated tax rate of \$1.42999 per \$100 of EAV (\$1.17774 for the City and \$0.25225 for the Library). The increase in the levy amount subject to Truth in Taxation is 19.78%, which is above the 5% threshold that requires a newspaper publication and a public hearing before adopting the final levy. Therefore, the proposed levy below will require the City to have a newspaper publication and a public hearing before the adoption of the final levy.

The following is a comparison of last year's levy as extended by the County Clerk to this year's estimated levy.

	<b>Estimate 2009</b>	<b>Extension 2008</b>	<b>% Increase</b>
<b>General Corporate</b>	\$2,752,265	\$2,252,265	22.20%
<b>Police Protection</b>	\$1,854,332	\$1,354,332	36.92%
<b>Fire Protection</b>	\$1,683,182	\$1,183,182	42.26%
<b>Public Parks</b>	\$1,501,487	\$1,001,487	49.93%
<b>IMRF Fund</b>	\$2,502,956	\$1,925,351	30.00%
<b>Social Security Fund</b>	\$1,459,097	\$1,459,097	0.00%
<b>Fire Pension Fund</b>	\$3,116,325	\$2,376,565	31.13%
<b>Police Pension Fund</b>	\$3,843,510	\$3,156,248	21.77%
<b>Judgment Fund</b>	\$100,000	\$99,924	0.08%
<b>Public Library Fund</b>	\$4,513,519	\$4,513,519	0.00%
<b>Public Benefit Fund</b>	\$0	\$155,072	-100.00%
<b>Audit Fund</b>	\$80,000	\$65,002	23.07%
<b>Truth in Taxation Subtotal</b>	<b>\$23,406,674</b>	<b>\$19,542,045</b>	<b>19.78%</b>
	<b>Estimate 2009</b>	<b>Extension 2008</b>	<b>% Increase</b>
<b>1996 Police Facility Bonds</b>	\$0	\$1,576,443	-100.00%
<b>2001 Refinancing Issue</b>	\$0	\$75,820	-100.00%
<b>2001 Series A Lease</b>	\$209,599	\$0	100.00%
<b>2004 Bond Issue</b>	\$700,000	\$0	100.00%
<b>2003 Capital Impr Issue</b>	\$366,188	\$366,188	0.00%
<b>2005 G.O. Bond Issue</b>	\$742,664	\$0	100.00%
<b>2007 G.O. Bond Issue</b>	\$161,550	\$161,550	0.00%
<b>Debt Service Subtotal</b>	<b>\$2,180,001</b>	<b>\$2,180,001</b>	<b>17.79%</b>
<b>Total Tax Levy</b>	<b>\$25,586,675</b>	<b>\$21,722,046</b>	<b>17.79%</b>

As indicated earlier, the estimated levy for 2009 reflects the statutory contribution for the Police and Fire Pension. Rather than decrease the other tax levies, as past practice, the City has held the majority of the other components in the tax levy to a zero increase except for the \$2,000,000 increase in the levies attributed to the General Fund. Bloomington residents living in a \$100,000

home would see the City portion of the property taxes increase by \$57.83; \$150,000 home would see an increase of \$86.75; and \$200,000 home would see an increase of \$115.66. The increase would be paid in two (2) installments to McLean County, (as an example \$100,000 home would pay installments of \$28.91 and \$28.92).

The recommended time line to finalize the tax levy is as follows:

1. Set the estimated levy tonight to start the twenty (20) day clock.
2. Set the Truth in Taxation hearing for December 14, 2009.
3. Formally adopt the levy at the December 14, 2009 meeting.

Respectfully submitted for Council consideration.

Prepared by:

Reviewed by:

Recommended by:

Tim Ervin  
Finance Department

Barbara J Adkins  
Deputy City Manager

David A. Hales  
City Manager

**Mayor Stockton opened the discussion. He stated many cities and states have budget problems due to the impact of the recession. The estimated tentative shortfall for 2010/2011 was \$8.4 million. He provided a handout to Council titled "Tentative Shortfall for 2010 – 2011. The biggest expense was the State of Illinois mandated pension which had resulted in a \$2.3 million increase. He suggested: 1.) cuts in City services; 2.) find better ways to provide services; 3.) capital investments could be made; 4.) consider the potential for outsourcing or privatization; 5.) enhanced revenue could be added; 6.) a real estate transfer tax; 7.) rate increases to the utility tax; 8.) commercial business development; and 9.) sell City assets. Seventy-one (71) employee positions were reduced earlier this year. Property rates could be left the same. Deficit spending would delay the solution; enhance credit rating risk, costs more in the long term due to higher interest rates. Borrowing or refinancing added to the debt load, long terms meant more interest paid. Refinancing had happened to obtain better credit terms and interest rates. Council's preference was not to add to the debt load. It was his belief that a successful solution would be a combination of: 1.) the tentative shortfall list; 2.) cutting expenses; 3.) adding revenue; and 4.) borrowing/refinancing. There was no single answer. The Council needed to find a combination. He reminded Council that a public hearing on the Property Tax Levy (PTL) would be held on December 14, 2009.**

**Barbara Adkins, Deputy City Manager, addressed the Council. Municipalities were required to follow certain timelines. There was a twenty (20) day calendar, to be followed. The last Truth in Taxation hearing was in 1997. Tonight was the beginning. Property taxes were collected a year in arrears therefore the PTL was a year behind. The state mandated pensions to be placed on the tax levy were: uniformed police officers and firefighters, and the Illinois Municipal Retirement Fund (for the civilian staff). Pension**

costs were increasing. Council's intention was to keep the property tax rate at one dollar (\$1). The General Fund had decreased as pensions increased. Staff had made budget cuts and taken on additional responsibilities. If approved tonight, the public hearing would be held on December 14, 2009. The Council could choose to lower or not accept the tax increase at that time.

Todd Greenburg, Corporation Counsel, addressed the Council. He stated that if Council increased the final PTL above the estimate State law requires an additional notice to be published in the local newspaper. It was better to have the PTL at or below the estimate. State law does permit the Council to adopt a higher rate than the proposed estimate.

Alderman Huette questioned the pension investment losses. Ms. Adkins responded that these were projections from the state. Tim Ervin, Finance Director, addressed the Council. The actuaries prepared projections based on state established statutory limits for all three (3) pensions. They reviewed payouts and investment returns. All three (3) had been affected by the market. Alderman Huette stated his belief that it was unrealistic for pensions to expect employers to make up the difference in a bad year. He understood pension funding was state mandated. He would like to invite state representatives to address the Council: 1.) how could the City obtain control; 2.) to ask for assistance; and 3.) to ask for their recommendations. Mayor Stockton stated that many cities were concerned with the high cost of pensions. Investments are controlled by the Police and Fire Pension Boards. Standards had to be met. Mr. Ervin stated that most of the pension funds were funded in two (2) ways 1.) investment returns; and 2.) city contributions. Every year the city contributes a set amount to each of the pensions. It was the City's practice to contribute the minimum. The pension plans are supporting additional pensioners. Alderman Huette stated did not view the situation as unique. He would like to see a lobbying effort to address the out of control pensions. Mayor Stockton stated that there were two (2) things required: 1.) long term have the legislature realize the cost of pensions on the cities; and 2.) short term find the right combination of solutions to solve our budget issue for next year. Alderman Huette asked if it was possible to invite the State Representatives to address the Council. Mayor Stockton responded affirmatively.

Alderman Anderson stated his belief that the City had to address pensions now. The Council needed to accept some of the recommendations given by David Hales, City Manager. Short term our local and state wide legislators needed to be bought together. An action plan should be in place by the end of the year.

Alderman Stearns stated her belief that pension costs were predictable and have been for many years. The City had for years underfunded the pensions. Money was owed to the pensions. She questioned if pension funding had come from deficit spending and the City's reserves in the past. Actuarial studies had been performed. The City had funded fire and police pensions specifically at the minimum statutory levels. Costs were growing partial because funding was at the minimum and the increase in workforce and retirees. She stated that this was a long standing problem. Pensions were not to blame. She questioned Social Security benefits for police and fire personnel. The City had a

responsibility. Mayor Stockton responded that the state required cities to fund pensions at the minimum. The actuaries looked for what they think the overall requirements would be. The minimum funding was a fraction of that estimate. They also reviewed the required yearly contributions given; 1.) the benefits paid out; 2.) the number of people on the plan; 3.) the richness of the benefits; and 4.) finally how the investments perform. The investment values had declined. If the City continued to contribute the minimum, then it would be required to pay more each year to make up for the investment declines. Alderman Stearns stated that had the City paid more than the minimum and built a cushion, this cushion could have been used for the investment decline or the state required benefit increase. The benefits the City pays and were required to pay were richer than most in private sector. She questioned if the City could continue to pay these types of benefits.

Alderman Schmidt questioned the proposed PTL. Council was being asked to set in motion a levy that was larger than simply funding the pensions. She had heard from constituents who had gone through property reassessment. Her concern was if approved what this would tell citizens. She suggested setting the estimated PTL at a higher level and then scaling it back. Mr. Greenburg responded that if the Council adopts a higher levy then the estimate a new notice would be required to be published, beyond the Truth and Taxation notice. A new section in Truth and Taxation section of the statute permits a city council to rectify a mistake. If a council adopts a higher PTL then the estimate it is permitted to do so but it also has to publish a subsequent notice in the paper. Mayor Stockton questioned what if any action would be required a lower levy was adopted than the estimate. Mr. Greenburg responded the better practice would be approval of the estimate or lowering the PTL to save on cost for the additional notice. Alderman Schmidt stated that the most pragmatic thing to do was adopt the estimate. She asked for more education.

Alderman Sage echoed Alderman Schmidt's concerns. He was not prepared to move forward with the proposed estimated PTL. He understood that there were procedural requirements. He considered the pension contributions as an unfunded mandate. His Ward was requesting a better understanding of some other expense cuts. It was his belief that when police officers were laid off those were drastic actions. He did not believe that the City was not to the point where draconian cuts in services were required. He requested a list of service cuts to avoid increasing taxes. He was concerned with approving the estimated levy without the list.

Alderman Huette stated his belief that the need was already provided by staff for the additional eighteen percent (18%). Staff had put together a plan. Changes could be made. He stated that supporting the PTL increase was an endorsement. It sent a signal.

Mayor Stockton reminded Council that there were several outlets, cutting expenses, adding revenue, and/or refinancing. It was his belief that the answer would be a combination with additional revenue. He questioned how revenue would be generated. Property taxes versus document fees were cited. In two (2) years the budget had been reduced by ten percent (10%). It was harder and harder to find ways to reduce the

number of employees, and reduce expenses without service cuts. Cuts could be made to recycling, reducing bulk pick up to once a month, or reduce the number of police officers. In the past Council had stated that the last thing they wanted reduced was public safety. The City can not afford deficit spending.

Alderman Anderson questioned if, because the property tax was a year behind, could we see lower equalized assessed value (EAV) of homes. Utility taxes had dropped. He was concerned with the level of return. The City should not count on the level being the same due to the state of the economy. Mr. Ervin had held discussions with Mike Ireland, Township Tax Assessor. He had factored in a three and half percent (3½%) increase in EAV. It was Mr. Ireland's belief that this would be the last year to factor in an increase.

Alderman Stearns had heard from her constituents. It was their belief they had been hit hard with rising evaluations. She echoed what had been said about the appearance of the PTL. The steps were very clear. She echoed Alderman Sage's concerns with city spending. She believed the recent Council Retreat brought out creative suggestions, outside the box ideas. She believed that City programs had not been cut, nor City properties sold. This was business as usual. Seventy (70) positions had been eliminated. Many positions were unfilled at the time. She believed that next year the City would be looking at another rate increase. Something needed to be done that was very different from past practices. It was important to recognize the food and beverage, package liquor, sales tax, water fees, sewer fees, refuse fees, and rental inspections fees had all increased 100-102%. When added up, affordability in the City was gone. Seniors and those citizens on fixed incomes would be priced out of their homes. She would not support the PTL until she sees creativity, innovation, and something different. Citizens were told the fee increases were instead of property tax increases. This was a commitment to the hold the current property tax rate.

Mayor Stockton added some positions were empty when they were eliminated due to the hiring freeze. He questioned which areas held certainties for revenue. He reminded Council it would be a combination of ideas to balance the budget.

Alderman Purcell asked about the state mandates. He had reviewed the Firefighter's Pension Fund. It was under funded according to their records. A year and half (1½) ago the economy was not bad for investments. They had a formula which dictated how the money was invested. The state mandated more funding. He questioned how much was in the fund to begin with, what was the number compared to what it should have been. The Council should look for expense cuts before taxing citizens. The Council needed to take the risk, state what services they were willing to eliminate so taxes were not raised.

Mr. Greenburg stated the reason the PTL was important was it was the one type of taxation which would bring in the dollar amount the Council voted to have assessed. The duty of the County Clerk was to review the EAV's, look at the past history of non tax payments, and tax delinquencies. The dollars were spread among the property tax payers in such way to bring in the required amount. The PTL is the one (1) sure thing for

municipal finance. Mayor Stockton questioned if the EAV dropped then the tax rate increases. Mr. Greenburg responded affirmatively.

Mayor Stockton asked for Mr. Ervin to assist Council in their choices. Mr. Ervin stated that there were several options available. One would be to just increase the PTL per the state mandates, or increase the PTL in \$500,000 amounts. He reminded them that the lower the PTL the more expenses that would have to be covered by other types of revenue. Sales tax and home rule sales tax were included in the revenue streams. There could be further cuts to the budget, to what degree was up to Council. He referred to the two (2) hand outs presented to Council. PTL projections were given to Council at the November 2, 2009 Work Session. The information provided the impact of each option had on the average home. Staff provided options to the Council in \$500,000 increments. Audit procedures looked at each line item every year. A portion of the PTL is dedicated to City operations. As an example the estimated PTL requests over \$1.8 million for Police protection. In reality payroll costs in the Police Department are over \$9 million. Therefore the PLT only funds a small portion of what it actually costs to operate the City.

Alderman Sage questioned option one (1). Was it to increase taxes just to cover the additional pensions. Mr. Ervin responded affirmatively. The cost for a \$150,000 house would be an additional thirty (\$30) dollars per year. Mayor Stockton referred to the Tax Levy Projections hand out. Council was presented with eight (8) options. The increase to the PLT went up in \$½ million increments, going from \$500,000 to \$4 million.

Alderman Sage expressed concern over expenses vs. income. He used a household budget as an example. He stated that there were things a household could do to lower expenses i.e. not have cable TV, not eat out as often, go from two (2) cars to one (1) car, etc. On the income side a second job was a possibility. It was his belief that those same principals applied to the City budget. He wanted to effectively communicate to his Ward that everything had been done to reduce expenses. Mr. Ervin responded that local governments had lowered property taxes and put more reliance on the sales tax and income tax. The results were expenditures had gone up because revenue in those items had gone up. The City built a communication center; the cultural district, and the US Cellular coliseum. Expenses went up to match revenue. Now the largest part of our revenue had snapped back. Mayor Stockton added that convincing citizens that expenses had been cut would be difficult. It was his belief that more expense cutting was possible. Some were longer term and required an investment. He also did not believe that there were enough expense cuts remaining to cover the budget shortfall. Taxes should not be raised just to raise them. The right course of action was a combination of spending cuts, tax increases (new taxes or rate increase), selling assets, and refinancing.

Alderman Sage requested specifics on expense cuts. A number of aldermen wanted to look at new and creative ways to provide City services, including outsourcing certain activities. He did not have clear line of sight to what else could be done on the subject of expense cuts. It was an issue of credibility.



Alderman Hanson stated that tonight the issued was the estimated PTL. The rate was not static. Council could come back next year and lower or raise it. Most cities across the nation were faced with the same thing; they had relied heavily on the consumer taxes, sales taxes, and sin taxes. These taxes had proven in tough times to be unreliable. There was an education funding crisis in the State of Illinois. The heavy reliance on property taxes was due to the state's backward ways of funding public education. It was one of the reasons municipalities had chosen not to raise property taxes. The Council needed to set the PTL and realize that the impact of sales tax revenue next year would not rebound. If the commitment tonight was to fund pensions that then the levy should be set at the \$2 million level. Be satisfied with that, then work backwards on the budget. The Council needed to move forward on the tax levy.

Mayor Stockton stated that the Council needed to make the initial decision tonight or the very next meeting, (December 14, 2009). If the decision was laid over until December 14, 2009 then the Truth and Taxation hearing would be held on December 28, 2009. The tax levy must be filed by Tuesday, December 29, 2009. The tax levy could be changed at the December 14, 2009 meeting. If the tax levy was increased this year, it could be changed in the future. There was a time when the tax rate was at \$1.50. The City prospered, sales taxes performed well and the rate was reduced by one third (1/3). Sales taxes were not doing so well. The City may have to return to reliance upon the property tax or budget reductions.

Alderman Schmidt echoed Alderman Hanson's concerns about funding education. The clock for Truth and Taxation needed to be set in motion. She was uncomfortable with an eighteen percent (18%) rate increase. She would be comfortable with a motion of six percent (6%) to cover the pensions. Then Council could work through other issues, and give the public the opportunity to provide feedback.

Alderman Hanson pointed out that at the last Work Session Council agreed to fund option number one (1) which covered pensions only. A Truth and Taxation hearing was required. Mayor Stockton clarified that Council was referring to covering the State required pension increases. It would only meet the minimum funding requirements. A property tax levy increase of 8.5%, on a \$150,000 home would be \$30.86 per year. The table showed various percentage increases. To recover the pension costs and have an extra \$4 million for other expenditures would result in a twenty-seven percent (27%) increase. The property tax increase on a \$150,000 home would be \$142 per year. The staff's recommendation tonight was for a 17.79% increase in order to have \$2 million available for other expenditures. The property tax on a \$150,000 home would be \$86.75 per year.

Alderman Purcell noted that option ten (10) was below the Truth and Taxation level. It would result in \$895,000 decrease in the General Fund. This would keep the FY 2010 – 2011 budget the same as last year.

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

**Motion carried.**

**Alderman Fruin requested a definition of the number of people allowed to speak and time limit. Mayor Stockton stated that five (5) people would be allowed two (2) minutes a piece.**

**John Meckley, Local 49 President, addressed the Council. He was tired of reading in the paper and hearing on radio and television that it was the fault of firefighter and police officers pensions. His payments were not deferred. Even when his budget was tight he was not able to put off his bi-weekly payment to the pension. He introduced Jim Poisel, Fire Pension Board Chair. Mr. Poisel addressed the Council. Investments had declined. The Board had invested in guarantee variable annuities. When the assets go up it gives the Council the option to pay the minimum. If they go decline then the minimum should increase. There had been no change in benefits in the last five (5) years for the firefighters.**

**Eric Decossas, 4 Downing Circle, addressed the Council. He was reminded of the meeting when refuse fees were discussed. He stated that Alderman Huette questioned why there was only discussion of a tax increase instead of budget cuts. The answer was there was not enough time. Here we are again, no time, a deadline to meet. Alderman Stearns had raised questions a year ago about creative ideas. He was not against funding pensions for fire and police. His concern was raising property taxes. Council should use their creativity to come up with ideas to distinguish them from other communities. Council had an opportunity to be the model for other communities to follow. He believed that voting for the estimated PTL was an endorsement. The vote was in the Councils hands and so was the financial future of our families.**

**Ron Schultz, 1208 E. Oakland, addressed the Council. He was retired from the City. It was his belief that the Human Resources Department and Administration were overstaffed. It was important to follow the example of some industries. Make change by undoing what previous administrations did. All management positions should re-apply for their jobs. Positions are re-evaluated for necessity, set salaries commiserate with nationwide, area wide, and employee qualifications. There would not be changes in seniority benefits and some could receive salary increases. Employees should not be working where forty to fifty percent (40-50%) of pay was in benefits. Employees and retirees had a cadillac health insurance plan. He believed that the City paid too much of the premium. All programs should be evaluated. The rental housing inspection program should be eliminated. Laid off employees could apply for other positions as vacancies occurred.**

**Donald G. Thompson, 1304 Broad Creek Rd., addressed the Council. He was retired and received a small pension and Social Security. He will not receive a cost of living increase this year. He has made purchases with the realization as they come due that he did not have enough money. He questioned how he would increase his income. The answer was to cut expenses or go back to work. He had to live within his means. He believed that there were a large number of retirees within the City. He wanted Council to proposed cuts. Citizens could decide if that was what they wanted to cut or fund through taxes. Pensions**

should not be blamed. When wage contracts were negotiated, the City should realize that pensions will increase. It was his belief that the City had deficit spent for a number of years. He restated no new taxes.

Mayor Stockton stated he realized that many retirees were of limited options and resources.

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

Motion carried.

Alderman Fruin suggested a starting point to increase the general revenue by \$1 million, (a 13.19% increase in the tax levy). The increase on a \$150,000 home be would \$58.80. The long term goal was a \$15 million reserve fund. This figure was less then the staff's recommendation. Everyone was concerned with expense management. This was a start, they could come down. Fiscal responsibility was to pensions.

Alderman Schmidt reminded Council that tonight would start the clock. She preferred a minimum increase. Council needed to reinforce to citizens the idea that any increase would be at the minimum. It was her belief that the estimated PTL increase should be six percent (6%). This figure would not cover pensions. A public hearing would be held.

Alderman Stearns suggested that levy be set at 4.9%. It was her belief that the money and savings were available. The City's budget was not different from a household budget. Many people had to be creative with their own budgets. Police, fire or basic services do not need to be cut. She wanted to send a strong message of innovation and creativity. The City had to make this work. Mayor Stockton reminded Council that if the property tax was minimized there would be more job layoffs. Alderman Stearns stated that programs had not been reviewed, nor property sold. She mentioned bulk waste pick up costs, taking city vehicles home, and cell phones as ways to cut expenses. She questioned funding programs. Water, police, and streets were needed; everything else should be on the table.

Alderman Hanson suggested taking the City Manager's recommendation of 8.58% which will fund the state mandated pensions. Every year the City has been funding pensions this was not something new. This year there was not enough money to meet these obligations. Council needed to establish a revenue stream. Alderman Fruin and Anderson supported the same.

Alderman Anderson stated his concern about employee layoffs. Reality was the \$4 million threshold had to be hit. This was a very serious situation. Council needed to learn from the past. Ask for the increases now instead of coming back in six (6) months and asking for more. He agreed with Alderman Stearns about the budget cuts. He believed that the PTL could be changed down the road. There was a philosophy and belief that once government increased taxes they do not decrease. He did not believe that to be true

with this Council. Council needed to be prepared that budgets cuts might not be there. They needed the facts.

Alderman Purcell supports the six percent (6%) estimated PTL to fulfill the statutory obligation. Everything needed to review for possible budget cuts. Then Council needed to take responsibility for those cuts. Citizens needed to be informed of the budget cuts.

Alderman Sage stated procedurally he was ready to support Alderman Schmidt and Alderman Purcell. Council had stated repeatedly to bring them ideas. Until he had a better concept of what kind of service cuts were being discussed he could not move forward. He was going with six percent (6%) to fulfill the statutory obligation.

Alderman McDade questioned the six percent (6%). She was not prepared to pass a tax increase tonight. Alderman Schmidt responded that she was using it as a tool. The conversation needed to be opened to the community. The 8.58% increase would still leave budget gaps. Efficiencies had been discussed to close those gaps. Past budget discussions had resulted in several options. It was her belief that a lot of data was still needed. Mayor Stockton stated that even with 6% or 8.58% increase budget cuts were still required. The responsibility was on the Council. Whatever was done it needed to be justified to the citizens. He cautioned Council of taking the attitude of this will work itself. Alderman McDade responded that it had been on the burner to be worked out for a very long time.

Alderman Sage echoed Alderman McDade's response. He stated Council had been encouraging, asking for some direction, and looking at changing the delivery of City services. Mayor Stockton stated that staff could be asked for suggestions or Council could take the initiative and give staff a list or staff be told to cut the budget. Alderman Sage stated that there had to be a balance. The Council should not micromanage. He was open to some alternatives for the delivery of City services and/or eliminating some services. Mayor Stockton believed that Council could prioritize some things for staff. Some trust had to be given to staff. Alderman Sage stated that specific budget cuts needed to be understood in order for him to make an informed decision. His interest was in having options.

Alderman Schmidt reminded Council that the last six to eight (6-8) months staff was expected to absorb an enormous number of budget cuts. They had done that and kept the service at an unbelievable level. Now we were in phase two/three (2/3) of those budget cuts, even with an 8.58% increase there has to be serious trimming.

Ms. Adkins responded that staff had been given direction based on tonight's discussion. She reminded Council that some of things had been done. Council had not seen the results because they happened at the same time as the Council Retreat. Priorities had been set during the Retreat. The final Retreat workshop would be December 1, 2009.

Mayor Stockton noted that if Council did not increase the property tax, then staff would be given the task of finding \$6 million in cuts. This would mean laying off more people. The City can not afford a deficit.

Alderman Huette questioned the impact of setting the estimated PTL below five percent (5%). Mayor Stockton responded that if the estimate PTL was set at 4.9% the Truth in Taxation hearing would not be required.

Alderman Fruin acknowledged that staff had a lot on their plate and was doing a tremendous job. There were fewer management people today then six (6) months ago. Staff took the initiative at the department head and administrative level to not take a salary increase this year. It was a two way street.

Alderman Schmidt requested the updated talking points from tonight's meeting be placed on the City's Website. Information about the overall budget shortfall including the options presented.

Mayor Stockton asked Council to think about where they want to go from here.

Motion by Alderman Fruin, seconded by Alderman Hanson, that the proposed tax levy, be adopted as the estimate of \$23,586,675 for the 2009 Tax Levy.

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

**Ayes:** Aldermen Schmidt, McDade, Anderson, Hanson, and Fruin.

**Nays:** Aldermen Stearns, Huette, Sage and Purcell.

**Motion carried.**

**The following was presented:**

SUBJECT: Refinance a Portion of the 1996 and 2001 Bonds

**RECOMMENDATION:** That the ordinance be passed.

**BACKGROUND:** The purpose of this refinancing is to provide approximately \$2.785 million in operating relief to the General Fund in the current fiscal year. This relief will allow the City to begin the process of rebuilding the General Fund's Unreserved Fund Balance, (GFUFB), to the target amount established by Council. The target amount is approximately fifteen percent (15%) of budgeted expenditures which would calculate to a figure of \$11.5 million.

The refinance will specifically apply to the December 1, 2009 payments for the 1996 and a portion of the 2001 bond issuances.

The attached ordinance authorizes staff to execute such refinancing, by working with the City's Financial Advisor and Bond Counsel, to close on the refinancing prior to December 1, 2009. This refinancing will release funds from the debt service funds for the 1996 and 2001 bonds to apply towards the City's infrastructure cost, which in turn will release funds to be available to increase the City's UFB.

**COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED:** Todd Krzyskowski, Mesirow Financial; Kurt Froehlich, Evans, Froehlich, Beth & Chamley; and Caroline West, Standards & Poor's.

**FINANCIAL IMPACT:** This restructure of the 1996 and 2001 bond obligations begin the implementation of the Council's Investment Policy amendment approved on February 11, 2008. The rating agencies place a significant value on the City attaining and retaining a GFUFB of at least \$11.5 million or fifteen percent (15%) of budgeted expenditures as established by the Council.

Respectfully submitted for Council consideration.

Prepared by:

Concurred with:

Reviewed as to legal sufficiency:

Timothy Ervin  
Director of Finance

Barbara J. Adkins  
Deputy City Manager

J. Todd Greenburg  
Corporation Counsel

Recommended by:

David A. Hales  
City Manager

(ORDINANCE 2009 – 75 ON FILE IN CLERK'S OFFICE)

**Mayor Stockton introduced this item. It was another piece of the puzzle. The rates were favorable for refinancing.**

**Tim Ervin, Finance Director, addressed the Council. Two (2) payments would be refinanced, the 1996 and 2001 bond issuances. One (1) payment remained for the 1996 bond and two (2) were left for the 2001. The bond payments were due on December 31, 2009. The total payment equaled \$2.75 million. The purpose was to assist the City with short term liquidity. The 2001 bond payment due in 2010 would not be refinanced. If possible the City should try to pay off the remaining 2001 bond payment next year. This would allow the City to transfer money that was restricted in the debt service fund to the General Fund. This action would increase the City's Unreserved Fund Balance (UFB).**

**Alderman Huette questioned the final two (2) bond payments. Mr. Ervin responded 2025. The expense was deferred. The total amount to be extended was \$2.785 million.**

Mayor Stockton questioned the interest rate. Mr. Ervin noted the interest rate was 4 - 4.3%. Municipal bonds were sold in strips. Standards and Poors reduced the City's bond rating from AA to AA-. It was stressed in their analysis that the City needed to rebuild the UFB.

Alderman Huette appreciated staff's creativity. He questioned making the two (2) payments. This action will add to the City's long term debt. He did not see this as a solution.

Alderman Sage asked if the value would be seen on the cash flow side. Mr. Ervin responded affirmately. There were three (3) ways to rebuild the UFB: 1.) increase revenue, 2.) decrease expenses, or 3.) defer expenses. Alderman Sage questioned pre payment before due date. Mr. Ervin stated that there was a call option in 2018, but only for one third (1/3) of the strip.

Alderman Schmidt stated that the rating agencies looked favorable on the refinancing. Mr. Ervin responded that they considered rebuilding the General Fund as favorable. This was a short term way of accomplishing this goal.

Mayor Stockton informed Council that the rating agency indicated that their belief that the City was considering good ideas. Mr. Ervin explained that the AA- also had a negative outlook attached. The City also received this rating back in 2003. The negative outlook means the City would be under a microscope. If we do not take steps to build the UFB the rating could drop even more.

Alderman Stearns questioned expenditures verses revenues. It was her belief that the report suggests expenditures must come down. The expenditures were outpacing the revenues. Alderman Schmidt echoed Alderman Stearns comments.

Mayor Stockton noted that the rating agency supported about the early retirement (ERI). Mr. Ervin stated that the analysis complimented the City's actions which resulted in incentive with reductions such as ERI. It was his belief that the negative outlook was due to the general state of the economy. Mayor Stockton stated that Standards and Poors wanted the City to balance the budget and rebuild the General Fund.

Alderman Anderson questioned if the property tax would be a factor. Mr. Ervin responded that Standard and Poors would be looking at the Council's direction. A big advantage was the City's home rule status.

Alderman Sage questioned what would happen to the money. It was Council's belief that the money would be placed in the UFB.

Alderman Huette questioned who had authority to release these funds. Mayor Stockton responded by Council approval only.

**Motion by Alderman Schmidt, seconded by Alderman Hanson, that the Ordinance 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: Resolution Setting Priority Projects for the Downtown Tax Increment Financing District

**RECOMMENDATION:** That the Resolution be adopted.

**BACKGROUND:** The Downtown Tax Increment Financing (TIF) was formed in 1986 to provide for the orderly and comprehensive redevelopment of Downtown Bloomington. The TIF will expire on December 31, 2009. Property taxes for 2009 will be paid to McLean County during 2010. City staff worked with specialized legal counsel and Sikich, LLP, the City's outside auditor, and discovered that \$1.9 million would be available to be targeted at the following: fire hydrant replacement, sidewalk and handicap ramp installation, streetscape, acquisition of Verizon parking lots; reimbursement of Motor Fuel Tax funds; the Abraham Lincoln statute base and street resurfacing. In addition, these funds must be committed, (under contract and progress made), before December 31, 2009.

The Downtown TIF was the subject of two (2) Council Work Sessions which were held on October 12 and November 2, 2009. City staff prepared a Downtown TIF priority projects list which has been reviewed by the Council. The attached Resolution formally establishes the Council's priorities and provides staff with direction.

**COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED:** Downtown Bloomington Association, and Downtown businesses and residents.

**FINANCIAL IMPACT:** If these dollars are not committed before December 31, 2009, then they will be distributed to the various taxing bodies within the Downtown TIF by McLean County.

Respectfully submitted for Council consideration.



Prepared by:

Tracey Covert  
City Clerk

Recommended by:

David A. Hales  
City Manager

Concurred with:

Barbara J. Adkins  
Deputy City Manager

## **RESOLUTION NO. 2009 - 52**

### **A RESOLUTION SETTING PRIORITY PROJECTS FOR THE DOWNTOWN TAX INCREMENT FINANCING DISTRICT**

WHEREAS, the Downtown Tax Increment Financing (TIF) was formed in 1986 to provide for an orderly and comprehensive redevelopment of Downtown Bloomington through preservation of its historical heritage and provision of an environment conducive to business, pedestrian activity, and residential life styles; and

WHEREAS, the area defined as the Downtown TIF District is bounded by Locust Street to the north; Oakland Avenue to the south; Roosevelt Streets (east side of the street) to the west; and Prairie Street to the east; and

WHEREAS, the area within these boundaries had been characterized at that time by blight, a random land use pattern, and instability; and

WHEREAS, since its inception numerous projects with private developers have been undertaken to save historical buildings within the Downtown TIF District as well as projects which have improved building facades, sidewalks, and provided benches, tables and ornamental street lighting; and

WHEREAS, the Downtown TIF will expire on December 31, 2009; and

WHEREAS, City staff discovered with the assistance of specialized legal counsel, and the City's outside auditing firm that there would be \$1.9 million available in the Downtown TIF as of December 2010; and

WHEREAS, a Council Work Session was held on November 2, 2009 to review the Downtown TIF proposed project priority listing.

**NOW, THEREFORE; BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL FOR  
THE CITY OF BLOOMINGTON, ILLINOIS:**

SECTION ONE: That the top priority for these funds will be the replacement of water mains on Mulberry/Prairie, Gridley and Monroe Streets.

SECTION TWO: That the remaining funds be targeted at the following: fire hydrant replacement, sidewalk and handicap ramp installation, streetscape, reimbursement of Motor Fuel Tax funds; the Abraham Lincoln statute base, street resurfacing, and façade grants.

SECTION THREE: That the focus for these improvements shall be the 300 to 500 blocks of North Main Street, the 100 block of West Monroe Street, and the 100 west block and 100 and 200 east blocks of Front Street, 100 south block and the 300 north block of East Street.

ADOPTED this 9<sup>th</sup> day of November, 2009.

APPROVED:

Stephen F. Stockton  
Mayor

ATTEST:

Tracey Covert  
City Clerk

**Mayor Stockton introduced this item. Previous discussion was held at a Work Session on November 2, 2009. Council set priorities for Main St., water mains, fire hydrant replacement, resurfacing, sidewalk, and streetscape. Council was provided with a specific listing and map of the area. The spreadsheet allows for deletions and additions. Included were several projects i.e. Lincoln Statue base, façade grant, and purchase of Verizon parking lots. He reminded Council that the money must be spent Downtown and obligated by December 31, 2009.**

**Barbara Adkins, Deputy City Manager, addressed the Council. She had spoken with Kathleen Field Orr, Kathleen Field Orr & Associates, TIF Attorney. Façade grants of \$100,000 must be under contract by the end of the year. The program would be administered by city staff. Conversations had been held with the Downtown Business Association (DBA) president. If the façade grant allocation was not exhausted then the remaining funds would be used for resurfacing or fire hydrants. The purchase of the Verizon parking lots would not happen. Frontier would be taking over the land line side of Verizon. Purposed recommendations would come at a later time for acquiring the parking lots. Staff recommended the \$125,000 be used for resurfacing. She reminded Council that the figures presented were estimates. Bids had not been solicited. It was staff's belief that many of the project bids would come under the estimate. If any project exceeds the estimate, staff would not seek additional funding.**

Alderman Schmidt questioned the flexibility of project totals. Ms. Adkins responded that the amount for façade grants was based upon the DBA's request.

Alderman Fruin expressed his appreciation to staff and to those individuals who work, play, and live Downtown and staff. It was his belief that if the Verizon lots were not going to be purchased and the façade grants come in a little over, dollars would be directed to façade grants. Staff should make those decisions.

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

Motion carried.

Bill Mullins, 102 S. East St., addressed the Council. It was his belief that staff had been very thorough. He had owned property in the Downtown area for forty (40) years. He had seen a lot of changes in the downtown area. He had received \$30,000 from the TIF. He encouraged Council to work with David Bentley first before considering other projects.

Tim Tilton, 200 W. Monroe, addressed the Council. He and his wife own two (2) properties in the Downtown. The TIF had been successful. For every TIF dollar spent there had been an additional five to eight dollar (\$5 - \$8) investment return. A lot of work had been accomplished in a short amount of time. He was concerned about the money invested by property owners over the last twenty-three (23) years. It was his belief that the TIF was meant for the development of properties, economic improvement of the area, and the redevelopment of the properties. He believed that the \$780,000 for water mains could be reduced. In the spirit of cooperation the City looked beyond the property owners. The property owners were not asked how to spend these funds. The majority of property owners requested that these funds be used in a more direct fashion as opposed to infrastructure.

Mayor Stockton stated that the DBA was asked to conduct a survey of Downtown property owners. Council had heard from a number of people.

Alderman Schmidt stated her belief that what was provided tonight incorporates more of the DBA ideas and Downtown business owner's ideas.

Ruth Haney, 9030 Hardesty Run, addressed the Council. She and her husband, Joe, own the property at 401 - 407 W. Front St., and 408 W. Washington St. The TIF allowed them to renovate the building at 408 W. Washington. TIF dollars also allowed them to offer incentives to the tenant. It was very rewarding to them. Two (2) years ago they were approved for a façade grant. They were currently working on a third building at 101 N. Lee. It was her belief that \$100,000 was not enough for façade grants.

Martha Burke, 904 S. Clinton, addressed the Council. She was the co-owner of 404 Gallery. She was concerned with funding fire hydrants over completing streetscape. Ms.

**Adkins stated that completion of streetscape projects and resurfacing would depend on the weather. Work could not be prolonged.**

**Greg Koos, 200 N. Main, addressed the Council, as the DBA president. He wanted to express his thanks to city staff. He believes this was a good alignment. Improvements provided stimulus to attract business. It was a good investment of TIF dollars.**

**Motion by Alderman Schmidt, seconded by Alderman Purcell to return to order.**

**Motion carried.**

**Motion by Alderman Fruin, seconded by Alderman Anderson, that the projects list 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.**

**MAYOR'S DISCUSSION: None.**

**CITY MANAGER'S DISCUSSION: None.**

**ALDERMEN'S DISCUSSION: Alderman Fruin thanked the road crews for the resurfacing work. St. Joseph Dr. was a huge improvement.**

**Alderman Schmidt reminded everyone that Council would be at the Farmers Market on November 21, 2009 from 10 a.m. to 2 p.m. at the U.S. Cellular Coliseum.**

**Alderman Purcell thanked the Public Works and Water Departments for the work completed with the Emerson St. cave in.**

**He questioned the price to televise the Council meetings. It was his belief that the cost would be less then the original \$100,000 quoted. He believed that the Town of Normal was able to do the same for \$600-\$700.**

**Alderman Stearns echoed Alderman Purcell's request for televised Council meetings.**

**Alderman Anderson thanked staff for their work on the Downtown TIF project. It was a great example of working together and including outside input.**

**Motion by Alderman Fruin, seconded by Alderman Schmidt, that the meeting be adjourned. Time: 10:50 p.m.**

**Motion carried.**

**Renee Gooderham  
Chief Deputy Clerk**