

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

The Council convened in regular Session in the Council Chambers, City Hall Building, at 7:30 p.m., Monday, April 13, 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, Allen Gibson, David Sage, John Hanson, Jim Finnegan, Steven Purcell, Karen Schmidt, Jim Fruin and Mayor Stephen F. Stockton.

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

The following was presented:

SUBJECT: Opening of One Bid for Grass and Weed Mowing for Community Development

RECOMMENDATION: That the Bid be opened at the Council meeting, referred to staff for analysis and reported back to Council prior to the end of the meeting.

BACKGROUND: Bids for Grass and Weed Mowing for Community Development were received by the City Clerk until April 1, 2009 at 1:00 p.m. There is \$4,000 budgeted for this item. Only one bid was received by the City Clerk and it is City policy in situations where only one bid is received to have the bid opened and read at the Council Meeting.

The subject bid is for Community Development Block Grant (CDBG) related properties only which include two (2) houses on Woodbury Drive and three (3) vacant lots. The number of CDBG related properties can change as inventory is added and/or disposed. Sites obtained through the Neighborhood Stabilization Program would also be included. Any weed mowing work performed to correct non-compliance with City Code is performed by City staff and the owners are required to reimburse the City.

Staff requests that the City Council authorize to open the bid at the Meeting and present the City Council with a recommendation prior to the end of the Council Meeting concerning award of the bid.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: Not Applicable.

FINANCIAL IMPACT: Community Development Division of PACE has \$4,000 budgeted in account X22440-70990 for Fiscal Year 2009/10.

Respectfully submitted for Council consideration.

Prepared by:

Recommended by:

Tracey Covert
City Clerk

David A. Hales
City Manager

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

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

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

Nays: None.

Motion carried.

The following was presented:

SUBJECT: Proclamations

RECOMMENDATION: That the proclamations be made a matter of record.

BACKGROUND:

1. A request received from the Group Study Exchange Program of the Rotary Foundation to Declare the Week of April 11 through April 18, 2009 as International Understanding and World Peace Week from The Rotary Foundation.
2. A request received from the PACE Department to Declare the Week of April 18 through April 25, 2009 as Money Smart Week – Bloomington.

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 read and presented the Proclamation declaring the Week of April 11 through April 18, 2009 as International Understanding and World Peace Week from the Rotary Foundation. Surinder Sethi addressed the Council on behalf of the Rotary. The Group Study Exchange Program of the Rotary Foundation was hosting a team from India. The group would spend one (1) week in each of the following Central Illinois cities, Bloomington-Normal, Champaign/Urbana, and Charleston. Group Study Exchange teams generally travel four to six (4 –6) weeks. They stay with fellow Rotarians. The host families were present at this evening’s meeting. The group that was present this evening only had one (1) member who was a Rotarian. The goal for the group was to develop leadership skills. Mr. Sethi introduced the team leader who presented the Mayor with a flag and pin. It was noted that the City operated with an open, accessible meetings. The Rotary was a worldwide non for profit organization. Its vision was a better world. He provided the Council with information about the Rotary. Mayor Stockton welcomed the group to the City. It was a pleasure to have them in attendance. He hoped that their visit would be enjoyable.

Mayor Stockton read and presented the Proclamation declaring the Week of April 18 through April 25, 2009 as Money Smart Week – Bloomington. Laurie Peterson, Volunteer Chair, addressed the Council. This was the second year for Money Smart Week. The City had been a good supporter of the program. Seventy (70) units were involved. 120 free programs about personal finance would be offered. Program brochures were available. Mayor Stockton commented on the range of topics offered.

Motion by Alderman Purcell, seconded by Alderman Schmidt that the proclamations be made a matter of record.

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

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

Nays: None.

Motion carried.

The following was presented:

Oath of Office – Police Officer, Timmothy Carlton.

Randy McKinley, Police Chief, addressed the Council. He introduced Timmothy “Ty” Carlton, Police Patrol Officer. Mr. Carlton came to the City via the Experienced Officer Hiring Program, (EOHP). Previously, he had been employed with the Illinois Department of Corrections and Illinois State University (ISU) Police Department. He was an Army veteran. He had attended Lincoln College and ISU. He was accompanied this evening by his wife, son, daughters, and parents.

Tracey Covert, City Clerk, performed the Oath of Office.

The following was presented:

Oaths of Office – Firefighters Gregory Fisher and Sean Morrison.

Keith Ranney, Fire Chief, addressed the Council. He introduced Gregory Fisher and Sean Morrison, Firefighters. He described them as quality individuals who came to the City with experience. Mr. Morrison came to the City via the EOHP. He was accompanied this evening by his wife. Mr. Fisher also came to the City via the EOHP. He was accompanied this evening by his fiancé and father. Both were doing a fine job for the City.

Tracey Covert, City Clerk, performed the Oath of Office.

The following was presented:

SUBJECT: Council Proceedings of April 14, 2008, Work Session Minutes of March 16, 2009, Public Hearing Minutes of March 16, 2009, Executive Session Minutes of March 9 and 30, 2009

RECOMMENDATION: That the reading of the minutes of the previous Council Proceedings of April 14, 2008, Work Session Minutes of March 16, 2009, March 9 and 16, 2009 be dispensed with and the minutes approved as printed.

BACKGROUND: The Council Proceedings of have been reviewed and certified as correct and complete by the City Clerk.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: Not Applicable.

FINANCIAL IMPACT: Not Applicable.

Respectfully submitted for Council consideration.

Prepared by:

Recommended by:

Tracey Covert
City Clerk

David A. Hales
City Manager

Motion by Alderman Purcell, seconded by Alderman Schmidt that the reading of the minutes of the previous Council Meeting of April 14, 2008, Work Session Minutes of March 16, 2009, Public Hearing Minutes of March 16, 2009, and Executive Session Minutes of March 9 and 16, 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, Finnegan, Gibson, 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 in on Thursday, April 9, 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:

Barbara J. Adkins
Deputy City Manager

Recommended by:

David A. Hales
City Manager

(ON FILE IN THE CLERK'S OFFICE)

Motion by Alderman Purcell, 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, Finnegan, Gibson, 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 items previously approved by the City Council.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: Not Applicable.

FINANCIAL IMPACT: As follows:

1. The third partial payment to Technical Design Services in the amount of \$9,075 on a contract amount of \$99,619 of which \$38,912.88 (of which \$3,887.88 are reimbursables) will have been paid to date for work certified as 35% complete for the Enterprise Resource Planning Full System Selection Process – Phase 1. Completion date – August 2009.
2. The first partial payment to Illinois Department of Transportation in the amount of \$22,784.30 on a contract amount of \$35,650 of which \$22,784.30 will have been paid to date for work certified as 64% complete for the Signal Improvements at North Main at Emerson, North Center at Emerson and South Main at Wood. Completion date – December 2009.
3. The twenty-third partial payment to Farnsworth Group in the amount of \$861 on a contract amount of \$32,562 of which \$26,795.50 will have been paid to date for work certified as 82% complete for the Norfolk Southern Railroad Crossing Negotiations – ML King at White Oak, Hamilton at Commerce, and Hershey at Hamilton. Completion date – December 2009.
4. The third partial payment to Farnsworth Group in the amount of \$1,540 on a contract amount of \$35,000 of which \$11,717.60 will have been paid to date for work certified as 33% complete for the ICC Petition for Future Hamilton Road Railroad Crossing. Completion date – December 2009.

5. The thirtieth partial payment to Clark Dietz, Inc. in the amount of \$6,015.96 on a contract amount of \$392,895 of which \$344,060.90 will have been paid to date for work certified as 88% complete for the Hamilton Road – Timberlake to Main St., f/k/a Hamilton and Main St. Completion date – March 2009.
6. The tenth partial payment to Clark Dietz in the amount of \$2,707.50 on a contract amount of \$50,000 of which \$25,086.02 will have been paid to date for work certified as 50% complete for the Water Mapping Services. Completion date – December 2009.
7. The thirteenth and fourteenth partial payment to WHPA, Inc. in the total amount of \$12,764.50 on a contract amount of \$518,846 of which \$410,649.48 will have been paid to date for work certified as 80% complete for the Strategic Source Water Study. Completion date – September 2009.
8. The twenty-eighth partial payment to Consoer Townsend & Associates in the amount of \$8,910.45 on a contract amount of \$185,000 of which \$147,788.09 will have been paid to date for work certified as 80% complete for the Electrical Improvements at Lake Bloomington. Completion date – December 2009.
9. The fifteenth partial payment to Farnsworth Group in the amount of \$1,032 on a contract amount of \$50,000 of which \$46,987.55 will have been paid to date for work certified as 94% complete for the Ultraviolet Light & Hydrogen Peroxide Feasibility Study. Completion date – October 2010.
10. The first partial payment to Farnsworth Group in the amount of \$348.75 on a contract amount of \$90,000 of which \$348.75 will have been paid to date for work certified as 0% complete for the Design of Clustered Wastewater Treatment System at Lake Bloomington Reservoir. Completion date – January 2011.
11. The eleventh partial payment to Clark Dietz in the amount of \$42.50 on a contract amount of \$15,000 of which \$12,770.10 will have been paid to date for work certified as 85% complete for the Permit Modification from IDNR Evergreen Reservoir Fish Barrier. Completion date – December 2010.
12. The fifth partial payment to Clark Dietz, Inc. in the amount of \$1,221.12 on a contract amount of \$21,700 of which \$12,807.86 will have been paid to date for work certified as 59% complete for the Lincoln Street – Bunn to Morrissey Dr. Water Main Observation. Completion date – July 2009.
13. The sixteenth partial payment to Clark Dietz, Inc. in the amount of \$150 on a contract amount of \$84,600 of which \$58,130.40 will have been paid to date for work certified as 69% complete for the Parmon Road Water Main Replacement. Completion date – December 2009.

14. The fourth partial payment to Farnsworth Group in the amount of \$3,423.50 on a contract amount of \$103,000 of which \$14,227.50 will have been paid to date for work certified as 14% complete for the Inspection Services for Pipeline Road Transmission Main Replacement. Completion date – December 2010.
15. The fifty-first partial payment to Farnsworth Group in the amount of \$2,298.25 on a contract amount of \$1,077,688.73 of which \$1,058,784.22 will have been paid to date for work certified as 98% complete for the Design Transmission Water Main to Lake Bloomington. Completion date – May 2009.
16. The fifteenth partial payment to Clark Dietz, Inc. in the amount of \$12,151.80 on a contract amount of \$305,000 of which \$131,581.16 will have been paid to date for work certified as 43% complete for the Locust/Colton Street Sewer Separation and Water Main Replacement Design, (CSO Elimination – Phase I). Completion date – April 2009.
17. The fourth and final payment to McLean County Soil & Water Conservation in the amount of \$17,620 on a contract amount of \$70,480 of which \$70,480 will have been paid to date for work certified as 100% complete for the McLean County Soil & Water Project. Completion date – Annual.
18. The fifth partial payment to Johnston Contractors, Inc. in the amount of \$24,285.46 on a contract amount of \$367,700 of which \$202,055.89 will have been paid to date for work certified as 55% complete for the McGraw Park Phase II – Restroom Facilities. Completion date – June 2009.

Respectfully submitted for Council consideration.

Prepared by:

Recommended by:

Tracey Covert
City Clerk

David A. Hales
City Manager

Alderman Stearns questioned Payment 16. The fifteenth partial payment to Clark Dietz, Inc. in the amount of \$12,151.80 on a contract amount of \$305,000 of which \$131,581.16 will have been paid to date for work certified as 43% complete for the Locust/Colton Street Sewer Separation and Water Main Replacement Design, (CSO Elimination – Phase I). Completion date – April 2009. She specifically questioned the availability of federal stimulus dollars. David Hales, City Manager, noted that Clark Dietz would prepare the application. If approved, the City might be granted a zero percent, (0%), loan. City staff would report back to the Council on this item.

Alderman Finnegan questioned Payment 1. The third partial payment to Technical Design Services in the amount of \$9,075 on a contract amount of \$99,619 of which \$38,912.88 (of which \$3,887.88 are reimbursables) will have been paid to date for work certified as 35% complete for the Enterprise Resource Planning Full System Selection

Process – Phase 1. Completion date – August 2009. Mr. Hales informed the Council that Enterprise Resource Planning was an integrated information technology software solution. This project was currently in its first phase.

Gary Stevens, 1612 Iowa St., questioned if the storm and sanitary sewers would be separate. Mr. Hales cited EPA (Environmental Protection Agency) mandates. Staff was still performing research. Jim Karch, Interim, Director – Public Works, addressed the Council. The practice of combined sewers had been stopped. The Clean Water Act was passed into law in 1972. The EPA sewer separation mandate was put in place in 1994. Kurt Haas, Superintendent – Streets & Sewers, addressed the Council. In 1995, a mandate was issued that no longer allowed single service. The City established a storm water utility. The amount of combined sewer overflow must be regulated. It is part of the City’s storm water management program. The City is trying to eliminate all combined sewers. Combined sewers need to be separated. The last combined sewer had been built in 1970’s. The EPA makes its determination via permit.

Motion by Alderman Purcell, seconded by Alderman Stearns that the payments be approved.

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

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

Nays: None.

Motion carried.

The following was presented:

SUBJECT: Appointments and Reappointments to the following Boards, Committees and Commissions

RECOMMENDATION: That the following appointment be approved.

Historic Preservation Commission:

Jeffrey Kennedy, 315 E. Chestnut. He is replacing Kathy Zurkowski. His term will expire April 30, 2013.

BACKGROUND: Not applicable.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: Not applicable.

FINANCIAL IMPACT: Not applicable.

Respectfully submitted for Council consideration.

Recommended by:

Stephen F. Stockton
Mayor

Mayor Stockton introduced Jeffrey Kennedy. Mr. Kennedy had resided in the Franklin Square area of the City for the past dozen years. He had restored five (5) different homes in the City. Mayor Stockton thanked Mr. Kennedy for his willingness to serve.

Motion by Alderman Purcell, seconded by Alderman Schmidt that the appointment be approved.

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

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

Nays: None.

Motion carried.

The following was presented:

SUBJECT: Payment to the Grove on Kickapoo Creek, LLC for the City's portion of the Twenty inch (20") Water Main to Serve the Benjamin School Site

RECOMMENDATION: That the payment be approved.

BACKGROUND: On September 26, 2005, Council approved an Annexation Agreement with Eastlake Partners, LLC for the Grove on Kickapoo Creek Subdivision. Eastlake Partners, LLC has changed their name to The Grove on Kickapoo Creek, LLC. The Grove on Kickapoo Creek Subdivision is located on the north side of Ireland Grove Road, approximately one and a half (1½) miles east of Towanda Barnes Road.

The Annexation Agreement obligated the City to reimburse the developers for the City's portion of the water main that was necessary to bring potable water to the site and then to extend the water main easterly to the site of a new grade school. The developer's contractor has started on Phase II of this project, the water main extension to the site of the Benjamin School at the corner of Ireland Grove Road and County Road 2100 East. The developer has requested payment of \$149,238.58 to The Grove on Kickapoo Creek, LLC for the City's share of the construction cost of the twenty inch (20") water main from the current end of the water main at the Grove on

Kickapoo Creek Subdivision (Phase I) to the site of the Benjamin school (Phase II). The Annexation Agreement requires the City to pay the Developer invoices within thirty (30) days of receipt.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: Not applicable.

FINANCIAL IMPACT: The accepted bid for the installation of this water main was \$290,535. Invoice #1 of Phase II in the amount of \$107,532.17 was paid in January of 2009. Invoice #1 of Phase II in the amount of \$149,238.58 will be made from Water Depreciation Funds (X50200 – 72540). The current budget does not show this expense in FY 2008-09. It was expected to be a FY 2009-10 capital expense.

Respectfully submitted for Council consideration.

Prepared by:

Recommended by:

Craig M. Cummings
Director of Water

David A. Hales
City Manager

Alderman Stearns questioned the total cost for the water main. Craig Cummings, Water Director, addressed the Council. This item involved phases. Phase II was from Ireland Grove Rd./creek to 2100 E Rd. He believed the cost for Phase I was \$700,000. He estimated the cost for Phase II at \$1 million. Tap on fees will apply to future developments.

Alderman Stearns questioned if this item was addressed under the Annexation Agreement. She also questioned standard operating procedures and future subsidies. David Hales, City Manager, addressed the Council. The City has assumed costs which impact finances. He questioned the City's ability to continue this practice. He planned to change future recommendations.

Alderman Schmidt questioned staging of invoices. She also questioned penalties. Mr. Hales stated that staff tries to anticipate projects. Mr. Cummings added projects can be dependent upon market conditions. The City does not always control the project. The item was not contained in the City's Capital Improvement budget. Mr. Hales noted that the agreement was silent as to consequences. Alderman Schmidt questioned if it was best to pay this invoice in this fiscal year.

Alderman Hanson noted the Unit 5 referendum. The Benjamin School was the driver behind this project. Mr. Cummings responded affirmatively.

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

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

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

Nays: None.

Motion carried.

The following was presented:

SUBJECT: Approval of Single Bid for Outdoor Warning Sirens

RECOMMENDATION: That the bid be awarded to Innotech Corporation, located at 2601 General Electric Rd. in the amount of \$49,820.10, and the Purchasing Agent authorized to issue a Purchase Order for same.

BACKGROUND: In the effort to maintain adequate coverage in the event of an approaching storm, bids for Outdoor Warning Sirens for the Fire Department were received until March 10, 2009 at 10:00 a.m. Only one bid was received and was presented to Council on March 23, 2009.

This proposal is to provide one (1) area of new coverage and to replace an existing siren with a mechanical problem that would be better served by replacement rather than an attempted repair.

When this bid was opened, Council requested that staff research whether outdoor warning sirens were included in the State of Illinois purchasing contracts. None were found. In addition, the Kim Nicholson, Purchasing Agent, queried individual State departments, such as the Department of Corrections and Illinois Department of Transportation. She was unable to locate any State bids or contracts for outdoor warning sirens.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: The impact to the community would be provision of coverage on the City's southwest side where there currently is none, and the continued coverage in the downtown area where the existing siren is not functional. No community groups have been contacted about this project.

FINANCIAL IMPACT: The Fire Department had budgeted for two (2) new sirens for FY 2008-09, and has opted to install one (1) new siren and replace an existing one. The siren that covers downtown serves a highly populated area and the coverage needs to be maintained. This siren replacement will utilize the funding for an additional siren rather than make a costly replacement that was not budgeted for.

The suggested successful bid was presented by Innotech Corporation, located at 2601 General Electric Rd. All of the appropriate documents were returned, appropriately signed, and met all of the conditions of the bid. This firm is currently under contract to provide annual routine inspection and maintenance of the City's current entire outdoor warning system. In addition to providing a complete bid, staff is confident in their work and recommends their proposal.

The bid submitted was for \$49,820.10. The amount budgeted for this project was \$50,000, and will be paid from the Fire Department's Fixed Asset budget, F15210-72140, Equipment Other Than Office.

Respectfully submitted for Council consideration.

Prepared by:

Recommended by:

Keith A. Ranney
Fire Chief

David A. Hales
City Manager

Motion by Alderman Purcell, seconded by Alderman Schmidt that the bid be awarded to Innotech Corporation in the amount of \$49,820.10 and the Purchasing Agent authorized to issue a Purchase Order for same.

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

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

Nays: None.

Motion carried.

The following was presented:

SUBJECT: Change Order #1 for McGraw Park Phase II – Johnston Construction

RECOMMENDATION: That a Change Order in the amount of \$4,608 to Johnston Construction for the purchase and installation of an inspection manhole be approved.

BACKGROUND: During the construction of the Restroom/Concession Building at McGraw Park, it was discovered that an inspection sanitary manhole was overlooked during the review process. This manhole is a code requirement and a necessity to operate.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: None.

FINANCIAL IMPACT: A change order request in the amount of \$4,608 has been received from Johnston Construction for the purchase and installation. Staff has reviewed this request and it appears to be fair and customary for these services. Funds for this change order are available in account X40100-72570-89030 for the FY 2008-09 Budget.

Respectfully submitted for Council consideration.

Prepared by:

Recommended by:

Dean Kohn
Director of Parks & Recreation

David A. Hales
City Manager

Motion by Alderman Purcell, seconded by Alderman Schmidt that a Change Order in the amount of \$4,608 to Johnston Construction for the Purchase and Installation of an Inspection Manhole be approved.

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

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

Nays: None.

Motion carried.

The following was presented:

SUBJECT: Highway Permit with the Illinois Department of Transportation, (IDOT) for the Improvement of the Intersection of Veterans Parkway (Bus. Rt. I-55) with Mercer Avenue (Wards 4 & 8)

RECOMMENDATION: That the Highway Permit be approved and the Mayor and City Clerk be authorized to execute the necessary documents.

BACKGROUND: On September 8, 2008, Council approved a Preliminary Plan for Parkway Village Planned Unit Development. The plan included improvements to Mercer Avenue (addition of a fifth lane) and modifications to the traffic signals at the intersection of Veterans Parkway and Mercer Avenue. Veterans Parkway is a highway maintained by IDOT, therefore, a permit is required from IDOT to do work within the State's right-of-way. The work will be performed by the developer's contractor, however, IDOT requires the City to take out the permit. The developer was required by the City to post a performance bond for the improvements to Mercer Avenue and the intersection with Veterans Parkway as part of the approval process for Parkway Village – Phase I Final Plat approved by Council on December 22, 2008.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: IDOT District 5 office in Paris; Foth Infrastructure and Environment, LLC in Champaign, and Parkway Partners One, Inc.

FINANCIAL IMPACT: The cost of all improvements will be borne by the developer.

Respectfully submitted for Council consideration.

Prepared by:

Reviewed as to legal sufficiency:

Jim Karch
Interim Director of Public Works

J. Todd Greenburg
Corporation Counsel

Recommended by:

David A. Hales
City Manager

(IDOT HIGHWAY PERMIT ON FILE IN CLERK'S OFFICE)

Motion by Alderman Purcell, seconded by Alderman Stearns that the Highway Permit be approved and the Mayor and City Clerk be authorized to execute the necessary documents.

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

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

Nays: None.

Motion carried.

The following was presented:

SUBJECT: COPS Hiring Recovery Program

RECOMMENDATION: That the COPS Hiring Recovery Program (CHRP) Application be Submitted for Possible Funding of Six (6) Police Officers and the Mayor and City Clerk be authorized to execute the necessary documents.

BACKGROUND: The CHRP was released for application on March 16, 2009. This grant is funded through the American Recovery and Reinvestment Act (Recovery Act) of 2009. This grant provides funding directly to law enforcement agencies to hire law enforcement officers. The only allowable costs under CHRP are the approved full-time entry level salaries and fringe benefits (medicare, pension, health insurance, life insurance, vacation and sick leave) of law enforcement officers hired after the start of the grant date. CHRP provides thirty-six (36) months of funding for sworn officer positions. The Police Department has requested funding for six (6) entry level officers. CHRP has the right to fund one (1) officer or all six (6) requested officers.

The possible funding would be \$82,751 per officer for the year one, \$92,024 per officer for year two, and \$99,028 per officer for year three funding. If the COPS office funded all six (6) officers this would be a total of \$496,506 for year one, \$552,147 for year two and \$594,166 for year three. Grant funds are awarded on a first applied first funded basis. Due to time constraints staff consulted with David Hales, City Manager and Barbara J. Adkins, Deputy City Manager, who both believed it was in the best interest of the City to submit application for this grant.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: Not Applicable.

FINANCIAL IMPACT:

Additional Costs:

The COPS Hiring Recovery Program is a reimbursement grant. The City will have to pay the salary and benefits of the new officers and then request reimbursement. The City can request reimbursement forty-six (46) days after the end of each quarter. The reimbursement is usually processed within one (1) week. The City will also have to train and equip each new officer. Training could include reimbursed courses at the University of Illinois and training with the Police Department’s Field Training Officers. The City would be required to pay any overtime expense incurred by the new officers as overtime is not a reimbursed expense by the COPS Grant.

Dollars Budgeted:

The uniform and equipment costs have been budgeted for in line items 15110-62190 and 15110-62191. The cost to uniform and equip one (1) officer is \$5,975. Training cost has been budgeted in the overtime line item 15110-61150. The total cost to train one officer is \$10,540.

	1 st Year	2 nd Year	3 rd Year	Totals
Cost per year, per officer with 3% increase	\$100,378	\$92,024	\$99,028	\$291,430
Federal Share	(\$82,751)	(\$92,024)	(\$99,028)	(\$273,803)
City’s Share	\$17,627	\$0	\$0	\$17,627
City’s total for 6 officers	\$105,762	\$0	\$0	\$105,762

*Note: Years 2 and 3 do not have training costs.

Fiscal Years Involved: The program period of the COPS Grant is thirty-six (36) months. Fiscal Years 2009-2010, 2010-2011, and 2011-2012 will be involved.

Respectfully submitted for Council consideration.

Prepared by:

Reviewed for legal sufficiency:

Randall D. McKinley
Chief of Police

J. Todd Greenburg
Corporation Counsel

Recommended by:

David A. Hales
City Manager

(APPLICATION FOR FEDERAL ASSISTANCE SF-424 ON FILE IN CLERK'S OFFICE)

Alderman Purcell questioned additional costs associated with this item. Randy McKinley, Police Chief, addressed the Council. This grant would only cover salary and benefits. Alderman Purcell questioned if dollars had been budgeted. Chief McKinley noted that reductions would be made to other areas. He was unsure of the response time line. He believed that the Police Department would be able to offset this cost. He noted the two (2) hiring processes: entry level and Experienced Officer Hiring Program, (EOHP). Alderman Purcell questioned the City's recruiting tools. Chief McKinley informed the Council that the Police Department worked with the Human Resources Department.

Motion by Alderman Purcell, seconded by Alderman Schmidt that the COPS Hiring Recovery Program (CHRP) Application be Submitted for Possible Funding of Six (6) Police Officers and the Mayor and City Clerk be authorized to execute the necessary documents.

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

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

Nays: None.

Motion carried.

The following was presented:

SUBJECT: Contract for the purchase of Right of Way for Constitution Trail from John Nottoli

RECOMMENDATION: That the Contract for the Purchase of Real Estate be approved and the Mayor and City Clerk be authorized to execute the necessary documents.

BACKGROUND: The City plans to build another section of Constitution Trail this spring/summer that will extend the trail south from Washington Street to Croxton Avenue. There will be a pedestrian bridge over Oakland Avenue with a ramp to the trail from the street. John Nottoli owns property on Oakland Avenue directly west of the bridge site and the City needs to acquire a triangular parcel of property containing 3,572 square feet from Mr. Nottoli to build the abutment for the bridge.

Mr. Nottoli has agreed to sell his property to the City for \$10,000 (\$2.79 per square foot). He will give the City a five foot (5') wide temporary easement for construction for no additional consideration. He also requested that the City pay his attorneys fees of \$500. Staff believes this is a fair price and prepared a contract for the sale based on those.

Staff did not have the Nottoli property appraised. The property immediately to the east of Nottoli's was appraised about six (6) years ago when the City entered into negotiations to purchase land for the trail from that owner. The price being paid to Mr. Nottoli is about .50 per square foot higher than the appraised value of the adjacent land. Property at the intersection of Lincoln and Morrissey was appraised more recently and the price being paid to Mr. Nottoli is supported by those appraisals. The request for payment of attorney fees is reasonable given that the City initiated the action to purchase this land and Mr. Nottoli was required to retain an attorney to represent his interest.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: John Nottoli, owner and owner's attorney Frank Miles.

FINANCIAL IMPACT: The acquisition will be paid with 2008-09 Park Dedication funds, Acct. #7030 14110-79990. The Park Dedication fund is intended to be used for this purpose and has sufficient funds to make the purchase.

Respectfully submitted for Council consideration.

Prepared by:

Hannah R. Eisner
Deputy Corporation Counsel

Recommended by:

David A. Hales
City Manager

Seller: **John Nottoli**

353-24-9200

Social Security No. or FEIN

Address:

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

Buyer: **City of Bloomington**

Social Security No. or FEIN

Address: **109 E. Olive Street**

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

Attorney/Telephone/Fax: **Frank Miles**

Street, P.O. Box: **202 N. Center Street**

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

Listing Broker/Telephone

Agent/Telephone/Fax

Current Mortgage Holder/Loan #/Address/Telephone

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

Street, P.O. Box: **109 E. Olive Street**

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

Selling Broker/Telephone

Agent/Telephone/Fax

CONTRACT FOR SALE OF REAL ESTATE

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

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

1. DESCRIPTION, PRICE and PAYMENT:

- a. Seller sells the following described real estate, to-wit:

A part of the Southwest Quarter of Section 3, Township 23 North, Range 2 East of the Third Principal Meridian, McLean County, Illinois, described as follows: Commencing at the Southwest Corner of Lot 4 in L.E. and J.B. Holmes Addition to the City of Bloomington, and which point is also on the West Line of Lot 20 in the Subdivision of the South Half of Section 3, Township 23 North, Range 2 East of the Third Principal Meridian, thence south 241.07 feet along the West Line of said Lot 20 to the Point of Beginning, said point also being the Southeast Corner of Tract 4 per property conveyed to John Nottoli by Warranty Deed recorded as Document No. 87-16785 in the McLean County Recorder's Office. From said Point of Beginning, thence west 72.25 feet along the South Line of said Tract 4 which is perpendicular to said West Line to the Southwest Corner thereof; thence northeast 46.64 feet along the Westerly Line of said Tract 4 which forms an angle to the left of 81°-12' with the last described course; thence northeast 50.00 feet along said Westerly Line which forms an angle to the left of 178°-57' with the last described course; thence northeast 2.71 feet along said Westerly Line which forms an angle to the left of 175°-23' with the last described course; thence southeast 112.78 feet along a line which forms an angle to the left of 44°-10' with the last described course to the Point of Beginning, containing 3,572 square feet, more or less, equals 0.082 acre, more or less.

~~with improvements, commonly known as _____ located thereon,~~ to Buyer, who agrees to pay \$10,000.00 and \$500.00 attorney fees therefor on or before the 30th day of April, 2009, and on receipt of deed.

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

3. **DEED AND POSSESSION:** Seller will cause fee simple title to said real estate to be conveyed to Buyer, or to such party as Buyer may direct, by Warranty Deed (or Trustee's Deed or Executor's Deed, where applicable), upon execution of this Contract by all parties. and shall deliver possession to Buyer upon payment being made as herein provided, on or before the 30th day of April, 2009 Seller shall pay all owners' association(s) dues and/or assessments, and water, sewer, and public utility service charges incurred for improvements on said real estate up to the time when possession passes to Buyer.

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

5. **TAXES:** *Seller shall pay all general real estate taxes assessed for 2008 and Buyer shall pay all such taxes for 2009 and subsequent years as to that part of Seller's property being conveyed.* This provision shall survive closing and delivery of deeds.

6. **ENCUMBRANCES:**

A. Mortgage, *if any*, shall be ~~satisfied out of the purchase price and~~ released *as to the property being conveyed within ninety days of the date* when deed is delivered. Seller's obligation to obtain the mortgage release shall continue until the release is obtained and recorded.

B. Easements and building or use restrictions of record, and zoning and building ordinances, if any, shall not be considered as rendering title unmerchantable or unacceptable, provided same are not violated by the existing improvements or the use thereof.

7. **PERSONAL PROPERTY:** None.

8. **FINANCING:** N/A

9. **WOOD DESTROYING INSECT PROVISION:** N/A

10. **EQUIPMENT & INSPECTIONS:**

TOXIC OR HAZARDOUS WASTE: Seller is unaware of any toxic or hazardous waster materials being stored or having been stored on the premises or the existence of any underground fuel storage tanks on the property, and further represents that no notices have been received from the Illinois Environmental Protections Agency or the Illinois Environmental Pollution Control Board or any other governmental entity with regard to a toxic or hazardous waste problem with the property, except as stated in the Residential Real Property Disclosure Report.

11. **LEAD-BASED PAINT AND/OR LEAD-BASED PAINT HAZARDS:** N/A

12. **SELLER'S WARRANTIES:** N/A

13. **ADDITIONAL PROVISIONS:**

- A. Buyer shall assume any assumption or transfer fees incurred as a result of Buyer assuming, or taking subject to, Seller's existing mortgage, and both Seller and Buyer agree to comply with the requirements of the Real Estate Settlement Procedures Act;
- B. Words importing the masculine gender include the feminine, words importing the singular number include the plural, and words importing the plural number include the singular;
- C. The covenants and agreements herein contained shall extend to and be obligatory upon the heirs, executors, administrators, and assigns of the respective parties;
- ~~D. The parties acknowledge that the State of Illinois has enacted the Smoke Detector Act (425 ILCS 60/1, et seq.), and the Carbon Monoxide Alarm Detector Act (430 ILCS 135/1, et seq.).~~
- E. Time is of the essence of this Contract.
- F. Any deadline in this Contract which falls on a Saturday, Sunday or legally recognized State of Illinois or federal holiday shall be extended to the next business day.
- G. Section or paragraph headings, or lack thereof, that may be used in various places throughout this Contract are intended for convenience only and shall not be taken into consideration in any construction or interpretation of this Contract or any of its provisions. To the extent there is deemed to be any conflict between the headings and/or numbers, and the text of this Contract, the text shall control.
- H. Seller shall provide reasonable access to Buyer and Buyer's representative(s) for purposes of inspection(s) and appraisal(s).

- I. *Seller will give Buyer a temporary easement across the property described on the Grant of Easement attached hereto as Exhibit A and incorporated by reference, for no additional consideration.*
- J. *Seller wants direct access to Seller's remaining property from Oakland Avenue. Buyer represents that the District Engineer for the Bureau of Local Roads for IDOT has indicated that Seller may construct an entrance as indicated by the map and email correspondence between Buyer and IDOT attached hereto as Exhibit B. Buyer further represents that the plans submitted with the inquiry have not been changed and that Buyer will support and assist Seller to the extent it can in obtaining formal approval from IDOT for such an entrance.*
- K. *This contract is contingent upon approval by the Bloomington City Manager and/or City Council. Buyer will seek such approval by placing the contract on the agenda for the first regularly scheduled Council meeting following the date Seller executes the contract.*

14. **ESCROWEE:** N/A

15. **NOTICES, ETC.:** Title commitments, communications and any notices required to be given pursuant to this Contract shall be delivered to the party's attorney, or to the party if not represented by counsel. Any notice shall be given in writing in one of the following ways: (i) by personal delivery to the party or attorney; (ii) by U.S. mail, with postage prepaid, addressed to the party or attorney at the address set forth on the first page hereof; or (iii) by express delivery to the party or attorney at the address set forth on the first page hereof, with charges prepaid. Such notice shall be deemed given on the date when delivered personally, or on the date deposited with the express delivery company (with charges prepaid), or on the date deposited in the U.S. Mail, with postage prepaid.

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

17. **SETTLEMENT:** Closing shall be held in McLean County at the office of Buyer's closing agent, unless the parties agree otherwise.

18. **SELLER'S DISCLOSURE:** The parties acknowledge that this Contract is *not* subject to the Illinois Residential Real Property Disclosure Act (765 ILCS 77/1, *et seq.*) and the Illinois Radon Awareness Act (420 ILCS 46/1, *et seq.*). *Buyer acknowledges receipt of a completed Residential Real Property Disclosure Report, Illinois Disclosure of Information on Radon Hazards and the IEMA pamphlet entitled "Radon Testing Guidelines for Real Estate Transactions" prior to the time this Contract was signed and said disclosures are incorporated herein by reference.*

19. **ATTORNEY'S FEES AND EXPENSES:** Should Seller or Buyer bring any action against the other with respect to this Contract, the party that does not prevail upon the action, as determined by the court, shall be liable to the other party for any reasonable attorney's fees,

costs, and expenses (including expenses of litigation) incurred by such other party and as determined by the court. This provision shall survive closing and delivery of deeds.

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

21. **ENTIRE AGREEMENT:** This Contract represents the entire agreement of the parties. No covenants, agreements, representations or warranties of any kind have been made by any party or agent of a party to this Contract, except as specifically set forth herein. The parties expressly acknowledge that, in executing this Contract, they have not relied on any prior or contemporaneous oral or written representations, statements or agreements, except as expressly set forth herein. Any modifications of the terms of this Contract must be in writing and signed by both parties, in the absence of which the terms of this Contract shall govern.

22. **FORM OF AGREEMENT:** N/A

23. **MORTGAGE INFORMATION AUTHORIZATION:** N/A

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

IN WITNESS WHEREOF, the parties to these presents have hereunto set their hands and seals to several counterparts of this Contract, of equal effect.

DATE SIGNED BY SELLER: April 2, 2009.

John Nottoli, Seller

DATE SIGNED BY BUYER: April 14, 2009

City of Bloomington,
a Municipal Corporation

Attest:

Stephen F. Stockton
Mayor

Tracey Covert
City Clerk

THIS CONTRACT WILL BE DEEMED EFFECTIVE AS OF THE LAST DATE SIGNED.

Motion by Alderman Purcell, seconded by Alderman Schmidt that the Contract for the Purchase of Real Estate be approved and the Mayor and City Clerk authorized to execute the necessary documents.

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

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

Nays: None.

Motion carried.

The following was presented:

SUBJECT: Disposition of 1108 Woodbury Place

RECOMMENDATION: That the sale of 1108 Woodbury Place be approved and the Mayor and City Clerk be authorized to execute the necessary documents.

BACKGROUND: School District 87, Area Vocational Center (AVC) and the Code Enforcement Division completed the construction of a single-family residence located at 1108 Woodbury Place in 2007. It has been listed “for sale” with a local Realtor after several months of self-marketing. This house is one (1) of two (2) dwellings constructed two (2) years ago in Woodbury Estates, an affordable housing subdivision. Previously, the Council approved interest free construction loans for the building of these two (2) dwellings.

1108 Woodbury Place contains three (3) bedrooms and two (2) full baths. The house was constructed to meet Energy Star standards and is handicapped accessible. It was appraised at \$162,800 in August, 2007.

An offer to purchase in the amount of \$135,000 was received from Nathan Robinson, with a potential closing date of May 18, 2009. The offer was accepted subject to Council approval and subject to the household meeting the Housing and Urban Development (HUD) income guidelines for their family size. Mr. Robinson has been prequalified by National City Bank.

Staff respectfully requests that Council approve the sale and authorize staff to proceed with the closing, of 1108 Woodbury Place, for the selling price of \$135,000 to Nathan Robinson. In addition, the City will be providing \$25,000 in Down Payment Assistance from Community Development Block Grant (CDBG) funds.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: Not Applicable.

FINANCIAL IMPACT: The sale of this property will return \$135,000 in general fund dollars to the general fund. The longer that the City owns this property, the more expenses will be incurred, i.e. monthly utilities, mowing, snow removal, misc. property maintenance, etc. To date \$162,688 has been expended on this project, (as an example, \$1,243.60 has been paid for utilities since October, 2007). The proceeds from the sale will be returned to General Fund Non-Departmental G10010-57110, Sale of Property line item.

Respectfully submitted for Council consideration.

Prepared by:

Reviewed for legal sufficiency:

Mark R. Huber
Director, PACE

Hannah R. Eisner
Deputy Corporation Counsel

Recommended by:

David A. Hales
City Manager

Seller: **City of Bloomington**

Buyer: **Nathan Robinson**

Social Security No. or FEIN

Social Security No. or FEIN

Address: **109 E. Olive Street**

Address: **601 Turnberry Drive, Unit A**

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

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

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

Attorney/Telephone/Fax:

Street, P.O. Box: **109 E. Olive Street**

Street, P.O. Box:

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

City/State/Zip:

Listing Broker/Telephone

Selling Broker/Telephone

Agent/Telephone/Fax

Agent/Telephone/Fax

Current Mortgage Holder/Loan #/Address/Telephone

CONTRACT FOR SALE OF REAL ESTATE
McLEAN COUNTY BAR ASSOCIATION APPROVED FORM
(REVISED CONTRACT FROM EFFECTIVE JANUARY 1, 2008)

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

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

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

Lot 33 of the Resubdivision of Lots 27-35 in Woodbury Estates
Subdivision, City of Bloomington, McLean County, Illinois.
21-08-184-005 (the legal description may be changed upon
provision of a legal description by the title insurance company),

with improvements, commonly known as 1110 Woodbury Place, located thereon, to Buyer, who agrees to pay \$135,000.00 therefor in the manner following: \$1,000.00 (down payment inclusive of earnest money) upon the execution of this Contract:

A. To be deposited into escrow until closing;

B. To be delivered to Seller, receipt of which is hereby acknowledged;

and the remainder by cashier's check, certified funds, or the equivalent on or before the 18th day of May, 2009, and on receipt of deed.

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

3 DEED AND POSSESSION: Seller will cause fee simple title to said real estate to be conveyed to Buyer, or to such party as Buyer may direct, by Warranty Deed (or Trustee's Deed or Executor's Deed, where applicable) and shall deliver possession to Buyer upon payment being made as herein provided, on or before the 18th day of May, 2009. Seller shall pay all owners' association(s) dues and/or assessments, and water, sewer and public utility service charges incurred for improvements on said real estate up to the time when possession passes to Buyer.

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

5. TAXES: Unless otherwise provided for herein, all general real estate taxes shall be prorated as of the date of delivery of possession of the premises to Buyer, and by allowance of Seller's share thereof being a credit against the purchase price at closing, based upon the latest known assessed valuation and latest known tax rate. Further, the parties agree that the real estate taxes shall be re-prorated for a given year upon receipt of the actual real estate tax bills. The re-proration shall be done by the party receiving the tax bill with notice to the other party. If the re-

prorated amount differs from the credit amount by \$100.00 or more, Seller shall pay Buyer, or Buyer shall pay Seller, the appropriate adjustment within fifteen (15) days from receipt of the prorated computation (or receipt of the actual tax bill, whichever is received first by the party obligated to pay the adjustment). All transfer taxes shall be paid by Seller. This provision shall survive closing and delivery of deeds.

6. ENCUMBRANCES:

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

7. PERSONAL PROPERTY: The purchase price expressed above includes the following items which pass for no additional consideration: *range, dishwasher, all attached light fixtures and ceiling fans, garage door opener and 2 remotes.*

8. FINANCING: This Contract is subject to Buyer obtaining (check applicable):

Conventional/ VA/ FHA/ (Other) and ARM/
FIXED, financing in an amount equal to 80% of the purchase price amortized over _____
years (check on of the following):

_____ at an initial interest rate not to exceed 55% and points charged not in excess of
_____. (or)

Buyer meeting income eligibility guidelines for and receiving a ten year forgivable loan
in the amount of \$25,000.00 from the Seller to assist in the purchase of the property.

Buyer agrees to make a good faith effort to apply for said financing on or before the 9th day of April, 2009. In the event the Buyer is unable to obtain this financing and Buyer so notifies Seller in writing on or before the 11th day of May, 2009, this Contract shall become null and void, and any down payment paid or escrowed shall be refunded to Buyer. If Seller is not so notified, it shall be conclusively presumed that Buyer has secured such commitment or will purchase said property without reliance upon any mortgage financing contingency.

9. WOOD DESTROYING INSECT PROVISION: At Buyer's expense, Buyer shall have the right to obtain a current written statement, on that form as currently approved for use by the Department of Veteran's Affairs and Department of Housing and Urban Development, from a licensed exterminator that based upon careful visual inspection of readily accessible areas there is no evidence of wood destroying insect infestation in the subject property or evidence of any previous infestation. Buyer shall submit a copy of the inspection report to Seller not less than

fourteen (14) days prior to closing. In the event the inspection reveals a current active infestation, then Seller shall bear the cost of extermination. Any other treatment shall be at Buyer's expense. In the event the inspection reveals active infestation or previous infestation, the Buyer shall have the right to have the premises inspected by a qualified person of Buyer's choice, and at Buyer's expense, for the purpose of determining whether or not there is any defect in any structural member. In the event it is determined that a structural defect exists, Buyer shall cause a copy of the written report of the inspection for structural defect to be delivered to Seller not less than seven (7) days prior to closing. Seller shall then have the option of correcting such structural defect, or rescinding the Contract and returning the down payment to Buyer. Should Seller elect to rescind, Seller must give notice of such election to Buyer not less than five (5) days prior to closing. Should Seller elect to rescind, Buyer shall still have the right to consummate the purchase transaction, taking the property in "as is" condition with respect to the reported structural defect. Buyer must give Seller or Seller's attorney written notice of this intention within four (4) days of receiving Seller's notice of rescission. Structural components shall be considered defective if they are structurally sound.

10. EQUIPMENT & INSPECTIONS:

- A. To the best of Seller's knowledge, all mechanical equipment and appliances, being a part of the transfer of the real estate and its improvements, will be in working condition on the day of closing (or possession by Buyer, whichever occurs first), unless otherwise stated in writing and agreed to by Buyer. Seller makes no warranty expressed or implied with respect to such equipment. **WORKING CONDITION MEANS THAT THE MECHANICAL EQUIPMENT AND APPLIANCES ARE IN OPERABLE CONDITION AND DO NOT POSE A KNOWN THREAT TO THE USER'S SAFETY OR HEALTH WHEN USED AS INTENDED AND IN A REASONABLE MANNER.**
- B. At Buyer's expense, Buyer shall have the right to obtain an inspection(s) of the premises by an independent inspection service provider(s) trained or certified/licensed, if such certification or licensing is available, to determine the condition of the premises. If inspection discloses any **MOLD, TOXIC HAZARDOUS WASTE**, or any defects with the **HEATING, AIR CONDITIONING, ELECTRICAL or PLUMBING SYSTEMS, REMAINING APPLIANCES, ROOF, STRUCTURAL COMPONENTS, WELL or SEPTIC SYSTEMS**, or any unacceptable **RADON** levels, and Buyer wishes to request repairs or remediation, Buyer shall submit a copy of the inspection report(s) and Buyer's specific written request for remediation or repairs, if any, to Seller on or before April 28, 2009.
- C. If defects are reported, then seller shall have one of the following options, and shall give written notice to Buyer or to Buyer's attorney within seven (7) days of receiving Buyer's report:
 - 1. Treat the condition and repair the defect at Seller's own cost and expense;
 - 2. Give Buyer a credit for the cost of the repair at settlement; or

3. Rescind the Contract and refund Buyer's earnest money.
- D. If defects are timely reported, the following are conditions precedent to Seller's obligation to respond:
1. In the aggregate the cost of repair or replacement must equal \$500.00 or more.
 2. The defects must not have been disclosed in the Residential Real Property Disclosure Act or other similar form.
 3. The defects must not have been disclosed to Buyer in writing prior to the date the offer was made to purchase.
 4. The defects must not have been readily observable and obvious. Defects which are not readily observable and obvious include concealed or obscured conditions or conditions requiring a trained person to identify, but do not include those readily apparent to the naked eye.
 5. The roof (defined as all materials above rafters or trusses) shall not be considered defective if it is free from leaks.
 6. The structural components shall not be considered defective if they are structurally sound.
 7. The radon level is measured at four (4) picocuries per liter of air or higher.
- E. At Buyer's expense, Buyer shall have the right to obtain a post-mitigation radon inspection by a licensed radon inspector.
- F. Should Seller elect to rescind the Contract, Buyer shall have the right to consummate the purchase transaction, taking the property in "as is" condition, with whatever defects exist. Buyer must give Seller or Seller's attorney written notice of this intention within 4 days of receiving Seller's notice of rescission.
- G. Buyer shall have the right to make a final inspection of the property immediately prior to settlement to verify that its condition has not deteriorated from the date the offer was made to purchase (ordinary wear and tear excepted).
- H. Home Protection Plan: ~~Seller shall provide Buyer a credit at closing for the cost of a one year home protection plan, to be issued by _____ with the following optional coverage: _____~~

11. LEAD-BASED PAINT AND/OR LEAD-BASED HAZARDS:

- A. Check one of the following sub-sections, 1, 2, or 3:
- X 1. The improvements on the real estate subject to this Contract were built after 1977. No risk assessment or inspection for the presence of lead-based paint or lead-based hazards is required.

— 2. The improvements on the real estate subject to this Contract were built before 1978, but Buyer has knowingly and voluntarily waived the right to conduct a risk assessment or inspection for the presence of lead-based paint and lead-based hazards. (Disclosure Statement attached hereto and made a part by this reference.)

3. This Contract is contingent upon a risk assessment or inspection of the property for the presence of lead-based paint and/or lead-based paint hazards at Buyer's expense until 5:00 p.m. on the tenth (10th) calendar day after the effective date of this Contract. This contingency will terminate at the aforesaid predetermined deadline unless Buyer delivers to Seller a written notice listing the specific existing deficiencies and corrections needed, together with a copy of the inspection and/or risk assessment report. Seller may, at Seller's option, within two (2) days of delivery of the notice, elect, in writing, whether to correct the condition(s) prior to the time of final settlement of this Contract. If Seller will correct the condition(s), Seller shall furnish Buyer with certification from a risk assessor or inspector demonstrating that the condition(s) has been remedied before the date of final settlement. If Seller does not elect to make the repairs or remediation, or if Seller makes a counter-offer, Buyer shall have two (2) days to respond to the counter-offer or remove this contingency and take the property with whatever lead-based paint and/or lead-based hazards exist, otherwise, this Contract shall become null and void and Seller shall return the down payment to Buyer. Buyer may remove this contingency at any time without cause. (See the Disclosure Statement attached hereto and make a part hereof by this reference.)

B. Unless Paragraph A (1) above is checked, indicating subject premises were built after 1977, Buyer acknowledges receipt of a federal lead information pamphlet and the form entitled "Disclosure of Information on Lead-Based Paint and/or Lead-Based Paint Hazards" and information, if any, possessed by Seller concerning the presence of lead paint on the property as required by the Federal Residential Lead-Based Paint Hazard Reduction Act.

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

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

B. Seller has indefeasible title to all of the personal property to which reference is made in Paragraph 7, and all of said property, together with all appliances and mechanical systems built into the premises are free from security interests or liens other than the lien of any real estate mortgage noted in Paragraph 6 herein;

C. Additional Warranties: *Seller warrants against defects in the roof, walls, ceilings, foundation, windows and other structural members, and electrical, plumbing, and HVAC systems for one year following the date of closing.*

13. ADDITIONAL PROVISIONS:

- A. Buyer shall assume any assumption or transfer fees incurred as a result of Buyer assuming, or taking subject to, Seller's existing mortgage, and both Seller and Buyer agree to comply with the requirements of the Real Estate Settlement Procedures Act;
- B. Words importing the masculine gender include the feminine, words importing the singular number include the plural, and words importing the plural include the singular;
- C. The covenants and agreements herein contained shall extend to and be obligatory upon the heirs, executors, administrators, and assigns of the respective parties;
- D. The parties acknowledge that the State of Illinois has enacted a Smoke Detector Act (425 ILCS 60/1, *et seq.*) and the Carbon Monoxide Alarm Detector Act (430 ILCS 135/1, *et seq.*);
- E. Time is of the essence of this Contract;
- F. Any deadline in this Contract which falls on a Saturday, Sunday or legally recognized State of Illinois or federal holiday shall be extended to the next business day;
- G. Section or paragraph headings, or lack thereof, that may be used in various places throughout this Contract are intended for convenience only and shall not be taken into consideration in any construction or interpretation of this Contract or any of its provisions. To the extent there is deemed to be any conflict between the headings and/or numbers, and the text of this Contract, the text shall control;
- H. Seller shall provide reasonable access to Buyer and Buyer's representative(s) for purposes of inspection(s) and appraisal(s);
- I. *Seller shall make the following repairs prior to closing: install screens on all windows, repair or replace front bedroom window glass, repair or replace warped siding and holes in the siding with matching siding, repair metal window well casing that has separated, install missing door guides for main floor bathroom, pocket door, install outlet covers on telephone and cable jacks.*

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

- A. Escrowee shall in escrow the down payment pursuant to the terms of this Contract until closing and not release said funds except with the agreement of all parties, or an order entered by a court of competent jurisdiction;
- B. Additional conditions;

15. **NOTICES, ETC.:** Title commitments, communications or notices required to be given pursuant to this Contract shall be delivered to the party's attorney or to the party if not represented by counsel. Any notice shall be given in writing in one of the following ways: (i) by personal delivery to the party or attorney; (ii) by U.S. mail, with postage prepaid, addressed to the party or attorney at the address set forth on the first page hereof; or (iii) by express delivery to the party or attorney at the address set forth on the first page hereof, with charges prepaid. Such notice shall be deemed given on the date when delivered personally, or on the date deposited with the express delivery company (with charges prepaid), or on the date deposited in the U.S. Mail, with postage prepaid.

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

17. **SETTLEMENT:** Closing shall be held in McLean County at the office of Buyer's closing agent, unless the parties agree otherwise.

18. **SELLER'S DISCLOSURE:** The parties acknowledge that this Contract is *not* subject to the Illinois Residential Real Property Disclosure Act (765 ILCS 77/1, *et. seq.*) and the Illinois Radon Awareness Act (420 ILCS 46/1, *et seq.*). ~~Buyer acknowledges receipt of a completed Residential Real Property Disclosure Report, Illinois Disclosure of Information on Radon Hazards and the IEMA pamphlet entitled "Radon Testing Guidelines for Real Estate Transactions" prior to the time the Contract was signed and said report is incorporated herein by reference.~~

19. **ATTORNEY'S FEES AND EXPENSES:** Should either Seller or Buyer bring any action against the other with respect to this Contract, the party that does not prevail upon the action, as determined by the court, shall be liable to the other party for any reasonable attorney's fees, costs and expenses (including expenses of litigation) incurred by such other party and as determined by the court. This provision shall survive closing and delivery of deeds.

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

21. **ENTIRE AGREEMENT:** This Contract represents the entire agreement of the parties. No covenants, agreements, representations or warranties of any kind have been made by any party or agent of a party to this Contract, except as specifically set forth herein. The parties expressly acknowledge that, in executing this Contract, they have not relied on any prior or contemporaneous oral or written representations, statements or agreements, except as expressly set forth herein. Any modifications of the terms of this Contract must be in writing and signed by both parties, in the absence of which the terms of this Contract shall govern.

22. **FORM OF AGREEMENT:** This Contract conforms in all respects with the form Contract for Sale of Real Estate adopted by the McLean County Bar Association effective January 1, 2008, with the exception of language contained in the following paragraphs:

23. MORTGAGE INFORMATION AUTHORIZATION: Seller authorizes the City of Bloomington, and the employees thereof, to obtain payoff statements on any mortgage loan or other lien encumbering title to the premises sold under this contract.

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

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

DATE SIGNED BY SELLER: April 14, 2009

DATED SIGNED BY BUYER: _____

BUYER	SELLER
Nathan Robinson, Buyer	City of Bloomington, a Municipal Corporation Stephen F. Stockton
Date:	04/14/09
Cathy J. Cox, Buyer	Tracey Covert
Date:	04/14/09

THIS CONTRACT WILL BE DEEMED EFFECTIVE AS OF THE LAST DATE SIGNED.

Motion by Alderman Purcell, seconded by Alderman Schmidt that the sale of 1108 Woodbury Place to Nathan Robinson in the amount of \$135,000 be approved and the Mayor and City Clerk be authorized to execute the necessary documents.

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

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

Nays: None.

Motion carried.

The following was presented:

SUBJECT: Supplemental Resolution for the Appropriation of Motor Fuel Tax Funds, (MFT) for Improvement of Towanda Barnes Road and Oakland Avenue Intersection

RECOMMENDATION: That the Resolution be adopted.

BACKGROUND: On August 28, 2006 the Council approved an Intergovernmental Agreement with the County of McLean for the Improvement of the Intersection of Towanda Barnes Road and Oakland Avenue. The agreement obligated the City to pay for one half the cost of the design and construction of the improvements.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: Mclean County and the Illinois Department of Transportation, (IDOT).

FINANCIAL IMPACT: Final payment for this work has already been made. The Resolution appropriates \$10,626.04 in MFT Funds (X20300-72530) for the previous payment and finalizes the financial paperwork required by IDOT.

Respectfully submitted for Council consideration.

Prepared by:

Reviewed as to legal sufficiency:

Jim Karch
Interim Director of Public Works

J. Todd Greenburg
Corporation Counsel

Recommended by:

David A. Hales
City Manager

(IDOT RESOLUTION 2009 - 20 ON FILE IN CLERK'S OFFICE)

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

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

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

Nays: None.

Motion carried.

The following was presented:

SUBJECT: Application of Chimis Caribbean Restaurant, Inc., d/b/a Chimis Caribbean Restaurant, located at 1704 Eastland Dr., Suite 13, 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

RECOMMENDATION: Based on the above, the Liquor Commission recommends to the City Council that an RAS liquor license for Chimis Caribbean Restaurant, Inc., d/b/a Chimis Caribbean Restaurant, located at 1704 Eastland Dr., Suite 13, be created, contingent upon compliance with all applicable health and safety codes.

BACKGROUND: The Bloomington Liquor Commissioner Rich Buchanan called the Liquor Hearing to hear the application of Chimis Caribbean Restaurant, Inc., d/b/a Chimis Caribbean Restaurant, located at 1704 Eastland Dr., Suite 13, requesting an RAS liquor license which allows the sale of all types of alcohol by the glass for consumption on the premises seven (7) days a week. Present at the hearing were Liquor Commissioners Rich Buchanan, Steve Petersen, and Mark Gibson; Tracey Covert, City Clerk; and Tracy Smith, owner/share holder and Applicant representative.

Commissioner Buchanan opened the liquor hearing. He requested that the Applicant present the business plan. Tracy Smith, owner/share holder and Applicant representative, addressed the Commission. He informed them that Chimis had subleased the former Puran Pizza restaurant from Sarabjit Jattu and Talwinder Kaur Gill. Chimis opened at the end of January or the beginning of February 2009. Chimis specialized in Mexican and Caribbean food.

The application was for an RAS liquor license. At this time, Sundays were pretty slow. A determination to remain open on Sundays or not has not been made. Tracey Covert, City Clerk, recommended that the Applicant go forward with the RAS liquor license. The Applicant would have the option to not take out the "S" Sunday liquor license.

Mr. Smith noted that the restaurant had seating for forty-eight, (48). Chimis planned to stock bottled beer and bottled or boxed wine. He compared Chimis to Taqueria El Porton, located at 901 N. Main St. There would not be a true bar area. Chimis planned to offer Margaritas and Pina Coladas.

Commissioner Buchanan questioned the Applicant's intention to be an RA, (Restaurant, All type of Alcohol). Mr. Smith responded affirmatively. He believed that a liquor license would allow the business to improve and be responsive to customers' requests. He restated that there would not be sit down bar area. There simply is not the space. He anticipated that more than fifty percent, (50%), of the revenues would come from food sales.

Commissioner Petersen questioned the floor plan which showed a bar area. Mr. Smith acknowledged that Chimis could install a wet bar. The current plan calls for a cooler to be placed in this area.

Commissioner Petersen noted that Chimis was already open. Mr. Smith responded affirmatively. He described the food business as steady and decent. There was a good lunch trade. He was interested in building up the dinner trade.

Commissioner Petersen questioned if Chimis was interested in a "P", Packaged, license. Mr. Smith responded negatively. It had not been applied for and liquor would accompany the food service.

Commissioner Petersen questioned Chimis staff and if they were competent. Mr. Smith stated his assurances that the staff was well trained. Generally, he was present at closing time. He restated that there was no intention for Chimis to be a tavern.

Commissioner Buchanan noted that Chimis does not fit the pattern. He raised the question when does an "R", Restaurant, become a "T", Tavern. The kitchen would be in operation when liquor was sold. He noted Chimis business hours - 11:00 a.m. to 10:00 p.m. Mr. Smith added that Chimis generally was closed by 9:00 p.m. Commissioner Buchanan stated that liquor sales would cease one (1) hour after the kitchen closed.

Commissioner Gibson arrived at 4:30 p.m.

Mr. Smith had no opposition to Commissioner Buchanan's comments.

Commissioner Petersen stated that Chimis planned to close by 10:00 p.m.

Commissioner Buchanan questioned if there had been a Chimis in the past. Mr. Smith acknowledged that this was Chimis third attempt. He decided to try again. Commissioner Buchanan questioned parking. Mr. Smith informed the Council that there was general parking for all of the businesses in the strip mall. There had not been any problems with parking. He was not sure of the number of parking spaces.

Commissioner Petersen questioned if Chimis had retained any of its past staff. Mr. Smith informed the Commission that Julie Teague, Manager/Cook, was the only hold over. They agreed to give it one more try. There were additional staff members at Chimis.

Commissioner Buchanan opened the hearing to public comment. No one came forward to address the Commission.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: Public notice was published in the Pantagraph in accordance with City Code. In accordance with City Code, over fifty (50) courtesy copies of the Public Notice were mailed. In addition, the Agenda for the March 10, 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: This will be a new liquor license with an annual fee of \$2,210.

Respectfully,

Stephen F. Stockton
Chairman of Liquor Commission

Motion by Alderman Purcell, seconded by Alderman Schmidt that an RAS liquor license for Chimis Caribbean Restaurant, Inc., d/b/a Chimis Caribbean Restaurant, located at 1704 Eastland Dr., Suite 13 be created contingent upon compliance with all applicable health and safety codes.

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

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

Nays: None.

Motion carried.

The following was presented:

SUBJECT: Public Hearing for Approval and Authorization to Submit the Application for Neighborhood Stabilization Program Funds to the State of Illinois, Department of Human Services

RECOMMENDATION: That an application to the State of Illinois Department of Human Services for Neighborhood Stabilization Program (NSP) funds be submitted and the Resolution adopted.

BACKGROUND: The NSP is a federal grant program authorized by the Housing and Economic Recovery Act of 2008 (HERA) to provide emergency assistance for the acquisition and redevelopment of foreclosed and abandoned properties that might become sources of abandonment and blight within their communities.

On March 4, 2009, the Illinois Department of Human Services, as the lead entity for the State's NSP, released a competitive Request for Proposals, which are due to be submitted on or before May 4, 2009 at 2:00 pm. The State has approximately \$53,000,000 in NSP funding to be used for eligible activities under the program.

Eligible activities include the purchase and rehabilitation of foreclosed homes for resale or rental, demolition of blighted structures, provision of secondary financing for the purchase of properties, redevelopment of demolished or vacant properties, and land banking. The HERA requires all NSP funds to be used in areas of greatest need that have been impacted by foreclosures, high-risk mortgages, and high rates of abandoned or vacant properties. The

program requires all funds to be obligated to a specific property within eighteen (18) months of receipt of funding by the State.

Although the City is not identified as one of the high priority areas within the State, it is ranked at 72.79. Ranking basis factors are: 1.) predicated 18-month foreclosure starts; 2.) total high cost mortgage originations, 2004-06; 3.) vacant 90 days + high cost lending tract; 4.) predicated eighteen (18) month foreclosure rate; 5.) high cost mortgage share, 2004-06, and 6.) abandonment risk rate. The weighted ranking of 100 is highest. This ranking may benefit the City in obtaining State approval of an NSP application for CDBG entitlement communities that did not receive any direct NSP allocation from the federal government.

City staff has been working with local lenders to identify potential structures and/or vacant/abandoned dwellings, in compliance with the NSP guidelines, for inclusion in the City's NSP grant submission.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: 1.) full task force of the West Bloomington Neighborhood Redevelopment Planning Process Area; 2.) senior housing subcommittee and single family housing subcommittee for the West Bloomington Neighborhood Redevelopment Planning Process Area; 3.) PATH-O-GRAM (over 700 agencies and individuals on email subscriber list); 4.) Habitat for Humanity Board; 5.) Community Action Board; 6.) US Congressman Tim Johnson; and 7.) letters of support have been received from: Laurie Peterson, National City/PNC; Roy Treadway, ISU Professor, Emeritus Sociology; Karen Zangerle, and Jennifer Nettleton, PATH; Representative Dan Brady; Martin Vanags, Economic Development Council of the Bloomington-Normal Area; and Greg Koos, Downtown Bloomington Association.

FINANCIAL IMPACT: Receipt of NSP funds will assist the City in addressing neighborhood revitalization by either the rehabilitation of single and/or multi-family dwellings and/or the redevelopment of vacant and/or abandoned structures or land. The grant application, if approved, could bring between \$2-3 million dollars in NSP funds for the acquisition, demolition, rehabilitation, and/or redevelopment of foreclosed upon and vacant properties. There should be no direct costs to the City.

Respectfully submitted for Council consideration.

Prepared by:

Mark R. Huber
Director of PACE

Reviewed for legal sufficiency:

J. Todd Greenburg
Corporation Council

Recommended by:

David A. Hales
City Manager

RESOLUTION NO. 2009 - 21

**RESOLUTION AUTHORIZING THE FILING OF A NEIGHBORHOOD
STABILIZATION PROGRAM APPLICATION TO THE STATE OF ILLINOIS
DEPARTMENT OF HUMAN SERVICES**

WHEREAS, it is necessary and in the public interest that the City of Bloomington, otherwise known as the Local Public Agency, avail itself of the financial assistance authorized under Title III of Division B of the Housing and Economic Recovery Act of 2008 (HERA), for the purpose of assisting in the redevelopment of abandoned and foreclosed homes under the Emergency Assistance for Redevelopment of Abandoned and Foreclosed Homes heading, referred to as the Neighborhood Stabilization Program (NSP.)

WHEREAS, it is necessary for the Local Public Agency to certify that it will carry out the provisions of the Housing and Economic Recovery Act of 2008 regulations.

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

That an application on behalf of the City of Bloomington for a grant under said Title III of Division B of the Housing and Economic Recovery Act of 2008 in the amount of \$3.5 -\$4 million, as the approximate amount available for undertaking and financing of the first increment of such program is hereby approved, and

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

ADOPTED this 13th day of April, 2009.

Stephen F. Stockton
Mayor

ATTEST:

Tracey Covert
City Clerk

Mark Huber, Director – PACE, addressed the Council. He would make Connie Griffin’s, Community Development Program Manager, presentation. In order to submit the grant application, the Council needed to adopt the Resolution.

Alderman Purcell noted the eighteen (18) month guideline. Mr. Huber stated that the funds must be obligated within the eighteen (18) months.

Alderman Stearns requested that staff provide the opportunity for neighborhood input. Mr. Huber stated that staff would be required to work with the banks. There may be little choice. Staff must negotiate with the banks to identify the final list.

David Hales, City Manager, addressed the Council. Staff would notify the neighborhoods when the list is finalized. The list would also be shared with the Council. This program may involve acquisition of property.

Alderman Purcell questioned any direct cost to the City.

Mayor Stockton opened the Public Hearing.

Dennis Arnold, 504 N. Lee St., addressed the Council. He expressed his concern regarding the disposition of property not the acquisition of same. Mayor Stockton noted that the list would be the starting the point. Mr. Arnold restated that his concern was the disposition of property.

Mayor Stockton closed the Public Hearing.

Motion by Alderman Gibson, seconded by Alderman Schmidt that the application to the State of Illinois Department of Human Services for Neighborhood Stabilization Program funds be submitted and the Resolution adopted.

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

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

Nays: None.

Motion carried.

The following was presented:

SUBJECT: Public Hearing on 2009-2010 Budget and Adoption of an Ordinance Titled Budget and Appropriation Ordinance for the Fiscal Year Ending April 30, 2010

RECOMMENDATION: That the Public Hearing be held and the 2009-2010 Annual Budget Ordinance passed.

BACKGROUND: On March 16, 2009, the City Manager presented a recommended budget for the Fiscal Year ending April 30, 2010 to the City Council. Budget Work Sessions were held on March 30 and April 6, 2009. An additional Budget Work Session is planned for April 18, 2009.

A public hearing on the budget is required and a notice was published on April 2, 2009 announcing this hearing. Staff respectfully recommends that the public hearing be held and the 2009-2010 Annual Budget Ordinance passed.

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

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED:

FINANCIAL IMPACT:

Respectfully submitted for Council consideration.

Prepared by:

Recommended by:

Barbara J. Adkins
Deputy City Manager/Interim Finance Director

David A. Hales
City Manager

ORDINANCE NO. 2009 - 22

**BUDGET AND APPROPRIATION ORDINANCE
FISCAL YEAR ENDING APRIL 30, 2010
CITY OF BLOOMINGTON**

Make appropriations for all Corporate Purposes for the Fiscal Year beginning May 1, 2009 and ending April 30, 2010, for the City of Bloomington, McLean County, Illinois.

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

Section One. That the amounts hereinafter set forth, or so much thereof as may be authorized by law, as may be needed and same is hereby appropriated for such purposes as General Fund, Motor Fuel Tax Fund, Sister City Fund, Special Opportunities Available in Recreation (S.O.A.R.) Fund, Board of Election Fund, Drug Enforcement Fund, Cultural District Fund, Cultural District Donations Fund, Community Development Fund, Library Maintenance and Operation Fund, Library Equipment Replacement Fund, General Bond and Interest Fund, Market Square Tax Increment Financing (TIF) Bond Redemption Fund, 2004 Arena Bond Redemption, 2004 Multi-Project Bond Redemption, Capital Improvements Fund, 2003 Bond Project Fund, Central Bloomington TIF Fund, Water Maintenance and Operation Fund, Water Supply/Depreciation Fund, Illinois Environmental Protection Agency (IEPA) Loan Disb. Fund, Sewer Maintenance and Operation Fund, Sewer Depreciation Fund, Parking Maintenance and Operation Fund, Coliseum Parking Fund, Lincoln Parking Facility Fund, Storm Water Management Fund, Storm Water Depreciation Fund, Storm Water Equipment Replacement Fund, U.S. Cellular Coliseum Fund, Central Illinois Arena Management (CIAM), Employee Group Health Care Fund, Judgment Fund, Flex Cash Fund, Park Dedication Fund, J.M. Scott Health Care Fund, Police Pension Fund and the Fire Pension Fund for the fiscal year of said City of Bloomington, McLean County, Illinois, beginning May 1, 2009 and ending April 30, 2010.

Section Two. The amount appropriated for each object or purpose is set forth in the Annual Budget for the year ending April 30, 2010, a copy of which is available at the City Clerk's Office and incorporated by reference.

(NOTE: Amounts appropriated hereby are contained in the Annual Budget for the year ending April 30, 2010, published in book form, copies of which are available for inspection at City Hall, Bloomington Public Library, and other places throughout the City.)

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

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

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

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

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

PASSED by the City Council of the City of Bloomington, Illinois this 13th day of April, 2009.

APPROVED by the Mayor of the City of Bloomington, Illinois this 14th day of April, 2009.

APPROVED:

Stephen F. Stockton
Mayor

ATTEST:

Tracey Covert
City Clerk

(SUPPORTING DOCUMENTATION ON FILE IN CLERK'S OFFICE)

Mayor Stockton opened the Public Hearing.

Eric Decossas, 4 Downing Circle, addressed the Board. He had comments and questions regarding the refuse fee. He requested a breakdown of the cost for this service. He recommended that the bulk waste service be revamped. It was an appropriate time to consider various options. He noted that all citizens do not use this service. He recommended that the Council consider a one (1) year increase. He also recommended that staff research same.

Mayor Stockton described the situation as dynamic. He addressed automation and restrictions. The City needed to develop a more equitable fee structure. There were various issues still on the table.

Alderman Huette noted that the City had good intentions. He believed that the City could reduce the service cost. The one (1) year time limit would force the City to take creative action. He believed that there were ways to reduce costs. The year would give the City ample time to study the issue.

Jennifer Peary Lowrance, 2108 Longwood, addressed the Council. The City was facing a financial crisis. She addressed her concern regarding the budget reductions at the Miller Park Zoo. She was a past Zoo Board President. The Zoo had lost the three (3) most experienced staff members. These individuals were a Zookeeper, the Superintendent, and the Director of Education, who was the longest tenured employee. Her twenty-two (22) years of experience would be gone. Her expertise would be lost. The Zoo's Education Department trains all of the volunteers. She cited this area's various duties. She described the situation at the Zoo as sad. She questioned the long term effect on the Zoo's programs. The community has come to expect quality programs. It would impact the Zoo's memberships.

John Kennedy, Director Parks, Recreation and Cultural Arts, addressed the Council. Decisions on staff reductions considered duplication of services. The City needed to move forward and be more efficient. Operations were being streamlined. Mayor Stockton questioned specialization at the Zoo. Mr. Kennedy noted that the Zoo has a full time Instructor.

Alderman Schmidt questioned if the Zoo to You program would be impacted. Mr. Kennedy informed the Council that the City had undertaken a national search for the new Zoo Director. The application deadline was April 29, 2009. The plan to hire a new Director was aggressive. He hoped to have an individual on board by June 1, 2009.

Alderman Sage addressed Zoo programming. He questioned if there would be a change in emphasis. He hoped that Zoo staff would preserve and enhance what the City already offered. Mr. Kennedy noted that John Tobias, retiring Zoo Director, was charged to grow the Zoo. His plan for the new Director was to grow and development the Zoo's educational programs. Alderman Sage stated his belief that there would be minimal service changes at the Zoo.

Mayor Stockton advised the Council that the reductions at the Zoo may impact activity levels and classes as well as contribution levels. Ms. Peary Lowrance requested that the Council consider retaining Ms. Hall in an interim capacity. She restated that Ms. Hall had twenty-two (22) years of experience at the Zoo. She believed that the Zoo needed Ms. Hall's expertise.

Ron Schultz, 1208 E. Oakland Ave., addressed the Council. He planned to address several items. He noted that the proposed Utility Tax represented a fifty percent (50%)

increase. The Refuse Fee proposal represented a one hundred percent (100%) increase. He cited the recent increases to Water Rates. Citizens would have difficulty paying what was required. The City had laid off thirty (30) employees. The City paid RIMCO, (Risk Insurance Management Company), \$5 million. These services should be put out for bid.

David Hales, City Manager, stated that \$3.5 million had been budgeted for CIRPA, (Central Illinois Risk Pooling Authority). Mr. Schultz questioned if these insurance services would be put out for bid. He noted that two (2) CIRPA Board members were present, (Mayor Stockton and Alderman Huetten). Mayor Stockton acknowledged that he served on the CIRPA Board. He noted that part of the cost increases had been driven by the City's claims history, (\$2.7 million). City staff continued to look into this self insured program. Mr. Schultz demanded that these services be put out for bid. Mayor Stockton encouraged Mr. Schultz to make an appointment with him.

Alderman Hanson stated that the Council needed to address the need for revenue enhancements. The Council needed to establish subsidy levels with annual reviews of same. Revenue enhancements would impact both residential and commercial properties within the City.

Gary Stevens, 1612 Iowa St., addressed the Council. He questioned if the fee increases would cover the estimated deficit. Mr. Hales stated that an additional \$2 million in revenue would help to balance the budget. The Unreserved Fund Balance (UFB) was still in the red. The City needed to create a reserve fund. Mr. Stevens encouraged the Council to set fee increases at a level to cover the full cost. The Council's goal should be to eliminate the deficit quickly. The Council should provide citizens with the option to take refuse elsewhere in an effort to avoid a fee increase and reduce the work load.

Pam O'Neil, rural Cooksville, addressed the Council. She planned to limit her comments to the Zoo Educator position. Ms. Hall was a licensed wildlife rehabilitator and held a degree in Zoology. Ms. Hall came to the City twenty-two (22) years ago. At that time, Ms. O'Neil was looking for an activity to become involved in. She volunteered at the Zoo. She had served on the Zoo Board and assisted with fundraising. She cited Ms. Hall's commitment to the Zoo. The Zoo received revenue from twenty-nine (29) counties. She requested that the Council reconsidered Ms. Hall's lay off.

Marsha Beeler, 1315 S. Koch, addressed the Council. She informed them that she also was a laid off City employee. At this time, there were only two (2) employees left in the Community Development program. She cited the recent application for a Neighborhood Stabilization Program, (NSP), grant. This grant would have no costs for the City. She did not believe that the Community Development program would be able to apply for all of the available grants based on staffing levels. She questioned how the City would implement the NSP grant if funded. She added her belief that CDBG, (Community Development Block Grant), funds would be used for infrastructure. She questioned who would serve the under privileged.

Mark Huber, Director – P.A.C.E., addressed the Council. The NSP grant was an opportunity. There was no guarantee that the City would receive funding. The Rehab Officer position would oversee the NSP if funded. CDBG funds would be used for infrastructure needs within the West Bloomington Neighborhood Redevelopment study area. If the City does not received NSP dollars, then CDBG funds would be directed towards Community Development’s traditional programs. These dollars would be redirected.

Ms. Beeler added that the NSP application was on her desk at this time. Mr. Hales stated that the City had eliminated numerous jobs. He noted that the majority of these individuals have remained silent. This has been a difficult budget year. He cited the various job reductions. The remaining City employees were finding new ways to provide City services. The Council would have a variety of topics for future discussion.

Mayor Stockton noted that the Council had not been involved in the decision making process regarding specific jobs and/or individuals. He hoped that service cuts would be minimal.

Ms. Beeler requested to make a final comment. One (1) position within Community Development would be funded by HUD, (Housing and Urban Development).

Greg Rodriguez, 507 Beacon Ct., addressed the Council. He stated his support for Chris Hall. He cited that the City had made specific job cuts. He served as a Zoo Board member. There was outside information which would impact the Zoo. The Zoo Association regulated zoo accreditation. If the City’s Zoo lost its accreditation, then animals would also be lost. Miller Park Zoo was a jewel. He cautioned the Council to be careful. The Zoo has over 100,000 visitors each year. He expressed his concern regarding any reduction in services.

Mayor Stockton closed the Public Hearing.

Mr. Hales addressed the Zoo’s budget which totaled \$1.1 million. Revenue covered forty-six percent, (46%), of the cost to operate the Zoo. The Zoo is subsidized by the City. The City’s three (3) golf courses break even. The City just completed the required Public Hearing on the budget. He recommended that the Council group the Text Amendments together, (Text Amendment to Section 301.6 of Chapter 21 – Refuse Fee Increase from Seven to Fourteen Dollars; Text Amendment to Section 92 of Chapter 17 – Emergency Medical Services; and Text Amendment to Section 142 of Chapter 39 – City of Bloomington Use Tax) with the budget. All four (4) items were related and should be grouped for consideration. The Council may decide to reconvene this meeting to a later date. Mayor Stockton questioned how close the Council was to making a decision. The Council could scheduled another Budget Work Session on Saturday, April 18, 2009 and reconvene this evening’s Council meeting on Monday, April 20, 2009.

Alderman Huette stated that Mr. Hales and City staff had submitted a balanced budget. Tough decisions were made. This was a starting point. The City needed to move

forward. The new fiscal year would start on May 1, 2009. A budget was a working document. He requested that City staff prepare a list of areas that needed to be reviewed. Expenses needed to be brought in line with revenues. He acknowledged that the budget was not perfect at this point.

Alderman Fruin questioned if public input would be taken on all of these items.

Alderman Hanson addressed the budget and the time and resources which had been focused on same. The City needed to move forward. The budget was a working document. There were a number of areas of interest. City staff would continue to look for savings and efficiencies. The Council could spend the next twelve (12) months working on the current and next fiscal years' budgets. He restated that the budget needed to be adopted in order for the City to move forward.

Alderman Fruin agreed that the budget was a work in progress. He noted a Council memorandum dated February 18, 2009. He cited option 1 to establish a \$10 million reserve by 2014. He questioned if this option was still a goal.

Mayor Stockton noted that given the parameters it started as a goal. Perhaps it could be reached over the next six (6) years. He cited the impact of the recession and added that the City was not on schedule to do so.

Alderman Fruin questioned if the Council was unsure if the City would reach this goal or if as a group they needed to reach a consensus on when the City would be there. He added that the City must make progress towards this goal.

Alderman Huette requested that City staff track savings towards this goal. It cannot be ignored.

Mayor Stockton described the budget as dynamic. Money had been found for streets and a small contingency fund. This Council could not bind future Councils. He noted the recent election. In a few weeks, there would be two (2) new Aldermen. The Council would continue to work on the budget.

Alderman Stearns expressed her opinion that the Council took their commitment as Aldermen seriously. She addressed the refuse fee which would continue to subsidize the bulk waste program. She would not support an increase to the refuse collection fee. She cited abusers and heavy users of the system. These individuals should pay a fee for this service. She believed that a fee for service would be fair and equitable. She was not in favor of service cuts. The City needed to have the will to redesign the system and charge the heavy users. She added that City grants were not looked at and yet City employees were losing their jobs. She saw no pull back on taxes. Water and sewer rates had also been increased.

Alderman Gibson noted that the Council had been presented with a balanced budget. The Council can readdress the refuse collection system at a later date. Mayor

Stockton added that there were three (3) options: 1.) automation; 2.) fee structure; and 3.) restrictions. Alderman Stearns restated her interest in a proposal.

Alderman Purcell addressed the Use Tax. Mr. Hales noted that no increase in revenue had been projected. He noted the decline in automobile sales. Alderman Purcell stated that he would not support this item. Todd Greenburg, Corporation Counsel, addressed the Council. The Use Tax on a \$25,000 vehicle would be \$187.

Alderman Purcell expressed his opinion that the ambulance fee seemed reasonable.

Alderman Purcell addressed the refuse fee. He wanted a proposal to address bulk waste. He did not want this service to be subsidized. Mr. Hales informed the Council that an Ordinance could be proposed which included a volume cap for bulk waste. Two (2) cubic yards had been suggested.

Alderman Purcell stated that he could not support all of these items. City staff needed to look for additional budget cuts. He cited take home vehicles and RIMCO.

Motion by Alderman Finnegan, seconded by Alderman Gibson to call for the question.

Ayes: Aldermen Finnegan, Hanson, Fruin, Huette, and Gibson.

Nays: Aldermen Sage, Schmidt, Purcell, and Stearns.

Motion failed.

Alderman Sage expressed his concern regarding the refuse fee increase. He noted that a number of items had been presented as a package. He expressed his empathy and was sensitive to the fact that the City needed to adopt a budget. He expressed his interest in a separate vote on the refuse fee. He believed that the Council needed to address bulk waste. He wanted there to be a relationship between the fee and use of this service.

Alderman Huette expressed his opinion that this issue would be revisited by the Council. The Council had been presented with a balanced budget. The City needed to move forward. There were dollars shown in the General Fund which were associated with refuse collection. He agreed that the current refuse collection system needed to be addressed. Refuse collection should become an Enterprise Fund. He restated that the system needed to be changed. However, this could not be completed in two (2) weeks.

Alderman Sage stated that he wanted to vote on each proposed fee increase independently. He restated his concern regarding the refuse fee increase.

Alderman Schmidt expressed her opinion that it was not reasonable to believe that a new refuse collection system would be presented to the Council by April 27, 2009. Mr.

Hales added that time was needed to study, understand, and present the alternatives to the Council for a decision.

Alderman Schmidt noted the issue of time. The City needed to pass a balanced budget. She recommended that the Council accept what had been presented. Mr. Hales added that ideas would be tested. He cited a pilot study of the volume cap idea. City staff would watch the impact and check the results. Alderman Schmidt stated that the City should not be burdened with the cost for bulk waste. Mr. Hales added the City needed to perform a survey. All of these things would take time. He hoped the Council would provide staff with the opportunity to pursue this issue.

Mayor Stockton requested a time line. Mr. Hales suggested sixty to ninety, (60 – 90) days to look into alternatives.

Mayor Stockton expressed his opinion that the Council should not wait until April 27, 2009 to adopt the budget. The Council could reconvene this meeting on Monday, April 20, 2009 and scheduled another Budget Work Session on Saturday, April 18, 2009.

Alderman Schmidt added that if the Council failed to pass one of these items then the budget would no longer be balanced.

Alderman Sage expressed his discomfort with the proposed increase to the refuse fee and use tax. He added his discomfort with these items being presented as a package, (budget, ambulance fee, refuse fee, and use tax).

Mayor Stockton noted that the increase to the refuse fee was needed to balance the budget. Alderman Sage believed that there was support for an increase to the refuse fee. He did not want to derail the budget. However, he was against the increase to the refuse fee as presented.

Alderman Fruin suggested a compromise on the refuse fee. The increase to \$14 per month would only be put in place for one (1) year. In the interim, City staff would aggressively address bulk waste collection. He noted that it appeared that no one on the Council approved of everything as presented. He believed that the Council had sent strong direction to City staff to address bulk waste collection.

Alderman Stearns questioned changing City ordinance. Alderman Schmidt restated that the Public Works Department staff had a number of issues to work out. Alderman Fruin added that City staff needed to present a quality answer to insure a quality program.

Alderman Hanson noted that the City needed \$2.5 million in new revenue or there would be the same level of service cuts. The City had a revenue shortfall. The Unreserved Fund Balance, (UFB), showed a \$5 million deficit. The City needed revenue to balance the budget. He expressed his interest in minimal service cuts and minimal job losses. The budget was a working document. Any cost savings should be directed towards the UFB.

Mayor Stockton restated that the City needed to move ahead. Mr. Hales added that City staff would continue to study these issues, (insurance, bulk waste alternatives, and a long term plan for refuse collection). He planned to report back to the Council within three (3) months. Mayor Stockton expressed his hopes that a report back to Council would be made sooner. He added that the refuse fee could be modified.

Alderman Fruin noted the Council's commitment to address the bulk waste program. He expressed his support for the increase to the ambulance fee.

Alderman Stearns addressed payment to RIMCO. She noted the projected \$1.75 million in savings. She readdressed City grants. She stated that where there is a will, there is a way.

In closing, Mayor Stockton stated that work would continue on the issues raised this evening by the Council.

Motion by Alderman Huette, seconded by Alderman Finnegan that the Public Hearing be held and the Ordinance passed.

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

Ayes: Aldermen Huette, Schmidt, Finnegan, Gibson, Hanson and Fruin.

Nays: Aldermen Purcell, Sage and Stearns.

Motion carried.

The following was presented:

SUBJECT: Text Amendment to Section 301.6 of Chapter 21 – Refuse Fee Increase from Seven to Fourteen Dollars

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

BACKGROUND: The current cost to provide service for the City's solid waste management program including weekly garbage collection, weekly unlimited bulk collection, brush and leaf collection, bi-weekly recycle collection, appliance pick-up and the City's drop-off facility is \$21.55 per residence per month. The current refuse fee of \$7.00 assumes a seventy percent (70%) subsidy rate from the General Fund. By increasing the refuse fee to \$14.00, the subsidy rate would decrease to thirty-five percent (35%).

Staff has surveyed similar communities and found that the current fee structure is significantly below that of similar sized communities in Illinois. The common fee structure ranges from \$18 to \$23 per residence per month with less service than currently offered by the City.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED:

FINANCIAL IMPACT: This proposed refuse fee increase is currently included in the proposed Fiscal Year 2009/10 budget. The refuse fee increase would generate approximately \$2,142,000 for the General Fund.

Respectfully submitted for Council consideration.

Prepared by:

Jim Karch
Interim Director Public Works

Reviewed as to legal sufficiency:

J. Todd Greenburg
Corporation Counsel

Recommended by:

David A. Hales
City Manager

ORDINANCE NUMBER 2009 - 23

**AN ORDINANCE AMENDING SECTION 301.6 OF CHAPTER 21
OF THE BLOOMINGTON CITY CODE BY INCREASING THE MONTHLY REFUSE
FEE FROM SEVEN DOLLARS TO FOURTEEN DOLLARS**

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

Section One: That Section 301.6 of Chapter 21 of the Bloomington City Code, 1960, as amended, shall be further amended as follows: (additions are indicated by underlines; deletions are indicated by strikeouts):

Effective May 1, 2009, there shall be a charge for refuse collection of refuse to the owner and/or occupant of every dwelling unit for which refuse service is actually provided by the City. Such fee shall be in the amount of ~~seven dollars (\$7.00)~~ fourteen (\$14.00) per month per single family dwelling and ~~seven dollars (\$7.00)~~ fourteen (\$14.00) per month for each unit in a two family or multi-family dwelling. Effective May 1, 2010, such fee shall be in the amount of seven dollars (\$7.00) per single family dwelling and seven dollars (\$7.00) per month for each unit in a two family or multi-family dwelling. The refuse fee shall be payable on a monthly basis. Failure to pay the fee upon billing by the City may result, at the City's option, in the placement of a lien against the real estate or may result in the filing of a complaint in Circuit Court seeking a personal judgment against the owner or persons interested in the property subject to such refuse fee, termination of refuse services, termination of water service or other remedies. The election of a particular remedy shall not constitute a waiver of any other remedy available to the City for collection of the refuse fee.

The owner of the dwelling unit, the occupant thereof and the user of the services shall be jointly and severally liable to pay such refuse fee and the services are furnished to the dwelling unit by the City only on the condition that the owner of the dwelling unit, occupant thereof and user of the refuse service are jointly and severally liable. The refuse fee for such refuse collection shall be paid in advance, for which the City of Bloomington shall provide refuse collection service to the dwelling unit at least once each week.

Section Two: Except as provided for herein, the Bloomington City Code, 1960, as amended, shall remain in full force and effect.

Section Three: The City Clerk is authorized to publish this ordinance in pamphlet form as provided by law.

Section Four: This ordinance shall be effective May 1, 2009.

Section Five: This ordinance is passed and approved pursuant to the home rule authority granted Article VII, Section 6 of the 1970 Illinois Constitution.

PASSED this 13th day of April, 2009.

APPROVED this 14th day of April, 2009.

APPROVED:

Steven F. Stockton
Mayor

ATTEST:

Tracey Covert
City Clerk

Motion by Alderman Huette, seconded by Alderman Finnegan that the revised Text Amendment be approved (fee will return to \$7.00 effective May 1, 2010) and the Ordinance passed.

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

Ayes: Aldermen Huette, Schmidt, Finnegan, Gibson, Hanson and Fruin.

Nays: Aldermen Purcell, Sage and Stearns.

Motion carried.

The following was presented:

SUBJECT: Text Amendment to Section 92 of Chapter 17 – Emergency Medical Services

RECOMMENDATION: Staff recommends that the ordinance establishing the fee structure for ambulance transport fees be modified to accurately reflect charges that are consistent with usual and customary fees for the area, and that is consistent with other agency's fees, in particular fees that are charged by the Town of Normal.

BACKGROUND: Normal had requested an opinion from their billing agency to see that their fee structure was in line with what is reasonably charged and would be acknowledged by insurance carriers as appropriate for the area. Normal and the City use the same billing company. The information received would be accurate for the both entities. The result was a proposal to modify the fee structure which would result in a net increase in transport revenue. Normal passed an ordinance to change their fees and also built in an annual three percent (3%) increase in an attempt to keep pace with the cost of providing this service.

Staff is now requesting that the attached ordinance be adopted to amend the fees for ambulance services provided by the City via its Fire Department. This ordinance would generate additional revenue and be consistent with the Town of Normal.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED:

FINANCIAL IMPACT: A projected net increase of \$344,537.47 in revenue which will go into the General Fund. The new fee structure will be reported to the billing agency upon ordinance passage. The new billing rate would take effect May 1, 2009.

Respectfully submitted for Council consideration.

Prepared by:

Reviewed as to legal sufficiency:

Keith Ranney
Fire Chief

J. Todd Greenburg
Corporation Counsel

Recommended by:

David A. Hales
City Manager

ORDINANCE NUMBER 2009 - 24

AN ORDINANCE AMENDING SECTION 92 OF CHAPTER 17 REGARDING FEES FOR EMERGENCY MEDICAL TRANSPORTATION SERVICES AND ESTABLISHING FEES FOR INTERMEDIATE LIFE SUPPORT AND ADVANCED LIFE SUPPORT SERVICES

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

Section One: That subsection (b) of Section 92 of Chapter 17 of the Bloomington City Code, 1960, as amended, is further amended as follows (additions are indicated by underlines; deletions are indicated by strikeouts):

Chapter 17: Section 92: Emergency Medical Services.

~~(b) Fee for Emergency Medical Services and Transportation by the City of Bloomington. There is hereby established a fee for emergency medical services and related transportation services provided by the City of Bloomington. Such fee shall be 125 percent of the Medicare allowable fee established and published from time to time for the types of emergency medical transportation services provided by the United States Department of Health and Human Services Centers for Medicare and Medicaid Services or such successor agency.~~

~~The fee for intermediate life support service or advanced life support services, where transportation services are provided by another agency, shall be 50 percent of the fee established and published from time to time for the types of emergency medical transportation services provided by the United States Department of Health and Human Services Centers for Medicare and Medicaid Services or such successor agency.~~

~~The fee for intermediate life support service or advanced life support services, which do not include transportation services, shall be 25 percent of the fee established and published from time to time for the types of emergency medical transportation services provided by the United States Department of Health and Human Services Centers for Medicare and Medicaid Services or such successor agency.~~

There are hereby established fees for emergency medical services, related transportation services and other emergency services provided by the City of Bloomington as follows:

A.	<u>Basic Life Support Services (BLS)</u>	<u>\$500.00</u>
B.	<u>Advanced Life Support 1 (ALS1)</u>	<u>\$600.00</u>
C.	<u>Advanced Life Support 2 (ALS 2)</u>	<u>\$673.00</u>
D.	<u>Mileage</u>	<u>\$12.00/Mile</u>
E.	<u>Medical Treatment with No Transport</u>	<u>\$150.00</u>

The charges for the foregoing services shall be adjusted on January 1 of every year by multiplying the then current fee by 1.03 and the product shall be the new fee for such service.

Section Two: Except as provided for herein, the Bloomington City Code, 1960, as amended, shall remain in full force and effect.

Section Three: That the City Clerk be, and she is hereby authorized to publish this ordinance in pamphlet form as provided by law.

Section Four: That this ordinance shall be effective May 1, 2009.

Section Five: That this ordinance is adopted pursuant to the home rule authority of the City of Bloomington conferred by Article VII, Section 6 of the 1970 Illinois Constitution.

PASSED this 13th day of April, 2009.

APPROVED this 14th day of April, 2009.

APPROVED:

Stephen F. Stockton
Mayor

ATTEST:

Tracey Covert
City Clerk

Motion by Alderman Huette, seconded by Alderman Finnegan 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 Huette, Schmidt, Finnegan, Gibson, Hanson and Fruin.

Nays: Aldermen Purcell, Sage and Stearns.

Motion carried.

The following was presented:

SUBJECT: Text Amendment to Section 142 of Chapter 39 – City of Bloomington Use Tax

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

BACKGROUND: Illinois municipalities are permitted by statute (65 ILCS 5/8-11-6) to impose a use tax upon the privilege of using tangible personal property which is purchased at retail from a retailer and which is titled or registered with the State of Illinois at a location within the municipality. The tax may be imposed in one quarter percent (1/4%) increments, and is based on the sale price of the property. In most cases, this property involves motor vehicles. The City's ordinance imposes the tax on the "net" purchase price (the cost of any trade-in is deducted from the sale price before the tax is calculated).

The City first imposed this tax in 1990. The tax rate has been one half (1/2) of one percent since 1990. The Town of Normal has recently raised its use tax to three quarters (3/4) of one percent and it is staff's recommendation that the City do the same.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED:

FINANCIAL IMPACT:

Respectfully submitted for Council consideration.

Prepared by:

Recommended by:

J. Todd Greenburg
Corporation Counsel

David A. Hales
City Manager

ORDINANCE NUMBER 2009 - 25

**AN ORDINANCE AMENDING SECTION 142 OF CHAPTER 39
BY INCREASING THE USE TAX FROM ONE-HALF OF
ONE PERCENT TO THREE-QUARTERS OF ONE PERCENT**

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

Section One: That the first paragraph of Section 142 of Chapter 39 of the Bloomington City Code, 1960, as amended, is further amended as follows (additions are indicated by underlines; deletions are indicated by strikeouts):

Imposition of tax: A tax is hereby imposed upon the privilege of using, in the City, any item of tangible personal property which is purchased at retail from a retailer after August 31, 1990, and which is titled or registered to a purchaser residing within the City of Bloomington with an agency of the State of Illinois, at a rate of ~~one-half~~ three-quarters of one percent (~~1/2%~~) (3/4%) of the selling price of such tangible personal property.

Section Two: Except as provided for herein, the Bloomington City Code, 1960, as amended, shall remain in full force and effect.

Section Three: The City Clerk is authorized to publish this ordinance in pamphlet form as provided by law.

Section Four: This ordinance shall be effective May 1, 2009.

Section Five: This ordinance is passed and approved pursuant to the home rule authority granted Article VII, Section 6 of the 1970 Illinois Constitution.

PASSED this 13th day of April, 2009.

APPROVED this 14th day of April, 2009.

APPROVED:

Stephen F. Stockton
Mayor

ATTEST:

Tracey Covert
City Clerk

Alderman Schmidt questioned the Use Tax. Todd Greenburg, Corporation Counsel, addressed the Council. This tax has been around for decades. It was previously known as

the personal property tax. It became known as the Use Tax in the 1990's. The Illinois Department Revenue no longer collects this tax. It has been left up the municipalities. It is assessed on the purchase at retail from a retailer. The City has an intergovernmental agreement with the Town of Normal. He acknowledged that there was a lag with out of town dealers. The Town sends out notices to its residents who fail to pay. The City does the final filing in Circuit Court. The proposed Text Amendment would match the Town's rate.

Motion by Alderman Huette, seconded by Alderman Finnegan 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 Huette, Schmidt, Finnegan, Gibson, Hanson and Fruin.

Nays: Aldermen Purcell, Sage and Stearns.

Motion carried.

The following was presented:

SUBJECT: Public Question on the Living Wage

RECOMMENDATION: The City Council had directed that a vote be taken on the Public Question regarding the Living Wage.

BACKGROUND: The City Council first addressed the Living Wage question in November 2004. It was presented in Ordinance form to the Council at their November 22, 2004 meeting. The proposed Ordinance failed by a vote of 4 to 5.

On November 4, 2008, a Public Question appeared on the ballot. It appeared as follows: Living Wage Question: Shall all employees and subcontracted workers of the City of Bloomington be paid a Living Wage of at least \$9.81 per hour, with an annual Cost of Living Adjustment? The Living Wage question passed by a vote of 20,325 to 11,026.

In response to the vote on this Question, the Council held a Work Session on December 6, 2008 on the Living Wage. In addition, a Public Hearing on the Living Wage was also held on March 16, 2009. Council requested that the Public Question appear on their April 13, 2009 Meeting Agenda.

City staff has taken no position on this matter.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: Central Illinois Organizing Project, (CIOP), McLean County Chamber of Commerce, and the general public were informed of the public meetings.

FINANCIAL IMPACT: The initial impact was estimated at \$184,000 to bring seasonal employees up to the \$9.81 per hour wage.

Respectfully submitted for Council consideration.

Prepared by:

Reviewed by:

Tracey Covert
City Clerk

David A. Hales
City Manager

Alderman Huette recalled that this item had appeared on the November ballot. He cited the citizen support for this item during the December 9, 2008 Work Session and March 16, 2009 Public Hearing. The Council needed to finish the process. At this time it was not feasible for the City to assume additional labor costs. Such action would be detrimental to the business community. He wanted to see this item put to a vote this evening.

Alderman Purcell stated that he could not support this item in light of the City's recent lay offs. This item would increase wages for seasonal workers.

Alderman Schmidt made a point of clarification. The Central Illinois Organizing Project, (CIOP), had asked the City to delay this vote. She could not support this item in light of the economy.

Todd Greenburg, Corporation Counsel, addressed the Council. He reminded them that they could not bind future Councils. Neither City management nor the City Manager were inclined to support this item. However, the Council could vote on this issue.

Mayor Stockton expressed his opinion that CIOP would like the Council to reconsider this item in the future.

Alderman Fruin expressed his appreciation to CIOP and Emily Bell, Director of Human Resources, for their efforts to educate the Council on this item. It had been a joint effort to address same. The initiative needed to be more inclusive. It should involve more than the City.

Alderman Stearns noted that the lay offs were real. They were painful and difficult. She cited the possibility for additional lay offs if seasonal wages were increased.

Motion by Alderman Huette, seconded by Alderman Hanson that a vote on the public question, (Living Wage Question: Shall all employees and subcontracted workers of the City of Bloomington be paid a Living Wage of at least \$9.81 per hour, with an annual Cost of Living Adjustment?) be taken.

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

Ayes: None.

Nays: Aldermen Stearns, Huette, Schmidt, Finnegan, Gibson, Hanson, Sage, Fruin and Purcell.

Motion failed.

Alderman Gibson left the meeting at 10:00 p.m.

The following was presented:

SUBJECT: Intergovernmental Agreement between the City and the Bloomington Normal Water Reclamation District

RECOMMENDATION: That the Intergovernmental Agreement be approved, and the Mayor and City Clerk be authorized to executed the necessary documents.

BACKGROUND: The City and the Bloomington Normal Water Reclamation District (BNWRD) have a close working relationship. There have been many formal agreements and informal arrangements that have one or the other performing services on the other's behalf and to reimburse the other for the services performed. A running tally has been kept of who owes who what across all the various agreements and arrangements over the years, but that tally has never been reduced to writing. As key people retire from both the City and BNWRD, and institutional memory fades, it has become evident that the outstanding obligations should be periodically reconciled and reduced into a single agreement.

Staff and BNWRD has prepared an Intergovernmental Agreement for that purpose. This Agreement finalizes the performance due from the City and BNWRD under a 1992 Intergovernmental Agreement to construct the Ireland Grove Road Sewer, provides for payment of tap on fees to BNWRD for properties that were connected to sewer as a result of a City construction project, and resolves a billing error between the City and BNWRD.

The net result is the City will be required to pay BNWRD a lump sum payment of \$29,687.22 on or before June 1, 2009 and make monthly payments of \$8,500 for a period of five (5) years beginning on May 1, 2009. The City will receive three (3) parcels of property valued at \$353,657.64 and BNWRD will construct a gravity sewer with an estimated cost of between \$1,000,000 and \$2,000,000 in return for the City's payments.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: Not applicable.

FINANCIAL IMPACT: This will not create any new obligations. All sums due were previously obligated. It reduces the initial cash outlay by crediting BNWRD's obligations against those owed by the City and spreads the impact of the billing error over multiple years. The lump sum payment will be paid out of the Sewer Depreciation Fund. The installment

payments will be paid out of line item in the Water Operations and Maintenance Fund for payments to other Governmental Units, Acct. Code 74910.

Respectfully submitted for Council consideration.

Prepared by:

Recommended by:

Hannah R. Eisner
Deputy Corporation Counsel

David A. Hales
City Manager

David Hales, City Manager, recommended that this item be laid over until the Council's April 27, 2009 meeting.

Motion by Alderman Schmidt, seconded by Alderman Purcell that the item be laid over until the April 27, 2009 Council meeting.

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

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

Nays: None.

Motion carried.

The following was presented:

SUBJECT: Petition submitted by the City of Bloomington, Illinois, a municipal corporation, requesting a Zoning Text Amendment of Chapter 44, Zoning Code, Section 10-4 to revise Special Use standards for Gravel Pits

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

BACKGROUND: With the recent publicity of gravel pit proposals, staff reviewed the City's standards for Special Use permits related to gravel pits and asphalt plants, and found them to be inadequate. Consequently, the standards were reviewed, modified, and taken before the Planning Commission for public input on January 28, 2009. The meeting resulted in the proposal being sent back to staff for further input. Staff followed up with contributions from local business representatives, industry associations, and legal representatives. The standards were revised and taken back to the Planning Commission on March 25, 2009. After reviewing the updated proposal and taking testimony from interested parties, the Commission recommended the new language with three (3) modifications: 1.) a process for allowing alternative hours of operation; 2.) requiring an eight (8) foot high security fence; and 3.) elimination of the minimum lot size for gravel and mining operations.

PLANNING COMMISSION ACTION: Tim Potts, Planning Technician, noted that this case had been continued from the Commission's January 29, 2009 meeting. Chairperson Cain opened the public hearing and requested that Mark Huber, Director of PACE, make opening comments. Mr. Huber distributed copies showing the original text in black, initial changes in red, and the current proposed version in blue. He reported that discussions had been held with representatives of the Illinois Association of Aggregate Producers and with the interested land use attorneys, and that a review had been made of the Town of Normal and McLean County Ordinances. He summarized the following: 1.) language was removed which was deemed in conflict with state regulation; 2.) the minimum separation distance from protected occupancies was reduced from 2500 to 2000 feet; 3.) the property boundary setback was reduced from 250 to 100 feet; 4.) operating hours were expanded to 6 a.m. to 7:30 p.m. Monday through Saturday; 5.) required fence height was reduced to six (6) feet; and 6.) the required lot size for asphalt plants was reduced from 35 acres to 10 acres. He viewed the current version as a good compromise.

Commissioner Dulac said that an eight foot (8') fence would provide more security and clarified that a gravel pit or an asphalt plant would have to be an approved Special Use in an M-2, General Manufacturing District.

Chairperson Cain asked for testimony in favor of this petition. The following persons came forward:

Ms. Susan Schafer, 1404 Steeplechase.

Ms. Schafer stated that she serves as President of the Southwest Bloomington Residents Association. She noted there had been many compromises, and although she preferred the previous version, she said the current draft was a workable document. Commissioner Shaw inquired if the membership of her association was also in support. Ms. Schafer replied affirmatively. Commissioner Shaw inquired about the size of the association. Ms. Schafer replied that it included about 2,000 homes.

Chairperson Cain asked for testimony in opposition to this petition. The following persons came forward:

Mr. John Henriksen, 1115 South Second Street, Springfield, Illinois

Mr. Robert Lenz, Attorney at Law, 202 N. Center Street, Suite #2.

Mr. Henriksen noted his appreciation for the efforts made to respond to concerns and urged further changes. He would like to see the boundary setback changed to a distance of only 1000 feet and to have it be measured from the operation to the protected occupancies. He did not know of any other municipalities that required such a large separation. He stressed that a gravel extraction operation would not involve the more objectionable crushing and blasting noise factors in a limestone quarry. He stated that the 2000 foot distance separation requirement could make operations infeasible and preclude use of the land. Mr. Henriksen requested that a berm not be required in tandem with the fencing. If appearance was of concern, at-grade landscaping could be installed in conjunction with the fence. Regarding bonding, he pointed out that if the state has a site under permit, a bond is required. He noted that gravel extraction is often followed

by a good residential or commercial development, and stressed that an operation site brings jobs, sales tax revenue, and needed mineral resources.

Commissioner Baughan clarified that a required berm is not necessarily a safety feature to keep individuals out of the site. Mr. Henriksen agreed but commented that a berm can be a good way to preserve topsoil and attenuate noise to adjacent uses.

Commissioner Wills stated that using a measurement from the location of operations on a site would be a 'moving target' and impractical to try to enforce. Commissioner Shaw agreed and preferred the use of the property line as the point of reference. Mr. Henriksen said the operation plan would show the edge of the excavation area.

Mr. Lenz stated that he has represented Stark Excavation Company for gravel pits and Rowe Construction Company for asphalt plants. The location of operations were illustrated quite definitely by the site plan which is filed in connection with the Special Use request. He added that this was not a moving target. The minimum lot size of thirty-five (35) acres is too large. He cited an operation of Stark's in Downs Township that utilized less than twenty (20) acres. A requirement for fifteen (15) or twenty (20) acres is more reasonable. Rowe has had an asphalt plant on five (5) acres in Normal and pointed out that it has not slowed residential development at the Landing nor at Ironwood. He also pointed to the concrete batch plant on East Grove Street which is surrounded by residential development and observed that it has not had a negative impact on property values.

He suggested that the City survey for mineral resources and determine if the Ordinance is even needed. A 2000 foot setback from protected occupancies is too great and a 1000 foot distance is more reasonable.

Commissioner Shaw questioned if there might be an impression that there was a preference to disallow such uses within the City boundaries. Mr. Lenz agreed that was a concern. He preferred to see a provision for an exemption to operating hours. There are times when work should be performed overnight. He urged using language that he had helped draft and was subsequently included in the Town's Ordinance. Mr. Henriksen agreed that there should be an exemption for times when government contracts require work to be performed after hours. Mr. Lenz pointed out that the County's Ordinances related to mining and asphalt plants only requires a 1000 foot separation.

Mr. Huber commented that the County's Code states 1000 feet in one part but cites a separation of a mile and a half in another. He noted that Phil Dick, County Building and Zoning Director, will be seeking to clarify their code. As to the issue of bonding, Mr. Huber stressed that the Illinois Association of Aggregate Producers Association's requested language had been incorporated into the Code. He stated that it gave the City the option to require a bond if the State had not required one. He noted that the City allows the developers to survey for minerals they might wish to extract. He added that standards are written for the City as a whole, and noted that the terms on hours of operation could be discussed at the time of the Special Use process.

Commissioner Dulac repeated that the process is to have M-2 zoning and then to obtain a Special Use for a gravel pit or asphalt plant. He suggested that a separate zoning district could be created for these uses and thereby require hearings before both the Planning Commission and the Zoning Board of Appeals. Mr. Huber expressed the opinion that the M-2 zoning was broad enough to include these uses and that the Special Use process can adjust for the needs of individual proposals.

Commissioner Stuckey inquired how the 2000 foot requirement had been derived. Mr. Huber responded that the original proposal had been 2500 feet, roughly a half mile, and that a reduction to 2000 feet had seemed a reasonable compromise. Commissioner Dulac questioned the thirty-five (35) acre minimum lot size requirement. Mr. Huber explained that the idea is to require enough size to contain the operation in one place: to dredge, to sort, to stockpile materials, and to load trucks. Mr. Lenz pointed out that trucking operations do not have separation requirements. Commissioner Dulac questioned whether any other manufacturing facility had limits to hours of operation. Mr. Huber replied negatively.

Chairperson Cain asked for any other testimony and hearing none, closed the public hearing.

Commissioner Dulac commented that if a distance separation of 2000 feet is required then perhaps the hours of operation should not matter. He also questioned the need to set a minimum lot size. Commissioner Wills commented that the 2000 foot separation requirement seemed too arbitrary.

Commissioner Dulac noted his belief that a separation distance of even 1000 feet might be sufficient to avoid a negative impact on property values of affected parcels, but he could support 2000 feet. Commissioner Wills related that he is only a quarter mile away from the Modahl Scott batch plant on East Grove Street, and he does not notice it. Commissioner Baughan praised the current ownership for keeping it clean and well run.

Commissioner Morton disagreed with the hours of operation and said this type of work needs flexibility to maximize daylight hours and to be able to continue working after sunset to finish. Commissioner Harrison agreed that flexibility was needed in the hours of operation. He noted that trucks can get backed up and pondered how long a load could be held before it is used.

Commissioner Baughan would consider removing the limits to hours of operation and noted that care should be taken not to route trucks through residential areas. Commissioner Stuckey observed there were many concerns still being debated and wondered if this matter was ready for a recommendation. Commissioner Shaw stated that a lot of work had been performed to bring positions closer.

Discussion by the Commission indicated a desire to amend some of the proposed standards. This resulted in a fair amount of discussion concerning rules of order and proper procedure. It was agreed to vote on this motion and to entertain additional motions for amendments leading to a final recommendation to City Council.

Motion by Commissioner Shaw, seconded by Chairman Cain to recommend City Council approval of the staff's text amendment in Case Z-02-09 with an amendment that the language used in the Town of Normal's Ordinance governing mining activities and asphalt plants in regard to exemption to the hours of operation also be incorporated in the City's Ordinance.

Motion passed by a vote of 7 to 2.

Ayes: Commissioners Shaw, Cain, Dulac, Schulz, Morton, Stuckey, and Wills

Nays: Commissioners Harrison and Baughan.

Absent: Commissioner Brandt.

Motion by Commissioner Dulac, seconded by Commissioner Shaw that the required fence height be set at eight (8) feet.

Motion passed by a vote of 6 to 3.

Ayes: Commissioner Dulac, Shaw, Cain, Schulz, Stuckey, and Wills.

Nays: Commissioners Morton, Harrison, and Baughan.

Absent: Commissioner Brandt.

Motion by Commissioner Wills, seconded Commissioner Morton that the minimum distance to protected occupancies, Dwellings, Day Care Centers, and Schools be reduced to 1000'.

Motion failed by a vote of 4 to 5.

Ayes: Commissioners Wills, Morton, Baughan, and Stuckey.

Nays: Commissioners Dulac, Shaw, Cain, Schulz, and Harrison.

Absent: Commissioner Brandt.

Motion by Commissioner Schulz, seconded by Commissioner Dulac that there be no minimum lot size required for a mining, quarrying site (gravel pit.)

Motion passed by a vote of 6 to 3.

Ayes: Commissioners Schulz, Dulac, Wills, Morton, Baughan, and Stuckey.

Nays: Commissioners Shaw, Cain and Harrison.

Absent: Commissioner Brandt.

Bringing the aforementioned items together for a recommendation, Commissioner Dulac moved, seconded by Commissioner Schulz to recommend to City Council approval of the staff's recommended text amendment in Case Z-02-09 with the additional amendments: 1.) that the language used in the Town of Normal's Ordinance governing mining activities and asphalt plants in regard to exemption of the hours of operation be also incorporated in the City's Ordinance; 2.) the required fence height be set at eight feet; and 3.) there be no minimum lot size required for a mining, quarrying site (gravel pit.)

Motion passed by a vote of 6 to 3.

Ayes: Commissioners Schulz, Dulac, Wills, Morton, Baughan, and Cain.

Nays: Commissioners Stuckey, Shaw, and Harrison.

Absent: Commissioner Brandt.

The Public Hearing before the Planning Commission on these two (2) items were held jointly. This evening, the Council will address the Text Amendment and Ordinance for Mining, (Gravel Pits). The Council addressed the Text Amendment and Ordinance for Asphalt Plants at a future meeting.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: Local gravel and asphalt interests, Illinois Association of Aggregate Producers, and legal councils for interested parties were communicated with by staff.

FINANCIAL IMPACT: Not Applicable.

Respectfully submitted for Council consideration.

Prepared by:

Mark Huber
Director PACE

Reviewed as to legal sufficiency by:

Hannah Eisner
Deputy Corporation Counsel

Recommended by:

David A. Hales
City Manager

PETITION FOR ZONING TEXT AMENDMENT

STATE OF ILLINOIS)
) ss.
COUNTY OF MC LEAN)

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

Now comes the City of Bloomington, McLean County, Illinois, a Municipal Corporation, hereinafter referred to as your Petitioner respectfully representing and requesting as follows:

1. That the text of Chapter 44, Section 44.10-4, of the Bloomington City Code - 1960, as amended, does not provide a comprehensive listing of more suitable and up-to-date standards, requirements and conditions for the issuance of special use permits for mining and quarrying, including gravel pits, sand pits, clay pits, stone quarries and similar mining activities;
2. That your Petitioner hereby requests that said Section 44.10-4 be amended as hereinafter printed in Exhibit 1, attached hereto and made a part hereof, by providing such comprehensive listing of more suitable and up-to-date standards, requirements and conditions for the issuance of special use permits for mining and quarrying, including gravel pits, sand pits, clay pits; stone quarries and similar mining activities;
3. That the approval of said amendment will substantially reflect the philosophy and intent of Chapter 44 of the Bloomington City Code - 1960, as amended; and
4. That the approval of said amendment will offer benefits to the general public in excess of the hardships, limitations or restrictions imposed upon any definitive faction of the City of Bloomington, McLean County, Illinois that is affected by such proposed amendment of said Section 44.10-4.

WHEREFORE, your Petitioner respectfully prays that this petition to amend Chapter 44, Section 44.10-4 of the Bloomington City Code - 1960, as amended, as stated herein be approved in the public interest.

Respectfully submitted,

THE CITY OF BLOOMINGTON,
A Municipal Corporation,

Kenneth Emmons
City Planner

ORDINANCE NO. 2009 - 26

AN ORDINANCE TO AMEND THE TEXT OF CHAPTER 44, SECTION 44.10-4, OF THE BLOOMINGTON CITY CODE - 1960, AS AMENDED, BY PROVIDING A COMPREHENSIVE LISTING OF MORE SUITABLE AND UP-TO-DATE STANDARDS, REQUIREMENTS AND CONDITIONS FOR THE ISSUANCE OF SPECIAL USE PERMITS FOR MINING AND QUARRYING, INCLUDING GRAVEL PITS, SAND PITS, CLAY PITS, STONE QUARRIES AND SIMILAR MINING ACTIVITIES

WHEREAS, there was heretofore filed with the City Clerk of the City of Bloomington, McLean County, Illinois, a Petition praying for the amendment of Chapter 44, Section 44.10-4, of the Bloomington City Code - 1960, as amended, by providing a comprehensive listing of more suitable and up-to-date standards, requirements and conditions for the issuance of special use permits for mining and quarrying, including gravel pits, sand pits, clay pits, stone quarries and similar mining activities;

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

WHEREAS, the text amendment prayed for in said Petition is in the public interest; and

WHEREAS, the City Council of said City has the power to pass this Ordinance to amend said Section 44.10-4, of Chapter 44 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 Chapter 44, Section 44.10-4, of the Bloomington City Code - 1960, as amended, shall and the same is hereby amended as printed in Exhibit 1 , attached hereto and made a part hereof;
2. Except as provided herein, the Bloomington City Code, as amended, shall remain in full force and effect;
3. The City Clerk shall be, and she is hereby directed and authorized to publish this Ordinance in pamphlet form as provided by law;
4. 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;
5. This Ordinance shall take effect immediately upon passage and approval.

PASSED this 13th day of April, 2009.

APPROVED this 14th day of April, 2009.

Stephen F. Stockton
Mayor

ATTEST:

Tracey Covert
City Clerk

EXHIBIT 1

Mining, Quarrying:

The following regulations shall apply to the operation of all gravel pits, sand pits, clay pits, stone quarries and other similar mining activities for natural resources of commercial value:

- (1) **Minimum Distance away from Dwellings, Day Care Centers, and Schools:** The closest lot line for any proposed mining or quarrying involving, excavating, sorting, crushing, loading, hauling, storage or cutting of stone shall not be located within two thousand, (2000) feet of a dwelling, a daycare center or a school regardless of whether the dwelling, daycare center or school is inside or outside the corporate limits of the City of Bloomington.
- (2) **Minimum Setback from Property Boundaries:** A natural buffer strip at least one hundred (100) feet wide must be maintained between the working edge of any excavation or quarry and any property boundary. Natural buffer strip materials may consist of earthen berm of not less than six (6) feet in height, hedges, rows of trees or other fast growing foliage that will obscure the sight of the mining operation.
- (3) **Operating Hours:** Shall be limited to 6:00 a.m. to 7:30 p.m., Mondays through Saturday. Expanded hours and Sunday operations may be allowed on an occasional basis (no more than 12 projects per year) provided such operation is registered in advance with the City of Bloomington. During expanded hours and Sunday operation, the City Manager may impose additional restrictions reasonably related to health, safety and welfare.
- (4) **Minimum Fencing/Screening Requirements:** A wire mesh or chain link fence shall be installed and maintained around the perimeter of the mining or quarrying site. Said fence shall have a height of at least eight (8) feet. All gates in the fence shall be locked whenever workers are not present. Parking lots shall be screened from adjacent dwellings in accordance with Section 44.4-7 C. of this Code.
- (5) **Maximum Sound Levels:** Noise shall not exceed sound levels set forth in 35 Ill. Code Part 900.101 et. seq. as promulgated from time to time by the Illinois Pollution Control Board pursuant to 415 ILCS5/25.

- (6) Maximum Height: Same requirements as required in the zoning district in which the special use is proposed to be located.
- (7) Additional Requirements:
 - (a) The proposed site for the mining or quarrying use shall be contiguous to a major or collector street that has been improved (thickness and width) to accommodate the anticipated traffic in accordance with the Bureau of Local Roads and Streets Manual, published by the Illinois Department of Transportation.
 - (b) The proposed mining or quarrying use shall comply with all applicable regulations of the Illinois Environmental Protection Agency.
 - (c) Parking spaces shall be provided in accordance with Section 44.7-2 of this Code (one (1) parking space for every six hundred (600) square feet of gross floor area of buildings on the premises).
 - (d) Paving: The facility shall have a driveway paved with an approved concrete or asphalt/concrete surface and at least twenty-five (25) feet wide and extending two hundred fifty (250) feet inside the main access gate, so as to limit adjoining lots and public roads from the nuisance caused by wind-born dust. All roads, driveways, parking lots and loading and unloading areas not required to be paved shall be kept in as dust-free condition as possible, using application of dust-inhibitors if necessary so as to limit the nuisance caused by wind-borne dust.
 - (e) The site shall be provided with a sustainable water supply for fire protection by fire department pumping apparatus.
 - (f) The required site plan shall also indicate existing topography (2 foot intervals), water courses and drainage ways through the site, area to be excavated and appropriate topography after excavation is completed (2 foot intervals), erosion and sediment control devices, proposed locations for sorting, grading, crushing, and similar operations, locations of vehicular access and egress, and any proposed lighting.
 - (g) A reclamation plan shall also be required indicating the intended method of site restoration and reuse. Such a plan shall not encourage spot development that would potentially be in conflict with surrounding land uses.
 - (h) A surety bond or other reasonable requirement of assurance that such a reclamation project will be completed shall be required by the City Council in the event that the mine operator is not required to post bond under the Surface Mined Land Conservation and Reclamation Act. (225 ILCS 716.8.)
- (8) Potable water wells and water supplies shall be protected per the Illinois Groundwater Protection Act.

Mark Huber, Director – PACE, addressed the Council. He reviewed the Special Use process. This item appeared before the Planning Commission in January and March 2009. It was before the Council this evening.

Alderman Purcell questioned the ability to operate a gravel pit within the City. Mr. Huber noted that within the City it would need to be address in an Annexation Agreement. He added that a Special Use would also be required.

Mayor Stockton noted the 2000' of separation. Mr. Huber acknowledged that it would be difficult to meet. A petitioner could request additional waivers.

Alderman Purcell cited White Oak Park. This park would not exist under these guidelines. He had attempted to evaluate this item. He also had visited the park.

Alderman Schmidt questioned if this text amendment was modeled after another municipality. Mr. Huber informed the Council that he had spoken to individuals employed in the industry, land developers, etc. He had also reviewed McLean County's code.

Mayor Stockton noted that it would be applied to dwellings within and outside of the City. Todd Greenburg, Corporation Counsel, addressed the Council. The language within the Petition could be amended.

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

Motion carried.

Bob Lenz, 202 N. Center St., addressed the Council. He spoke as the attorney for Stark Excavating. The City's zoning ordinance had worked for over forty (40) years. This item was driven by two (2) requests for gravel pits. He addressed the 2,000' requirement for a five (5) acre site. An individual would need a 500 acre site. The land would have to be zoned M – 2, General Manufacturing District. There was no plan to zone 500 acres M – 2 any where in McLean County. Public policy should be based upon a rational, factual basis. He cited various former petitions for gravel pits. The City would be outlawing a necessary industry. He encouraged the Council to consider the geography. He noted White Oak Park. Truck traffic used Western Ave. They passed Sheridan Elementary School and the Kletzville neighborhood.

In Normal, land may be zoned M -1, Restricted Manufacturing District or M – 2. No separation was required. Gravel pits require a Special Use with a fifty foot (50') setback. A six foot (6') mess fence was also required. There were gravel pits which were located several blocks away. He expressed support for the Town's ordinance.

There was a long history of mining in the City. The mined materials were necessary. In the end, a mining operation was a benefit to the community. The City's approach would be radically different from the Town and the County. The County's

setback was applied from the edge of the mining excavation area. The City planned to use the lot lines. Currently, the City had a Special Use process. The land must be zoned M – 1. Gravel must be mined where it is located.

Alderman Hanson noted that mining had occurred in areas that were sparsely populated. He addressed what would be located within the boundaries – noise, dust, and traffic. Mr. Lenz informed the Council that petitioners obtain maps which show where the gravel was located. He restated that the City was abolishing an industry. Gravel deposits follow Sugar Creek. The information was available. The exact location was not known until after drilling is done.

Mayor Stockton noted that Buddy Hall's plan for a gravel pit had been stopped. The Annexation Agreement was not received well. Mr. Lenz cited the economic impact of this petition. In order to have an affordable development, the necessary material needed to be available locally. No one wanted to be close to a gravel pit. A Special Use hearing had been required and the process worked. The City has an effective process. No one would be able to meet the proposed standard. The City would be over reaching the standards.

Alderman Hanson questioned differences with McLean County's ordinance. Mr. Lenz stated that currently the County requires an approved site plan. There must be 1,000' from the excavating site to a parcel of land zoned residential. It should be legitimate to mine gravel.

Susan Schaefer, 1404 Steeplechase, addressed the Council. She read a brief statement. No one was being targeted. She addressed the proposed Hall gravel pit. She cited infrastructure problems. She believed that the property line was enforceable. The County did not have any maps. It was currently reviewing its ordinances.

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

Motion carried.

Alderman Fruin questioned if the Council should vote on this item or begin working with the County regarding same.

Alderman Finnegan described this proposal as draconian. The City would be putting people out of business. He questioned property rights and encouraged staff to look at this issue again.

Alderman Schmidt questioned where the County was at on this issue. Mr. Huber noted that as of this date he was not sure. He noted that there was some confusion. The goal was to correct same. The 1,000' was the standard. Mining was separated from blasting.

Mayor Stockton encouraged staff to coordinate the City's efforts with the County. Separation was to protect properties regardless of location, (in the City or in the County).

Alderman Sage expressed his opinion that 2,000' was a reasonable compromise between 1,000' or a half (1/2) mile. He questioned the legality. Hannah Eisner, Deputy Corporation Counsel, addressed the Council. She noted that the zoning ordinance must have a rational basis for its requirements. This is not a hard test to meet. She cited the impact of noise, dust, traffic, etc. The City may impose restrictions. Mr. Greenburg added that the City might be named in a lawsuit. The City had the responsibility to protect public health and safety. An ordinance was a legal document and a policy decision. Alderman Sage informed the Council that the American Planning Association had performed an extensive review. Mr. Huber had reviewed some of the literature. Alderman Sage expressed his opinion that the compromise was reasonable. He would not support coordinating the City efforts with the County.

Alderman Purcell expressed his discomfort with the 2,000'. He planned to support the item.

Alderman Fruin did not see the urgency. He expressed his interest in having the opportunity to coordinate the City's efforts with the County. He was interested in a joint effort.

Alderman Stearns expressed her support for neighborhood self determination. There was no reason to work with the County. The County was a separate legislative body.

Mayor Stockton stated that 2,000' was too long. He believed that the City should coordinate its efforts with the County.

Alderman Sage was unsure when the County would act. Mayor Stockton expressed his interest in protecting residences located within the County.

Mr. Greenburg expressed his opinion that the language was ambiguous. The ordinance could be amended. The first standard could be changed. Alderman Sage requested that staff be directed to clarify the language which would be applied to land located within the City and/or the County.

Motion by Alderman Sage, seconded by Alderman Schmidt that the revised Text Amendment (clarifying Standard 1 would be applicable inside or outside of the corporate limits) 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, Hanson, Sage and Purcell.

Nays: Aldermen Fruin and Finnegan.

Motion carried.

The following was presented:

SUBJECT: Analysis of Bid for Towing 10,000 GVW and Under

RECOMMENDATION: That the bid from Joe's Towing & Recovery be accepted and the Mayor and City Clerk be authorized to execute the necessary documents.

BACKGROUND: A bid was let on March 5, 2009 for light-duty towing. Two (2) bids were received on March 19, 2009, however, the bid from Brown's Towing was a "No Bid," and was not identified on the exterior of the envelope as such. The specification was for the towing, winching, and other miscellaneous services for City-owned cars, trucks and light equipment 10,000 GVW and under. The specification also includes Police-ordered towing or relocation and storage of vehicles. The vendor must provide services as needed twenty-four (24) hours per day, for 365 days per each awarded year.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: Bids were mailed to vendors and published in the Pantagraph as required by State of Illinois statute.

FINANCIAL IMPACT: The term of the bid is for one (1) year, beginning May 1, 2009 and includes annual renewal options upon mutual agreement of both parties until April 30, 2014. The specification required that the City not be charged for the following services:

Description of ServiceAmount

Towing of City owned cars and equipment under 10,000 GVW	No Charge to the City
Towing of other cars and equipment	No Charge to the City
Tire changes	No Charge to the City
Abandoned and impounded vehicle storage charge to the City	No Charge to the City
Storage of City owned vehicles	No Charge to the City
Power Starting or Jump Starting of City owned vehicles	No Charge to the City

Joe's Towing agreed with the above requests. Additionally, the bid includes the following services and the amounts for those services per bid from Joe's Towing:

Winching	\$50.00
Outside City mileage rate	\$2.00/mile
Transport/tow vehicles to and from the BPD Range per round trip	\$50.00
Vehicles for training purposes (one time fee per vehicle)	\$0

Amount to be paid to the City of Bloomington per fiscal year:

Fiscal year 2009/2010	\$47,500
Fiscal year 2010/2011	\$47,500
Fiscal year 2011/2012	\$47,500
Fiscal year 2012/2013	\$47,500
Fiscal year 2013/2014	\$47,500

As condition of this tow bid, the successful towing operator will be required to pay the City an annual referral fee for receiving the tow referrals from the Police Department. This will include

tows from accident scenes, Police Department arrests that require the vehicle to be towed and abandoned vehicles that the owner would retrieve. This payment will be made to the City upon issuance of the Purchase Order.

Respectfully submitted for Council consideration,

Prepared by:

Recommended by:

Jim Karch
Interim Director of Public Works

Kim Nicholson
Purchasing Agent

David A. Hales
City Manager

David Hales, City Manager, introduced this item. He expressed his appreciation to Barb Adkins, Deputy City Manager; Jim Karch, Interim Director of Public Works; and Kim Nicholson, Purchasing Agent, for their efforts. This service was last bid in 2006. Mr. Karch addressed the Council. He noted that the City's fleet operations had recently be transferred to his supervision. Meetings were held with the local towing companies. Another meeting would be held in November 2009 to research better ways of providing these services. He recommended that the bid be approved.

Alderman Huette questioned Southtown Wrecker. Mr. Karch noted that the City sold vehicles and needed security. The City was interested in a cooperative approach. The goal was to save the City money.

Motion by Alderman Schmidt, seconded by Alderman Hanson that the bid from Joe's Towing & Recovery be accepted and the Purchasing Agent be authorized to issue a Purchase Order.

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

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

Nays: None.

Motion carried.

The following was presented:

One Bid for Grass and Weed Mowing for Community Development. Mark Huber, Director – PACE, addressed the Council. He recommended that the lone bid be rejected.

Motion by Alderman Schmidt, seconded by Alderman Purcell that the bid be rejected.

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

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

Nays: None.

Motion carried.

MAYOR'S DISCUSSION: Mayor Stockton informed the Council that the Liquor Commission had began discussion regarding alcohol service at Miller Park Pavilion and Davis Lodge for private functions.

He noted the Blue Star Mothers request to hang banners for active military personnel. The City would hang the banners after IDOT (Illinois Department of Transportation) and the utility companies gave their approvals. He expressed his appreciation to staff for their thoughts on this request.

ALDERMAN'S DISCUSSION: Alderman Finnegan expressed his appreciation for the condolences which had been expressed to his family. The individual would be charged with first degree murder. A child was dead and his family had been destroyed. Mayor Stockton offered condolences on behalf of the City.

CITY MANAGER'S DISCUSSION: David Hales, City Manager, stated that he had one (1) last item. An IDOT agreement. A critical issue was the local portion funding. IDOT wanted the permit from the City for the June bid letting by Friday, April 17, 2009. Dollars would be loaned from park land dedication. Staff had hoped to delay this project. The item would appear on the Council's April 27, 2009 meeting agenda. He questioned the Council's comfort level with this approach.

Alderman Schmidt did not want to take any chances. Mr. Hales noted that the General Fund would have to repay this cost.

Todd Greenburg, Corporation Counsel, addressed the Council. He reminded them of the Open Meetings Act's forty-eight (48) hour requirement. Ratification would have been problematic tonight. This item would appear on the Council's April 27, 2009 meeting agenda.

Alderman Purcell questioned repayment. Mr. Hales planned to address General Fund revenue in the near future. He planned to present the Council with alternatives for the 2010/2011 fiscal year. Mayor Stockton stated that he did not like to conduct business this way. He cited the \$1,000,000 cost.

Motion by Alderman Schmidt, seconded by Alderman Purcell, that the meeting be adjourned. Time: 11:14 p.m.

Motion carried.

**Tracey Covert
City Clerk**