

**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, March 9, 2009.

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

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

Aldermen: Judy Stearns, Kevin Huette, Allen Gibson, David Sage, John Hanson, Jim Finnegan, Steven Purcell, Karen Schmidt, and Mayor Stephen F. Stockton.

Alderman Absent: Jim Fruin.

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

The following was presented:

David Hales, City Manager, addressed the Council. He noted one of the privileges of his position was to appoint department heads within the City. City staff raised the bar regarding excellence in performance.

He introduced Randy McKinley, Interim Police Chief. Interim Chief McKinley demonstrated leadership within programs and services. His credentials were impressive. He was a premium law enforcement officer. Crime prevention and public safety were his high priorities.

Tracey Covert, City Clerk, administered the Oath of Office for Police Chief McKinley.

Chief McKinley addressed the Council. He was accompanied this evening by his wife and daughter. Department goals and budget issues would be the top priorities. He was humbled and proud to accept this position. The City had a fantastic Police Department. He would work to gain the respect of the staff and the community.

The following was presented:

SUBJECT: Council Proceedings of April 24, 2006 and Work Session Minutes of February 18, 2009

RECOMMENDATION: That the reading of the minutes of the previous Council Proceedings of April 24, 2006 and the Work Session Minutes of February 18, 2009 be dispensed with and the minutes approved as printed.

BACKGROUND: The Council Proceedings of April 24, 2006 and the Work Session Minutes of February 18, 2009 have been reviewed and certified as correct and complete by the City Clerk.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: Not applicable.

FINANCIAL IMPACT: Not applicable.

Respectfully submitted for Council consideration.

Prepared by:

Recommended by:

Tracey Covert
City Clerk

David A. Hales
City Manager

Motion by Alderman Schmidt, seconded by Alderman Purcell that the reading of the minutes of the previous Council Meeting of April 24, 2006 and Work Session Minutes of February 18, 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, 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 Friday, March 6, 2009 by posting via the City's web site. After examination, I will notify the Council of any items which may need to be addressed.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: Not applicable.

FINANCIAL IMPACT:

Respectfully submitted for Council consideration.

Prepared by:

Recommended by:

Barbara J. Adkins
Deputy City Manager

David A. Hales
City Manager

Motion by Alderman Schmidt, seconded by Alderman Purcell 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, 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 twenty-second partial payment to McLean County in the amount of \$5,018.68 on a contract amount of \$100,000 of which \$73,225.45 will have been paid to date for work certified as 73% complete for the City's share of the East Side Corridor Study. Completion date – January 2009.
2. The fourth partial payment to Farnsworth Group in the amount of \$18,289.10 on a contract amount of \$94,800 of which \$81,099.30 will have been paid to date for work certified as 86% complete for Constitution Trail Extension Phase II, Grove to Croxton. Completion date – January 2010.
3. The third partial payment to Gildner Plumbing Inc. in the amount of \$3,248.35 on a contract amount of \$116,421 of which \$61,648.35 will have been paid to date for work certified as 53% complete for 2007 – 2008 Detention Basin Improvements. Completion date – May 2009.
4. The twenty-second partial payment to Farnsworth Group in the amount of \$1,879.82 on a contract amount of \$32,562 of which \$25,934.50 will have been paid to date for work certified as 80% complete for Norfolk Southern Railroad Crossing Negotiations. Completion date – December 2009.
5. The second partial payment to Farnsworth Group in the amount of \$2,680 on a contract amount of \$35,000 of which \$10,177.60 will have been paid to date for work certified as 29% complete for ICC Petition for Future Hamilton Rd. Railroad Crossing. Completion date – December 2009.
6. The twenty-ninth partial payment to Clark Dietz, Inc. in the amount of \$19,775.38 on a contract amount of \$392,895 of which \$338,044.94 will have been paid to date for work certified as 86% complete for Hamilton Rd., Timberlake to Main St., f/k/a Hamilton & Main. Completion date – March 2009.
7. The fourteenth partial payment to Clark Dietz, Inc. in the amount of \$7,615.73 on a contract amount of \$305,000 of which \$119,429.36 will have been paid to date for work certified as 39% complete for Locust/Colton St. Sewer Separation & Water Main Replacement Design, CSO Elimination Phase I. Completion date – March 2009.
8. The tenth partial payment to Peoria Metro Construction in the amount of \$110,739.85 on a contract amount of \$2,976,502 of which \$1,839,379.06 will have been paid to date for work certified as 62% complete for Construction of Fire Station #5. Completion date – February 2009.
9. The thirty-third partial payment to APACE Architects & Design in the amount of \$1,561.82 on a contract amount of \$349,800 of which \$341,071.09 will have been paid to date for work certified as 94% complete for Design of Fire Station #5. Completion date – May 2009.

10. The seventh partial payment to 3 D Design Studio in the amount of \$6,133.70 (including \$258.70 for reimbursables) on a contract amount of \$39,625 of which \$34,562.13 (with \$1,162.13 for reimbursables) will have been paid to date for work certified as 84% complete for Comprehensive Park & Recreation Plan. Completion date – May 2009.
11. The third partial payment to Johnston Contractors Inc. in the amount of \$16,235.10 on a contract amount of \$367,700 of which \$112,146.93 will have been paid to date for work certified as 30% complete for McGraw Park Phase II – Restroom Facilities. Completion date – June 2009.
12. The sixth partial payment to Stark Excavating, Inc. in the amount of \$10,690.20 on a contract amount of \$2,546,249.65 of which \$892,747.01 will have been paid to date for work certified as 35% complete for McGraw Park Phase II – General Construction. Completion date – July 2009.
13. The third partial payment to Farr Associates in the amount of \$6,055.98, (including \$1,108.46 for reimbursable) on a contract amount of \$56,910 of which \$15,371.16, (of which \$1,441.60 for reimbursable) will have been paid to date for work certified as 24% complete for Form Based Code Main Street Corridor. Completion date – May 2009.
14. The tenth partial payment to Clark Dietz in the amount of \$21.25 on a contract amount of \$15,000 of which \$12,727.60 will have been paid to date for work certified as 85% complete for Permit Modification from IDNR Evergreen Reservoir Fish Barrier. Completion date – December 2010.
15. The third partial payment to Consoer Townsend in the amount of \$7,961.28 on a contract amount of \$41,760 of which \$11,996.51 will have been paid to date for work certified as 29% complete for Direct Injection of Carbon Dioxide at Treatment Plat. Completion date – December 2009.
16. The twenty-seventh partial payment to Consoer Townsend & Associates in the amount of \$7,685.58 on a contract amount of \$185,000 of which \$127,953.79 will have been paid to date for work certified as 75% complete for Electrical Improvements Lake Bloomington. Completion date – December 2009.
17. The fourteenth partial payment to Farnsworth Group in the amount of \$1,158.50 on a contract amount of \$50,000 of which \$45,955.55 will have been paid to date for work certified as 92% complete for Ultraviolet Light & Hydrogen Peroxide Feasibility Study. Completion date – October 2010.
18. The ninth partial payment to Clark Dietz in the amount of \$4,072.50 on a contract amount of \$50,000 of which \$22,378.52 will have been paid to date for work certified as 45% complete for Water Mapping Service. Completion date – December 2009.

19. The sixteenth partial payment to Consoer Townsend & Associates in the amount of \$140.30 on a contract amount of \$74,800 of which \$72,718.49 will have been paid to date for work certified as 97% complete for In-line Booster Stations at Mitsubishi Motors. Completion date – December 2010.
20. The third partial payment to Leak Detection Services in the amount of \$10,890 on a contract amount of \$39,600 of which \$20,790 will have been paid to date for work certified as 53% complete for Leak Detection. Completion date – December 2009.
21. The fourth and final payment to Stark Excavating, Inc. in the amount of \$19,396.50 on a contract amount of \$102,393.10 of which \$102,237.74 will have been paid to date for work certified as 100% complete for Water Main Improvements for Miller Street. Completion date – December 2008.
22. The fifteenth partial payment to Clark Dietz in the amount of \$1,506.18 on a contract amount of \$84,600 of which \$57,980.40 will have been paid to date for work certified as 69% complete for Parmon Rd. Water Main Replacement. Completion date – December 2009.
23. The fifth partial payment to Clark Dietz, Inc. in the amount of \$1,500 on a contract amount of \$20,000 of which \$5,864.68 will have been paid to date for work certified as 29% complete for Inspection Services Towanda Barnes from Rt. 9 to Oakland. Completion date – December 2009.
24. The third partial payment to Farnsworth Group in the amount of \$7,061.50 on a contract amount of \$103,000 of which \$10,804 will have been paid to date for work certified as 10% complete for Inspection Services for Pipeline Rd. Transmission Main Replacement. Completion date – December 2010.
25. The second partial payment to Clark Dietz, Inc. in the amount of \$2,551.51 on a contract amount of \$20,000 of which \$5,537.92 will have been paid to date for work certified as 28% complete for Inspection of Water Main Construction on Ireland Grove from Kickapoo Creek to Benjamin School. Completion date – December 2009.
26. The fourth partial payment to Clark Dietz, Inc. in the amount of \$756.75 on a contract amount of \$21,700 of which \$11,586.74 will have been paid to date for work certified as 53% complete for Observation of Water Main on Lincoln St. from Bunn to Morrissey. Completion date – July 2009.
27. The sixth partial payment to Clark Dietz, Inc. in the amount of \$440 on a contract amount of \$20,000 of which \$10,395.54 will have been paid to date for work certified as 52% complete for Inspection Services of Water Main Construction on E. Lincoln from Morrissey to McGregor. Completion date – December 2009.

28. The ninth partial payment to Clark Dietz, Inc. in the amount of \$3,645 on a contract amount of \$20,000 of which \$17,083.15 will have been paid to date for work certified as 85% complete for Inspection Services for Water Main Installation on W. Miller St. Completion date – December 2009.

29. The fourteenth partial payment to Clark Dietz in the amount of \$95 on a contract amount of \$60,000 of which \$53,324.37 will have been paid to date for work certified as 89% complete for Observation/Inspection of Parkview Water Main Phase 1. Completion date – January 2010.

Respectfully submitted for Council consideration.

Prepared and recommended by:

David A. Hales
City Manager

Motion by Alderman Schmidt, seconded by Alderman Purcell 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, and Purcell.

Nays: None.

Motion carried.

The following was presented:

SUBJECT: Request to Waive the Formal Bid Process and Purchase Audio Control Equipment for the Cultural District's Outdoor Stage

RECOMMENDATION: That the formal bid process be waived, the audio mixing console and related equipment be purchased from DYTP Productions, Normal, in the amount of \$18,500, the Purchasing Agent be authorized to issue a Purchase Order for same, and the Resolution adopted.

BACKGROUND: Sound reinforcement is necessary to support public concerts planned for the Cultural District's new outdoor stage, opening this May. Staff has investigated various options, including using existing equipment, renting sound equipment, and has found the following:

1.) Existing sound equipment in the Bloomington Center for the Performing Arts (BCPA) is installed and not easily moved to an outdoor location. Current equipment is also designed for

interior use only and is not suited for exposure to heat and moisture. As such, outdoor concerts will require separate sound equipment.

2.) Average rental costs of a sound system sufficient for the outdoor stage and park are \$2,200 per day. Staff projects the new stage will host ten (10) concerts each summer (6 - 7 self-presented/3 - 4 rentals). The lifespan of sound systems is approximately ten (10) years. Against rental costs, a purchased system would pay for itself in less than five (5) years. By owning a system, the City would also gain income from park event rentals, reducing the payback period to three and a half, (3½) years. Over the remaining years, a purchased system would save the City approximately \$86,000 in rental costs and produce an added \$35,000 in rental income.

DYTP is a local concert sound company that is going out of business. It is seeking to sell its nearly new equipment at a significant discount. Staff has determined that this equipment will meet the needs of artists using the outdoor stage. Staff has inspected the equipment, found it in excellent condition, and believes it will have a lifespan comparable to new equipment. Staff has priced the same equipment new at \$24,834, (Full Compass Systems, Middleton, WI). As such, the City would save \$6,334 by purchasing this equipment from DYTP. The Cultural District previously purchased a similarly used audio monitor system for the BCPA in 2006 from a sound rental company. Staff has been very satisfied with its performance and reliability. DYTP's quoted price of \$18,500 is within budget for this purchase. Staff recommends the purchase of a Midas Verona 480TP sound mixing console and related equipment from DYTP Productions as listed on the vendor's quotation.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: None contacted for this purchase. In planning the park, two (2) public hearings were held. Staff contacted the Cultural District Neighborhood Association and McLean County Arts Center.

FINANCIAL IMPACT: Funds for this purchase will come from external donations already in hand. This sound equipment will enable the City to eliminate future rental expenses and generate income via rentals to external organizations.

Respectfully submitted for Council consideration.

Prepared by:

C. Bruce Marquis
Executive Director, Cultural District

Reviewed as to legal sufficiency:

Hannah Eisner
Deputy Corporation Counsel

Recommended by:

David A. Hales
City Manager

RESOLUTION NO. 2009 - 17

**A RESOLUTION WAIVING THE FORMAL BIDDING PROCESS AND
AUTHORIZING THE PURCHASE OF AUDIO CONTROL EQUIPMENT FOR THE
CULTURAL DISTRICT'S OUTDOOR STAGE FROM DYTP PRODUCTIONS AT A
PURCHASE PRICE OF \$18,500**

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

1. That the bidding process be waived and the Purchasing Agent be authorized to Purchase audio control equipment for the Cultural District's Outdoor Stage from DYTP Productions at a Purchase Price of \$18,500.

ADOPTED this 9th day of March, 2009.

APPROVED this 10th day of March, 2009.

APPROVED:

Stephen F. Stockton
Mayor

ATTEST:

Tracey Covert
City Clerk

Motion by Alderman Schmidt, seconded by Alderman Purcell that the formal bidding process be waived, the audio mixing console and related equipment be purchased from DYTP Productions, Normal, in the amount of \$18,500, the Purchasing Agent authorized to issue a Purchase Order for same, and the Resolution adopted.

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

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

Nays: None.

Motion carried.

The following was presented:

SUBJECT: Request to Waive the Formal Bid Process and Purchase Audio Equipment for the Cultural District's Outdoor Stage

RECOMMENDATION: That the formal bidding process be waived, the amplifiers, speakers and related equipment be purchased from Pro-Sound Center, Normal in the amount of \$49,987.53, the Purchasing Agent be authorized to issue a Purchase Order, and the Resolution adopted.

BACKGROUND: Sound reinforcement is necessary to support public concerts planned for the Cultural District's new outdoor stage, opening this May. Staff has investigated various options, including using existing equipment, renting sound equipment, and has found the following:

1.) Existing sound equipment in the Bloomington Center for the Performing Arts (BCPA) is installed and not easily moved to an outdoor location. Current equipment is also designed for interior use and is not suited for exposure to heat and moisture. As such, outdoor concerts will require separate sound equipment.

2.) Average rental costs to rent a sound system sufficient for the outdoor stage and park are \$2,200 per day. Staff projects the new stage will host ten (10) concerts each summer (6 - 7 self-presented/3 - 4 rentals). The lifespan of sound systems is approximately ten (10) years. Against rental costs, a purchased system would pay for itself in less than five (5) years. By owning a system, the City would also gain income from park event rentals, reducing the payback period to three and a half (3½) years. Over the remaining years, a purchased system would save the City approximately \$86,000 in rental costs and produce an added \$35,000 in rental income.

Pro-Sound Center is the only regional vendor for this equipment and the only area vendor who can also service this equipment. Pro-Sound has previously provided interior sound equipment for the BCPA. This vendor is familiar with the Cultural District and has been reliable in past transactions. Their quoted price of \$49,987.53 is within budget for this purchase. Staff recommends purchasing Electro Voice line array elements, flying grids, power amplifiers, and related equipment from Pro-Sound Center as listed on the vendor's quotation.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: None contacted for this purchase. In planning the park, two (2) public hearings were held. Staff contacted the Cultural District Neighborhood Association and McLean County Arts Center.

FINANCIAL IMPACT: Funds for this purchase will come from a \$50,000 Tourism Assistance Program (TAP) Grant from the Illinois Bureau of Tourism. Purchasing this equipment will enable the City to eliminate rental expenses and generate revenue by renting this equipment to external organizations.

Respectfully submitted for Council consideration.

Prepared by:

C. Bruce Marquis
Executive Director, Cultural District

Recommended by:

David A. Hales
City Manager

Reviewed as to legal sufficiency:

Hannah Eisner
Deputy Corporation Counsel

RESOLUTION NO. 2009 - 18

**A RESOLUTION WAIVING THE FORMAL BIDDING PROCESS AND
AUTHORIZING THE PURCHASE OF AUDIO EQUIPMENT FOR THE CULTURAL
DISTRICT'S OUTDOOR STAGE FROM PRO-SOUND CENTER AT A PURCHASE
PRICE OF \$49,987.53**

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

1. That the bidding process be waived and the Purchasing Agent be authorized to Purchase audio equipment for the Cultural District's outdoor stage from Pro-Sound Center at a Purchase Price of \$49,987.53.

ADOPTED this 9th day of March, 2009.

APPROVED this 10th day of March, 2009.

APPROVED:

Stephen F. Stockton
Mayor

ATTEST:

Tracey Covert
City Clerk

Alderman Stearns noted that the audio equipment was for the Cultural District. A grant had been secured. Festival Park was scheduled to open.

Dick Fasig, 610 E. Douglas, Cultural District Neighborhood Association member, addressed the Council. He was concerned that this item was not put out for bid. David Hales, City Manager, responded. The current equipment was showing its age. Without the bid process, equipment could be received quickly. Staff had completed a cost comparison regarding renting versus purchasing. These items were for Festival Park. The grant would help to cover the cost of the equipment.

Mayor Stockton concurred. Staff had been directed to reduce the number of request to waive the formal bid process.

Alderman Stearns appreciated the question. This was part of fiscal consideration. One of the items would be paid for with donations while the other would be paid for with a grant.

Motion by Alderman Schmidt, seconded by Alderman Purcell that the formal bidding process be waived, the amplifiers, speakers, and related equipment be purchased from Pro-Sound Center, Normal, in the amount of \$49,987.53, the Purchasing Agent authorized to issue a Purchase Order for same, and the Resolution adopted

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

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

Nays: None.

Motion carried.

The following was presented:

SUBJECT: Amendment to Contract for Private Development between City and Interchange City West, LLC

RECOMMENDATION: That the item be laid over until the Council's May 11, 2009 meeting.

BACKGROUND: This item has appeared before the Council on the Council's January 12 and February 9, 2009 meeting agendas. City staff had concurred with the developer's attorney. Both parties have agreed that this item should be laid over until the City's 2009 – 2010 fiscal year.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: The developer and his attorney.

FINANCIAL IMPACT: None.

Respectfully submitted for Council consideration.

Prepared by:

Recommended by:

J. Todd Greenburg
Corporation Counsel

David A. Hales
City Manager

Motion by Alderman Schmidt, seconded by Alderman Purcell that the item be laid over until Council's May 11, 2009 meeting.

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

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

Nays: None.

Motion carried.

The following was presented:

SUBJECT: Amendment to Intergovernmental Agreement and an Ordinance Amending "An Ordinance Describing and Designating an Area Located Partially Within the City of Bloomington, Town of Normal and Unincorporated McLean County as an Enterprise Zone"

RECOMMENDATION: That the amended agreement be approved, the Mayor and City Clerk be authorized to execute the necessary documents, and amended ordinance be passed.

BACKGROUND: The governing bodies of the City of Bloomington, the Town of Normal and the County of McLean have taken action several times in the last two (2) years to revise the boundaries of the Enterprise Zone in order to facilitate the construction of the Horizon Wind Farm project.

Additional territory located in the townships of Dry Grove, Hudson, Normal, and White Oak will be added to the Enterprise Zone. The expansion will connect to the current Enterprise Zone boundary in Normal.

The public hearing on the amendment to the Enterprise Zone was held on March 2, 2009. The Normal Town Council is scheduled to vote on this matter on March 16, 2009. The McLean County Board is also scheduled vote on this matter on March 17, 2009.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: The Economic Development Council of the Bloomington-Normal Area, the Town of Normal, and the County of McLean.

FINANCIAL IMPACT: According to representatives of Horizon, benefits of this addition include, among others:

- The creation of approximately 150 construction jobs and ten to fifteen (10 -15) full time jobs;
- The Project will cost roughly \$340 million, thereby infusing significant capital into the local economy;
- Real estate taxes for the Project will aggregate roughly \$1.27 million per year, thereby providing a significant infusion of money to taxing districts (particularly the school districts); and
- Significant lease payments will be made to local farmers.

Respectfully submitted for Council consideration.

Prepared by:

J. Todd Greenburg
Corporation Counsel

Recommended by:

David A. Hales
City Manager

AMENDMENT TO INTERGOVERNMENTAL AGREEMENT

This Amendment is entered into the 9th day of March, 2009 by and between the City of Bloomington, a municipal corporation, the Town of Normal, a municipal corporation, and the County of McLean, a body politic and incorporate, pursuant to the authority granted under Article VII, Section 10 of the Illinois Constitution and State law.

WHEREAS, the parties entered into an Intergovernmental Agreement in December 1984, for the purpose of creating and operating an Enterprise Zone within the jurisdiction of said parties pursuant to the Illinois Enterprise Zone Act (the "Act"); and,

WHEREAS, the Enterprise Zone was originally certified as an enterprise zone by the Department of Commerce and Economic Opportunity of the State of Illinois effective July 1, 1985; and,

WHEREAS, the Enterprise Zone now encompasses approximately 8.2 square miles; and,

WHEREAS, the Act allows an enterprise zone to encompass up to 13 square miles in the zone is a joint effort of three or more units of government; and,

WHEREAS, it has been determined that certain additional territory contiguous to the Enterprise Zone totaling up to approximately .68 square miles would be benefited by being encompassed within the boundaries of said Enterprise Zone; and,

WHEREAS, it would be in the best interest of the citizens of the City of Bloomington, Illinois, the Town of Normal, Illinois, and the County of McLean, Illinois that said additional territory be included in the Enterprise Zone.

NOW, THEREFORE, BE IT AGREED BETWEEN THE PARTIES AS FOLLOWS:

1. That Section 2 “Description” of the Intergovernmental Agreement, and the property described in Exhibit “E-1a” and incorporated in said Section by reference as subsequently amended, be and the same is hereby amended to include therein the area described in Exhibit A attached hereto (the “Amended Area”), and the Amended Area is hereby designated as part of the Enterprise Zone pursuant to and in accordance with the Act, subject to the approval of the State as provided in the Act.
2. Except to the extent amended hereby, that all provisions, agreements, stipulations, rights, obligations, and duties, set forth in the original Intergovernmental Agreement, as subsequently amended, are hereby ratified and confirmed, and are hereby applies to the Amended Area of the Enterprise Zone in their entirety.

The undersigned parties have caused this Amendment to Intergovernmental Agreement to be executed by their duly designated official, pursuant to authority conferred by their respective governing bodies the date first shown above.

City of Bloomington
A Municipal Corporation

Town of Normal
A Municipal Corporation

County of McLean
A Body Politic and Corporate

Stephen F. Stockton
Mayor

Christopher Koos
Mayor

Matt Sorensen
County Board Chairman

Attest:

Attest:

Attest:

Tracey Covert
City Clerk

Wendellyn J. Briggs
City Clerk

Peggy Ann Milton
County Clerk

ORDINANCE NO. 2009 - 12

AN ORDINANCE AMENDING “AN ORDINANCE DESCRIBING AND DESIGNATING AN AREA LOCATED PARTIALLY WITHIN THE CITY OF BLOOMINGTON, THE TOWN OF NORMAL AND UNINCORPORATED MCLEAN COUNTY AS AN ENTERPRISE ZONE”

WHEREAS, the City of Bloomington did on December 26, 1984, adopt Ordinance No. 1984 – 131, which ordinance describes and designates an area located partially within the City of Bloomington, Town of Normal and unincorporated McLean County as an Enterprise Zone; and

WHEREAS, the City of Bloomington did, on numerous occasions after establishment of the Enterprise Zone, adopt Ordinances amending Ordinance No. 1984 – 131, including those lengthening the duration of the Enterprise Zone and amending the territory included within the Enterprise Zone; and

WHEREAS, the City of Bloomington now desires to amend the territory included within the Enterprise Zone and to memorialize the same by amending the Enterprise Zone Intergovernmental Agreement (as hereafter defined); and

WHEREFORE, a public hearing regarding such amendments has been held as provided by law.

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

SECTION ONE: That Appendix A, which is attached to Ordinance No. 1984 – 131 and incorporated by reference in Section One of said Ordinance, as amended by subsequent Ordinances modifying the boundary of the territory included within the Enterprise Zone, shall be, and the same is, hereby further amended by adding the territory described in Exhibit A to the territory of the Enterprise Zone.

SECTION TWO: That the Mayor of the City of Bloomington, Illinois shall have, and is hereby given authority to execute the Amendment to the Enterprise Zone Intergovernmental Agreement between the Town of Normal, Illinois, The City of Bloomington, Illinois, and the County of McLean, Illinois (the “Enterprise Zone Intergovernmental Agreement”) attached hereto as Exhibit B, which Amendment memorializes the addition of the territory identified in this Ordinance to the territory of the Enterprise Zone.

SECTION THREE: That the provisions of Ordinance No. 1984 – 131 as previously amended and as hereby amended, being “an Ordinance Describing and Designating an Area Located Partially within the City of Bloomington, the Town of Normal, and Unincorporated McLean County as an Enterprise Zone” shall remain in full force and effect.

SECTION FOUR: That this Ordinance shall be in full force and effect from and after its passage and approval and publication as required by law and from and after its approval by the Illinois Department of Commerce and Economic Opportunity.

SECTION FIVE: That the City Clerk be and is hereby directed and authorized to publish this Ordinance in pamphlet form as required by law and forward a certified copy of this Ordinance to the Illinois Department of Commerce and Economic Opportunity for its approval and to file a certified copy of this Ordinance with the County Clerk for McLean County.

SECTION SIX: That this Ordinance is adopted pursuant to the authority granted the City of Bloomington by the Illinois Enterprise Zone Act, and pursuant to Home Rule Authority.

SECTION SEVEN: That the Enterprise Zone Administrator is hereby authorized and directed to cause application to be made to the State of Illinois pursuant to the Illinois Enterprise Zone Act.

PASSED this 9th day of March, 2009.

APPROVED this 10th day of March, 2009.

APPROVED:

Stephen F. Stockton
Mayor

ATTEST:

Tracey Covert
City Clerk

(LEGAL DESCRIPTION, APPENDIX A – ORDINANCE NO. 1984 – 131, AND EXHIBIT B – ENTERPRISE ZONE INTERGOVERNMENTAL AGREEMENT ON FILE IN CLERK’S OFFICE)

Motion by Alderman Schmidt, seconded by Alderman Purcell that the amended agreement be approved, the Mayor and City Clerk authorized to execute the necessary documents, and amended Ordinance passed.

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

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

Nays: None.

Motion carried.

The following was presented:

SUBJECT: Petition from Pinehurst Development, Inc. for approval of a Final Plat for the Resubdivision of Lots 73 through 90 in the Third Addition to Fox Hollow Subdivision

RECOMMENDATION: That the Final Plat be approved and the ordinance passed.

BACKGROUND: Fox Hollow Subdivision is located west of Interstate I-55/74, north of Fox Creek Road and east of Ridge Creek Drive. This area shown in this resubdivision is already final platted as part of the Third Addition to Fox Hollow Subdivision with eighteen (18) lots each approximately thirty-eight feet (38') in width, which is in conformance with the existing Amended Preliminary Plan for Fox Hollow Subdivision as approved on June 11, 2001. Note 1 on the cover of the Preliminary Plan stated that there would be forty-six (46) zero lot line lots zoned R – 2, Mixed Residence District, for the entire development. The zero lot line lots are located in two (2) areas: 1.) the west end of Fox Trot Trail at the cul-de-sac (the area subject of this request) and 2.) the east side of the development along the east side of Fox Trot Trail backing up to I-74/55.

The eastern group of zero lot line lots was reapportioned on a Preliminary Plan approved on March 3, 2006 from nine (9) duplexes or eighteen (18) units to four (4) fourplexes or sixteen (16) units. This resulted in a net decrease in density of two (2) units. This development falls under the cluster regulations in the zoning code. For R – 2 zoning, the minimum lot size is 2400 sq. ft. and the minimum lot width is thirty feet (30') for attached single family dwellings.

The final plat that is the subject of this petition depicts twenty (22) lots rather than the eighteen (18) shown on the Preliminary Plan. However, the new lot configurations do exceed the minimum lot size and widths. The increase in density of four (4) lots on this cul-de-sac is partially offset by the two (2) lot reduction in density previously approved. The overall increase in density of two (2) lots in this subdivision was discussed with Tom Hamilton, former City Manager, in September 2008. Mr. Hamilton ruled that the increase in density and reduction in lot size reflected by this resubdivision were minor changes and did not warrant a revised preliminary plan.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: None.

FINANCIAL IMPACT: None.

Respectfully submitted for Council consideration.

Prepared by:

Reviewed as to legal sufficiency:

Douglas G. Grovesteen
Director of Engineering

Hannah Eisner
Deputy Corporation Counsel

Recommended by:

David A. Hales
City Manager

PETITION FOR APPROVAL OF FINAL PLAT

STATE OF ILLINOIS)
) ss.
COUNTY OF McLEAN)

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

NOW COMES PINEHURST DEVELOPMENT, INC., hereinafter referred to as your Petitioner, respectfully representing and requesting as follows:

1. That your Petitioner is Owner and Developer of the freehold estate therein of the premises hereinafter legally described in Exhibit A, which is attached hereto and made a part hereof by this reference.
2. That your Petitioner seeks approval of the Final Plat for the re-subdivision of said premises to be known and described as “Lots 73 thru 90 in the third addition to Fox Hollow Subdivision, Bloomington, Illinois”, which Final Plat is attached hereto and made a part hereof.
3. That your Petitioner also seeks approval of the following exemptions or variations from the provisions of Chapter 24 of the Bloomington City Code, 1960: N/A.
4. That your Petitioner hereby dedicates to the public, all public rights of way and easements shown on said Final Plat.

WHEREFORE, your Petitioner respectfully prays that the Final Plat for the re-subdivision of “Lots 73 thru 90 in the third addition to Fox Hollow Subdivision, Bloomington, Illinois”, submitted herewith be approved with the exemptions or variations as requested herein.

Respectfully submitted,

Pinehurst Development, Inc.

By: Edward Brady
Its Vice President

ORDINANCE NO. 2009 - 13

AN ORDINANCE APPROVING THE FINAL PLAT FOR THE RE-SUBDIVISION OF LOTS 73 THRU 90 IN THE THIRD ADDITION TO FOX HOLLOW SUBDIVISION, BLOOMINGTON, ILLINOIS

WHEREAS, there was heretofore filed with the City Clerk of the City of Bloomington, McLean County, Illinois, a Petition For Approval of Final Plat for the re-subdivision of “Lots 73 thru 90 in the third addition to Fox Hollow Subdivision, Bloomington, Illinois”, legally described in “Exhibit A” attached hereto and made a part hereof by this reference; and

WHEREAS, said Petition requests that the following exemptions or variations from the provisions of the Bloomington City Code-1960, as amended: N/A; and

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

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

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

1. That the Final Plat for the re-subdivision of “Lots 73 thru 90 in the third addition to Fox Hollow Subdivision, Bloomington, Illinois” and any and all requested exemptions and/or variations be, and the same is hereby approved, and all dedications made therein are accepted.
2. That this ordinance shall be in full force and effective as of the time of its passage and approval.

PASSED this 9th day of March, 2009.

APPROVED this 10th day of March, 2009.

APPROVED:

Stephen F. Stockton, Mayor

ATTEST:

Tracey Covert, City Clerk

EXHIBIT A

A part of Section 18, Township 23 North, Range 2 East of the Third Principal Meridian in McLean County, IL more particularly described as follows:

Beginning at the Northwest corner of Outlot 55 in the Second Addition of Fox Hollow Subdivision thence North 01 degrees 34 minutes 39 seconds West 260.24 feet along the Westerly line of Ridgewood Subdivision;

Thence North 87 degrees 51 minutes 43 seconds East 342.97 feet;

Thence South 01 degrees 35 minutes 20 seconds East 35.91 feet;

Thence North 87 degrees 51 minutes 43 seconds East 305.73 feet;

Thence South 02 degrees 08 minutes 16 seconds East 110.10 feet to a point on the Northerly right of way line of Fox Trot Trail;

Thence South 87 degrees 51 minutes 44 seconds West 233.83 feet along said Northerly right of way;

Thence Northwesterly 12.50 feet along a 90.00 foot radius curve concave to the North whose chord bears North 88 degrees 09 minutes 32 seconds West 12.49 feet;

Thence North 84 degrees 10 minutes 48 seconds West 211.71 feet along said Northerly right of way;

Thence Southwesterly 177.88 along a 50.00 foot radius curve concave to the East whose chord bears South 47 degrees 02 minutes 02 seconds West 97.85 feet to the Northwest corner Lot 72 in the Third Addition to Fox Hollow point also being on the Southerly right of way of Fox Trot Trail;

Thence South 35 degrees 07 minutes 04 seconds 110.53 feet along the Westerly line of said Lot 72 point also being the Northerly line of said Outlot 55;

Thence North 84 degrees 10 minutes 48 seconds West 54.53 feet along the Northerly line of said Outlot 55 to the point of beginning;

Said parcel contains 1.74 acres (0.705 hectares) (more or less).

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

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

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

Nays: None.

Motion carried.

The following was presented:

SUBJECT: Petition from Community Unit District No. 5, McLean and Woodford Counties, Illinois, Requesting Approval of a Final Plat for the Benjamin School Subdivision commonly located north of Ireland Grove Road, east of Black Oak Boulevard, and west of Township Road 2100 East, (Ward 8)

RECOMMENDATION: That the Final Plat for the Benjamin School be approved and the ordinance passed subject to the Petitioner supplying a surety for any uncompleted public improvements prior to recording.

BACKGROUND: On February 23, 2009, Council approved the annexation of a 97.41 acre tract known as the Grove Subdivision Phase 2 which includes the site for a proposed elementary school. The elementary school site is a fifteen (15) acre tract zoned S-2, Public Lands and Institutions District.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: Community Unit School District No. 5.

FINANCIAL IMPACT: Costs for utility extensions and adjacent road improvements for Ireland Grove Road and Black Oak Boulevard will be shared by the City and the Grove on Kickapoo Creek, LLC. These costs are detailed in the approved annexation agreements, and are triggered by construction of utilities or final platting. The future school site will not generate any property tax revenue for the City.

Respectfully submitted for Council consideration.

Prepared by:

Douglas G. Grovesteen
Director of Engineering

Recommended by:

David A. Hales
City Manager

Reviewed as to legal sufficiency:

Hannah Eisner
Deputy Corporation Counsel

PETITION FOR APPROVAL OF FINAL PLAT

State of Illinois)
) ss.
County of McLean)

NOW COMES Eastlake, LLC, an Illinois Limited Liability Company, and Community Unit School District No. Five, McLean and Woodford Counties, Illinois, hereinafter jointly and collectively referred to as your Petitioners, respectfully representing and requesting as follows:

- 1. That your Petitioners are the owners of the freehold estate of the premises hereinafter legally described in Exhibit A attached hereto and incorporated herein (hereinafter referred to as the “premises”) and depicted by the Final Plat of the Benjamin School Subdivision, Bloomington, Illinois prepared by the Farnsworth Group on January 29, 2009, which is attached hereto and incorporated herein.

- 2. That your Petitioners seek approval of the Final Plat for the subdivision of said premises to be know and described as Benjamin School Subdivision, Bloomington, Illinois.

Wherefore, your Petitioners respectfully pray that said Final Plat for the Benjamin School Subdivision, Bloomington, Illinois, submitted herewith be approved.

Respectfully submitted,

EASTLAKE, L.L.C.

COMMUNITY UNIT SCHOOL DISTRICT
NO. FIVE, McLEAN AND WOODFORD
COUNTIES, ILLINOIS

By: Victor E. Armstrong, Jr.
Member

By: John W. Pye
Assistant Superintendent

ORDINANCE NO. 2009 - 14

**AN ORDINANCE APPROVING FINAL PLAT OF THE
BENJAMIN SCHOOL SUBDIVISION, BLOOMINGTON, ILLINOIS**

Whereas, there was heretofore filed with the City Clerk of the City of Bloomington, McLean County, Illinois, a Petition for approval of the Final Plat of the Benjamin School Subdivision, Bloomington, Illinois, which is legally described in Exhibit A attached hereto and incorporated herein; and

Whereas, said Petition is valid and sufficient and conforms to the requirements of the statutes in such cases made and provided and the Final Plat attached to said Petition was prepared in compliance with requirements of the Bloomington City Code.

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

1. That the Final Plat of the Benjamin School Subdivision, Bloomington, Illinois be, and the same is hereby approved.
2. This Ordinance shall take effect immediately upon passage and approval and shall be in full force.

PASSED this 9th day of March, 2009.

APPROVED this 10th day of March, 2009.

APPROVED:

Stephen F. Stockton
Mayor

ATTEST:

Tracey Covert
City Clerk

**EXHIBIT A
LEGAL DESCRIPTION**

A part of the Southeast Quarter of Section 9, Township 23 North, Range 3 East of the Third Principal Meridian, McLean County, Illinois, more particularly described as follows: Beginning at a point on the South Line of said Southeast Quarter lying 494.11 feet west of the Southeast Corner of said Section 9. From said Point of Beginning, thence west 954.95 feet along said South Line; thence north 50.00 with the last described course; feet along a line which forms an

angle to the left of 90°-00'-00" with the thence northeast 28.28 feet along a line which forms an angle to the left of 135°-00'-00" last described course; thence north 686.23 feet along a line which forms an angle to the left of with the last described course; thence east 810.55 feet along a line which forms an 225°-00'-00" with the last described course to a point on the Southerly Extension angle to the left of 90°-00'-00" of the West Line of a 7.50 acre parcel of land conveyed to Rebecca S. Fish-White by deeds recorded December 7, 2005 as Document No.'s 2005 - 36869 and 2005 - 36870 in said Recorder's Office lying 120.02 feet south of the Southwest Corner thereof; thence north 120.02 feet along said Southerly with the last described course to said Extension which forms an angle to the left of 271°-00'-59" Southwest Corner; thence east 110.96 feet along the South Line of said 7.50 acre parcel which forms with the last described course to a point lying 494.04 feet west an angle to the left of 90°-00'-00" of the Southeast Corner thereof; thence south 878.34 feet along a line which is parallel with the East Line of the Southeast Quarter of said Section 9 and which forms an angle to the left of 90°-00'-00" with the last described course to the Point of Beginning, containing 16.45 acres, more or less.

Alderman Huette questioned the financial impact for this venture. Doug Grovesteen, Director of Engineering, addressed the Council. Blackhawk School and Park would be annexed. The City and state would share the cost of a pedestrian underpass.

The substandard road fees for Ireland Grove Road would be paid up front. These funds would be used to resurface Ireland Grove Road. Alderman Huette questioned the standard fee for roads.

Mr. Grovesteen stated the City paid for the cost to oversize the roads such as Ireland Grove Road. This was partially due to the road going over the main branch of the Kickapoo Creek.

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

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

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

Nays: None.

Motion carried.

The following was presented:

SUBJECT: Petition from Community Unit District No. 5, McLean and Woodford Counties, Illinois, Requesting Approval of a Final Plat for the George Evans Junior High School Subdivision commonly located south of U.S. Highway 150, west of C. H. 30, and north of Harvest Hill Avenue, (Ward 8)

RECOMMENDATION: That the Final Plat for the George Evans Junior High School be approved and ordinance passed subject to the Petitioner supplying a surety for any uncompleted public improvements prior to recording.

BACKGROUND: On February 23, 2009, Council approved the annexation of this forty (40) acre tract known as the site for a proposed middle school. This tract is zoned S-2, Public Lands and Institutions District.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: Community Unit School District No. 5.

FINANCIAL IMPACT: Costs for utility extensions and adjacent road improvements on Morrissey Drive (US 150) will be paid by Community Unit School District No. 5. The future school site will not generate any property tax revenue for the City.

Respectfully submitted for Council consideration.

Prepared by:

Reviewed as to legal sufficiency:

Douglas G. Grovesteen
Director of Engineering

Hannah Eisner
Deputy Corporation Counsel

Recommended by:

David A. Hales
City Manager

PETITION FOR APPROVAL OF FINAL PLAT

State of Illinois)
)ss.
County of McLean)

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

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

1. That your petitioner is the owner of the freehold or lesser estate thereof the premises hereinafter legally described in Exhibit A which is attached hereto and made a part hereof by this reference, of is a mortgagee or vendee in possession, assignee of rents, receiver, executor (executrix), trustee, lessee or other person, firm or corporation or the duly authorized agents of any of the above persons having proprietary interest in said premises;
2. That your petitioner seeks approval of the Final Plat for the subdivision of said premises to be known and described as George Evans Junior High School Subdivision;
3. That your petitioner also seeks approval of the following exemptions or variations from the provisions of Chapter 24 of the Bloomington City Code, 1960: those permitted by Annexation Agreements of record.

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

Respectfully submitted,

COMMUNITY UNIT DISTRICT NO. 5,
MCLEAN AND WOODFORD COUNTIES,
ILLINOIS

By: Gary C. Niehaus

ORDINANCE NO. 2009 - 15

**AN ORDINANCE APPROVING THE FINAL PLAT OF THE
GEORGE EVANS JUNIOR HIGH SCHOOL SUBDIVISION**

WHEREAS, there was heretofore filed with the City Clerk of the City of Bloomington, McLean County, Illinois, a Petition for approval of the Final Plat of the George Evans Junior High School Subdivision, legally described in Exhibit A attached hereto and made a part hereof by this reference; and

WHEREAS, said Petition requests the following exemptions or variations from the provisions of the Bloomington City Code-1960, as amended: those permitted by Annexation Agreements of record; and

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

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

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

1. That the Final Plat of the George Evans Junior High School Subdivision and any and all requested exemptions and/or variations be, and the same is hereby approved.
2. That this Ordinance shall be in full force and effective as of the time of its passage this 9th day of March, 2009.

APPROVED:

Stephen F. Stockton
Mayor

ATTEST:

Tracey Covert
City Clerk

EXHIBIT A

George Evans Junior High School Subdivision – Legal Description

All that part of the Northwest Quarter and the North Half of the Southwest Quarter of Section 24, Township 23 North, Range 2 East of the Third Principal Meridian, which lies south of the land taken by the Department of Transportation of the State of Illinois in Condemnation Case No. 91 – ED - 8 order vesting title filed October 7, 1992, in McLean County, Illinois, excepting therefrom the following: Beginning at the Southwest Corner of the North Half of said Southwest Quarter. From said Point of Beginning, thence north 1324.01 feet along the West Line of said Southwest Quarter; thence north 1558.57 feet along the West Line of the Northwest Quarter which forms an angle to the left of 179°-16’-09” with said West Line of the Southwest Quarter to a point on the Southerly Line of a parcel of land taken by the Department of Transportation of the State of Illinois in Condemnation Case No. 91 – ED - 8 order vesting title filed October 7, 1992, in McLean County, Illinois; thence southeast 1750.16 feet along said Southerly Line which forms an angle to the left of 55°-25’-45” with said West Line of the Northwest Quarter; thence south 1844.71 feet along a line which forms an angle to the left of 126°-19’-56” with said Southerly Line to a point on the South line of said North Half of the Southwest Quarter lying 1481.65 feet east of the Point of Beginning; thence west 1481.65 feet along said South Line which forms an angle to the left of 90°-00’-00” with the last described course to the Point of Beginning, containing 40.00 acres, more or less.

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

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

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

Nays: None.

Motion carried.

The following was presented:

SUBJECT: Petition submitted by Gailey Eye Clinic, Inc. requesting the Vacation of the Scott Street right of way located between Center Street and Main Street- Case V-01-08, (Ward 7)

RECOMMENDATION: That the Petition be laid over until the Council’s June 8, 2009 meeting.

BACKGROUND: This matter was previously before Council on December 8, 2008 and January 12, 2009. The petition has been laid over to allow the Gailey Eye Clinic, Inc. and interested

members of the surrounding neighborhood to meet and see if a compromise could be reached. A plan has been submitted to the City by Lewis, Yockey and Brown, Inc., (LYB), showing a concept for the expansion of Gailey Eye Clinic. It depicts a twenty-five foot (25") wide private S-shaped drive through the parking lot between Main Street and Center Street. The petitioner has proposed that this drive would be permitted to be used by the public for the purposes of vehicular travel between Main and Center Streets. The neighbors have expressed interest in the plan, but are concerned that in the future the petitioner could revoke the public vehicular access.

The City staff has reviewed the possibility of reconfiguring Scott Street as proposed by LYB, while keeping it a public street. Staff does not recommend this option. The design shows right angle parking, which is not permitted on the City's public streets. In addition, if Scott Street was retained but reconfigured, the petitioner would have to request numerous variations from the landscaping requirements of the Zoning Code. Finally, the responsibility for maintaining Scott Street, including snow plowing, would remain with the City.

The staff believes the neighborhood concerns can be sufficiently addressed by conditioning the Vacation on a covenant running with the land granting the public vehicular travel between Main and Center Streets. The covenant could not be amended except through the explicit concurrence of the Council. In addition, state law permits street vacations to be conditioned on payment by the petitioner to the City for the value of the street.

The Petitioner has requested that this item be laid over until the Council's June 8, 2009 meeting to allow both parties to obtain appraisals.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: Residents of the surrounding neighborhood and representatives of Gailey Eye Clinic, Inc.

FINANCIAL IMPACT: Unknown.

Respectfully submitted for Council consideration.

Prepared by:

Recommended by:

J. Todd Greenburg
Corporation Counsel

David A. Hales
City Manager

Alderman Stearns noted that negotiations continue on this issue. David Hales, City Manager, addressed the Council. The City would need to shift alignment from public to private ownership of the street. He would recommend compensation of some type to the City. This petition could be postponed until a later date. Staff needed to bring a policy before the Council to this regard.

Alderman Stearns questioned if this was an unprecedented request. Mr. Hales, stated the request was not unique. Other cities had taken this action. This request could unduly enrich the petitioner. Staff needed to update the policy in regards to this request.

Alderman Schmidt requested a point of clarification regarding the taxes. That would be considered deferred compensation. The property would appear on the tax rolls for the following year.

Alderman Purcell recognized Gailey Eye Clinic's representative. He questioned the petitioner's request for an extension until the Council's June 8, 2009 meeting.

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

Motion carried.

Bob Lenz, 202 N. Center Street, petitioner's attorney, addressed the Council. There was a meeting held several weeks ago between Alderman Purcell, the Clinic's Executive Committee and interested neighborhood groups. A private business was making the request. Additional questions came up during the meeting. More time was needed for further analysis. A better plan was being developed. The Clinic needed additional time to pull together personnel and information. The additional information would be shared with the neighborhood. He acknowledged the amount of progress that had been made. He added that both parties (Clinic and City) should seek appraisals.

Alderman Purcell expressed his hope that this issue would be resolved at the Council's June 8, 2009 meeting.

Alderman Schmidt questioned if the Council's June 8, 2009 would be feasible. Mr. Lenz answered affirmatively. He cited the City's staff assistance. He acknowledged the cooperative efforts.

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

Motion carried.

Motion by Alderman Schmidt, seconded by Alderman Purcell that the petition be laid over until the Council's June 8, 2009 meeting.

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

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

Nays: None.

Motion carried.

MAYOR'S DISCUSSION: Mayor Stockton noted he was aware of the work done to the budget. It was a challenging year. He hoped the budget would be completed for the

March 16, 2009, Work Session. The budget was a summary work. The Council had many difficult decisions.

ISO, (Insurance Services Office, Inc.), evaluated the Fire Department every ten (10) years. The class rating was a factor in the underwriting process. The study started this week. The analysis would take six (6) months. If the ratings improved, it may mean lower insurance rates.

Keith Raney, Fire Chief, addressed the Council. He added the study also evaluated communication as well as water analysis. He hoped for a good result.

CITY MANAGER'S DISCUSSION: David Hales, City Manager, noted the December 2008 sales tax figure declined by six percent (6%) over the previous year. This was the lowest amount since 1998. He hoped to receive the January 2009 sales tax figures prior to the budget adoption.

Mr. Hales expressed his appreciation to Police Chief Randy McKinley.

ALDERMEN'S DISCUSSION: Alderman Schmidt questioned if the March 16, 2009 Work Session would involve the information regarding a Public Hearing on the Living Wage. David Hales, City Manager, stated the Work Session topic would be the budget. It was scheduled for an hour. The Council would need to set a Work Session date to discuss the Living Wage.

Alderman Schmidt encouraged attendance at the presentation from the Farr Group regarding the Downtown study. It would be held on Thursday, March 12, 2009.

Alderman Purcell welcomed ideas regarding the budget. The Council was faced with resolving various issues while minimizing the impact on services. The input would allow for a more informed decision.

Alderman Stearns participated in a police ride along over the weekend. She extended congratulations to Police Chief Randy McKinley.

There had also been a fire in her ward over the weekend. She thanked the Fire Department for their hard work. She appreciated their efforts.

Motion by Alderman Finnegan, seconded by Alderman Purcell, that the meeting be adjourned. Time: 8:05 p.m.

Motion carried.

Tracey Covert, City Clerk