

**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, December 22, 2008.

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, Allen Gibson, David Sage, John Hanson, Jim Finnegan, Steven Purcell, Karen Schmidt, Jim Fruin and Mayor Stephen F. Stockton.

Alderman Absent: Kevin Huette.

City Manager Tom Hamilton, City Clerk Tracey Covert, and Corporate Counsel Todd Greenburg were also present.

The following was presented:

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

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

1. Recognition of the 2008 Central Catholic High School Football Team.

Respectfully,

Tracey Covert
City Clerk

Tom Hamilton
City Manager

Mayor Stockton read and presented the recognition to Bob Moews, Head Coach, Central Catholic High School. Coach Moews thanked the Mayor and Council for the recognition. It had been an exciting year. The team was a good group who were focused. He was proud of their athletics and academics. He introduced the coaching staff and players in attendance.

Mayor Stockton stated he had established a committee to “brand” the City. The school’s consistent performance made it easy for the City to be seen as a winning community.

Motion by Alderman Finnegan, seconded by Alderman Gibson that the proclamation be made a matter of record.

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

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

Nays: None.

Motion carried.

The following was presented:

Mayor Stockton introduced the US Cellular Coliseum (USCC) update. He introduced Rob Fazzini, USCC’s liaison group citizen member. Mr. Fazzini addressed the Council. The original objectives for the USCC were: 1.) increase entertainment options for the community; 2.) provide an economic benefit to the community; 3.) use the least amount of operating subsidy possible. He addressed each objective.

1.) Over four hundred thousand (400,000) people attended events at the USCC within the last year, which was more than anticipated. He listed several of the acts and sporting events. This was convenient entertainment. Even though there was an economic recession and higher fuel prices, people still attended events. It was important to bring entertainment venues to the City.

2.) Between April 2006 and August 2008, the USCC had over a \$12 million economic impact on the City. This figure was obtained from the Bloomington-Normal Convention and Visitors Bureau using a state formula. Even if the USCC did not show an operating profit for a given event, the bigger picture needed to be seen as the greater good. The real economic benefits were felt through the hotels, restaurants, gas stations, and retail outlets.

3.) There was a projected \$4.4 million dollar operating subsidy. Ticketed events had nearly doubled from the prior year. Some events lost money and therefore the USCC would show a loss for the year. It was noted the Peoria Civic Center had lost money during its first nine (9) years. It was not until the tenth (10th) year that actual profit was shown. The USCC was projecting a profit in year four (4). Part of that was the reputation of the facility. Its reputation was taking hold so management could negotiate better contracts. New events, with less risk of an operating loss, could be booked. Current knowledge and experience had determined expense controls that were not known at the time the facility opened. The management was working to attract new anchor tenants, such as basketball and soccer.

They essentially paid rent for use of the facility. The USCC had produced an unintended benefit in the fact that non profits and community organizations were able to use it.

The Coliseum Management had achieved its three (3) original objectives. The Coliseum was available to everyone. Communication, along with media understanding, had improved.

Mr. Fazzini stated he would make the presentation available to Mr. Hamilton. Mr. Hamilton could forward to it interested Aldermen.

Mayor Stockton noted the goals that were highlighted. None of the goals had more priority than another. All must be balanced. The economic benefits to the community were impressive. Mayor Stockton informed the Council that there would be additional reports, (mid and year end).

Aldermen Finnegan and Gibson appreciated the good job.

The following was presented:

Mayor Stockton introduced Judy Whikehart, Assistant Finance Director. Ms. Whikehart retired after twenty-nine (29) years of service to the City. Ms. Whikehart thanked the Mayor and Council for the recognition. She was accompanied this evening by her husband and daughter. She began her career with the City as an Accounting Supervisor. It had been rewarding work and a privilege to be part of the City's government.

Mayor Stockton read and presented the retirement plaque to Ms. Whikehart.

The following was presented:

To: Honorable Mayor and Members of the City Council
From: Staff
Subject: Council Proceedings of November 10, 2008 and the Executive Session Minutes of November 3, 2008

The Council Proceedings of November 10, 2008 and the Executive Session Minutes of November 3, 2008 have been reviewed and certified as correct and complete by the City Clerk.

Respectfully,

Tracey Covert
City Clerk

Tom Hamilton
City Manager

Motion by Alderman Finnegan, seconded by Alderman Gibson that the reading of the minutes of the previous Council Meeting of November 8, 2008 and the Executive Session Minutes of November 3, 2008 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, Schmidt, Finnegan, Gibson, Hanson, Sage, Fruin and Purcell.

Nays: None.

Motion carried.

The following was presented:

To: Honorable Mayor and Members of the City Council

From: Staff

Subject: Bills and Payroll

The following list of bills and payrolls have been furnished to you in advance of this meeting. After examination I find them to be correct and, therefore, recommend their payment.

Respectfully,

Barbara J. Adkins
Deputy City Manager

Tom Hamilton
City Manager

(ON FILE IN CLERK'S OFFICE)

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

Nays: None.

Motion carried.

The following was presented:

To: Honorable Mayor and Members of the City Council

From: Staff

Subject: Payments from Various Municipal Departments

1. The seventh partial payment to Peace Meal in the amount of \$625 on a contract amount of \$7,500 of which \$4,375 will have been paid to date for work certified as 58% complete for the John M. Scott home Delivered Meals. Completion date – April 2009.
2. The seventh partial payment to Peace Meal in the amount of \$2,082 on a contract amount of \$25,000 of which \$14,574 will have been paid to date for work certified as 58% complete for the Peace Meal. Completion date – May 2009.
3. The fourth and final payment to Soules Bird Repellent Co. in the amount of \$6,000 on a contract amount of \$24,000 of which \$24,000 will have been paid to date for work certified as 100% complete for the Bird Control. Completion date – July 2009.
4. The third partial payment to McLean County Soil and Water Conservation in the amount of \$17,620 on a contract amount of \$70,480 of which \$52,860 will have been paid to date for work certified as 75% complete for the McLean County Soil & Water Project. Completion date – Annual.
5. The seventh partial payment to Fred Wollrab in the amount of \$11,520.51 on a contract amount of \$80,000 of which \$55,120.58 will have been paid to date for work certified as 69% complete for the Wonderlin Galleries at 405-407 N. Main St. Completion date – December 2009.
6. The twenty-eighth partial payment to Economic Development Council of Bloomington/Normal in the amount of \$6,666.66 on a contract amount of \$400,000 of which \$186,666.48 will have been paid to date for work certified as 47% complete for the McLean County Economic Development. Completion date – August 2011.
7. The sixth partial payment to the Pantagraph in the amount of \$3,079.88 on a contract amount of \$40,097.92 of which \$27,261.92 will have been paid to date for work certified as 68% complete for the Bloomington Center for the Performing Arts 2008-2009 Seasonal Advertising. Completion date – April 2009.
8. The sixth partial payment to 3 D Design Studio in the amount of \$11,875 on a contract amount of \$39,625 of which \$27,525 will have been paid to date for work certified as 69% complete for the Comprehensive Park & Recreation Plan. Completion date - October 2008.

9. The first partial payment to Johnston Contractors, Inc. in the amount of \$24,970.90 on a contract amount of \$367,700 of which \$24,970.90 will have been paid to date for work certified as 7% complete for the McGraw Park Phase II – Restroom Facilities. Completion date – June 2009.
10. The fourth partial payment to Stark Excavating, Inc. in the amount of \$282,231.26 on a contract amount of \$2,546,249.65 of which \$696,807.26 will have been paid to date for work certified as 27% complete for the McGraw Park Phase II – General Construction. Completion date – July 2009.
11. The fourth partial payment to McLean County Highway Dept. in the amount of \$68,901.28 on a contract amount of \$428,121.32 of which \$415,097.36 will have been paid to date for work certified as 97% complete for the Towanda-Barnes/Oakland Avenue Signals. Completion date – December 2008.
12. The seventh partial payment to Rowe Construction Co. in the amount of \$102,865.88 on a contract amount of \$642,463.59 of which \$640,463.59 will have been paid to date for work certified as 99% complete for the 2008 Curb & Gutter Improvements. Completion date – December 2008.
13. The seventh partial payment to Testing Services Corp. in the amount of \$1,595 on a per ton and hour contract of which \$21,649.63 will have been paid to date for work certified as ongoing for the 2008-2009 Asphalt & Portland Concrete Plant Inspection & Laboratory Testing. Completion date – July 2009.
14. The ninth and final payment to Rowe Construction in the amount of \$186,251.27 on a contract amount of \$1,795,000 of which \$1,674,056.12 will have been paid to date for work certified as 100% complete for the 2007-2008 General Resurfacing. Completion date – May 2008.
15. The fourth partial payment to Rowe Construction in the amount of \$429,225.48 on a contract amount of \$3,476,726.41 of which \$934,448.40 will have been paid to date for work certified as 27% complete for the Lincoln Street – Bunn to Morrissey (MFT 92-00283-00-RP). Completion date – October 2009.
16. ~~The first and second partial payments to Clark Dietz, Inc. in the amount of \$4,523.05 on a contract amount of \$16,500 of which \$4,523.05 will have been paid to date for work certified as 27% complete for the Knowledge Transfer Project – Distribution System. Completion date – December 2008. MOVED TO PAYMENT #9 ON JANUARY 12, 2009 MEETING.~~
17. The eleventh partial payment to WHPA Inc. in the amount of \$31,090.80 on a contract amount of \$518,846 of which \$315,448.51 will have been paid to date for work certified as 61% for the Strategic Water Source Study. Completion date – September 2009.

18. The fourth partial payment to Farnsworth Group in the amount of \$985.20 on a contract amount of \$36,500 of which \$34,265.79 will have been paid to date for work certified as 94% complete for the Design Services for Water Main Replacement – Ireland Grove from Hershey east to Streid. Completion date – October 2009.
19. The first partial payment to Farnsworth Group in the amount of \$1,455 on a contract amount of \$103,000 of which \$1,455 will have been paid to date for work certified as 0% complete for the Inspection Services for Pipeline Road Transmission Water Main Replacement. Completion date – December 2010.
20. The fourth partial payment to Stark Excavating, Inc. in the amount of \$181,953.58 on a contract amount of \$430,249.30 of which \$391,530.79 will have been paid to date for work certified as 91% complete for the Water Main Extension project on Towanda Barnes from Route 9 to Oakland. Completion date – December 2008.
21. The twelfth partial payment to Clark Dietz, Inc. in the amount of \$7,048.36 on a contract amount of \$305,000 of which \$97,393.72 will have been paid to date for work certified as 32% complete for the Locust/Colton Street Sewer Separation & Water Main Replacement Design (CSO Elimination Phase I). Completion date – January 2009.
22. The eighth and final payment to AB&H Donohue & Associates in the amount of \$73.90 on a contract amount of \$12,000 of which \$11,972.19 will have been paid to date for work certified as 100% complete for the Sewer Rate Study. Completion date - December 2007.

All of the above described payments are for planned and budgeted items previously approved by the City Council. I recommend that the payments be approved.

Respectfully,

Tom Hamilton
City Manager

Motion by Alderman Finnegan, seconded by Alderman Gibson that that the payments be approved.

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

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

Nays: None.

Motion carried.

The following was presented:

To: Honorable Mayor and Members of the City Council
From: Staff
Subject: Audit of the Accounts for the Township Supervisor of General Assistance Fund and General Town Fund for the Month of November 2008

Audit of the Accounts for the Township Supervisor of General Assistance Fund and General Town Fund for the month of November 2008 were presented for Audit by the Township Supervisor.

The Audit of these accounts took place on Monday, December 22, 2008 at 6:30 p.m. in the Conference Room of Bloomington City Hall and should, at this time, be made a matter of record.

Respectfully,

Tracey Covert
City Clerk

Motion by Alderman Finnegan, seconded by Alderman Gibson that the audit of the bills and payroll be made a matter of record.

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

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

Nays: None.

Motion carried.

The following was presented:

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

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

1. Monthly Receipt & Expenditure Report, November 2008.

Respectfully,

Tracey Covert
City Clerk

Tom Hamilton
City Manager

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

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

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

Nays: None.

Motion carried.

The following was presented:

To: Members of the City Council

From: Stephen Stockton, Mayor

Subject: Appointment(s) and Reappointment(s) to Various Boards and Commissions

I ask that you concur with the following appointments:

Japanese Sister City Committee

Bob Clary, 3211 Winchester, Bloomington, IL 61704

His term will expire 4/30/2010.

Respectfully,

Stephen F. Stockton
Mayor

Motion by Alderman Finnegan, seconded by Alderman Gibson that the appointments be approved.

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

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

Nays: None.

Motion carried.

The following was presented:

To: Honorable Mayor and Members of the City Council
From: Staff
Subject: Request to Pay Stark Excavating, Inc. for Emergency Repair of a Sewer in the 300 Block of N. Oak Street

It was discovered that the twenty-four (24”) public sewer west of the Headquarters Fire Station in the 300 block of N. Oak Street had collapsed and was blocked with debris. The sewer was constructed in 1881 of a single ring of bricks. The City’s vactor truck was unable to clear the blockage. As the need for the repairs was urgent to protect the public safety and due to the location of the sewer and the scope of the work, the Public Service Department requested that the Engineering Department retain a contractor to make the repair. Stark Excavating, Inc. made the three (3) excavations, removed two (2) blockages, replaced two (2) segments of the twenty-four inch (24”) public sewer, and constructed a new manhole for access. A time and materials bill for the work in the amount of \$42,626.59 has been submitted. Staff has reviewed the bill and finds it to be in order.

Staff respectfully requests that Council approve a payment in the amount of \$42,626.59 to Stark Excavating, Inc. for the repair of the sewer with payment to be made with Sewer Depreciation Funds (X52200-72550).

Respectfully,

Douglas G. Grovesteen
Director of Engineering

Tom Hamilton
City Manager

Motion by Alderman Finnegan, seconded by Alderman Gibson that the payment be approved.

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

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

Nays: None.

Motion carried.

The following was presented:

To: Honorable Mayor and Members of the City Council
From: Staff
Subject: Request to Authorize Payment for Repair to a High Service Pump

Booster pump number 3 at the Enterprise Zone Pump Station was declining in pumpage which indicated a problem. The pump was removed for service and sent to the pump repair vendor that provides this service. The pump has been disassembled, diagnosed and the problem identified. The quotation to repair the pump was as follows:

Foremost Industrial Technologies, Incorporated \$12,511.85

Staff respectfully request Council to authorize payment of \$12,511.85 to Foremost Industrial Technologies, Incorporated for the repair of the booster pump number 3 at the Enterprise Zone Pump station, with payment to be made from Water Department, Distribution Division, Operation and Maintenance Funds, Machinery Equipment and Maintenance Account (5010-50120-70540).

Respectfully,

Craig M. Cummings
Director of Water

Tom Hamilton
City Manager

Motion by Alderman Finnegan, seconded by Alderman Gibson that the payment be approved.

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

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

Nays: None.

Motion carried.

The following was presented:

To: Honorable Mayor and Members of the City Council

From: Staff

Subject: Payment for Leaf Disposal

State of Illinois law prohibits the land filling of landscape waste which includes leaves raked, mulched, or in any way collected by residents. The Public Service Department has in place an established program of collecting leaves from city parkways and transporting those leaves to farmers for incorporation in their crop land. This saves landfill space and provides natural nutrients to the land. Farmers are paid \$3.50 per cubic yard to receive the leaves and are required to spread the leaves and till them into crop land at rates established by the Illinois Environmental Protection Agency, (IEPA). Staff developed this program as a less costly alternative to purchasing land, hiring additional employees, adding equipment, and obtaining required IEPA composting permits.

Three (3) area farmers have routinely participated in this program. Two (2) of these farmers with one (1) site each accepted leaves with a total cost of less than \$5,000. The third farmer Vicki Kidwell, 10213 Elizabeth Road, Bloomington, has accepted the bulk of leaves collected this year. She provided four (4) disposal sites. Two (2) are surrounded by the corporate city limits and two (2) are within a half (½) mile of a corporate city limits. She also provided all weather disposal capabilities at these sites. Mrs. Kidwell has accepted a total of 5,395 cubic yards of leaves this year. Staff request permission to compensate Mrs. Kidwell in an amount not to exceed \$18,882.50. Funding for this program has been budgeted in account 1001-16130-70990.

Respectfully,

Jim Karch
Director of Public Service

Tom Hamilton
City Manager

Motion by Alderman Finnegan, seconded by Alderman Gibson that the payment be approved.

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

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

Nays: None.

Motion carried.

The following was presented:

To: Honorable Mayor and Members of the City Council
From: Staff
Subject: Request to Waive Formal Bid Process for Golf Course Chemicals

The Golf Course Division purchases approximately \$80,000.00- \$100,000.00 worth of chemicals every year to control a variety of diseases and insects to maintain our top quality facilities. These products are all purchased through “agency pricing”. This simply means that the manufacturer sets the price and no individual representative can vary from this pricing.

Staff would like to enter in to an early order program with Helena Chemical to purchase product for the 2009 year. This program will provide three (3) advantages to the City. The first is that it will save the City approximately \$10,000 to \$15,000 over the next fiscal year. The second is it would allow the City to purchase additional product at locked in pricing if needed at a later date. The third advantage of using Helena Chemical is that the City will not have to store the product on site. They will store the product and deliver it as it is needed.

Staff respectfully request that the Council waive the formal bidding process and enter into an early order program with Helena Chemical for golf course chemicals through “agency priced products”.

Respectfully,

Dean Kohn
Director Parks and Recreation

Tom Hamilton
City Manager

RESOLUTION NO. 2008 - 91

A RESOLUTION WAIVING THE FORMAL BIDDING PROCESS AND AUTHORIZING THE PURCHASE OF GOLF COURSE CHEMICALS FOR THE CITY’S THREE GOLF COURSES FROM HELENA CHEMICALS THROUGH AGENCY PRICING

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 Golf Course Chemicals from Helena Chemicals through agency pricing.

ADOPTED this 22nd day of December, 2008.

APPROVED this 23rd day of December, 2008.

APPROVED:

Stephen F. Stockton
Mayor

ATTEST:

Tracey Covert
City Clerk

Motion by Alderman Finnegan, seconded by Alderman Gibson that the formal bid process be waived, the golf course chemicals be purchased from Helena Chemicals through “agency pricing”, the Purchasing Agent be authorized to issue a Purchase Order, and the Resolution adopted.

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

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

Nays: None.

Motion carried.

The following was presented:

To: Honorable Mayor and Members of the City Council

From: Staff

Subject: Change Order No. 1 and Final for General Resurfacing 2008-2009

Work is now complete under this contract. Additional work was requested by the City in order to complete part of Towanda Avenue between Vernon Avenue and Jersey Avenue that is in the Town of Normal. The Town of Normal has reimbursed the City for its share of the cost as shown in the table below.

Project Component	Bloomington Street & Alley Resurfacing	Market St Resurfacing	Library Parking Lot	Towanda Ave in Normal (Reimbursed)	Total
Fund	CIF	TIF		CIF	
Account	X40100-72530	X40300-70220	X23100-72530	X40100-72530	
Original Contract	\$2,270,000.00	\$70,000.00	\$36,000.00	\$0	\$2,376,000.00
Completed Work	\$2,254,534.04	\$70,000.00	\$29,647.71	\$70,240.75	\$2,424,422.50
Difference	(\$15,465.96)	\$0.00	(\$6,352.29)	\$70,240.75	\$48,422.50

Staff respectfully recommends that Council approve this Change Order to Rowe Construction in the amount of \$48,422.50 for General Resurfacing 2008-2009 for the extra work completed with additional funding of \$54,774.79 from Capital Improvement Funds X40100-72530.

Respectfully,

Douglas G. Grovesteen
Director of Engineering

Tom Hamilton
City Manager

RESOLUTION NO. 2008 - 93

A RESOLUTION AUTHORIZING A CHANGE ORDER IN THE AMOUNT OF \$48,422.50 IN THE CONTRACT BETWEEN THE CITY OF BLOOMINGTON AND ROWE CONSTRUCTION, INC. FOR 2008-2009 GENERAL RESURFACING

WHEREAS, the City of Bloomington has previously entered into a contract with Rowe Construction, Inc. for the 2008-2009 General Resurfacing; and

WHEREAS, for the reasons set forth in a staff report dated December 22, 2008 it was necessary to complete part of Towanda Avenue between Vernon Avenue and Jersey Avenue; and

WHEREAS, it is the finding of the City Council that the decision to perform the work described in the December 22, 2008 memo was in the best interest of the citizens of the City of Bloomington.

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

That a change order in the amount of \$48,422.50 in the contract between the City of Bloomington and Rowe Construction, Inc. for 2008-2009 General Resurfacing be approved.

ADOPTED this 22nd day of December, 2008.

APPROVED this 23rd day of December, 2008.

APPROVED:

Stephen F. Stockton
Mayor

ATTEST:

Tracey Covert
City Clerk

Motion by Alderman Finnegan, seconded by Alderman Gibson that the Change Order in the amount of \$48,422.50 be approved and the Resolution adopted.

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

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

Nays: None.

Motion carried.

The following was presented:

To: Honorable Mayor and Members of the City Council

From: Staff

Subject: Change Order in the Reimbursement Amount to Paul Nord for the Cost of the Extension of the West Washington Trunk Sewer in Conjunction with the Business Park at Nord Farms

On April 11, 2005, Council approved an Annexation Agreement with Paul F. Nord and Karen Nord for the development known as the Business Park at Nord Farms. The agreement obligated the developer to construct an extension of the West Washington Street Trunk Sewer to serve the Business Park and obligated the City to repay the cost. Staff has received the final invoice from

Dr. Nord which places the final total cost above the original estimated cost of the project as follows:

Paid to date	\$532,111.95
Final Invoice	<u>\$16,811.50</u>
Revised project total cost	\$548,923.45
Original Estimated total cost	<u>\$538,700.15</u>
Amount of Change Order	\$10,223.30

Additional costs incurred during construction were for one (1) additional manhole and for additional length of steel casing pipe. Staff has reviewed the final quantities and costs and believes them to be in order. Staff respectfully requests that Council approve a change order in the amount of \$10,223.30 to bring the total cost of the reimbursement for Nord to \$548,923.45, with payment to be made from Sewer Depreciation Funds (X52200-72550).

Respectfully,

Douglas G. Grovesteen
Director of Engineering

Tom Hamilton
City Manager

RESOLUTION NO. 2008 - 94

A RESOLUTION AUTHORIZING A CHANGE ORDER IN THE AMOUNT OF \$10,223.30 IN THE CONTRACT BETWEEN THE CITY OF BLOOMINGTON AND PAUL AND KAREN NORD. FOR WEST WASHINGTON TRUNK SEWER

WHEREAS, the City of Bloomington has previously entered into a contract with Paul and Karen Nord for the West Washington Trunk Sewer; and

WHEREAS, for the reasons set forth in a staff report dated December 22, 2008 the final bill is above the original cost estimate; and

WHEREAS, it is the finding of the City Council that the decision to perform the work described in the December 22, 2008 memo was in the best interest of the citizens of the City of Bloomington.

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

That a change order in the amount of \$10,223.30 in the contract between the City of Bloomington and Paul and Karen Nord for West Washington Trunk Sewer be approved.

ADOPTED this 22nd day of December, 2008.

APPROVED this 23rd day of December, 2008.

APPROVED:

Stephen F. Stockton
Mayor

ATTEST:

Tracey Covert
City Clerk

Motion by Alderman Finnegan, seconded by Alderman Gibson that the Change Order in the amount of \$10,223.30 be approved and the Resolution adopted.

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

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

Nays: None.

Motion carried.

The following was presented:

To: Honorable Mayor and Members of the City Council

From: Staff

Subject: Memorandum of Understanding Fugitive Task Force

For the past several years, the City and the United States Marshals Service have had a reimbursement agreement for overtime incurred by our US Marshals while locating and apprehending fugitives.

The term of this Memorandum of Understanding will be September 1, 2008 through September 30, 2009. The City may withdraw its participation by providing thirty (30) days advance written notice to the Task Force Chief.

The US Marshals Service has agreed to compensate the City up to \$14,000 per year per law enforcement officer designated as a US Marshal. Currently there are two (2) officers designated as US Marshals. Overtime reimbursement shall be contingent upon the submission of a proper invoice which shall be submitted quarterly on the fiscal year basis.

Staff seeks permission to enter into this Memorandum of Understanding with the US Marshal Service, thus continuing this relationship.

Respectfully,

Roger J. Aikin
Chief of Police

Tom Hamilton
City Manager

**MEMORANDUM OF UNDERSTANDING
DISTRICT FUGITIVE TASK FORCE (DTF)**

This Memorandum of Understanding (MOU) is entered into by the R1 Bloomington Police Department and the United States Marshals Service (USMS) pursuant to the Presidential Threat Protection Act of 2000 (Public Law 106-544, § 6, December 19, 2000, 114 Stat. 2718, 28 U.S.C. § 566 note). The Presidential Threat Protection Act of 2000 provides that, “the Attorney General shall, upon consultation with appropriate Department of Justice and Department of the Treasury law enforcement components, establish permanent Fugitive Apprehension Task Forces consisting of Federal, State, and local law enforcement authorities in designated regions of the United States, to be directed and coordinated by the United States Marshals Service, for the purpose of locating and apprehending fugitives.”

Terms and Conditions

1. **Period of Performance:** This MOU will be renewed annually based on written notification from the USMS, on or about September 1, 2008 through September 30, 2009. Participating agencies may withdraw their participation after providing 30 days advance written notice to the Task Force Chief. Subject to the availability of funds, this MOU will be renewed annually based on written notification from the U.S. Marshals Service.
2. **Overtime Reimbursement:** The USMS X shall not reimburse your organization for overtime hours. If overtime is compensated, the agency must submit within 30 days after receipt of a fully executed MOU, a list of individuals along with information stating their compensated overtime rate. Reimbursement of overtime work shall be consistent with the Fair Labor Standards Act. Overtime per law enforcement officer is capped at no more than 11.

Reimbursement of overtime shall be contingent upon the submission of a proper invoice which shall be submitted on a quarterly fiscal year basis, and which provides the names of the investigators who incurred overtime for the District Fugitive Task Force during the quarter; the number of overtime hours incurred; the hourly regular and overtime rates in effect for each investigator; and the total quarterly cost. The invoice should be submitted to the USMS District Fugitive Task Force Commander, who will review the invoice, stamp and sign indicating that services were received and that the invoice is approved for payment; and forward to USMS Headquarters for processing. Documentation supporting

the summary level quarterly invoice will be maintained by the USMS District Fugitive Task Force Commander, and only the summary level quarterly invoice will be forwarded to USMS Headquarters.

Group supervisors are responsible for scheduling the duty hours of the personnel assigned to their group, subject to the supervision of the Task Force Chief and the availability of overtime compensation.

3. Agencies within the District may join the task force at any time with the consent of the USMS and after consultation with the Task Force Advisory Committee. Agencies that wish to join will sign a copy of the existing MOU for the District.
4. Personnel and Supervision: The DTF will consist of law enforcement and administrative personnel from state and local law enforcement agencies. Each participating agency may agree to assign at least one full-time law enforcement officer to the task force. Other law enforcement officers may assist with task force operations as necessary.

Direction and coordination of the DTF shall be the responsibility of the USMS Task Force Chief. Subject to the needs of the DTF, participating agencies may assign supervisory personnel to serve as group supervisors within the task force. Each group supervisor will be responsible for the operational supervision of a multi-agency group of federal, state, and local law enforcement officers assigned to the task force. The current task force, if applicable, will be integrated within the DTF to formulate a joint task force with a greater scope of responsibility and wider area of coverage.

Administrative matters which are internal to the participating agencies remain the responsibility of the respective agencies. Furthermore, each agency retains responsibility for the conduct of its personnel.

5. Task Force Advisory Committee: A Task Force Advisory Committee, consisting of representatives of each participating agency, shall meet and confer as necessary to review and address issues concerning the DTF.
6. Vehicles and Equipment: Any vehicles, equipment, credentials, or other items issued to task force personnel by the USMS shall remain the property of the USMS at all times. Government vehicles shall be used only for official purposes and solely for use in the performance of the task force. They shall not be used for transportation between residence and place of employment. All vehicles and equipment must be returned to the USMS upon termination of the task force or the departure of any task force personnel.

Any other equipment used by or assigned to task force officers will remain the property of the agency issuing the equipment and will be returned to that specific agency upon termination of the task force or upon agency request.

Pending the availability of funding, each participating agency agrees to furnish one vehicle for use by the task force for each law enforcement officer assigned to the task

force (unless a USMS owned or leased vehicle is assigned to the officer). Each agency is responsible for the fuel, maintenance, and other expenses associated with the use of its vehicles. Pending the availability of funds and equipment, the USMS will issue USMS radios to each task force officer. Each participating agency agrees to provide mobile and/or handheld radio equipment capable of communicating on their law enforcement radio network. Pending the availability of funds, the USMS will furnish cellular telephones to be used for official DTF business.

7. Background Investigations and Special Deputation: Personnel assigned to the task force may be required to undergo background investigations in order to be provided access to USMS offices, records, and computer systems. In the event that such background investigations are required by the USMS for state or local personnel, the USMS shall bear the costs associated with those investigations. Non-USMS law enforcement officers assigned to the task force will be deputized as Special Deputy U.S. Marshals.
8. Records, Reports, and Evidence: Original reports of investigation, evidence, and other investigative materials generated, seized, or collected by the DTF shall be retained by the agency in the DTF responsible for the case. However, evidence may be turned over to other law enforcement agencies as appropriate. Copies of investigative reports and other materials may be provided to other agencies in accordance with applicable laws, rules, and regulations. Task force statistics will be maintained in the USMS Warrant Information Network (WIN). Statistics will be made available to any participating agency upon request.
9. Referral and Assignment of Cases: Each participating agency agrees to refer cases for investigation by the DTF. Upon receipt of a written request, the DTF may also assist non participating law enforcement agencies in locating and arresting their dangerous fugitives. Task force personnel will be assigned federal, state, and local fugitive cases for investigation. Investigative teams will consist of personnel from different agencies whenever possible. Each participating agency retains responsibility for the cases they refer to the DTF.
10. NCIC Entries: Federal fugitive cases referred to the task force for investigation by any participating agency will be entered into the National Crime Information Center (NCIC) by the USMS or originating agency, as appropriate. State or local fugitive cases will be entered into NCIC (and other applicable state or local lookout systems) as appropriate by the concerned state or local agency.
11. Travel: Task force personnel may be required to travel outside of the jurisdiction to which they are normally assigned in furtherance of task force business. State or local task force officers traveling on official business at the direction of the USMS shall be reimbursed directly by the USMS for their travel expenses in accordance with applicable federal laws, rules, and regulations.
12. Informants: Pending availability of funds, the USMS may provide funding for the payment of informants. However, all payments of informants utilizing USMS funding

shall comply with USMS policies and procedures concerning confidential informants and protected sources.

13. Use of Firearms and Deadly Force: All members of the DTF shall comply with their agency's guidelines concerning the use of firearms and deadly force. Copies of all applicable firearms and deadly force policies shall be provided to the Task Force Chief and each concerned task force officer.
14. News Media: Press conferences, press releases, and other statements to the media concerning task force arrests and operations shall be coordinated among all participating agencies.
15. Release of Liability: Each agency shall be responsible for the acts or omissions of its personnel. Participating agencies or officers shall not be considered as the agent of any other participating agency. Nothing herein is intended to waive or limit sovereign immunity under federal or state statutory or constitutional law.

AGREED to this 23rd day of December, 2008.

State/Local Law Enforcement Agency

City of Bloomington

Steven Deatherage, B.H.
U.S. Marshall
District of CT IL
United States Marshall Service

Stephen F. Stockton
Mayor

Motion by Alderman Finnegan, seconded by Alderman Gibson that the Memorandum of Understanding 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, Schmidt, Finnegan, Gibson, Hanson, Sage, Fruin and Purcell.

Nays: None.

Motion carried.

The following was presented:

To: Honorable Mayor and Members of the City Council
From: Staff
Subject: Professional Services Contract

Staff respectfully requests approval of a contract to engage artists and/or groups represented by Keith Case and Associates to perform services in the Bloomington Center for the Performing Arts on May 16, 2009. Base expenses for this contract will be \$10,000.

The selection of this production was coordinated with the Cultural Commission and the Cultural District's Programming Advisory Committee. Staff and community advisors agree that the event will attract broad, positive community involvement and contribute to the public service mission of the Cultural District and the Bloomington Center for the Performing Arts.

Staff respectfully recommends accepting the contract for the performance and further that the Mayor and City Clerk be authorized to execute the necessary documents. Funding for this contract will come from account X21100-70220 of the Cultural District budget, to be offset by event revenues.

Respectfully,

C. Bruce Marquis
Executive Director, Cultural District

Tom Hamilton
City Manager

Motion by Alderman Finnegan, seconded by Alderman Gibson that the contract from Keith Case and Associates be accepted and that the Mayor and City Clerk be authorized to execute the necessary documents.

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

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

Nays: None.

Motion carried.

The following was presented:

To: Honorable Mayor and Members of the City Council
From: Staff
Subject: Access Easement for Richard and Joanna Martin

The property surrounding and including Lake Evergreen was leased to McLean County for Comlara Park in 1972. The lease requires the County to operate the park and maintain the property in accordance with the Comlara Evergreen Lake Master Plan. The underlying goal of the plan is to preserve the natural beauty of the area and to discourage development around the lake. To that end, the plan requires the County to limit access to the perimeter park road from adjacent property.

Several years ago, the City received a request from an adjacent property owner for an easement for an access road across the park property to the perimeter road. The road had been there prior to the City purchasing the lake property. The City and County decided it would be appropriate to grant the request given the history of the road as long as the easement contained terms to restrict the development on the adjacent property in keeping with the Lake Master Plan. At the time they considered this request, the City and County also identified other pre-existing access points and entered into an agreement to grant formal easements to the owners of the property served by those roads upon request. The agreement also prescribed the terms on which the easements could be granted.

Rick and Joanna Martin own a twenty (20) acre parcel that is served by one of the access points identified in the City and County agreement. The Martins have requested the City grant an easement pursuant to the agreement. The Martins submitted the attached form of easement to City and County staff for review. The County approved the form and recommended the easement be granted. City staff concurs with the County and recommends you approve the easement.

Respectfully,

Hannah R. Eisner
Deputy Corporation Counsel

Tom Hamilton
City Manager

Motion by Alderman Finnegan, seconded by Alderman Gibson that the access easement be granted to Richard and Joanna Martin.

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

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

Nays: None.

Motion carried.

The following was presented:

To: Members of the City Council

From: Liquor Commission

Subject: Application OSF St. Joseph Medical Center Foundation located at 1505 Eastland Dr., for a Limited Alcoholic liquor license, Class LB which will allow the selling and serving of beer and wine by the glass for consumption on the premise

The Bloomington Liquor Commissioner Stephen Stockton called the Liquor Hearing to hear the application of OSF St. Joseph Medical Center Foundation for a Limited Alcoholic Liquor License, Class LB, which will allow the selling and serving of beer and wine by the glass for consumption on the premise. Present at the hearing were Liquor Commissioner Steven Stockton and Steve Petersen, Hannah Eisner, Deputy Corporation Counsel and Tracey Covert, City Clerk; and Patricia O'Dell, Foundation Executive Director and Applicant representative.

Commissioner Stockton questioned the purpose of this application. Patricia O'Dell, Foundation Executive Director and Applicant representative, began by informing the Commission that this application was for a fund raiser for the OSF St. Joseph Medical Center Foundation to be held at the Eastland Medical Plaza I Atrium on Friday, February 20, 2009 from 6:00 to 8:30 p.m. This request was for a Limited License for a nonprofit corporation.

She reminded the Commission that this event was usually held in August. The Foundation does not believe that August was the best time of year for the event. The goal was to increase ticket sales. The month of February was chosen.

This would be the thirteenth or fourteenth World Tour, A Sampling of International Beer, Wine and Food. She noted that taster cups would be used to serve the beer and wine. Commissioner Stockton questioned who would act as servers. Mrs. O'Dell noted that OSF would be working with A. Renee, located at 306 N. Center, Ste. 102, (wine service) and Specialty Imports, Peoria (beer service). Last year, OSF worked with Famous Liquors, located at 1404 E. Empire St. Hannah Eisner, Asst. Corporation Counsel, cautioned that A. Renee and Specialty Imports cannot accept orders at the event. Acceptance of same would be the point of sale. A. Renee and Specialty Imports may act as the event's caterers/distributors. Mrs. O'Dell expressed her understanding of same and would share this information with A. Renee and Specialty Imports.

Mrs. O'Dell noted that this year would mark this event's twelfth or thirteenth anniversary. The event was originally held at Central Station. This will be the tenth year for it to be held on the OSF campus. There also were corporate sponsors for this event.

Mrs. O'Dell estimated the event attendance at 200. The event recognized OSF/St. Joseph's donor base. Commissioner Stockton noted that he had attended the event in the past. It was a nice and well run event. Dollars raised from this year's event will be used to meet the Foundation's pledge to the hospital. These dollars will be directed towards operating room lighting and improving the telemetry system. Commissioner Stockton informed the Applicant that the license fee would be waived as in the past.

Based on the above, the Liquor Commission recommends to the City Council that an LB liquor license for OSF St. Joseph Medical Center Foundation, located at Eastland Medical Plaza I, Atrium, 1505 Eastland Dr., be created for a fund raiser to be held on February 20, 2009 from 6:00 - 8:30 p.m., contingent upon compliance with all applicable health and safety codes.

Respectfully,

Stephen F. Stockton
Chairman of Liquor Commission

Motion by Alderman Finnegan, seconded by Alderman Gibson that an LB liquor license for OSF St. Joseph Medical Center Foundation located at Eastland Medical Plaza I, Atrium, 1505 Eastland Dr., be created for a fund raiser to be held on February 20, 2009 from 6:00 – 8:30 p.m., 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, Schmidt, Finnegan, Gibson, Hanson, Sage, Fruin and Purcell.

Nays: None.

Motion carried.

The following was presented:

To: Honorable Mayor and Members of the City Council

From: Staff

Subject: Housekeeping Text Amendment Chapter 2 Administration

City staff has reviewed Chapter 2 as it relates to the City Clerk's Office. There were areas which needed to be updated to reflect actual business practices, changes in state laws, and the actual cost of conducting business.

Staff respectfully recommends that the Text Amendment be approved the Ordinance passed.

Respectfully,

Tracey Covert
City Clerk

Tom Hamilton
City Manager

ORDINANCE NO. 2008 – 82

AN ORDINANCE AMENDING CHAPTER 2, ARTICLE II SECTION 24, AND ARTICLE III SECTION 43 AND 45.5

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

SECTION ONE: Chapter 2 (Administration), Article II (City Council) of the Bloomington City Code, 1960, as amended, is further amended by correcting the Table of Contents:

Table of Contents

Sec. 22 ~~Approval or Disapproval of Ordinances, Etc., Before Final Action of Council.~~
Sponsorship of Ordinances, Etc.

~~Sec. 23 — Sponsorship of Ordinances, Etc.~~

SECTION TWO: Chapter 2 (Administration), Article II (City Council) of the Bloomington City Code, 1960, as amended, is further amended by amending the following Section 24:

SECTION 24 SUBMISSION OF MATTERS FOR COUNCIL CONSIDERATION.

All reports, communications, ordinances, resolutions, contract documents, or other matters to be submitted to the Council shall, not be later than ~~12 noon~~ 9:00 a.m. on ~~Wednesday~~ Monday preceding each Council meeting, be delivered to the City Clerk whereupon the City Clerk shall immediately arrange a list of such matters according to the order of business and furnish each member of the Council, the Mayor, the City Manager, and the Corporation Counsel with a copy.

SECTION THREE: Chapter 2 (Administration), Article III (Departments, Boards, Commissions, Etc.) of the Bloomington City Code, 1960 as amended, is further amended by amending the following Sections 43 and 45.5:

SECTION 43 CITY CLERK – DUTIES GENERALLY.

- I. ~~He shall be and hereby is designated as Registrar of Vital Statistics for this municipality. He shall keep a record showing all births, still births, and death occurring within the municipality, which record shall include all information required to be kept by the Department of Health of the State of Illinois.~~
- J. ~~He shall designate a deputy who in the absence of the Clerk, in case of sickness or otherwise, shall be empowered to perform all the duties of the Clerk. Such designation shall be effective upon approval by the City Manager.~~

J. *He shall designate deputies, the position of Records and Information Manager will also hold the title of Chief Deputy Clerk, and the Support Staff IV and V will also hold the title of Deputy Clerk. In the absence of the Clerk in case of sickness or otherwise, the Chief Deputy Clerk shall be empowered to perform all duties of the Clerk. The Deputy Clerks when authorized and directed may affix the seal of the municipality and attest documents in said capacity and those documents will have the same effect as if they had been executed by the Clerk. Such designation shall be effective upon approval by the City Manager.*

SECTION 45.5 DISCLOSURE OF PUBLIC RECORDS.

(b) Fee Schedule. The following schedule of fees to be charged for copies and certification of public documents pursuant to the Freedom of Information Act is as follows:

(1) Fee Schedule:

Xerox copies ~~\$.18/1st original~~
\$.09/subsequent copies

Photocopies

Black and white: less than eight (8) pages no charge

\$.25 per page for any document over eight (8) pages, duplex whenever possible

Color: \$.75 per page

Blueprints ~~\$2.00/each~~

actual cost of reproduction

Microfilm ~~\$3.00/each~~

actual cost of reproduction

CD

actual cost of reproduction

Photographs actual cost of reproduction

SECTION FOUR: That except as provided herein, the Bloomington City Code, 1960, as amended, shall remain in full force and effect.

SECTION FIVE: That the City Clerk be and she is hereby directed and authorized to publish this ordinance in pamphlet form as provided by law.

SECTION SIX: That this ordinance shall take effect immediately upon passage.

SECTION SEVEN: That this ordinance is adopted pursuant to Home Rule Authority granted by the City of Bloomington by Article 7, Section 6, of the Illinois Constitution, 1970.

PASSED this 22nd day of December, 2008.

APPROVED this 23rd day of December, 2008.

APPROVED:

Stephen F. Stockton
Mayor

ATTEST:

Tracey Covert
City Clerk

Motion by Alderman Finnegan, seconded by Alderman Gibson that the Text Amendment be approved and the Ordinance passed.

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

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

Nays: None.

Motion carried.

The following was presented:

To: Honorable Mayor and Members of the City Council

From: Staff

Subject: Petition from Parkway Partners One, Inc., Requesting Approval of a Final Plat for Parkway Village – Phase I

A Petition has been received from Parkway Partners One, Inc. requesting approval of a Final Plat for Parkway Village – Phase I. This subdivision is located south of Veterans Parkway, north of Ireland Grove Road, west of Mercer Ave. and east of Loop Road, on the former Stahly Truck City site.

Staff has reviewed the Final Plat and finds it to be in conformance with the Preliminary Plan approved by Council on September 8, 2008. However, the Development Agreement for this project has not been presented to Council for approval. Additionally, there is a surety for uncompleted public improvements due for this subdivision.

Staff respectfully recommends that Council accept the Petition and pass an Ordinance approving the Final Plat for Parkway Village – Phase I subject to the Petitioner supplying a surety for uncompleted public improvements prior to recording of the plat.

Respectfully,

Douglas G. Grovesteen
Director of Engineering

Tom Hamilton
City Manager

PETITION FOR APPROVAL OF FINAL PLAT

State of Illinois)
)ss.
County of McLean)

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

Now comes Parkway Partners One, Inc., an Illinois Corporation hereinafter referred to as your petitioner(s), respectfully representing and requesting as follows:

1. 1. That your petitioner is the owner of the freehold or lesser estate thereinof 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 Parkway Village – Phase 1.
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: all those listed on any approved Preliminary Plan, PUD plan or other agreement with the City of Bloomington.

WHEREFORE, your petitioner respectfully prays that said Final Plat for the Parkway Village Phase 1 subdivision submitted herewith be approved with the exemptions or variations as requested herein.

Respectfully submitted,

By: Frank Miles
Its Attorney

ORDINANCE NO. 2008 - 83

**AN ORDINANCE APPROVING THE FINAL PLAT OF THE
PARKWAY VILLAGE PHASE 1 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 Parkway Village Phase 1 Subdivision, legally described in Exhibit A attached hereto and made a part hereof by this reference; and

WHEREAS, said Petition requests the following exemptions or variations from the provisions of the Bloomington City Code-1960, as amended: all those listed on any approved Preliminary Plan, PUD plan or other agreement with the City of Bloomington; 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 Parkway Village Phase 1 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 22nd day of December, 2008.

APPROVED:

Stephen F. Stockton
Mayor

ATTEST:

Tracey Covert
City Clerk

EXHIBIT A

Parkway Village – Overall Tract

Part of the Southwest ¼ of section 11, Township 23 North, Range 2 East of the 3rd Principal Meridian, City of Bloomington, McLean County, Illinois, more particularly described as follows:

Beginning at the Southwest corner of section 11, Township 23 North, Range 2 East of the 3rd Principal Meridian; thence North 02°-13'-33" West, along the West line of said section 11, 30.21 feet to the occupied North line of Ireland Grove Road; thence South 85°-06'-12" East, along said occupied North line, 17.23 feet to the East right of way line of Mercer Avenue, thence North 45°-00'-19" West, along said East right of way line, 25.17 feet to a point lying 46.55 feet North of the aforesaid Southwest corner of section 11; thence North 02°-13'-33" West, along the East right of way line of Mercer Avenue and West line of section 11, 494.93 feet to the Southeasterly right of way line of Veteran's Parkway; (U.S. Route 66) (F.A. Route 5); thence North 88°-13'-06" East, along said right of way line, 7.66 feet thence North 01°-46'-36" West, along said right of way line, 21.23 feet to a point lying 75.00 feet normal distance Southeasterly of the surveyed centerline of said Veteran's Parkway, thence Northeasterly, along the Southeasterly right of way line of said Veteran's Parkway, a curve to the left, convex to the Southeast, with a radius of 4985.61 feet and an initial tangent bearing North 63°-27'-23" East, a distance of 735.66 feet to a point on curve lying 75.00 feet normal distance Southeasterly of said centerline; thence North 57°-38'-41" East along said Southeasterly right of way line, 160.83 feet to a point lying 85.00 feet normal distance Southeasterly of said centerline; thence Northeasterly, along said Southeasterly right of way line, a curve to the left, convex to the Southeast with a radius of 995.61 feet and an initial tangent bearing North 53°-09'-33" East, a distance of 253.61 feet to a point on curve lying 85.00 feet normal distance Southeasterly of said centerline, thence South 02°-14'-12" East, along said Southeasterly right of way line, 6.30 feet to a point lying 90.00 feet normal distance Southeasterly of said centerline, thence Northeasterly, along said Southeasterly right of way line, a curve to the left, convex to the Southeast, with a radius of 5000.61 feet and an initial tangent bearing North. 50°-17'-40" East, a distance of 8.01 feet to a point on the West line of State Farm South Subdivision First Addition recorded on October 24, 2000 as document No. 2000-26512 in the McLean County Recorder's office; thence South 02°-10'-33" East, along the West line of said addition, 1177.43 feet to the aforesaid occupied North line of Ireland Grove Road; thence continuing South 02°-10'-33" East, along aforesaid West line, 30.06 feet to the South line of the aforesaid section 11, thence North 88°-31'-00" West, along said South line of section 11, 1004.96 feet to the point of beginning, containing 865014 square feet, (19.858 acres), more or less, all situated in the City of Bloomington, McLean County, Illinois.

Parkway Village Phase 1 (Lots 101, 102, & 103)

Beginning at the Southwest corner of section 11, Township 23 North, Range 2 East of the 3rd Principal Meridian; thence North 02°-13'-33" West, along the West line of said section 11, 30.22 feet to the occupied North line of Ireland Grove Road; thence South 85°-06'-12" East, along said occupied North line, 17.23 feet to the East right of way line of Mercer Avenue; thence North 45°-00'-19" West, along said East right of way line, 25.17 feet to a point lying 46.56 feet North of the aforesaid Southwest Corner of section 11; thence North 02°-13'-33" West, along the East along

the East Right of Way line of Mercer Avenue and West line of section 11, 494.93 feet to the Southeasterly Right of Way line of Veteran's Parkway; (U.S. Route 66) (F.A. Route 5); thence North 88°-13'-06" East, along said Right of Way line, 7.66 feet; thence North 01°-46'-36" West, along said Right of Way line, 21.23 feet to a point lying 75.00 feet normal distance Southeasterly of the surveyed centerline of said Veteran's Parkway; thence Northeasterly, along the Southeasterly Right of Way line of said Veteran's Parkway, a curve to the left, convex to the Southeast, with a radius of 4985.61 feet and an initial tangent bearing North 63°-27'-23" East, a distance of 351.77 feet; thence South 31°-08'-07" East, 210.70 feet; thence South 58°-51'-53" West, 171.00 feet; thence South 31°-08'-07" East, 30.57 feet; thence South 01°-29'-00" West 147.16 feet; thence North 88°-31'-00" West, 14.75 feet; thence South 01°-29'-00" West, 265.53 feet to the aforesaid occupied North line of Ireland Grove Road; thence continuing South 01°-29'-00" West, 30.00 feet to the South line of the aforesaid section 11, thence North 88°-31'-00" West, along said South line of section 11, 247.11 feet to the point of beginning, containing 193,815 square feet, (4.449 acres), more or less, all situated in the City of Bloomington, McLean County, Illinois, and,

Parkway Village Phase 1 (Outlot 100)

Commencing at the Southwest Corner of section 11, Township 23 North, Range 2 East of the 3rd Principal Meridian; thence North 02°-13'-33" West, along the West line of said section 11, 30.22 feet to the occupied North line of Ireland Grove Road; thence South 85°-06'-12" East, along said occupied North line, 17.23 feet to the East Right of Way line of Mercer Avenue; thence North 45°-00'-19" West, along said East Right of Way line, 25.17 feet to a point lying 46.56 feet North of the aforesaid Southwest Corner of section 11; thence North 02°-13'-33" West, along the East Right of Way line of Mercer Avenue and West line of section 11, 494.93 feet to the Southeasterly Right of Way line of Veteran's Parkway; (U.S. Route 66) (F.A. Route 5); thence North 88°-13'-06" East, along said Right of Way line, 7.66 feet; thence North 01°-46'-36" West, along said Right of Way line, 21.23 feet to a point lying 75.00 feet normal distance Southeasterly of the surveyed centerline of said Veteran's Parkway; thence Northeasterly, along the Southeasterly Right of Way line of said Veteran's Parkway, a curve to the left, convex to the Southeast, with a radius of 4985.61 feet and an initial tangent bearing North 63°-27'-23" East, a distance of 735.66 feet to a point on curve lying 75.00 feet normal distance Southeasterly of said centerline; thence North 57°-38'-41" East, along said Southeasterly Right of Way line, 55.34 feet to the Northwest Corner of Outlot 100, the true point of beginning for Outlot 100; thence continuing North 57°-38'-41" East, along said Southeasterly Right of Way line, 105.49 feet to a point lying 85.00 feet normal distance Southeasterly of said centerline; thence Northeasterly, along said Southeasterly Right of Way line, a curve to the left, convex to the Southeast with a radius of 4995.61 feet and an initial tangent bearing North 53°-09'-33" East, a distance of 253.61 feet to a point on curve lying 85.00 feet normal distance Southeasterly of said centerline; thence South 02°-14'-12" East, along said Southeasterly Right of Way line, 6.30 feet to a point lying 90.00 feet normal distance Southeasterly of said centerline; thence Northeasterly, along said Southeasterly Right of Way line, a curve to the left, convex to the Southeast, with a radius of 5000.61 feet and an initial tangent bearing North 50°-17'-40" East, a distance of 8.01 feet to a point on the West line of State Farm South Subdivision First Addition recorded on October 24, 2000 as Document No. 2000-26512 in the McLean County Recorder's Office; thence South 02°-10'-33" East, along the West line of said addition, 289.50 feet; thence South 58°-51'-53" West, 221.77 feet; thence North 31°-

08'-07" West, 223.77 feet to the point of beginning, containing 67,759 square feet, (1.556 acres) more or less, all situated in the City of Bloomington, McLean County, Illinois,

Motion by Alderman Finnegan, seconded by Alderman Gibson that the Final Plat be approved and the Ordinance passed contingent upon a surety being placed on file.

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

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

Nays: None.

Motion carried.

The following was presented:

To: Honorable Mayor and Members of the City Council

From: Staff

Subject: Waive the Formal Bid Process and Enter a Professional Services Agreement with Clark Dietz, Inc. for Inspection Services for Water Main Construction Project on Ireland Grove Road from Kickapoo Creek to Benjamin School Site

The second phase of the water main construction to serve the Grove development and the new Benjamin School site to be built on Ireland Grove Road from Kickapoo Creek to the school site will start this winter. This project will install a twenty inch (20") water main along this length of Ireland Grove Road. Staff would like to employ Clark Dietz, Inc. for construction inspection services.

Winter is one of the busier times of the year for the Water Department due to infrastructure problems. Issues addressed include main breaks, frozen meters and hydrant problems. Unfortunately, the Water Department cannot commit department staff to an inspection job such as this at this time of the year due to the unpredictable nature of work in the winter months. If a Water Department employee were assigned to this job, undoubtedly he/she would be redirected to work on emergency repairs to infrastructure on a frequent basis. This would lend itself to a less consistent inspection process.

Staff respectfully recommends that the formal bidding process be waived, the agreement with Clark Dietz, Inc. be approved in an amount not to exceed \$20,000, the Mayor and City Clerk be authorized to execute the necessary documents, and the Resolution adopted. Funds for this project will be paid for with funds from the Water Department/Depreciation Fund, Consultant Services (Account # X50200-70050).

Respectfully,

Craig M. Cummings
Director of Water

Tom Hamilton
City Manager

RESOLUTION NO. 2008 - 92

**A RESOLUTION WAIVING THE FORMAL BIDDING PROCESS AND AUTHORIZING
ENTERING INTO A PROFESSIONAL SERVICES AGREEMENT WITH CLARK
DIETZ FOR INSPECTION SERVICES FOR WATER MAIN CONSTRUCTION ON
IRELAND GROVE ROAD FROM KICKAPOO CREEK TO BENJAMIN SCHOOL SITE
AT A PRICE NOT TO EXCEED \$20,000**

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

1. That the bidding process be waived and authorizing entering into a Professional Services Agreement with Clark Dietz for Inspection Services for Water Main Construction on Ireland Grove Road from Kickapoo Creek to Benjamin School Site at a price not to exceed \$20,000.

ADOPTED this 22nd day of December, 2008.

APPROVED this 23rd day of December, 2008.

APPROVED:

Stephen F. Stockton
Mayor

ATTEST:

Tracey Covert
City Clerk

Mayor Stockton requested that Craig Cummings, Director of Water, address the Council. Mr. Cummings noted the number of large water main projects in process. Staff wanted to hire a professional consulting engineering firm to perform inspection work. Staff did not have the time to perform same. Mayor Stockton questioned if the City was simply going through a peak period as far as work load in the Water Department.

Alderman Stearns questioned the level of expertise necessary to perform the inspections. She questioned if this work could be done in house. She also questioned if the

City employed individuals with the proper qualifications to perform this work. In addition she inquired about the Engineering Department providing assistance. Mr. Cummings informed the Council a Water Maintenance worker with fifteen (15) years of experience could perform this work. He could not address the Engineering Department's staffing levels. He believed most City departments were short staffed.

Alderman Stearns questioned what would be necessary to have the work performed by staff instead of outsourced. Mr. Cummings stated the two (2) ways it could be accomplished: 1.) a reduction in the work load and/or 2.) hiring additional personnel.

Alderman Stearns questioned if Clark Dietz, Inc. would be inspecting their own work. Mr. Cummings responded negatively. The design of the project was completed through Farnsworth and Associates.

Alderman Fruin questioned the staff count within the Water Department as compared to one (1) year ago. Mr. Cummings responded there were fifty-seven (57) full time employees. There had been no additional staff since 2004. The City had been adding approximately five hundred (500) new customers each year. Industry standards specify that for each five hundred to seven hundred (500 - 700) customers, there should be one (1) Water Department employee. With that standard, the Water Department should have hired one (1) new employee each year for the last several years.

Alderman Sage questioned if any of the Water Department staff had taken the Early Retirement Initiative (ERI). Mr. Cummings responded affirmatively. There had been eight to ten (8 - 10) who had retired. Currently, there have been five (5) Water Department employees, with ninety-six (96) years of experience between them who have retired.

Mayor Stockton believed the salary cost savings had been substantial. Mr. Cummings responded they had been substantial for the non union employees. The union scale was based on longevity so there was some savings there. Approximately seventy-five percent (75%) of the Water Department's staff were unionized employees. Tom Hamilton, City Manager, added the City was on track in regards to the savings through the ERI.

Alderman Purcell questioned the amount the City had spent on professional consulting services in the past twelve (12) months. Mr. Cummings responded the City had spent approximately \$200,000 on inspection consulting services. Consulting services represented approximately ten percent (10%) of the total cost of a project. Alderman Purcell questioned if the City could have an in-house engineer who worked with the Water and Engineering Departments. The City could save money in that regard. Mr. Cummings noted it was a matter of staffing and time. Each job was reviewed individually. The smaller projects were reviewed in-house. The larger projects required someone to be there eight (8) hours a day for inspections. Staff could not spare that amount of time.

Alderman Purcell questioned the level of experience of the inspectors from the consulting firm. Mr. Cummings assured him the inspectors were experienced in their field.

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

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

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

Nays: Alderman Gibson.

Motion carried.

Ron Schultz, 1208 E. Oakland Ave, addressed the Council. He cited his past experiences as Superintendent of the Water Treatment Plant at Lake Bloomington. In the past, the Engineering Department had performed the necessary inspections for the Water Department. He encouraged the City to hire an engineer for the Water and Engineering Departments who could perform the necessary job functions. It would save money in the long run.

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

Motion carried.

Motion by Alderman Gibson, seconded by Alderman Finnegan that the formal bidding process be waived, the agreement with Clark Dietz, Inc. is approved in an amount not to exceed \$20,000, the Mayor and City Clerk be authorized to execute the necessary documents, and the Resolution adopted.

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

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

Nays: Alderman Purcell.

Motion carried.

Alderman Stearns noted this was an area that should be continually reviewed. There was savings potential if this could be done in-house. The taxpayers would reap the benefits.

The following was presented:

To: Honorable Mayor and Members of the City Council

From: Staff

Subject: Permission to Hire Nick Marchell as a Water Department Meter Reader

The Water Department is seeking permission to hire Mr. Nick Marchell to work in the Water Department as a Meter Reader.

The Employee Handbook prohibits the hiring of relatives of a department head unless specifically approved by a Resolution passed by Council. Mr. Marchell is the son of Emily Bell, Director – Human Resources. Mr. Marchell has been working in the Water Department since February 2007. Prior to that time, Mr. Marchell worked as seasonal employee for the City in the Parks and Recreation Department for one (1) year. In addition, he also has seven (7) years experience as a construction laborer.

Respectfully,

Craig M. Cummings
Water Director

Tom Hamilton
City Manager

RESOLUTION NO. 2008 - 95

A RESOLUTION APPROVING THE HIRING OF NICHOLAS MARCHELL AS A FULL TIME EMPLOYEE IN THE WATER DEPARTMENT

WHEREAS, Nicholas Marchell, the son of Human Resources Director, Emily Bell, has applied for a full time position in the Water Department; and

WHEREAS, City policy states as follows regarding the hiring of persons related to City officials:

Relatives to the second degree of kinship (aunts, uncles, cousins): by birth, marriage or adoption, of any elected official or Department Head will not be hired unless the City Council approves the hiring, without the vote of the related elected official; and

WHEREAS, the Director of Water Department has recommended the hiring of Nicholas Marchell as a Water Meter Reader.

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

That the hiring of Nicholas Marchell as a Water Reader Meter in the Water Department of the City of Bloomington be authorized.

ADOPTED this 22nd day of December, 2008.

APPROVED this 23rd day of December, 2008.

APPROVED:

Stephen F. Stockton
Mayor

ATTEST:

Tracey Covert
City Clerk

Alderman Stearns cited earlier conversations with Tom Hamilton, City Manager, and Craig Cummings, Director of Water. This was an issue of ethics. There was a policy in the employee handbook which addressed such an issue. Mr. Hamilton read the policy. The policy did not bar hiring related individuals. It required Council approval. This happened occasionally.

Alderman Schmidt believed the City had standard language regarding nepotism in comparison to places she had worked. The policy was simply to guard against direct supervision. Mr. Hamilton agreed. He stated the policy provided control. The handbook had been reviewed by an outside attorney and complied with applicable laws.

Alderman Stearns had checked with other municipal agencies. It was a serious issue. This was the public realm and the City was dealing with the taxpayers' money. The mother of the applicant was the Director of Human Resources. She was responsible for hiring, discipline, union negotiations, etc. This was a conflict of interest in regards to policy.

Alderman Stearns questioned the number of applicants for the position. Mr. Cummings stated there were thirty-four (34) applicants for the first posting and thirty-six (36) for the second posting. Alderman Stearns questioned the skill set and wage associated with this position. Mr. Cummings responded there was a relatively low skill set and a fair wage.

Alderman Stearns referred to this item as breaking policy. Mayor Stockton noted per policy, the hiring was allowed if the Council approved. He questioned if Alderman Stearns was requesting an absolute prohibition against nepotism. She responded negatively. There could be special circumstances. Mayor Stockton restated the policy. Alderman Stearns explained it was the spirit of the rule. There was a conflict of interest. This request did not serve the public.

Mayor Stockton reiterated the Council was not going against policy. It was following policy to bring this forward. He had confidence that staff had chosen the best qualified individual. He questioned if there a reason this applicant should not be hired. He cited the recent hiring of the new City Manager. The Council hired the best qualified individual.

Mr. Cummings stood behind the candidate chosen. The applicant was qualified and had worked in the field. He had been a good employee for the past two (2) years. He considered this to be an extended probationary period.

Alderman Hanson reminded the Council that their job was as policy makers. The Council needed to stand behind and support staff in their decisions. There needed to be confidence in the City's department heads. They were in their positions for a reason. They were given the latitude to use their best judgment. He wanted to send the message to staff that the Council would support them in their decisions.

Mayor Stockton restated the reason this was on the agenda was because it was required by policy. The Council was not trying to micromanage. This was a safe guard.

Mayor Stockton questioned if there was a Council member who did not believe Mr. Cummings' statements. Alderman Stearns noted the Council cannot begin to question because they were not part of the process. She only knew how this might appear to the citizens. The mother and son relationship was close. She questioned if Ms. Bell would recues herself from union negotiations. Mr. Hamilton stated Ms. Bell as Human Resources Director would participate as she always had. She was a professional with integrity. She would be fair and impartial. Alderman Stearns stated parents were never impartial.

Alderman Fruin cited the critical language in the policy. Elected officials and department heads were held to a higher standard. The Council had approved hiring Council members' children in the past. There was no relationship and no supervision between these two (2) positions.

Alderman Purcell read the policy. He cited his past experience working with his father in a chemical facility. He would not want his children working for the City due to his position. There would be individuals who said the child was hired because of the relationship. There would be discomfort. He would vote no on this item.

Alderman Sage stated he had talked with Mr. Hamilton and Mr. Cummings earlier and many of his questions were answered. He cited the memo the Council had received from Mr. Cummings. It provided additional information. This was an important issue due to the visibility of the position. He questioned if previous seasonal applicants had been brought before the Council. Mr. Hamilton answered affirmatively. Alderman Sage promoted transparency. The best candidate should be hired. He wanted to support the principal that the department heads know what was best for their departments.

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

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

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

Nays: Aldermen Gibson.

Motion carried.

Ron Schultz, 1208 E. Oakland, addressed the Council. He stated this was a matter of ethics. The Human Resources Director was a unique position. It was involved with many aspects of the City. Those included discipline and union negotiations. This was an issue of public trust. This item should not have come before the Council.

Alderman Schmidt stated she objected to Mr. Schultz's comments. Mayor Stockton concurred. Mr. Schultz had used words such as corruption. That was insulting to the Council.

Mr. Schultz stated that in the eyes of the public, this person should not be hired by the City. Especially since his mother was involved with the union negotiations. Mayor Stockton stated that was a legitimate point of view and would be taken into consideration.

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

Motion carried.

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

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

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

Nays: Aldermen Stearns and Purcell.

Motion carried.

Alderman Purcell stated his position was based on the employee handbook. Alderman Schmidt understood and stated some disagreement could be healthy.

Alderman Stearns stated her disappointment regarding the hiring of Nick Marchell. She did not believe this was appropriate.

The following was presented:

To: Honorable Mayor and Members of the City Council

From: Staff

Subject: Award Proposal for the Re-Bid of the Box Office Enclosure for the US Cellular Coliseum

Proposals were received until October 1, 2008 at 12:00 p.m., (noon) by the City Clerk for the Re-Bid of the Box Office Enclosure for the US Cellular Coliseum. Only one proposal was received by the City Clerk and it was opened and read aloud at the October 13, 2008 Council Meeting. The proposal was submitted by Johnston Contractors in the amount of \$112,000.

Staff requested that Council lay over the item until the October 27, 2008 Council Meeting. The proposal was rejected at that meeting. City staff directed Central Illinois Arena Management to provide additional information regarding the need for the enclosure. A ticket office enclosure cost analysis is attached to this memorandum. Johnston Contractors has agreed to hold their proposal price.

The enclosure will be paid for out of the Coliseum's fixed asset budget. To cover the cost of the enclosure, the purchase of end court risers will be deferred until a future year. The risers were budgeted at \$175,000. Thus there will be more than enough funds to cover the bid price from this year's budget. In addition, Ticketmaster has agreed to sponsor the enclosure at \$15,000 per year for eight (8) years. This will yield \$120,000 which will more than cover the capital cost of the enclosure. City staff respectfully recommends that the proposal for a box office enclosure at the US Cellular Coliseum be awarded to Johnston Contractors in the amount of \$112,000.

Respectfully,

Mike Nelson
Central Illinois Arena Management

Tom Hamilton
City Manager

US CELLULAR COLISEUM BOX OFFICE AGREEMENT

RECOMMENDATION:

Central Illinois Arena Management proposes a new alternative plan which will eliminate the need for constructing an attachment to the primary box office.

Our recommendation is to renovate the current U.S. Cellular retail store as a new walk-in secondary box office location located on the southeast corner of the Coliseum off Madison Street. U.S. Cellular has agreed to relocate their cellular retail store in the Coliseum to the current merchandise area.

Project costs are estimated at approximately \$40,000.
Project Starting Date: Late May/June 2009.

Renovation expenses will be paid with a combination of the TicketMaster (8-year \$15,000) sponsorship and funding from CIAM.

The City of Bloomington and Central Illinois Arena Management (CIAM) are requesting pricing for a Box Office Enclosure for the US Cellular Coliseum.

The purpose for this enclosure is to alleviate the weather elements for our customers purchasing tickets for the Us Cellular Coliseum.

The City of Bloomington and CIAM are asking for pricing to be in the form as a design build project.

All permits needed for the project will be the responsibility of the contractor.

The City of Bloomington and CIAM do have limited criteria for the project. Please take these into account in your design and pricing of the project:

1. Design should allow for existing canopy that is now in place over box windows.
2. We are looking to use pier footings as our support system.

A walk through is scheduled for July 23, 2008 at 10:00 am CST for you to ask questions and to take measurements at that.

Pricing and design documents must be submitted August 6, 2008 by 11:00 a.m. CST.

The City of Bloomington and CIAM are asking for a completion date of October 3, 2008.

(U.S. CELLULAR COLISEUM DRAWING ON FILE IN THE CLERK'S OFFICE)

Mayor Stockton introduced this item. He questioned the cost for same. He expressed his concern about the budget and also questioned sponsorship dollars. Tom Hamilton, City Manager, noted Ticketmaster's sponsorship dollars. There would be annual operations savings. He directed the Council to the table contained within the Ticket Office Enclosure Cost Analysis dated November 19, 2008. These figures did not include additional revenue such as increased ticket sales. The figures also did not include fees from merchandise and concessions. The figures were conservative. This enclosure would provide protection from the weather. Mayor Stockton described this proposal as cost avoidance.

Alderman Sage questioned the bid process. Tracey Covert, City Clerk, reviewed the City's formal bid process. Mayor Stockton noted that the Council had been provided with a rendering of the proposed enclosure. He added that it appeared to be professional.

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

Motion carried.

Mike Nelson, General Manager - Central Illinois Arena Management, (CIAM), addressed the Council. CIAM had done the research. The enclosure would be an improvement over the tent. The tent was a challenge. He noted the Central Illinois winds and the fact that there was no lighting in the tent. A box office enclosure was not included at the time of construction. He noted that there were security issues with allowing the

public inside the US Cellular Coliseum, (USCC), during nonevent times. The enclosure would also offer improved customer relations. It would offer lighting and HVAC, (Heating, Ventilating and Air Conditioning). Currently, the USCC has four (4) ticket windows. He restated that the enclosure would be an improvement. He believed that more tickets would be sold at the USCC because of it.

Alderman Finnegan expressed his belief that the enclosure was needed. He questioned if patrons would be able to gain access to the USCC through the enclosure. Mr. Nelson responded affirmatively. The enclosure could be expanded and would also serve as a waiting area. It would be located at the intersection of Madison and Front.

Alderman Gibson expressed his support. The enclosure would be a good addition to this multimillion dollar facility. Mr. Nelson cited security issues and added that CIAM would welcome the addition.

Alderman Purcell questioned the following items: 1.) sidewalk clearance, 2.) capacity; 3.) HVAC and lighting; 4.) roof design, (concerns raised regarding the flat roof - snow and ice); 5.) advertising; 6.) security, (who responsible to lock and secure the area); and 7.) rendering, (would have appreciated receiving same earlier). Mr. Nelson stated that he could not address all of these areas. The enclosure would comply with the City Code. He estimated capacity at two hundred (200). CIAM would work with Ticketmaster regarding signage. No decisions had been made at this time. The roof would drain into the building's existing system. The current tent was a wind tunnel. Event staff would secure the area. The HVAC system would be radiant heat. He restated that CIAM's staff had done the research and exercised due diligence. Alderman Purcell questioned if this enclosure would be adequate and if it would perform.

Alderman Purcell questioned how large the structure should be. Mayor Stockton stated that the enclosure would not be built for peak attendance. Mr. Nelson informed the Council that the enclosure as presented was as large as it could be to comply with the City Code. He added that Peoria's Civic Center had eight (8) ticket windows. A portable ticket structure could be purchased and placed the suite area of the USCC. This was the first step to improve ticket sales. The enclosure would require appropriate signage. The will call line for online purchases would also generate revenue for the USCC.

Alderman Sage questioned the life expectancy of the structure. Mr. Hamilton responded twenty to twenty-five (20-25) years. Alderman Sage expressed his hope that this project would go well. He questioned Ticketmaster's sponsorship and if the enclosure was expandable. Mr. Nelson restated his belief that ticket sales at the USCC would increase. CIAM's staff expected good things from this addition to the facility. Alderman Sage expressed his concerns about shortages at the USCC. He added that CIAM's staff had indicated that they would delay the purchase of risers as the enclosure was an unbudgeted item. Mr. Nelson responded affirmatively. He added that sponsorship dollars would increase from \$10,000 to \$15,000.

Alderman Finnegan restated his belief that this was a good move for the USCC. The enclosure was needed. Based upon the rendering, it was not the most attractive addition. He questioned if a flag mast had been included with this project. He had a constituent who has consistently requested that a flag be placed on the building. Mr. Nelson stated that there was a place for one.

Bill Johnston, Johnston Contractors, 9 Heartland Dr., addressed the Council. He informed them that at one time there had been a box office enclosure. It had been removed during the design build process. He agreed that it was not the most attractive structure. It would offer shelter and security. It would be easy to construct. He described it as a typical store front. It would be built to the same standards and quality as the USCC. It would be in compliance with the City Code.

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

Motion carried.

Alderman Purcell questioned the impact of this contract upon the purchase of risers. He recommended that CIAM remain with the tent. This issue could be revisited in a couple of years. He did not believe the numbers presented. He also did not believe that the enclosure as presented would be safe.

Mayor Stockton expressed his opinion that this project would break even or better for the USCC.

Motion by Alderman Finnegan, seconded by Alderman Gibson that the proposal for the box office enclosure for the US Cellular Coliseum be awarded to Johnston Contractors in the amount of \$112,000, 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, Schmidt, Finnegan, Gibson, Hanson, Sage and Fruin.

Nays: Alderman Purcell.

Motion carried.

MAYOR'S DISCUSSION: Mayor Stockton informed the Council that Todd Greenburg, Corporate Counsel, sent a letter to McLean County regarding the gravel pit near Fox Creek Subdivision. The letter requested clarification on several issues. The County had replied. Mr. Greenburg had forwarded copies of the reply to the Council members. Mayor Stockton was considering drafting a response. He hoped City and County subdivisions would have the same protections. The County had jurisdiction and had spent much time listening to the experts on both sides.

Mayor Stockton noted this was the last meeting of the year. He believed it had been a good year, with challenges, just as next year would be. He felt fortunate to live here.

CITY MANAGER'S DISCUSSION: Tom Hamilton, City Manager, informed the Council that there would be no garbage pick up on Christmas Day. It would be picked up the following day, Friday, December 26, 2008. Refuse pick up would be as usual on New Year's Eve and New Year's Day.

ALDERMEN'S DISCUSSION: Alderman Finnegan commended the Public Service crews after the last storm. Aldermen Sage, Purcell, Stearns, and Gibson echoed these comments.

Alderman Fruin cited the previous discussions regarding a Code of Conduct. He thanked the Council for their comments. One suggestion he believed was relevant was the Council has a responsibility to plan for the future as well as the present.

Alderman Fruin noted Mr. Hamilton's fifteen (15) years of service with the City. He had touched a number of people as City Manager. He had adapted well and was a stable force at City Hall. The City needed to meet the challenge due to the retirement of several employees. There were many years of service going out the door. Alderman Schmidt echoed these comments. Mayor Stockton informed the Council there would be an afternoon reception on January 22, 2009 for Mr. Hamilton's retirement.

Merry Christmas and Happy Holidays were wished to all.

Motion by Alderman Schmidt, seconded by Alderman Hanson, that the meeting be adjourned. Time: 9:32 p.m.

Motion carried.

**Tracey Covert
City Clerk**