

**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, October 27, 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 Deputy City Clerk to call the roll and the following members answered present:

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

City Manager Tom Hamilton, Deputy City Clerk Julie Phillips, and Corporate Counsel Todd Greenburg were also present.

Absent: City Clerk, Tracey Covert.

The following was presented:

Keith Ranney, Fire Chief informed the Council that the Fire Department was reinstating a long overdue process of officially and publicly swearing in Firefighters, who, in addition to Police Officers were sworn officers. There were presently three (3) officers who had passed their twelve (12) month probationary period and achieved all recommendations. They were excellent candidates and he was glad to have them. Their families were present to witness the swearing in ceremony. He introduced the three (3) Firefighters, Jason Greer, Mark Guymon, and Jeffrey Moran.

Julie Phillips, Deputy City Clerk, performed the Oaths of Office for Firefighters Jason Greer, Mark Guymon and Jeffrey Moran.

Mayor Stockton congratulated the new Firefighters.

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. Declaring November 19, 2008 as GIS Day 2008.

Respectfully,

Tracey Covert
City Clerk

Tom Hamilton
City Manager

Mayor Stockton stated that the Proclamation would not be presented this evening, but would be presented at another time. He declared that November 19, 2008 would be recognized as GIS, (Geographic Information Systems) Day. He found the GIS system's mapping abilities amazing. He recommended visiting www.MCGIS.org to view an aerial photograph of the City. It was possible to identify individual land parcels.

Motion by Alderman Schmidt, seconded by Alderman Purcell 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, Huette, 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: Council Proceedings of February 27, 2006

The Council Proceedings of February 27, 2006 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 Schmidt, seconded by Alderman Purcell that the reading of the minutes of the previous Council Proceedings of February 27, 2006 be dispensed with and the minutes approved as printed.

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

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

Nays: None.

Motion carried.

The following was presented:

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

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

Ayes: Aldermen Stearns, Huette, Schmidt, Finnegan, Gibson, Hanson, Sage, 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 twenty-sixth 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 \$173,333.16 will have been paid to date for work certified as 43% complete for the Completion date – August 2011.
2. The fifth partial payment to CEFCU in the amount of \$400,000 on a contract amount of \$2,228,000 of which \$1,900,000 will have been paid to date for work certified as 85% complete for the Ensenberger Building. Completion date – November 2010.
3. The fifth partial payment to Teska Associates, Inc. in the amount of \$8,554.50 on a contract amount of \$49,650 of which \$47,395 will have been paid to date for work certified as 95% complete for the Teska Westside Redevelopment Planning. Completion date – April 2009.
4. The fourth partial payment to the Pantagraph in the amount of \$5,949.76 on a contract amount of \$40,097.92 of which \$14,578.96 will have been paid to date for work certified as 36% complete for the 2008-2009 Seasonal Advertising Services. Completion date – April 2009.
5. The third partial payment to Kick C & D Recycling, Inc. in the amount of \$176,736.23 on a contract amount of \$423,000 of which \$280,895.38 will have been paid to date for work certified as 66% complete for the Demolition of 408 E. Washington St. Completion date – May 2008.
6. The thirteenth partial payment to Farnsworth Group in the amount of \$20,672.40 on a contract amount of \$246,100 of which \$235,127.79 will have been paid to date for work certified as 96% complete for the Kickapoo Restoration Project. Completion date – October 2008.
7. The fourth partial payment to 3 D Design Studio in the amount of \$4,070.39 on a contract amount of \$39,625 of which \$13,400 will have been paid to date for work certified as 34% complete for the Comprehensive Park & Recreation Plan. Completion date – October 2008.
8. The first partial payment to Stark Excavating, Inc. in the amount of \$57,654 on a contract amount of \$2,546,249.65 of which \$57,654 will have been paid to date for work certified as 2% complete for the McGraw Park – Phase II – General Construction. Completion date – July 2009.

9. The twenty-fourth partial payment to Farnsworth Group in the amount of \$14,995.25 on a contract amount of \$216,240.26 of which \$216,195.51 will have been paid to date for work certified as 99% complete for the Constitution Trail – Grove to Hamilton. Completion date – November 2007.
10. The nineteenth partial payment to McLean County in the amount of \$1,698.72 on a contract amount of \$100,000 of which \$62,398.20 will have been paid to date for work certified as 62% complete for the East Side Corridor. Completion date – September 2008.
11. The fifth partial payment to JG Stewart Contractors in the amount of \$7,671.18 on a contract amount of \$200,000 of which \$126,937.09 will have been paid to date for work certified as 63% complete for the 2008-2009 Sidewalk Replacement and Handicap Ramp Program. Completion date – November 2008.
12. The fourth partial payment to Rowe Construction Co. in the amount of \$96,568.03 on a contract amount of \$642,463.59 of which \$323,849.66 will have been paid to date for work certified as 50% complete for the 2008 Curb & Gutter Improvements. Completion date – December 2008.
13. The fifth partial payment to Testing Services Corporation in the amount of \$3,645.50 on a per ton and hour contract of which \$17,371.50 will have been paid to date for work certified as ongoing for the 2008-2009 Asphalt & Portland Concrete Plant Inspection and Laboratory Testing. Completion date – July 2009.
14. The nineteenth partial payment to Lewis, Yockey, Brown, Inc. in the amount of \$12,946.50 on a contract amount of \$150,000 of which \$141,585.40 will have been paid to date for work certified as 94% complete for the Dr. M.L. King Jr. Dr. – Washington to Oakland. Completion date – November 2008.
15. The seventeenth partial payment to Lewis, Yockey, Brown, Inc. in the amount of \$997.50 on a contract amount of \$211,500 of which \$206,917.75 will have been paid to date for work certified as 98% complete for the Design of Hamilton Road – Bunn to Commerce. Completion date – November 2008.
16. The eighteenth partial payment to Rowe Construction Co. in the amount of \$73,511.25 on a contract amount of \$2,940,450.76 of which \$2,759,060.49 will have been paid to date for work certified as 99% complete for the Mitsubishi Motorway – Six Points to Sugar Creek. Completion date – October 2008.
17. The first partial payment to Rowe Construction Co., in the amount of \$204,339.95 on a contract amount of \$3,476,726.41 of which \$204,339.95 will have been paid to date for work certified as 6% complete for the Lincoln Street – Bunn to Morrissey (MFT 92-00283-00-RP.) Completion date – October 2009.

18. The seventeenth partial payment to Stark Excavating, Inc. in the amount of \$116,454.60 on a contract amount of \$1,925,274.55 of which \$1,637,724.88 will have been paid to date for work certified as 85% complete for the Morris Ave. – Miller to Fox Hill Apartments. Completion date – January 2009.
19. The fifteenth partial payment to Stark Excavating, Inc. in the amount of \$75,028.48 on a contract amount of \$3,004,926.36 of which \$3,004,926.36 will have been paid to date for work certified as 99% complete for the Fox Creek Road – Scottsdale Avenue Improvements. Completion date – September 2007.
20. The second and final payment to Gildner Plumbing, Inc. in the amount of \$727.50 on a contract amount of \$14,710 of which \$14,550 will have been paid to date for work certified as 99% complete for the Pressure Reducing Station on Six Points Rd. Completion date – December 2008.
21. The tenth partial payment to Clark Dietz, Inc. in the amount of \$7,598.17 on a contract amount of \$305,000 of which \$72,230.36 will have been paid to date for work certified as 24% complete for the Locust/Colton St. Sewer Separation & Water Main Replacement Design (CSO Elimination Phase I.) Completion date – January 2009.

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 Schmidt, seconded by Alderman Purcell that the payments be approved.

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

Ayes: Aldermen Stearns, Huette, Schmidt, Finnegan, Gibson, Hanson, Sage, 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 September, 2008

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

The Audit of these accounts took place on Monday, October 27, 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 Schmidt, seconded by Alderman Purcell that the audit of the bills and payrolls for the Township for the month of September, 2008 be made a matter of record.

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

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

Nays: None.

Motion carried.

The following was presented:

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, September 2008.

Respectfully,

Tracey Covert
City Clerk

Tom Hamilton
City Manager

(REPORTS ON FILE IN CLERK'S OFFICE)

Motion by Alderman Schmidt, seconded by Alderman Purcell that the report be received and placed on file.

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

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

Nays: None.

Motion carried.

The following was presented:

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:

Construction Board of Appeals:

Larry Stevig, 2814 Arrowhead. His term will expire April 30, 2013.

Scott Health Resources Commission:

Carmen Chase, MD, 403 W. Virginia Ave., Normal, IL 61761. She is replacing James E. Swanson, MD and representing BroMenn Health Care. Her term will expire May 31, 2010.

James E. Swanson, MD, 1401 Eastland Dr. He is replacing Larry Sears and representing Second Presbyterian Church. His term will expire May 31, 2011.

Fire Pension Board

Barbara J. Adkins, 109 E. Olive. She is replacing Brian Barnes. Her term will expire April 30, 2009.

Respectfully,

Stephen F. Stockton
Mayor

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

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

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

Nays: None.

Motion carried.

The following was presented:

To: Honorable Mayor and Members of the City Council

From: Staff

Subject: Rejection of One 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. There is \$150,000 budgeted for this item. Only one proposal was received by the City Clerk and it was opened and read aloud at the October 13, 2008 Council Meeting.

Staff requested that Council lay over the item until the October 27, 2008 Council Meeting. Staff has been contacted by Central Illinois Arena Management regarding the proposal and has requested that the one proposal be rejected.

Respectfully,

Tracey Covert
City Clerk

Tom Hamilton
City Manager

Alderman Stearns inquired regarding the status of the budgeted funds. Tom Hamilton, City Manager, responded that it would stay in the budget. It would not be used for any capital improvement. Alderman Stearns questioned if it could be applied to cover any operating loss for a given month. Mr. Hamilton responded affirmatively.

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

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

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

Nays: None.

Motion carried.

The following was presented:

To: Honorable Mayor and Members of the City Council

From: Staff

Subject: Waive the Formal Bidding Process and Retain Traffic Systems Solutions Company to Replace and Upgrade Existing Traffic Signal Server and Associated Hardware and Software

In 2002 the Illinois Department of Transportation, (IDOT) installed a server and network hardware in City facilities to allow for the management of the traffic signal systems in Bloomington and Normal on state routes. The server hardware has been experiencing numerous failures and it is time to replace this equipment. Traffic Systems Solutions originally installed and has assisted with maintenance of this system. They have provided an estimate to replace the existing equipment in the amount of \$14,315.67.

This cost will be shared by IDOT, Town of Normal, and the City. The City will bill the other agencies for their share. The percentage breakdown will be:

<u>Agency</u>	<u>Percentage</u>
IDOT	62.53 %
Normal	7.85 %
Bloomington	29.62 %

Staff respectfully requests that Council waive the bidding process, approve retaining Traffic Systems Solutions Company for the replacement of the existing traffic signal server and associated hardware and software, in an amount not to exceed \$15,000, the Purchasing Agent authorized to issue a Purchase Order for same, and the Resolution adopted. Payment will be made from General Traffic Funds (G16230-71080).

Respectfully,

Douglas G. Grovesteen
Director of Engineering

Tom Hamilton
City Manager

RESOLUTION NO. 2008 - 70

**A RESOLUTION WAIVING THE FORMAL BIDDING PROCESS AND
AUTHORIZING THE PURCHASE OF A REPLACEMENT TRAFFIC SIGNAL
SERVER, AND ASSOCIATED HARDWARE AND SOFTWARE FOR THE
ENGINEERING DEPARTMENT FROM TRAFFIC SYSTEMS SOLUTIONS
COMPANY IN AN AMOUNT NOT TO EXCEED \$15,000**

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 a Replacement Traffic Signal Server, and Associated Hardware and Software for the Engineering Department from Traffic Systems Solutions Company in an amount not to exceed \$15,000.

ADOPTED this 27th day of October, 2008.

APPROVED this 28th day of October, 2008.

Stephen F. Stockton
Mayor

ATTEST:

Tracey Covert,
by: Julie Phillips, Deputy City Clerk

Motion by Alderman Schmidt, seconded by Alderman Purcell that the formal bidding process be waived, the replacement Traffic Signal Server, and associated hardware and software be purchased from Traffic Systems Solutions Company in an amount not to exceed \$15,000, the Purchasing Agent authorized to issue a Purchase Order for same, and the Resolution adopted.

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

Ayes: Aldermen Stearns, Huette, Schmidt, Finnegan, Gibson, Hanson, Sage, 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 Bidding Process and Enter a Professional Services Agreement with Farnsworth Group, Inc. for Inspection Services of the Water Main Construction Project on the Water Treatment Plant Grounds and a Portion on P.J. Keller Highway as a Phase of the IEPA Revolving Loan Funded Pipeline Road Transmission Main Replacement Project

The Water Department has been working for several years on the replacement of the 1930 24" cast iron water transmission main from the water treatment plant into the City. This project has already had two (2) phases completed, encompassing about 20,000 feet of new 36" ductile iron water main. This phase of the project will complete the piping connections at the water treatment plant, one of the more complicated phases of the overall project.

Since the Farnsworth Group designed this project and obviously is intimately familiar with the plans, staff would like to employ them for construction inspection services. Construction should begin in a few weeks and be completed in the spring of 2009. The construction of the project is being funded by a loan from the IEPA revolving loan fund.

Staff respectfully recommends that the bidding process be waived for this professional service and that the Agreement with Farnsworth Group, Inc. be approved in an amount not to exceed \$103,000. 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 - 71

**A RESOLUTION WAIVING THE FORMAL BIDDING PROCESS AND
AUTHORIZING A PROFESSIONAL SERVICES AGREEMENT WITH
FARNSWORTH GROUP, INC. FOR INSPECTION SERVICES OF THE WATER
MAIN CONSTRUCTION PROJECT ON THE WATER TREATMENT PLANT
GROUNDS AND A PORTION ON P.J. KELLER HIGHWAY AS A PHASE OF THE
IEPA REVOLVING LOAN FUNDED PIPELINE ROAD TRANSMISSION MAIN
REPLACEMENT PROJECT FOR THE WATER DEPARTMENT IN AN AMOUNT
NOT TO EXCEED \$103,000**

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

1. That the bidding process be waived and authorizing a Professional Services Agreement with Farnsworth Group, Inc. for Inspection Services of the Water Main Construction Project on the Water Treatment Plant Grounds and a Portion on P.J. Keller Highway as a Phase of the IEPA Revolving Loan Funded Pipeline Road Transmission Main Replacement Project for the Water Department in an amount not to exceed \$103,000.

ADOPTED this 27th day of October, 2008.

APPROVED this 28th day of October, 2008.

Stephen F. Stockton
Mayor

ATTEST:

Tracey Covert,
by: Julie Phillips, Deputy City Clerk

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

Motion carried.

Ron Shultz, 1208 E. Oakland Ave., addressed the Council. He questioned the inspection services. He questioned how \$130,000 would be spent. Craig Cummings, Director of Water, replied that Farnsworth Group would be providing a full suite of inspection services: plan inspection; site inspection; daily observation, and payroll. These services ensure the water main will be built per specifications, and provide a printed and electronic copy of the plans at completion. This was a very complicated project that this vendor was familiar with.

Alderman Purcell questioned the amount of work to complete the project. Mr. Cummings indicated that the bid project was approximately \$1.2 million. George Gildner, Inc. would be performing the construction. Alderman Purcell questioned the formula for determining the consulting fee. Mr. Cummings responded that it is generally ten percent (10%). Some projects were more difficult than others. An example would be installing drain tile in a corn field would be a simpler project than constructing a water main in a roadway.

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

Motion by Alderman Schmidt, seconded by Alderman Purcell that the formal bidding process be waived, the Agreement with Farnsworth Group, Inc. for Inspection Services be approved in an amount not to exceed \$103,000, 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, Huette, 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: Analysis of Bids - Water Purification Chemicals

Bids were opened in the City Clerk's office on September 23, 2008, for the annual supply of chemicals used for water purification. The following bids have been evaluated to be the lowest bid and/or the best provider of product and service:

CHEMICAL	VENDOR	CURRENT YEAR	LAST YEAR	PERCENT CHANGE
		2008/09 Bid Per Ton Delivered	2007/08 Bid Per Ton Delivered	
Ferric Sulfate	Kemira Chemical Solutions	\$465.95	\$180.00	159%
Carbon Dioxide	PraxAir	\$49.50	\$54.00	-8.3%
Sodium HexaMeta Phosphate	Alexander Chemical	\$4,000.00	\$1,227.27	226%
Liquid Chlorine	Brenntag Mid South	\$431.00	\$475.00	-9.3%
Rotary Quicklime*	Mississippi Lime Company	\$143.00 plus freight service charge	\$134.00	6.7%
Anhydrous Ammonia	National Ammonia	\$1,580.00	\$940.00	68%
Hydro Fluosilicic Acid	LCI, Ltd.	\$605.00	\$475.00	27.4%

* The Quicklime price is a negotiated price, not a bid price, per City Council action of March 24, 2008. It is included in order to provide a complete picture of the chemical costs for the Water Department.

This is the most volatile chemical pricing that has been seen in the last thirty (30) years. The City is experiencing bid price increases of triple digits on some chemicals and small decreases in others. Unfortunately, the decrease in costs for a couple of chemicals will not come close to negating the real impact of the major increases on water treatment costs.

Increases in fuel and energy costs are responsible for a large portion of the increases in chemical costs this year, although it is thought that the damage to the gulf coast chemical production facilities may have played a part in the increases as well. The budget contains \$385,000 for chemicals and given these prices, we will use all of it.

Staff respectfully recommends that the bids be awarded to the above vendors and authorize the Purchasing Agent to issue blanket purchase orders for these chemicals, for the period of one year, beginning November 1, 2008 through October 30, 2009.

Respectfully,

Craig M. Cummings
Director of Water

Kim Nicholson
Purchasing Agent

Tom Hamilton
City Manager

Alderman Purcell questioned the significant increase on one of the chemicals. Craig Cummings, Director of Water addressed the Council. He stated that water treatment is dependent upon Mother Nature. The cost of the chemicals and the amount to be purchased was dependent on the type of weather that occurs. A very wet spring could cause a lot of run-off and turbidity, which in turn could cause odor and taste problems. The amount and cost of the chemicals used to treat these problems would go up. If taste and quality remained high, there would not be a need to purchase as many chemicals. It was very difficult to forecast the cost of chemicals. He stated that the budget would be watched closely. Line items would be adjusted to offset the event of huge increases in chemical needs/costs.

Motion by Alderman Schmidt, seconded by Alderman Purcell that the bids be awarded to the various vendors and the Purchasing Agent be authorized to issue Purchase Orders for same.

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

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

Nays: None.

Motion carried.

The following was presented:

To: Honorable Mayor and Members of the City Council

From: Staff

Subject: Analysis of Bids for Lee Street Sanitary Sewer Extension – Locust to Chestnut

Bidding proposals for the Lee Street Sanitary Sewer Extension from Locust to Chestnut were received until 10:00 AM on Thursday, October 16, 2008, in the office of the City Clerk at which time and place the bids were opened and read aloud as follows:

	<u>Alternate A</u>	<u>Alternate B</u>
George Gildner, Inc.	\$107,783.00	\$ 96,539.00(Low Bid)
G. A. Rich & Sons, Inc., Deer Creek, IL	\$ 119,980.00	\$ 114,734.00
Stark Excavating, Inc.	\$ 148,148.25	\$ 137,820.25
Hoerr Construction, Inc., Peoria, IL	\$ 184,564.50	\$ 176,038.50
Engineer's Estimate	\$ 136,943.00	\$ 132,773.00
Budget:	\$ 250,000.00	

This project involves extending a public sanitary sewer to serve eight (8) residences in the 700 block of North Lee Street. There is no public sanitary sewer main in this block. Properties are served from long private sewer services.

The project was bid with two (2) alternate materials for the sewer main. Alternate A is Ductile Iron Sewer Pipe and Alternate B is PVC Plastic Sewer Pipe. Staff recommends Alternate B.

Sufficient funds are available through Community Development to fully fund the proposed improvements.

Staff respectfully recommends that Council accept the low bid for Alternate B from George Gildner, Inc. in the amount of \$96,539 and, further, that the Mayor and City Clerk be authorized to execute the necessary documents. Payment will be made with Community Development Funds (X22440-72530, \$96,539.00).

Respectfully,

Douglas G. Grovesteen
Director of Engineering

Tom Hamilton
City Manager

(Contract on file in the Clerk's office)

Motion by Alderman Schmidt, seconded by Alderman Purcell that the bid for the Lee Street Sanitary Sewer Extension be awarded to George Gildner, Inc., in the amount of \$96,539, and the Mayor and City Clerk be authorized to execute the necessary documents.

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

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

Nays: None.

Motion carried.

The following was presented:

To: Honorable Mayor and Members of the City Council

From: Staff

Subject: Change Order No. 2 for 2007-2008 Curb and Gutter Improvements

This project consists of curb and gutter replacement, and sidewalk replacement for the following locations:

Mulberry Street from Allin Street to Madison Street
 Oakland Avenue from Gridley Street to Clayton Street (widening to three lanes)
 Festival Park – curb and gutter, sidewalk construction and pavement removals
 Hamilton Road Fire Station Training Site Improvements

Work is now complete under this contract. Additional work was requested by the City to fill in missing curb and gutter at the northwest corner of Main Street and Empire Street resulting in an extra cost. In addition numerous lead water services were encountered along Oakland Avenue which had to be replaced.

Project Component	Curb & Gutter	Curb & Gutter Water Services	Fire Dept Training Site	Festival Park	
Fund	CIF	WDF	CIF	Cultural Dist Campaign Fund	
Account	X40100-72530	X50200-72540	X40100-72520	X21110-72520	Total
Original Contract	\$500,000.00		\$28,550.50	\$152,563.64	\$681,114.14
Change Order 1	\$136,489.60				\$136,489.60
Completed Work	\$649,494.26	\$20,790.16	\$28,580.00	\$150,316.68	\$849,181.10
Difference	\$13,004.66	\$20,790.16	\$29.50	(\$2,246.96)	\$31,577.36

Staff respectfully recommends that Council approve this Change Order to Rowe Construction in the amount of \$31,577.36 for the 2007-2008 Curb and Gutter Improvements Project for the extra work completed with payment of \$13,004.66 to be made with Capital Improvement Funds X40100-72530, \$29.50 to be made with Capital Improvement Funds X40100-72520 and \$20,790.16 to be made with Water Depreciation Funds X50200-72540.

Respectfully,

Douglas G. Grovesteen
 Director of Engineering

Tom Hamilton
 City Manager

RESOLUTION NO. 2008 - 72

**A RESOLUTION AUTHORIZING A CHANGE ORDER IN THE
AMOUNT OF \$31,577.36 IN THE CONTRACT BETWEEN THE CITY OF
BLOOMINGTON AND ROWE CONSTRUCTION FOR THE 2007-2008 CURB AND
GUTTER PROJECT**

WHEREAS, the City of Bloomington has previously entered into a contract with Rowe Construction for the 2007-2008 Curb and Gutter Project; and

WHEREAS, for the reasons set forth in a staff report dated October 27, 2008 it was necessary to fill in missing curb and gutter at the northwest corner of Main Street and Empire Street; and

WHEREAS, it is the finding of the City Council that the decision to perform the work described in the October 27, 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 \$31,577.36 in the contract between the City of Bloomington and Rowe Construction for the 2007-2008 Curb and Gutter Project be approved.

ADOPTED this 27th day of October, 2008.

APPROVED this 28th day of October, 2008.

Stephen F. Stockton
Mayor

ATTEST:

Tracey Covert,
by: Julie Phillips, Deputy City Clerk

Motion by Alderman Schmidt, seconded by Alderman Purcell that the Change Order in the amount of \$31,577.36 be approved and the Resolution adopted.

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

Ayes: Aldermen Stearns, Huette, Schmidt, 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 Agreement with Farnsworth Group, Inc. for the Preparation of an Illinois Commerce Commission Petition for the Hamilton Road Crossing of the Norfolk Southern Railroad

City staff has negotiated a proposed contract with Farnsworth Group, Inc., (FGI) to provide professional services in connection with petitioning the Illinois Commerce Commission, (ICC) for an at grade crossing of the Norfolk Southern Railroad, (NSRR) at Hamilton Road. FGI has proposed teaming with attorney Ed Gower who has an extensive background in transportation law. He has served as Chief Counsel for the Illinois Department of Transportation for twelve, (12) years, and has previous experience with petitions involving at grade crossings. Services will include preparing the petition to the ICC, representing the City's interests in negotiating with the NSRR, and attending ICC hearings on the case.

FGI has proposed to provide professional and legal services on a time and materials basis for a maximum amount of \$35,000. Staff has reviewed the proposal from FGI and finds it acceptable. Staff respectfully recommends that Council approve a contract with Farnsworth Group, Inc. to provide professional and legal services on a time and materials basis for a maximum amount of \$35,000 and that the Mayor and City Clerk be authorized to execute the necessary documents. Payment will be made from Capital Improvement Funds (X40100-70050).

Respectfully,

Douglas G. Grovesteen
Director of Engineering

Tom Hamilton
City Manager

AGREEMENT FOR ENGINEERING SERVICES

AGREEMENT is effective this day of September in the year 2008 between Farnsworth Group, Inc., hereinafter referred to as FGI, of 2709 McGraw Drive, Bloomington, IL 61704 and the City of Bloomington of 109 E. Olive, Bloomington, IL 61701 hereinafter referred to as the CLIENT.

The Scope of Services to be provided under this agreement is as follows:

The City of Bloomington desires to establish an at-grade railroad crossing for the extension of Hamilton Road at the intersection of Hamilton Road and Commerce Parkway.

The extension will serve as east-west arterial road for the south portion of the community. The railroad crossing is with Norfolk Southern Railroad (NSRR).

FGI is proposing to develop and submit a petition to the Illinois Commerce Commission (ICC) who will mediate the negotiations and ultimately order a resolution.

Tasks to develop the ICC petition may include:

Demonstrate there is presently inadequate or no vehicular access to the area to be served by the crossing.

Demonstrate vehicular access cannot be provided at a cost equal or less than the cost of establishing the crossing.

Ensure the crossing would not meet the ICC's criteria for closure.

Demonstrate that the crossing's ADT would be at least 1,000 vehicles per day within 3 years of establishment.

Determine freight and passenger train frequency and speed, local accident history, usage of emergency vehicles, and impact on emergency vehicle response time associated with area near crossing.

Demonstrate the crossing's location does not interfere with the railroad's operational activities which would result in substantial delay of, or hazard to, motor vehicles.

Demonstrate crossing does not pose risks to train crews or motorists beyond those normally associated with at-grade crossings.

Give an overall project description and history with NSRR.

Provide required figures associated with crossing.

Submit petition to the Illinois Commerce Commission.

Attend possible hearings and meet (2 meetings) with NSRR.

The fee for the above described scope of services will be \$35,000.

Additional fee for increased liability limits as outlined in the General Conditions \$ 0.

This Agreement and the attached General Conditions represent the entire and integrated Agreement between the CLIENT and FGI and supersedes all prior negotiations, representations or agreements, either written or oral. This Agreement may be amended only by written instrument signed by both Client and FGI.

FARNSWORTH GROUP, INC.

CITY OF BLOOMINGTON

Robert C. Kohlhase
Engineering Manager
9/22/08

Stephen F. Stockton
Mayor
10/28/08

Motion by Alderman Schmidt, seconded by Alderman Purcell that the agreement with Farnsworth Group Inc., for the ICC Petition be approved in an amount not to exceed \$35,000, 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, Huette, 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 of Sandyha Foods, d/b/a India Bahavan, located at 716 S. Eldorado Rd., currently holding an RAS liquor license which allows the sale of all types of alcohol by the glass for consumption on the premises seven (7) days a week, requesting an RAPS liquor license which would allow the sale of all types of alcohol by the glass for consumption on the premises and which would allow the sale of all types of packaged alcohol for consumption off the premises seven (7) days a week

The Bloomington Liquor Commissioner Stephen Stockton called the Liquor Hearing to consider the application of Sandhya Foods, d/b/a India Bahavan, located at 716 S. Eldorado Rd., currently holding an RAS liquor license which allows the sale of all types of alcohol by the glass for consumption on the premises seven (7) days a week, requesting an RAPS liquor license which would allow the sale of all types of alcohol by the glass for consumption on the premises and which would allow the sale of all types of packaged alcohol for consumption off the premises seven (7) days a week. Present at the hearing were Liquor Commissioners, Marabeth Clapp, Stephen F. Stockton, Steve Peterson and Rich Buchanan; Hannah Eisner, Deputy Corporation Counsel, and Julie Phillips, Deputy City Clerk, and Mr. Radha K. Guttikonda, Applicant's Representative and Restaurant Manager.

Commissioner Stockton opened the hearing. Mr. Radha K. Guttikonda, addressed the Commission. He stated that this establishment already has a liquor license. They were requesting to sell packaged alcohol in addition to by the glass. Their restaurant customers have inquired, and there seemed to be a high customer demand for packaged specialty beverages sold with the meals. Commissioner Stockton inquired regarding the types of beverages that were in demand. Mr. Guttikonda responded that they were Indian wines and beer. Commissioner Stockton questioned if the customers wished to add packaged alcohol to their restaurant bill. Mr. Guttikonda responded negatively. They requested packaged beverages to take home with them.

Hannah Eisner, Deputy Corporation Counsel, referred to the floor plan that was submitted by the Applicant. It showed that there was a partition that would divide the restaurant area from the packaged liquor/grocery area.

Commissioner Buchanan questioned the estimated proportion of packaged alcohol sales. Mr. Guttikonda responded that it would be a very small portion, and he anticipated that walk in customers would be less than diners. He anticipated that some sales would come from walk in customers purchasing grocery items. Commissioner Buchanan inquired if the restaurant experienced walk in customers looking to purchase groceries only. Mr. Guttikonda responded affirmatively.

Commissioner Peterson questioned what part of the grocery area would include packaged alcohol. Mr. Guttikonda responded that only the coolers would contain packaged alcohol. Commissioner Peterson inquired if the grocery area would only offer specialty groceries and alcohol. Mr. Guttikonda responded affirmatively.

Commissioner Clapp inquired if there would be two (2) separate cashiers for the restaurant and the grocery area. Mr. Guttikonda responded affirmatively.

Based on the above, the Liquor Commission recommends to the City Council that an RAPS liquor license for Sandhya Foods, d/b/a India Bahavan located at 716 S. Eldorado Rd., which would allow the sale of all types of alcohol by the glass for consumption on the premises and the sale of all types of packaged alcohol for consumption off the premises seven (7) days a week, be approved contingent upon compliance with all applicable health and safety codes.

Respectfully,

Stephen F. Stockton
Chairman of Liquor Commission

Motion by Alderman Schmidt, seconded by Alderman Purcell that an RAPS liquor license for Sandhya Foods, d/b/a India Bahavan located at 716 S. Eldorado Rd., which would allow the sale of all types of alcohol by the glass for consumption on the premises and the sale of all types of packaged alcohol for consumption off the premises seven (7) days a week, be created contingent upon compliance with all applicable health and safety codes.

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

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

Nays: None.

Motion carried.

The following was presented:

To: Honorable Mayor and Members of the City Council

From: Staff

Subject: Variance from Chapter 38, Section 123(a) of City Code to Allow a Driveway Approach 33 Feet Wide at 2910 DeGarmo Drive

Staff has received a request from Steven R. and Laurie D. Beyer to grant a variance to chapter 38, section 123(a) of City Code to allow a driveway approach thirty-three feet (33') wide at 2910 DeGarmo Drive. This is a single family residence with an existing three (3) car garage located on lot 249 in the Ninth Addition to Tipton Trails Subdivision. The lot is 87 feet in width. The existing driveway approach is twenty feet (20') wide (measured at the back of sidewalk), which is the maximum allowed by code. There is sufficient room on the lot to widen the driveway to thirty three feet (33').

Staff respectfully recommends that Council approve a variance to Chapter 38, Section 123 (a) of City Code to allow a driveway approach thirty three feet (33') wide, (measured at the back of sidewalk), at 2910 DeGarmo Drive.

Respectfully,

Douglas G. Grovesteen
Director of Engineering

Tom Hamilton
City Manager

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

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

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

Nays: None.

Motion carried.

The following was presented:

To: Honorable Mayor and Members of the City Council

From: Staff

Subject: Petition submitted by Kenny McGuffin and Andrea McGuffin requesting approval of a special use permit to allow a day care center in a R-1A Single Family Residence District on property commonly known as 2105 and 2107 Fox Creek Road (Case SP-03-08) (Ward 2)

BACKGROUND INFORMATION:

Adjacent Zoning

north: R-1 Single Family Residence (County)
south: R-1C Single Family Residence
east: R-1A Single Family Residence
west: S-2 Public Lands & Institutions

Adjacent Land Uses

north: vacant/agriculture
south: single family dwelling
east: vacant/agriculture
west: Interstate Highways 55 & 74

The property in question is approximately 4.92 acres in area and is the site of two (2) single family dwellings that were formerly used by Marc Center for agency-operated group homes for developmentally disabled persons. The petitioners have entered into a contract to purchase this property contingent upon this special use permit for a day care center being approved. The Zoning Code stipulates the following standards and conditions for day care centers as a special use:

- (1) Minimum Screening/Fencing Requirements: Compliance with Chapter 30 of the Bloomington City Code regarding the licensing of day care centers and nursery schools. Parking lots shall be screened from adjacent dwellings in accordance with Section 44.4-7 of this Code.
- (2) Minimum Lot Area: Same requirements as for the zoning district in which the special use is proposed to be located (22,500 square feet) or as required by Chapter 30 of the Bloomington City Code for the number of children to be accommodated.
- (3) Minimum Lot Width: Same requirements as required in the zoning district in which the special use is proposed to be located, (125 feet).
- (4) Minimum Yard Requirements: Same requirements as required in the zoning district in which the special use is proposed to be located. (Front Yard - 40 feet or the average front yard setback for the block frontage; Side Yard - 15 feet; Rear Yard - 40 feet)
- (5) Maximum Height: Thirty-five (35) feet or two (2) stories, whichever is lower.
- (6) Additional Requirements: Special use shall comply with all of the licensing requirements for day care centers and nursery schools as provided by Chapter 30 of the Bloomington City Code. Parking spaces shall be provided in accordance with Section 44.7-2 of the Bloomington Zoning Code (one (1) parking space for every two hundred fifty (250) square feet of gross floor area in the buildings housing the proposed special use). This special use requires at least sixteen (16) parking spaces, and the site plan shows that twenty (20) spaces will be provided.

All of these standards and conditions for this special use either have been or will be complied with on the property in question.

BOARD OF ZONING APPEALS PUBLIC HEARING:

The Board of Zoning Appeals conducted a public hearing on this petition on October 15, 2008. Notices of the public hearing were mailed to the owners of twenty-two (22) properties in the vicinity of this site, and a public hearing sign was posted on the subject property. The following persons presented testimony in favor of this petition at this hearing:

Mr. Kenny McGuffin & Mrs. Andrea McGuffin, 2403 Timberview Drive.

Mrs. McGuffin testified that the property in question is a perfect site for a day care center since the two (2) houses were formerly used by the Marc Center as an agency-operated group home for developmentally disabled persons. She noted that this site is near Pepperidge Elementary School and there presently are not any day care centers serving this southwest area of the City. She stated that the proposed day care center would be open from 6:00 a.m. to 6:00 p.m. and would eventually accommodate up to one hundred (100) children.

The house closer to Fox Creek Road would be used for the care of children, infant to three (3) years old and the other house to the north would be for the care of children four (4) years old to school aged. Both houses have fenced-in yards that would serve as outdoor recreation areas. The exterior appearance of the houses would not change, but there would be some changes to the inside as required by code.

Mrs. Kathy Niepagen, 1520 Six Points Road, stated that she was not speaking for or against this petition for a special use permit. She and her husband, Frank Niepagen, own the land to the north and to the east of the property in question. She had a few questions regarding this day care center. She inquired regarding the number of staff members working at the center and if there would be enough parking spaces on the site for both staff and parents. She also inquired if new buildings would be built on this property. She expressed the opinion that the forty-five (45) mile per hour speed limit on Fox Creek Road was too high for the two (2) lane bridge to the west of this property and that it should be lowered next to the proposed day care center.

Mrs. McGuffin replied that initially they would have six (6) employees, (including the owner); working at the center and eventually they could have up to fourteen (14) employees. The twenty (20) parking spaces on the site should be more than adequate to meet their needs.

There were no plans to reside on this property or to build any new buildings on this site. She speculated that they may consider building a gymnasium in the future.

No testimony was presented at this public hearing in opposition to this petition for a special use permit.

BOARD OF ZONING APPEALS RECOMMENDATION:

After having given due consideration to this petition and the testimony presented at the public hearing, the Board of Zoning Appeals passed a motion by a vote of 6 to 1 recommending City Council approval of this special use permit in Case SP-03-07 to allow a day care center in an R-1A, Single Family Residence District, on property commonly known as 2105 and 2107 Fox Creek Road.

STAFF RECOMMENDATION:

Staff concurs with the Board of Zoning Appeals and respectfully recommends approval of this special use permit.

Respectfully,

Kenneth Emmons
City Planner

Tom Hamilton
City Manager

**PETITION FOR A SPECIAL USE PERMIT FOR PROPERTY LOCATED AT:
2105 AND 2107 FOX CREEK ROAD, BLOOMINGTON, ILLINOIS**

State of Illinois)
)ss.
County of McLean)

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

Now comes KENNY McGUFFIN and ANDREA McGUFFIN hereinafter referred to as your petitioners, respectfully representing and requesting as follows:

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

8. That adequate utilities, access roads, drainage and/or necessary facilities have been or are being provided to said premises for said special permitted use;
9. That adequate measures have been or will be taken to provide ingress and egress to and from said premises so designed as to minimize traffic congestion in the public streets; and
10. That said special permitted use on said premises shall, in all other respects, conform to the applicable regulations of the R-1A zoning district in which it is located except as such regulations may, in each instance, be modified by the City Council of the City of Bloomington pursuant to the recommendations of the Bloomington Board of Zoning Appeals.

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

Respectfully submitted,

Lyndel K. Armstrong
Attorney for Petitioners

ORDINANCE NO. 2008 - 71

**AN ORDINANCE APPROVING A SPECIAL USE PERMIT FOR A
DAY CARE CENTER FOR PROPERTY LOCATED AT:
2105 AND 2107 FOX CREEK ROAD, BLOOMINGTON, ILLINOIS**

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

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

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

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

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

1. That the Special Use Permit for a Day Care Center on the premises hereinafter described in Exhibit(s) A shall be and the same is hereby approved.
2. This Ordinance shall take effect immediately upon passage and approval.

PASSED this 27th day of October, 2008.

APPROVED this 28th day of October, 2008.

Stephen F. Stockton
Mayor

ATTEST:

Tracey Covert,
by: Julie Phillips, Deputy City Clerk

EXHIBIT A

Lots 1 and 2 except .041 acres taken for right of way, and Outlot 3 in the MARC Center Subdivision, Bloomington, McLean County, Illinois.

P.I.N. (s): (46) 21-18-426-007; (46) 21-18-426-006; and (46) 21-18-426-005

Commonly known as: 2105 and 2107 Fox Creek Road, Bloomington, Illinois 61704

Approximate acreage: Lot 1 - .62 acres

Lot 2 – 2.03 acres

Outlot 3 – 2.42 acres

Total approximate acreage – 5.07

Motion by Alderman Schmidt, seconded by Alderman Purcell that the Special Use Permit be approved and the Ordinance passed.

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

Ayes: Aldermen Stearns, Huette, Schmidt, Finnegan, Gibson, Hanson, Sage, 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 Hershey Grove, LLC Requesting Approval of a Final Plat for Fifth Addition to Brookridge Apartments Subdivision

A petition has been received from Hershey Grove, LLC requesting Council approval of a Final Plat for Fifth Addition to Brookridge Apartments Subdivision. This subdivision is located south of Ireland Grove Road, east of Hershey Road, and north of Hamilton Road. The Final Plat is in conformance with the Hershey Grove Subdivision Preliminary Plan approved on April 22, 2002, and the Brookridge Heights Apartments Street Name Plan dated July 15, 2003. There are various tap on fees which are due for this Addition.

Staff respectfully recommends that Council approve the Petition and adopt an Ordinance approving the Final Plat for the Fifth Addition to Brookridge Apartments Subdivision, subject to the Petitioner paying the necessary tap on fees before recording 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 Hershey Grove, LLC, hereinafter referred to as your Petitioner, respectfully representing and requesting as follows:

1. That your petitioner is the owner of the freehold estate of the premises hereinafter legally described in Exhibit A which is attached hereto and made a part hereof by this reference;
2. That your petitioner seeks approval of the Final Plat for the subdivision known and described as Fifth Addition to Brookridge Apartments Subdivision, Bloomington, Illinois, which Final Plat is attached hereto and made a part hereof;

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

Respectfully submitted,

By: Mercer Turner, Its Attorney

ORDINANCE NO. 2008 - 72

**AN ORDINANCE APPROVING THE FINAL PLAT OF THE
FIFTH ADDITION TO BROOKRIDGE APARTMENTS 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 Fifth Addition to Brookridge Apartments Subdivision, legally described in Exhibit A attached hereto and made a part hereof by this reference; and

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

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

1. That the Final Plat of the Fifth Addition to Brookridge Apartments Subdivision is hereby approved.
2. That this Ordinance shall be in full force and effective as of the time of its passage and approval.

APPROVED:

Stephen F. Stockton
Mayor

ATTEST:

Tracey Covert,
by: Julie Phillips, Deputy City Clerk

EXHIBIT A

Outlot 13 in the Fourth Addition to Brookridge Apartments Subdivision in the City of Bloomington, McLean County, Illinois according to the Plat recorded September 5, 2008 as Document No. 2008-24222 in the McLean County Recorder's Office.

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

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

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

Nays: None.

Motion carried.

The following was presented:

To: Honorable Mayor and Members of the City Council

From: Staff

Subject: Proposed 2008 Tax Levy and Process

The attached estimated levy reflects the direction given staff in the recent work session.

In order to adopt a levy, the City must first formally set an estimate. The Truth in Taxation Law (35 ILCS 200/18-85) has two (2) requirements that must be met in the process of adopting a levy. Those requirements are as follows:

1. "Not less than 20 days prior to the adoption of its aggregate levy.....the corporate authority of each taxing district shall determine the amounts of money....estimated to be necessary to be raised by taxation for that year upon the taxable property in its district."
2. "If the estimate of the corporate authority made....is more than 105% of the amount extended or estimated to be extended....the corporate authority shall give public notice of and hold a public hearing on its intent to adopt an aggregate levy in an amount which is more than 105% of the amount extended or estimated to be extended....The notice shall appear not more than 14 days nor less than 7 days prior to the date of the public hearing."

In addition, the tax levy ordinance must be passed and a certified copy filed with the County Clerk on or before the last Tuesday in December, December 30, 2008. In order to meet the various timing requirements to legally adopt a levy in December, the City needs to set an "estimated" levy in October or early November. The levy adopted should be supported by the budget adopted the previous spring.

The 2008 total recommended property tax levy is \$21,721,837 which is a 3.55% increase over the 2007 levy extension of \$20,976,921. The majority of the increase is \$763,714 for the Police Pension Fund and an increase of \$283,676 in IMRF Pension. Increases in the pension levies have been offset by decreases in other categories to stay within the direction given to staff on the tax rate.

The proposed levy is based on a projected Equalized Assessed Valuation of \$1,705,963,222 which is 3.5% above the 2006 EAV of \$1,648,273,644. Staff received the EAV estimate from discussions with the Assessor, Mike Ireland.

The tax rate per \$100 of EAV for the 2007 levy is \$1.27266, (\$1.00665 for the City and \$0.26601 for the Library). The projection for the 2008 levy generates an estimated tax rate of \$1.27329 per \$100 of EAV, (\$1.00871 for the City and \$0.26457 for the Library). The increase in the levy amount subject to Truth in Taxation is 4.99%, which is below the 5% threshold that requires a newspaper publication and a public hearing before adopting the final levy.

Therefore, the proposed levy will not require that the City have newspaper publication and a public hearing before adopting the final levy.

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

	Estimate 2008	Extension 2007	% Increase
General Corporate	\$2,252,188	\$2,269,838	-0.78%
Police Protection	\$1,354,271	\$1,341,695	0.94%
Fire Protection	\$1,183,098	\$1,341,530	-11.81%
Public Parks	\$1,001,557	\$1,005,777	-0.42%
IMRF Fund	\$1,925,382	\$1,641,681	17.28%
Social Security Fund	\$1,459,131	\$1,403,011	4.00%
Fire Pension Fund	\$2,376,491	\$2,493,673	-4.70%
Police Pension Fund	\$3,156,183	\$2,392,469	31.92%
Judgment Fund	\$100,000	\$100,050	-0.05%
Public Library Fund	\$4,513,533	\$4,384,573	2.94%
Public Benefit Fund	\$155,000	\$154,938	0.04%
Audit Fund	\$65,000	\$83,732	-22.37%
Truth in Taxation Subtotal	\$19,541,834	\$18,612,967	4.99%
1991 S.E. Improvement Bonds	\$0	\$900,000	-100.00%
1996 Police Facility Bonds	\$1,576,445	\$704,225	123.86%
*2001 Refinancing Issue	\$75,820	\$232,041	-67.32%
2003 Capital Impr Issue	\$366,188	\$366,188	0.00%
2007 Bond Issue	\$161,550	\$161,500	0.03%
Debt Service Subtotal	\$2,180,003	\$2,363,954	-7.78%
Total Tax Levy	\$21,721,837	\$20,976,921	3.55%

*2007 Extension: Previously abated amount for tax year 2007 was not applied by County Clerk's Office.

The estimated levy for 2008 reflects the statutory required contribution plus \$100,000 for both Police and Fire Pension.

This estimate reflects the direction from the Mayor and Council at the work session on Monday, October 13, 2008. The largest increases on a percentage basis are for the IMRF and Police Pension Funds. Increases in these estimates were offset by decreasing those levies with negative (-) by them.

The recommended time line to finalize this levy is as follows:

1. Set the estimated levy at the October 27, 2008 Council meeting to start the twenty (20) day time clock running.
2. Formally adopt the levy at the November 24, 2008 meeting.

Staff respectfully recommends that Council authorize the preparation of the necessary documents to proceed with this process.

Respectfully,

Barbara J. Adkins
Deputy City Manager

Tom Hamilton
City Manager

Mayor Stockton introduced this item. He noted that this was not a final vote on the tax levy. It was a vote to publicize the estimated tax levy. Tom Hamilton, City Manager addressed the Council. He stated that this was a direct reflection of the Work Session that was held just prior to the October 13, 2008 Council meeting. It incorporates the direction of the Council in the first step of setting the next year's tax levy. This item will set the process in motion and he anticipated that the final tax levy would be presented to Council at the November 24, 2008 meeting.

He stated that the two (2) main changes revolve around pensions. Staff and Council had been notified of a significant increase in the Illinois Municipal Retirement Fund, (IMRF) pension, which reflects an increase of 17.28%. The Police Pension Fund showed an increase of nearly 32%. The Police and Fire Pension fund contributions are set by an actuary hired by each Board. At Council's direction, staff added an additional \$100,000 to each fund. The tax rate to the citizens of the City would be the same based upon the projected increase in assessed valuation that was provided by the Township Assessor's Office. The Township Assessor projected a 3.5% increase in the equalized assessed value across the City. With all of these changes factored in, the result was a total tax levy for 2009 of \$21.7 million. He recommended that the Council approve the estimated levy in order to begin the process of approving a final levy.

Alderman Sage noted that the Fire and Police Pensions were set by state legislature. Mr. Hamilton concurred. The Fire and Police Pensions operated independent of the City. The Council appoints some members to those boards; however, they operate under the provisions of state law.

The Boards are required to hire actuaries each year to set the pension funds. It is mandated that the City levy through the property tax the required contributions to the pension funds.

Alderman Purcell noted that the tax rate that the City receives had not changed. Mr. Hamilton concurred. He stated that the City collects roughly \$.13 on every dollar from property taxes. Mayor Stockton noted that the equalized assessed values and multipliers could lead to some small variation in the amounts the City would receive.

Alderman Purcell questioned if staff felt confident that the City would be able to provide the same level of services considering the required increases to the pension funds. Mr. Hamilton responded affirmatively, noting that the property tax levy is \$21 million of the \$77 million General Fund. Sales tax is the City's primary source of revenue. This policy had been established by the current and previous Council. The purpose was to take as little of the property tax dollars as necessary, leaving the remainder for the school districts, which is their primary source of revenue.

Alderman Stearns questioned the expected sales tax revenue. Mr. Hamilton responded that the revenue was flat. Alderman Huette requested that Mr. Hamilton explain the large increase in the 1996 Police Facility Bonds. Mr. Hamilton responded that it was how the bonds were structured. The upfront cost was small, and increased over time. The debt service in total, nearly balanced out as some bonds came on and others dropped off as they matured.

Alderman Fruin inquired if there would be a time table for the Council to discuss the \$5 million deficit in the Sewer Depreciation Fund. Mr. Hamilton planned to address the issue before the first of the year.

Alderman Stearns inquired if the Fire Pension Board was in agreement with the amount set. Mr. Hamilton responded that both the Fire and Police Pension Boards hired an actuary to determine their contribution. Alderman Huette questioned if the number of newly hired Police and Fire personnel influenced the recommended contribution figure. Mr. Hamilton responded affirmatively. He expected the contribution to increase with the opening of the new Fire Station #5.

Mayor Stockton questioned if the percentage to be levied for pensions would continue to increase. Mr. Hamilton responded that the overall proportion has continued to increase, noting that the same was happening in other municipalities. The pension contributions were set by state law. Mayor Stockton stated that if the trend continued nearly all of the property tax collected would be paid to pensions. Mr. Hamilton affirmed, stating that same has happened in other communities such as Springfield and Alton. The City has been fortunate that the assessed valuation has continued to grow and has been able to absorb the continued increase in contributions. Mayor Stockton noted the only way to control pension contributions was by controlling the number of personnel. Mr. Hamilton affirmed, but added that as salaries increased, people aged, and lived longer, the contributions would continue to increase.

Alderman Stearns questioned if the IMRF fund covered only retiree pensions, or if it included other benefits. Mr. Hamilton responded that it covered only retiree pensions. She questioned if other retiree benefits were on a pay as you go basis. Mr. Hamilton responded affirmatively noting that they were budgeted each year in the health insurance fund. The health insurance fund was made up of contributions by both the City and employees.

Motion by Alderman Finnegan, seconded by Alderman Hanson that the proposed levy be adopted as the estimate of \$21,721,837 for the 2008 City levy.

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

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

Nays: None.

Motion carried.

MAYOR'S DISCUSSION: Mayor Stockton recognized the St. Mary's School Boy Scouts Troop 20 in attendance at this meeting. He requested that the troop stand and welcomed them to the meeting.

He stated that the recruitment of a new City Manager was moving ahead. Fifty (50) applications had been received. The recruiters were in the process of verifying information, calling for clarification and weeding the number of eligible applicants down to ten to twenty (10 – 20) for review. The Council will meet on November 3, 2008 with the PAR Group at 5:00 p.m. A recess is scheduled at 6:15 p.m. in order to attend the Downtown Bloomington Association Jean Anderson Awards. He stated that November 17, 18, and 19, 2009 were the best dates for the Council to meet to conduct oral interviews of the selected candidates. The interviews would begin at 5:00 p.m. and would last two to three (2 - 3) hours.

He noted that there were some questions regarding the City's response to the the Living Wage referendum. He would be providing three (3) handouts to the Council for review. The first was a resolution prepared by the Chamber of Commerce in opposition to the Living Wage referendum. The second was from the Central Illinois Organizing Project laying out reasons why a Living Wage should be adopted. The third was a list of frequently asked questions and answers. The City's website would have this information listed under the "City Spotlight" section. He reminded everyone that the Living Wage question would be on the ballot on November 4, 2008. He encouraged everyone to exercise their right to vote.

CITY MANAGER'S DISCUSSION: Tom Hamilton, City Manager, stated that the City had received a certificate of appreciation from the Boys and Girls Club, and the 2008 Heart and Soul award. This award was presented to the City because of the support that the Club received from the City's Police Officers and from the Computer Service Department for donating computers.

ALDERMEN'S DISCUSSION: Alderman Sage noted the cost savings with the handling of the recycling bins in the Public Service Department. He observed that a bid for fuel would be let for competitive bid. He appreciated staff for recognizing the importance of researching all possible avenues of cost savings. He noted that Family Literacy Day would be held on November 1, 2008.

Alderman Fruin continued to work on the Code of Conduct draft. He appreciated the feedback that he had received from fellow Councilmen. He hoped to have a draft to provide to the Council in the near future.

Alderman Schmidt thanked Barb Adkins, Deputy City Manager for attending the previous Saturday's "Council Day" at the Farmer's Market. Ms. Adkins had prepared a packet of information to provide the public. After the Market, Ms. Adkins also attended the West Side Community Garden event. She appreciated the efforts of City staff.

Alderman Stearns echoed Mayor Stockton and encouraged everyone to vote.

Motion by Alderman Finnegan, seconded by Alderman Gibson, that the meeting be adjourned. Time: 8:30 p.m.

Motion carried.

**Julie Phillips
Deputy City Clerk**