

**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, September 8, 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, 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, City Clerk Tracey Covert, and Corporate Counsel Todd Greenburg were also present.

The following was presented:

Fire Chief Keith Ranney introduced James Johnston, Assistant Fire Chief. Chief Ranney noted Mr. Johnston's twenty-eight (28) years of service. He was loyal, had had many roles and was willing to serve in whatever capacity necessary. He did not always agree, but was supportive none the less. The State Fire Marshall had recognized Mr. Johnston's service. Chief Ranney offered his congratulations and acknowledged Mr. Johnston's wife and daughter who were present.

Mayor Stockton read and presented the plaques to Mr. Johnston from the City and the State Fire Marshall. He recognized Mr. Johnston's service and expressed his appreciation. Mr. Johnston thanked the Mayor and Council. It was a pleasure and an honor to be recognized. The Council recognized needs and supported the Fire Department. He noted systems put in place during his tenure such as Incident Command, Hazmat Team and the Emergency Medical Technician Paramedic (EMT-P) Program. He was proud of his time with the City. This was the best time to be in the fire service.

The following was presented:

To: Honorable Mayor and Members of the City Council

From: Staff

Subject: Opening of One Bid for Food and Beverage Services for the Bloomington Center for the Performing Arts (BCPA)

Bids were received by the City Clerk for Food and Beverage Services for the BCPA. There is \$15,000 budgeted for this item. Only one bid was received by the City Clerk and it is City policy in situations where only one bid is received to have the bid opened and read at the Council Meeting.

Staff requests that the City Council authorize to open the bid at the September 8, 2008 Meeting and present the City Council with a recommendation prior to the end of the Council Meeting concerning award of the bid.

Respectfully,

Tracey Covert
City Clerk

Tom Hamilton
City Manager

Motion by Alderman Sage, seconded by Alderman Schmidt that the bid be opened at the September 8, 2008 Council meeting, referred to staff for analysis and reported back to Council prior to the end of the meeting.

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

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

Nays: None.

Motion carried.

The following was presented:

To: Honorable Mayor and Members of the City Council

From: Staff

Subject: Minutes of the Public Forum and Executive Session of August 19, 2008, and Council Proceedings of July 9, 2007

The minutes of the Public Forum and Executive Session of August 19, 2008, and Council Proceedings of July 9, 2007 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 Public Forum Minutes and Executive Session of August 19, 2008, and Council Proceedings of July 9, 2007 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 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, 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-seventh partial payment to APACE Architects & Design in the amount of \$4,048.75 on a contract amount of \$349,800 of which \$312,033.75 will have been paid to date for work certified as 89% complete for the Design of Fire Station #5. Completion date – May 2008.
2. The ninth partial payment to Felmley Dickerson in the amount of \$52,174.61 on a contract amount of \$1,097,327.14 of which \$1,091,844.48 will have been paid to date for work certified as 99.5% complete for the Miller Park Playground Renovation. Completion date – May 2007.
3. The sixteenth partial payment to Rowe Construction in the amount of \$48,555.01 on a contract amount of \$817,603.74 of which \$815,147.35 will have been paid to date for work certified as 99% complete for the 2007 Curb and Gutter Improvements. Completion date – September 2008.
4. The first partial payment to Rowe Construction Co. in the amount of \$96,078.35 on a contract amount of \$642,463.59 of which \$96,078.35 will have been paid to date for work certified as 15% complete for the 2008 Curb and Gutter Improvements. Completion date – December 2008.
5. The first partial payment to Illinois Department of Transportation in the amount of \$32,116.98 on a contract amount of \$40,000 of which \$32,116.98 will have been paid to date for work certified as 80% complete for the US Rt. 51 South Main Street Sidewalk. Completion date – July 2009.
6. The seventeenth and final payment to Daily & Associates Engineering, Inc. in the amount of \$4,155.30 on a contract amount of \$410,632.70 of which \$410,398.30 will have been paid to date for work certified as 100% complete for the Mitsubishi Motorway Study Design and Specifications. Completion date – August 2008.
7. The sixteenth partial payment to Lewis, Yockey, & Brown in the amount of \$210 on a contract amount of \$211,500 of which \$205,920.25 will have been paid to date for work certified as 97% complete for the Design of Hamilton Road – Bunn to Commerce. Completion date – August 2008.

8. The fifteenth partial payment to Rowe Construction Co. in the amount of \$383,010.75 on a contract amount of \$2,940,450.76 of which \$2,031,795.65 will have been paid to date for work certified as 69.1% complete for the Mitsubishi Motorway – Six Points to Sugar Creek. Completion date – November 2008.
9. The fourteenth partial payment to Stark Excavating, Inc. in the amount of \$95,879 on a contract amount of \$1,925,274.55 of which \$1,223,054.52 will have been paid to date for work certified as 64% complete for the Morris Avenue – Miller to Fox Hill Apartments. Completion date – January 2009.
10. The third partial payment to Teska Associates, Inc. in the amount of \$12,412.91 on a contract amount of \$49,650 of which \$33,415 will have been paid to date for work certified as 67% complete for the Teska Westside Redevelopment Planning. Completion date – April 2009.
11. The eighth partial payment to Clark Dietz, Inc. in the amount of \$4,255 on a contract amount of \$305,000 of which \$45,553.44 will have been paid to date for work certified as 15% complete for the Locust/Colton Street Sewer Separation & Water Main Replacement Design. Completion date – May 2008.
12. The third and final payment to The Grove on Kickapoo Creek, LLC in the amount of \$73,808.34 on a contract amount of \$635,578.12 of which \$635,578.12 will have been paid to date for work certified as 100% complete for the Ireland Grove Road Trunk Sewer at Kickapoo Creek. Completion date – September 2008.
13. The eleventh partial payment to Village of Downs in the amount of \$31,761.85 on a contract amount of \$300,000 of which \$292,252.92 will have been paid to date for work certified as 97% complete for the Village of Downs Sewerage Improvements Project. Completion date – July 2008.

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 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: Revenue Park Subdivision Sanitary Sewer Over-sizing Payment to Mclean County Land Trust H-313, John Nord Trustee

At the June 11, 2007 meeting, Council approved an Annexation Agreement with Mclean County Land Trust H-313, John Nord as Trustee. The agreement obligates the City to reimburse the Trust for part of the sanitary sewer installation cost. A partial invoice in the amount of \$378,911.96 for all sewer work except final grading and seeding has been received. The agreement also obligates the City to make payment within thirty (30) days of receiving a justified invoice. The invoice and supporting documentation have been reviewed and are acceptable.

Staff respectfully requests that Council approve payment of \$378,911.96 to Mclean County Land Trust H-313, John Nord Trustee, 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, 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 the Demolition of a House, Garage and Removal of a Mobile Home at 1302 Morris Ave (Formerly Known as Shady Knolls Trailer Court)

On Tuesday, Aug. 12, 2008, bids were opened and publicly read for the demolition of a house, garage and removal of a mobile home at 1302 Morris Ave. The demolition of these buildings is necessary to facilitate the relocation of Tanner St. at Morris Ave. The bids are as follows:

Accurate Site Specialist Co. **	\$18,900.00
Kirk CD Recycling Co.	\$19,600.00

** Recommended low bidder

Staff respectfully recommends that the bid be awarded to Accurate Site Specialist Co. in the amount of \$18,900, and that the Mayor and City Clerk be authorized to execute the necessary documents. Funds are available for this work from account number X40100-72510.

Respectfully,

Doug Grovesteen
Director of Engineering

Tom Hamilton
City Manager

AGREEMENT

THIS AGREEMENT, Made and entered into this September 16, 2008, by and between Acc, Inc. first party, also hereinafter referred to as "Contractor", and the City of Bloomington, a municipal corporation, second party.

WITNESSETH:

THAT WHEREAS, the City of Bloomington, did on July 3, 2008, by advertisement, call for bids for furnishing all labor and material necessary to complete the Demolition of Buildings at: 1302 A. Morris Avenue project for said City.

AND WHEREAS, in pursuance of said call for bids said first party, did on Tuesday, August 12, 2008, submit this bid in the amount of \$18,900.00 to said City of Bloomington for furnishing all of the labor and materials necessary to complete the Demolition of Buildings at: 1302 A. Morris Avenue project for said City on file in the office of the City Clerk of said City. A copy of which specifications, plans and profiles of said improvement on file in the City Clerk's Office are hereby referred to and made a part hereof by reference, and said first party being the lowest responsible bidder was awarded the contract for the construction of the said improvement, which bid of said Contractor is hereto attached and made a part hereof.

THEREFORE, it is covenanted and agreed upon the part of said first party that in consideration of the amounts to be paid by said City, he will furnish all labor, tools, machinery and materials for the construction of said improvement complete, in accordance with the said plans, profiles and specifications, call for bids, and said contractor's bid, each herein set out and made a part hereof.

IT IS FURTHER AGREED that said Contractor will furnish a bond to the City of Bloomington in the penal sum of \$18,900.00 Dollars executed by said contractor and at least two responsible persons as sureties or by some surety company satisfactory to the said City of Bloomington and the City Council, as a guarantee that said Contractor faithfully will perform the work in accordance with this agreement.

Said bond shall be conditioned to save and keep harmless said City from any and all claims, demands, loss, suits, costs, expenses and damages which may be made, brought, sustained or recovered against said City by reason of any negligence, default or failure of the said contractor in building, constructing or completing said improvement and its appurtenances, or any part thereof, and keep the same backfilled for six months, and maintain the same in continuous good condition and repair for one year from the date of its completion and acceptance by the City of Bloomington, which bond is attached hereto and made a part hereof.

Said bond shall be conditioned to save and keep harmless said City from any and all claims, demands, loss, suits, costs, expenses and damages which may be brought, sustained or recovered against said City by reason of any negligence, default or failure of the said contractor in building, constructing or completing said improvement and its appurtenances, or any part thereof, and that said improvement when constructed shall be free from all defects and remain in good order and condition for one year from its completion and acceptance, ordinary wear and tear, and damage resulting from accident or willful destruction excepted; which bond is attached hereto and made a part hereof.

IT IS FURTHER AGREED that said work will be completed as outlined by the Special Provisions herein.

IT IS EXPRESSLY UNDERSTOOD AND AGREED that whenever the said City may deem necessary, additional or new bond shall be furnished by said Contractor with such sureties as will be satisfactory to the said City Council, as a guarantee that said Contractor will faithfully perform the work in accordance with the terms of this agreement.

IT IS FURTHER AGREED that should said Contractor fail to complete the work within the time herein specified for doing the same, then he shall pay the expense of the City Inspector or Inspectors from the date specified for completion until said work is completed. Or if the time for completion of the work under this contract is extended at the request of said Contractor, then he shall pay the expense of the Inspector during such extended time until completion, and shall pay to the City all other expenses created by reason of such failure to complete said work in the specified time or by reason of such time being extended.

This agreement shall not be assigned, nor any part of the work subcontracted without the written consent of the City of Bloomington endorsed hereon, and in no case shall such consent relieve the party of the first part from the obligations herein entered into by said party, or change the terms of this agreement.

IT IS FURTHER STIPULATED AND AGREED by and between the parties hereto that all ordinances now in force in the City of Bloomington respecting and regulating public improvement, not in conflict with the terms of this contract, shall be a part and parcel of this contract.

The number of inspectors to be placed on said work shall be determined by the City of Bloomington, but if at any time on account of a disregard of any of the provisions of this contract by the said first party, or on account of the failure of said first party to faithfully perform the work in accordance with this contract, additional inspectors shall be deemed necessary by said City, the pay of such additional inspectors shall be charged to said Contractor and be deducted from the amount due said Contractor on final settlement under this contract.

The Contractor and all persons employed on the work shall obey the instruction of the City Engineer or the inspector on said work. Any person who shall refuse or neglect to so obey, or who shall be deemed incompetent by said City Engineer or said Inspector shall at once be removed from the work by the Contractor when so required by said Engineer or Inspector.

The City of Bloomington hereby covenants and agrees, in consideration of the faithful performance of the covenants and agreements in this contract specified to be kept and performed by first party, to pay party of the first part, when this contract shall be wholly carried out and completed upon the part of the said Contractor, and when said work shall have been finally accepted by said City of Bloomington, the amounts set forth in first party's bid in manner as herein and in said call for bids provided.

IT IS FURTHER AGREED AND UNDERSTOOD that the work to be done pursuant to this contract shall be done under the direction and to the satisfaction of the City of Bloomington, and that, except as otherwise provided in the said ordinance or the judgment of the court, said City, except as by law provided, or any officer thereof, shall not be liable for any portion of the expense of said work, nor for any delinquency or persons or property assessed.

This contract and the bond herein provided, shall be signed in triplicate and be subject to the approval of the City of Bloomington.

IN TESTIMONY WHEREOF the said first party has hereunto set his hand and seal, and the City of Bloomington has caused this agreement to be signed by its Mayor, its corporate seal to be attached, and said signing and sealing to be attested by its City Clerk on the day and year first above written.

Attest:

City of Bloomington

Tracey Covert
City Clerk

Stephen F. Stockton
Mayor

Contractor

Paul R. Hafley
Accurate Site Specialist, Inc.

Motion by Alderman Finnegan, seconded by Alderman Gibson that the bid be awarded to Accurate Site Specialist Co. in the amount of \$18,900, 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: Analysis of Bids for Pipeline Road 36 Inch Water Main, Division D – Phase I, Water Transmission Main from Lake Bloomington Water Plant to County Road 1750 E

Bids for Division D, Phase I, of the Pipeline Road 36 Inch Water Main project were received until 2:00 p.m. Wednesday August 27, 2008, in the office of the City Clerk at which time and place the bids were opened and read aloud as follows:

Stark Excavating, Inc., Bloomington, IL	\$1,352,095.00
G.A. Rich & Sons, Inc., Deer Creek, IL	\$1,517,379.00
George Gildner, Inc., Bloomington, IL	\$1,186,825.00 LOW BID
Engineer Estimate:	\$1,147,488.00

This project consists of installing approximately 1,770 feet of 36" water transmission main from the Lake Bloomington Water Treatment Plant to County Road 1750 E. This is the third phase of the project to install a new water transmission main to replace the 1930 cast iron water main that runs from the Lake Bloomington Water Treatment Plant to the pump station on Ft. Jesse Road in Normal.

This project is to be funded with a low interest loan from the Illinois Environmental Protection Agency, (IEPA). The above Low Bid will be forwarded to the IEPA for their review. The IEPA will issue a loan agreement upon their approval of the bid, and availability of funds.

Staff respectfully recommends that Council accept the low bid from George Gildner, Inc., in the amount of \$1,186,825 and the Mayor and City Clerk be authorized to execute the necessary documents, contingent upon receipt of IEPA bid approval and loan funds. Payment is to be made with IEPA Loan funds (X50500-72540).

Respectfully,

Craig M. Cummings
Director of Water

Tom Hamilton
City Manager

(CONTRACT ON FILE IN CLERK'S OFFICE)

Alderman Stearns had received a telephone call from a former Water Department employee. She questioned if this was a change from the original plan. Craig Cummings, Director of Water, addressed the Council. This was a sub part of the original plan. Alderman Stearns questioned if there was risk involved with this venture. Mr. Cummings responded the City has multiple water lines coming into the City. This was a strengthening of the existing line and therefore an improvement. It would replace an old cast iron pipe. Alderman Stearns questioned if there were leaks that needed to be addressed prior to this project. Mr. Cummings stated the project would address leak issues.

Motion by Alderman Finnegan, seconded by Alderman Gibson that the bid be awarded to George Gildner, Inc. in the amount of \$1,186,825, and the Mayor and City Clerk be authorized to execute the necessary documents, contingent upon receipt of IEPA bid approval and loan funds.

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 to the Professional Services Agreement with Farnsworth Group, Inc. for the Design of Lincoln Street from Bunn to Morrissey

On August 8, 2005, Council approved a contract for professional services with Farnsworth Group, in the amount of \$168,400 for the design of Lincoln Street from Bunn to Morrissey. Since signing the contract with Farnsworth Group, changes in the project scope and timetable have resulted in increased costs. This project was delayed pending the availability of funds from the Illinois Department of Transportation, (IDOT) which resulted in the need to update the plans and specifications. Modifications were also made to better accommodate businesses located along the project corridor and address future water distribution needs.

The Lincoln Street construction project was awarded to Rowe Construction Co. at the August 25, 2008 Council meeting in the amount of \$3,476,726.41. Farnsworth Group has requested a change order in the amount of \$30,615.36 to cover the increased costs associated with the necessary changes. Staff believes this request to be reasonable given the awarded construction cost of this project.

Staff respectfully recommends that a change order to the professional services agreement with Farnsworth Group, Inc. for the Design of the Lincoln Street from Bunn to Morrissey (MFT No. 92-00283-00-RP) in the amount of \$30,615.36 be approved. This change order increases the maximum not to exceed total to \$199,015.36. Payment to be made from Motor Fuel Tax Funds (X20300-72530, \$26,730.36) and Water Depreciation Funds (X50200-72540, \$3,885.00).

Respectfully,

Douglas G. Grovesteen
Director of Engineering

Tom Hamilton
City Manager

RESOLUTION NO. 2008 - 58

A RESOLUTION AUTHORIZING A CHANGE ORDER IN THE AMOUNT OF \$30,615.36 IN THE CONTRACT BETWEEN THE CITY OF BLOOMINGTON AND FARNSWORTH GROUP, INC. FOR THE DESIGN OF THE LINCOLN STREET FROM BUNN TO MORRISSEY (MFT NO. 92-00283-00-RP)

WHEREAS, the City of Bloomington has previously entered into a contract with Farnsworth Group, Inc. for the Design of the Lincoln Street from Bunn to Morrissey (MFT No. 92-00283-00-RP); and

WHEREAS, for the reasons set forth in a staff report dated September 8, 2008 it was necessary to update the plans and specifications, make modifications to better accommodate businesses located along the project corridor, and address future water distribution needs; and

WHEREAS, it is the finding of the City Council that the decision to perform the work described in the September 8, 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 \$30,615.36 in the contract between the City of Bloomington and Farnsworth Group, Inc. for the Design of the Lincoln Street from Bunn to Morrissey (MFT No. 92-00283-00-RP) be approved.

ADOPTED this 8th day of September, 2008.

APPROVED this 9th day of September, 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 \$30,615.36 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: Lake Bloomington Lease Transfer Petition for Lot 15, Block 3 of Camp Kickapoo from Donald and Diane Tomasino to Robert and Julie Printz

Staff has reviewed the Lake Bloomington Lease Transfer Petition and septic system inspection report for Lot 15, Block 3 of Camp Kickapoo from Donald and Diane Tomasino to Robert and Julie Printz .

The septic system is relatively new, (13 years old) and maintenance has recently (within the last two years) been performed to correct some deficiencies noted during a previous inspection. The system meets the current septic system code.

Staff respectfully requests Council to authorize the approval of the Lake Bloomington Lease Transfer for Lot 15, Block 3 in Camp Kickapoo from Donald and Diane Tomasino to Robert and Julie Printz.

Respectfully,

Craig M. Cummings
Director of Water

Tom Hamilton
City Manager

Motion by Alderman Finnegan, seconded by Alderman Gibson that the Lake Lease be approved, and the Mayor and City Clerk be authorized to execute the necessary documents.

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

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

Nays: None.

Motion carried.

The following was presented:

To: Honorable Mayor and Members of the City Council
From: Staff
Subject: Petition and Ordinance Accepting the Dedication of a Sanitary Sewer Easement in Outlot E of Prairie Place Planned Unit Development First Addition

A petition has been received from Laurence F. Hundman requesting acceptance of a sanitary sewer easement in Outlot E of Prairie Place Planned Unit Development First Addition. This subdivision is located west of Beich Road, south of Fox Creek Road, and north of Stringtown Road. The easement contains an existing public sanitary sewer. The sewer currently serves the existing manufactured home community on Daffodil, Iris, Hyacinth, and Alyssum Drive, and will also serve future development on the vacant property north of the manufactured homes and south of Founders Square Subdivision.

Staff respectfully recommends that the Dedication be approved and the Ordinance passed.

Respectfully,

Douglas G. Grovesteen
Director of Engineering

Tom Hamilton
City Manager

PETITION FOR THE DEDICATION OF SANITARY SEWER EASEMENT

State of Illinois)
)ss.
County of McLean)

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

Now comes Laurence F. Hundman hereinafter referred to as your petitioner, respectfully representing and requesting as follows:

1. That your petitioner is interested as the owner of the property described in the attached Easement Dedication Plat.
2. That your petitioner seeks approval of the dedication of a sanitary sewer easement as described on the attached Sanitary Sewer Easement Plat.
3. That the City of Bloomington is the sole benefactor of the sanitary sewer easement and therefore the consent of other sanitary sewer companies is not necessary.
4. The petitioner hereby dedicates to the City of Bloomington the sanitary sewer easement described on the attached Plat and Exhibit A.

WHEREFORE, your petitioner respectfully prays that the sanitary sewer easement described, the City of Bloomington accept the dedication of the sanitary sewer easement of the real estate described on the Plat and Exhibit A.

Respectfully submitted,

Laurence F. Hundman
Petitioner

ORDINANCE NO. 2008 - 58

**AN ORDINANCE APPROVING THE DEDICATION OF
SANITARY SEWER EASEMENT**

WHEREAS, there was heretofore filed with the City Clerk of the City of Bloomington, McLean County, Illinois, a Petition for Dedication of Sanitary Sewer Easement; and

WHEREAS, said Petition is valid and sufficient and conforms to the requirements of the statutes in such cases made and provided and the Sanitary Sewer Easement Dedication Plat attached to said Petition was prepared in compliance with the requirement 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 Sanitary Sewer Easement Dedication Plat is hereby approved.
2. That this Ordinance shall be in full force and effective as of the time of its passage and approval.

PASSED this 8th day of September, 2008.

APPROVED this 9th day of September, 2008.

APPROVED:

Stephen F. Stockton
Mayor

ATTEST:

Tracey Covert
City Clerk

EXHIBIT A

Legal Description

The West 40 feet of Outlot "E" in Prairie Place Planned Unit Development First Addition recorded as Document No. 2002-24825 in the McLean County Recorder of Deeds Office, being a part of Lots 3 and 5 in the Subdivision of Section 19, Township 23 North, Range 2 East of the Third Principal Meridian, City of Bloomington, McLean County, Illinois.

Motion by Alderman Finnegan, seconded by Alderman Gibson that the Dedication 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 Beich III, LLC, an Illinois Limited Liability Company, Requesting Approval of a Final Plat for Prairie Place North Subdivision

A petition has been received from Beich III, LLC requesting approval of a Final Plat for Prairie Place North Subdivision. This subdivision is located west of Beich Road, east of the Union Pacific Railroad, south of Fox Creek Road, and north of Stringtown Road. This is a simple three (3) lot subdivision that meets all the requirements of section 24-3.5.6 of City Code for expedited review and approval. Outlot A is an existing storm water detention facility, Lot 1 is an existing manufactured home development, and lot 2 is vacant land. There are various tap on fees due for this subdivision.

Staff respectfully recommends that the Petition be approved and the Ordinance passed 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 Beich III, LLC, an Illinois Limited Liability Company hereinafter referred to as your petitioner, respectfully representing and requesting as follows:

1. That your petitioner is the owner of the freehold or lesser estate therein of the premises hereinafter legally described in Exhibit A which is attached hereto and made a part hereof by this reference.
2. That your petitioner seeks approval of the Final Plat for the subdivision of said premises to be known and described as Prairie Place North Subdivision, City of Bloomington, in McLean County, Illinois.
3. That your petitioner also seeks approval of the following exemptions or variations from the provisions of Chapter 24 of the Bloomington City Code, 1960: None.

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

Respectfully submitted,

Beich III, LLC, an Illinois Limited Liability Company,

By: Hundman Management, LLC,
Manager

Laurence F. Hundman, Chairman

ORDINANCE NO. 2008 - 59

**AN ORDINANCE APPROVING THE FINAL PLAT OF THE
PRAIRIE PLACE NORTH 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 Prairie Place North 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: none; and

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

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

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

1. That the Final Plat of the Prairie Place North 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 8th day of September, 2008.

APPROVED:

Stephen F. Stockton
Mayor

ATTEST:

Tracey Covert
City Clerk

EXHIBIT A

Part of Lots 3 and 5 in the Subdivision of Section 19, Township 23 North, Range 2 East of the Third Principal Meridian, City of Bloomington, McLean County, Illinois, being part of the lands subdivided for the Estate of William King, deceased, recorded in Chancery Record 7, Page 275 in the Office of the Clerk of the Circuit Court of McLean County, Illinois, more particularly described as follows: Commencing at the westernmost corner of Lot 6 in Industrial Park Subdivision; thence N.88°-52'-37"E. 9.99 feet on the south line of said Lot 6 to the easterly right of way line of the Southern Pacific Railroad as conveyed in Deed Book 254, Page 62 in the McLean County Recorder of Deeds Office, lying 69 feet easterly of the main track centerline of said Southern Pacific Railroad; thence S.24°-11'-07"W. 473.71 feet on said easterly right of way line of the Southern Pacific Railroad to the Point of Beginning, being the southwest corner of Founder's Square Subdivision recorded as Document No. 2003-33631 in the McLean County Recorder of Deeds Office; thence S.52°-05'-18"E. 937.96 feet on the southerly line of said Founder's Square Subdivision to the westerly right of way line of F.A.I. Route 55 as conveyed by a Trustee's Deed recorded as Document No. 72-5947 in the McLean County Recorder of Deeds Office; thence S.40°-32'-37"W. 497.98 feet on said westerly right of way line of F.A.I. Route 55; thence S.37°-54'-04"W. 300.00 feet on said right of way line; thence 5.32°-11'-19'W. 100.73 feet on said right of way line; thence S.37°-13'-33"W. 626.78 feet on said right of way line to the northeast corner of Prairie Place Planned Unit Development First Addition recorded as Document No. 2002-24825 in the McLean County Recorder of Deeds Office; thence N.51°-57'-52"W. 30.00 feet on the northerly line of said Prairie Place Planned Unit Development First Addition; thence N.42°-13'-44"W. 570.13 feet on the northerly line of said Prairie Place Planned Unit Development First Addition to the easterly right of way line of the Southern Pacific Railroad; thence N.24°-32'-53"E. 1151.13 feet on said easterly right of way line of the Southern Pacific Railroad; thence N.24°-11'-07"E. 315.78 feet on said easterly right of way line to the Point of Beginning, containing 25.36 acres, more or less, with assumed bearings given for description purposes only.

Motion by Alderman Finnegan, seconded by Alderman Gibson 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: Petition submitted by Jeffrey and Lisa DeBruine requesting approval of the Final Plat of the DeBruine Subdivision, commonly located south of Interstate 74, north of Windgate Country Estates 2nd Addition, west of Windgate Road, east of Timber Lake Subdivision and south of Timber Lake Trail in Bloomington Township, within one and one half (1½) miles of the corporate limits of the City of Bloomington (Case FS-02-08)

BACKGROUND INFORMATION:

Adjacent Zoning

north - A- Agriculture District
south - R-1 Single Family Residential District
east - R-1 Single Family Residential District
west - A- Agriculture District

Adjacent Land Uses

north single family dwelling & pond
south - single family dwellings
east - single family dwellings
west single family dwellings & pond

Current Zoning - A- Agriculture District

Comprehensive Plan: recommends vacant/agricultural land use for the property in question.

The property in question is a 10.55 acre tract that is presently the site of a house, two (2) barns, and vacant land. The petitioners want to subdivide this tract into two (2) lots as follows: Lot 1 (Tract B1), containing 5.01 acres of vacant land, and Lot 2 (Tract B2), containing 5.54 acres, including the site of the house and two (2) barns. Both lots will have frontage on and access to Windgate Road to the east. The petitioners are requesting the following waivers:

- waiver of the preliminary plan submission requirement;
- waiver of the requirement for storm water detention;
- waiver of the parkland dedication requirement or fee in lieu thereof;
- waiver of the requirement to provide public sanitary sewer; and
- waiver of the substandard adjacent roadway bond for Windgate Road.

The requirement for the submission of a preliminary plan can be waived for this rural subdivision which contains only two (2) lots and does not require the construction or installation of street improvements. The other requested waivers can be granted since this rural subdivision, which is located south of Interstate 74, is within the jurisdiction of the Bloomington Township Public Water District and will probably never be annexed to the City.

Staff has reviewed this plat and recommended that it be revised as cited in the attached August 11, 2008 letter to Mr. Matthew T. Dowiatt, Professional Land Surveyor, from Mr. Douglas G. Grovesteen, Director of Engineering.

PLANNING COMMISSION PUBLIC HEARING:

The Planning Commission held a public hearing on this petition on Wednesday, August 27, 2008. Arguments in favor of this petition were presented at this hearing by Mr. Jeff DeBruine and Mrs. Lisa DeBruine, 15872 Timberlake Trail. Mr. & Mrs. DeBruine stated that they purchased the 10.55 acre property in question with the intention of subdividing it into two (2) lots so that they could sell Lot 2 (Tract B2), the site of the house and two barns, and retain ownership of Lot 1 (Tract B1) for agricultural use (pasture). Mrs. DeBruine stated that she has asked Mr. Matthew T. Dowiatt, Professional Land Surveyor, to revise the final plat as recommended by Mr. Douglas G. Grovesteen, Director of Engineering.

Mr. Ralph Link, 15835 Old Orchard Road, expressed concern that the waste water draining from the existing house would be draining into a seepage field located on a separate lot to the north. Mr. DeBruine replied that the seepage field will remain on the same lot as the house. Mr. Link noted that the Chairman of the Board of Trustees of Bloomington Township did not receive notice of this public hearing.

Mr. Henry Falb, 9834 N. 1600 East Road, stated that he owns the property immediately to the north of the property in question and has just spent \$ 15,000 removing silt from his pond. He asked if there would be any development on the property in question that would result in additional siltation into his pond. Mr. DeBruine replied in the negative and stated that they will sell Lot 2 and continue to use Lot 1 for pasture.

No other testimony was presented in opposition to this petition at this public hearing.

PLANNING COMMISSION RECOMMENDATION:

After having given due consideration to this petition and the testimony presented at the public hearing, the Planning Commission passed a motion by a vote of 9 to 0 recommending Council approval of the Final Plat of the DeBruine Subdivision, with the requested waivers and as revised in accordance with the August 11, 2008 letter to Mr. Dowiatt from Mr. Grovesteen.

STAFF RECOMMENDATION:

Staff concurs with the Planning Commission and respectfully recommends Council approval.

Respectfully,

Kenneth Emmons
City Planner

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 Jeffrey and Lisa DeBruine 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 thereinof the premises hereinafter legally described in Exhibits A which is attached hereto and made a part hereof by this reference, of are a mortgagee or vendee in possession, assignee of rents, receiver, executor, 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 petitioners seek approval of the Final Plat for the subdivision of said premises to be known and described as Resubdivision of DeBruine Tract.
3. That your petitioners also seek approval of the following exemptions or variations from the provisions of Chapter 24 of the Bloomington City Code, 1960: waiver of Preliminary Plan Substandard adjacent roadway bond; requirement to provide Sanitary Sewer; parkland dedication or fee in Lieu of; and requirement for storm water detention.

WHEREFORE, your petitioners respectfully pray that said Final Plat for the Resubdivision of DeBruine Tract submitted herewith be approved with the exemptions or variations as requested herein.

Respectfully submitted,

Lisa DeBruine &
Jeffrey DeBruine

ORDINANCE NO.2008 - 60

**AN ORDINANCE APPROVING THE FINAL PLAT OF THE
RESUBDIVISION OF DeBRUINE TRACT**

WHEREAS, there was heretofore filed with the City Clerk of the City of Bloomington, McLean County, Illinois, a Petition for approval of the Final Plat of the Resubdivision of DeBruine Tract, 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: waiver of Preliminary Plan Substandard adjacent roadway bond; requirement to provide Sanitary Sewer; parkland dedication or fee in Lieu of requirement for storm water detention; and

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

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

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

1. That the Final Plat of the Resubdivision of DeBruine Tract 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 8th day of September, 2008.

APPROVED:

Stephen F. Stockton
Mayor

ATTEST:

Tracey Covert
City Clerk

EXHIBIT A

DeBruine Subdivision

Part of the northeast quarter of Section 27, Township 23 north, Range 2 east of the 3rd principal meridian, McLean County, Illinois being more particularly described as follows:

Commencing at the northeast corner of said Section 27, thence south 1 degree 26 minutes 43 seconds east, a distance of 698.39 feet, along the east line of the northeast quarter of said Section 27 to the point of beginning of DeBruine Subdivision, the next five calls are along Timber Lake Subdivision; thence north 87 degrees 03 minutes 05 seconds west, a distance of 545.22 feet; thence south 23 degrees 17 minutes 13 second west 94.27 feet; thence south 0 degrees 42 minutes 29 seconds west 106.00 feet; thence north 89 degrees 17 minutes 34 seconds west 197.00 feet; thence south 3 degrees 02 minutes 46 seconds west 426.00 feet to the north line of Windgate County Estates Sub 2nd Addition; thence south 87 degrees 00 minutes 00 seconds east, a distance of 819.73 feet, along the north line of said Windgate Country Estates to the east line of the northeast quarter of said Section 27, thence north 1 degree 26 minutes 43 seconds west 630.61 to the point of beginning; DeBruine Subdivision 10.55 acres more or less. Being subject to all existing easements and rights of way. Bearings are assumed for the purpose of description only.

Motion by Alderman Finnegan, seconded by Alderman Gibson that the Final Plat be approved and the Ordinance be passed contingent upon the Plat being revised in accordance with the August 11, 2008 letter.

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 Craig Gates requesting the Rezoning from R2, Mixed Residence District, to B2, General Business District, for the properties commonly located at 917 and 921 West Front St. (Ward 6) (Case Z-06-08)

BACKGROUND INFORMATION:

Adjacent Zoning

north - R2, Mixed Residence District

south – Same as above

east – Same as above

Adjacent Land Uses

north - railroad tracks & dwellings

south - bike/jogging trail & apartments

east - railroad tracks & apartments

west – Same as above

west - single family dwelling

Comprehensive Plan: recommends “Low/Medium Density Residential” land use for the subject properties

These two (2) parcels of land were originally zoned “Industrial” under the City’s first zoning ordinance that was adopted in 1941. They have been zoned for residential use since 1956. The building at 917 W. Front St. has been occupied by various business uses, including a dry wall contractor, a plumbing contractor, and a motor vehicle detailing and cleanup shop. The building at 921 W. Front St. has been occupied by a heating & air conditioning contractor and a monument & vault company. These business uses were allowed to operate in a residential zoning district as legal nonconforming uses. However, this legal nonconforming use status ended after these uses were discontinued and the buildings were left vacant for at least six (6) consecutive months.

Staff is concerned that the approval of this petition would constitute “spot zoning” since it involves land that is only 0.29 of an acre in area and is completely surrounded by land that is zoned R2 Mixed Residence District. The approval of B2 zoning for this property would not be consistent with the Comprehensive Plan and would not be in the public interest.

PLANNING COMMISSION PUBLIC HEARING:

The Planning Commission held a public hearing on this petition on Wednesday, August 27, 2008. Arguments in favor of this petition were presented at this hearing by Mr. Craig Gates, 1206 East Empire St.; Mr. Neil Alcorn, 1002 West Front St., and Mr. Brad Butzirus, 713 North Main St. Mr. Gates pointed out that the zoning was industrial when the buildings were erected, and that there are small areas of business zoning nearby. He stressed that this is a very narrow parcel and it backs directly to the railroad tracks which are in active use.

He argued that this site would not be attractive for residential use and he doubted that neither investors nor buyers would be interested in it.

Mr. Gates testified that after the owner of this property became ill, the property sat vacant for two (2) years and then the owner passed away. This property is now in an estate and he has an agreement to purchase it contingent upon the property being rezoned to B2. He testified that he is a heating and air conditioning contractor and wished to completely renovate the buildings to house his business. Mr. Gates distributed a copy of an artist’s rendering illustrating how the existing buildings might look once they were renovated. He argued that due to the limited size and depth of the property and its location next to the railroad tracks to the north, that it was not a viable site for a residential use. He argued that it would not be possible to provide the front and rear yard building setbacks required for a residential use under R2 zoning.

Chairperson Cain asked Mr. Mark Huber, Director of Planning and Code Enforcement, for comment. Mr. Huber explained that this property became a non-conforming use long ago when the zoning changed to residential. This property had not had a good history and there had been

problems with outdoor storage, trash, and weeds. He noted there had also been fire damage to the structure. He believed that this was an opportunity for a non-conforming use to end.

Mr. Alcorn explained that he lives across the street from the property. He agreed that the unused building is an eyesore now, but expressed his opinion that it would be preferable for it to return to a commercial use and be well-maintained rather than continue to sit vacant.

Mr. Butzirus testified that he owns several properties on Front Street. He knows Mr. Gates and is confident that Mr. Gates would improve and maintain the site and be a good neighbor. He also stated that such a site would be unlikely to attract interest for residential development.

Mr. Gates stated that the fire damage had not been structural and nothing to merit severe cost to repair. He expressed willingness to start repairs at the site right away. He noted that if the B2 zoning was approved then the structure would no longer be 'non-conforming.'

No testimony in opposition to this petition was presented at this public hearing.

PLANNING COMMISSION RECOMMENDATION:

After having given due consideration to this petition and the testimony presented at the public hearing, the Planning Commission passed a motion by a vote of 9 to 0 recommending Council approval of this petition for rezoning in Case Z-06-08.

STAFF RECOMMENDATION:

Staff concurs with the Planning Commission and respectfully recommends Council approval of this petition as presented.

Respectfully,

Kenneth Emmons
City Planner

Tom Hamilton
City Manager

PETITION FOR ZONING MAP AMENDMENT

State of Illinois)
) ss.
County of McLean)

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

Now comes Craig Gates, hereinafter referred to as your petitioner, respectfully representing and requesting as follows:

1. That your petitioner is the owner of the freehold or lesser estate therein of the premises hereinafter legally described in Exhibit A, which is attached hereto and made a part hereof by this reference, or is a mortgagee or vendee in possession, assignee of rents, receiver, executor, 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; and
2. That said premises legally described in Exhibit "A" presently has a zoning classification of R - 2 under the provisions of Chapter 44 of the Bloomington City Code, 1960; and
3. That the present zoning on said premises is inappropriate due to error in original zoning, technological changes altering the impact or effect of the existing land uses, or the area in question having changed such that said present zoning is no longer contributing to the public welfare; and
4. That your petitioner hereby request that the Official Zoning Map of the City of Bloomington, McLean County, Illinois be amended to reclassify said premises into the B - 2 zoning district classification; and
5. That said requested zoning classification is more compatible with existing uses and/or zoning of adjacent property than the present zoning of said premises; and
6. That said requested zoning classification is more suitable for said premises and the benefits realized by the general public in approving this petition will exceed the hardships imposed on your petitioner by the present zoning of said premises.

WHEREFORE, your petitioner respectfully prays that the Official Zoning Map of the City of Bloomington, McLean County, Illinois be amended by changing the zoning classification of the above-described premises from R - 2 to B - 2.

Respectfully submitted,

Craig Gates

ORDINANCE NO. 2008 - 62

**AN ORDINANCE REZONING
919 – 921 WEST FRONT STREET FROM R - 2, MIXED RESIDENCE DISTRICT
TO B - 2 GENERAL BUSINESS DISTRICT**

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

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

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

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

1. That the premises hereinafter described in Exhibit “A” shall be and the same are hereby rezoned from R - 2, Mixed Residence District to B - 2 General Business District.
2. The Official Zoning Map of said City shall be amended to reflect this change in zoning classification.
3. This Ordinance shall take effect immediately upon passage and approval.

PASSED this 8th day of September, 2008.

APPROVED this 9th day of September, 2008.

APPROVED:

Stephen F. Stockton
Mayor

ATTEST:

Tracey Covert
City Clerk

EXHIBIT A

Subdivision Lot #3 South ½ Section 5 Township 23 Range 2 E (South of Railroad Lot 7 & 8).
Moulton’s Addition Lot #1

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

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

Ayes: Aldermen Stearns, Huette, Schmidt, 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 Parkway Partners-One, Inc., requesting approval of the Preliminary Plan for the Parkway Project Planned Unit Development to be known as Parkway Village, commonly located east of Mercer Avenue, north of Ireland Grove Road, south of Veterans Parkway and west of State Farm Loop Road (Ward 8) (Case PS-04-08)

BACKGROUND INFORMATION:

Adjacent Zoning

north - C1, Office District and R-3B,
Multiple Family
south - B1, Highway Business District
east - B1, Business District & M-1,
Restricted
west - B1, Highway Business District

Adjacent Land Uses

north - bank and retirement center
Residence District
south - electricity generation plant
east - warehouse & open space
Manufacturing District
west - restaurant & car rental agency

Current Zoning: B - 1 Highway Business District.

Current Land Use: tire & automotive service company, vacant buildings & agriculture.

Comprehensive Plan: recommends regional highway commercial land use for the subject property.

The property in question is a 19.858 acre tract of land that has been occupied by the following combination of land uses: a truck sales and service business, a tire and automotive service business, and agriculture (row crops). Now, Parkway Partners-One, Inc., the redeveloper, wants to demolish the existing buildings and redevelop this property as a commercial planned unit development consisting of eleven (11) lots for business uses and two (2) outlots for “dry bottom”

storm water detention. The redeveloper is proposing that the new business buildings would have a total floor area of 142,568 square feet and would include a 26,756 square foot, four (4) story hotel containing one hundred (100) rooms on Lot 101 at the northwest corner of Ireland Grove Road and State Farm Loop Road.

Under the provisions of a separate redevelopment agreement with the City, the redeveloper will dedicate an additional twenty (20) feet of right of way along the east side of Mercer Avenue from the north line of Ireland Grove Road to the south line of Veterans Parkway.

The redeveloper will be responsible for the design and construction of an additional northbound lane on the east side of Mercer Avenue from Ireland Grove Road to Veterans Parkway along with related geometric and traffic signal improvements necessary to meet City and State of Illinois Department of Transportation (IDOT) requirements. A six (6) foot wide sidewalk will be required only on the east side of Mercer Avenue.

The right of way dedication on Ireland Grove Road will be thirty (30) feet one-half width where there is an existing thirty (30) foot right of way easement. A five (5) foot wide sidewalk will be required only on the north side of Ireland Grove Road.

The Preliminary Plan proposes new thirty (30) foot wide private streets intersecting with Mercer Avenue, State Farm Loop Road and Ireland Grove Road to provide for vehicular access to these lots. "Street A" will have an east-west alignment between Mercer Avenue and State Farm Loop Road. "Street B" and "Street C" will have north-south alignments between Street A and Ireland Grove Road. A three and a half (3 ½) foot wide bicycle lane will be reserved along both sides of these private streets and a six (6) foot wide concrete sidewalk will be constructed along one (1) side. The redeveloper is proposing that these private streets will be constructed as enhanced pedestrian/bike friendly access ways that would be interconnected with the bike and pedestrian ways established on the State Farm Insurance Company Corporate South Complex. Enhancements would include decorative private street lighting distinguishable from parking lot lighting, bike lane pavement markings, bus stop locations and pedestrian kiosk areas. In addition, private access aisles will provide access to the lots located along Veterans Parkway to the north of "Street A."

All sanitary sewers will be constructed in public utility easements at least fifteen (15) feet in width and will be dedicated to the City for ownership and maintenance. The storm sewers, storm water detention basins, water mains and pavement areas will be privately owned and maintained.

The petitioner is requesting exemptions or variations from the City's Land Subdivision Code that are shown on the Plan or authorized by any Redevelopment Agreement approved by the City. These would include the following:

1. Waiver of code to allow lots of record to front on private streets in lieu of public right of way.
2. Waiver of code requirement to allow private streets or access aisles with a minimum width of less than thirty (30) feet (face to face curb).

The “Review of Development Proposal for Consistency with Local and Regional Development Plans,” from the McLean County Regional Planning Commission, gives this project a project rating of “D” primarily because the point of egress with Mercer Avenue is not consistent with the requirements of an access management plan and /or policy. This review includes the following comments: “Project will receive a “B” rating if Mercer Avenue access issues are rectified. Staff recommends the construction of a median on Mercer Avenue to address potential congestion concerns that could result from traffic attempting to access development from Mercer.”

Doug Grovesteen, Director of Engineering recommended that the entrance on to Mercer Avenue at Street A should be a “right-in / right-out” only and that a barrier median should be installed on Mercer Avenue from Veterans Parkway to Ireland Grove Road for reasons of traffic safety. The redeveloper wants an intersection onto Mercer Avenue that will permit southbound traffic on Mercer Avenue to be able to turn left on to Street A. The resolution of this traffic engineering issue will require further study.

PLANNING COMMISSION PUBLIC HEARING:

The Planning Commission held a public hearing on this petition on Wednesday, August 27, 2008. Arguments in favor of this petition were presented at this hearing by the following persons:

- Mr. Frank Miles, Attorney at Law, 202 N. Center St.;
- Mr. Thomas B. Jordan, PLS, Foth Infrastructure & Environment, LLC, 1610 Broadmoor Drive, Champaign; and
- Mr. Todd Raufeisen, President, Raufeisen Development, 33 Vellie Drive, Rock Island.

Mr. Miles stated that his law firm formerly had represented the Stahly family who have sold this property to the petitioner. That transaction was complete, and subsequently, he had been retained to represent Parkway Partners-One, Inc., the new owners. He stated that this is a large tract with frontage on Veterans Parkway and has good access and visibility. The developers are experienced and have a good track record with other commercial developments. He noted that State Farm has not granted access to State Farm Loop Road and that discussion is still ongoing. If permission to access the loop road is not granted, then Road C would only curve south to intersect with Ireland Grove Road.

Mr. Miles noted that this land would be developed as a planned unit development. The building locations are set and signage and access easements had been determined at the outset. These would apply to subsequent owners as well. He noted that each lot would be final platted when it was ready to be developed.

Mr. Miles noted that the issue of access from Mercer Avenue is the main issue to be resolved. Adding a barrier median and allowing only right-in / right-out traffic would be detrimental to the project. Traffic would have to travel south to Ireland Grove Road and then north to the businesses. He expressed confidence that this issue could be successfully resolved and noted that traffic engineering work was in the process of being provided.

Mr. Miles stated that a second issue regarding the provision of decorative elements in setbacks instead of grass is being worked out with City staff. These are designed as amenities and would also conserve water needed for maintenance.

Mr. Jordan presented a Power-Point program illustrating the proposed development and showing some examples from projects that had been built elsewhere. He reported that the Illinois Department of Transportation (IDOT) had required five (5) lanes for Mercer Avenue ten (10) years ago.

The petitioner had no objection to dedicating land for this right of way and supports having five (5) lanes. He explained that the petitioner would like a bi-directional left turn lane on Mercer.

Mr. Jordan commented that this project would consist of 200,000 square feet of business and commercial space with 800 parking spaces. It would include an extended stay "Generation 8" Marriott Hotel. The plan designs include many forms of access from walking, to biking, to bus service and provide wait areas, bus stops, bike trail and walkways. There would be decorative lighting and the sidewalks would be colored and textured.

Mr. Jordan noted that IDOT had reviewed the intersection of Veterans Parkway at Mercer Avenue and had recommended the right-in, right-out provisions. He believed that further study would show it would not be needed. He noted that they would look at models of peak demand, anticipated future increases to the year 2028, stacking, and whether drivers would continue onto Ireland Grove Road if enough cars were backed up and waiting to turn left from Mercer onto Street A.

Mr. Raufeisen stated that the intent was to be eco-friendly with the design, providing a quality development where families would feel comfortable. He stressed that a full access from Mercer Avenue was crucial for this development and that they might well back away from this project if it could not be obtained.

Mr. Grovesteen said that staff had been keeping an open mind. It may help to signalize the intersection at Mercer and Ireland Grove Road. He explained that signals create the gaps allowing room to make a left turn. He noted that a barrier median addresses stacking of traffic backing up to the point they become a difficulty. With a median, southbound traffic is obliged to continue down to Ireland Grove Road and not attempt a left-hand turn from Mercer Avenue at Street A.

Commissioner Shaw suggested that the case be delayed until this matter is settled. Mr. Grovesteen responded that it could take some time to make a decision on this matter and that he did not want to hold up this development that he was otherwise in supportive of.

Testimony in opposition to this petition was presented at this public hearing by Mr. Jerry Funk, 1906 Marzel Drive. Mr. Funk stated that he liked the overall development but was concerned about an entry off Mercer Avenue. He explained that he drives on Mercer Avenue regularly and believes south-bound traffic would become hung up if left turns are allowed.

Mr. Jordon commented that the intent is to have five, (5) lanes on Mercer with the center lane being a bi-directional left turn lane.

PLANNING COMMISSION RECOMMENDATION:

After having given due consideration to this petition and the testimony presented at this public hearing, the Planning Commission passed a motion by a vote of 9 to 0 recommending Council approval of the Preliminary Plan for the Parkway Village Planned Unit Development in Case PS-04-08 with the requested waivers and as revised to address the concerns outlined in the August 18, 2008 letter from Mr. Russel C. Waller, Civil Engineer.

STAFF RECOMMENDATION:

Staff concurs with the Planning Commission and respectfully recommends Council approval of this Preliminary Plan.

Respectfully,

Kenneth Emmons
City Planner

Tom Hamilton
City Manager

**PETITION FOR APPROVAL OF PRELIMINARY PLAN FOR
THE PARKWAY PROJECT**

State of Illinois)
)ss.
County of McLean)

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

Now comes Parkway Partners-One, Inc., hereinafter referred to as your Petitioner respectfully representing and requesting as follows:

1. That your petitioner is interested as owner in the premises hereinafter in Exhibit A attached hereto and made a part hereof to be known by this reference; and
2. That your Petitioner seeks approval of the Preliminary Plan for a PUD of said premises to be known and described as the Parkway Project, which Preliminary Plan is attached hereto and made a part hereof; and
3. That your Petitioner also seeks approval of the following exemptions or variations from the provisions of Chapter 24, of the Bloomington City Code: Those shown on the Plan or authorized by any Redevelopment Agreement approved by the City.

WHEREFORE, your Petitioner prays that the Preliminary Plan for the Parkway Project Planned Unit Development submitted herewith be approved with the exemptions or variations as requested herein.

Respectfully submitted,

Parkway Partners-One, Inc.

By: Frank Miles, Its Attorney

ORDINANCE NO. 2008 - 61

**AN ORDINANCE APPROVING THE PRELIMINARY PLAN OF THE
PARKWAY PROJECT**

WHEREAS, there was heretofore filed with the City Clerk of the City of Bloomington, McLean County, Illinois, a petition for approval of the Preliminary Plan of The Parkway Project Planned Unit Development, legally described in Exhibit A attached hereto and made a part hereof by this reference; and

WHEREAS, said Petition requests the following exemptions or variations from the provisions of the Bloomington City Code, 1960, as amended: Those shown on the Plan or authorized by any Redevelopment Agreement approved by the City; and

WHEREAS, said Petition is valid and sufficient and conforms to the requirements of the statutes in such cases made and the Preliminary Plan attached to said Petition was prepared in compliance with the 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 Preliminary Plan of the Parkway Project PUD 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 the time of its passage on this 8th day of September, 2008.

APPROVED:

Stephen F. Stockton
Mayor

ATTEST:

Tracey Covert
City Clerk

EXHIBIT A

A part of the Southwest ¼ of Section 11, Township 23 North, Range 2 East of the Third Principal Meridian, City of Bloomington, McLean County, more particularly described as follows:

Beginning at the Southwest corner of Section 11, Township 23 North, Range 2 East of the Third Principal Meridian; thence North 02 degrees 13 minutes 33 seconds West line of said Section 11, 30.21 feet to the occupied North line of Ireland Grove Road; thence South 85 degrees 06 minutes 12 seconds east along said occupied North line, 17.23 feet to the East right of way line of Mercer Avenue; thence North 45 degrees 00 minutes 19 seconds 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 degrees 13 minutes 33 seconds 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 of Veteran's Parkway (U.S. Route 66) (F.A. Route 5); thence North 88 degrees 13 minutes 06 seconds East along said right of way line 7.66 feet; thence North 01 degrees 48 minutes 36 seconds 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 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 degrees 27 minutes 23 seconds 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 degrees 38 minutes 41 seconds East along said southeasterly right of way line, 160.83 feet to a point lying 85.00 feet normal distance southeasterly of said center line; 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 degrees 09 minutes 33 seconds 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 degrees 14 minutes 12 seconds East, along said southeasterly right of way line, 6.30 feet to a point of 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 degrees 17 minutes 40 seconds 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 Number 2000-26512, in McLean County Recorder's office; thence South 02 degrees 10 minutes 33 seconds 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 degrees 10 minutes 33 seconds East along aforesaid West line 30.06 feet to the South line of aforesaid Section 11, thence North 88 degrees 31 minutes 00 seconds West, along said South line of Section 11, 1004.97 feet to the point of beginning, in McLean County, Illinois.

Alderman Stearns noted she was unable to attend the Planning Commission's meeting. She questioned the traffic engineering issues. She had also received a telephone call from a woman who lived in the area who was strongly opposed due to traffic. She questioned how the traffic issues would be resolved and if the neighborhood had been notified. Tom Hamilton, City Manager, addressed the Council. The City continued to work with the developers on traffic issues and did not see any major problems.

Mayor Stockton cited the discussion at the Planning Commission regarding this issue. The area was notified because a resident from the area came to the Planning Commission and voiced opposition. He believed the main concern was State Farm traffic.

Doug Grovesteen, Director of Engineering, addressed the Council. The long term solution was to complete Hamilton Road. The City looked at traffic signals. It was determined the four way stop would be adequate.

Mayor Stockton questioned the status of the Illinois Commerce Commission's (ICC) approval. Mr. Hamilton responded the City was working with Farnsworth Group to complete Hamilton Road. It would take time. Mayor Stockton noted the area would be one of the fastest growing quadrants and the railroad crossing was needed.

Alderman Stearns reiterated her question as to whether the neighborhood was notified. Mr. Hamilton did not know. However, due to the fact a resident was at the Planning Commission, they would have been notified. Alderman Stearns stated that could not be assumed. She did not believe the neighbors had an opportunity to address their concerns.

Alderman Stearns read part of the report and asked if the traffic issue had been resolved. Mr. Grovesteen answered affirmatively. Mayor Stockton stated there was confidence that the traffic issues could be resolved. Mr. Grovesteen reiterated the need to complete Hamilton Road.

Alderman Stearns understood the value of the project. She was concerned about the call from a citizen. She believed the neighborhood wanted to have input into the process. Mayor Stockton reminded her of the Planning Commission meeting.

Alderman Purcell questioned if the completion of Lincoln Street would have an effect on this issue. Mr. Grovesteen responded negatively. It would have no impact. Hamilton Street was the one before the ICC.

Alderman Sage noted the area would be zoned B - 1, Highway Business District. He wanted to hear the vision of the area and the mix of businesses it would attract.

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

Motion carried.

Frank Miles, 202 N. Center Street, attorney for the petitioner, addressed the Council. This piece of land had been looked at for several years. This was a lucrative piece of property. He encouraged the Council to see the vision.

Todd Raufeisen, 33 Vellie Dr., Rock Island, developer, addressed the Council. As a mixed used development, there would be high end retail and restaurants. A Marriott Hotel would anchor the development. Connectivity was very important, such as bike paths and bus stops. High quality amenities would be throughout the development. There would also be an owners association and architectural covenants to insure the necessary aesthetic compliance.

Mr. Raufeisen encouraged the Council to visit his web site and review the other developments he had been a part of.

Alderman Stearns questioned if there would be any residential uses in the development. Mr. Raufeisen answered negatively.

Alderman Sage questioned if the development would be considered self-contained. Mr. Raufeisen answered positively. All services should be within walking distance because many hotel visitors did not have their own transportation.

Gary Stevens, 1612 Iowa Street, addressed the Council. He noted the signs posting the Planning Commission Hearing for this development had been on the land for the past three (3) weeks. Everyone in the area would have seen the signs.

Mr. Stevens questioned the necessity of adding the third lane to Mercer Avenue. Mr. Hamilton responded at the time Veteran's Parkway was widened, the Illinois Department of Transportation and land owners could not reach an agreement. The additional lane was still needed and this was the opportunity to complete it. Mr. Stevens questioned the need to widen Mercer Avenue if traffic would be heavy just one hour per day. Mr. Hamilton stated that the intersection had significant traffic throughout the day. This expansion would help to handle all movements at the intersection. Mr. Stevens stated in his experience, expanding intersections had caused more accidents. Mr. Hamilton explained the intent was to make the intersection safer. Mr. Stevens stated the intersections on Veteran's Parkway were not safe. For a pedestrian, those intersections were similar to crossing a rushing river.

Mr. Stevens questioned the necessity of eight hundred (800) parking spots throughout the development. Mr. Hamilton responded that this number met the requirements for code. It would support projected business needs by providing adequate parking today and into the future. Mayor Stockton added it was a phased development. Mr. Stevens noted the amount of free spaces at any number of parking lots throughout the City.

Mr. Stevens reiterated the need for adequate bicycle and pedestrian crossings on Veterans Parkway. Mayor Stockton concurred.

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

Motion carried.

Alderman Purcell had attended the Planning Commission's meeting. Many of the questions were answered at that time. The plan was laid out well and would be a good thing for that area.

Motion by Alderman Schmidt, seconded by Alderman Gibson that the Preliminary Plan be approved and the Ordinance be passed, contingent upon revisions in accordance with the August 18, 2008 letter.

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

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

Nays: Alderman Stearns.

Motion carried.

Bruce Marquis, Executive Director, Cultural District, presented the lone bid to the Council. Six Strings submitted a proposal for beverage and snack service for front of house. The proposal appeared to be complete and able to meet the needs for event and patron services. The amount was acceptable. There were two (2) minor issues with contract: 1.) serving Royal Crown soda, and, 2.) more lockable storage than initially determined. Both issues could be resolved after the contract was approved. Mr. Marquis requested the Council to approve the proposal.

Alderman Schmidt questioned if this contract allowed the Bloomington Center for Performing Arts (BCPA) to make any revenue from the sales. Mr. Marquis answered affirmatively. The BCPA would receive 15% of the sales.

Alderman Fruin questioned who the vendors were in the past seasons. Mr. Marquis stated The Chateau provided services the first year and Times Past provided services the past year. The issue for these vendors seemed to be limited staff and inability to handle the BCPA's growing needs.

Motion by Alderman Schmidt, seconded by Alderman Gibson that the bid for Food and Beverage Services for the Bloomington Center for the Performing Arts (BCPA) be awarded to Six Strings, LLC and the Purchasing Agent be authorized to issue a Purchase Order for same.

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

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

Nays: None.

Motion carried.

MAYOR'S DISCUSSION: Mayor Stockton questioned the Council on their reaction to the Town Hall Meeting the previous week. Alderman Purcell thanked those who attended. It was a good presentation, but more time could have been used at the end for questions and answers. Mayor Stockton noted a limited number of emails had been received from individuals who attended the meeting.

Alderman Schmidt believed the meeting would have been better if the panel had spent more time listening. The community members wanted to share facts and realities.

Alderman Gibson noted frustration due to repetition. Many people came with issues the Council was already aware of. No one came with solutions. The Council did not have an opportunity to express their standings.

He reiterated one of the local pastors who expressed his opinion that the responsibility belonged to the parents and churches. Stop putting the responsibility on the schools. Mayor Stockton concurred. Solutions were hard work. They would impact the environment. Educating the public was the place to start.

Alderman Fruin appreciated those who participated. The community was engaged. A number of entities were involved with the meeting. Intergovernmental cooperation and collaboration were necessary to move forward.

Mayor Stockton questioned if staff should pursue an employee survey for the City. Alderman Huette noted the idea of a survey had been around for a while. The City was in a time of transition. If the City wanted to produce a survey, it needed to be sure the timing was correct to obtain results which were useable long term. Alderman Finnegan concurred.

Alderman Schmidt believed involving employee groups was a wonderful idea. There was no urgency to start the survey. The City had too much going on at the moment. It was important to let employees know the Council was looking ahead. Alderman Stearns noted the speaker had said transition was not the time to perform an employee survey. She believed it was necessary to respond to the employees.

Mayor Stockton questioned if next summer might be a better time for the survey. The new City Manager would be in place and the Early Retirement Initiative program would have ended.

Alderman Stearns reiterated the need for the Council to write letters to the Police and Fire unions. It would be a courtesy response to their request for an employee survey. Alderman Schmidt agreed. She stated the necessity of being polite and informing them the Council was working on their requests. Alderman Sage added there should be general guidelines included in the letter. Provide employees with a time line for the survey to be completed and the rationale for delaying same.

Alderman Fruin cited the speaker regarding prompt, crisp response. That was the type of response the employees were looking for. Prior to distributing a survey, the Council would need to define what they hope to learn from the exercise.

Alderman Purcell expressed his opinion it may be beneficial to do the employee survey prior to the new City Manager. That way, he could better understand the City's environment. These surveys were not overly difficult to create.

Alderman Schmidt responded it would be difficult to find agreement on the purpose of the survey at this time. Alderman Purcell noted it could target how people feel about

working for the City. Mayor Stockton was unsure if completion was realistic prior to January 2009.

Alderman Stearns wanted a baseline of employee contentment. This survey would request opinions and obtain feedback on specific situations.

Alderman Gibson noted the City should be the one to determine the specifics of the survey. Establish an agenda of what was hoped to be accomplished. He encouraged the Council not to rush into this survey. He had very little confidence in surveys.

Alderman Huetten stated the City should create an environment where employees go to their supervisors with concerns. A survey should not be the only time issues were brought out. Employees should be able to talk to supervisors.

Mayor Stockton would send letters to the Police and Fire unions.

CITY MANAGER'S DISCUSSION: Mr. Hamilton reminded the Council that Saturday, September 20, 2008, there would be free Landlords training from 10:00 a.m. to 2:00 p.m. at the Bloomington Center for the Performing Arts. Barb Adkins, Deputy City Manager, was in charge of registration.

ALDERMEN'S DISCUSSION: Alderman Sage noted the upcoming meetings for test well drilling. He had attended meetings and visited with Craig Cummings, Director of Water. He appreciated Mr. Cummings approach to the issue. It was candid and forthright. Mayor Stockton concurred. He, too, had attended some meetings and heard many complements regarding Mr. Cummings.

Alderman Fruin shared examples of a Code of Conduct for the Council. He received positive and supportive feedback. It was a topic much discussed in the private sector and needed to move into the public sector. The City needed to agree on the value of adopting a Code of Conduct for the future. Alderman Schmidt thanked Alderman Fruin for his efforts.

Alderman Schmidt questioned the fund for the David Davis Mansion. Mayor Stockton responded there were a number of private citizens concerned about the issue. There were many areas that were affected by the state's budget crisis. There was discussion at the State Legislature regarding this issue. Meetings were set in the near future to plan for the decision from the state. Alderman Purcell echoed Alderman Schmidt's comments.

Alderman Purcell attended the meeting at Lake Bloomington. People were very anxious about the City's ability to drill wells at Lake Bloomington. Many questions were answered and Mr. Cummings acted very professionally in a tense environment. He believed the blending well was important and was glad the City would pursue same. The most important piece was to keep Lake Bloomington residents informed.

Alderman Stearns thanked the Council for their commitment to respond to the Police and Fire unions.

She appreciated the idea of a Code of Conduct. However, the Council cannot legislate the basics. A Code of Conduct was the basics. More importantly, the Council needed to respond to employees appropriately when they make requests.

Alderman Gibson believed that the City had a Code of Conduct for its employees. Mayor Stockton concurred. It may not apply to all areas of the City employees.

Motion by Alderman Gibson, seconded by Alderman Purcell, that the meeting be adjourned. Time: 8:55 p.m.

Motion carried.

**Tracey Covert
City Clerk**