

**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, August 11, 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, John Hanson, Jim Finnegan, Steven Purcell, Karen Schmidt, Jim Fruin and Mayor Stephen F. Stockton.

Alderman Absent: David Sage.

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

Mayor Stockton recognized the group which was in attendance at this evening's meeting. He noted the recent controversy regarding the crime situation. He stated the fact that he was prepared to stay after the meeting to meet with this group and discuss the issue. He added his belief that a separate meeting needed to be scheduled. Representatives of the court system should be present at same. The City has held meetings in the recent past which were not well attended, (two meetings were held on Thursday, June 5, 2008 at City Hall). The City's role was one of prevention and enforcement. The Police Department was a small part of the overall juvenile justice system. The City was willing to bring together the various parties involved in same to help all involved see the big picture. Information regarding such as meeting would be posted on the City's website.

He also encouraged those present to become involved in the West Bloomington Neighborhood Redevelopment Plan which is spearheaded by the Community Development Corporation of Bloomington Normal and Teska Associates, Inc. The City serves as a corporate sponsor to same.

Alderman Finnegan expressed his belief that the issue was real and would take the involvement of all parties working with the community's juvenile population. Alderman Schmidt expressed her opinion that the Police Department had done a good job. She added that this was a community wide issue. Alderman Stearns noted that a meeting had been held at the Atwood Wayside on Constitution Trail to address crime and graffiti. This meeting had been well attended.

The following was presented:

To: Honorable Mayor and Members of the City Council
From: Staff
Subject: Opening of One Bid for Lincoln Street from Bunn to Morrissey – MFT Section No. 92-00283-00-RP

Bids were received by the City Clerk for Lincoln Street from Bunn to Morrissey – MFT Section No. 92-00283-00-RP. There is \$2.5 million 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 August 11, 2008 meeting and present the Council with a recommendation prior to the end of the meeting concerning award of the bid.

Respectfully,

Tracey Covert
City Clerk

Tom Hamilton
City Manager

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

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

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

Nays: None.

Motion carried.

The following was presented:

To: Honorable Mayor and Members of the City Council
From: Staff
Subject: Council Work Session Minutes of July 23, 2008, and Council Proceedings of July 23, 2007

The Council Work Session Minutes of July 23, 2008, and Council Proceedings of July 23, 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 Gibson, seconded by Alderman Schmidt that the reading of the minutes of the previous Council Work Session Minutes of July 23, 2008, and Council Proceedings of July 23, 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: Alderman Stearns, Huette, Gibson, Hanson, Finnegan, Purcell, Schmidt, and Fruin.

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,

Barb Adkins
Deputy City Manager

Tom Hamilton
City Manager

(ON FILE IN CLERK'S OFFICE)

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

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

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

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 second partial payment to Teska Associates, Inc. in the amount of \$9,486.44 on a contract amount of \$49,650 of which \$21,140 will have been paid to date for work certified as 43% complete for the Westside Redevelopment Planning. Completion date – April 2009.
2. The first partial payment to CTE in the amount of \$3,346.78 on a contract amount of \$9,350 of which \$3,346.78 will have been paid to date for work certified as 36% complete for the Knowledge Transfer Project. Completion date – December 2008.
3. The first partial payment to Westin Engineering, Inc. in the amount of \$6,000 on a contract amount of \$15,800 of which \$6,000 will have been paid to date for work certified as 38% complete for the Knowledge Transfer Project. Completion date – December 2008.
4. The twenty-first partial payment to Consoer Townsend & Associates in the amount of \$1,399.33 on a contract amount of \$185,000 of which \$120,887.79 will have been paid to date for work certified as 65% complete for the Electrical Improvements at Lake Bloomington. Completion date – December 2008.
5. The first partial payment to CTE in the amount of \$3,839.19 on a contract amount of \$6,000 of which \$3,839.19 will have been paid to date for work certified as 64% complete for the Hydraulic Modeling of Maximum Plant Capacity. Completion date - December 2008.
6. The first partial payment to CTE in the amount of \$1,389.25 on a contract amount of \$2,000 of which \$1,389.25 will have been paid to date for work certified as 69% complete for the State Farm Modeling. Completion date – December 2008.
7. The eleventh partial payment to Consoer Townsend & Associates in the amount of \$17,553.75 on a contract amount of \$74,800 of which \$53,098.63 will have been paid to date for work certified as 71% complete for the In-Line Booster Station at Mitsubishi Motors Manufacturing. Completion date – December 2008.

8. The second partial payment to Clark Dietz, Inc. in the amount of \$5,279.80 on a contract amount of \$18,600 of which \$12,327.74 will have been paid to date for work certified as 66% complete for the Inspection Services for Division St. Lighting Services. Completion date – December 2008.
9. The second partial payment to Clark Dietz in the amount of \$3,062.57 on a contract amount of \$50,000 of which \$5,103.82 will have been paid to date for work certified as 10% complete for the Water Mapping Services. Completion date – December 2008.
10. The thirteenth partial payment to Farnsworth Group in the amount of \$1,943.15 on a contract amount of \$45,000 of which \$42,540.97 will have been paid to date for work certified as 95% complete for the Wastewater Treatment System at Lake Bloomington – Lake Bloomington Cluster. Completion date – October 2008.
11. The fifteenth partial payment to Rowe Construction in the amount of \$55,521.34 on a contract amount of \$817,603.74 of which \$766,592.33 will have been paid to date for work certified as 94% complete for the 2007 Curb and Gutter Improvements. Completion date – September 2008.
12. The second partial payment to JG Stewart Contractors in the amount of \$54,221.68 on a contract amount of \$200,000 of which \$82,375.72 will have been paid to date for work certified as 41% complete for the 2008-2009 Sidewalk Replacement and Handicap Ramp Program. Completion date – November 2008.
13. The fifth partial payment to Rowe Construction in the amount of \$312,520.27 on a contract amount of \$2,376,000 of which \$2,163,416.99 will have been paid to date for work certified as 91% complete for the 2008-2009 General Resurfacing. Completion date – October 2008.
14. The twelfth partial payment to Farnsworth Group in the amount of \$8,713.58 on a contract amount of \$168,400 of which \$168,367.38 will have been paid to date for work certified as 99% complete for the Lincoln St. – Bunn to Morrissey. Completion date – July 2008.
15. The twelfth partial payment to Stark Excavating, Inc. in the amount of \$111,332.55 on a contract amount of \$1,925,274.55 of which \$1,102,643.52 will have been paid to date for work certified as 57% complete for the Morris Avenue – Miller to Fox Hill Apartments. Completion date – January 2009.
16. The first partial payment to Freesen Inc. in the amount of \$53,000 on a contract amount of \$84,117.57 of which \$53,000 will have been paid to date for work certified as 63% complete for the Ireland Grove Road Roadside Safety Improvements. Completion date – September 2008.

17. The thirteenth partial payment to Rowe Construction in the amount of \$251,236.73 on a contract amount of \$2,940,450.76 of which \$1,483,066.69 will have been paid to date for work certified as 50.4% complete for the Mitsubishi Motorway – Six Points to Sugar Creek. Completion date – September 2008.
18. The sixth and final payment to Stark Excavating, Inc. in the amount of \$3,957.30 on a contract amount of \$50,000 of which \$45,426.56 will have been paid to date for work certified as 100% complete for the 2006-2007 Sump Pump Drainage System. Completion date – August 2008.
19. The fourth and final payment to Concord Engineering and Science in the amount of \$4,839 on a contract amount of \$27,839 of which \$27,842.46 will have been paid to date for work certified as 100% complete for the Water Main Design on Olive, Taylor and Jackson Streets. Completion date – December 2008.
20. The fifty-eighth partial payment to Farnsworth Group in the amount of \$6,624.16 on a contract amount of \$1,077,688.73 of which \$1,036,508.97 will have been paid to date for work certified as 96% complete for the Design Transmission Water Main to Lake Bloomington. Completion date – August 2008.
21. The first partial payment to Stark Excavating, Inc. in the amount of \$205,946.69 on a contract amount of \$430,249.30 of which \$205,946.69 will have been paid to date for work certified as 48% complete for the Water Main Extension Project on Towanda Barnes Road – Route 9 to Oakland. Completion date – December 2008.
22. The second partial payment to Clark Dietz, Inc. in the amount of \$1,167.32 on a contract amount of \$20,000 of which \$1,644.77 will have been paid to date for work certified as 8% complete for the Inspection Services for Water Main Installation on West Miller Street. Completion date – December 2008.
23. The second partial payment to Clark Dietz, Inc. in the amount of \$280 on a contract amount of \$20,000 of which \$3,683.59 will have been paid to date for work certified as 18% complete for the Inspection Services for Water Main Construction on E. Lincoln – Morrissey to McGregor. Completion date – December 2008.
24. The ninth partial payment to Clark Dietz, Inc. in the amount of \$7,106.61 on a contract amount of \$60,000 of which \$45,395.18 will have been paid to date for work certified as 76% complete for the Observation/Inspection of Parkview Water Main Phase I. Completion date – October 2008.
25. The sixth partial payment to Clark Dietz, Inc. in the amount of \$575 on a contract amount of \$22,000 of which \$18,632.53 will have been paid to date for work certified as 85% complete for the Water Main Inspection Services, Graham Street through O’Neil Park. Completion date – December 2008.

26. The eleventh partial payment to Clark Dietz, Inc. in the amount of \$110 on a contract amount of \$47,000 of which \$43,423.59 will have been paid to date for work certified as 92% complete for the Construction Observation – James/Charles Place. Completion date – November 2008.
27. The first partial payment to CTE in the amount of \$3,892.49 on a contract amount of \$4,000 of which \$3,892.49 will have been paid to date for work certified as 97% complete for the Division Street Transmission Main Capacity Evaluation. Completion date – December 2008.
28. The second partial payment to Gildner Plumbing, Inc. in the amount of \$31,648 on a contract amount of \$178,384 of which \$87,598.76 will have been paid to date for work certified as 49% complete for the Water Main Extension on Lincoln Street – Morrissey to McGregor. Completion date – December 2008.
29. The sixth and final payment to Gildner Plumbing, Inc. in the amount of \$13,855.20 on a contract amount of \$265,362 of which \$265,362 will have been paid to date for work certified as 100% complete for the Water Main Relocation Project Phase I – Livingston from Beyer to Tokio. Completion date – December 2008.
30. The second and final payment to Mid Central Community Action in the amount of \$41,473.68 on a contract amount of \$97,535.68 of which \$97,535.43 will have been paid to date for work certified as 100% complete for the Sanitary & Storm Sewer for Trailside Subdivision on West Grove Street. Completion date – June 2008.
31. The seventh partial payment to Clark Dietz, Inc. in the amount of \$2,785.14 on a contract amount of \$305,000 of which \$41,298.44 will have been paid to date for work certified as 14% complete for the Locust/Colton Street Sewer Separation and Water Main Replacement Design. Completion date – May 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 Gibson, seconded by Alderman Schmidt that the payments be approved.

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

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

Nays: None.

Motion carried.

The following was presented:

To: Honorable Mayor and Members of the City Council
From: Staff
Subject: Rejection of Bids for the Purchase and Installation of a New Transformer for the Water Treatment Plant

Bids for the purchase and installation of a new transformer for the Water Treatment Plant were advertised and sealed bids for the project were opened on May 8, 2008. The following is the summary of the bids as opened:

Wm. Masters, Inc.	Base Bid	\$ 25,800
	Alternate Bid	\$ 67,400
Anderson Electric, Inc.	Base Bid	\$ 73,000
	Alternate Bid	\$ 87,250
Egizii Electric, Inc.	Base Bid	\$ 33,400
	Alternate Bid	\$ 89,200

The following is the summary of the bids as corrected:

Anderson Electric, Inc.	Base Bid	\$ 73,000
	Alternate Bid	\$ 87,250
Egizii Electric, Inc.	Base Bid	\$ 33,400
	Alternate Bid	\$ 89,200
Wm. Masters, Inc.	Base Bid	\$ 25,800
	Alternate Bid	\$ 93,200

This capital project is included in the 2008/2009 budget. The Engineer's estimate on this project was \$108,500. This project is necessary to provide a new transformer with additional capacity for the Water Treatment Plant.

Staff has analyzed these bids and questioned the Alternate bid from William Masters, Inc. because it was close to 25% less than the other bids. The City's design engineering firm, Consoer Townsend, Envirodyne then contacted William Masters, Inc. to verify the bid and discuss details of the job. William Masters, Inc. then reviewed their submittal and determined that they had made a mathematical error when showing the Alternate bid, which should have

been the sum of the base bid (\$25,800) and the number submitted for the alternate bid (\$67,400), which changed their Alternate bid amount to \$93,200. This bid was corrected and staff approached the “new” least cost, qualified bidder, Anderson Electric, Inc.

Anderson Electric Inc., when preparing contract documents, determined that they too had made an error in completing the bid sheet and requested that they be allowed to withdraw their bid. Since the third firm’s bid was well over thirty (30) days old, staff concluded that due to the volatility in the cost of electrical wiring, that it would be best if all the bids were rejected and the project bid again, as soon as possible, in a simplified format.

Staff respectfully requests that the Council reject all bids for this project and authorize rebidding this project as a complete, total cost package.

Respectfully,

Craig M. Cummings
Director of Water

Tom Hamilton
City Manager

Motion by Alderman Gibson, seconded by Alderman Schmidt that the bids be rejected and that the project be rebid as a complete, total cost package.

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

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

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 Purchase Mower Equipment

The Parks and Recreation Department currently has the need to replace three (3) mowers. The Parks division has a 72” outfront mower and the Golf division has two (2) greens mowers currently scheduled for replacement in the FY 08-09 Equipment Replacement Fund. Staff wishes to purchase these replacement mowers through the State of Illinois Purchasing Program.

All three (3) mowers are in such disrepair, that staff believes that replacing them is the better long term financial approach. Equipment Replacement Funds, F14100-72140 and F14150-

72140 have \$67,000 budgeted for these purchases. Birkey's Farm Store holds the State contract for the three (3) mowers in question. Staff has had positive experience with this vendor and their equipment.

	STATE BID AMOUNT	TRADE ALLOWANCE	NET BID
Kubota F3680	\$14,468.00	(\$468.00)	\$14,000.00
Greensking IV	\$23,933.50	(\$1,896.00)	\$22,037.50
Greensking IV	\$23,480.45	(\$1,896.00)	<u>\$21,584.45</u>
TOTAL			\$57,621.95

Staff respectfully requests that Council waive the formal bidding procedure, approve the purchase of three (3) mowers from Birkey's Farm Store in the amount of \$57,621.95, the Purchasing Agent be authorized to issue a Purchase Order for same, and the Resolution adopted.

Respectfully,

John Kennedy
Asst. Director Parks and Recreation

Tom Hamilton
City Manager

RESOLUTION NO. 2008 - 52

A RESOLUTION WAIVING THE FORMAL BIDDING PROCESS AND AUTHORIZING THE PURCHASE OF THREE (3) REPLACEMENT MOWERS FOR THE PARKS AND RECREATION DEPARTMENT FROM BIRKEY'S FARM STORE THROUGH THE STATE OF ILLINOIS JOINT PURCHASING PROGRAM AT A PURCHASE PRICE OF \$57,621.95

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 three (3) replacement mowers for the Parks and Recreation Department from Birkey's Farm Store through the State of Illinois Joint Purchasing Program at a Purchase Price of \$57,621.95.

ADOPTED this 11th day of August, 2008.

APPROVED this 12th day of August, 2008.

Stephen F. Stockton
Mayor

ATTEST:

Tracey Covert
City Clerk

Motion by Alderman Gibson, seconded by Alderman Schmidt that the formal bidding process be waived, three (3) replacement mowers be purchased from Birkey's Farm Store through the State of Illinois Joint Purchasing Program in the amount of \$57,621.95, the Purchasing Agent be 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: Alderman Stearns, Huette, Gibson, Hanson, Finnegan, Purcell, Schmidt, and Fruin.

Nays: None.

Motion carried.

The following was presented:

To: Honorable Mayor and Members of the City Council

From: Staff

Subject: Analysis of Bids- McGraw Park – Phase II – Site and Park Shelter

On July 22, 2008 at 10:00 a.m. bids for the construction of McGraw Park – Phase II were opened and publicly read. The project, because of its nature, was bid in two (2) sections. The first portion was site construction and the other portion was the Park Shelter.

The project is the second phase and will include much needed amenities. Such amenities will include a lighted tennis court complex, a lighted baseball field, a softball field, an additional parking lot, trail connections, and restroom facilities.

All bids were complete, addendums were signed and bonds were correct. The bids were as follows:

FIRM	Bid Price
GENERAL CONSTRUCTION/SITE	
Stark Excavating, Bloomington, Illinois	\$2,589,000.00**
Otto Baum Company, Inc, Morton, Illinois	\$2,951,000.00
Low Bid**	

FIRM**PARK SHELTER**

Johnston Contractors, Inc, Bloomington, Illinois

Felmley Dickerson, Bloomington, Illinois

Low Bid**

Bid Price

\$367,700.00**

\$429,800.00

Staff respectfully recommends that the bids be awarded to Stark Excavating in the amount of \$2,589,000 for the general construction and Johnston Contractors in the amount of \$367,700 for the Park Shelter. Both were the lowest bidders of the respective sections for the development of McGraw Park. This project is funded with Capital Improvement, Park Dedication, and OSLAD State funding dollars.

Respectfully,

Dean Kohn
Director Parks & Recreation

Tom Hamilton
City Manager

Motion by Alderman Gibson, seconded by Alderman Schmidt that the bids be awarded to Stark Excavating in the amount of \$2,589,000 for the general construction and Johnston Contractors in the amount of \$367,700 for the park shelter, 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: Alderman Stearns, Huette, Gibson, Hanson, Finnegan, Purcell, Schmidt, and Fruin.

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 Kickapoo Creek Restoration – Phase I - Landscaping

On July 29, 2008, at 10:00 a.m. bids for the Kickapoo Creek Restoration Phase I – Landscaping, were opened and publicly read. The following companies submitted bids for the project. This is the second part of the Phase I, consisting of the establishment of the prairie and ecological system.

FIRM

Pizzo and Associate, Leland
 Scitchlow Enterprise, Bloomington
 JF New, Monee
 F&W Landscaping, Bloomington

BID PRICE

\$210,725.31**
 \$234,085.00
 \$246,885.00
 \$377,601.05

Low Bidder**

Pizzo and Associate of Leland, Illinois was the low bidder. Staff respectfully requests that Council award the bid to Pizzo and Associate in the amount of \$210,725.31 for the development of the Kickapoo Creek Restoration Phase I - Landscaping, and that the Mayor and City Clerk be authorized to execute the necessary documents. Funds for this project are provided by state grants and are of no cost to the City.

Respectfully,

Dean Kohn
 Director of Parks and Recreation

Tom Hamilton
 City Manager

Motion by Alderman Gibson, seconded by Alderman Purcell Schmidt that the bid be awarded to Pizzo & Associate in the amount of \$210,725.31, 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: Alderman Stearns, Huette, Gibson, Hanson, Finnegan, Purcell, Schmidt, and Fruin.

Nays: None.

Motion carried.

The following was presented:

To: Honorable Mayor and Members of the City Council

From: Staff

Subject: Change Order for a Professional Services Agreement with George Gildner, Inc. for the Parkview Water Main Construction Project

While constructing the Parkview area water main, the contractor ran into several items that were outside the scope of the original design for this project. Individually, the additional items were small in cost but collectively added \$16,545.33 to the contract. The items included the removal

of unsuitable soil and the removal of an unmarked water service. The contractor was directed to proceed with the additional work to complete the project.

The original contract amount and the change order are as follows:

Original contract for the water main installation	\$ 265,362.00
Change Order Number 1 for the additional construction costs	<u>\$ 16,545.33</u>
Total	\$ 281,907.33

Staff respectfully recommends that Council approve this change order in the amount of \$16,545.33 to George Gildner, Inc. for the extra work involved in the construction of the Parkview water main, and the Resolution adopted. Funds for this change order will come from the Water Department/Depreciation Fund, Water Main Construction and Improvements, (Account # X50200-72540).

Respectfully,

Craig M. Cummings
Director of Water

Tom Hamilton
City Manager

RESOLUTION NO. 2008 - 53

A RESOLUTION AUTHORIZING A CHANGE ORDER IN THE AMOUNT OF \$16,545.33 IN THE CONTRACT BETWEEN THE CITY OF BLOOMINGTON AND GEORGE GILDNER, INC. FOR THE PARKVIEW WATER MAIN CONSTRUCTION PROJECT

WHEREAS, the City of Bloomington has previously entered into a contract with George Gildner, Inc. for the Parkview Water Main Construction Project; and

WHEREAS, for the reasons set forth in a staff report dated August 11, 2008 it was necessary to the remove unsuitable soil and remove an unmarked water service; and

WHEREAS, it is the finding of the City Council that the decision to perform the work described in the August 11, 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 \$16,545.33 in the contract between the City of Bloomington and George Gildner, Inc. for the Parkview Water Main Construction Project be approved.

ADOPTED this 11th day of August, 2008.

APPROVED this 12th day of August, 2008.

Stephen F. Stockton
Mayor

ATTEST:

Tracey Covert
City Clerk

Motion by Alderman Gibson, seconded by Alderman Schmidt that the Change Order in the amount of \$16,545.33 be approved and the Resolution adopted.

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

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

Nays: None.

Motion carried.

The following was presented:

To: Honorable Mayor and Members of the City Council

From: Staff

Subject: Approval of a Contract with Starnet Technologies, Inc. for Preventive Maintenance, Programming, and Training on the Water Department Supervisory Control and Data Acquisition (SCADA) System

The Water Department Supervisory Control and Data Acquisition (SCADA) system is over ten (10) years old and is in need of increasing maintenance. Currently, the department utilizes its system integrator, Starnet Technologies, Inc., to provide these services on an as-needed basis. Staff has determined that it would be more cost-effective to purchase this service in a preventative maintenance contract.

Starnet Technologies, Inc., at staff's request, submitted a proposal for additional preventive maintenance and training services. This additional time would be identical in cost to the services quoted in March of 2008. These services would provide sixteen (16) one-day visits and twenty

(20) hours of telephone support for \$18,941.28 per year. Staff has reviewed this proposal and finds it to be in order.

Staff respectfully requests that Council approve entering into a contract for preventative maintenance, programming, and training on the Water Department's SCADA system at a cost of \$18,941.28 per year, with payment to be made from the following Water Department funds: Purification Division, Operations and Maintenance Accounts, Other Professional and Technical Services, account number 50130 - 70220 and Transmission and Distribution Division, Operations and Maintenance accounts, Other Professional and Technical Services, account number 50120 - 70220.

Respectfully,

Craig M. Cummings
Director of Water

Tom Hamilton
City Manager

Motion by Alderman Gibson, seconded by Alderman Schmidt that the contract 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: Alderman Stearns, Huette, Gibson, Hanson, Finnegan, Purcell, Schmidt, and Fruin.

Nays: None.

Motion carried.

The following was presented:

To: Honorable Mayor and Members of the City Council

From: Staff

Subject: Substantial Amendment to Community Development Block Grants FY 34 Action Plan – Down Payment Assistance for 1108 and 1110 Woodbury Place

As required by the Housing and Urban Development, (HUD) approved Community Development Citizen Participation Plan, anytime there is a change in the use of money to an activity not mentioned in the final Annual Action Plan, the public must be notified. Recently, Community Development published a notice of a proposed substantial amendment to the Action Plan.

On Tuesday, July 22, 2008, a public hearing on the proposed amendment was held. One (1) person attended the hearing and had no objections to the proposed amendment. Specifically,

Community Development is proposing to provide Community Development Block Grant (CDBG) funds for the provision of down payment assistance, not to exceed, \$25,000 to the purchaser(s) of each of the two (2) new single family dwellings, located in the Woodbury Estates Subdivision. The two (2) houses, 1108 and 1110 Woodbury Place were constructed in partnership with School District 87. The Council previously approved the provision of a zero percent (0%) interest construction loan for these houses.

The houses have been for sale to the public since November, 2007. Originally, the City had been awarded down payment assistance funds from both the Illinois Housing Development Authority (IHDA) and the Federal Home Loan Bank of Chicago (FHLBC). Each house would have received approximately \$30,000-\$32,000 in subsidies, had they been sold prior to the grants expiring. The IHDA grant expired in December, 2007, and the FHLBC grant expired in June, 2008, (after receiving one extension.)

By providing down payment assistance to each of these dwellings, it is staff's hope that the houses can be sold and the City's general fund reimbursed for the outstanding construction loans. Although the houses still must be sold to a low-moderate income household, they do not necessarily have to be sold to a first-time home buyer. Community Development intends to provide the assistance in the form of a ten (10) year forgivable loan. For each year that the owner lives in the house, up to ten years, one-tenth of the loan amount will be forgiven. If the owner moves out or sells the house prior to the expiration of the loan term, any un-forgiven portion of the outstanding balance would have to be reimbursed to the CDBG line of credit.

Staff respectfully requests that Council approve the provision of a maximum \$25,000, ten (10) year forgivable loan to each low-moderate income household who purchase a single family dwelling located at either 1108 or 1110 Woodbury Place, and that the Mayor and City Clerk be authorized to execute the necessary documents. Funds for the down payment assistance will be provided from account code X22450-79130, CDBG Community Service Division Grants.

Respectfully,

Mark Huber
Director of PACE

Tom Hamilton
City Manager

Motion by Alderman Gibson, seconded by Alderman Schmidt that the provision of a maximum \$25,000, ten (10) year forgivable loan be approved to a low-moderate income household who purchase a single family dwelling located at either 1108 or 1110 Woodbury Place, and that the Mayor and City Clerk be authorized to execute the necessary documents.

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

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

Nays: None.

Motion carried.

The following was presented:

To: Honorable Mayor and Members of the City Council

From: Staff

Subject: Professional Services Contract

Staff respectfully requests approval of a contract to Randy Newman, represented by Greentree, Inc. to perform services in the Bloomington Center for the Performing Arts on October 9, 2008. Base expenses for this contract will be \$25,000.

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

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

Respectfully,

C. Bruce Marquis
Executive Director, Cultural District

Tom Hamilton
City Manager

Motion by Alderman Gibson, seconded by Alderman Schmidt that the contract from Greentree, Inc. be accepted and that the Mayor and City Clerk be authorized to execute said contracts.

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

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

Nays: None.

Motion carried.

The following was presented:

To: Honorable Mayor and Members of the City Council
From: Staff
Subject: Ratification of Collective Bargaining Agreement with Police Benevolent and Protective Association Labor Committee

On July 14, 2008, the City and Police Benevolent and Protective Association Labor Committee reached a tentative agreement. The Police Benevolent and Protective Association Labor Committee represents the Police Sergeants and Lieutenants. The bargaining committee for the City included Todd Greenburg, Randy McKinley, Robert Wall, and Angie Brown. The Labor Committee voted and approved the tentative agreement on July 24, 2008.

Highlights of the Agreement are as follows:

Four year term of agreement.

Base wages will be increased by 2% on May 1, 2007, 2% on November 1, 2007, 3.5% on May 1, 2008, 3% for May 1, 2009 and 3% for May 1, 2010. The Union reserves the right to reopen wages in years 2009 and 2010.

Sick Leave Abuse Language.

Payment of Sick Leave Buyback into the Retirement Health Saving Plan (RHS), no change in amount of sick time paid.

Eight (8) hours of sick time paid into the Retirement Health Savings Plan if a Sergeant or Lieutenant is maxed out on sick time.

Phase in of employee contributions for Health Insurance Premiums with the last year of the contract being a 25% contribution for employee, employee plus one and family coverage.

Felony Indictment Language that allows the City to place Officers charged with a felony on administrative leave without pay.

The staff recommends ratification of the Tentative Agreement by the City Council.

Respectfully,

Todd Greenburg
Corporation Counsel

Randy McKinley
Asst. Police Chief

Robert Wall
Asst. Police Chief

Angie Brown
Human Resources Specialist

Roger Aikin
Police Chief

Tom Hamilton
City Manager

Motion by Alderman Gibson, seconded by Alderman Schmidt that the contract be ratified.

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

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

Nays: None.

Motion carried.

The following was presented:

To: Honorable Mayor and Members of the City Council

From: Staff

Subject: Franchise Agreement with Nicor Gas

Nicor Gas has proposed a new franchise agreement that is in effect, a lease permitting the company to use City rights-of-way for their infrastructure for a period of fifty (50) years. The current agreement was approved in 1959 and expires in February of 2009. The language of the proposed agreement is standard with municipalities, in which the company agrees to repair any damage to public improvements resulting from Nicor's pipes, etc., and to indemnify the City from any liability resulting from Nicor's occupation of the right of way.

In addition, Nicor is proposing to furnish the City 104,975 therms of natural gas annually in consideration of the franchise agreement, and to include a "most favored nations" clause in the agreement in which the company agrees, if a more favorable agreement is negotiated with another municipality, to amend the agreement to give the City identical terms.

The current "free gas" agreement and a report from Nicor showing the current City Nicor accounts is included. Additionally, spreadsheet is also included showing that the City received the cash equivalent of \$86,541 of natural gas in 2007, \$85,786 of natural gas in 2006 and \$60,070 of natural gas in 2005.

Respectfully,

J. Todd Greenburg
Corporation Counsel

Tom Hamilton
City Manager

ORDINANCE NO 2008 - 51

AN ORDINANCE AUTHORIZING NORTHERN ILLINOIS GAS COMPANY (d/b/a NICOR GAS COMPANY) ITS SUCCESSORS AND ASSIGNS, TO CONSTRUCT, OPERATE AND MAINTAIN A GAS DISTRIBUTING SYSTEM IN AND THROUGH THE CITY OF BLOOMINGTON, ILLINOIS

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

SECTION 1. That the right, permission and authority be and the same are hereby granted to NORTHERN ILLINOIS GAS COMPANY (d/b/a NICOR GAS COMPANY), an Illinois corporation, its successors and assigns (hereinafter referred to as the "Grantee"), to construct, operate and maintain in and through the CITY OF BLOOMINGTON (hereinafter referred to as the "Municipality"), in the State of Illinois, for a term of Fifty (50) years, a system for the production, distribution and sale of gas for fuel, heating, power, processing and other purposes within and outside the corporate limits of the Municipality, and to construct, lay, maintain and operate such gas pipes, mains, conductors and other devices, apparatus and equipment as may be necessary or convenient for such system in, under, along and across each and all of the streets, alleys, avenues and other public places in the Municipality, subject to the conditions and regulations hereinafter set forth.

SECTION 2. All pipes, mains, conductors and other appliances, including connections with service pipes, hereafter laid in streets, alleys, avenues or other public places, shall be laid under the supervision of the Committee on Streets and Alleys of the Municipality, or such other duly authorized agent of the Municipality as the City Council may from time to time designate. All pipes, mains, conductors and other appliances shall be so located as not to injure unnecessarily any drains, sewers, catch basins, water pipes, pavements or other like public improvements, but should any drain, sewer, catch basin, water pipe, pavement or other like public improvement be injured by such location, the Grantee shall forthwith repair the damage caused by such injury to the satisfaction of the Committee on Streets and Alleys, or such other duly authorized agent, and in default thereof the Municipality may repair such damage and charge the cost thereof to, and collect the same from, the Grantee. The Grantee shall be subject to all reasonable regulations which may now or hereafter be prescribed by general ordinance of the Municipality with respect to the use of the public streets, alleys, avenues and other public places of the Municipality.

SECTION 3. The Grantee shall indemnify, become responsible for and forever save harmless the Municipality from any and all judgments, damages, decrees, costs and expenses, including attorneys' fees, which the Municipality may legally suffer or incur, or which may be legally obtained against the Municipality, for or by reason of the use and occupation of any street, alley, avenue or other public place in the Municipality by the Grantee pursuant to the terms of this ordinance or legally resulting from the exercise by the Grantee of any of the privileges herein granted.

SECTION 4. After the passage of this ordinance, and within thirty (30) days after passage, this ordinance, if accepted, shall be accepted by the Grantee by its filing with the City Clerk of the Municipality an unconditional written acceptance hereof, to be duly executed according to law, and a failure of the Grantee to so accept this ordinance within said period of time shall be deemed a rejection hereof by the Grantee, and the rights and privileges herein granted shall after the expiration of said period of thirty (30) days, if not so accepted, absolutely cease and determine, unless said period of time shall be extended by the Municipality by ordinance duly passed for that purpose and before the expiration of said period of thirty (30) days.

SECTION 5. All provisions of this ordinance which are obligatory upon, or which inure to the benefit of, said NORTHERN ILLINOIS GAS COMPANY (d/b/a NICOR GAS COMPANY) shall also be obligatory upon and shall inure to the benefit of any and all successors and assigns of said Company, and the word "Grantee" wherever appearing in this ordinance shall include and be taken to mean not only said NORTHERN ILLINOIS GAS COMPANY (d/b/a NICOR GAS COMPANY), but also each and all of such successors and assigns.

SECTION 6. This ordinance, if accepted by the Grantee as hereinabove provided, shall be in full force and effect as of January 26, 2009, and from and after the effective date shall supersede, cancel, repeal and be in lieu of any and all other existing or prior grants of right, permission and authority by said Municipality to said Grantee or any predecessor companies or assignors of the Grantee to construct, operate and maintain any system for the production, distribution and sale of gas for fuel, heating, power, processing and any other purposes within the corporate limits of this Municipality, and this ordinance shall likewise cancel all of the obligations under said existing or prior grants.

PASSED BY THE CITY COUNCIL OF THE CITY OF BLOOMINGTON, ILLINOIS,
THIS 11TH DAY OF AUGUST, 2008.

Tracey Covert
City Clerk

APPROVED BY THE MAYOR OF THE CITY OF BLOOMINGTON, ILLINOIS,
THIS 12TH DAY OF AUGUST, 2008.

Stephen F. Stockton
Mayor

(Seal)

ATTEST:

Tracey Covert
City Clerk

Motion by Alderman Gibson, seconded by Alderman Schmidt that the franchise agreement with Nicor Gas be approved and the Ordinance passed.

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

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

Nays: None.

Motion carried.

The following was presented:

To: Honorable Mayor and Members of the City Council

From: Staff

Subject: Temporary Easement to State of Illinois for Catch Basin

The Illinois Department of Transportation (IDOT) needs a temporary easement across a small part of Highland Park golf course to construct a catch basin for a drainage structure that will be installed under Veteran's Parkway. This easement is in connection with the improvements that will be made to the Morris Avenue/Veteran's Parkway intersection. The easement is located just inside the south property line of the golf course next to a storm sewer inlet and contains 1,323 square feet. The state will erect temporary fencing around the easement and restore the surface after construction is complete. It will not interfere with the City's use of the golf course. Staff respectfully requests that Council approve the temporary easement as requested.

Respectfully,

Hannah R. Eisner
Deputy Corporation Counsel

Tom Hamilton
City Manager

Motion by Alderman Gibson, seconded by Alderman Schmidt that the Temporary Easement for IDOT along the south line of the Highland Park golf course 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: Alderman Stearns, Huette, Gibson, Hanson, Finnegan, Purcell, Schmidt, and Fruin.

Nays: None.

Motion carried.

The following was presented:

To: Honorable Mayor and Members of the City Council

From: Staff

Subject: Prevailing Wage Resolution

Illinois law requires that the City Council pass a Prevailing Wage Resolution each year. Prevailing wage records are kept by the Illinois Department of Labor and with the help of municipalities throughout the State, they are updated each June. The prevailing wage information received from the Department of Labor has been corrected pursuant to information received from the various local labor unions.

The Resolution also adds a requirement that as a prerequisite to the awarding any contracts for public work in excess of \$100,000, the contractor provide proof of participation in apprenticeship and training programs approved and registered, with the United States Department of Labor's Bureau of Apprenticeship and Training.

The Resolution requires prevailing wages to be paid when private commercial economic development projects are directly supported by public funds, such as Tax Increment Financing or tax incentives. This requirement was first imposed by the City in 1991. Certain private projects which, in the staff's opinion, are less directly supported by public funds have been exempted from the requirements that prevailing wages be paid.

The attached Resolution complies with Illinois law as to public works and is within the Home Rule authority of the City as to private commercial economic developments directly supported by public funds. Staff respectfully recommends adoption of this Resolution.

Respectfully,

Todd Greenburg
Corporation Counsel

Tom Hamilton
City Manager

RESOLUTION NO. 2008 - 54

**A RESOLUTION OF THE CITY OF BLOOMINGTON, McLEAN COUNTY, ILLINOIS
ASCERTAINING THE PREVAILING RATES OF WAGES FOR LABORERS,
WORKERS AND MECHANICS EMPLOYED AT PUBLIC WORKS
OF THE CITY OF BLOOMINGTON**

WHEREAS, the Prevailing Wage Laws, 820 ILCS 130/1 et seq., as amended, require that each public body awarding any construction contract for public work or doing such work by day labor shall annually ascertain the general prevailing hourly rates of wages for employees engaged on such work; and

WHEREAS, "public work", as defined in the Prevailing Wage Law, includes commercial or industrial projects financed in whole or in part through the issuance of revenue bonds by the City of Bloomington under authority of the Industrial Project Bond Act or Home Rule Ordinance, without regard to what person or entity formally contracts for such work; and

WHEREAS, the statutes further provide that said rates be published, publicly posted and/or kept available for inspection by any interested party and a certified copy hereof must be promptly filed in the Office of the Secretary of State and Labor Department and be provided to others on request; and

WHEREAS, the City of Bloomington believes Prevailing Wage Law should apply to private commercial economic development projects directly supported by public funds, including projects supported by Tax Increment Financing or tax incentives of any kind, but excluding projects financed by the Downtown Commercial Revolving Loan Fund, projects resulting from Annexation Agreements, Intergovernmental Agreements, projects involving the City's Land Subdivision Code (including waivers/variations therefrom), activities that are exempt due to specific contract language, or certain projects the City Council finds inappropriate for application of Prevailing Wage Law; and

WHEREAS, the City of Bloomington believes that contractors awarded contracts for public work as defined by state statute and this Resolution should, as a prerequisite to such contract, provide proof of participation in apprenticeship and training programs approved and registered with the United States Department of Labor's Bureau of Apprenticeship and Training for all construction contracts in excess of \$100,000.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Bloomington, County of McLean, State of Illinois that the prevailing wages as set forth in the document attached hereto are incorporated herein by reference as the prevailing rates of hourly wages in the City of Bloomington, Illinois for the laborers, workers and mechanics specified therein who are engaged in the construction of public works within the jurisdiction of this municipality; and

BE IT RESOLVED that the prevailing wages set forth in the document attached hereto and incorporated by reference shall be paid to laborers, workers and mechanics specified therein

when such persons perform work on private commercial economic development projects directly supported by public funds, including projects supported by Tax Increment Financing or tax incentives of any kind, but excluding projects financed by the Downtown Commercial Revolving Loan Fund, projects resulting from Annexation Agreements, Intergovernmental Agreements, projects involving the City's Land Subdivision Code (including waivers/variations therefrom), activities that are exempt due to specific contract language, or certain projects the City Council finds inappropriate for application of Prevailing Wage Law; and

BE IT RESOLVED that contractors awarded contracts for public work as defined by state statute and this Resolution should, as a prerequisite to such contract, provide proof of participation in apprenticeship and training programs approved and registered with the United States Department of Labor's Bureau of Apprenticeship and Training for all construction contracts in excess of \$100,000; and

BE IT RESOLVED that nothing herein contained shall be construed to apply said prevailing hourly rates of wages in the locality to any work or employment other than public works or private commercial economic development projects directly supported by public funds as defined in the Act and this Resolution; and

BE IT RESOLVED that the City Clerk shall publicly post or keep available for inspection by any interested party in the main office of this City this determination of prevailing rates of wages; and

BE IT RESOLVED that the City Clerk shall mail a copy of this determination to any employer, any association of employers, and to any person or association of employees who have filed or do file their names and addresses with the Clerk requesting copies of any determination under said law of the particular rates and of the particular classes of persons whose wages will be affected by such rates; and

BE IT RESOLVED that the City Clerk shall promptly file a certified copy of this Resolution with the Secretary of State* and the Department of Labor** of the State of Illinois; and

BE IT RESOLVED that the City Clerk, as required by law, shall cause to be published in a newspaper of general circulation within the area of this municipality a notice of this determination and that it is the effective prevailing wage determination of this public body.

ADOPTED this 11th day of August, 2008.

APPROVED this 12th day of August, 2008.

APPROVED:

Stephen F. Stockton
Mayor

ATTEST:

Tracey Covert
City Clerk

(PREVAILING WAGE TABLES ON FILE IN CLERK'S OFFICE)

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

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

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

Nays: None.

Motion carried.

The following was presented:

To: Honorable Mayor and Members of the City Council

From: Staff

Subject: Petition submitted by Ruth A. Cobb requesting approval of a Special Use Permit to allow a total of three (3) dwelling units in two (2) structures on a single lot in an R-2, Mixed Residence District, on property commonly known as 719 W. Washington Street and 203 N. Allin Street (Ward 6) (Case SP-02-08)

BACKGROUND INFORMATION:

Adjacent Zoning

north: R-2, Mixed Residence District
south: C-2, Neighborhood Shopping District
east: R-2 – same as above
west: C-2 – same as above

Adjacent Land Uses

north: single family dwelling
south: religious meeting hall
east: single family dwelling
west: barber shop & apartments

The property in question is a 50' x 110' (5,500 sq. ft.) corner lot that is the site of a two (2) family dwelling located in a two (2) story building at 719 W. Washington Street and an illegal efficiency apartment with an attached two (2) car garage located in a one (1) story building at 203 N. Allin Street. Both of these addresses are on a single lot of record with a single parcel identification number. The Zoning Code requires a minimum lot size of seven thousand (7,000) square feet per dwelling unit or twenty-one thousand (21,000) square feet for a three (3) unit

multiple family dwelling in an R-2 Mixed Residence District. The Zoning Code also stipulates the following standards and conditions for multiple family dwellings as a special use:

- (1) Minimum Screening/Fencing Requirements: Parking lots shall be screened from adjacent single-family dwellings and two (2) family dwellings in accordance with Section 44.4-7 C of this Code.
- (2) Maximum Floor Area Ratio: Fifty percent (50%).
- (3) Minimum Yard Requirements: Same requirements as required in the zoning district in which the special use is proposed to be located. (Front Yard – twenty-five (25) feet or the average front yard setback for the block frontage; Side Yard—six (6) feet; Rear Yard—twenty-five (25) feet).
- (4) Maximum Height: Same requirements as in the zoning district in which the proposed special use is proposed to be located (Thirty-five (35) feet or two and one half (2½) stories).
- (5) Additional Requirements: Two (2) parking spaces shall be provided for each dwelling unit in accordance with Section 44.7-2 of the Zoning Code.

The subject property does not comply with the minimum lot area requirement; the parking lot screening requirements; some of the front, side and rear yard setback requirements, and the minimum off-street parking space requirement for this special use permit. The petitioner has filed a separate application (Case Z-18-08) requesting the following variances:

- a fifteen thousand five hundred (15,500) square foot variance of the twenty-one thousand (21,000) square foot minimum lot area requirement;
- a variance of the parking lot screening requirement in order that no fencing or landscape screening be required;
- a three (3) foot variance of the eleven (11) foot front yard setback required along W. Washington Street;
- a four (4) foot variance of the seven (7) foot front yard setback required along N. Allin Street;
- a four (4) foot variance of the six (6) foot side yard setback required for the building at 203 N. Allin Street;
- a twenty-five (25) foot variance of the twenty-five (25) foot rear yard setback required for the building at 203 N. Allin Street; and
- a two (2) parking space variance of the six (6) parking spaces required for three (3) dwelling units.

ZONING BOARD OF APPEALS PUBLIC HEARING:

The Zoning Board of Appeals conducted a public hearing on this petition on July 16, 2008. The following persons presented testimony in favor of this petition at this hearing:

Ms. Ruth A. Cobb, 719 W. Washington St.
Ms. Valerie Dumser, 809 W. Washington St.
Mr. Randall Burton, 203 N. Allin St.
Ms. Karen A. Schmidt, Ward 6 Alderman, 409 E. Grove St.
Ms. Barbara Evans, 1513 Wilson St.

Ms. Cobb, the owner of the property in question, testified that she has lived at 719 W. Washington St. for four (4) years and a few months ago she was able to purchase this one (1) parcel property that consisted of two (2) buildings with three (3) apartments and a two (2) stall garage. Since the purchase she was made aware of the previous owner's request to vacate the efficiency apartment at 203 N. Allin St. Ms. Cobb is now renting this third apartment, and needs to obtain a Special Use Permit for a multiple family use in an R-2 zoning district. The variances needed stem from this special use request and deal with bulk requirements. Ms. Cobb testified that she can not meet the current code. Her request is to maintain what has been in effect since at least the mid-1980's and to provide safe affordable housing in the area. She submitted a petition in support of her request.

Board Chairman Mike Ireland questioned the number of dwelling units and the basis for her request. Ms. Cobb responded that the site in question has been used for one (1) to up to four (4) dwelling units in the past and is now being used for three (3) dwelling units. The basis for her request was that she had no knowledge that the previous owner had removed one (1) of the units from the City's rental program prior to her purchase. The legal nonconforming use status was lost even though the third unit is currently rented.

Ms. Dumser testified in favor of Ms. Cobb's request and stressed the need for people in the area who care about the area, the economics of purchasing owner-occupied rental property, and the advantage to leaving the homes in their current use.

Mr. Burton testified that he has lived in the efficiency apartment at 203 N. Allin St. for over a year and is grateful for the affordable housing. He believed a lot of the illicit activities have moved away from the area due to the fact that he is a student and he is at home during the day and watched the activities of people in the area.

Alderman Schmidt testified in favor of Ms. Cobb's request and questioned what the City would be achieving by denying this request. She also mentioned the importance of the West Side Redevelopment Study to the revitalization of this neighborhood.

Ms. Evans testified that she owns the property at 704 W. Washington St. She grew up in this neighborhood and her son currently lives there. She did not know the petitioner. After hearing the testimony, she requested that the Board of Zoning Appeals grant the variances to keep the petitioner in the neighborhood to help upgrade and improve it.

No testimony was presented at this public hearing in opposition to this petition for a Special Use Permit.

Mr. Mark R. Huber, Director of Planning and Code Enforcement, stated that since the previous owner had requested that the efficiency apartment at 203 N. Allin St. be removed from the Rental Property Inspection Program, the parcel lost its legal nonconforming use status. He noted that the new owner (Ms. Cobb), although unaware of that request, is now faced with trying to find a solution to the problem. The City became aware of the problem when Ms. Cobb requested grant money to divide the currently-shared water service. At that time, City staff realized that the efficiency apartment should not have been rented. The variances along with the special use request will reinstate what was formerly there and would not be granting anything new.

Chairman Ireland asked for clarification of the request. If the previous owner had not requested to withdraw the rental unit from the Rental Property Inspection Program, this special use request would not be needed. Mr. Huber confirmed.

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 approved all of the variances requested in Case Z-18-08 by a vote of 6 to 0 and passed a motion by a vote of 6 to 0 to recommend City Council approval of this Special Use Permit in Case SP-02-07.

STAFF RECOMMENDATION:

Staff concurs with the Board of Zoning Appeals and recommends approval of this Special Use Permit.

Respectfully,

Kenneth Emmons
City Planner

Tom Hamilton
City Manager

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-2 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 petitioner respectfully prays that said special use for said premises be approved.

Respectfully submitted,

Ruth A. Cobb

ORDINANCE NO. 2008 - 52

**AN ORDINANCE APPROVING A SPECIAL USE PERMIT FOR A
MULTIPLE STRUCTURE ON A SINGLE LOT
FOR PROPERTY LOCATED AT 719 W. WASHINGTON & 203 N. ALLIN**

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 multiple structure on a single lot for certain premises hereinafter described in Exhibits A & B; 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 multiple structure on a single lot on the premises hereinafter described in Exhibit A shall be and the same is hereby approved.
2. This Ordinance shall take effect immediately upon passage and approval.

PASSED this 11th day of August, 2008.

APPROVED this 12th day of August, 2008.

Stephen F. Stockton
Mayor

ATTEST:

Tracey Covert
City Clerk

EXHIBIT A

The West 20 feet of Lot 59 and all that part of Lot 60 lying East of Allin Street as now laid out in James Mason's Addition to the City of Bloomington in McLean County, Illinois.

Parcel No. (43) 21-04-304-016

Commonly known as: 719 W. Washington & 203 N. Allin, Bloomington, IL 61701

(EXHIBIT B SKETCH OF PROPERTY AT 719 W. WASHINGTON & 203 N. ALLIN ON FILE IN CLERK'S OFFICE)

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

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

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

Nays: None.

Motion carried.

The following was presented:

To: Honorable Mayor and Members of the City Council

From: Staff

Subject: An Ordinance Expanding the Pool of Applicants from which Deputy Fire Chiefs and Assistant Police Chiefs may be Appointed

Deputy Fire Chiefs and Assistant Police Chiefs are appointed by the Chiefs of those departments. Deputy Fire Chiefs are appointed from the Fire Captain and Assistant Fire Chief ranks. Assistant Police Chiefs are appointed from the ranks of Police Sergeants and Lieutenants. This proposed Ordinance expands the pool of applicants from which Deputy Fire Chiefs and Assistant Police Chiefs may be appointed.

Neither the Fire Chief nor the Police Chief must be a member of their departments prior to their appointment by the City Manager. In the Fire Department, the Deputy Chiefs are the rank immediately below that of the Fire Chief. In the Police Department, the Assistant Chiefs are the rank immediately below that of the Police Chief. The proposed Ordinance permits the Fire Chief or the Police Chief, with the approval of the City Manager, to make an appointment to Deputy Fire Chief or Assistant Police Chief based on the criteria of merit and fitness. A Chief may thus appoint from outside the department or may appoint a lower ranking member of the department.

Merit and fitness should be the criteria which are used to determine the managers of the departments which deliver municipal services to the citizens of the City, especially for management positions which are crucial to the public safety, as the delivery of fire and police services. Staff respectfully recommends that Council pass this Ordinance.

Respectfully submitted,

Todd Greenburg
Corporation Counsel

Roger Aikin
Chief of Police

Keith Ranney
Fire Chief

Tom Hamilton
City Manager

ORDINANCE NO. 2008 -53

**AN ORDINANCE AMENDING CHAPTER 17 AND
CHAPTER 35 OF THE CITY CODE, EXPANDING THE POOL OF CANDIDATES
FROM WHICH ASSISTANT POLICE CHIEFS AND
DEPUTY FIRE CHIEFS MAY BE APPOINTED**

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

Section One: That Section 2A of Chapter 17 of the Bloomington City Code, 1960, as amended, is further amended as follows (additions are indicated by underlining; deletions are indicated by strikeouts):

Section 2A. DEPUTY FIRE CHIEFS.

A Deputy Chief of Operations and a Deputy Chief of Administration shall, with the approval of the City Manager, be appointed by the Fire Chief. Their appointments shall be made ~~from the ranks of Captain and Assistant Chief~~ and upon no other basis than that of merit and fitness, and the appointees need not be a member of the Fire Department at the time of appointment. ~~it being~~ It is expressly intended that he or she not be appointed by the Board of Fire and Police Commissioners. Deputy Fire Chiefs shall be and are officers of the City. Their duties shall consist of such administrative and operational duties as are assigned by the Fire Chief. Notwithstanding any other provisions of this Chapter, the Deputy Fire Chiefs shall be second in command only to the Fire Chief. In the event a person who is appointed Deputy Fire Chief by the Fire Chief had previously been appointed or promoted to a position within the fire service by the Board of Fire and Police Commissioners, a Deputy Fire Chief shall revert to such position in the event he or she resigns or is removed from the position of Deputy Fire Chief. A person appointed to the position of Deputy Fire Chief shall be eligible to seek placement on and promotion from any entry level or promotional lists established by the Board of Fire and Police Commissioners.

Section Two: That Section 11 of Chapter 35 of the Bloomington City Code, 1960, as amended, is further amended as follows (additions are indicated by underlining; deletions are indicated by strikeouts):

Sec. 11 ASSISTANT CHIEF DUTIES.

The Chief of Police shall, with approval of the City Manager, designate one person ~~from the ranks of Sergeant or Lieutenant~~ to serve as Assistant Chief of Police of Operations and one person ~~from the ranks of Sergeant or Lieutenant~~ to serve as Assistant Chief of Police of Administration. Their appointments shall be made upon no other basis than that of merit and fitness. Those persons need not be a member of the Department at the time of appointment and ~~so designated~~, shall serve in said capacity at the pleasure of the Chief. ~~and~~, If appointed to such position from within the sworn ranks of the Bloomington Police Department, such person shall be considered as on furlough from the rank they held immediately prior to being designated as Assistant Chief and said seniority in such rank continue to accrue during that assignment as

Assistant Chief of Police. If the Chief removes ~~him/her~~ a person from that assignment as Assistant Chief, any person who was appointed to such position from within the sworn ranks of the Bloomington Police Department, ~~he/she~~ shall revert to and be established in the rank from which he/she was on furlough from and thereafter shall be entitled to all the benefits and emoluments of such rank.

The duties of the Assistant Chief of Operations and Assistant Chief of Administration shall consist of such duties assigned by the Chief of Police.

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

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

Section Five: This ordinance shall be effective upon passage and approval.

Section Six: This ordinance is enacted pursuant to the home rule authority of the City of Bloomington conferred by Article VII, Section 6 of the 1970 Illinois Constitution.

PASSED this 11th day of August, 2008.

APPROVED this 12th day of August, 2008.

APPROVED:

Stephen F. Stockton
Mayor

ATTEST:

Tracey Covert
City Clerk

Mayor Stockton introduced this item. This Text Amendment had appeared before the Council in the recent past. It would address the appointment of an individual to the position of Asst. Police Chief and Deputy Fire Chief.

Tom Hamilton, City Manager, addressed the Council. He noted that the City Code already allows for the outside hiring of the Police Chief and Fire Chief. This amendment would also allow for the outside hiring of Asst. Police Chiefs and Deputy Fire Chiefs. It would provide the City with additional flexibility. Hiring from the outside would only occur after conferring with the City Manager prior to any job offer.

Alderman Schmidt requested that City staff expound on the merit and fitness phrase. She questioned the impact of this change. Todd Greenburg, Corporation Counsel, addressed the Council. He noted that this phrase was standard language which meant that the City would consider a candidate's qualifications.

Alderman Schmidt questioned the protocol. Mr. Hamilton noted that all positions within the City had job descriptions. These descriptions specify the education, skills, and demands of the job.

Alderman Purcell questioned the educational requirement for the Police Department. Mr. Hamilton noted that the educational requirements for the Police and Fire Departments were different. Roger Aikin, Police Chief, noted that a high school diploma or its equivalent was the only educational requirement for the Police Department. There were additional points available for education as a part of the promotional process for Sgt. and Lt. Alderman Purcell questioned if these positions would require experience in law enforcement and/or a law degree. Chief Aikin expressed his belief that the proposed text amendment provided a system of checks and balances. He cited the prior approval of the City Manager as an example. He added that the job description listed of variety of required skills.

Alderman Stearns requested definable characteristics. Chief Aikin acknowledged that the selection process would involve subjectivity as was the case today. This text amendment would increase the candidate pool. Alderman Stearns cited the education and training of the City's rank and file officers. Chief Aikin noted that there were mandated hours of training.

Alderman Stearns questioned the Fire Department. Keith Ranney, Fire Chief, addressed the Council. The City had identified a skill set for the position of Deputy Chief. This position went beyond rank. The process becomes more subjective at the management level. He noted that there was the potential for the pool of candidates to not be too strong. He cited the recent retirements within the Fire Department. All individuals must possess a proven skill set. He cited his personal preference to hire from within. An internal process would be simpler and cleaner. The proposed text amendment would provide the City with the ability to address any situation.

Alderman Stearns expressed her concern that someone from the outside would be brought in with no fire experience. She questioned this code change. The command staff of both departments needed to teach, groom, and mentor the City's line uniformed officers. She expressed her belief that the City was taking something away from these individuals. Chief Ranney restated that a large number of the Fire Department's senior staff was separating from service with the City. This text amendment would put a provision in place. The City Manager would have a role in the process. He added his belief that subjectivity was key when selecting command staff. These individuals must be dedicated to the department. No one is entitled to a position.

Alderman Stearns expressed her opinion that the City was taking away the rank and file's self confidence. Chief Ranney noted that if the need were to arise then the City would have a plan. Alderman Stearns added her belief that this action was not legal. The City was using its home rule powers to go around the law.

Alderman Purcell noted that a civilian could be hired. Chief Ranney responded negatively. An individual would need to have command experience. He cited the "merit and fitness" phrase and added that it must be appropriate to the position.

Alderman Purcell recommended that this item be laid over due to the absence of Alderman Sage. He added his belief that this item would be voted down at that time.

Mayor Stockton questioned the hiring of someone from the outside to these positions. He expressed his belief that it would difficult for this individual to obtain staff's support. In addition, it would also be difficult for this person to gain the trust and respect of the rank and file. Chief Ranney agreed that there were draw backs to outside hiring. This action would not be taken lightly. There were other communities in Central Illinois which have adopted this type of ordinance. He restated the recent retirements and new positions within the Fire Department. City staff was serious about succession planning. In addition, the City wanted to hire the best candidates for these positions. Even with proper planning, problems can occur.

Alderman Stearns cited the retirement scenario. She questioned if the City would hire back retired firefighters to one of these positions. Chief Ranney responded negatively. This type of action is not allowed under the Fire Pension Code. Alderman Stearns noted that under the Illinois Municipal Retirement Fund's, (IMRF), Early Retirement Incentive, individual may not work for another IMRF employer.

Alderman Purcell expressed his belief that the rank and file in both departments work towards promotion to these positions.

Alderman Stearns questioned the timing of this item. She stated that it came as a complete surprise. Mr. Hamilton noted that this item appeared before the Council on February 27, 2006. Alderman Stearns noted that Todd Keil, Unit 21 President, (Police Patrol Officers), was out of town on vacation. In addition, Pat Miller, Unit 49 President, (Firefighters), was also out of town. The union presidents did not have the ability to notify the membership. They needed additional time to construct a response to the proposed text amendment. The Council should address their concerns.

Alderman Stearns also noted the absence of Alderman Sage. Mr. Hamilton stated that Alderman Sage knew about this item. This text amendment was not a negotiable item. It was not a union issue. Alderman Stearns expressed her belief that the propose ordinance would have an impact within these two (2) departments. She added her opinion that the rank and file should be listened to.

Chief Aikin noted that an email was sent to every uniformed officer within the Police Department. In addition, this item was addressed at each shift command meeting.

Alderman Fruin noted that the Council had been contacted about this issue three to four, (3 – 4), months ago. Chief Aikin informed the Council that he had been approached by the Council about this item more than once.

Mayor Stockton stated that he had been contacted by Mr. Keil three to four, (3 – 4), months ago questioning if this item would be appearing on a Council meeting agenda.

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

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

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

Nays: Alderman Gibson.

Motion carried.

John Meckley, Unit 49 Vice President, addressed the Council. He was a twelve, (12), year member of the Fire Department. He thanked the Council for the opportunity to address them. There was no email notification within the Fire Department. He read from a prepared letter. He noted the retirements of the City Manager and Fire Chief. He cited the recently filled Deputy Chief positions due to retirements which created vacancies. The Firefighters were not aware of the proposed ordinance. He expressed his disappointment regarding same.

Mr. Meckley stated that there were qualified officers within the Fire Department. These individuals should be required to teach and mentor the Firefighters. The best candidates for these positions should be within the department. There was a union contract which he read from. He noted that this change had been proposed during the last five (5) years. He cited the number of Unfair Labor Practices which the union has filed against the City.

Mr. Meckley encouraged the Council to vote against this item or lay it over in order to gather additional facts.

Alderman Gibson questioned the situation if an internal candidate was not available. Mr. Meckley stated that there was a unique promotional process for the rank and file. He noted that there were a number of Firefighters who were working towards a Bachelor's Degree. These individuals would have a history with the City and the Fire Department. Mr. Meckley added that the Fire Chief has the authority to rescind a promotion. Alderman Gibson expressed his belief that this item had been reviewed by the City's Corporation Counsel.

Alderman Stearns questioned how the current practice would change. Todd Greenburg, Corporation Counsel, noted that these positions, (Asst. Police Chief and Deputy Fire Chief), were not covered by the union contracts.

Alderman Purcell noted that the emphasis would be placed on “merit and fitness”. Mr. Meckley noted Mr. Hamilton, City Manager, would be leaving the City. In addition, the Police Chief and Fire Chief would also be separating their service with the City. The proposed ordinance would allow the City to bring in personnel from outside the City to fill all of these positions.

Mayor Stockton noted that the Council had not officially been notified of the retirements of the Police Chief and Fire Chief. He acknowledged that there may be an unusual time and the City may need to go outside to fill these positions. The City Manager position would provide a system of checks and balances. The Council had been informed that this issue would be discussed.

Alderman Hanson expressed his support for a cordial conversation. This item had been the subject of ongoing conversation during his tenure on the Council. He cited the significant turn over within the Fire Department. The City may need to put its trust in new people. This text amendment would provide the City with another opportunity. It would not be the first option. The Council needed to come together collectively and clarify its position.

Mr. Meckley stated that based upon treatment over the last six (6) years, there was little trust amongst the rank and file. Alderman Hanson encouraged the Firefighters to identify the key players and address what might be gained by this ordinance. Mr. Meckley noted the union’s executive board and the Fire Department’s command staff. In closing, he expressed his appreciation to the Council for the opportunity to address them.

Alderman Fruin echoed Alderman Hanson’s comments. Perspective must be gained regarding the issue of succession planning. Selection and hiring can take various forms. There may be sufficient personnel who could step up. However, he cited the recent losses. He believed that when possible it was good to fill positions from within. He noted that the City had brought in department heads from the outside.

The Council had heard that a belief and trust in management staff had been lost by the rank and file. He restated that it was not the City’s intention to hire from the outside. The City had a record of hiring good people. Mr. Meckley stated that the Police and Fire Departments were different. Police officers and firefighters must trust each other with their lives. Trust was built over time. He did not believe that the existing system was broken.

Alderman Finnegan noted that the proposed ordinance provided an option. It is not a directive. He did not understand what the issue was. The Council needed to support the rights of management as this level. Mr. Meckley stated that things could be done internally to avoid such action.

Alderman Purcell noted that this issue could fall onto the new City Manager.

Alderman Gibson expressed his belief that it was the Council's responsibility to decide. Mr. Meckley cited his concern regarding the short notice. He questioned the message being sent by the Council to the rank and file.

Sgt. Paul Williams, Unit 21 Police Sgt. and Lt. President, addressed the Council. He noted that there were twenty-two (22) members of this unit. He read from a prepared letter. He presented a brief history of this issue. He noted that there were hard feelings. In June 2005, the Board of Fire and Police Commissioners did not support this issue. The rank and file were promised that there would be a discussion and that they would be included in the process. He described the uniform staff of the Police Department as loyal, dedicated, qualified and well trained. The group was made up of individuals who were outstanding leaders and followers. He expressed his opinion that the existing rules worked well. This change would allow a non sworn police officer to be hired for the position of Asst. Police Chief. The Police Chief currently selects the Asst. Police Chief with the City Manager's approval. He also noted the phrase "merit and fitness". He expressed his opinion that the preferred solution would be to promote from within. If individuals were not qualified, then the City should provide the necessary training. The proposed text amendment was untested. He expressed his concern that this proposal would allow for the complete replacement of the Asst. Police Chief position. He expressed his belief that the morale in the Police Department would be damaged. He restated that the rank and file was promised a meeting with management staff in order to reach a compromise. He requested that the Council vote against this item.

Alderman Purcell questioned who was in charge of the Police Department when command staff was absent. Sgt. Williams responded the senior patrol officer. He restated that this ordinance was not needed. It would be fairly unlikely that this text amendment would be needed or that the situation would occur that such action would happen. He restated that there was plenty of qualified staff. He noted the sentiment of the rank and file. It would cause hard feelings.

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

Motion carried.

Alderman Purcell recommended that there be discussions between the parties in attempt to resolve this issue. In addition, this would allow Alderman Sage to vote on this issue.

Alderman Gibson noted that this issue had been discussed in the past. He believed that it had been voted down with the belief that it would be addressed through negotiations. He noted that this item would not help to improve staff morale.

Alderman Purcell recommended that this item be voted down.

Alderman Stearns cited the public safety issue. She noted the preference of the rank and file. The Council needed to listen to them and vote this item down.

Mayor Stockton noted that there may be a time when the City would need to hire someone from outside of the organization. He acknowledged the rank and file's belief that they had not been notified. This issue had been around for awhile. He encouraged all involved to review the past with an emphasis on perceptions.

Motion by Alderman Purcell, seconded by Alderman Schmidt to lay the item over to the August 25, 2008 Council meeting.

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

Ayes: Alderman Stearns, Purcell, Schmidt.

Nays: Alderman Huette, Gibson, Hanson, Finnegan, and Fruin.

Motion failed.

Alderman Hanson noted that the City needed to move forward. There would be a lot of new personalities in the near future. The proposed text amendment was not a directive but an option. The City should strive to retain qualified pools of individuals for promotion within the Fire and Police Departments. He restated his belief that this item was an opportunity for the City to move forward. There should not be a division between the Council and City staff.

Alderman Fruin echoed Alderman Hanson's statement. There needed to be trust and faith in one another. He noted that the Council had heard a recurring theme: mentoring within the Fire and Police Departments. Work should be conducted in-house to prepare City staff to fullest extent possible.

Alderman Purcell read a message from Alderman Sage who was absent from this evening's meeting. Alderman Purcell had spoken with rank and file officers within the Fire and Police Departments. If approved, this text amendment would hurt the City. He stated his intention to vote no.

Alderman Stearns echoed Alderman Purcell's comments. The Council needed to be responsible to the citizens. The Council was breaking faith with and the trust of the rank and file officers. She questioned why this option was needed. The Police Chief was hired to manage the Police Department. This individual might bring in unqualified personnel. She expressed her opposition to this item. She expressed her opinion that the unions were not given adequate notice. She urged the Council to vote against the proposed text amendment.

Mayor Stockton noted that the City's elected officials have opportunities to interact with the Police Chief. There will be items that are not appropriate for public discussion or for a discussion between an elected official and the Police Chief.

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

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

Ayes: Alderman Huette, Hanson, Finnegan, Schmidt, and Fruin.

Nays: Alderman Stearns, Gibson, and Purcell.

Motion carried.

The following was presented:

Doug Grovesteen, Director of Engineering, addressed the Council regarding the lone bid for Lincoln Street – Bunn to Morrissey. The lone bid was over the City's estimate for this project. He noted the scope of this project and requested that this item be laid over until the Council's August 25, 2008 meeting.

Alderman Purcell questioned what action the Council could anticipated on this item. Mr. Grovesteen noted that Lincoln Street was a large and important project. City staff wanted to take the time to consider the options.

Motion by Alderman Schmidt, seconded by Alderman Huette to lay the item over to the August 25, 2008 Council Meeting.

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

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

Nays: none.

Motion carried.

MAYOR'S DISCUSSION: Mayor Stockton informed the Council that the Bloomington Normal Airport Authority had called a press conference regarding new service at the Central Illinois Regional Airport on August 12, 2008 at 10:15 a.m.

He also stated that the Public Forum regarding the City Manager position would be held on Tuesday, August 19, 2008 at 4:30 p.m. at the Government Center, in the County Board Meeting Room, at 4:30 p.m. A press release would be provided soon. The Council would meet in Executive Session afterwards.

He restated his intention to plan and schedule an additional meeting to address the issue of crime.

CITY MANAGER'S DISCUSSION: None.

ALDERMEN'S DISCUSSION: Alderman Fruin addressed the issue of press conferences. He requested that this type of meeting be scheduled either early in the morning , over the lunch hour or late in the afternoon. Community leaders who are employed full time are often unavailable for press conferences. Mayor Stockton noted that this meeting was scheduled to coincide with the arrival of a flight.

Alderman Fruin questioned the traffic accident statistics for the intersection of Airport Road and College Avenue. Tom Hamilton, City Manager, noted that the data would be provided.

Alderman Schmidt addressed the proposed meeting about crime. She expressed her interest in a Town Hall format which would allow the citizens to bring their issues forward. She noted that patterns might be found. The Council would also have the opportunity to interact with the citizens. Mayor Stockton stated his intention to format this meeting like a neighborhood meeting. Alderman Schmidt restated her interest in a forum on youth crime. She wanted to provide the people with an opportunity to address the Council. Mayor Stockton expressed his belief that the Council was accessible from a variety of avenues. Alderman Schmidt noted that her thoughts involved the community collectively.

Alderman Purcell noted that he had attended one of the earlier meetings on this subject. Only two (2) citizens attended same. He expressed support for Alderman Schmidt's statements regarding public input.

He noted that work on the demolition of the Coachman Motel would commence on August 18, 2008.

Alderman Stearns noted that she would be unable to stay after the tonight's Council meeting. She welcomed input from concerned citizens. She noted that crime was a critical issue. She cited its impact on police morale.

Motion by Alderman Hanson, seconded by Alderman Purcell, that the meeting be adjourned. Time: 9:31 p.m.

Motion carried.

Tracey Covert
City Clerk

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