

**COUNCIL PROCEEDINGS
PUBLISHED BY THE AUTHORITY OF THE CITY COUNCIL
OF BLOOMINGTON, ILLINOIS**

The Council convened in regular Session in the Council Chambers, City Hall Building, at 7:30 p.m., Monday, December 10, 2007.

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.

The following was presented:

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

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

1. Recognizing the 2007 Central Catholic High School Football Team.

Respectfully,

Tracey Covert
City Clerk

Tom Hamilton
City Manager

Mayor Stockton read and presented the Central Catholic High School Football Team Proclamation to Coach Bob Moews. He was accompanied by the team's four (4) captains: Ryan Waldron, Zach Eyre, Javier Safford, and Pat McNeil. Coach Moews thanked the Mayor and Council for the recognition. The team had the opportunity to play in a stadium which held 75,000 people. The team played hard and its members were good students. The team members would be the leaders of tomorrow.

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

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

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

Nays: None.

Motion carried.

The following was presented:

To: Honorable Mayor and Members of the City Council

From: Staff

Subject: Opening of One Bid for a Sewer Ejection System at 204 Robinhood Lane

Bids were received by the City Clerk on November 20, 2007 for a Sewer Ejection System at 204 Robinhood Lane. There is \$5,000 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 Mark Huber, Director of PACE to open the bid at the December 10, 2007 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

Alderman Finnegan questioned this item. Mark Huber, Director of PACE, addressed the Council. The sewer ejection system is installed to stop sewers from backing up into residential homes. They are generally installed in areas where there is not a separate system for sanitary and storm sewers.

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

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 November 13, 2007

The Council Work Session Minutes of November 13, 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 Council Work Session of November 13, 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, 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,

Brian J. Barnes
Director of Finance

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, 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 third partial payment to BLDD Architects in the amount of \$20,686.95 on a contract amount of \$58,270 of which \$51,378.75 will have been paid to date for work certified as 88% complete for the Fleet Management Facility Design. Completion date – April 2008.
2. The second partial payment to Farnsworth Group in the amount of \$5,446.68 on a contract amount of \$60,945.31 of which \$31,187.27 will have been paid to date for work certified as 51% complete for the Downtown Main Street Beautification Preliminary Report, Field Survey and Project Development. Completion date – April 2008.
3. The second partial payment to Truesdell Corp. of WI, Inc. in the amount of \$61,946.10 on a contract amount of \$136,488 of which \$122,839.20 will have been paid to date for work certified as 90% complete for the Police Parking Deck. Completion date – November 2007.

4. The fifth partial payment to Terracon Consultants, Inc. (Dept. 1277) in the amount of \$4,901.50 on a per ton and hour contract of which \$17,114.51 will have been paid to date for work certified as ongoing for the 2007-2008 Asphalt & Portland Concrete Plant Inspection and Lab Testing. Completion date – July 2008.
5. The fifth partial payment to Rowe Construction Co. in the amount of \$95,388.65 on a contract amount of \$2,940,450.76 of which \$484,971.82 will have been paid to date for work certified as 16.5% complete for the Mistubishi Motorway – Six Points to Sugar Creek. Completion date – September 2008.
6. The seventh partial payment to Farnsworth Group in the amount of \$6,154.75 on a contract amount of \$130,300 of which \$61,671.22 will have been paid to date for work certified as 47% complete for the Tanner Street – Morris Avenue to Lake Drive. Completion date – April 2008.
7. The eighth partial payment to Stark Excavating, Inc. in the amount of \$122,693 on a contract amount of \$1,183,030.68 of which \$1,084,686 will have been paid to date for work certified as 92% complete for the Towanda Avenue – Rowe to Orleans. Completion date – December 2007.
8. The eighth partial payment to Stark Excavating, Inc. in the amount of \$160,250 on a contract amount of \$1,990,500 of which \$1,636,239 will have been paid to date for work certified as 82% complete for the Recovery Pumps and Piping – Main Branch Kickapoo Creek Pump Station. Completion date – December 2007.
9. The fourth partial payment to AB&H Donohue & Associates in the amount of \$3,570 on a contract amount of \$12,000 of which \$8,760 will have been paid to date for work certified as 73% complete for the Sewer Rate Study. Completion date – December 2007.

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

Respectfully,

Tom Hamilton
City Manager

Motion by Alderman Finnegan, seconded by Alderman Gibson that 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, Fruin and Purcell.

Nays: None.

Motion carried.

The following was presented:

To: Honorable Mayor and Members of the City Council

From: Staff

Subject: Reimbursement for Constitution Trail Extension - Harvest Point Subdivision

Harvest Point Development Annexation Agreement with the City allowed the developers to recapture the cost of over sizing the sidewalks from four foot (4') to ten foot (10') allowing extension of the Constitution Trail to the subdivision. Staff has received an invoice from Signature Homes requesting their portion of the payment in the amount of \$12,452.08. Staff has reviewed the invoices and found them to be reasonable and customary.

Staff respectfully recommends that Council approve the payment to Signature Homes in the amount of \$12,452.08. There are sufficient funds available in the Park Dedication Account 7030-14110-57310 for this payment.

Respectfully,

Dean Kohn,
Director of Parks & Recreation

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, Fruin and Purcell.

Nays: None.

Motion carried.

The following was presented:

To: Honorable Mayor and Members of the City Council

From: Staff

Subject: Additional Services -Miller Park Zoo - Animal Hospital

In the design of the Zoo Animal Hospital the water supply for the building was located and designed to be installed five feet (5') east of Morris Avenue. During the construction of the project, the plans were changed and the water supply re-routed to accommodate the removal of multiple water sources supplying this location.

As the work was being completed, additional complications arose affecting the gas main running parallel with the water main. All these combined complications caused additional lane closers, labor and construction costs to the contractor.

Staff has received an invoice from JG Stewart Contractors, Inc. in the amount of \$10,680 for the additional work necessary to complete this project. Staff has reviewed the invoice and found it to be reasonable and customary.

Staff respectfully recommends that Council approve the payment to JG Stewart Contractors, Inc. in the amount of \$10,680. There are sufficient funds available in the Capital Improvement Account X40100-72570-91223 for this payment.

Respectfully,

Dean Kohn
Director of Parks & Recreation

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, Fruin and Purcell.

Nays: None.

Motion carried.

The following was presented:

To: Honorable Mayor and Members of the City Council

From: Staff

Subject: Annual Subscription Fees for Membership in the American Water Works Association Research Foundation (AWWARF)

The City has long been a member of the American Water Works Association Research Foundation (AWWARF). AWWARF is a member-supported, nonprofit organization that promotes and funds the research of drinking water. The City has benefited from numerous educational publications and seminars dealing with emerging water regulations and research into current issues. Based upon the amount of water that the City pumps each year to its customers, the annual dues for 2008 are \$9,553.

Staff respectfully recommends approval of the 2008 subscription fee to AWWARF in the amount of \$9,553 with payment to be made from: Water Department, A & G Division, Operations and Maintenance Funds, Registration and Membership Dues 50110 - 70780.

Respectfully,

Craig M. Cummings
Director of Water

Tom Hamilton
City Manager

Alderman Purcell questioned this item. Craig Cummings, Director of Water, addressed the Council. Membership in the American Water Works Association Research Foundation, (AWWARF), grants free access to this group's research and publications. It also provides the City with the opportunity to participate in grassroots research regarding agricultural chemicals. The City's interest involves taste/order compounds. City staff will contact AWWASF first when doing its research.

Alderman Finnegan questioned if this was an annual membership fee. Mr. Cummings responded affirmatively.

Alderman Purcell questioned the progress regarding lime sludge. Mr. Cummings noted that the work was completed for this year. The totals were similar to last year.

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, Fruin and Purcell.

Nays: None.

Motion carried.

The following was presented:

To: Honorable Mayor and Members of the City Council
From: Staff
Subject: Request to Pay Stark Excavating, Inc. for Emergency Repair of City Sewer at 506 S. Roosevelt Avenue

During the installation of the Roosevelt Sewer Lining Project, it was discovered that the brick sewer adjacent to 506 S. Roosevelt Avenue had collapsed. The repairs were urgent and due to the location of the sewer and the scope of the work, staff contacted Stark Excavating, Inc. to make the repair. Stark Excavating, Inc. has completed the sewer repair work and have submitted a time and materials bill for the work in the amount of \$9,483.08. Staff has reviewed the bill and finds it to be in order.

Staff respectfully requests that Council approve a payment in the amount of \$9,483.08 to Stark Excavating, Inc. for the repair of the sewer with payment to be made with Sewer Depreciation Funds (X52200-72550).

Respectfully,

Douglas G. Grovesteen
Director of Engineering

Tom Hamilton
City Manager

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

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

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

Nays: None.

Motion carried.

The following was presented:

To: Honorable Mayor and Members of the City Council
From: Staff
Subject: Request to Waive Bids for Chemical Purchases at the Golf Courses

The golf course division purchases approximately \$80,000 - \$100,000 worth of chemicals every year to control a variety of diseases and insects to maintain the City's facilities. These products are all purchased through "agency pricing". This simply means that the manufacturer sets the price and no individual representative can vary from this pricing.

There are two (2) providers of these chemicals that staff has dealt with in this area over the last couple of years. ProSource One has a local office in Bloomington and the second company is Helena which has an office in Monticello. Staff has dealt successfully with both companies. Staff would like to enter in to an early order program with Prosource One to purchase product for the 2007-08 fiscal year. This program will provide two (2) advantages to the City:

1.) it will save the department approximately \$8,000-\$10,000 over the next fiscal year, and 2.) it allows for the purchase of additional product at locked in pricing if additional product is needed. By using Pro Source One the City has the luxury of not storing the product on site. Pro Source will store the product and deliver it as needed.

Staff respectfully requests that Council waive the formal bidding process and approve the purchase of golf course chemicals from Pro Source One through the early ordering program in an amount not to exceed \$100,000, the Purchasing Agent authorized to issue a Purchase Order for same and the Resolution adopted.

Respectfully

Dean Kohn
Director Parks & Recreation

Tom Hamilton
City Manager

RESOLUTION NO. 2007 – 103

**A RESOLUTION WAIVING THE FORMAL BIDDING PROCESS AND
AUTHORIZING THE PURCHASE OF GOLF COURSE CHEMICALS FOR THE GOLF
COURSES FROM PRO SOURCE ONE AT A PURCHASE PRICE NOT TO EXCEED
\$100,000**

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

1. That the bidding process be waived and the Purchasing Agent be authorized to Purchase Golf Course Chemicals from Pro Source One at a Purchase Price not to exceed \$100,000.

Adopted this 10th day of December, 2007.

Approved this 11th day of December, 2007.

Stephen F. Stockton
Mayor

ATTEST:

Tracey Covert
City Clerk

Motion by Alderman Finnegan, seconded by Alderman Gibson that the formal bidding process be waived, the golf course chemicals be purchased from Pro Source One in an amount not to exceed \$100,000, the Purchasing Agent authorized to issue a Purchase Order for same, and the Resolution adopted.

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

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

Nays: None.

Motion carried.

The following was presented:

To: Honorable Mayor and Members of the City Council

From: Staff

Subject: Waive the Formal Bidding Process and Purchase a Canine Replacement

Staff requests permission to waive the formal bidding process and purchase a K-9 to replace "Kao" who has become terminally ill. Funds in the amount of \$6,500 are requested to pay Canine Training Institute for the purchase of a new dog, transportation from Europe, medical and radiograph examinations, 10-12 weeks of full service training, 1 year of maintenance training, and a 5 year service life guarantee is included in the \$4,500 purchase price of the dog. The remaining \$2,000 is for twelve (12) weeks of training.

Funds in the amount of \$4,500 for the canine purchase will be charged to F15110-72140, while funds in the amount of \$2,000 for training have been budgeted in G15110-70790. Staff

respectfully requests permission to purchase a replacement K-9 and training to further enhance the K-9 unit in searching for illegal drugs and suspects.

Respectfully,

Roger J. Aikin
Chief of Police

Tom Hamilton
City Manager

RESOLUTION NO. 2007 - 104

**A RESOLUTION WAIVING THE FORMAL BIDDING PROCESS AND
AUTHORIZING THE PURCHASE OF A REPLACEMENT CANINE FOR THE
POLICE DEPARTMENT FROM CANINE TRAINING INSTITUTE AT A PURCHASE
PRICE OF \$6,500**

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

1. That the bidding process be waived and the Purchasing Agent be authorized to Purchase a replacement canine for the Police Department at a Purchase Price of \$6,500.

Adopted this 10th day of December, 2007.

Approved this 11th day of December, 2007.

Stephen F. Stockton, Mayor

ATTEST:

Tracey Covert, City Clerk

Motion by Alderman Finnegan, seconded by Alderman Gibson that the formal bidding process be waived, the K-9 purchased from Canine Training Institute in the amount of \$6,500, the Purchasing Agent authorized to issue a Purchase Order for same, and the Resolution adopted.

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

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

Nays: None.

Motion carried.

The following was presented:

To: Honorable Mayor and Members of the City Council
From: Staff
Subject: Waive the Formal Bidding Process and Purchase Office Furniture for Fire Department

Staff respectfully requests that Council waive the formal bidding process and authorize purchase of office furniture at a cost of \$10,372.27 from Resource One located in Peoria. This purchase is to replace furniture in three (3) offices that is in excess of twenty (20) years old. The vendor is a participant in the US Communities joint purchasing program. Purchasing through this program satisfies the City of Bloomington purchasing policy and eliminates the need for local bids. The Fire Department's FY 07-08 fixed assets budget contains \$10,500 for this purchase. Payment to be made from account # F15210-72110 Office Furniture.

Respectfully,

Keith Ranney
Fire Chief

Tom Hamilton
City Manager

RESOLUTION NO. 2007 - 105

**A RESOLUTION WAIVING THE FORMAL BIDDING PROCESS AND
AUTHORIZING THE PURCHASE OF REPLACEMENT OFFICE FURNITURE FOR
THE FIRE DEPARTMENT FROM RESOURCE ONE AT A PURCHASE PRICE OF
\$10,372.27**

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 replacement office furniture for the Fire Department from Resource One at a Purchase Price of \$10,372.27.

Adopted this 10th day of December, 2007.

Approved this 11th day of December, 2007.

Stephen F. Stockton
Mayor

ATTEST:

Tracey Covert
City Clerk

Alderman Stearns questioned this item. Tom Hamilton, City Manager, informed the Council that the Fire Department was replacing existing furniture. Dan Shanks, Deputy Chief – Operations, addressed the Council. The Fire Department planned to replace three (3) desks and credenzas at the Headquarters Fire Station. Alderman Stearns expressed her opinion that this item, (office furnishings), be deferred in a cost savings measure.

Mayor Stockton questioned the reason for this purchase. Mr. Hamilton noted that the furniture was over twenty (20) years old. It lacked ergonomical features. He cited the cost for single carpel tunnel case. Deputy Chief Shanks added that appropriate work stations would be purchased. The furniture in question was original to the building, (over thirty years old). The Headquarters Stations was remodeled. The cost of this project was spread over a number of fiscal years. The goal of the project was to have an up to date work environment. An assessment had been done. Furniture replacement was begun with the support staff positions.

Alderman Stearns recommended that this item be deferred an additional year. She added her belief that an ergonomic update could be achieved at a lower cost.

Motion by Alderman Finnegan, seconded by Alderman Gibson that the formal bidding process be waived, the office furniture purchased from Resource One in the amount of \$10,372.27, the Purchasing Agent authorized to issue a Purchase Order for same, and the Resolution adopted.

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

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

Nays: None.

Motion carried.

The following was presented:

To: Honorable Mayor and Members of the City Council

From: Staff

Subject: Purchase of Replacement Storage Area Network

Staff is requesting Council approval to purchase a replacement Storage Area Network (SAN). The SAN is the hard drive and networking equipment that the City uses as the centralized data repository. This is where a large portion of the City's critical data is housed.

The current SAN is now four (4) years old and is need of replacement. Although the depreciation schedule on this equipment was five (5) years, staff believes it is critical to replace this equipment early. After March, 2009, the City will be unable to purchase maintenance from EMC (the manufacturer) direct. Although it would be possible to secure maintenance through a third party, staff believes this would be a risk. Additionally, if the current SAN were to be kept in place, more capacity would need to be added in order to accommodate current data storage requirements, which would be a waste of funds so close to the FY2008-2009 replacement.

Another integral part of the City's electronic data management system is the backup tape library. This device is used to store the City's data off-site for longer terms. Staff will also request permission to replace this equipment in the coming months. The SAN upgrade will introduce more options to stage data in backup to disk operations, and staff believes it best to upgrade the SAN before the backup tape library. This will allow us to evaluate the backup process taking into account the capabilities of the new SAN.

Staff researched the current storage market and found many suitable options for the manufacturer of the replacement SAN. After an exhaustive research and analysis process, it is believed that replacing the current EMC SAN with a new version from EMC would be the best price and performance option. Staff has sought and received the following quotes from local vendors for the desired EMC SAN configuration.

Sentinel Technologies, Inc.	Springfield, IL	\$86,066.00	***recommended
Border River	Davenport, IA	\$94,995.00	
DELL, Inc.	Naperville, IL	\$94,175.00	

Staff respectfully requests that the City Council authorize the Purchasing Agent to issue a purchase order for \$86,066 to Sentinel Technologies, with payment to be made with funds budgeted in the Information Services Equipment Fixed Asset (F11610-72120) and Other Professional and Technical Services (G11610-70220) accounts.

Respectfully,

Scott Sprouls
 Director of Information Services

Tom Hamilton
 City Manager

Motion by Alderman Finnegan, seconded by Alderman Gibson that the Storage Area Network be purchased from Sentinel Technologies, Inc. in the amount of \$86,066, 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, Fruin and Purcell.

Nays: None.

Motion carried.

The following was presented:

To: Honorable Mayor and Members of the City Council

From: Staff

Subject: Purchase of Replacement Pickup Truck For Public Service Department

On November 2, 2007 a supervisor's pickup truck in the Public Service Department was involved in an accident. The truck involved was a 1997 GMC 1500 extended cab pickup truck with 87,000 miles. RIMCO has declared the truck a total loss and will be paying the City \$7,025 for it. A replacement truck can be purchased using the State of Illinois Joint Purchasing Contract from Bob Riding Inc., Taylorville. The replacement truck is a 2008 Ford extended cab pickup truck for the purchase price of \$19,494. Funds for this purchase are available in F16230-72130.

Staff respectfully recommends waiving the formal bidding process and purchase the replacement truck from Bob Riding Inc., Taylorville using the State of Illinois Joint Purchasing Contract in the total amount of \$19,494.

Respectfully,

Daniel Augstin
Director Fleet Management

Tom Hamilton
City Manager

RESOLUTION NO. 2007 - 106

**A RESOLUTION WAIVING THE FORMAL BIDDING PROCESS AND
AUTHORIZING THE PURCHASE OF A REPLACEMENT TRUCK FOR THE PUBLIC
SERVICE DEPARTMENT FROM BOB RIDINGS, INC. AT A PURCHASE PRICE OF
\$19,494**

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

1. That the bidding process be waived and the Purchasing Agent be authorized to Purchase a replacement pickup truck for the Public Service Department from Bob Ridings, Inc. at a Purchase Price of \$19,494.

Adopted this 10th day of December, 2007.

Approved this 11th day of December, 2007.

Stephen F. Stockton
Mayor

ATTEST:

Tracey Covert
City Clerk

Motion by Alderman Finnegan, seconded by Alderman Gibson that the formal bidding process be waived, the replacement truck be purchased from Bob Riding Inc., Taylorville using the State of Illinois Joint Purchasing Contract in the total amount of \$19,494, Purchasing Agent authorized to issue a Purchase Order for same, and the Resolution adopted.

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

Ayes: Aldermen Stearns, Huette, Schmidt, Finnegan, Gibson, Hanson, 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 for Euclid Avenue from Oakland Avenue to Washington Street

On April 24, 2006, Council awarded a contract for the reconstruction of Euclid Avenue from Oakland Avenue to Washington Street to Stark Excavating, Inc. During construction of this project, staff informed Council that extras to the contract were being encountered. The following twelve (12) items have resulted in additional costs.

1. In order to make a smooth transition between the new pavement and the existing pavement on Olive Street, west of Euclid, it was necessary to remove and replace additional bituminous pavement and to construct additional granular sub-base. The extra cost of this additional work was \$24,036.

2. Included in this contract were quantities to remove any unsuitable sub-grade and replace it with suitable granular material. The quantity of unsuitable material encountered while preparing to pave this street was greater than the estimated quantity in the contract. The extra cost to remove the unsuitable material and replace it with the proper granular material was \$12,869.51.
3. In order to meet the new earth embankment slopes in some of the front yards, it was necessary to construct a retaining wall. The additional cost to properly construct this needed retaining wall was \$12,171.60.
4. Due to an error, the original contract did not include the correct quantity of 15" storm sewer. The quantity of 15" storm sewer which was shown on the plans and was needed was 197 lineal feet more than the quantity in the contract. This resulted in an additional cost of \$10,542.45.
5. While constructing the new storm sewer on this project, it was discovered that because of inadequate records, the location of an existing water main and an existing gas main were not properly shown on the plans. The proposed location of the new storm sewer was very close to the existing water main and existing gas main. Because of limited space and other utilities it was necessary to excavate very carefully around the existing water main and gas main and keep them in service until a new water main and gas line could be completed. This extra work was completed at an additional cost of \$17,513.69.
6. While constructing the new storm sewer on this project, we discovered a sewer from the Cargill Plant which was found to be in conflict with the new storm sewer. The conflict was resolved by reconstructing a section of Cargill sewer with ductile iron pipe. The extra cost of this additional work was \$6,937.53.
7. To protect a section of concrete pavement which was constructed late in the year from possible salt damage, it was necessary to apply a protective coat of linseed oil. The extra cost of this additional work was \$6,107.40.
8. To allow for proper access for three (3) homeowners it was necessary to widen, regrade, and reconstruct three (3) white rock driveways. The extra cost to complete this work was \$6,352.60.
9. In order to meet existing sidewalks at the proper grade, it was necessary to construct two (2) sets of concrete steps. These concrete steps were constructed at an additional cost of \$2,290.
10. During negotiations to obtain the necessary easements and right-of-way for this project, the City agreed to install three (3) additional ten foot (10") wide chain link fence gates and perform additional chain link fence work. The extra cost of this additional work was \$3,210.20.

11. Due to inadequate records of the old existing water main on Washington Street at Euclid Avenue and in order to properly connect to the new water main on Euclid to the existing main, it was necessary to install additional 6" water main, additional fittings, and an additional valve for an additional cost of \$8,923.77.
12. It was necessary to replace two (2) additional fire hydrants at an additional cost of \$3,500.

Original Contract	\$1,399,893.75
This Change Order	<u>114,454.75</u>
Completed Contract	\$1,514,348.50

These additions were not reasonably foreseeable at the time the contract was signed and were in the best interest of the City. As this additional work was necessary for the orderly and proper completion of this project, staff therefore respectfully recommends that Council approve this Change Order to the contract with Stark Excavating, Inc. in the amount of \$114,454.75 with payment to be made as follows:

X55200-72540 Storm Water Funds	\$32,331.22
X50200-72540 Water Depreciation Funds	\$12,423.77
X40152-72530 Capital Improvement Funds	\$69,699.76

Respectfully,

Douglas G. Grovesteen
Director of Engineering

Tom Hamilton
City Manager

RESOLUTION NO. 2007 - 107

A RESOLUTION AUTHORIZING A CHANGE ORDER IN THE AMOUNT OF \$114,454.75 IN THE CONTRACT BETWEEN THE CITY OF BLOOMINGTON AND STARK EXCAVATING, INC. FOR EUCLID AVENUE FROM OAKLAND AVENUE TO WASHINGTON STREET

WHEREAS, the City of Bloomington has previously entered into a contract with Stark Excavating, Inc. for Euclid Avenue from Oakland Avenue to Washington Street; and

WHEREAS, for the reasons set forth in a staff report dated December 10, 2007 the following additional work was necessary:

1. In order to make a smooth transition between the new pavement and the existing pavement on Olive Street, west of Euclid, it was necessary to remove and replace additional bituminous pavement and to construct additional granular sub-base. The extra cost of this additional work was \$24,036.

2. Included in this contract were quantities to remove any unsuitable sub-grade and replace it with suitable granular material. The quantity of unsuitable material encountered while preparing to pave this street was greater than the estimated quantity in the contract. The extra cost to remove the unsuitable material and replace it with the proper granular material was \$12,869.51.
3. In order to meet the new earth embankment slopes in some of the front yards, it was necessary to construct a retaining wall. The additional cost to properly construct this needed retaining wall was \$12,171.60.
4. Due to an error, the original contract did not include the correct quantity of 15" storm sewer. The quantity of 15" storm sewer which was shown on the plans and was needed was 197 lineal feet more than the quantity in the contract. This resulted in an additional cost of \$10,542.45.
5. While constructing the new storm sewer on this project, it was discovered that because of inadequate records, the location of an existing water main and an existing gas main were not properly shown on the plans. The proposed location of the new storm sewer was very close to the existing water main and existing gas main. Because of limited space and other utilities it was necessary to excavate very carefully around the existing water main and gas main and keep them in service until a new water main and gas line could be completed. This extra work was completed at an additional cost of \$17,513.69.
6. While constructing the new storm sewer on this project, we discovered a sewer from the Cargill Plant which was found to be in conflict with the new storm sewer. The conflict was resolved by reconstructing a section of Cargill sewer with ductile iron pipe. The extra cost of this additional work was \$6,937.53.
7. To protect a section of concrete pavement which was constructed late in the year from possible salt damage, it was necessary to apply a protective coat of linseed oil. The extra cost of this additional work was \$6,107.40.
8. To allow for proper access for three (3) homeowners it was necessary to widen, regrade, and reconstruct three (3) white rock driveways. The extra cost to complete this work was \$6,352.60.
9. In order to meet existing sidewalks at the proper grade, it was necessary to construct two (2) sets of concrete steps. These concrete steps were constructed at an additional cost of \$2,290.
10. During negotiations to obtain the necessary easements and right-of-way for this project, the City agreed to install three (3) additional ten foot (10") wide chain link fence gates and perform additional chain link fence work. The extra cost of this additional work was \$3,210.20.

11. Due to inadequate records of the old existing water main on Washington Street at Euclid Avenue and in order to properly connect to the new water main on Euclid to the existing main, it was necessary to install additional 6" water main, additional fittings, and an additional valve for an additional cost of \$8,923.77.
12. It was necessary to replace two (2) additional fire hydrants at an additional cost of \$3,500.

WHEREAS, it is the finding of the City Council that the decision to perform the work described in the December 10, 2007 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 \$114,454.75 in the contract between the City of Bloomington and Stark Excavating, Inc. for Euclid Avenue from Oakland Avenue to Washington Street be approved.

ADOPTED this 10th day of December, 2007.

APPROVED this 11th day of December, 2007.

Stephen F. Stockton
Mayor

ATTEST:

Tracey Covert
City Clerk

Alderman Finnegan questioned the fifth item listed regarding this Change Order. He noted the associated cost of \$17,513.69. He did not understand this item. Doug Grovesteen, Director of Engineering, addressed the Council. He noted that the water main and natural gas pipes were in place. The contractor had to work in tight quarters in order to build the storm sewers. The water mains and natural gas pipes were not supposed to be there. The work progressed slower than anticipated which in turn drove up the cost.

Mayor Stockton expressed his understanding in theory. He questioned the billing. Mr. Grovesteen noted that the City had received a detailed invoice.

Motion by Alderman Finnegan, seconded by Alderman Gibson that the Change Order in the amount of \$114,454.75 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, Fruin and Purcell.

Nays: None.

Motion carried.

The following was presented:

To: Honorable Mayor and Members of the City Council

From: Staff

Subject: Acceptance of a Payment in Lieu of Work Necessary to Properly Abandon Water Service Lines at the Walgreens Site on South Main Street

As part of the demolition work at the new Walgreens site on South Main Street, south of Wood Street, staff provided information concerning the water service lines to the buildings that were to be demolished to the developer, the Blackstone Group. The water service lines must be properly abandoned by disconnecting the water service line at the water main. This site contained water service lines extending to water mains in Wood Street, Center Street and Main Street.

In evaluating the disconnection of the water services, staff determined that the eight (8) water service lines extending into South Main Street were connected to a six inch (6") water main that could be abandoned in place if it were completely abandoned in this area. This action would require that other customers attached to this water main be removed from same and reconnected to a parallel sixteen inch (16") water main. This would require some expense on the City's part. Therefore staff proposed that the six inch (6") water main abandonment be completed with a cost sharing arrangement. All other service line disconnections would still be the responsibility of the developer. The amount negotiated is \$12,800 for the eight (8) water service lines in South Main Street. The additional work of designing the project and the actual work to abandon the six inch (6") water main in South Main Street from Miller Street to Oakland Avenue would be the cost of the Water Department.

The cost sharing arrangement to abandon the six inch (6") water main is the recommended option for this work for several reasons. First, this water main runs under the western lane of South Main Street. If it should break, as it has in the past, it requires extensive traffic control to make the repair. The sixteen inch (16") water main actually runs in the eastern parkway, out of the pavement of South Main Street. Next, historically upwards of 80% of the water main breaks in the City occur on smaller water mains. Some of this statistic can be attributed to the age of the water mains as six inch (6") water mains were more predominant in the early years of the water system. However, it is well known that the larger the water pipe diameter, the greater the ability to withstand pressure changes within the pipe or external forces such as traffic loads or frost heave.

Lastly, the remaining water service lines that would be reconnected to the sixteen inch (16") water main will be of copper pipe and numerous older service lines of materials such as lead and galvanized steel will be abandoned. Copper provides years of service and the lead and galvanized steel water service lines have longevity and health implications.

Staff respectfully recommends that the payment in lieu of the work necessary to complete the water service line abandonment of eight (8) water services in South Main Street at the site of the Walgreen's development be accepted and that the Water Department complete the work necessary to abandon the six inch (6") water main in this area.

Respectfully,

Craig M. Cummings
Water Director

Tom Hamilton
City Manager

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

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

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

Nays: None.

Motion carried.

The following was presented:

To: Honorable Mayor and Members of the City Council

From: Staff

Subject: Professional Services Agreement with Lewis, Yockey and Brown, Inc. for the Design of the Water Main Abandonment Project on South Main Street from Miller Street to Oakland Avenue

Staff is proposing a project to abandon a six inch (6") water main in South Main Street from Miller Street to Oakland Avenue. This project was proposed as an alternative to abandonment of the water service lines that extend from eight (8) structures to be demolished as part of the Walgreens development on South Main Street. Staff sought a proposal from Lewis, Yockey and Brown, Inc. to design this project. Lewis, Yockey and Brown, Inc. was selected from a group of engineering firms that were requested to present qualifications for water main projects at the beginning of the fiscal year.

Staff respectfully recommends that Council approve the Agreement with Lewis, Yockey and Brown, Inc. for the design of a project to abandon a six inch (6") water main in South Main Street from Miller Street to Oakland Avenue in the amount of \$12,000 plus expenses with the project to be paid for with funds from the Water Department/Depreciation Fund, Consultant Services (Account # X50200-70050).

Respectfully,

Craig M. Cummings
Director of Water

Tom Hamilton
City Manager

Motion by Alderman Finnegan, seconded by Alderman Gibson that the agreement be approved in the amount of \$12,000, plus expenses, 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, Fruin and Purcell.

Nays: None.

Motion carried.

The following was presented:

To: Honorable Mayor and Members of the City Council

From: Staff

Subject: Disposition of 702 S. Morris – Site of the Old Scoop Dreams Store

In 1997, Council approved the provision of Community Development Block Grant (CDBG) funds to a joint activity between Project OZ, Youth Impact Inc. and the Community Youth Liaison Council to assist in the acquisition of the site/structure located at 702 S. Morris Avenue, which came to be known as Scoop Dreams. The entities operating the Scoop Dream program determined it was necessary to end the existing program during 2006. Since federal funds had been received in the purchase of the site, a subrecipient agreement had been entered into with Community Development. The subrecipient agreement outlined many federal regulations which must be complied with including provisions of the Department of Housing and Urban Development's federal regulations as it relates to retaining or disposing of real property inventory purchased with federal funds.

Although the participating entities sought out proposals from other local non-profit agencies, in hopes of locating one that could continue the operation of a similar program at the site, an

acceptable agency was not identified. Therefore, it was determined the best solution would be to give the property back to the City (Community Development).

After reviewing the options available for the property, staff determined the highest and best use for the property would be to demolish the existing building and either 1.) redevelop the site as a single lot, or 2.) donate the two (2) lots to adjoining property owners. This decision was based on the following facts:

1. The site was actually two (2) small lots of record. The corner lot being 49 ft. x 71 ft. and the easterly lot being 49 ft. x 40 ft.
2. The site was originally zoned C2, Neighborhood Shopping District. It was surrounded by R1-C zoned districts, which is High Density Single Family. (The parcels have since been zoned R1-C, as approved by Council on November 13, 2007.)
3. To retain the site as one (1) lot for redevelopment, with a permitted use allowed in the R1-C zoned district, there would be two (2) required front yards (25 ft. each or block average), one (1) required rear yard (25 ft.) and one (1) required side yard (6 ft.) This would leave an area of approximately 18 ft. X 61 ft. for construction. Although a small house could be constructed on the site, staff did not believe that it would be best for this particular busy intersection.
4. The adjoining property owners were contacted and both indicated that they would accept the donation of land. The lot identified as Tract 1 on the plat of survey would be donated to the owner of the property to the south. The lot identified as Tract 2 on the plat of survey would be donated to the owner of the property to the east.
5. Since CDBG funds were expended in this original project, any disposition of the property would not directly benefit the City General Fund.

Staff hereby requests that parcel 21-08-226-001 be donated to James M. Pisell, property owner to the south and that parcel 21-08-226-002 be donated to Judy Dobbs, property owner to the east.

Respectfully,

Mark Huber
Director of PACE

Tom Hamilton
City Manager

Motion by Alderman Finnegan, seconded by Alderman Gibson that the property be donated to the adjoining property owners 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, Fruin and Purcell.

Nays: None.

Motion carried.

The following was presented:

To: Honorable Mayor and Members of the City Council
From: Staff
Subject: Motor Fuel Tax Resolution for Construction of the White Oak Road & Dr. Martin Luther King Jr. Drive MFT Section No. 96-00306-00-SP

The construction of the White Oak Road & Dr. Martin Luther King Jr. Drive is nearly complete and the Motor Fuel Tax Resolution passed at the December 26, 2006 Council meeting needs to be increased to accommodate final construction costs.

As all items are in order, staff respectfully recommends that Council adopt a MFT Resolution appropriating \$7,000 in Motor Fuel Tax Funds (X20300-72530) for the construction of the White Oak Road & Dr. Martin Luther King Jr. Drive intersection.

Respectfully,

Douglas G. Grovesteen
Director of Engineering

Tom Hamilton
City Manager

(MFT RESOLUTION 2007-108 ON FILE IN CLERK'S OFFICE)

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

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

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

Nays: None.

Motion carried.

The following was presented:

To: Honorable Mayor and Members of the City Council

From: Staff

Subject: Abatement of Tax Levy

Attached please find the following resolutions abating taxes:

1. Abatement for tax levy for \$11,650,000 General Obligation Bonds, Series 1995. (The last debt service payment for this issue is 12-01-2010.)
2. Abatement for tax levy for \$4,965,000 General Obligation Refunding of Market Square Tax Increment Bonds Series 1994. (The last debt service payment for this issue is 12-01-2013.)
3. Abatement for tax levy for \$4,965,000 of Market Square Increment General Obligation Bonds Series 1994. (The last debt service payment for this issue is 12-01-2013.)
4. Abatement for tax levy to pay the rent payable under the Lease Agreement between the Public Building Commission, McLean County and the City of Bloomington for the old Champion Building and the expansion of the parking garage. (The last debt service payment for this issue is 11-01-2021.)
5. Abatement for tax levy for \$6,380,000 General Obligation Refunding Bonds (of \$6,600,000 authorized), Series 2001. (The last debt service payment for this issue is 12-01-2010.)
6. Abatement for 2003 addition to the tax levy to pay the rent payable under the Lease Agreement between the Public Building Commission, McLean County and the City of Bloomington for the old Champion Building and the expansion of the parking garage. (The last debt service payment for this issue is 11-01-2022.)
7. Abatement for tax levy for \$15,600,000 Variable General Obligation Bonds, Series 2004. (The last debt service payment for this issue is 06-01-2024.)
8. Abatement for tax levy for \$29,455,000 Taxable General Obligation Bonds, Series 2004. (The last debt service payment for this issue is 06-01-2034.)
9. Abatement for tax levy for \$9,900,000 Fixed General Obligation Bonds, Series 2005. (The last debt service payment for this issue is 06-01-2026.)
10. Abatement for tax levy for \$10,000,000 Fixed General Obligation Bonds, Series 2007. (The last debt service payment for this issue is 06-01-2032.)

Staff respectfully requests that the Resolutions be adopted.

Respectfully,

Brian J. Barnes
Finance Director

Tom Hamilton
City Manager

RESOLUTION NO. 2007 – 109

**A RESOLUTION ABATING TAX LEVY FOR \$11,650,000 GENERAL
OBLIGATION BONDS, SERIES 1995**

WHEREAS, the City of Bloomington is a home rule unit pursuant to the provisions of Article VII, Section 6 of the 1970 Constitution of the State of Illinois, which Section authorizes home rule units to incur debt without referendum; and

WHEREAS, the City Council on February 27, 1995 passed Ordinance No. 1995-8, “An Ordinance Authorizing the Issuance of \$11,650,000 General Obligation Bonds, Series 1995 of the City of Bloomington”; and

WHEREAS, Section 8 of said Ordinance included a levy of taxes on all taxable real estate within the City of Bloomington corporate limits to pay principal and interest on the bonds issued thereby; and

WHEREAS, said Section 8 provided for the levy of \$1,209,662.50 in 2007 to pay off a portion of said principal and interest due in 2008, but the City of Bloomington has funds on hand available to pay such principal and interest, and that \$130,262.50 has previously been abated leaving a remaining balance for the 2007 levy of \$1,079,400.00.

NOW, THEREFORE, BE IT RESOLVED by the City of Bloomington, McLean County, Illinois, that the levy against taxable property in the City of Bloomington for the levy year 2007 payable in 2008 and on account of the aforesaid \$11,650,000 in bonds be and the same is hereby abated for said taxable year, and the County Clerk of McLean County, Illinois is authorized and directed not to extend the remaining \$1,079,400.00 in real estate taxes for levy 2007.

BE IT FURTHER RESOLVED that a certified copy of this Resolution be delivered to the County Clerk of McLean County, Illinois under official seal of the Clerk of the City.

ADOPTED this 10th day of December, 2007.

APPROVED this 11th day of December, 2007.

Stephen F. Stockton, Mayor

ATTEST:

Tracey Covert, City Clerk

RESOLUTION NO. 2007 – 110

**A RESOLUTION ABATING TAX LEVY FOR \$4,965,000 GENERAL
OBLIGATION REFUNDING BONDS, SERIES 1994**

WHEREAS, the City of Bloomington is authorized under the provisions of the Tax Increment Allocation Redevelopment Act (65 ILCS 5/11-74.4-1, et seq.) to issue general obligation bonds for the purpose of financing improvements in the increment financing areas; and

WHEREAS, the City Council on March 28, 1994 passed Ordinance No. 1994-25, “An Ordinance Authorizing the Issuance of \$4,965,000 General Obligation Refunding Bonds, Series 1994 of the City of Bloomington”; and

WHEREAS, Section 8 of said Ordinance included a levy of taxes on all taxable real estate within the City of Bloomington corporate limits to pay principal and interest on the bonds issued thereby; and

WHEREAS, said Section 8 provided for the levy of \$455,937.50 in 2007 to pay off a portion of said principal and interest due in 2008, but the City of Bloomington has funds on hand available to pay such principal and interest.

NOW, THEREFORE, BE IT RESOLVED by the City of Bloomington, McLean County, Illinois, that the levy against taxable property in the City of Bloomington for the year 2007 and on account of the aforesaid \$4,965,000 in bonds be and the same is hereby abated for said taxable year, and the County Clerk of McLean County, Illinois is authorized and directed not to extend the \$455,937.50 in real estate taxes.

BE IT FURTHER RESOLVED that a certified copy of this Resolution be delivered to the County Clerk of McLean County, Illinois under official seal of the Clerk of the City.

ADOPTED this 10th day of December, 2007.

APPROVED this 11th day of December, 2007.

Stephen F. Stockton
Mayor

ATTEST:

Tracey Covert
City Clerk

RESOLUTION NO. 2007 – 111

**A RESOLUTION ABATING TAX LEVY FOR MARKET SQUARE TAX
INCREMENT GENERAL OBLIGATION PURPOSE BONDS, SERIES 1994**

WHEREAS, the City of Bloomington is a home rule unit pursuant to the provisions of Article VII, Section 6 of the 1970 Constitution of the State of Illinois, which Section authorizes home rule units to incur debt without referendum; and

WHEREAS, the City of Bloomington, pursuant to procedures adopted in Ordinance No. 1975-30 as shown in Chapter 16, Article VI of the Bloomington City Code, 1960 as amended, decided to issue Four Million Nine Hundred Sixty Five Thousand Dollars (\$4,965,000) in Market Square Increment General Obligation Bonds pursuant to Ordinance No. 1994-26, passed March 28, 1994; and

WHEREAS, pursuant to the authority of said home rule ordinances in said election and provisions of all ordinances relating thereto, taxes would be extended against all the taxable property within the City of Bloomington for the year 2007, payable in the year 2008; and

WHEREAS, there are surplus funds on hand from incremental property and sales tax revenues and interest from the investment of these revenues in an amount sufficient to pay the principal and interest obligations due on said issues for the 2007 levy of \$438,550.00 payable in the year 2008.

NOW, THEREFORE, BE IT RESOLVED by the City of Bloomington, McLean County, Illinois, that the levy of \$438,550.00 against taxable property in the City of Bloomington for the year 2007, payable in 2008 and on account of the aforesaid Four Million Nine Hundred Sixty Five Thousand Dollars (\$4,965,000) in Market Square Tax Increment General Obligation Bonds Series 1994 is hereby abated for said taxable year, and the County Clerk of McLean County, Illinois is authorized and directed not to extend the same on the tax books of the City of Bloomington property for the levy year 2007.

BE IT FURTHER RESOLVED that a certified copy of this Resolution be delivered to the County Clerk of McLean County, Illinois under official seal of the Clerk of the City.

ADOPTED this 10th day of December, 2007.

APPROVED this 11th day of December, 2007.

Stephen F. Stockton, Mayor

ATTEST:

Tracey Covert, City Clerk

RESOLUTION NO. 2007 – 112

A RESOLUTION ABATING TAX LEVY FOR RENT PAYABLE UNDER LEASE AGREEMENT BETWEEN THE PUBLIC BUILDING COMMISSION, MCLEAN COUNTY AND THE CITY OF BLOOMINGTON FOR THE OLD CHAMPION BUILDING AND THE EXPANSION OF THE PARKING GARAGE

WHEREAS, the City of Bloomington is a home rule unit pursuant to the provisions of Article VII, Section 6 of the 1970 Constitution of the State of Illinois, which Section authorizes home rule units to incur debt without referendum; and

WHEREAS, the City of Bloomington, pursuant to procedures adopted in Ordinance No. 2001-121 as shown in Chapter 16, Article VI of the Bloomington City Code, 1960 as amended, decided to enter into an agreement with the Public Building Commission to lease a portion of the old Champion Building and to expand the parking garage, passed November 13, 2001; and

WHEREAS, pursuant to the authority of said home rule ordinances in said election and provisions of all ordinances relating thereto, taxes would be extended against all the taxable property within the City of Bloomington for the year 2007, payable in the year 2008; and

WHEREAS, there are surplus funds on hand from incremental property and sales tax revenues and interest from the investment of these revenues in an amount sufficient to pay the principal and interest obligations due on said issues in the year 2008.

NOW, THEREFORE, BE IT RESOLVED by the City of Bloomington, McLean County, Illinois, that the levy against taxable property in the City of Bloomington for the year 2007, payable in 2008 for \$919,685.00 and on account of the aforesaid agreement is hereby abated for said taxable year, and the County Clerk of McLean County, Illinois is authorized and directed not to extend the same on the tax books of the City of Bloomington property for the tax year levy 2007.

BE IT FURTHER RESOLVED that a certified copy of this Resolution be delivered to the County Clerk of McLean County, Illinois under official seal of the Clerk of the City.

ADOPTED this 10th day of December, 2007.

APPROVED this 11th day of December, 2007.

Stephen F. Stockton
Mayor

ATTEST:

Tracey Covert
City Clerk

RESOLUTION NO. 2007 – 113

A RESOLUTION ABATING TAX LEVY FOR GENERAL OBLIGATION REFUNDING BONDS, SERIES 2001

WHEREAS, the City of Bloomington is a home rule unit pursuant to the provisions of Article VII, Section 6 of the 1970 Constitution of the State of Illinois, which Section authorizes home rule units to incur debt without referendum; and

WHEREAS, the City of Bloomington, pursuant to procedures adopted in Ordinance No. 1975-30 as shown in Chapter 16, Article VI of the Bloomington City Code, 1960 as amended, decided to issue Six Million Three Hundred Eighty Thousand Dollars (\$6,380,000) in General Obligation Refunding Bonds, Series 2001 (of \$6,600,000 authorized) pursuant to Ordinance No. 2001-123, passed November 26, 2001; and

WHEREAS, pursuant to the authority of said home rule ordinances in said election and provisions of all ordinances relating thereto, \$2,451,400 in taxes would be extended against all the taxable property within the City of Bloomington for the tax year 2007, payable in the year 2008; and that \$152,200 of this amount has already been abated leaving a remainder of \$2,298,800 to be levied for the tax year 2007, payable in 2008; and that there are surplus funds on hand from other revenues and interest from the investment of these revenues in an amount sufficient to pay an additional \$2,219,480 of the principal and interest due on said issues in the tax year 2007.

NOW, THEREFORE, BE IT RESOLVED by the City of Bloomington, McLean County, Illinois, that the levy against taxable property in the City of Bloomington for the tax year 2007, payable in 2008 and on account of the aforesaid Refunding Bond Issue, Series 2001 is hereby partially abated by an additional \$2,219,480 of the amount due, leaving a net levy of \$79,320 to be levied for said taxable year, and the County Clerk of McLean County, Illinois is authorized and directed to extend the same on the tax books of the City of Bloomington property for the tax levy year 2007.

BE IT FURTHER RESOLVED that a certified copy of this Resolution be delivered to the County Clerk of McLean County, Illinois under official seal of the Clerk of the City.

ADOPTED this 10th day of December, 2007.

APPROVED this 11th day of December, 2007.

Stephen F. Stockton, Mayor

ATTEST:

Tracey Covert, City Clerk

RESOLUTION NO. 2007 – 114

A RESOLUTION ABATING TAX LEVY FOR RENT PAYABLE UNDER LEASE AGREEMENT BETWEEN THE PUBLIC BUILDING COMMISSION, MCLEAN COUNTY AND THE CITY OF BLOOMINGTON FOR THE OLD CHAMPION BUILDING AND THE EXPANSION OF THE PARKING GARAGE

WHEREAS, the City of Bloomington is a home rule unit pursuant to the provisions of Article VII, Section 6 of the 1970 Constitution of the State of Illinois, which Section authorizes home rule units to incur debt without referendum; and

WHEREAS, the City of Bloomington, pursuant to procedures adopted in Ordinance No. 2003-125 as shown in Chapter 16, Article VI of the Bloomington City Code, 1960 as amended, decided to enter into an agreement with the Public Building Commission to lease a portion of the old Champion Building and to expand the parking garage, passed December 22, 2003; and

WHEREAS, pursuant to the authority of said home rule ordinances in said election and provisions of all ordinances relating thereto, taxes would be extended against all the taxable property within the City of Bloomington for the year 2007, payable in the year 2008; and

WHEREAS, there are surplus funds on hand from incremental property and sales tax revenues and interest from the investment of these revenues in an amount sufficient to pay the principal and interest obligations due on said issues in the year 2008.

NOW, THEREFORE, BE IT RESOLVED by the City of Bloomington, McLean County, Illinois, that the levy against taxable property in the City of Bloomington for the year 2007, payable in 2008 for \$229,000.00 and on account of the aforesaid agreement is hereby abated for said taxable year, and the County Clerk of McLean County, Illinois is authorized and directed not to extend the same on the tax books of the City of Bloomington property for the tax year levy 2007.

BE IT FURTHER RESOLVED that a certified copy of this Resolution be delivered to the County Clerk of McLean County, Illinois under official seal of the Clerk of the City.

ADOPTED this 10th day of December, 2007.

APPROVED this 11th day of December, 2007.

Stephen F. Stockton, Mayor

ATTEST:

Tracey Covert, City Clerk

RESOLUTION NO. 2007 – 115

**A RESOLUTION ABATING TAX LEVY FOR \$15,600,000 GENERAL
OBLIGATION BONDS, SERIES 2004**

WHEREAS, the City of Bloomington is a home rule unit pursuant to the provisions of Article VII, Section 6 of the 1970 Constitution of the State of Illinois, which Section authorizes home rule units to incur debt without referendum; and

WHEREAS, the City Council on September 27, 2004 passed Ordinance No. 2004-90, “An Ordinance Providing For The Issue Of General Obligation Demand Bonds, Series 2004, Of The City Of Bloomington, McLean County, Illinois, And For The Levy Of A Direct Annual Tax Sufficient To Pay The Principal Of and Interest On Such Bonds And For Certain Revenue Sources To Pay The Principal Of And Interest On Such Bonds, And Related Matters.”; and

WHEREAS, Article III of said Ordinance included a levy of taxes on all taxable real estate within the City of Bloomington corporate limits to pay principal and interest on the bonds issued thereby; and

WHEREAS, said Article III provided for the levy of \$1,158,972.06 in tax year 2007 to pay off a portion of said principal and interest due in 2008, but the City of Bloomington has funds on hand available to pay such principal and interest.

NOW, THEREFORE, BE IT RESOLVED by the City of Bloomington, McLean County, Illinois, that the levy against taxable property in the City of Bloomington for the levy year 2007 payable in 2008 and on account of the aforesaid \$15,600,000 in bonds be and the same is hereby abated for said taxable year, and the County Clerk of McLean County, Illinois is authorized and directed not to extend the \$1,158,972.96 in real estate taxes for levy 2007 payable in 2008.

BE IT FURTHER RESOLVED that a certified copy of this Resolution be delivered to the County Clerk of McLean County, Illinois under official seal of the Clerk of the City.

ADOPTED this 10th day of December, 2007.

APPROVED this 11th day of December, 2007.

Stephen F. Stockton
Mayor

ATTEST:

Tracey Covert
City Clerk

RESOLUTION NO. 2007 – 116

**A RESOLUTION ABATING TAX LEVY FOR \$29,445,000 TAXABLE
GENERAL OBLIGATION BONDS, SERIES 2004**

WHEREAS, the City of Bloomington is a home rule unit pursuant to the provisions of Article VII, Section 6 of the 1970 Constitution of the State of Illinois, which Section authorizes home rule units to incur debt without referendum; and

WHEREAS, the City Council on April 12, 2004 passed Ordinance No. 2004-21, “An Ordinance of the City of Bloomington, McLean County, Illinois, Providing for the Issuance of Taxable General Obligation Bonds, Series 2004, Providing the Details of Such Bonds and for a Levy of Taxes to Pay the Principal of and Interest on Such Bonds, and Related Matters”; and was amended by Ordinance No, 2004-49 passed on June 28, 2004; and

WHEREAS, Section 8 of said Ordinance 2004-21 included a levy of taxes on all taxable real estate within the City of Bloomington corporate limits to pay principal and interest on the bonds issued thereby; and

WHEREAS, said Section 8 provided for the levy of \$2,750,000.00 in 2007 to pay off a portion of said principal and interest due in 2008, but the City of Bloomington has funds on hand available to pay such principal and interest, and that \$896,868.00 has previously been abated leaving a remaining balance for the 2007 levy of \$1,853,132.00.

NOW, THEREFORE, BE IT RESOLVED by the City of Bloomington, McLean County, Illinois, that the levy against taxable property in the City of Bloomington for the levy year 2007 payable in 2008 and on account of the aforesaid \$29,445,000 in bonds be and the same is hereby abated for said taxable year, and the County Clerk of McLean County, Illinois is authorized and directed not to extend the remaining \$1,853,132.00 in real estate taxes for levy 2007.

BE IT FURTHER RESOLVED that a certified copy of this Resolution be delivered to the County Clerk of McLean County, Illinois under official seal of the Clerk of the City.

ADOPTED this 10th day of December, 2007.

APPROVED this 11th day of December, 2007.

Stephen F. Stockton
Mayor

ATTEST:

Tracey Covert
City Clerk

RESOLUTION NO. 2007 – 117

**A RESOLUTION ABATING TAX LEVY FOR \$9,900,000 GENERAL
OBLIGATION BONDS, SERIES 2005**

WHEREAS, the City of Bloomington is a home rule unit pursuant to the provisions of Article VII, Section 6 of the 1970 Constitution of the State of Illinois, which Section authorizes home rule units to incur debt without referendum; and

WHEREAS, the City Council on October 24, 2005 passed Ordinance No. 2005-109 “An Ordinance Of The City Of Bloomington, McLean County, Illinois, Providing For The Issuance Of General Obligation Demand Bonds, Series 2005, Providing the Details of Such Bonds And For The Levy Of Taxes To Pay The Principal Of and Interest On Such Bonds And For Certain Revenue Sources To Pay The Principal Of And Interest On Such Bonds, And Related Matters.”; and

WHEREAS, Article 8 of said Ordinance included a levy of taxes on all taxable real estate within the City of Bloomington corporate limits to pay principal and interest on the bonds issued thereby; and

WHEREAS, said Article 8 provided for the levy of \$742,695.00 in tax year 2007 to pay off a portion of said principal and interest due in 2008, but the City of Bloomington has funds on hand available to pay such principal and interest.

NOW, THEREFORE, BE IT RESOLVED by the City of Bloomington, McLean County, Illinois, that the levy against taxable property in the City of Bloomington for the levy year 2007 payable in 2008 and on account of the aforesaid \$9,900,000 in bonds be and the same is hereby abated for said taxable year, and the County Clerk of McLean County, Illinois is authorized and directed not to extend the \$742,695.00 in real estate taxes for levy 2007 payable in 2008.

BE IT FURTHER RESOLVED that a certified copy of this Resolution be delivered to the County Clerk of McLean County, Illinois under official seal of the Clerk of the City.

ADOPTED this 10th day of December, 2007.

APPROVED this 11th day of December, 2007.

Stephen F. Stockton
Mayor

ATTEST:

Tracey Covert
City Clerk

RESOLUTION NO. 2007 – 118, ABATEMENT CERTIFICATE ON FILE IN CLERK'S OFFICE

Alderman Finnegan questioned this item. Tom Hamilton, City Manager, addressed the Council. Abatements are done annually as part of the Tax Levy Process. The City abates outstanding bond issues which are paid from other revenue sources. The City has a history of not paying bond debt with property taxes. These Resolutions were a legal process which the Council must approve.

Motion by Alderman Finnegan, seconded by Alderman Gibson that the Resolutions be adopted.

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

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

Nays: None.

Motion carried.

The following was presented:

To: Honorable Mayor and Members of the City Council

From: Staff

Subject: Proposed Ordinance Amending Chapter 27, Section 30 of the City Code

Staff is in the process of revising Chapter 27 Section 30 of the City Code, Water Department, and is respectfully requesting that the following change be made. Staff is requesting the change in Chapter 27, Section 30 based upon the following recommendations/issues:

Changing the delinquency fee for accounts that have been placed on the shut-off list from the current \$30.00 fee to a \$50.00 fee, effective February 1, 2008. The current rate of \$30.00 does not cover the Water Department's labor and vehicle cost in notifying customers, disconnecting service and restoring service that has been terminated. As such, all customers that are paying their City Services bills on time are in fact subsidizing the customers that are not.

The delinquency fee is being adjusted to bring it closer to the true cost of service to handle a delinquent account at the point they are placed on the shut-off list. The delinquency fee is not designed to be a revenue source; rather it is viewed as means to encourage customers to pay the City Services bill on time and if they are delinquent, provides a means to cover the cost incurred by the City to notify, shut-off and restore service to these accounts. By closing the gap on the cost of addressing delinquent accounts and moving the cost closer to the actual cost of service, this will eventually make this business transaction expense neutral. In other words, the customers

driving this cost will be paying for most, if not all, of the cost associated with the business transaction. This fee change will not affect the vast majority of customers. Only those that have not paid the City Services bill by the shut-off day will be impacted by this change.

The delinquency process has many steps before a customer would be subject to this fee. A customer is first provided a courtesy reminder that their account is delinquent on the first bill following the unpaid monthly bill. Once the second monthly bill is due, the customer is again notified of the past due amount. If the bill is not paid by the due date of the second bill, a delinquency notice is sent out notifying the customer their service will be terminated for delinquency. If not paid in the 10 days, the customer is placed on the shut-off list but is generally given another 5 days to make the payment. On the actual shut-off day, staff travels to each delinquent account and to physically shut off the curb stop, the valve at the property line which controls the water flow through the customer’s service line. If the account is then paid, staff must travel back to the property and reverse the process. The cost associated with a shut-off are as follows:

Delinquent mailing:	\$0.50	=	\$0.50
Shut-off list preparation @ 30 mins. per delinquent account	0.5 hour @ \$13.89/hr	=	\$6.95
Shut-off list preparation labor overheads @ 80%	\$13.89 x .5 hr. x 80%	=	\$5.56
Shut-off process labor to shut off @ 30 min. per account	0.5 hour @ \$25.86/hr.	=	\$12.93
Shut-off process labor overheads @ 80%	\$12.93 x 80%	=	\$10.34
Vehicle cost 30 minutes @ \$25/hr. for a pick-up truck	0.5 hour @ \$25.00/hr.	=	\$12.50
Service restoration labor to turn service back on:	0.5 hour @ \$25.86/hr.	=	\$12.93
Service restoration labor overheads @ 80%	\$12.93 x 80%	=	\$10.34
Vehicle cost 30 minutes @ \$25/hr. for a pick-up truck	.5 hour @ \$25.00/hr.	=	\$12.50
Actual cost per delinquent account:		=	\$84.55

Staff respectfully requests that Council adopt this Ordinance amending Chapter 27, Section 30 of the Bloomington City Code.

Respectfully,

Craig M. Cummings
 Director of Water

Tom Hamilton
 City Manager

ORDINANCE NO. 2007 - 98

AN ORDINANCE AMENDING BLOOMINGTON CITY CODE CHAPTER 27

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

SECTION 1. That Bloomington City Code Chapter 27, Section 30, be amended to read as follows (additions are indicated by underlining; deletions are indicated by strikeouts):

SECTION 30. NO OBLIGATION TO FURNISH WHEN DELINQUENT - CUT OFF NOTICE.

The City shall be under no obligation to furnish water to any premises for which a delinquent City Services bill remains unpaid. If any water charges, meter repair or any other charges for any building or premises are not paid within thirty (30) days of the due date of the City Services bill, the water service may be disconnected at once by whatever means necessary. The water service shall not be restored for said premises until all charges and penalties are paid or a written payment agreement has been entered into for payment of those charges and penalties, and in addition thereto ~~Thirty Dollars (\$30.00)~~ Fifty Dollars (\$50.00) for the delinquency fee ~~restoring said water service~~ if the ~~same~~ service is restored during regular service restoration hours which are specified to be 8:00 A.M. to 2:00 P.M., Monday through Friday, excluding holidays. If the service is restored outside of regular service restoration hours, the customer shall pay the City in advance, for the actual cost of the restoration of water service. If a written payment agreement is not fulfilled, the customer shall be disconnected at any time following the failure to fulfill the agreement. Governmental agencies of every kind, including subordinate agencies of the Federal, the State of Illinois, the County of McLean, and municipal corporations shall be exempt from the penalty provisions of this Ordinance. (Ordinance No. 1994-43).

SECTION 2. Except as provided herein, the Bloomington City Code, as amended, shall remain in full force and effect.

SECTION 3. The City Clerk shall be, and she is hereby directed and authorized to publish this Ordinance in pamphlet form as provided by law.

SECTION 4. This Ordinance is enacted pursuant to the authority granted to the City as a home rule unit by Article VII, Section 6 of the 1970 Illinois Constitution.

SECTION 5. This Ordinance shall take effect on February 1, 2008.

PASSED this 10th day of December, 2007.

APPROVED this 11th day of December, 2007.

Stephen F. Stockton
Mayor

ATTEST:

Tracey Covert
City Clerk

Alderman Finnegan expressed his hope that the delinquency fee represented the true cost of this service. It should not be a revenue source. The City should encourage individuals to pay their water bills on time. Craig Cummings, Director of Water, addressed the Council. The fee covered the cost to administrate the service. Mayor Stockton noted that the City would provide zero subsidies.

Alderman Finnegan requested that the Council be notified of water shut offs within each member's respective ward. This request would cover residential and commercial properties. Mr. Cummings responded affirmatively.

Alderman Schmidt questioned if City staff performed a through review of the City's fees and fines. She questioned if there was tedious work which could be out sourced. Tom Hamilton, City Manager, addressed the Council. City staff performs a market comparison and fee review in an attempt to justify the City's fee and fine structure. Alderman Schmidt agreed that it would be expeditious to complete this work at a single time.

Mayor Stockton noted that the Council was provided with a list of revenue enhancements regarding fees and fines for the Budget Work Session which was held prior to this evening's meeting.

Alderman Stearns noted the change to the amount of time, (two months). She expressed her opinion that this amount was fair and equitable to all property owners. Mr. Cummings noted that the time frame was the same for all water customers. He noted that some accounts may have higher costs. He cited a broken shut off valve as an example. He added that the water billing policies had been reworked. In addition, a payment agreement would be required. Alderman Stearns questioned the situation when an individual is unable to pay their bill in order to restore water service. She questioned the time frame for allowed occupancy. Mr. Cummings noted that the City's PACE Department is given the weekly shut off list.

Todd Greenburg, Corporation Counsel, addressed the Council. He informed them that the PACE Department works with his office to issue tickets which prohibit occupancy. The issue for a landlord would be the fine only. If a fine is assessed, then City staff attempts to collect same. The next step would be an injunction which would then become an issue for the court system. Alderman Stearns noted under the proposed Ordinance occupancy would be allowed for one (1) month with no water. Mr. Greenburg added that

the City had the ability to fine the landlord and the tenant. However, the City cannot physically remove individuals. The City must go through the courts for this to happen.

Alderman Finnegan expressed his opinion that the City was being tough on the tenants. Mr. Greenburg restated that the City could fine the landlord or the tenant. The court has the ability to impose higher fines. The City must show that there is the ability to pay and a refusal to do so.

Alderman Stearns questioned other cities approach to this issue.

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

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

Ayes: Aldermen Stearns, Huette, Schmidt, Finnegan, Gibson, Hanson, 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 request for Lot 2, Block 26 in Camp Potawatomie; Emma Lou Steffen to Emma Lou Steffen Trust dated June 28, 2007

Staff has reviewed the Lake Bloomington Lease Transfer request from Emma Lou Steffen to Emma Lou Steffen Trust dated June 28, 2007. The City received the septic system evaluation letter from the McLean County Health Department, and the original septic system evaluation report for Lot 2, Block 26 in Camp Potawatomie. The inspection noted several serious deficiencies in the septic system that have since been corrected. The last item needed to complete this transfer was the granting of an easement from the City to the Steffen Trust for a fifty foot (50') long rock trench that was necessary as part of the septic system upgrades. That easement was recently granted and the transfer can be completed.

Staff respectfully requests that Council approve the Lake Bloomington Lease transfer for Lot 2, Block 26 in Camp Potawatomie from Emma Lou Steffen to Emma Lou Steffen Trust dated June 28, 2007.

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, 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 request for Lot 5, Block 29 in Camp Potawatomie; Harold and Betty Frobish to Harold and Betty Frobish Trust dated November 12, 2007

Staff has reviewed the Lake Bloomington Lease Transfer request for Lot 5, Block 29 in Camp Potawatomie. The septic system was replaced two (2) years ago so a septic system inspection was not required. All other information has been supplied and is in order.

Staff respectfully requests that Council approve the Lake Bloomington Lease transfer for Lot 5, Block 29, in Camp Potawatomie, from Harold and Betty Frobish to the Harold and Betty Frobish Trust dated November 12, 2007.

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, 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 ARK VI, Inc., requesting approval of an Amended Preliminary Plan for the Eagle View South Subdivision, which is commonly located east of Towanda Barnes Road, south of 1600 N Road, and west of 2000 E Road, consisting of 15.84 acres- Case PS-03-07 - (Ward 9)

BACKGROUND INFORMATION:

Adjacent Zoning

north - R-2 Mixed Residence District
south - A- Agriculture District (County)
east - A- Agriculture District (County)
west - B-1 Highway Business District
and Commercial District (County)

Adjacent Land Uses

north - vacant lots & detention basin
south - grain storage
east - agriculture
west - landscape co. & church

Comprehensive Plan: recommends Regional Highway Commercial land use for the subject property.

The proposed revision to this Preliminary Plan applies only to the southern 15.84 acres of the Eagle View South Subdivision that will be zoned B-1 Highway Business District when it is annexed to the City under the terms of an annexation agreement approved by Council on October 24, 2005.

The original Preliminary Plan, also approved on October 24, 2005, had proposed ten (10) lots for business use and one (1) outlot for a storm water detention basin on this 15.84 acre site. These ten (10) lots would have had vehicular access from "Barnes Court", a new north-south cul-de-sac street that would have been extended southerly through the Original Town of Barnes Subdivision to an intersection with G. E. Road, east of Towanda Barnes Road. The proposed revision to this preliminary plan now proposes fourteen (14) lots for business use and one (1) outlot for storm water detention with vehicular access from "Barnes Lane", a new dead-end street intersecting with Towanda Barnes Road at the north edge of this site and extending easterly approximately

460 feet and then southerly to terminate at Main Street in the Original Town of Barnes Subdivision.

The plan indicates that Main Street is to be vacated when it is annexed to the City, and the northern one half of Main Street is to be added to Lots 138, 139 and 140 as shown on this revised plan. The proposed new intersection of Barnes Lane with Towanda Barnes Road must be approved by the McLean County Highway Department because Towanda Barnes Road is a County highway.

PLANNING COMMISSION PUBLIC HEARING:

The Planning Commission held a public hearing on this petition on Wednesday, November 14, 2007. Mr. Neil Finlen, P.E., Farnsworth Group, Inc., 2709 McGraw Drive, presented testimony at this hearing in favor of this petition on behalf of the petitioner, ARK VI, Inc. He noted that the proposed new intersection of Barnes Lane with Towanda Barnes Road was approved by the Mc Lean County Board Transportation Committee on August 7, 2007. He testified that an ingress and egress access easement will be dedicated by ARK VI, Inc. from the south end of Barnes Lane to Lots 14 and 15 of the original Town of Barnes that are owned by Mr. Thomas A. Hanley, P.O. Box 20994, Juneau, Alaska, as referenced in the attached November 12, 2007 letter to the Planning Commission from Thomas A. Hanley. Mr. Finlen also testified that this amended preliminary plan will not affect the sewage capacity of the sewage lift station that will serve Mr. Hanley's 37.25 acres at the southwest corner of Towanda-Barnes Road and Fort Jesse Road.

Mr. Stan Zimmerman, 1407 Towanda Ave., testified in opposition to this petition. He testified that he owns the Barnes Grain Elevator that is located south of the property in question. He objected to the proposed new intersection of Barnes Lane and Towanda Barnes Road because it is closer than one half mile (1/2) to another intersection or curb cut on Towanda Barnes Road. He stated that he had applied for a new driveway access on to Towanda Barnes Road for the grain elevator property and had been denied by the County Engineer because it was closer than one half mile (1/2) to another intersection or curb cut. He objected to the proposed new intersection of Barnes Lane and Towanda Barnes Road being approved by the County Board Transportation Committee.

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 7 to 1 recommending Council approval of this petition in Case PS-03-07 as presented.

STAFF RECOMMENDATION:

Staff concurs with the Planning Commission and respectfully recommends Council approval of this petition with the revisions cited in the attached November 6, 2007 memorandum to Douglas G. Grovesteen, Director of Engineering, from Ryan L. Otto, P.E.

Respectfully,

Kenneth Emmons
City Planner

Tom Hamilton
City Manager

PETITION FOR APPROVAL OF AMENDED PRELIMINARY PLAN

State of Illinois)
)ss.
County of McLean)

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

Now comes ARK VI, Inc., hereinafter referred to as your Petitioner, respectfully representing and requesting as follows:

1. That your petitioner is the owner of the freehold estate of the premises hereinafter described in Exhibit A attached hereto and made a part hereof by reference;

2. That your petitioner seeks approval of the amended preliminary plan for the subdivision known and described as Eagle View South Subdivision, Bloomington, Illinois, which Amended Preliminary plan is attached hereto and made a part hereof; and with all notes contained thereof being approved.

WHEREFORE, your petitioner prays that the Amended Preliminary Plan for Eagle View South Subdivision submitted herewith be approved with the exemptions or variations as requested herein.

Respectfully submitted,

ARK VI, Inc

By: Mercer Turner
Its Agent

ORDINANCE NO. 2007 - 99

**AN ORDINANCE APPROVING THE AMENDED PRELIMINARY PLAN
FOR EAGLE VIEW SOUTH SUBDIVISION**

WHEREAS, there was heretofore filed with the City Clerk of the City of Bloomington, McLean County, Illinois, a Petition for approval of the Amended Preliminary Plan for Eagle View South Subdivision, Bloomington, Illinois, legally described hi Exhibit A attached hereto and made a part hereof by this reference; and

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

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

1. That the Amended Preliminary Plan of Eagle View South Subdivision is hereby approved, with all notes contained thereof.
2. That this Ordinance shall be in full force and effective as of the nine of its passage and approval.

PASSED this 10th day of December, 2007.

APPROVED this 11th day of December, 2007.

Stephen F. Stockton
Mayor

ATTEST:

Tracey Covert
City Clerk

Exhibit A

A part of Lot 4 in Barnes Subdivision of Section 29, Township 24 North, Range 3 East of the Third Principal Meridian, per Plat recorded in Plat Book 6, Page 3, McLean County, Illinois, and a part of the Original Town of Barnes in the Southwest Quarter of said Section 29, McLean County, Illinois, more particularly described as follows: Beginning at the Southwest Corner of the Villas at Eagle View South Subdivision in the City of Bloomington, McLean County, Illinois, according to the plat recorded as Document No. 2007-16613 in the McLean County Recorder's Office. From said Point of Beginning, thence east 390.10 feet along the South Line

of said Subdivision to the Southeast Corner of Outlot 129 in said Subdivision; thence north 73.91 feet along the East Line of said Outlot 129 which forms an angle to the left of $270^{\circ}-00'-00''$ with the last described course to the Southwest Corner of Outlot 128 in said Subdivision; thence east 416.58 feet along the South Line of said Outlot 128 which forms an angle to the left of $90^{\circ}-00'-00''$ with the last described course to the Southeast Corner of said Outlot 128, said Southeast Corner being a point on the Northerly Extension of the East Line of Lot 13 in said Original Town of Barnes lying 906.94 feet north of the Southeast Corner thereof; thence south 906.94 feet along said Northerly Extension, which Extension is also the East Line of the West 806.68 feet of said Lot 4, and along the East Line of said Lot 13, which Lines form an angle to the left of $90^{\circ}-00'-00''$ with the last described course to the Southeast Corner of said Lot 13, said Southeast Corner being on the North Right-of-Way Line of Main Street in said Original Town of Barnes; thence west 774.00 feet along said North Right-of-Way Line which forms an angle to the left of $88^{\circ}-23'-40''$ with the last described course to the Southwest Corner of Lot 1 in said Original Town, said Southwest Corner being on the East Right-of-Way Line of West Street in said Original Town and also on the East Right-of-Way Line of Towanda Barnes Road (County Highway 29), lying 33 feet east of the West Line of said Lot 4; thence north 112.00 feet along said East Right-of-Way Line, being the West Line of said Lot 1 and the Northerly Extension thereof, which Lines form an angle to the left of $91^{\circ}-36'-20''$ with the last described course to the North Line of the 12 foot-wide Alley Right-of-Way in the said Original Town; thence west 33.00 feet along the Westerly Extension of said North Line which forms an angle to the left of $268^{\circ}-23'-40''$ with the last described course to the West Line of said Lot 4; thence north 698.42 feet along said West Line, which Line is also the West Line of the Southwest Quarter of said Section 29, and which line forms an angle to the left of $91^{\circ}-36'-20''$ with the last described course to the Point of Beginning, containing 15.84 acres, more or less.

Included within the foregoing property description are portions of the 12 foot-wide alley right-of-way and the 50 foot-wide Center Street right-of-way in the Original Town of Barnes. Also included is that portion of Towanda Barnes Road right-of-way dedicated as an easement for public road purposes according to Document No. 82-3818 which lies north of the westerly extension of the north line of said 12 foot-wide alley right-of-way. Said alley and said Center Street apparently have not been vacated.

AGREEMENT

WHEREAS the undersigned, ARK VI, has submitted a revision to the Preliminary Plan for Eagle View South Subdivision (“the plan”); and

WHEREAS the plan shows a road “Barnes Lane” extended from Towanda Barnes easterly and southerly to the north line of the property owned by REWERTS, ZIMMERMAN & REWERTS, INC. (“the elevator property”); and

WHEREAS the installation of Barnes Lane will change access patterns to and from the properties over a township road known as Main Street that runs east and west along the north side of the elevator property and the south side of the ARK VI property and an undedicated but

claimed township road known as “700” that purports to run north and south across the elevator property.

NOW, THEREFOR, FOR AND IN CONSIDERATION OF TEN DOLLARS (\$10.00) AND OTHER GOOD AND VALUABLE CONSIDERATION, the receipt and sufficiency of which is hereby acknowledged, the undersigned agree as follows:

1. Main Street shall not be vacated until Barnes Lane is open to traffic.
2. When Main Street is vacated, half the right-of-way shall go to the owners of the property to the north and half to the property owner to the south.
3. When Main Street is vacated and after annexation of the elevator property to the City, the alleged Road 700 will be abandoned and vacated by the City at no cost to the owner of the elevator property.
4. ARK VI shall extend Sanitary sewer to the elevator property and reserve sewer capacity for that property.
5. The decision to extend or not extend Barnes Lane through the elevator property will be made by the owners of the elevator property unilaterally if and when that property develops.
6. The parties shall loop an 8” water main from Barnes Lane east to the east line of the elevator property and south to GE Road, and a 16” water main west to the west side of Towanda Barnes. The cost will be allocated, with the developer to the north paying for the easterly extension and the elevator owner paying for the southerly extension. The westerly extension in the GE Road right-of-way will be allocated with the elevator operator paying that portion of the cost attributable to an 8” main east of Barnes Lane extended, the developers of the northerly property paying the cost of an 8” main if it were extended along the Main Street alignment, and the City paying for the remaining cost.
7. The elevator owner shall dedicate easements for the water main on the east line of their property, the south line of their property, along GE Road and as needed on the west line of their property adjacent to Towanda Barnes Road, to facilitate a bore under Towanda Barnes Road. The easement dedications shall be in accordance with the requirements of the City of Bloomington.

CITY OF BLOOMINGTON, ILLINOIS,
A Municipal Corporation

By: Stephen F. Stockton

ATTEST:

Tracey Covert
City Clerk

REWERTS, ZIMMERMAN & REWERTS,
INC.

By: Robert Rewert

ARK VI,

By: Mercer Turner
Its Attorney

CORPORATE NOTARY

State of Illinois)
)ss.
County of McLean)

I, THE UNDERSIGNED, a Notary Public in and for said County and State aforesaid, do hereby certify that Stephen F. Stockton personally known to me to be the Mayor of CITY OF BLOOMINGTON, ILLINOIS, a Municipal Corporation, and Tracey Covert personally known to me to be the City Clerk of said corporation whose, name is subscribed to the foregoing instrument appeared before me this day in person and severally acknowledged that as said Mayor and City Clerk of said corporation, they signed and caused the seal of said corporation to be affixed thereto,(if the corporation uses a corporate seal) pursuant to authority given by the Board of Directors of said corporation and as their free and voluntary act and as the free and voluntary act and deed of said corporation for the uses and purposes therein set forth.

Given under my hand and notarial seal this 11th day of December, 2007.

Janice L. Scherff
NOTARY PUBLIC

My commission expires: 3-7-11

CORPORATE NOTARY

State of Illinois)
)ss.
County of McLean)

I, THE UNDERSIGNED, a Notary Public in and for said County and State aforesaid, do hereby certify that Robert Rewerts personally known to me to be the President of REWERTS, ZIMMERMAN & REWERTS, INC., whose name is subscribed to the foregoing instrument appeared before me this day in person and severally acknowledged that as said President of said corporation, signed and caused the seal of said corporation to be affixed thereto, (if the corporation uses a corporate seal) pursuant to authority given by the Board of Directors of said corporation and as his free and voluntary act and as the free and voluntary act and deed of said corporation for the uses and purposes set forth.

Given under my hand and notarial seal this 4th day of January, 2008.

Nancy J. Lott
NOTARY PUBLIC

My commission expires: 06-07-10

CORPORATE NOTARY

State of Illinois)
)ss.
County of McLean)

I, THE UNDERSIGNED, a Notary Public in and for said County and State aforesaid, do hereby certify that Mercer Turner personally known to me to be the attorney of ARK VI, whose name is subscribed to the foregoing instrument appeared before me this day in person and severally acknowledged that as said attorney of said corporation, he/she signed and caused the seal of said corporation to be affixed thereto,(if the corporation uses a corporate seal) pursuant to authority given by the Board of Directors of said corporation and as his/her free and voluntary act and as the free and voluntary act and deed of said corporation for the uses and purpose therein set forth.

Given under my hand and notarial seal this 11th day of December, 2007.

Tracey Covert
NOTARY PUBLIC

My commission expires: 09-08-10

Alderman Fruin questioned this item. Tom Hamilton, City Manager, noted that an agreement between the parties had been reached and would be an addendum to this Petition.

Alderman Huette questioned the curb cut on Towanda Barnes Rd. Mr. Hamilton responded affirmatively. It would be located across from Grieder Sod & Landscaping, LLC. Alderman Huette expressed his opinion that Towanda Barnes Rd. was a major transportation way. He cited the traffic congestion. He expressed an interest in minimizing the number of intersections along this road. Mr. Hamilton noted that the decision was up to the McLean County Highway Department. An existing curb cut would be moved to this location. Alderman Huette expressed his opinion that it would be better to relocate this entrance to G.E. Rd. Mr. Hamilton stated that the Petitioner and City staff's goal was to separate the residential from the commercial traffic. The combination of these two (2) types of traffic was generally not a good idea. He acknowledged that for the foreseeable future, there would only be one (1) access point. Alderman Huette questioned if the County might change this decision. Mr. Hamilton noted that the County had a policy regarding the distance between curb cuts. The current situation was not safe. Alderman Huette restated his concern regarding traffic. He acknowledged the number of commercial sites along this road. He questioned if a traffic signal would be installed at this intersection. Mr. Hamilton responded negatively at this time. Alderman Huette restated his opinion that this was a safety issue. He recommended that access be limited to this road. Mr. Hamilton restated that the County Highway Department had the final say as this road was under its jurisdiction.

Alderman Fruin questioned if this would be the only curb cut between G. E. Rd. and Ft. Jesse Rd. Mr. Hamilton informed the Council that the County has a separation policy. The County Highway Department will make the final decision. Doug Grovesteen, Director of Engineering, addressed the Council. The County's separation policy was one half (1/2) mile.

Mayor Stockton questioned if City staff could provide a copy of the County's separation policy to the Council.

Motion by Alderman Finnegan, seconded by Alderman Gibson that the amended Preliminary Plan be approved, the Ordinance passed, 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, 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 Kalamaya Family, LLC Requesting Approval of a Final Plat for Kalamaya Subdivision Fifth Addition

A Petition has been received from Kalamaya Family, LLC requesting approval of a Final Plat for Kalamaya Subdivision Fifth Addition. The request is to create a one lot subdivision located north of Kalamaya Subdivision Fourth Addition (Peterbilt), east of I55/74 and Trucker's Lane.

The petitioner proposes platting this property as a one (1) 5.97 acre lot for a business development and is requesting waiver of the following Land Subdivision Code requirements. These waivers were requested and granted for the 4th Addition to Kalamaya Subdivision:

1. waiver of the Preliminary Plan submittal requirement;
2. waiver of the requirement that the final plat include all contiguous property common ownership or unified control.

There are fees due from this subdivision prior to recording the plat.

Staff recommends that Council approve the Petition and adopt an Ordinance approving the Final Plat for Kalamaya Subdivision Fifth Addition.

Respectfully,

Doug 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 Kalamaya Family, LLC and Mitch Cox Development Group 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 thereinof the premises hereinafter legally described in Exhibit A which is attached hereto and made a part hereof by this reference, of is are) a mortgagee or vendee in possession, assignee of rents, receiver, executor (executrix), trustee, lessee or other person, firm or corporation or the duly authorized agents of any of the above persons having proprietary interest in said premises;
2. That your petitioner seeks approval of the Final Plat for the subdivision of said premises to be known and described as Kalamaya Subdivision 5th Addition;
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: waiver of Preliminary Plan; waiver of plat that includes all contiguous property in common ownership or unified control; ~~waiver of installation of public improvements due to development agreement between the City and Mitch Cox Development Group.~~

WHEREFORE, your petitioner respectfully prays that said Final Plat for the Kalamaya Subdivision 5th Addition subdivision submitted herewith be approved with the exemptions or variations as requested herein.

Respectfully submitted,

Kalamaya Family, LLC

By: Frank Miles
Agent

Mitch Cox Development Group

By: Frank Miles
Agent

ORDINANCE NO.2007 - 100

**AN ORDINANCE APPROVING THE FINAL PLAT OF THE
KALAMAYA SUBDIVISION 5TH ADDITION**

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 Kalamaya Subdivision 5th Addition 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: waiver of Preliminary Plan; waiver of plat that includes all contiguous property in common ownership or unified control; ~~waiver of installation of public improvements due to development agreement between the City and Mitch Cox Development Group;~~ 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 Kalamaya Subdivision 5th Addition 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 10th day of December, 2007.

APPROVED:

Stephen F. Stockton
Mayor

ATTEST:

Tracey Covert
City Clerk

Exhibit A

A part of the W ½ of the SE ¼ of Section 31, Township 24 North, Range 2 East of the Third Principal Meridian, City of Bloomington, McLean County, Illinois, more particularly described as follows: Commencing at the northeast corner of the W ½ of the SE ¼ of Section 31; thence S.00°-52'-00"E. 685.98 feet on the east line of the W ½ of the SE 1/3 of said Section 31 to the Point of Beginning; thence continuing S.00°-52'-00"E. 400.00 feet on said east line of the W ½ of the SE ¼ of Section 31 to the northeast corner of Lot 1 in Kalamaya Subdivision 4th Addition, according to the Plat thereof recorded as Document No. 2006-19496 in the McLean County Recorder of Deeds Office; thence S.89°-29'-15"W. 652.60 feet to the northwest corner of said Lot 1 on the east right of way line of F.A.I. Rout 55 and F.A.I. Route 74; thence N.00°-04'-00"W. 400.00 feet on said right of way line; thence N.89°-29'-15"E. 647.01 feet to the Point of Beginning, containing 5.97 acres, more or less, with assumed bearings given for description purposes only.

P.I.N. Part of: 14-31-400-011 and 14-31-400-039.

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, 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 Cedar Ridge of Bloomington, LLC and Sunrise Company, LLC Requesting Approval of a Final Plat for Cedar Ridge Subdivision

A Petition has been received from Cedar Ridge of Bloomington, LLC and Sunrise Company, LLC requesting approval of a Final Plat for Cedar Ridge Subdivision. This subdivision is located north of I-74, south of Woodrig Road and east of U.S. Route 51. The Final Plat is in conformance with the amended preliminary plan approved March 26, 2007. There are fees due from this subdivision prior to recording the plat.

Staff respectfully recommends that Council approve the Petition and adopt an Ordinance approving the Final Plat for Cedar Ridge Subdivision.

Respectfully,

Doug 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 Cedar Ridge of Bloomington, LLC and Sunrise Company, LLC, hereinafter referred to as your petitioners, respectfully representing and requesting as follows:

1. That your petitioner is the owner of the freehold or lesser estate therein of the premises hereinafter described in Exhibit A attached hereto and made a part hereof by this reference;
2. That your petitioner seeks approval of the amended preliminary plan for the subdivision known and described as Cedar Ridge Subdivision, Bloomington, Illinois, which Amended Preliminary plan is attached hereto and made a part hereof; and with all notes contained thereof being approved.

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

Respectfully submitted,

Subscribed and Sworn to before
me this 23rd day of October, 2007.

Cedar Ridge of Bloomington, LLC

Bridgette M. Alexander
Notary Public
My Commission expires: 07-07-11

By: Mercer Turner
Its Agent

Subscribed and Sworn to before
me this 16th day of November, 2007.

Sunrise Company, LLC

Louise Davis
Notary Public
My Commission Expires: 09-06-08

By: James Shirk
Its Agent/Partner

ORDINANCE NO.2007 - 101

**AN ORDINANCE APPROVING THE FINAL PLAT FOR
CEDAR RIDGE 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 for Cedar Ridge Subdivision, Bloomington, Illinois, legally described in Exhibit A attached hereto and made a part hereof by this reference; and

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

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

1. That the Final Plat of Cedar Ridge Subdivision is hereby approved, with all notes contained thereof.
2. That this Ordinance shall be in full force and effective as of the time of its passage and approval.

PASSED this 10th day of December, 2007.

APPROVED this 11th day of December, 2007.

Stephen F. Stockton
Mayor

ATTEST:

Tracey Covert
City Clerk

EXHIBIT A

A part of the East Half of Section 21, Township 23 North, Range 2 East of the Third Principal Meridian, McLean County, Illinois, described as follows: Beginning at the Point of Intersection of the West Line of Tract 1 of a survey by George L. Farnsworth, Jr., recorded October 5, 1954, as Document No. 29618 in Plat Book 13, Page 210, in the McLean County Recorder's Office, with the Northerly Right-of-Way Line of F.A.I. Route 05-Section 57-20 (Interstate 74), as said Right-of-Way is shown in Plat Book 14, Page 138, in said Recorder's Office. From said Point of Beginning, thence north 2001.15 feet along the West Line of said Tract 1 to the Northeast

Corner of Lot 3 in Mau, Wang, and Young Subdivision in the City of Bloomington, Illinois, according to the Plat recorded as Document No. 77-13331 in said Recorder's Office; thence west 457.10 feet along the North Line of said Lot 3 which forms an angle to the left of $265^{\circ}-42'-45''$ with the last described course; thence north 179.78 feet along a line which forms an angle to the left of $94^{\circ}-17'-00''$ with the last described course; thence east 460.12 feet along a line which forms an angle to the left of $90^{\circ}-00'-00''$ with the last described course; thence northerly 174.16 feet along the arc of a curve concave to the west with a radius of 2000.00 feet and the 174.10 foot chord of said arc forms an angle to the left of $267^{\circ}-30'-22''$ with the last described course to a Point of Tangency, thence north 262.17 feet along a line which forms an angle to the left of $182^{\circ}-29'-41''$ with the last described chord; thence northwest 29.28 feet along a line with forms an angle to the left of $222^{\circ}-57'-17''$ with the last described course to a point lying 45 feet normally distant south of the North Line of the Northeast Quarter of said Section 21; thence north 45.00 feet along a line which is perpendicular to the North Line of said Northeast Quarter and which forms an angle to the left of $132^{\circ}-57'-17''$ with the last described course to a point on said North Line lying 185.89 feet (as measured along said North Line) west of the Northwest Corner of the East 150 Feet of the North 150 Feet of Five Acres off the West Side of Lot 5 in the Subdivision of said Northeast Quarter as subdivided by Commissioner's Case of Miller vs. Miller No. 733 Chancery; thence east 185.89 feet along the North Line of said Northeast Quarter which forms an angle to the left of $90^{\circ}-00'-00''$ with the last described course to said Northwest Corner; thence south 45.07 feet along the West Line of the East 150 Feet of the North 150 Feet of said Five Acres which forms an angle to the left of $93^{\circ}-13'-24''$ with the last described course to a point lying 45 feet normally distant south of the North Line of said Northeast Quarter; thence west 88.22 feet along a line which is parallel with said North Line and which forms an angle to the left of $86^{\circ}-46'-36''$ with the last described course; thence south 276.45 feet along a line which forms an angle to the left of $274^{\circ}-05'-26''$ with the last described course to a Point of Curvature; thence southerly 189.22 feet along the arc of a curve concave to the west with a radius of 2080.00 feet and the 189.15 foot chord of said arc forms an angle to the left of $177^{\circ}-23'-38''$ with the last described course to a Point of Reverse Curvature; thence southerly 124.79 feet along the arc of a curve concave to the east with a radius of 2000.00 feet and the 124.77 foot chord of said arc forms an angle to the left of $179^{\circ}-10'-53''$ with the last described chord to the North Line of Tract 1 of said survey by George L. Farnsworth Jr.; thence east 1098.55 feet along said North Line which forms an angle to the left of $269^{\circ}-20'-00''$ with the last described chord to a point lying 3.19 feet west of the Intersection of said North Line with the Southerly Extension of the West Right-of-Way Line of Hobson Drive as dedicated in The Hobson Subdivision recorded June 14, 1955 as Document No. 43714 in Plat Book 13, Page 246 in said Recorder's Office; thence southwesterly, southerly and southeasterly 141.10 feet along the arc of a curve concave to the east with a radius of 50.00 feet and the 98.73 foot chord of said arc forms an angle to the left of $97^{\circ}-03'-01''$ with the last described course; thence south 173.21 feet along a line which forms an angle to the left of $177^{\circ}-02'-40''$ with the last described chord; thence west 75.00 feet along a line which forms an angle to the left of $90^{\circ}-00'-00''$ with the last described course to a Point of Curvature; thence southwesterly 329.87 feet along the arc of a curve concave to the southeast with a radius of 210.00 feet and the 296.99 foot chord of said arc forms on angle to the left of $225^{\circ}-00'-00''$ with the last described course to a Point of Tangency; thence south 355.00 feet along a line which forms an angle to the left or $225^{\circ}-001'-00''$ with the last described chord; thence west 33500 feet along a line which forms an angle to the left of $90^{\circ}-00'-00''$ with the last described course; thence south 110.00 feet along a line which forms an angle to the left of $270^{\circ}.-$

00'-00" with the last described course; thence east 45.00 feet along a line which forms an angle to the left of 270°-00'-00" with the last described course; thence south 632.00 feet along a line which forms an angle to the left of 90°-00'-00" with the last described course; thence west 115.00 feet along a line which forms an angle to the left of 90°-00'-00" with the last described course; thence south 5.00 feet along a line which forms an angle to the left of 270°-00'-00" with the last described course; thence west 60.00 feet along a line which forms an angle to the left of 90°-00'-00" with the last described course; thence north 2.11 feet along a line which forms an angle to the left of 90°-00'-00" with the last described course; thence west 115.00 feet along a line which forms an angle to the left of 70°-25'-15" with the last described course to the Point of Beginning, containing 37.054 acres, more or less.

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, Fruin and Purcell.

Nays: None.

Motion carried.

The following was presented:

To: Honorable Mayor and Members of the City Council

From: Staff

Subject: Appeal of Action by the Zoning Board of Appeals (case Z-21-07) for the Property Located at 604 Eddy Road

On November 21, 2007 the Zoning Board of Appeals heard the petition of Edward and Ann Ruhrop of 604 Eddy Rd., requesting a rear yard variance to allow the addition of a sun room to the rear of their home. The zoning ordinance requires a 25 ft. rear yard. The petitioners are asking for a variation to allow an 18 to 21 foot rear yard (the rear property line is not parallel with the structure), resulting in a variance request of 4 to 7 feet or 32%.

The petitioners are basing their variance request on: 1.) existing lot conditions; 2.) increasing their property values; and 3.) replacement of a deck with the new structure. Staff objected to the requestors the petition failed to meet the finding of facts required to grant a variance. After due consideration of the testimony, the board voted three (3), yes to three (3), no; failing to accrue the required four (4) affirmative votes needed to approve the request (see minutes).

Failing to have their variance request approved by the Zoning Board of Appeals, the petitioners are exercising their right to appeal the Zoning Board decision to the City Council. Staff believes

that the required findings of fact have not been met. However, there are no objections by neighbors or detriment to the neighborhood. Staff respectfully recommends that the appeal be approved and the Variance granted.

Respectfully,

Mark R. Huber
Director, PACE

Tom Hamilton
City Manager

Motion by Alderman Finnegan, seconded by Alderman Gibson that the Appeal be approved and the Variance granted.

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

Ayes: Aldermen Stearns, Huette, Schmidt, Finnegan, Gibson, Hanson, 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 James A. Shirk, Betty J. Shirk and Peggy Jo Schlucter requesting approval of a Pre-Annexation Agreement requesting the following zoning district: S-2, Public Lands and Institutions District, for land located south of US Route 150 and west of County Highway 30 consisting of approximately 40 acres

The Planning Commission opened a public hearing on this petition on November 28, 2007 and laid the item over until its hearing on December 12, 2007. Staff respectfully requests that Council open the public hearing for this petition and that the item be laid over until the December 26, 2007 Council meeting.

Respectfully,

Tracey Covert
City Clerk

Tom Hamilton
City Manager

Mayor Stockton introduced this item. He opened the Public Hearing. No one came forward to address the Council. Mayor Stockton closed the Public Hearing.

Alderman Fruin requested the opportunity to address this item. He expressed his support for this Petition's intention. However, this Agreement would extend the City's boundaries and place a strain on City services due to the distance. He noted that there were not any plans for additional police stations.

Alderman Purcell informed the Council that he had attended a neighborhood meeting regarding this Petition. There was conflict.

Alderman Hanson addressed the Council. A neighborhood meeting was held which offered citizens the opportunity to have their questions answered. He thanked Frank Miles, Neil Finlen, and the Unit 5 School Board for participating in this meeting. He expressed his belief that ninety-five percent, (95%), of the issues had been resolved. He acknowledged that this Petition was not viewed as a win-win. If approved, there would be a change to the land's use. He requested the Council's support.

Motion by Alderman Hanson, seconded by Alderman Gibson that the Public Hearing be held and the item laid over until the December 26, 2007 Council meeting.

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

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

Nays: None.

Motion carried.

The following was presented:

To: Honorable Mayor and Members of the City Council

From: Staff

Subject: Public hearing on the petition submitted by Interchange City West, LLC, requesting annexation and B-1, Highway Business District and S-2, Public Lands and Institutions District zoning for property commonly located north of Outlot A in the Interchange City West Subdivision, Third Addition, south of Enterprise Drive, and west of Maple Hill Road, consisting of approximately 10.17 acres

BACKGROUND INFORMATION:

Adjacent Zoning

north: B-1 General Business (Town of Normal)
south: B-1 Highway Business & A - Agriculture
east: C-1 Office District
west: B-1 Highway Business District

Adjacent Land Uses

north: commercial (outlet mall)
south: storm water detention basin
east: vacant land
west: multiplex theater

Comprehensive Plan: recommends “regional highway commercial” land use for this property.

The 10.17 acre property in question is predominantly vacant land that includes a 3.08 acre storm water detention basin and a high rise off-premise sign. The sign advertises a multiplex theater presently being constructed on land located within the City limits to the west of the subject property. The subject property is presently within the corporate limits of the Town of Normal and will be disconnected from the Town when it is annexed to the City. This high rise off-premise sign was previously considered to be unlawful due to the fact that it was constructed without issuance of a sign permit by the Town. The legal status of this sign and its structural integrity has now been resolved with the Town’s Building Commissioner so that the City can accept it as a lawful non-conforming sign.

The petitioner is requesting S-2, Public Lands and Institutions District zoning for the detention basin and B-1, Highway Business District zoning for the balance of the property in question. This requested zoning is consistent with the Comprehensive Plan.

PLANNING COMMISSION PUBLIC HEARING:

The Planning Commission held a public hearing on this petition on November 28, 2007. At this hearing, Mr. Frank Miles, Attorney at Law, spoke in support of the petition.

Mr. Miles stated that a national company had been hired in connection with the sign, and subsequently a local company had been hired for the permitting and actual erection. He stated that the local company had indicated an erroneous location on the permit and not where the sign was actually placed.

Mr. Miles noted that the Town and the City have different ways of treating high-rise signs. The Town recognizes a ‘Highway Corridor’ where taller signs are allowed. The City allows such signs only within a quarter mile radius of a highway interchange.

Mr. Miles pointed out that the engineering analysis of the sign has been completed and found satisfactory. He stated that the Town and City had held discussions over this matter and that the City had agreed to take the sign as ‘nonconforming’. If this tract were to remain in the Town, the height would be considered conforming to its code; it would be punitively expensive to require removal of the existing sign and replacement with a new one of shorter height.

Chairperson Cain inquired regarding the differences in heights being allowed in the City. Mr. Miles responded that a 70’ sign was constructed under Normal’s Code, but the City’s code would have only allowed a 24’ height. Commissioner Dulac commented that there are other signs in

the area that seem similarly tall. Commissioner Shaw inquired regarding the purpose for annexing this tract. Mr. Miles responded that the change is sought to facilitate a potential purchaser who has indicated a need for a Bloomington address. There was no other testimony offered at the meeting.

PLANNING COMMISSION RECOMMENDATION:

After having given due consideration to this petition and testimony submitted at the public hearing on November 28, 2007, the Planning Commission passed a motion by a vote of 6 to 0 recommending City Council approval of Case Z-18-07 as presented.

STAFF RECOMMENDATION:

Staff concurs with the Planning Commission's recommendation for Council approval of this petition for annexation and rezoning in Case Z-18-07.

Respectfully,

Timothy Potts
Associate Planner

Tom Hamilton
City Manager

ANNEXATION AGREEMENT

This Agreement is entered into and between the City of Bloomington, McLean Country, Illinois, hereinafter referred to as City, and Interchange City West, LLC, hereinafter referred to as Owner, the parties agree effective this 10th day of December, 2007, to this annexation agreement.

Recitals:

1. The owner is the owner of record of the premises hereinafter described in Tract I on Exhibit A attached hereto and made a part hereof by this reference.
2. The owner is desirous of having said premises annexed to the City and the City is desirous of annexing said premises.
3. Said premises is not within the corporate limits of any municipality but is contiguous to the City.
4. The owner is desirous of having said Tract I as described on Exhibit A zoned B-1 Highway Business District, and Tract III as described on Exhibit B zoned S-2 Public Lands and Institutions, upon annexation to the City.
5. The owner have given all notices required to be given by Section 7-1-1 of the Illinois Municipal Code (IL Rev. Stat. Chap 23, Sect 7-1-1). Owner, subject to

the terms and conditions set forth in this annexation agreement, hereafter referred to as the "Agreement", petitioned the City requesting annexation of the Property into the City's corporate limits. The City published and gave such notices and conducted such public hearings as are required to rezone the Property and annex the Property, including specifically, public hearings on rezoning held before the Bloomington Planning Commission on the 28th day of November, 2007, and before the Bloomington City Council, on this "Agreement" conducted after notice as required by law and ordinance on the 10th day of December, 2007.

Agreement:

1. City agrees to annex said premises to the City.
2. City agrees to zone said Tract I premises as described on Exhibit A into the B-1 Highway Business District and grant such waivers, variations and exceptions as are necessary to use the property described as Tract V as described on Exhibit C for a high rise off-premises advertising sign substantially in accordance with the Sign Pylon Graphic attached hereto and made a part hereof as Exhibit D as a lawful and conforming use; and to zone Tract III described on Exhibit B into the S-2 Public Lands and Institutions zoning classification.
3. Owner agrees that upon execution of this Agreement, the owner will petition for annexation of said premises to all other units of local government required by Chapter 8.5, Section 202 of the Bloomington City Code-1960, as hereafter amended, and diligently pursue to a final decision such petitions for annexation within ninety (90) days of the date of notification by such other units of local government that said premises meets the statutory qualifications for annexation to such other units of local government.

This agreement shall be in full force and effect for twenty years after its effective date.

City of Bloomington

By: Stephen F. Stockton

Attest:

Tracey Covert, City Clerk

Interchange City West, LLC

By: David K. Stark
Owner

EXHIBIT A

Tract I 10.17 Acre Parcel

A part of the SW ¼ of Section 31, Township 24 North, Range 2 East of the Third Principal Meridian, Town of Normal, McLean County, Illinois, more particularly described as follows: Commencing at the southeast corner of Interchange City West Subdivision, in the Town of Normal, according to the Plat thereof recorded as Document No. 93-6665 in the McLean County Recorder of Deeds Office; thence 89°-13'-45"W. 232.75 feet on the south line of said Interchange City West Subdivision and south line of Enterprise Drive to the Point of Beginning on the east line of the SW ¼ of said Section 31; thence S.00°-09'-26"E. 489.92 feet on the said east line of the SW ¼ of Section 31 to the north line of Block 1 of Sohn's Maple Hill Subdivision; thence N.89°-19'-35"W. 903.25 feet on the said north line of Block 1 in Sohn's Maple Hill Subdivision and the north line of Outlot "A" in Interchange City West Subdivision 3rd Addition to the northwest corner of said Outlot "A"; thence N.00°-07'-39"W. 491.45 feet on the northerly extension of the west line of said Outlot "A" to a point of intersection with the south line of said Interchange City West Subdivision in the Town of Normal and south right of way line of Enterprise Drive; thence S.89°-13'-45"E. 903.02 feet to the Point of Beginning, containing 10.17 acres, more or less, with assumed bearings given for description purposes only.

EXHIBIT B

Tract III 3.08 Acre Parcel

A part of the SW ¼ of Section 31, Township 24 North, Range 2 East of the Third Principal Meridian, Town of Normal, McLean County, Illinois, more particularly described as follows: Commencing at the southeast corner of Interchange City West subdivision in the Town of Normal, according to the Plat thereof recorded as Document No. 93-6665 in the McLean County Recorder of Deeds Office; thence N.89°-13'-45"W. 232.75 feet on the south line of said Interchange City West Subdivision and south line of Enterprise Drive to the east line of the SW ¼ of said Section 31; thence continuing N.89°-13'-45"W. 883.02 feet on said south line of Enterprise Drive to the Point of Beginning; thence S.00°-07'-39"E. 234.08 feet parallel with the northerly extension of the west line of Outlot "A" in Interchange City West Subdivision 3rd Addition, according to the Plat thereof recorded as Document No. 98-34772 in the McLean County Recorder of Deeds Office; thence S.90°-00'-00"E. 464.99 feet parallel with the south line of Outlot "A" in said Interchange City West Subdivision 3rd Addition to the intersection with the northerly extension of the east line of said Outlot "A"; thence S.00°-03'-28"W. 202.80 feet on the said northerly extension of the east line of Outlot "A"; thence S.89°-19'-35"E. 60.00 feet parallel with the north line of said Outlot "A"; thence S.00°-03'-28"W. 60.00 feet to the north line of Block 1 in Sohn's Maple Hill Subdivision; thence N.89°-19'-35"W. 544.18 feet on the said north line of Block 1 and the north line of said Outlot "A" to the northwest corner of said Outlot "A"; thence N.00°-07'-39"W. 491.45 feet on the northerly extension of the west line of said Outlot "A" to the south right of way line of said Enterprise Drive; thence S.89°-13'-45"E. 20.00 feet to the Point of Beginning, containing 3.08 acres, more or less, with assumed bearings given for description purposes only.

EXHIBIT C

Tract V Sign Easement

A part of the SW ¼ of Section 31, Township 24 North, Range 2 East of the Third Principal Meridian, Town of Normal, McLean County, Illinois, more particularly described as follows: Commencing at the southeast corner of Interchange City West Subdivision in the Town of Normal, according to the Plat thereof recorded as Document No. 93-6665 in the McLean County Recorder of Deeds Office; thence N.89°-13'-45"W. 232.75 feet on the south line of said Interchange City West Subdivision and south line of Enterprise Drive to the Point of Beginning on the east line of the SW ¼ of said Section 31; thence S.00°-09'-26"E. 185.00 feet on said east line of the SW ¼ of Section 31; thence S.89°-50'-34"W. 20.00 feet; thence N.00°-09'-26"W. 185.32 feet to the south right of way line of said Enterprise Drive; thence S.89°-13'-45"E. 20.00 feet to the Point of Beginning, containing 0.09 acres, more or less, with assumed bearings given for description purposes only.

(EXHIBIT D SIGN PLAT ON FILE IN CLERK’S OFFICE)

PETITION FOR ANNEXATION TO THE CITY OF BLOOMINGTON, MCLEAN COUNTY, ILLINOIS AND FOR AMENDMENT OF THE OFFICIAL ZONING MAP OF THE CITY OF BLOOMINGTON, MCLEAN COUNTY, ILLINOIS

State of Illinois)
)ss.
County of McLean)

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

Now comes Interchange City West, LLC 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 made and a part hereof by this reference, and is a mortgagee or vendee in possession, assignee of rents, receiver, executor (executrix), trustee, lessee or other person, firm or corporation or the duly authorized agents of any of the above persons having proprietary interest in said premises;
2. That said premises presently have a zoning classification of A, Agriculture under the provisions of the McLean County Zoning Ordinance;
3. That there is attached hereto and made a part hereof a proposed Annexation Agreement between said City and your petitioner which provides for the annexation of the premises described in Exhibit A to said City;

4. That said Annexation Agreement provides that, upon annexation of said premises to said City, said premises would be zoned as follows under the provisions of Chapter 44 of the Bloomington City Code-1960, as amended: Tract I - B-1 Highway Business District; Tract III - S-2 Public Lands and Institutions;
5. That your petitioner hereby requests that they Honorable Mayor and City Council of the City of Bloomington, McLean County, Illinois approve said Annexation Agreement, annex said premises to said City and amend the Official Zoning Map of said City to reclassify said premises into the zoning district classification;
6. That said requested zoning classification is more compatible with existing uses and/or zoning of adjacent property than the zoning of said premises to the A-Agriculture District; and
7. 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 zoning of said premises to the A-Agriculture District.

WHEREFORE, your petitioner respectfully prays that said Annexation Agreement be approved, that said premises be annexed to the City of Bloomington, McLean County, Illinois, and 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 to Tract I - B-1 Highway Business District; Tract III - S-2 Public Lands and Institutions.

Respectfully submitted,

Interchange City West, LLC

By: Robert Lenz
Attorney

ORDINANCE NO. 2007 - 102

**AN ORDINANCE ANNEXING CERTAIN TERRITORY AS HEREINAFTER
DESCRIBED TO THE CITY OF BLOOMINGTON, MCLEAN COUNTY, ILLINOIS**

WHEREAS, there has heretofore entered into a certain Agreement for Annexation between the City of Bloomington and Interchange City West, LLC, the owner of the premises hereinafter described, which Agreement is attached hereto and made a part hereof by this reference as Exhibit A; and

WHEREAS, the City Council of the City of Bloomington, after proper notices were given, conducted a Public Hearing on said Annexation Agreement; and

WHEREAS, the City Council of the City of Bloomington has considered the question of annexation and has determined that said Annexation Agreement is proper and in due form according to the statutes of the State of Illinois as in such case made and provided. Said City Council has further determined that the proposed zoning, as established in the aforesaid Agreement, follows the general comprehensive plan and development theme heretofore established by the corporate authorities of the City of Bloomington and should be place in effect as to said land upon the annexation of same, all as by Statute specifically provided.

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

SECTION ONE: That the City Council of the City of Bloomington, Illinois, determines that the territory described in the attached Exhibit A is not within the confines of any municipality of the State of Illinois, but is however, contiguous to the City of Bloomington.

SECTION TWO: That the property hereinabove described is by this Ordinance hereby annexed to and does by said Ordinance become a part of the incorporated City of Bloomington, McLean County, Illinois and that the boundary of said City is hereby changed to include the property hereinabove described.

SECTION FOUR: That the Annexation Agreement, hereinabove referred to and hereto attached be and the same hereby is ratified, affirmed, and incorporated into this Ordinance.

SECTION FIVE: That this Ordinance shall be in full force.

PASSED this 10th day of December, 2007.

APPROVED this 11th day of December, 2007.

Stephen F. Stockton
Mayor

ATTEST:

Tracey Covert
City Clerk

EXHIBIT A

Tract I 10.17 Acre Parcel

A part of the SW ¼ of Section 31, Township 24 North, Range 2 East of the Third Principal Meridian, Town of Normal, McLean County, Illinois, more particularly described as follows: Commencing at the southeast corner of Interchange City West Subdivision, in the Town of Normal, according to the Plat thereof recorded as Document No. 93-6665 in the McLean County Recorder of Deeds Office; thence 89°-13'-45"W. 232.75 feet on the south line of said Interchange City West Subdivision and south line of Enterprise Drive to the Point of Beginning on the east line of the SW ¼ of said Section 31; thence S.00°-09'-26"E. 489.92 feet on the said east line of the SW ¼ of Section 31 to the north line of Block 1 of Sohn's Maple Hill Subdivision; thence N.89°-19'-35"W. 903.25 feet on the said north line of Block 1 in Sohn's Maple Hill Subdivision and the north line of Outlot "A" in Interchange City West Subdivision 3rd Addition to the northwest corner of said Outlot "A"; thence N.00°-07'-39"W. 491.45 feet on the northerly extension of the west line of said Outlot "A" to a point of intersection with the south line of said Interchange City West Subdivision in the Town of Normal and south right of way line of Enterprise Drive; thence S.89°-13'-45"E. 903.02 feet to the Point of Beginning, containing 10.17 acres, more or less, with assumed bearings given for description purposes only.

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 Interchange City West, LLC, hereinafter referred to as your petitioner(s), 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 (executrix), trustee, lessee or other person, firm or corporation or the duly authorized agents of any of the above persons having proprietary interest in said premises;

2. That said premises legally described in Exhibit "A" & "B" presently has a zoning classification of A, Agriculture under the provisions of Chapter 44 of the Bloomington City Code, 1960;
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;
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 Tract I: B-1 Highway Business District; Tract III: S-1 Public Lands and Institutions zoning district classification;
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 A, Agriculture.

Respectfully submitted,

Interchange City West, LLC

By: Frank Miles

ORDINANCE NO. 2007 - 103

**AN ORDINANCE REZONING
INTERCHANGE CITY WEST, LLC PROPERTY
FROM A, AGRICULTURE TO B-1 HIGHWAY BUSINESS DISTRICT and
S-2 PUBLIC LANDS AND INSTITUTIONS**

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 Exhibits "A" and "B" shall be and the same are hereby rezoned from A, Agriculture District to Tract I: B-1 Highway Business District and Tract III: S-2 Public Lands and Institutions.
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 10th day of December, 2007.

APPROVED this 11th day of December, 2007.

Stephen F. Stockton
Mayor

ATTEST:

Tracey Covert
City Clerk

EXHIBIT A

Tract I 10.17 Acre Parcel

A part of the SW ¼ of Section 31, Township 24 North, Range 2 East of the Third Principal Meridian, Town of Normal, McLean County, Illinois, more particularly described as follows: Commencing at the southeast corner of Interchange City West Subdivision, in the Town of Normal, according to the Plat thereof recorded as Document No. 93-6665 in the McLean County Recorder of Deeds Office; thence 89°-13'-45"W. 232.75 feet on the south line of said Interchange City West Subdivision and south line of Enterprise Drive to the Point of Beginning on the east line of the SW ¼ of said Section 31; thence S.00°-09'-26"E. 489.92 feet on the said east line of the SW ¼ of Section 31 to the north line of Block 1 of Sohn's Maple Hill Subdivision; thence N.89°-19'-35"W. 903.25 feet on the said north line of Block 1 in Sohn's Maple Hill Subdivision and the north line of Outlot "A" in Interchange City West Subdivision 3rd Addition to the northwest corner of said Outlot "A"; thence N.00°-07'-39"W. 491.45 feet on the northerly extension of the west line of said Outlot "A" to a point of intersection with the south line of said Interchange City West Subdivision in the Town of Normal and south right of way line of Enterprise Drive; thence S.89°-13'-45"E. 903.02 feet to the Point of Beginning, containing 10.17 acres, more or less, with assumed bearings given for description purposes only.

EXHIBIT B

Tract III 3.08 Acre Parcel

A part of the SW ¼ of Section 31, Township 24 North, Range 2 East of the Third Principal Meridian, Town of Normal, McLean County, Illinois, more particularly described as follows: Commencing at the southeast corner of Interchange City West subdivision in the Town of Normal, according to the Plat thereof recorded as Document No. 93-6665 in the McLean County Recorder of Deeds Office; thence N.89°-13'-45"W. 232.75 feet on the south line of said Interchange City West Subdivision and south line of Enterprise Drive to the east line of the SW ¼ of said Section 31; thence continuing N.89°-13'-45"W. 883.02 feet on said south line of Enterprise Drive to the Point of Beginning; thence S.00°-07'-39"E. 234.08 feet parallel with the northerly extension of the west line of Outlot "A" in Interchange City West Subdivision 3rd Addition, according to the Plat thereof recorded as Document No. 98-34772 in the McLean County Recorder of Deeds Office; thence S.90°-00'-00"E. 464.99 feet parallel with the south line of Outlot "A" in said Interchange City West Subdivision 3rd Addition to the intersection with the northerly extension of the east line of said Outlot "A"; thence S.00°-03'-28"W. 202.80 feet on the said northerly extension of the east line of Outlot "A"; thence S.89°-19'-35"E. 60.00 feet parallel with the north line of said Outlot "A"; thence S.00°-03'-28"W. 60.00 feet to the north line of Block 1 in Sohn's Maple Hill Subdivision; thence N.89°-19'-35"W. 544.18 feet on the said north line of Block 1 and the north line of said Outlot "A" to the northwest corner of said Outlot "A"; thence N.00°-07'-39"W. 491.45 feet on the northerly extension of the west line of said Outlot "A" to the south right of way line of said Enterprise Drive; thence S.89°-13'-45"E. 20.00 feet to the Point of Beginning, containing 3.08 acres, more or less, with assumed bearings given for description purposes only.

Mayor Stockton introduced this item. Tom Hamilton, City Manager, added that these ten (10) acres would be developed for commercial use. The only issue was placement of the sign. The sign was erected in accordance with the sign code for the Town of Normal. The Petition has been recommended for approval by the Planning Commission.

Alderman Finnegan questioned the differences between the City's and the Town's sign codes. He recommended that there be consistency between the two (2) governmental units. This would make things easier for the general public.

Mayor Stockton opened the Public Hearing. No one came forward to address the Council. Mayor Stockton closed the Public Hearing.

Motion by Alderman Schmidt, seconded by Alderman Hanson that the petitions for Annexation and Rezoning be approved, the Mayor and City Clerk be authorized to execute the necessary documents, and the Ordinances be passed.

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

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

Nays: None.

Motion carried.

The following was presented:

Mark Huber, Director of PACE, addressed the Council. The loan bid had been submitted by GLI in the amount of \$3,450. This amount was under the budgeted amount. He recommended Council approval.

Motion by Alderman Gibson, seconded by Alderman Schmidt that the bid be awarded to GLI in the amount of #3,450, and City Staff be authorized to issue orders to proceed.

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

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

Nays: None.

Motion carried.

MAYOR'S DISCUSSION: Mayor Stockton noted that he had attended the City's Holiday Party. Alderman Purcell was also in attendance. He stated the compliments received from the City's employees. This event served as a morale builder. He commended the Human Resources staff for their efforts.

Mayor Stockton questioned the Public Service Department's plan for ice removal. Rick Clem, Director of Public Service, addressed the Council. The trucks were loaded and

ready to go to work. The Public Service crews were resting. The forecast called for the freezing rain to begin around midnight. He planned to update the Council every four (4) hours.

Mayor Stockton questioned if salt could be applied preemptively. Mr. Clem informed the Council that salting would start once the ice begins to accumulate. Snow routes would be salted first. If the rain begins to freeze, then every street would be salted end to end. A lot of salt would be distributed. He anticipated limited plowing. He encouraged the Council to contact the Public Service Department by telephone or email if they had any questions. He would insure that the on duty supervisor had their contact information. The Public Service staff was working with the City's IT staff to open a new section of the City's website. This area would be updated periodically, it would not be live. Mayor Stockton thanked Mr. Clem for the updates.

Mayor Stockton questioned water. He specifically questioned if Lake Bloomington could be dredged. Tom Hamilton, City Manager, addressed the Council. He stated that dredging was very expensive. In addition, the City would need to have a place to store the dredged material. This material must be tested and is often difficult to dispose of. The City of Springfield spent millions after dredging its lake. The City did have a test done a few years ago.

CITY MANAGER'S DISCUSSION: None.

ALDERMEN'S DISCUSSION: Alderman Purcell had also attended the City's Holiday Party. The event showed the City's appreciation to all of the employees for their hard work.

Alderman Purcell expressed his concern about the Christmas Parade which was held on Saturday, December 8, 2007 in the morning during an ice storm. Mr. Clem acknowledged that there were limited crews working overnight. The Public Service Department relied upon the Police Department. Alderman Purcell expressed his opinion that the roads were slick at 3:30 a.m.

Alderman Hanson thanked the Public Service crews for a job well done. He had received positive comments regarding their efforts with the recent winter storms.

Alderman Finnegan questioned if there were preventive measures to extend Lake Bloomington's life. Tom Hamilton, City Manager, noted that there were filter strips and erosion control measures. He noted that there were problems with the tile system. A lot of work had been done to address surface run off. These efforts have been good for the farmers, the Lake, and the environment.

Alderman Purcell questioned the status of Enbridge. Mr. Hamilton noted that the next meeting was scheduled for December 20, 2007.

Alderman Stearns extended congratulations to the Police and Fire Departments. The Guns & Hoses hockey game raised \$8,000 for Special Olympics. Mayor Stockton noted that the Fire Department had won the game with a score of 9 to 4.

Alderman Stearns informed the Council that she had turned additional initiatives into Mr. Hamilton.

Alderman Finnegan commended Aldermen Hanson and Schmidt for there appearance on WJBC. He expressed his opinion that they did a great job representing the City.

Motion by Alderman Hanson, seconded by Alderman Schmidt to recess to Executive Session. Time 8:52 p.m.

Motion carried.

Motion by Alderman Schmidt, seconded by Alderman Hanson, to return to Regular Session and adjourn. Time: 9:30 p.m.

Motion carried.

**Tracey Covert
City Clerk**

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