

**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 7:35 p.m., Monday, November 13, 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, David Sage, John Hanson, Steven Purcell, Karen Schmidt, Jim Fruin and Mayor Stephen F. Stockton.**

**Aldermen Absent: Jim Finnegan.**

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

The following was presented:

INTRODUCTION OF YOSUKE SATAKE, HIGH SCHOOL EXCHANGE STUDENT, ASAHIKAWA, JAPAN. Rich Strle, Japan Sister City Committee member, introduced Yosuke Satake. Yosuke was here as an exchange student. He attended Normal Community High School. Mr. Satake addressed the Council. He had participated in the Labor Day and Homecoming parades. He enjoyed school and was pleased with his grades, (five A's and one B). He noted that the language was difficult.

Alderman Fruin noted that Mr. Satake had traveled quite a distance. He welcomed and commended Mr. Satake.

Mayor Stockton extended his sincere welcome to Mr. Satake. The City would welcome Asahikawa for the Sister Cities fiftieth (50<sup>th</sup>) anniversary. This program was one of the top five (5) sister cities in the United States.

The following was presented:

**Jeff Sanders, Asst. Police Chief, introduced Elizabeth Phelps, Fiscal Officer.**

Oath of Office, Benjamin Brace, Curt Maas, Sara Mayer, and Steven Statz, Police Patrol Officers.

Asst. Chief Sanders noted that a Police Patrol Officer served an eighteen (18) month probationary period. Benjamin Brace, Curt Maas, Sara Mayer, and Steven Statz began

their employment with the City on May 1, 2006. Asst. Chief Sanders introduced each officer. Benjamin Brace was a father. He had earned an Associate in Arts from Lincoln College and a Bachelor's Degree in Business Administration from Eastern Illinois University. Curt Maas had earned a Bachelor's Degree in Sociology and Psychology from Eastern Illinois University. His parents were with him this evening. Sara Mayer had earned a Bachelor's Degree from Illinois Wesleyan University. This evening, her husband, her mother and step-father, brothers and sisters were in attendance at the meeting. Steven Statz had earned a Bachelor's Degree in Criminal Justice. Mr. Statz was accompanied by his fiancé and fiancé's parents this evening.

Tracey Covert, City Clerk performed the Oath of Office. Mayor Stockton presented Officers Brace, Maas, Mayer and Statz with their certificate.

**The following was presented:**

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

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

1. Declaring November 14, 2007 as "National Philanthropy Day".

Respectfully,

Tracey Covert  
City Clerk

Tom Hamilton  
City Manager

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

**Nays: None.**

**Motion carried.**

**The following was presented:**

To: Honorable Mayor and Members of the City Council  
From: Staff  
Subject: Council Proceedings of October 24, 2005, August 27, 2007 and Retreat Minutes of October 20, 2007

The Council Proceedings of October 24, 2005, August 27, 2007 and Retreat Minutes of October 20, 2007 have been reviewed and certified as correct and complete by the City Clerk.

Respectfully,

Tracey Covert  
City Clerk

Tom Hamilton  
City Manager

**Motion by Alderman Gibson, seconded by Alderman Hanson that the reading of the minutes of the previous Council Proceedings of October 24, 2005, August 27, 2007 and Retreat Minutes of October 20, 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, Gibson, Hanson, Sage, Fruin and Purcell.**

**Nays: None.**

**Motion carried.**

**The following was presented:**

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

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

Respectfully,

Brian J. Barnes  
Director of Finance

Tom Hamilton  
City Manager

(ON FILE IN CLERK'S OFFICE)

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

**Nays: None.**

**Motion carried.**

**The following was presented:**

To: Honorable Mayor and Members of the City Council

From: Staff

Subject: Payments from Various Municipal Departments

1. The fourteenth and final payment to Interchange City West, LLC in the amount of \$129,477.95 on a contract amount of \$1,657,313.09 of which \$1,657,313.10 will have been paid to date for work certified as 100% complete for the Wal-Mart Sales Tax Rebate. Completion date – November 2010.
2. The fifteenth partial payment to Town of Normal in the amount of \$294,706.12 on a percentage basis contract of which \$2,652,189.65 will have been paid to date for work certified as ongoing for the Metro Zone Sales Tax Rebate. Completion date – November 2010.
3. The first partial payment to Farnsworth Group in the amount of \$25,740.59 on a contract amount of \$60,945.31 of which \$25,740.59 will have been paid to date for work certified as 42% complete for the Downtown Main Street Beautification. Completion date – June 2007.
4. The first partial payment to Truesdell Corp. of WI Inc., in the amount of \$60,893.10 on a contract amount of \$118,888 of which \$60,893.10 will have been paid to date for work certified as 51% complete for the Police Parking Deck. Completion date – November 2007.

5. The eighteenth partial payment to APACE Architects & Design in the amount of \$7,674.20 on a contract amount of \$301,900 of which \$243,327.40 will have been paid to date for work certified as 83% complete for the Design of Fire Station #5. Completion date – May 2008.
6. The first partial payment to BLDD Architects in the amount of \$15,352.50 on a contract amount of \$58,270 of which \$15,352.50 will have been paid to date for work certified as 26% complete for the Fleet Management Facility Design. Completion date – April 2008.
7. The second partial payment to BLDD Architects in the amount of \$15,442.39 on a contract amount of \$58,270 of which \$30,794.89 will have been paid to date for work certified as 53% complete for the Fleet Management Facility Design. Completion date – April 2008.
8. The second partial payment to Farnsworth Group in the amount of \$19,021.17 on a contract amount of \$246,100 of which \$20,821.17 will have been paid to date for work certified as 9% complete for the Design/Development – Kickapoo Renovation. Completion date – October 2008.
9. The twelfth partial payment to Ratio Architects in the amount of \$2,819.88 on a contract amount of \$135,240 of which \$119,444.81 will have been paid to date for work certified as 81% complete for the Miller Park Playground Renovation. Completion date – May 2007.
10. The fourth partial payment to Felmley Dickerson in the amount of \$187,154.73 on a contract amount of \$1,097,327.14 of which \$820,413.63 will have been paid to date for work certified as 75% complete for the Miller Park Playground Renovation. Completion date – May 2007.
11. The fourth partial payment to Cornerstone Construction LLC in the amount of \$70,000 on a contract amount of \$398,770 of which \$128,801 will have been paid to date for work certified as 32% complete for the Zoo Animal Hospital. Completion date – May 2007.
12. The tenth partial payment to Thompson Dyke & Associates in the amount of \$7,880 on a contract amount of \$248,500 of which \$230,400 will have been paid to date for work certified as 93% complete for the McGraw Park – Phase II. Completion date – December 2007.
13. The nineteenth partial payment to Farnsworth Group in the amount of \$337.50 on a contract amount of \$203,300 of which \$186,852.76 will have been paid to date for work certified as 92% complete for the Constitution Trail – Grove to Hamilton. Completion date – November 2007.
14. The third partial payment to Rowe Construction Co. in the amount of \$36,072.66 on a contract amount of \$2,940,450.76 of which \$173,511.26 will have been paid to date for work certified as 5.9% complete for the Mitsubishi Motorway – Six Points to Sugar Creek. Completion date – September 2008.

15. The fifth partial payment to JG Stewart Contractors, Inc. in the amount of \$23,747.50 on a contract amount of \$200,000 of which \$110,550.25 will have been paid to date for work certified as 55% complete for the 2007-2008 Sidewalk Replacement and Handicap Ramp Program. Completion date – November 2007.
16. The eighth partial payment to Rowe Construction Co. in the amount of \$4,752.96 on a contract amount of \$817,603.74 of which \$396,519.94 will have been paid to date for work certified as 48% complete for the 2007 Curb and Gutter Improvements. Completion date – December 2007.
17. The fourth partial payment to Terracon Consultants, N.E. Inc. (Dept. 1277) in the amount of \$1,462.75 on a per ton and hour contract of which \$12,213.01 will have been paid to date for work certified as ongoing for the 2007-2008 Asphalt and Portland Concrete Plant Inspection and Lab Testing. Completion date – July 2008.
18. The seventh partial payment to Rowe Construction in the amount of \$23,560.02 on a contract amount of \$1,795,000 of which \$1,455,377.55 will have been paid to date for work certified as 81.1% complete for the 2007-2008 General Resurfacing. Completion date – May 2008.
19. The fourteenth partial payment to Clark Dietz, Inc. in the amount of \$3,663.45 on a contract amount of \$366,591.65 of which \$358,746.82 will have been paid to date for work certified as 98% complete for the Hamilton Road – Greenwood to Timberlake Lane. Completion date – October 2007.
20. The sixth partial payment to Farnsworth Group in the amount of \$6,401.25 on a contract amount of \$130,300 of which \$55,516.47 will have been paid to date for work certified as 43% complete for the Tanner Street – Morris Ave. to Lake Dr. Completion date – April 2008.
21. The eighth partial payment to McLean County in the amount of \$3,863.64 on a contract amount of \$100,000 of which \$26,955.32 will have been paid to date for work certified as 27% complete for the Eastside Corridor Study. Completion date – February 2008.
22. The first partial payment to Illinois Department of Transportation in the amount of \$108,849.18 on a contract amount of \$160,000 of which \$108,849.18 will have been paid to date for work certified as 68% complete for the White Oak Road and M.L. King Intersection. Completion date – June 2008.
23. The sixth partial payment to Stark Excavating, Inc. in the amount of \$58,003 on a contract amount of \$1,183,030.68 of which \$811,561 will have been paid to date for work certified as 69% complete for the Towanda Avenue – Rowe to Orleans. Completion date – December 2007.

24. The second partial payment to Stark Excavating, Inc. in the amount of \$9,299.01 on a contract amount of \$50,000 of which \$24,144.19 will have been paid to date for work certified as 48% complete for the Sump Pump Drainage System 2006-2007. Completion date – November 2007.
25. The sixth partial payment to Stark Excavating, Inc. in the amount of \$246,230 on a contract amount of \$1,990,500 of which \$1,419,839 will have been paid to date for work certified as 71% complete for the Recovery Pumps and Piping Main Branch Kickapoo Creek Pump Station. Completion date – November 2007.
26. The third partial payment to AB&H Donohue & Associates in the amount of \$3,022.50 on a contract amount of \$12,000 of which \$5,190 will have been paid to date for work certified as 43% complete for the Sewer Rate Study. Completion date – December 2007.
27. The first partial payment to Mid Central Community Action in the amount of \$56,061.75 on a contract amount of \$75,048.95 of which \$56,061.75 will have been paid to date for work certified as 75% complete for the Sanitary and Storm Sewers for Trailside Subdivision in W. Grove Street. Completion date – June 2008.

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

Respectfully,

Tom Hamilton  
City Manager

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

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

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

**Nays: None.**

**Motion carried.**

**The following was presented:**

To: Honorable Mayor and Members of the City Council

From: Staff

Subject: Request to Pay Pitney Bowes for a Folder/Stuffer

The Planning and Code Enforcement (PACE) Department has entered into a purchase agreement with Pitney Bowes for a folder/stuffer machine. The equipment will significantly improve the efficiency of the department's support staff. Currently, staff processes an average of 1,620 pieces of mail monthly. In addition to the monthly mailings, PACE processes two (2) bulk mailings of approximately 4,000 pieces, a variety of informational brochures, and other mailings as needed. The equipment will be utilized in all four (4) divisions of PACE, and will be available for use by other departments.

During the process of obtaining quotes to purchase this machine, staff realized the budget would only allow for a reconditioned model and the availability of such a machine was severely limited. However, Pitney Bowes made an outstanding offer to allow purchase of a new machine for the cost of a reconditioned machine, contingent upon a purchase by September 11, 2007.

In an effort to meet the short time frame, an agreement to purchase the machine was made without the required Council authorization to waive the formal bidding process and approval to purchase the equipment. The folder/stuffer was approved in the department's fixed asset budget for fiscal year 2007/08. The total invoice for the folder/stuffer is \$8,023. This cost will be divided between the two (2) main divisions of PACE: Building Safety and Code Enforcement as appropriated in the fixed asset budget.

Staff respectfully requests approval to pay \$8,023 to Pitney Bowes for the folder/stuffer. This amount will be split between Building Safety and Code Enforcement budget as follows: F15410-71010 (Building Safety) - \$4,011.50 and F15430-71010 (PACE) - \$4,011.50.

Respectfully,

Mark R. Huber  
Director of PACE

Tom Hamilton  
City Manager

**Alderman Sage addressed this item. He expressed his opinion that this piece of equipment would increase efficiency. He encouraged the City's various departments to share this equipment. Mark Huber, Director of P.A.C.E., addressed the Council. His department was preparing more meeting notifications. The range had been expanded. This piece of equipment would reduce staff time to prepare mailings. He offered to share it with other City departments within the Government Center.**

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



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

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

**Nays: None.**

**Motion carried.**

**The following was presented:**

To: Honorable Mayor and Members of the City Council

From: Staff

Subject: Streetscape Grant Interest Payment

In 2002, the City was awarded a grant for work around the Courthouse Square. The funds have been received over a long period of time. The first payment was on November 5, 2002 (\$462,500); the second was on September 23, 2005 (\$433,062.57), and the third and final payment was on August 31, 2006 (\$29,437.43). Total funds received from the State of Illinois are \$925,000.

Due to it being unknown if the City would receive any funds beyond the first payment in 2002, the original scope of work for the Courthouse Square Streetscape changed. The modified scope of work removed most of the improvements to the McLean County Museum side of the streets. Once the second payment was received in 2005, some of the original work to the Museum side was restored, with the major exception being ornamental lighting. The exception provided an opportunity to request and receive permission to complete work beyond the original scope of the grant.

The original scope included new sidewalk, curb and gutter, wheelchair ramps, vault reconstruction/removal, ornamental lighting, benches, planters and other street amenities around the Courthouse Square. The work beyond the original scope of the grant was for new sidewalk, curb and gutter, wheelchair ramps and electrical conduit for future ornamental lighting in the 300-600 blocks of North Main Street.

Grant funds are typically spent relatively quickly upon receipt, but because the grant payments occurred over a long period of time, the City earned interest on the money received. During the five (5) years of this grant the City received \$34,996.74 in interest income. Of that interest income, the City incurred \$12,784.38 of eligible expenses against this income. The State requires payment of the unused portion of the interest income in the amount of \$22,212.36.

Staff respectfully requests that Council return the interest earnings of \$22,212.36 to the State of Illinois, grant number 02-120362, from the Downtown TIF account X40300-73990, (other interest expenses) which closes out this grant.

Respectfully,

Brian Brakebill  
Deputy City Manager

Tom Hamilton  
City Manager

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

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

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

**Nays: None.**

**Motion carried.**

**The following was presented:**

To: Honorable Mayor and Members of the City Council

From: Staff

Subject: Payment to Julius and Marion Richards for the Demolition of 1002 North Main Street

On September 10, 2007, Council rejected the bids for the demolition of 1002 North Main Street and approved a development agreement with Julius and Marion Richards (owners) that would, in essence, assist with demolition expenses. The proposed development agreement was executed and the work has subsequently been completed.

Staff respectfully requests that Council approve the payment of \$6,000 to Julius and Marion Richards as fulfillment of the City's agreement to assist with demolition expenses. Payment will be made from account #19110-70990 (Contingency Fund – Other Purchased Services).

Respectfully,

Mark R. Huber  
Director, PACE

Tom Hamilton  
City Manager

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

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

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

**Nays: None.**

**Motion carried.**

**The following was presented:**

To: Honorable Mayor and Members of the City Council

From: Staff

Subject: Payment of \$36,500 to the Grove on Kickapoo Creek, LLC for the Purchase of Right of Way for Ireland Grove Road

The developers of the Grove on Kickapoo Creek assisted in the purchase of right of way along Ireland Grove Road between Towanda Barnes Road and the subdivision. This was done in order to expedite finalizing a construction alignment for the needed water main and sanitary force mains in this corridor.

The developers have requested that they be reimbursed their actual costs as follows:

Payments to property owners for land:	\$34,000.00
Payments to property owners for Legal Fees:	<u>\$2,500.00</u>
Total =	\$36,500.00

Staff has reviewed the bill and finds it to be reasonable. It is anticipated that these costs will be recovered by the City through tap-on fees from future tributary developments. Staff therefore respectfully recommends that Council approve the payment of \$36,500 to the Grove on Kickapoo Creek, LLC. Payment will be made with \$18,250 from Water Depreciation Funds (X50200-72540) and \$18,250 from Sewer Depreciation Funds (X52200-72550).

Respectfully,

Douglas G. Grovesteen  
Director of Engineering

Craig Cummings  
Director of Water

Tom Hamilton  
City Manager

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

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

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

**Nays: None.**

**Motion carried.**

**The following was presented:**

To: Honorable Mayor and Members of the City Council  
From: Staff  
Subject: Payment for the Emergency Repairs to a Pump Station Motor

The number four (4) motor at the Division Street Pump Station was recently damaged due a long-term misalignment of the extended drive shaft which led to bearing failures. This is a motor on one (1) of two (2) of the largest pumps at the Pump Station. This motor needed to be repaired immediately as there was only one (1) other operational pump of this size. Normally there are normally two (2) in operation. Staff requested that Foremost Industrial Technologies, who has repaired the City's, pump station motors in the past to make these repairs. They have submitted an invoice in the amount of \$9,491 for these repairs.

Staff has reviewed the invoice and found it to be in order. Staff respectfully requests that Council approve the payment of \$9,491 to Foremost Industrial Technologies for the repair of the number four (4) pump station motor at the Division Street Pump Station. Payment for this work will be made from Water Department, Transmission and Distribution, Operation and Maintenance Funds, Machinery Equipment and Maintenance Account (5010-50120-70540).

Respectfully,

Craig M. Cummings  
Director of Water

Tom Hamilton  
City Manager

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

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

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

**Nays: None.**

**Motion carried.**

**The following was presented:**

To: Honorable Mayor and Members of the City Council

From: Staff

Subject: Payment to Stark Excavating, Inc. for the Upsizing of a Water Main through the Bloomington High School Parking Lot and for the Removal of a Valve Connecting to an Abandoned Water Main

School District 87 was making some improvements to their parking lot this last summer and involved the relocation of an existing eight inch (8') water main. When this relocation became known to staff, a quick analysis determined that the proposed relocation would be conducive to further strengthening of the City's water distribution system.

Staff requested a proposal from Stark Excavating, Inc., the contractor, that was performing the relocation, to upsize the water main from the existing eight inch to a 12 inch (8" to 12") water main. Stark provided a quote of \$15,060. Simultaneously, staff met with District 87 and agreed to accept the water main as a public water main.

In addition, Stark provided a quote to remove a valve at the previous connection point of the eight inch (8') water main for \$4,020. All of this took place in a very compressed time frame due to the quick construction schedule while school was out over the summer. Staff has reviewed these invoices and determined them to be in order.

Staff respectfully requests that Council approve a payment in the amount of \$19,080 to Stark Excavating, Inc. with payment to be made with Water Department, Transmission and Distribution Division, Maintenance Funds (X50120-70590).

Respectfully,

Craig M. Cummings  
Director of Water

Tom Hamilton  
City Manager

**Alderman Hanson questioned who would benefit from this water main and the water main's service area. Craig Cummings, Director of Water, addressed the Council. This was a new water main located along Towanda Ave. where it heads south to Washington St. It will boost water pressure and insure better fire flows. He noted that there was not a north/south water main of any size along Towanda Ave. The work was not complete. Stark would bore under the parking lot.**

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

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

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

**Nays: None.**

**Motion carried.**

**The following was presented:**

To: Honorable Mayor and Members of the City Council  
From: Staff  
Subject: Waive the Formal Bidding Process and Approve the Purchase of Tasers and Taser Supplies

In order to maintain a limited inventory of Tasers, munitions, and related equipment for replacement of worn out equipment and issuance to new police officers, staff respectfully requests that Council waive the formal bidding process and approve the purchase the following items from Ray O'Herron, the authorized dealer in this area, who is the sole source provider of supply.

Five (5) model X-26 Tasers for a total cost of \$4,049.75; one hundred (100) Digital Power Magazines for a total cost of \$3,495; fifty (50) Blade-Tech Holsters for a total cost of \$2,996.40, and twenty (20) boxes of XP-25 cartridges for a total cost of \$22,970. The total combined cost for all Taser equipment requested is \$33,511.15. Funds for this purchase were budgeted in the FY 2007-08 fixed asset budget under F15110-72140 in the amount of \$35,801.

Respectfully,

Roger J. Aikin  
Chief of Police

Tom Hamilton  
City Manager

**RESOLUTION NO. 2007 - 101**

**A RESOLUTION WAIVING THE FORMAL BIDDING PROCESS AND  
AUTHORIZING THE PURCHASE OF TASERS AND TASER SUPPLIES  
FOR THE POLICE DEPARTMENT FROM RAY O'HERRON AT A PURCHASE  
PRICE OF \$35,801**

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 Tasers and Taser Supplies from Ray O'Herron at a Purchase Price of \$35,801.

Adopted this 13<sup>th</sup> day of November, 2007.

Approved this 14<sup>th</sup> day of November, 2007.

Stephen F. Stockton  
Mayor

ATTEST:

Tracey Covert  
City Clerk

**Motion by Alderman Gibson, seconded by Alderman Hanson that the formal bidding process be waived, the Taser equipment purchased from Ray O'Herron in the amount of \$33,511.15, 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, Gibson, Hanson, Sage, Fruin and Purcell.**

**Nays: None.**

**Motion carried.**

**The following was presented:**

To: Honorable Mayor and Members of the City Council

From: Staff

Subject: Procurement Card Provider

At February 26, 2007 Council meeting, staff was authorized to obtain proposals from financial institutions for the purpose of providing a P-card program to the City. The purpose of the P-card program is to streamline and simplify the purchasing and payment processes for small-dollar transactions. The program is designed to shorten the approval process and reduce the paperwork of procurement procedures such as purchase orders, petty cash, check requests, and expense reimbursements. Additionally, the City required a program that would provide a rebate (payment to the City) on purchases. The term for the contract shall be for three (3) years, with two, (2) three-year (3 yr.) renewal options.

The purpose for the longer term is due to the length of time and the resources that will be required for both the City and bank staff to implement the program. Additionally, this is not a service that should go through an annual change-out.

Proposals were due to the City on August, 17, 2007 and six (6) banks responded to the RFP: 1.) National City Bank; 2.) Regions Bank; 3.) US Bank; 4.) Fifth Third Bank; 5.) Commerce Bank and 6.) JPMorgan Chase Bank.

All of the proposals were reviewed, and all banks were given the opportunity to provide a presentation and demonstration of their card management software. The cost/rebate proposals were submitted separately and after the proposals/demonstrations were received and presented. The evaluation process included reference checks and review of the rebate programs.

There are no costs involved with the P-Card program. However, there would be a minimal cost for establishing the artwork for a *custom* card, for example a picture of City Hall. The non-custom card will display the City Logo, department name, cardholder name, and shall state either tax-exempt or the tax ID number. The City will not be required to pay annual fees for the cards or for the software that is used for management of the card data.

The proposal from Commerce Bank (Visa) offers the City the best product over all of the other banks, and is on the cutting edge of commercial card technology. Commerce's card program extends beyond the requirements in the proposal with state-of-the-art technology and user-friendly card management software. The rebate proposal is the best of the six, and being the only bank to offer a twenty-five day (25 day) grace period without penalty, and a monthly rebate based on average spent for the month.

While the rebate is considered a revenue-generating benefit, it is important to note that the benefit may not be realized at its full potential for at least two (2) years. Time must be allowed for the pilot/testing program including the bank's software integration with the City's financial accounting program, and for employees and vendors to become familiar with the practice of using/accepting the card.

Some of the goals of the program are to:

- Reduce the cost of processing small-dollar purchases
- Receive faster delivery of required merchandise
- Simplify the payment process
- Allow more float time for City funds
- Opportunity to experience a cash benefit from rebates based on monthly/annual spending
- Expand departmental controls on purchasing by placing reasonable restrictions per cardholder
- Efficiencies will be experienced by every City department
  - Reduction in the average cost of the traditional purchase to payment process
  - Reduction in the purchasing cycle time
  - Reduction in the number of vendors in the Accounts Payable master vendor file
  - Average 50-70% reduction in paper shuffling



Improved vendor relationships  
Reduction in risks for fraud and abuse  
Ability to generate reports related to transaction detail  
Huge savings on postage, special delivery and overnight payments. Many payments that are mailed to vendors must be accompanied by many documents causing postage to be above the average letter rate

In addition to meeting the City's goals for this program, Commerce's proposal encompasses a P-Card program and an automated Accounts Payable solution. Commerce's proposal states the following:

"Based on feedback from our clients, we have successfully aligned our solutions to:"

- Eliminate risk of financial exposure from over spending, misuse or abuse
- Supplement funding/revenue source via our monthly revenue share program
- Provide the most advanced online technology for card and AP programs
- Ensure ongoing fraud protection and prevention
- Pre-purchase and post-purchase approvals with audit capabilities
- Reduce costs associated with processing paper payments without changing the AP process
- Systematically monitor and track spending against encumbered funds
- Receive full control and visibility of operating funds/budgets
- Simplified accounting system integration

Staff respectfully recommends that the City accept the proposal from Commerce Bank. The program shall be at no-cost to the City for the services outlined in the proposal. The term for the contract shall be for three (3) years, with (two) three-year (3 yr.) renewal options, and the Mayor and City Clerk be authorized to execute the necessary documents.

Respectfully,

Kim Nicholson  
Purchasing Agent

Tom Hamilton  
City Manager

**Brian Barnes, Finance Director, described this item as an efficiency.**

**Motion by Alderman Gibson, seconded by Alderman Hanson that the proposal for a Procurement Card Provider be accepted from Commerce Bank, for the period of three (3) years, with (two) three-year (3 yr.) renewal options, 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, Gibson, Hanson, Sage, Fruin and Purcell.**

**Nays: None.**

**Motion carried.**

**The following was presented:**

To: Honorable Mayor and Members of the City Council  
From: Staff  
Subject: Proposal Analysis for Supervisory Skills Training

In August staff solicited proposals from local training providers to provide “Supervisory Skills Basics,” to develop management skills in new and potential supervisors.

Seven (7) vendors submitted proposals ranging in cost from \$3,680 to \$48,968 for a class of twenty-five (25) participants. The proposals were evaluated against a set of criteria including cost, adaptability to City needs, coverage of specific compliance and safety issues, and communication and self-awareness components.

Three (3) vendors covered a majority of the criteria within the amount budgeted for this program, \$8,000 to 10,000. Two (2) of these vendors, Heartland Community College and DDH Enterprises, have worked with the City before on supervisory training; the third, Katherine Starks-Lawrence (DBA “ENERi”), is currently an adjunct faculty member at Heartland and was observed teaching a similar class there.

After a thorough review of the proposals, and other considerations, such as experience with the presenters, flexibility to customize content to the City’s needs, and the cost laid out to provide the service, staff recommends awarding the proposal to Heartland Community College at the rate of \$6,400 for up to thirty 30 people, (this many participants are not anticipated) plus \$60/participant for specialized materials. This amount is covered by the budget for supervisory training in the training and development budget for the Human Resources department (G11410-70790).

Staff respectfully recommends that proposal be awarded to Heartland Community College in the amount of \$6,400, and a materials cost not to exceed \$1,500 upon completion of the training, and the Purchasing Agent be authorized to issue a Purchase Order for same.

Respectfully,

Megan Devlin-Petty  
Human Resources

Emily Bell  
Human Resources Director

Tom Hamilton  
City Manager

**Motion by Alderman Gibson, seconded by Alderman Hanson that proposal be awarded to Heartland Community College in the amount of \$6,400, and a materials cost**

not to exceed \$1,500 upon completion of the training, 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, Gibson, Hanson, Sage, Fruin and Purcell.

Nays: None.

Motion carried.

The following was presented:

To: Honorable Mayor and Members of the City Council  
From: Staff  
Subject: Analysis of Bid for Large Diameter Fire Hose

Bid proposals for large diameter fire hose for the Fire Department were received until 2:00 p.m. on October 23, 2007. Seven (7) responses were received, and all responses were complete. The results are as follows:

Vendor	Amount
Sandry Fire Dewitt, IA	\$11,804.00
5 Alarm Atkinson, WI	\$14,088.00
WS Darley Melrose Park, IL	\$10,880.00
Safety First Verona, WI	\$12,892.00
Global MES Washington, IL	\$11,340.00
Fire Apparatus Supply Team Lincoln, IL	\$10,870.00*
AEC Springfield, IL	\$11,266.00

\* Low Bid

This purchase is to equip two (2) new fire apparatus with large diameter fire hose. Staff budgeted \$14,500 in the FY 07-08 operational budget for the purchase of this equipment. The bid submitted by Fire Apparatus Supply Team located in Lincoln, IL offers the lowest cost to the City. Staff respectfully recommends that Council accept the bid from Fire Apparatus Supply

Team and authorize the purchase. Payment will be made from Account #G15210-71710 – Vehicles and Equipment.

Respectfully,

Keith Ranney  
Fire Chief

Tom Hamilton  
City Manager

**Motion by Alderman Gibson, seconded by Alderman Hanson that the bid be awarded to Fire Apparatus Supply Team in the amount of \$10,870, 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, Gibson, Hanson, Sage, Fruin and Purcell.**

**Nays: None.**

**Motion carried.**

**The following was presented:**

To: Honorable Mayor and Members of the City Council

From: Staff

Subject: Purchase of New and Replacement Microcomputers, Printers and Accessories

In the FY 2007-2008 budget, staff has provided funds to replace fully depreciated obsolete computers, printers and peripheral equipment. After research into today's technology and pricing standards, staff is again proposing to purchase from Hewlett Packard's Western States Contracting Alliance (WSCA) buying consortium, which provides deep discounts on these technology items. Staff has tested WSCA pricing against both local and national vendors, and has found it to be the overall lowest price while also greatly simplifying the purchase process.

Information Services staff has worked with all departments involved to make sure all items being recommended for replacement are necessary. During this process, each piece of computing equipment due for replacement was looked at individually to determine if replacement could safely be delayed until next fiscal year. Although staff believes this is a dangerous practice, we have delayed replacing equipment worth approximately \$20,000.

During the March 26, 2007 meeting (as in prior fiscal years), Council authorized staff to purchase directly from Hewlett Packard's WSCA contract. The WSCA contract has been

previously competitively bid. Total price of equipment being recommended for replacement is as follows:

FY 07-08 Equipment Purchase	Hewlett Packard WSCA	\$136,455.92
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Staff respectfully requests that Council authorize the Purchasing Agent to issue a purchase order for \$136,455.92 to HP Western States Contracting Alliance, with payment to be made with funds budgeted in the Information Services Equipment Fixed Asset (F11610-72120) and Office and Computer Supplies (G11610-71010) accounts.

Respectfully,

Scott Sprouls  
Information Services Director

Tom Hamilton  
City Manager

**Motion by Alderman Gibson, seconded by Alderman Hanson that the payment be approved 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, Gibson, Hanson, Sage, Fruin and Purcell.**

**Nays: None.**

**Motion carried.**

**The following was presented:**

To: Honorable Mayor and Members of the City Council

From: Staff

Subject: Change Order to Consoer Townsend Envirodyne, Incorporated (CTE) for the Metering Study at the Water Treatment Plant

The water metering study at the Water Treatment Plant was well under way when it became apparent that additional resources would be necessary to investigate the problems with the brand of meters being used. CTE contacted the meter company, Endress and Hauser to provide these technical services. The investigation determined that the problems were a result of the improper placement of the meters.

Endress and Hauser have submitted a bill to CTE for their services in the amount of \$5,000, which staff reviewed and found to be order.

Original contract for metering study	\$38,400.00
Change Order for additional consultant work	<u>\$ 5,000.00</u>
Total	\$42,400.00

Staff respectfully recommends that Council approve this Change Order in the amount of \$5,000 to Consoer Townsend Envirodyne, Incorporated for the extra work done on the Water Treatment Plant metering study. Funds for this additional work will come 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 Gibson, seconded by Alderman Hanson that the Change Order be approved.**

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

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

**Nays: None.**

**Motion carried.**

**The following was presented:**

To: Honorable Mayor and Members of the City Council

From: Staff

Subject: Professional Services Contract

Staff respectfully requests approval of a contract to engage artists represented by Indigo Girls, Inc. to perform in the Bloomington Center for the Performing Arts on February 1, 2008. Base expenses for the contract will be \$25,000.

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

Staff respectfully recommends accepting the contract for the performance and further that the Mayor and City Clerk be authorized to execute the necessary documents. Funding for this

contract will come from account X21100-70220 of the Cultural District budget, to be offset by event revenues.

Respectfully,

C. Bruce Marquis  
Executive Director, Cultural District

Tom Hamilton  
City Manager

(CONTRACT ON FILE IN CLERK'S OFFICE)

**Motion by Alderman Gibson, seconded by Alderman Hanson that the contract from Indigo Girls, Inc. be accepted in an amount not to exceed \$25,000, and the Mayor and City Clerk be authorized to execute the necessary documents.**

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

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

**Nays: None.**

**Motion carried.**

**The following was presented:**

To: Honorable Mayor and Members of the City Council

From: Staff

Subject: Professional Services Contract

Staff respectfully requests approval of a contract to engage persons and/or groups represented by Supernatural Productions to perform services in the Bloomington Center for the Performing Arts on dates agreed by staff. Base expenses for the contract will be \$11,500.

Staff further respectfully advises Council that contract provisions prohibit public announcements of any persons/groups and/or dates of services until said contracts have been executed by both parties.

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

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

Respectfully,

C. Bruce Marquis  
Executive Director, Cultural District

Tom Hamilton  
City Manager

**Motion by Alderman Gibson, seconded by Alderman Hanson that the contract from Supernatural Productions be accepted in an amount not to exceed \$11,500, 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, Gibson, Hanson, Sage, Fruin and Purcell.**

**Nays: None.**

**Motion carried.**

**The following was presented:**

To: Honorable Mayor and Members of the City Council

From: Staff

Subject: Intergovernmental Agreement with the Village of Carlock for Inspection Services

Over the past several years, as local communities have started to experience the growing pains and problems of larger towns and cities, they have sought the help of more experienced municipalities. Recently, the Planning and Code Enforcement (PACE) Department was approached by and met with the Village of Carlock to provide direction and assistance in dealing with property maintenance issues in the Village.

That meeting resulted in the Village of Carlock adopting the *International Property Maintenance Code/2006*. Additionally, the Village has requested to enter into an Intergovernmental agreement with the City. This agreement would provide City staff expertise and assistance with enforcement of their new standards. This proposed agreement includes a limited commitment of one (1) year and a provision for the City recoup any expenses (inspector hourly rates plus mileage) should it be so desired, similar to other agreements the City has had with other communities (i.e. Downs, LeRoy, Minonk, and others). PACE staff is prepared to offer assistance to the Village of Carlock.



Staff respectfully recommends that Council approve the Intergovernmental agreement with the Village of Carlock and that the Mayor and City Clerk be authorized to execute the necessary documents.

Respectfully,

Mark R. Huber  
Director, PACE

Tom Hamilton  
City Manager

### **AGREEMENT FOR BUILDING INSPECTION SERVICES**

THIS AGREEMENT is entered into by and between the Village of Carlock and City of Bloomington.

WHEREAS, the Village of Carlock is a municipal corporation in the State of Illinois with authority to inspect buildings within its corporate limits; and

WHEREAS, the City of Bloomington is a home rule unit of local government within the State of Illinois; and

WHEREAS, pursuant to Article VII, Section 10 of the Illinois Constitution, the Village of Carlock and the City of Bloomington may associate by intergovernmental agreement for the delivery of services in any manner not prohibited by law; and

WHEREAS, no law prohibits the City of Bloomington from providing building inspection services for buildings constructed within the Village of Carlock.

NOW, THEREFORE, in consideration of the mutual promises contained herein and pursuant to authority granted by the Illinois Constitution, the Village of Carlock and the City of Bloomington agree as follows:

1. That the City of Bloomington shall, upon request from the Village of Carlock, provide an Inspector to the Village of Carlock for the purpose of inspecting buildings constructed within the Village of Carlock to determine compliance with the Village codes and ordinances.
2. The City of Bloomington will provide building inspection services as provided herein and may request reimbursement for expenses (\$27.25 per hour for inspector and Internal Revenue rate for mileage) associated with such inspection services.
3. During the term of this Agreement, any Inspector provided by the City of Bloomington shall be considered and employee of the City of Bloomington and not an employee of the Village of Carlock.
4. This Agreement may be terminated by either party upon thirty (30) days written notice. This Agreement will expire one year from time of ratification.

5. Upon termination of this Agreement the City of Bloomington shall complete any and all inspections and follow-up activities begun during the duration of the agreement.
6. That with regard to third party claims neither the Village of Carlock nor the City of Bloomington waive any immunities provided pursuant to the Local Governmental and Governmental Employees Tort Immunity Act or common law.
7. The provisions of paragraphs 6 and 7 shall survive termination of this Agreement and continue until any outstanding claim is totally resolved.

Done this 22<sup>nd</sup> day of October, 2007.

Village of Carlock

City of Bloomington

Bradley K. Baer

Stephen F. Stockton

ATTEST:

ATTEST:

Michele Becker  
Village Clerk

Tracey Covert  
City Clerk

Date: October 22, 2007

Date: November 14, 2007

**Alderman Stearns expressed her concern. She questioned the percentage of inspections which had been completed. Tom Hamilton, City Manager, stated that the City would receive payment on an as requested basis. Similar agreements were in place with other small communities. The work would be limited in nature. Alderman Stearns questioned revenue. Mr. Hamilton cited that there would be an hourly rate plus mileage. Alderman Stearns questioned the rental housing program. Mark Huber, Director of P.A.C.E., addressed the Council. City staff had inspected all of the rental units at least once. The Village of Carlock was aware of the City's rental housing program. At this time, the Village had a problem property which prompted this agreement which would be in force for one year. He cited other similar agreements with the LeRoy, Downs, Towanda and Minonk, (hotel property). Alderman Stearns described this agreement as a good will effort.**

**Alderman Fruin stated that he understood Alderman Stearns' concern. He described this agreement as intergovernmental cooperation.**

**Motion by Alderman Gibson, seconded by Alderman Hanson that the agreement 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, Gibson, Hanson, Sage, Fruin and Purcell.**

**Nays: None.**

**Motion carried.**

**The following was presented:**

To: Honorable Mayor and Members of the City Council  
From: Staff  
Subject: Highway Authority Agreement / Leave-in-Place Agreement

The former Berglund Service Station was located at 208 East Locust Street, on the northwest corner of Locust Street and Prairie Street. A Corrective Action Plan has been developed for the site which shows soil and groundwater contamination extending past the property boundary into Locust Street and Prairie Street right of ways and into adjoining properties. Based on a study performed by United Science Industries, Inc., the contamination in the right of way is deep enough that it will not impact maintenance of the street or most utilities. In the past, Council has approved a Leave-in-Place or Highway Authority Agreement for similar situations.

As all items are in order, staff respectfully recommends that Council accept the agreement, and that the Mayor and City Clerk be authorized to execute the necessary documents.

Respectfully,

Douglas G. Grovesteen  
Director of Engineering

Tom Hamilton  
City Manager

### **HIGHWAY AUTHORITY AGREEMENT**

This agreement is entered into this \_\_\_\_ day of \_\_\_\_\_, 2007 pursuant to 35 Ill. Adm. Code 742.1020 by and between (1) Berglund Service Station (“Owner/Operator”) and (2) the City of Bloomington (“Highway Authority”), collectively known as the “Parties.”

WHEREAS, Berglund Service Station is the owner or operator of one or more leaking underground storage tanks presently or formerly located at 208 East Locust Street, Bloomington, Illinois;

WHEREAS, as a result of one or more releases of contaminants from the above referenced Site, soil contamination at the Site exceeds the Tier 1 residential remediation objectives of 35 Ill. Adm. Code 742;

WHEREAS, the soil contamination exceeding Tier 1 residential remediation objectives extends or may extend into the Highway Authority's right-of-way (Prairie Street);

WHEREAS, the Owner/Operator is conducting corrective action in response to the Release(s);

WHEREAS, the City of Bloomington and Agency approved limited groundwater ordinance will address the groundwater contamination residing or could potentially reside below the Prairie Street right of way. This agreement does not address groundwater contamination.

NOW, THEREFORE, the Parties agree as follows:

1. The recitals set forth above are incorporated by reference as if fully set forth herein.
2. The Illinois Emergency Management Agency has assigned incident number 981337 to the Release.
3. Attached as Exhibit A is a scaled map(s) prepared by the Owner/Operator that shows the Site and surrounding area and delineates the current and estimated future extent of soil contamination above the applicable Tier 1 residential remediation objectives as a result of the Release(s).
4. Attached as Exhibit B is a table(s) prepared by the Owner/Operator that lists each contaminant of concern that exceeds its Tier 1 residential remediation objective, its Tier 1 residential objective, and its concentrations within the zone where Tier 1 residential remediation objectives are exceeded. The locations of the concentrations listed in Exhibit B are identified on the map(s) in Exhibit A.
5. Attached as Exhibit C is a scaled map prepared by the Owner/Operator showing the area of the Highway Authority's right-of-way that is governed by this agreement ("Right-of-Way"). Because Exhibit C is not a surveyed plat, the Right-of-Way boundary may be an approximation of the actual Right-of-Way lines.
6. The Highway Authority stipulates it has jurisdiction over the Right-of-Way that gives it sole control over the use of the groundwater and access to the soil located within or beneath the Right-of-Way.
7. The Highway Authority agrees to prohibit within the Right-of-Way all potable and domestic uses of groundwater exceeding Tier 1 residential remediation objectives.
8. The Highway Authority further agrees to limit access by itself and others to soil within the Right-of-Way exceeding Tier 1 residential remediation objectives. Access shall be allowed only if human health (including worker safety) and the environment are protected during and after any access. The Highway Authority may construct, reconstruct, improve, repair, maintain and operate a highway upon the Right-of-Way, or allow others to do the same by permit. In addition, the Highway Authority and others

using or working in the Right-of-Way under permit have the right to remove soil from the Right-of-Way and dispose of the same in accordance with applicable environmental laws and regulations. The Highway Authority agrees to issue all permits for work in the Right-of-Way, and make all existing permits for work in the Right-of-Way, subject to the following or a substantially similar condition;

As a condition of this permit the permittee shall request the office issuing this permit to identify sites in the Right-of-Way where a Highway Authority Agreement governs access to soil that exceeds the Tier 1 residential remediation objectives of Ill. Adm. Code 742. The permittee shall take all measures necessary to protect human health (including worker safety) and the environment during and after any access to such soil.

9. This agreement shall be referenced in the Agency's no further remediation determination issued for the Release(s).
10. The Agency shall be notified of any transfer of jurisdiction over the Right-of-Way at least 30 days prior to the date the transfer takes effect. This agreement shall be null and void upon the transfer unless the transferee agrees to be bound by this agreement as if the transferee were an original party to this agreement. The transferee's agreement to be bound by the terms of this agreement shall be memorialized at the time of transfer in a writing ("Rider") that references this Highway Authority Agreement and is signed by the Highway Authority, or subsequent transferor, and the transferee.
11. This agreement shall become effective on the date the Agency issues a no further remediation determination for the Release(s). It shall remain effective until the Right-of-Way is demonstrated to be suitable for unrestricted use and the Agency issues a new no further remediation determination to reflect there is no longer a need for this agreement or until the agreement is otherwise terminated or voided.
12. In addition to any other remedies that may be available, the Agency may bring suit to enforce the terms of this agreement or may, in its sole discretion, declare this agreement null and void if any of the Parties or any transferee violates any term of this agreement. The Parties or transferee shall be notified in writing of any such declaration.
13. This agreement shall be null and void if a court of competent jurisdiction strikes down any part or provision of the agreement.
14. This agreement supersedes any prior written or oral agreements or understandings between the Parties on the subject matter addressed herein. It may be altered, modified, or amended only upon the written consent and agreement of the Parties.
15. Any notices or other correspondence regarding this agreement shall be sent to the Parties at following addresses:

Manager, Division of Remediation Management  
Bureau of Land  
Illinois Environmental Protection Agency  
P.O. Box 19276 Springfield, IL 62974-9276

Property Owner or Owner/Operator

Contact at Highway Authority

Berglund Service Station  
Attn: Thomas Berglund  
1019 East Olive  
Bloomington, IL 61701

IN WITNESS WHEREOF, the Parties have caused this agreement to be signed by their duly authorized representatives.

City of Bloomington

Date: November 14, 2007

By: Stephen F. Stockton  
Title: Mayor

Property Owner or Owner/Operator

Date:

By:  
Title:

(EXHIBIT A PLAT, EXHIBIT B TABLE 1 THROUGH 5 AND EXHIBIT C PLAT FIGURE 6  
ON FILE IN CLERK'S OFFICE)

**Motion by Alderman Gibson, seconded by Alderman Hanson that the Agreement be accepted 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, Gibson, Hanson, Sage, Fruin and Purcell.**

**Nays: None.**

**Motion carried.**

**The following was presented:**

To: Honorable Mayor and Members of the City Council

From: Staff

Subject: Text Amendment and Ordinance Revising Chapter 29, Traffic Code

On a periodic basis, the Engineering staff reviews the traffic control devices and parking regulations for City streets. The proposed Ordinance makes various changes in Chapter 29 which permit the City to post signs making various changes in the traffic and parking regulations on City streets. Staff respectfully requests that the Text Amendment be approved and the Ordinance passed.

Respectfully,

J. Todd Greenburg  
Corporation Counsel

Doug Grovesteen  
Director of Engineering

Tom Hamilton  
City Manager

**ORDINANCE NO. 2007 - 91**

**AN ORDINANCE ADDING BLOOMINGTON CITY CODE CHAPTER 29  
BY MAKING PERIODIC REVISIONS THERETO**

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

SECTION 1. Bloomington City Code Chapter 29, Section 119.6, shall be and the same is hereby amended by adding the following: (additions are indicating by underlining; deletions are indicated by strikeouts):

On each street designated by this Ordinance as a Snow Route, the Director shall post special signs on each block. In addition, signs on ~~Primary~~ Snow Routes shall carry the words "TOW AWAY ZONE". These signs shall be distinctive and uniform in appearance and shall be plainly readable to persons traveling on the street or highway.

SECTION 2. Bloomington City Code Chapter 29, Section 119.7(a), shall be and the same is hereby amended by adding the following: (additions are indicating by underlining; deletions are indicated by strikeouts):

(a) Members of the Police Department are hereby authorized to remove or have removed a vehicle from a street to a storage area designated or maintained by the Police Department, or otherwise maintained by this City, when:

- (1) the vehicle is found parked on a ~~Primary~~ Snow Route when a parking prohibition is in effect;
- (2) the vehicle is stalled on a ~~Primary~~ Snow Route and the person who was operating such vehicle does not appear to be removing it in accordance with the provisions of this Ordinance.

SECTION 3. Bloomington City Code Chapter 29, Section 133, under the heading April 15<sup>th</sup> – January 15<sup>th</sup> - 2 Axle - 13 tons, 3 Axle - 18 tons, 5 Axle - 23 tons shall be and the same is hereby amended by deleting the following:

Fox Creek from Stonehedges to Scottsdale

SECTION 4. Bloomington City Code Chapter 29, Section 141, under the heading School Days 7:30 - 8:30 a.m. and 3:00 - 4:00 p.m. shall be and the same is hereby amended by adding the following:

College Eastbound at Northpoint School Drives  
Northpoint School Drives Southbound at College

SECTION 5. Bloomington City Code Chapter 29, Section 141, under the heading U-Turn Prohibited shall be and the same is hereby amended by adding the following:



College, Woodfield to Stone Mountain

SECTION 6. Bloomington City Code Chapter 29, Section 141, under the heading Through Prohibited School Days 7:30 - 8:30 a.m. and 3:00 - 4:00 p.m. shall be and the same is hereby amended by adding the following:

Biasi, Northbound at College

SECTION 7. Bloomington City Code Chapter 29, Section 143, shall be and the same is hereby amended by adding the following:

Norma, GE to Pamela  
Pamela, Towanda Barnes to Ekstam

SECTION 8. Bloomington City Code Chapter 29, Section 144, shall be and the same is hereby amended by adding the following:

Center – MacArthur  
Main – MacArthur  
Morris – Hamilton  
Morris - Veterans

SECTION 9. Bloomington City Code Chapter 29, Section 145(c), shall be and the same is hereby amended by adding the following:

Norma Stops for GE  
Norma Stops for Pamela  
Pamela Stops for Towanda Barnes

SECTION 10. Bloomington City Code Chapter 29, Section 145(c) shall be and the same is hereby amended by deleting the following:

MacArthur Stops for Center  
MacArthur Stops for Main

SECTION 11. Bloomington City Code Chapter 29, Section 145(d), shall be and the same is hereby amended by adding the following:

Blue Ash Stops for Fox Creek  
Conlor Stops for Springdale  
Ekstam Stops for Pamela  
Gabby Stops for Ark  
Leslie Stops for Pamela  
Norton Stops for Watertown  
Pacific Stops for Vermont/Reading  
Timberwolf Stops for Scottsdale

Ventnor/Boardwalk Stops for Park Place

SECTION 12. Bloomington City Code Chapter 29, Section 145(d), shall be and the same is hereby amended by deleting the following:

Mulberry - exit from CBD - eastbound Stops for northeast crossover  
Norma Stops for GE

SECTION 13. Bloomington City Code Chapter 29, Section 145(e), shall be and the same is hereby by deleting the following:

Gabby Yields for Ark  
Ventnor/Boardwalk Yields for Park Place

SECTION 14. Bloomington City Code Chapter 29, Section 147(b), under the heading 30 Minute Time Limit (Available to commercial vehicles only) 6:00 a.m. to 4:00 p.m. Monday through Friday shall be and the same is hereby amended by adding the following:

Main, on the east side, from 255' to 300' south of Olive

SECTION 15. Bloomington City Code Chapter 29, Section 149, shall be and the same is hereby amended by adding and correcting the following:

Beecher on the south side from ~~50'~~ 70' west of the west line of East to ~~40'~~ 80' east of the east line of East

Chancellor on the east side, from 415' to 490' north of Eastland

Empire on both sides from Morris to Popular

Fox Creek on both sides from Stonehedges to south corporate limits

Fox Creek on the south side from Oakland to ~~west corporate limits~~ Stonehedges

Hamilton on both sides from ~~Morris~~ Veterans to Bunn

Hamilton on both sides from Morrissey to ~~Hershey~~ East End

Oakland on the south side from Madison to ~~160' east of Main~~ Leland

Timberwolf on both sides from Scottsdale to North End

SECTION 16. Bloomington City Code Chapter 29, Section 149, shall be and the same is hereby amended by deleting the following:

Hamilton on both sides from Veterans to East End

Oakland on the south side from 160' east of East to Leland

Oakland on the south side from East to a point 40' east

SECTION 17. Bloomington City Code Chapter 29, Section 153(a), shall be and the same is hereby amended by adding and correcting the following:

Beecher on the south side from ~~20'~~ 40' to ~~40'~~ 60' west of the west line of East

Beecher on the south side from ~~95'~~ 105' to ~~115'~~ 125' west of the west line of Park

Center on the west side from 83' 90' to 406' 110' north of the north line of Washington  
Chestnut on the north side, in front of 607 W. Chestnut  
Stewart on the north side, across from 103 E. Stewart

SECTION 18. Bloomington City Code Chapter 29, Section 153(a), shall be and the same is hereby amended by deleting the following:

East on the east side in front of 908 South East  
Main on the east side from 255' to 300' south of the south line of Olive  
Market on the south side from 62' to 82' east of the east line of Catherine  
Oakland on the south side in front of 808 W. Oakland

SECTION 19. Bloomington City Code Chapter 29, Section 153.1, shall be and the same is hereby amended by adding the following: (additions are indicating by underlining; deletions are indicated by strikeouts):

SEC. 153.1 ~~PRIMARY AND SECONDARY SNOW ROUTES.~~

- (a) ~~Primary Snow Routes:~~  
(b) ~~Secondary Snow Routes:~~

Airport - Empire to north corporate limits  
Arcadia - Lincoln to Ireland Grove  
Arrowhead - Holiday Lane to Royal Pointe  
Beecher – Park to Franklin  
Beich - Fox Creek to south city limits (past Beich's Plant)  
Bissell - Low to Center  
Broadmoor - Oakland to Lincoln  
Brock - Market to south end  
Brompton Court - Hershey to west end  
Brookshire Green – entire  
Brown - Washington to Market  
Bunn - corporate limit line to Oakland  
Clearwater - Veterans to Airport Road  
Clinton - Oakland to Division  
College - Veterans to Airport  
Commerce - Gilmore to Hamilton  
Cottage - Forrest to Martin Luther King, Jr.  
Country Club - Washington to Towanda  
Dover - Kensington to Ireland Grove  
Eastland - Fairway to Hershey  
Eldorado - Lincoln to Oakland  
Emerson - Towanda to Seminary  
Empire - Towanda to Lee  
Euclid - Oakland to Washington  
Fairway - Regency to Towanda

Forrest - Hinshaw to Cottage  
Four Seasons - Lincoln to Oakland  
Fox Creek - Veterans to west corporate limits  
Franklin – Beecher to Division  
Ft. Jesse - Airport to west corporate limits  
G.E. - Veterans to Towanda-Barnes  
Greenleaf - Wellington to Washington  
Greenwood - Morris to south corporate limits  
Grove - East to Mercer  
Hamilton - Main to Mercer  
Hamilton - Morrissey to Hershey  
Hannah - Oakland to Croxton  
Hershey - Hamilton to Ft. Jesse  
Hinshaw - Forrest to Locust  
Hinshaw - Locust to Market  
IAA - Vernon to north Empire Service Road  
Ireland Grove - Mercer to Loop Drive  
Ireland Grove - Veterans to east corporate limits  
Jumer – Veterans to Hershey  
Laesch - Greenwood to Morris  
Lafayette - Main to Morrissey  
Lee - Empire to Locust  
Lincoln - Main to Bunn  
Lincoln - Morrissey to Hershey  
Locust - White Oak to Towanda  
Low - Lake to Wood  
MacArthur - Oakland to Gridley  
Market - Madison to west corporate limits  
Martin Luther King, Jr. - Cottage to Market  
Mason - Locust to Seminary  
McGregor - Lincoln to Oakland  
Mercer - Washington to Hamilton  
Morris - Heather Hill to Market  
~~Morningside – Broadmoor to Hershey~~  
North Empire Service Road - IAA to Towanda  
North Pointe - College to Ft. Jesse  
Oakland - Hershey to west corporate limits  
Olive - Euclid to Center  
Park - Empire to Beecher  
Pendleton - Woodbridge to south end  
Prospect - Oakland to Empire  
Regency - Fairway to Oakland  
Route 51 northbound and southbound - Division to Armory  
Rowe - Towanda to IAA  
Seminary - Emerson to Cottage  
Seminary - Mason to Main

South Empire Service Road- Fairway to Eastland Crossing St. Joseph  
Springfield - Fox Creek to Morris  
Springfield - Morris to Lake  
State - Oakland to Washington  
Towanda - Washington to Locust  
Towanda - Empire to Vernon  
Truckers - Market to north end  
Vale - Lincoln to Washington  
Washington - west of city limits to Evergreen  
Wellington - Hershey to Greenleaf  
Western - Market to Seminary  
Wood - Morris to Main  
Woodbridge - Lincoln to Pendleton  
Wylie - Market to Empire

SECTION 20. Bloomington City Code Chapter 29, Section 154(b), under the heading Monday through Friday 4 Hour Time Limit 7:00 a.m. to 6:00 p.m. shall be and the same is hereby amended by adding the following:

Olive on the north side from East/Albert to 60' east of Prairie  
Olive on the south side from East/Albert to Prairie

SECTION 21. Bloomington City Code Chapter 29, Section 154(b), under the heading Monday through Friday 2 Hour Time Limit 7:00 a.m. to 6:00 p.m. shall be and the same is hereby amended by correcting the following:

Olive on the south side from Center to ~~Main~~ East/Albert

SECTION 22. Bloomington City Code Chapter 29, Section 154(b), under the heading Monday through Friday 2 Hour Time Limit 7:00 a.m. to 6:00 p.m. shall be and the same is hereby amended by deleting the following:

Olive on the north side from East/Albert to a point 60' east of Prairie  
Olive on the south side from East/Albert to Prairie

SECTION 23. Bloomington City Code Chapter 29, Section 156.5, shall be and the same is hereby amended by adding and correcting the following:

Blue Ash, Fox Creek to West End – 35 m.p.h.  
Fox Creek, Oakland to ~~Stonehedges~~ Scottsdale – 40 m.p.h.  
Hamilton, Main to Morris – 35 m.p.h.  
Hamilton, Veterans to ~~east end~~ Morris – 45 m.p.h.  
Morrissey (U.S. 150), 250' north of Woodrig to Veterans – 45 m.p.h.  
Scottsdale, Fox Creek to west corporate limits – 40 m.p.h.

SECTION 24. Bloomington City Code Chapter 29, Section 156.5, shall be and the same is hereby amended by deleting the following:

Fox Creek, Stonehedges to south corporate limits – 45 m.p.h.  
Sale Barn, Main (U.S. 51) to Morris – 35 m.p.h.

SECTION 25. Bloomington City Code Chapter 29, Section 156.6, shall be and the same is hereby amended by adding the following:

Greenwood, Hamilton to Heidloff  
Hamilton, 650' east to 150' west of Greenwood  
Heidloff, Greenwood to 100' west  
Scottsdale, 500' west of Fox Creek to Timberwolf  
Timberwolf, Scottsdale to North End

SECTION 26. Bloomington City Code Chapter 29, Section 156.6, shall be and the same is hereby amended by deleting the following:

Fox Creek, 100' north of the north property line of Fox Creek School to 100' southwest of the south property line of Fox Creek School

SECTION 27. Bloomington City Code Chapter 29, Section 201(e), shall be and the same is hereby amended by deleting the following:

(e) (1) Except as herein provided, it shall be unlawful to enter or leave the Illinois Central Gulf Railroad property over any of the following streets:

Empire Street  
Perry Street  
Poplar Street  
Seminary Avenue

(2) This subsection shall not apply to emergency vehicles or trucks operated by any unit of government.

SECTION 28. Bloomington City Code Chapter 29, shall be and the same is hereby amended by removing the existing Exhibit B and replacing it with Exhibit B attached hereto.

SECTION 29. Except as provided herein, the Bloomington City Code, 1960, as amended, shall remain in full force and effect.

SECTION 30. The City Clerk shall be, and she is hereby directed and authorized to publish this Ordinance in pamphlet form as provided by law.

SECTION 31. 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 32. This Ordinance shall take effect ten (10) days after passage and approval.

PASSED this 13<sup>th</sup> day of November, 2007.

APPROVED this 14<sup>th</sup> day of November, 2007.

Stephen F. Stockton  
Mayor

ATTEST:

Tracey Covert  
City Clerk

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

**Nays: None.**

**Motion carried.**

**The following was presented:**

To: Honorable Mayor and Members of the City Council

From: Staff

Subject: Ordinance Prohibiting the Use of Groundwater as a Potable Water Supply

The former Berglund Service Station was located at 208 East Locust Street, on the northwest corner of Locust Street and Prairie Street. A Corrective Action Plan has been developed for the site which shows soil and groundwater contamination extending past the property boundary into Locust Street and Prairie Street right of ways and into adjoining properties.

Tests showed contamination from some substances above acceptable levels in the groundwater around the site. There is no further action that can be taken to clean up the groundwater. It is at a depth that poses minimal risk of exposure through excavation. However, there is still the possibility of coming into contact with the water through wells. The Illinois Environmental Protection Agency (IEPA) is requiring the City to pass an Ordinance prohibiting the use of

groundwater as a potable water supply within the effected area as a requirement for issuance of a “No Further Remediation” letter to protect the public from that possibility.

The City has approved similar Groundwater Ordinances for other contaminated locations in the past. Staff respectfully recommends that the Ordinance be passed.

Respectfully,

Douglas G. Grovesteen  
Director of Engineering

Tom Hamilton  
City Manager



**ORDINANCE NO. 2007 - 92**

**AN ORDINANCE PROHIBITING THE USE OF GROUNDWATER  
AS A POTABLE WATER SUPPLY BY THE INSTALLATION OR USE OF POTABLE  
WATER SUPPLY WELLS OR BY ANY OTHER METHOD**

WHEREAS, certain properties in the City of Bloomington, Illinois have been used over a period of time for commercial/industrial purposes; and

WHEREAS, because of said use, concentrations of certain chemical constituents in the groundwater beneath the City may exceed Class I groundwater quality standards for potable resource groundwater as set forth in 35 Illinois Administrative Code 620 or Tier 1 residential remediation objectives as set forth in 35 Illinois Administrative Code 742; and

WHEREAS, the City of Bloomington desires to limit potential threats to human health from groundwater contamination while facilitating the redevelopment and productive use of properties that are the source of said chemical constituents;

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

**SECTION 1:**

Use of groundwater as a potable water supply prohibited. The use or attempted use of groundwater as a potable water supply by the installation or drilling of wells or by any other method, including at points of withdrawal by the City of Bloomington, is hereby prohibited within a rectangle whose corners are described by the following Illinois State Plane East Zone Metric Coordinates based on the North American Datum of 1983 (NAD 83) and as shown on Exhibit A, which is attached hereto and incorporated herein by reference.

Corner	Northing	Easting
NW	424,057.38	244,178.47
NE	424,058.80	244,244.11
SE	423,996.62	244,245.00
SW	423,997.16	244,179.35

**SECTION 2: Penalties.**

Any person violating the provisions of this ordinance shall be subject to a fine of not less than \$50.00 nor more than \$100.00 for each violation. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

SECTION 3: Definitions.

Person is any individual partnership, co-partnership, firm, company, limited liability company, corporation, association, joint stock company, trust, estate, political subdivision, or any other legal entity, or their legal representatives, agents or assigns.

Potable water is any water for human or domestic consumption, including, but not limited to, water used for drinking, bathing, swimming, washing dishes, or preparing foods.

SECTION 4: Repealer.

All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed insofar as they are in conflict with this ordinance.

SECTION 5: Severability.

If any provision of this ordinance or its application to any person or under any circumstances is adjudged invalid, such adjudication shall not affect the validity of the ordinance as a whole or of any portion not adjudged invalid.

SECTION 6: Effective date.

This ordinance shall be in full force and effect from and after its passage.

PASSED this 13<sup>th</sup> day of November, 2007.

APPROVED this 14<sup>th</sup> day of November, 2007.

Stephen F. Stockton  
Mayor

ATTEST:

Tracey Covert  
City Clerk

**Motion by Alderman Gibson, seconded by Alderman Hanson that the Ordinance be passed.**

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

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

**Nays: None.**

**Motion carried.**

**The following was presented:**

To: Honorable Mayor and Members of the City Council

From: Staff

Subject: Petition submitted by the City of Bloomington, Illinois, a Municipal Corporation, requesting the Rezoning of land from C-2 Neighborhood Shopping District to R-1C Single Family Residence District for the properties commonly located at 702 South Morris Avenue and 842 West Oakland Avenue Case Z-15-07 (Ward 6)

**BACKGROUND INFORMATION:**

Adjacent Zoning

north - R-1C, Single Family Residence District  
south - R-1C, Single Family Residence District  
east - R-1C, Single Family Residence District  
west - R-2, Mixed Residence District

Adjacent Land Uses

north - single family dwelling  
south - single family dwelling  
east - single family dwelling  
west - single family dwelling

Comprehensive Plan: recommends Low/Medium Density Residential land use for the subject property.

The tract of land at 702 South Morris Avenue is a 49.5' x 71.3' vacant lot that formerly was the site of the Scoop Dreams, Inc. Ice Cream Parlor, while 842 West Oakland Avenue is a 40.2' x 51.6' vacant lot that was formerly a parking lot for Scoop Dreams. The City now owns both of these lots, and staff is proposing that 702 South Morris be donated to the owner of 704 South Morris to the south, and 842 West Oakland be donated to the owner of 840 West Oakland to the east as additional yard areas. The approval of this zoning map amendment would be consistent with the City's Comprehensive Plan.

**PLANNING COMMISSION PUBLIC HEARING:**

The Planning Commission held a public hearing on this petition on Wednesday, October 24, 2007. Mr. Kenneth Emmons, City Planner, presented the staff report at this hearing which recommended approval of this petition as presented. Ms. Connie Griffin, Code Enforcement Division Manager, presented testimony in favor of this petition at this public hearing. Ms. Griffin testified that in 1996, Community Development Block Grant (CDBG) funds were used to assist the Scoop Dreams organization to purchase this property. She stated that an attempt was

made to find another non-profit organization with a similar purpose, but out of the three (3) Requests for Proposals submitted, none were found acceptable.

Ms. Griffin stated that this zoning request has been made to remove these small tracts from potential use as a commercial site. She noted that even for residential use the required setbacks and lot configuration would leave only a small buildable area suitable for one (1) dwelling unit at best. She stated that Council may support dividing the land and donating it to the adjacent owners. Commissioner Baughan inquired if the adjacent property owners were in support of receiving this donation of land. Ms. Griffin replied that she had spoken with them and they had already expressed support. No testimony was presented at this public hearing in opposition to this petition.

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 6 to 0 recommending Council approval of this petition in Case Z-15-07 as presented.

STAFF RECOMMENDATION:

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

Respectfully,

Kenneth Emmons  
City Planner

Tom Hamilton  
City Manager

**PETITION FOR ZONING MAP AMENDMENT**

State of Illinois        )  
                                  )ss.  
County of McLean     )

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

Now comes the City of Bloomington, Illinois, a municipal corporation, hereinafter referred to as your Petitioner, respectfully representing and requesting as follows:

1. That your Petitioner is the owner of the freehold or lesser estate therein of the premises hereinafter legally described in Exhibit A, which is attached hereto and made a part hereof by this reference;
2. That said premises presented presently has a zoning classification of C-2 Neighborhood Shopping District under the provisions of Chapter 44 of the Bloomington City Code, 1960, as amended;
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 R-1C Single Family Residence District 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.

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 C-2 Neighborhood Shopping District to R-1C Single Family Residence District.

Respectfully submitted,

By: Kenneth Emmons  
City Planner

**ORDINANCE NO. 2007 - 93**

**AN ORDINANCE REZONING 702 SOUTH MORRIS AVENUE AND 842 WEST OAKLAND AVENUE FROM C-2 NEIGHBORHOOD SHOPPING DISTRICT TO R-1C SINGLE FAMILY RESIDENCE DISTRICT**

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

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

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

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

1. That the premises hereinafter described in Exhibit A shall be and the same are hereby rezoned from C-2 neighborhood Shopping District to R-1C Single Family Residence District.
2. The Official Zoning Map of said City shall be amended to reflect this change in zoning classification.
3. This Ordinance shall take effect immediately upon passage and approval.

PASSED this 13<sup>th</sup> day of November, 2007.

APPROVED this 14<sup>th</sup> day of November, 2007.

Stephen F. Stockton  
Mayor

ATTEST:

Tracey Covert  
City Clerk

**EXHIBIT A**

702 South Morris Avenue:

A Part of Lot 17 in the Subdivision of the Northeast ¼ of Section 8, Township 23 North, Range 2 East of the Third Principal Meridian, described as follows:

Commencing 171.5 feet North of the Northeast corner of MacArthur Avenue (Moulton Street) and Morris Avenue in the City of Bloomington, McLean County, Illinois, thence East 71.3 feet, thence North 49.6 feet to the South line of Oakland Avenue, thence West along the South line of Oakland Avenue 71.3 feet to the East line of Morris Avenue, thence South along the East line of Morris Avenue, 49.5 feet to the point of beginning, in the City of Bloomington, McLean County, Illinois.

842 West Oakland Avenue:

A part of Lot 17 in the Subdivision of the Northeast ¼ of Section 8, Township 23 North, Range 2 East of the Third Principal Meridian, described as follows:

Commencing at a point 169.5 feet North and 71.3 feet East of the Northeast corner of MacArthur Avenue (Moulton Street) and Morris Avenue in the City of Bloomington, McLean County, Illinois, and running thence East 40.2 feet, thence North 51.6 feet to the South line of Oakland Avenue; thence West 40.2 feet, thence South 51.6 feet to the point of beginning, in the City of Bloomington, McLean County, Illinois.

**Tom Hamilton, City Manager, stated that this Petition was the logical disposition of the property. The land would be put back on the tax rolls. The property was a nonbuildable lot. The land would be divided between the adjacent property owners. He described this action as the best use of the property. It would enhance the property value.**

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

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

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

**Nays: None.**

**Motion carried.**

**The following was presented:**

To: Honorable Mayor and Members of the City Council

From: Staff

Subject: Approval of Final Plat for Blue Ash Subdivision

The City acquired a seven (7) acre parcel of property from David Keiser several years ago for construction of Fox Creek Road. All of this land was not required for the road. However, the right of way was needed from other property owners with land adjacent to this tract and the City bought the whole with the intent of exchanging surplus Keiser property for that land. Mr. Keiser was also given an option to re-acquire some of the surplus property. The property now needs to be subdivided in order to create lots to make those conveyances.

Staff has submitted a petition requesting approval of a Final Plat for Blue Ash Subdivision. The subdivision consists of one (1) lot and three (3) outlots. The petition also requests a waiver of preliminary plan as allowed by Chapter 24 Section 3.5.6. No other waivers are requested.

Staff respectfully recommends that the final plat be approved and the Ordinance passed.

Respectfully,

Hannah R. Eisner  
Deputy Corporation Counsel

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 the City of Bloomington hereinafter referred to as your Petitioner, respectfully representing and requesting as follows:

1. That your Petitioner is the owner of the freehold or lesser estate therein of the premises hereinafter legally described in Exhibit A which is attached hereto and made a part hereof by this reference;
2. That your Petitioner seeks approval of the Final Plat for the subdivision to be known and described at Blue Ash Subdivision which Final Plat is attached hereto and made a part hereof;
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, as amended: 3.5.6 Waiver of Preliminary Plan;
4. That your Petitioner hereby dedicates to the public, all public right-of-way and easements shown on said Final Plat.

WHEREFORE, your Petitioner respectfully prays that said Final Plat for the Blue Ash Subdivision submitted herewith be approved with the exemptions or variations as requested herein.

Respectfully submitted,

By: Stephen F. Stockton

**ORDINANCE NO. 2007 - 94**

**AN ORDINANCE APPROVING THE FINAL PLAT OF THE  
BLUE ASH SUBDIVISION**

WHEREAS, there was heretofore filed with the City Clerk of the City of Bloomington, McLean County, Illinois, a Petition for Approval of the Final Plat of the Blue Ash 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 Chapter 24 of the Bloomington City Code-1960, as amended: Section 3.5.6 Wavier of Preliminary Plan; 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 Blue Ash Subdivision and any and all requested exemptions and/or variations be, and the same is hereby approved, and all dedications made therein are accepted.
2. That this Ordinance shall be in full force and effective as of the time of its passage and approval.

PASSED this 13<sup>th</sup> day of November, 2007.

APPROVED this 14<sup>th</sup> day of November, 2007.

Stephen F. Stockton  
Mayor

ATTEST:

Tracey Covert  
City Clerk

## EXHIBIT A

Part of the Southeast Quarter of the Southwest Quarter of Section 13 and part of the Northwest Quarter of Section 24, Township 23 North, Range 1 East of the Third Principal Meridian, McLean County, Illinois, more particularly described as follows: Commencing at the Northeast corner of the Southeast Quarter of the Southwest Quarter of Section 13, Township 23 North, Range 1 East of the Third Principal Meridian; thence west, 374.15 feet (record dimension); thence south, 486.73 feet (record dimension) to a monument found on the center of the Township Road, said point also being the true point of beginning; thence North 57°-29'-46" East, along said centerline, 3.77 feet to the northwest corner of Outlot 1 of Fox Creek Country Club as shown per plat recorded as Document Number 95-26592; thence South 00°-14'-41" East, along the west line of said Outlot 1, 879.83 feet to the southwest corner thereof; thence South 87°-41'-41" East, along the south line of said Outlot 1 and the south line of the aforesaid Southeast Quarter of the Southwest Quarter of Section 13, 383.97 feet to a monument found at the Southeast corner of said Southeast Quarter of the Southwest Quarter of Section 13; thence South 00°-59'-10" East, along the east line of the Northwest Quarter of Section 24, Township 23 North, Range 1 East of the Third Principal Meridian, 102.45 feet to the south line of the tract described in deed recorded June 29, 2001 as Document No. 2001R21230 in the McLean County Recorder's office; thence South 89°-24'-30" West, along said south line, 385.34 feet; thence South 89°-24'-11" West, along said south line, 232.72 feet; thence North 00°-24'-16" West, along the west line of said tract, 814.81 feet; thence South 57°-17'-19" West, along the north line of said tract, also being the existing south right of way line of the aforesaid Township Road, 106.48 feet; thence North 00°-24'-16" West, 39.04 feet to a railroad spike found on the centerline of said Township Road, said point lying at Station 203+88.26 on the proposed centerline Blue Ash Court; thence North 57°-17'-19" East, along said centerline of the Township Road, 250.21 feet to a monument found on said centerline; thence North 57°-29'-46" East, along said centerline, 131.33 feet to the point of beginning, containing 264,122 square feet (6.063 acres), more or less, all situated in McLean County, Illinois.

Parcel ID Numbers: 20-13-300-037 and 20-13-300-038.

**Alderman Fruin questioned this item. Doug Grovesteen, Director of Engineering, addressed the Council. The City purchased a piece of property to extend Fox Creek Rd. This subdivision was the leftover land. There was an agreement to sell this property back to the Kiesers. Tom Hamilton, City Manager, concurred that the Kiesers had the first right of refusal.**

**Alderman Sage questioned the zoning. Mr. Grovesteen believed the land had been zoned residential.**

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

**Nays: None.**

**Motion carried.**

**The following was presented:**

To: Honorable Mayor and Members of the City Council

From: Staff

Subject: Approval of 2007 Tax Levy

Staff recommends approval of the proposed 2007 Tax Levy of \$20,824,033.

Attached is the recommended 2007 Tax Levy of \$20,824,033 which is a 5.29% increase over the 2006 extension of \$19,778,231. There were a few minor adjustments of dollars between levies as numbers were refined, but this proposed levy has the same bottom line as was presented to Council at the October 22nd Council Session. The increase in the levy is comprised mainly from 40% increase to the Fire Pensions Levy and an 26% increase to the Police Pension Levy, and prudent smaller increases to several other levies. The portion of the levy that falls under Truth in Taxation requirements is increasing 4.99%. This is below the 5.00% threshold that requires a public notice and hearing, so we do not need to have a public hearing and required public notice. The recommended levy is based on a projected Equalized Assessed Valuation growth of 4.00% as recommended by the Assessor's Office. This growth rate would yield an estimated 2007 levy EAV of \$1,621,818,532 as compared to the 2006 EAV of \$1,559,440,896. The 2007 taxes should result in a City tax rate of approximately \$1.00368 per \$100 of EAV. The increase in the Library levy should result in a Library tax rate of approximately \$0.27035 per \$100 of EAV. The 2007 rate including both the City and the Library should be up slightly \$0.00574 or 0.45%, but this depends on how closely the actual EAV comes in to the projection.

The following is a comparison of the 2007 recommended levy to the 2006 extension.

	Estimate 2007	Extension 2006	% Increase
General Corporate	\$2,269,783	\$2,983,210	-23.91
Police Protection	1,341,696	1,277,806	5.00
Fire Protection	1,341,533	1,277,650	5.00
Public Parks	1,005,699	957,809	5.00
IMRF Fund	1,641,706	1,597,335	2.78
Social Security Fund	1,402,945	1,361,392	3.05
Fire Pension Fund	2,493,706	1,722,461	40.69
Police Pension Fund	2,392,466	1,889,889	26.59

Judgment Fund	100,000	150,018	-33.34
Public Library Fund	4,384,595	4,225,928	3.75
Public Benefit Fund	155,000	155,008	-0.01
Audit Fund	83,671	79,687	5.00
Truth in Taxation Subtotal	18,612,800	17,728,190	4.99
1991 S.E. Improvement Bonds	900,000	695,000	29.50
1996 Police Facility Bonds	704,225	905,965	-22.27
2001 Refinancing Issue	79,320	82,923	- 4.41
2003 Capital Imp. Issue	366,188	366,188	0.00
2007 Bond Issue	161,500	0	100.00
Debt Service Subtotal	2,211,233	2,050,041	7.86
Total Tax Levy	20,824,033	19,778,231	5.29

Staff respectfully recommends the passage of the 2007 Tax Levy of \$20,824,033.

Respectfully,

Brian J. Barnes  
Director of Finance

Tom Hamilton  
City Manager

**ORDINANCE NO. 2007 - 95**

**AN ORDINANCE LEVYING TAXES FOR THE CITY OF BLOOMINGTON, MCLEAN COUNTY, ILLINOIS, FOR THE FISCAL YEAR BEGINNING MAY 1, 2007 AND ENDING APRIL 30 2008 FOR THE CITY OF BLOOMINGTON**

Be it ordained by the City Council of the City of Bloomington, Illinois:

Section One. (a) The sum of Twenty Million Eight Hundred Twenty-four Thousand and Thirty-three dollars (\$20,824,033) being the total sum of the appropriation heretofore legally made which is to be collected from the tax levy of the fiscal year of the City of Bloomington, McLean County, Illinois, beginning May 1, 2007 and ending April 30, 2008, for all corporate purposes and including General Corporate Purposes, Payment of Bonds and Interest on Bonds, Public Library, Fire Pension Fund, Police Pension Fund, Public Parks Fund, Fire Protection Fund, Police Protection Fund, Judgment Fund, IMRF Fund, and FICA Taxes Fund as appropriated for the fiscal year beginning May 1, 2007 and ending April 30, 2008 as passed by the City Council of said City at its regular meeting held on the 9th of April, 2007, shall be and the same is hereby levied on all taxable property within the said City of Bloomington, subject to taxation for said current fiscal year. The specific amounts as levied for the various objects heretofore named appear in the right hand column under the designation "Amount to be raised by Taxation", the said tax so levied being for appropriations heretofore made for said tax levy, the current fiscal year which are to be collected from said tax levy, the total amount of which has been ascertained as aforesaid for the objects and purposes as follows:

**CITY OF BLOOMINGTON, MC LEAN COUNTY, ILLINOIS**

(b) The tax rate against the said taxable property of the City of Bloomington for the year 2007 for and on account of the aforesaid tax levy be, and the same is hereby set for said taxable year as follows:

I.	General Corporate Purposes	\$2,269,783
II.	Police Protection Fund	1,341,696
III.	Fire Protection Fund	1,341,533
IV.	Public Parks	1,005,699
V.	Fire Pension Fund	2,493,706
VI.	Illinois Municipal Retirement Fund	1,641,706
VI-A.	FICA Taxes Fund	1,402,945
VII.	Judgment Fund	100,000
VIII.	Police Pension Fund	2,392,466
IX.	Public Benefit Fund	155,000
X.	General Bond and Interest	2,211,233
XI.	Public Library Fund	4,384,595
XII.	Audit Fund	<u>83,671</u>
		\$20,824,033

Section Two: The City Clerk shall make and file with the County Clerk of said County of McLean, a duly certified copy of this Ordinance; the amount levied by Section One of this

Ordinance is required by said City to be levied by taxation as aforesaid and extended upon the appropriate tax books for the fiscal year of said City beginning May 1, 2007 and ending April 30, 2008.

Section Three: If any section, subdivision, sentence or clause of this Ordinance for any reason is held invalid or to be unconstitutional, such decision shall not affect the validity of the remaining portion of this Ordinance.

Section Four: Where a rate is shown in the Table in Section 1(b), the County Clerk is directed to levy a tax at that rate without regard to either statutory rate for such levy or the number of dollars shown in that fund. Where no rate is shown in the Table above, the rate of tax for each such fund shall be the rate necessary to collect the number of dollars levied by the City for such fund. The rate at which a tax shall be levied for General Corporate purpose shall be that rate necessary, after rates for all other funds are established, to result in a total levy of \$20,824,033.

Section Five: This Ordinance is enacted pursuant to and as an exercise of the City of Bloomington's authority as a home rule unit pursuant to Article VII, Section 6 of the 1970 Constitution of the State of Illinois. Any and all provisions of the Statutes of the State of Illinois regarding rates of tax are hereby declared to be superseded to the extent that they conflict herewith.

Section Six: This Ordinance shall be in full force and effect from and after its passage, signing, approval, and recording, according to law.

Approved:

Stephen F. Stockton  
Mayor

ATTEST:

Tracey Covert  
City Clerk

Passed by the City Council of the City of Bloomington, Illinois, this 13<sup>th</sup> day of November, 2007.

Approved by the Mayor of the City of Bloomington, Illinois, this 14<sup>th</sup> day of November, 2007.

Recorded this \_\_\_\_\_ day of \_\_\_\_\_, 2007.

CERTIFICATE OF COMPLIANCE  
TRUTH IN TAXATION

I, Steve Stockton, the duly qualified Mayor of the City of Bloomington, McLean County, Illinois, and the presiding officer of the City Council of said City, do hereby certify that the 2007 tax levy of said City attached hereto was adopted in full compliance with the provisions of Sections 4 through 7 of the Illinois "Truth in Taxation Act". The 2007 aggregate levy was less than 105% of the previous year's extension, so a public hearing and notice was not required.

IN WITNESS WHEREOF, I have pleaded my official signature on this 14<sup>th</sup> day of November, 2007.

Stephen F. Stockton  
Mayor of the City Council of Bloomington

ATTEST:

Tracey Covert  
City Clerk

(EXHIBIT ONE ON FILE IN CLERK'S OFFICE)

**Brian Barnes, Finance Director, introduced this item. The Property Tax Levy was complete. He had begun work on the draft ordinance during the summer. This levy was identical to the one presented at the Council's September 5 and 10, 2007 Work Sessions. The Tax Levy must be filed with the McLean County Clerk. He noted that there was one more item which would appear before the Council. The Council would need to approve the abatements for the various bond issues.**

**Mayor Stockton estimated the tax rate at \$1.03. He thanked Mr. Barnes for his efforts. The Tax Levy met its goal.**

**Motion by Alderman Hanson, seconded by Alderman Gibson that the Ordinance be passed.**

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

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

**Nays: None.**

**Motion carried.**



**MAYOR'S DISCUSSION:** Mayor Stockton noted the demonstration which had occurred outside of City Hall. Tom Hamilton, City Manager, informed the Council that contract negotiations were in process with the Parking Attendant and Support Staff unions.

Mayor Stockton noted that the Council was moving slowly through the budget process. He expressed his concerns regarding new initiatives and revenue enhancements. He recommended that the Council schedule two (2) additional budget Work Sessions.

**CITY MANAGER'S DISCUSSION:** Tom Hamilton, City Manager, informed the Council that the Tipton Park burn was scheduled for Monday, November 19, 2007.

Alderman Fruin expressed his opinion that there was good communication between the City Manager and the Council.

**ALDERMEN'S DISCUSSION:** Alderman Hanson expressed his opinion that the evening's Work Session had been good. The Council was moving in the right direction.

Alderman Sage recognized the Public Service Department. He cited the services provided to his ward. He also expressed his appreciation to the Parks & Recreation staff for the improvements to the Miller Park playground. Finally, he cited the diligence applied to the Tax Levy. He acknowledged past Councils and City staff for leaving guiding principals.

Alderman Fruin reminded those present of the City's annual Turkey Trot which is held on Thanksgiving Day. The City's golf courses were having a golf sale this week. He also agreed with Alderman Hanson that the Council was making progress. He described the evening's Work Session as great.

Alderman Schmidt reminded those present that there would be a Farmer's Market at the US Cellular Coliseum on Saturday, November 17, 2007. She also acknowledged the work performed by the City Clerk's Office. Mayor Stockton noted that this office provided a superior product.

Alderman Purcell recognized Alderman Schmidt as the 2007 recipient of the Jean Anderson Award. He questioned if the skateboard park would be constructed with concrete. Dean Kohn, Director Parks & Recreation, addressed the Council. The equipment was in production. Concrete work would begin this week.

Alderman Stearns questioned the status of the Coachman. Tom Hamilton, City Manager, noted that the demolition project was available for bid. She also questioned the building located on Mulberry and Evans which had been damaged by a fire. Mark Huber, Director of P.A.C.E., addressed the Council. He noted that the bank holds the property. It would retain funds to demolish same. There was an issue with water service to an adjacent structure. Alderman Stearns thanked Dean Kohn, Director of Parks & Recreation, for addressing a lighting issue at Franklin Park. She informed those present that there would

be a meeting of the East Central Illinois Water Supply Planning Committee at the Farm Bureau on November 30, 2007 from 10:00 a.m. to 2:00 p.m.

Alderman Gibson addressed the evening's Work Session. The Council needed to move forward. He cited the need for a tax/fee increase. The Council needed to address revenue and have it in place.

Mayor Stockton recommended that the December Work Session topic, Quality of Life, be changed. The Council should complete work on the budget first. It might be possible to combine revenue and initiatives. He recommended that the Council consider the following dates: Monday, December 3, 2007, and/or Monday, December 10, 2007 at 5:00 p.m.

Alderman Stearns questioned if initiatives included ward projects. Mayor Stockton cited long term investment and economic development as examples. He referred the Council to the list he had supplied from last year. Alderman Sage questioned if this list had been sent to the entire Council. Mr. Hamilton directed the City Clerk to provide the Work Session Minutes from August 14, 2006.

Alderman Hanson thanked Brian Barnes, Finance Director, for the additional information regarding revenues. He specifically cited refuse, sales tax, and rental housing.

Alderman Sage questioned short term water supply projects. Mayor Stockton recommended that this issue be addressed under the Back to the Basics program.

Alderman Hanson noted the City's commitment level to the Downtown. He added that the TIF was about to expire. In addition, there were capital project needs.

Motion by Alderman Schmidt, seconded by Alderman Purcell to recess to Executive Session. Time: 8:35 p.m.

Motion carried.

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

Motion carried.

Tracey Covert  
City Clerk